

# TEXAS BOARD OF ARCHITECTURAL EXAMINERS

## Board Meeting Agenda

The William P. Hobby Jr. Bldg., Tower III, Room 102

333 Guadalupe Street

Austin, Texas

Thursday, May 15, 2014

9:00 a.m.

### 1. Preliminary Matters

- A. Call to order
- B. Roll call
- C. Excused and unexcused absences
- D. Determination of a quorum
- E. Recognition of guests
- F. Chair's opening remarks
- G. Public Comments

Alfred Vidaurri  
Paula Ann Miller  
Alfred Vidaurri

### 2. Approval of the February 12 & 13, 2014 Board Meeting Minutes (Action)

Alfred Vidaurri

### 3. Executive Director Report (Information)

- A. 2<sup>nd</sup> Quarter Operating Budget  
Enforcement Penalties and Fee Transfers to General Revenue
- B. Report on Action Items assigned at the February 2014 Board Meeting
  - I. Analysis of number of registrants paying late fees
  - II. Software application for Tablet-friendly Board Notebooks
  - III. Compare registrant trends to national data
- C. Fingerprinting update
- D. Customer Service Survey

Cathy Hendricks/  
Management Staff  
Alfred Vidaurri

#### Report on Conferences and Meetings (Information)

- A. NCARB Regional Summit – Mar 6-9
- B. NCARB Region<sup>3</sup> Educators Conference – Mar 22-23
- C. Texas ASLA Conference – Apr 3-4

### 4. TBAE v. Raymond Gignac, Ian Powell, Irene Nigaglioni, and Joel Hernandez Mediated Settlement Agreement (Action)

Nancy Fuller  
Scott Gibson

***The Board may meet in closed session to confer with legal counsel regarding pending litigation pursuant to TEX. GOV'T CODE ANN. §551.071(1)***

### 5. Discussion and possible action to re-implement a surcharge for funding the Architect Registration Examination Financial Assistance Fund (AREFAF) (Action)

Alfred Vidaurri

### 6. Proposed Rules for Adoption (Action)

- A. Rules 1.28/3.28/5.38 prohibiting the issuance or renewal of

Scott Gibson

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architectural/landscape architectural/registered interior design  
certificate of registration to certain child support obligors

B. Rule 1.92 amending architectural internship requirements

### 7. Enforcement Cases (*Action*)

Scott Gibson

**Review and possibly adopt ED's recommendation in the following enforcement cases:**

#### A. Registrant & Non-Registrant Cases:

Chase, Mike (#132-13N)

Townsend, Phillip B. (#225-12A)

Tyler, Lance (#056-13N)

#### B. Continuing Education Cases:

Brink, Thomas C. (#106-14A)

Bryant, Albert (#090-14A)

DePree, E. Austin (#079-14A)

Dierkes, David (#102-14A)

Gereda, Julie E. (#071-14A)

Hendricks, Philip E. (092-14L)

Hildinger, Douglas C. (#083-14A)

Jackson, Heather (#084-14I)

Jin, Rick (#067-14A)

Johnson, Randal S. (#103-14A)

Johnston, Courtney M. (#052-14I)

Kelly, Donald R. (#105-14A)

McCaffrey, Robin H. (#047-14A)

Marcussen, Robert E. (#101-14A)

Miller, Tracy A. (#082-14I)

Schaumburg, Michael K. (#081-14A)

Welter, Lane E. (#202-13A)

***The Board may meet in closed session pursuant to TEX. GOV'T  
CODE ANN. §551.071(1) to confer with legal counsel***

### 8. Committee Report on the Executive Director Performance Goals and the Revised Performance Evaluation (*Action*)

Sonya Odell

***The Board may meet in closed session pursuant to TEX. GOV'T  
CODE ANN. §551.074, Texas Gov't Code, the Texas Open Meetings  
Act to confer on personnel matters***

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9. **Board Solicitation to the Proposed Changes to NCARB Intern Development Program (IDP) (Action)** Alfred Vidaurri  
Proposal to modify the Reporting Requirement (aka the Six-Month Rule)
10. **Resolutions to be Acted Upon at the NCARB 2014 Annual Meeting (Action)** Alfred Vidaurri  
**2014-A** – Freeze of Member Dues and Bylaw Amendment  
**2014-B** – Incidental Bylaw Changes  
**2014-C** – Bylaw Change – Regional Directors  
**2014-D** – Certification Guidelines Amendment – Modifications to the BEA Requirements  
**2014-E** – Certification Guidelines Amendment – Modifications to the Education Requirement
11. **Upcoming Board Meeting (Information)** Alfred Vidaurri  
Friday, July 25, 2014 – Rules Committee  
Thursday, August 21, 2014 – Full Board
12. **Chair’s Closing Remarks** Alfred Vidaurri
13. **Adjournment** Alfred Vidaurri

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### NOTE:

- ◆ *Items may not necessarily be considered in the order they appear on the agenda.*
- ◆ *Executive session for advice of counsel may be called regarding any agenda item under the Open Meetings Act, Government Code §551.*
- ◆ *Action may be taken on any agenda item.*

### NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services are required to call (512) 305-8548 at least five (5) work days prior to the meeting so that appropriate arrangements can be made

## **FREQUENTLY USED ACRONYMS**

<b>ACSA</b>	Association of Collegiate Schools of Architecture
<b>ADA</b>	Americans with Disabilities Act
<b>AIA</b>	American Institute of Architects
<b>ASID</b>	American Society of Interior Designers
<b>ASLA</b>	American Society of Landscape Architects
<b>ARE</b>	Architect Registration Examination
<b>BOAT</b>	Building Officials Association of Texas
<b>CACB</b>	Canadian Architectural Certification Board
<b>CIDA</b>	Council for Interior Design Accreditation (Formerly FIDER)
<b>CLARB</b>	Council of Landscape Architectural Registration Boards
<b>GAA</b>	General Appropriations Act
<b>GRF</b>	General Revenue Fund
<b>IDCEC</b>	Interior Design Continuing Education Council
<b>IDEC</b>	Interior Design Educators Council
<b>IDP</b>	Intern Development Program
<b>IIDA</b>	International Interior Design Association
<b>LARE</b>	Landscape Architect Registration Examination
<b>MBA</b>	Member Board Administrator (within NCARB)
<b>NAAB</b>	National Architectural Accreditation Board
<b>NCARB</b>	National Council of Architectural Registration Boards
<b>NCIDQ</b>	National Council for Interior Design Qualification
<b>OAG</b>	Office of the Attorney General
<b>SOAH</b>	State Office of Administrative Hearings
<b>SORM</b>	State Office of Risk Management
<b>TAID</b>	Texas Association for Interior Design
<b>TAS</b>	Texas Accessibility Standards
<b>TASB</b>	Texas Association of School Boards
<b>TBPE</b>	Texas Board of Professional Engineers
<b>TSA</b>	Texas Society of Architects
<b>TSPE</b>	Texas Society of Professional Engineers

# TEXAS BOARD OF ARCHITECTURAL EXAMINERS

## Minutes of February 12, 2014 Board Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street

Tower II, Conference Room 350L

Austin, TX 78701

1:00p.m. until completion of business

1. Chair called the meeting of the Texas Board of Architectural Examiners to order at 1:01p.m.
2. **Roll Call**  
Secretary/Treasurer Sonya Odell called the roll.

### **Present**

Alfred Vidaurri	Chair
Chase Bearden	Vice-Chair
Sonya Odell	Secretary/Treasurer
Charles H. (Chuck) Anastos	Member
Bert Mijares, Jr.	Member
Debra Dockery	Member
Paula Ann Miller	Public Member
Michael (Chad) Davis	Member
William (Davey) Edwards	Public Member

### **TBAE Staff Present**

Scott Gibson	General Counsel
Glenda Best	Executive Administration Manager
Christine Brister	Staff Services Officer

Nancy Fuller, Assistant Attorney General of the Office of the Attorney General was present to serve as legal counsel to the Board in closed session.

The Chair declared a quorum was present. The Chair noted the Board had a very brief meeting scheduled for the day and some items on the agenda may be time consuming. Other than welcoming the Board to the meeting, the Chair deferred opening remarks to the full meeting scheduled for the following day.

3. **Public Comment**  
None.
4. **Board Approval of the Executive Director Performance Evaluation from August 1, 2012 through July 31, 2013**

**The Board convened in closed session at 1:03p.m. pursuant to Section 551.074, Government Code, to deliberate on personnel matters. The Board reconvened in open session at 2:51p.m.**

The following TBAE Staff members arrived to attend the remainder of the meeting: Glenn Garry, Communications Manager; Mary Helmcamp, Registration Manager; Ken Liles, Finance Manager; Jack Stamps, Managing Investigator; and Dale Dornfeld, IT Manager.

The Chair laid out a document titled "Board Evaluation Scores" and noted scores on core competencies counted for 50% of the total score, scores for training accounted for 10%, and individual performance goals account for 40% of the total score. The table listing the scores from the Executive Committee shows a final score of 599 and the average final score from the members of the Board is 598.10. The Chair noted the final average scores from the Committee and the Board members are essentially the same and fall within the mid-range listed on the evaluation matrix.

A MOTION WAS MADE AND SECONDED (Odell/Mijares) TO ACCEPT THE AVERAGE OF THE BOARD MEMBERS' SCORES AS THE SCORE FOR THE EXECUTIVE DIRECTOR'S PERFORMANCE EVALUATION.

Ms. Dockery noted for the record that the score is lower than in past performance evaluations for the Executive Director.

Mr. Davis and Mr. Edwards stated for the record that they did not complete an evaluation form because the performance evaluation was already underway when they took their seats on the Board. They had no experience working with the Executive Director and therefore were not able to assess her performance for the evaluation period.

Mr. Bearden suggested that the Executive Director's performance evaluation should coincide with the reporting of the results of the agency's Survey of Employee Engagement. He noted the scores on the survey were higher than they have been in the past and it would have been beneficial for the Executive Committee to have had that information when it conducted the performance evaluation.

The Board members asked how often the survey was conducted and when the results were reported. The Staff Services Officer stated it is conducted every 2 years after each legislative session but there was no set schedule for the survey.

THE MOTION PASSED UNANIMOUSLY.

**5. Board Development and Approval of the 2014 Performance Goals, Plans and Outcome Measures for the Executive Director**

The Chair noted that the Executive Director had prepared a proposed improvement plan, including goals, for the next evaluation cycle. He stated that although the Board appreciates the Executive Director's efforts, the Board will set the goals for the Executive Director in the 2014 cycle.

A MOTION WAS MADE AND SECONDED (Dockery/Anastos) TO CREATE A THREE-MEMBER COMMITTEE OF THE BOARD TO DEVELOP GOALS, PLANS, AND OUTCOME MEASURES FOR THE 2014 EXECUTIVE DIRECTOR REVIEW CYCLE.

The Chair put the Motion before the Board for discussion. The Chair asked if the three professions regulated by the Board should be represented on the Committee. The Board generally concurred that they should. The Chair asked for an architect member of the Board to volunteer for the Committee. Mr. Mijares stated he will be leaving the Board in early 2014 and therefore declined. Ms. Dockery volunteered to serve on the Committee.

BY UNANIMOUS CONSENT, THE MOTION WAS AMENDED TO SPECIFY THAT THE COMMITTEE WOULD INCLUDE MS. DOCKERY, MR. DAVIS AND MS. ODELL TO SERVE AS THE ARCHITECT, LANDSCAPE ARCHITECT AND REGISTERED INTERIOR DESIGNER REPRESENTATIVES ON THE COMMITTEE. THE MOTION AS AMENDED PASSED UNANIMOUSLY.

The Board discussed a deadline for the Committee to report to the Board. The Board by unanimous consent directed the Committee to make its report to the Board at its next meeting in May 2014. The Chair designated Ms. Odell to serve as Chair of the Committee.

**6. Determination and Final Disposition of the 2013 Executive Director Performance Evaluation and Possible Personnel Action**

The Chair placed this agenda item before the Board and reported that the Executive Committee recommended a 3% salary increase.

A MOTION WAS MADE (Anastos/Bearden) TO ACCEPT THE COMMITTEE'S RECOMMENDATION TO GRANT A 3% COST OF LIVING INCREASE TO THE EXECUTIVE DIRECTOR'S SALARY TO BE EFFECTIVE FEBRUARY 1, 2014.

Mr. Mijares noted the Motion refers to a cost of living increase and inquired if the 3% was tied to a benchmark or some other measure, possibly established by the federal government, which shows the cost of living has increased by 3%.

Ms. Odell stated the discussion in the Executive Committee was to tie the raise to the generally applicable salary increase the Legislature made to state employees' salaries. The Chair asked the Staff Services Officer if the Legislature granted a 3% across-the-board increase to state salaries. The Staff Services Officer answered there was a 3% increase for the biennium. She noted state workers received a 1% increase for Fiscal Year 2014 and a 2% increase for Fiscal Year 2015. The Staff Services Officer was asked if the Executive Director received this salary increase. The Staff Services Officer stated the Executive Director did not. Executive Directors are not included in across-the-board salary

adjustments. Executive Directors' salaries are generally set (subject to limitations in the General Appropriations Act) by the Boards they serve.

THE MOTION PASSED BY A VOTE OF 5-3 (Ms. Dockery, Mr. Mijares, and Mr. Davis opposed).

**7. Board Discussion/Recommendation of Current and Potential Future Executive Director Evaluation Systems.**

The Chair put the agenda item before the Board for discussion. Mr. Mijares asked the Staff Services Officer about the current process and how the Board came to use the current template for conducting the Performance Evaluation. The Staff Services Officer stated the current process was adopted in 2010 in an effort to make the evaluation more objective and provide more categories to score performance.

Mr. Mijares asked if the scale for scoring performance changed. He stated he remembered the numbers for assigning scores were once different than they are now. The Staff Services Officer confirmed that the scale and scoring was changed in 2010. The scores are weighted differently than they were before 2010.

Mr. Bearden stated that the record for the performance evaluation score adopted today should reflect that fact. When the record reflects the Executive Director's score is lower than previous scores, it should be noted the scores are currently weighted and calculated differently. He described it as an "apples to oranges" comparison.

Mr. Anastos recommended that the Board also delegate revision of the performance evaluation system to the Committee. He suggested the Committee should also consider whether performance on one factor inordinately skews the final score. Ms. Dockery agreed, noting there are redundancies in some of the scored categories and the current system seems overly complex.

Mr. Davis asked if the Executive Committee discusses scores when it makes its recommendations to the Board. Mr. Bearden stated it does, noting the Committee tries to work with the templates it has in order to get the score correct.

The Chair agreed that the Committee should work on this process and put the matter before the Board. BY UNANIMOUS CONSENT THE BOARD ADDED REVISIONS AND IMPROVEMENTS TO THE EXECUTIVE DIRECTOR PERFORMANCE EVALUATION SYSTEM TO THE COMMITTEE'S DELEGATED TASKS.

**8. "Blue Sky" Discussion of Potential Issues/Trends/Processes that the Board should consider regarding Agency Operations.**



The Chair put the “Blue Sky” item before the Board and indicated it was to be a discussion of any vision or idea about improving or modifying the manner in which the Board conducts its business. The “blue sky” concept is to propose any idea without consideration of any fiscal, jurisdictional or practical constraints. The concept is to visualize an ideal scenario, without consideration of the obstacles, and go back and consider the obstacles to determine if it would be worthwhile or possible to alter things to remove or work around them to implement the considered idea. The Chair suggested the first topic for the “blue sky” conversation:

a. Board Governance

The Chair asked if the meetings of the Board should be evenly spaced throughout the year or whether the Board should continue to space out the meetings in January and June in odd-numbered years to accommodate the legislative session. Ms. Dockery stated the Board should meet quarterly and should not deviate from that schedule, noting that doing so adheres to the expectations of the stakeholders. Mr. Mijares agreed. He observed that he served on another Board which met monthly even through legislative sessions. He also favored the Board having regular work sessions like the one the Board held 2 years ago to cover protocol, travel procedures, ethics and other procedures and operations. He noted regular meetings of that nature would be beneficial.

Mr. Anastos noted that the reason the Board stopped meeting during legislative sessions was because the Executive Director and agency staff had to cover tasks and other responsibilities driven by the Legislature. The Executive Director had to leave Board meetings to attend legislative committee hearings. He suggested that the Board re-establish a legislative committee to provide greater direction and support to the agency before the Legislature.

Mr. Bearden also noted that it is unclear what the Board would do if agency staff were summoned to the Capitol on a day when the Board had a meeting posted. Mr. Bearden expressed support for greater Board involvement in representing and supporting the agency before the Legislature, including providing testimony at legislative committee hearings.

Mr. Edwards noted that the Texas Board of Professional Land Surveying has a legislative needs liaison which monitors the Capitol during legislative sessions. He also noted that Board has committees which include people who are not on the Board. The General Counsel stated he has explored that possibility and unlike other Boards, TBAE does not have authority to appoint non-members to a Board committee.

The Board concluded two items that should be placed on the “parking lot” arising from the blue sky discussion are: quarterly Board meetings and re-establishing a Legislative Committee.

b. Enforcement Personnel and Resources

Ms. Dockery expressed concern about whether the agency has adequate legal and enforcement personnel. She noted the agency received cases referred from an architect working for the City of Austin, not other municipalities, and expressed concern about whether the agency has adequate investigative and legal personnel to proactively pursue cases involving unlawful conduct instead of taking a less proactive role of receiving complaints and information from outside sources.

c. Rotating Board Meetings

The Chair proposed as a topic of discussion whether it would be beneficial for the Board to meet in other cities instead of having all its meetings in Austin. The Chair noted that boards in other states conduct meetings on a rotating basis and hold each meeting in a different location. Mr. Edwards stated the Board of Professional Land Surveying holds a meeting at the professional association’s state convention and the association helps to alleviate some of the cost of conducting a remote meeting. Licensees who attend the meeting get continuing education credit. It was noted that TBAE registrants get one continuing education hour of credit for attending a full TBAE meeting.

d. Welfare

Mr. Davis stated he and the Executive Director attended the CLARB meeting in the fall where they learned CLARB is seeking jurisdictions to champion the CLARB study and report on the meaning and substance of the concept of welfare as a purpose for regulation of a profession in order to protect the public health, safety and welfare. He suggested the Board may consider greater efforts to implement the results of that study. The General Counsel stated the agency relied heavily upon that study when it revised the continuing education rules regarding acceptable subjects for continuing education credit. Mr. Davis suggested there may be other ways to implement the welfare study.

e. Regulatory Changes in light of Practice and Technological Changes

The Chair asked if the Board should consider revisions to the sealing rules in light of advancements in technology and the changing methods of design development. The Chair cited as an example the issue of affixing architectural seals to BIM Models. Ms. Dockery stated that is a current issue and not a future issue. Mr. Mijares noted check sets are largely no longer used and the BIM Model is updated constantly, marked “not for construction, permit or regulatory approval” and sealed only when complete--a different process than was generally used when sealing rules were adopted.

- f. **Prospective Upcoming Legislative Developments**  
Mr. Edwards noted recent “Good Samaritan” legislation in Oklahoma which provides errors and omissions indemnity to architects and engineers who provide pro bono services on projects under certain circumstances, such as rebuilding after a natural disaster. He also stated other states have adopted accelerated reciprocity provisions for out-of-state architects and engineers in emergency situations, such as rebuilding after a disaster.
- g. **Additional or Supplemental Certification**  
Mr. Davis raised the issue of local governments requiring certain certifications in addition to the state license on certain projects. He asked Mr. Mijares for his input because of requirements in El Paso. Mr. Mijares stated there had been an issue in El Paso regarding asbestos abatement and a mandatory certification that all data sheets were reviewed and no asbestos was involved in the project. The issuance of a certified revision letter was required under certain circumstances.
- h. **Project Management and Overlapping Practices**  
Mr. Mijares stated project management is a matter the Board should monitor and consider generally as a “blue sky” topic. He noted there are millions of dollars spent on project management yet project managers are not regulated. It is not unusual for them to approve pay requests without architects and engineers signing off on the pay request. There is no assurance the work is in accordance with architectural and engineering design documents before the project manager approves payments. Ms. Dockery reported that there have been efforts in the Legislature to regulate project managers, as well as roofing consultants. The architects had an interest in the roofing consultant bill because that practice overlaps the practice of architecture. Neither bill became law. She noted the Board should be aware of groups seeking legislation for licensure which might overlap the professions regulated by the Board.
- i. **Internship and Encouraging Licensure**  
Ms. Dockery stated she keeps urging the interns in her office to become licensed as soon as possible. She also observed that the convocation ceremony at the Texas Society of Architects convention was very nice and might help encourage interns to obtain licensure. She suggested that the Board consider offering something to incentivize interns to become licensed.
- j. **Mobile Apps and Social Media**  
The Chair noted that the agency has a Web site which gives the Board an Internet presence. However, more people are accessing the Internet via smart phones and other mobile devices. Younger people such as interns are especially more likely to rely upon mobile devices to access the agency’s Web site through the Internet. He proposed making the Web site “mobile

friendly” so registrants can easily renew registration and conduct other business with the agency via a mobile device.

The Chair also suggested as a “blue sky” proposal that the agency consider expanding its presence to social media so more people will have access to agency information and communications. The agency might create a Twitter account and a Facebook account and gain a presence on other social media.

k. Electronic Media for Board Meetings

Ms. Odell and Mr. Mijares observed that TBAE is the only Board on which they have served which provides all meeting information and materials on paper. Mr. Anastos stated materials are provided on paper because the majority of the Board prefers it that way. It was noted that the agency already posts Board meeting notebooks on its Web site in a PDF format.

Mr. Mijares stated during his membership on other Boards, he has used Annotated PDF and Board Pack which provide the materials electronically and allow members to write notes in the documents.

The Board generally discussed receiving the materials for the next meeting electronically. The Board also considered having the materials sent electronically and in a paper media. Mr. Edwards suggested that hard copy versions of the notebook should be available at the meeting, in case one or more Board members forget to bring a laptop or tablet. Ms. Dockery asked to continue to receive a hard copy of her notebook due to technical difficulties in receiving email communications from the agency.

The Board directed agency staff to present options at the next Board meeting on different software programs and apps for distributing materials for meetings.

l. Further “Blue Sky” Discussions

Mr. Mijares suggested that the Board include blue sky discussion on the agenda for future Board meetings. Mr. Edwards asked what would become of the topics raised during the discussion. The Chair stated that all topics should be listed in the meeting minutes so that the Board may revisit them at future meetings and determine whether resources should be assigned to any of the topics, whether any topic should be delegated to a committee for further study or action, or whether an item warrants any further action.

9. **Recent Texas Society of Architects (“TxA”) Report on Architectural Licensure and NCARB Efforts to Expedite Examination and Internship Requirements**

The Chair reported that last summer he had been invited to attend a meeting at the offices of TxA which included President of NCARB, a senior architect and advisor to the CEO of NCARB, the President of TxA and the Executive Vice

President of TxA. As background and context for the meeting, the Chair reported that TxA is a member of a large state round table in AIA, along with New York, California, Florida, Pennsylvania, New Jersey and Michigan. In 2012 the Roundtable met and apparently focused on the path to licensure and the difficulties, cost, time and displeasure with the process and a general sense that the problems with licensure arise from NCARB. In 2013 the Roundtable met again to consider recommended solutions. Texas stepped forward and assumed a leadership position and drafted a white paper titled *The Path to Architectural Licensure*. NCARB sent representatives to Texas to meet with TxA to discuss the issues raised in the paper. The Chair attended the meeting regarding those concerns.

The Chair noted that NCARB representatives listened to the concerns raised regarding the licensure process and replied by reporting that NCARB had assembled a special task force to consider additional paths to licensure. The task force included representatives from other collateral organizations, including NAAB, educators, interns and recently licensed architects, and member board representatives. NCARB reported that work was underway to find efficiencies and streamline the process to gain licensure. The Chair also noted NCARB stated it will take some time and patience to find solutions but the concerns raised in the white paper are being addressed. NCARB reported its goal is to have a final report by the end of 2014.

The Chair reported that the TxA representatives stated the education component is fine and should not be changed. The concerns expressed have to do with the Intern Development Program (“IDP”) and the Architectural Registration Examination. The Chair reported TxA representatives stated it should take no longer than 6 months to implement solutions.

The Chair noted that *The Path to Licensure* was published on the TxA Web site and some of the Board members may have seen it. He stated his understanding was the Board of TxA had endorsed it. The paper is being circulated to the Boards of the AIA Chapters of the other large states for endorsement. The Chair stated that to his knowledge no other state had done so.

Ms. Dockery reported that an AIA committee had endorsed the concept of AIA creating a licensing process to give states an alternative to IDP and the ARE administered by NCARB. Mr. Anastos noted that AIA is a professional society which is not an appropriate party to set licensing standards.

The Chair stated he has received a briefing from the NCARB task force which is studying the path to licensure. The current path is linear – generally there are a set of steps which must be taken sequentially. Some steps may overlap to some extent allowing parts of the steps to occur concurrently. The task force is examining that process, among others to determine whether examination may start in school. The Chair reported that the goal being considered is whether

licensure should occur upon graduation from an NAAB accredited school. He noted that is when licensure is granted in other countries such as the Philippines and Mexico. The Chair stated the criteria for goals for an alternate or additional path to licensure are: 1) the proposed path cannot be more expensive than the current process; 2) it cannot take longer than the current path; and 3) the licensure certificate must be universally accepted in all jurisdictions.

The Chair reported the NCARB Task Force will meet again in March. At that meeting, the Task Force is inviting schools of architecture for discussions on IDP. The Task force will be hearing from the Rice School of Architecture, and from Cincinnati and Drexler. Students in the Drexler model alternate school and work every other year. The Chair also reported that within a year NCARB will issue an RFP to universities to develop improved IDP programs and measures to expedite the internship process, which might include allowing access to the examination before the conclusion of IDP. Currently 46 states allow interns to begin sitting for the examination in this way, and six states do not.

Mr. Mijares asked if NCARB is considering whether the IDP program should be eliminated. The Chair responded that is not being considered. The Board members related their experiences as interns. The Chair noted the current NCARB President is the first to have fulfilled the IDP requirement.

Mr. Anastos stated some students would become licensed even if the requirements were twice as difficult. He asked what is to be done about students who are not that committed and do not have that drive. He stated this is probably a question for all jurisdictions and all professions. The Chair responded that the position that has been stated is passing the examination after getting a degree reflects all the knowledge and competence you need. The examination is the gold standard. He reported NCARB is revisiting IDP and is also considering a broadly experienced intern program to consider work experience that is not currently credited through the IDP process. Mr. Mijares stated that was the way experience used to be considered and a lot of good architects did not complete the IDP program. Ms. Dockery expressed some concern about people who are 22-23 years old, fully licensed and setting out to practice architecture outside of the internship process.

The Chair stated that the median time to complete the examination since the computerized exam was adopted in 1997 is 1.8 years. Since 2012, 40% of applicants for an NCARB record are women. The median time to complete IDP went from 5.3 years in 2012 to 4.8 years today. The Chair also reported an additional path for licensure in 6 years instead of 13 from start of education through licensure. He noted it is an ambitious program that will be very rigorous.

Mr. Anastos inquired about the sudden interest in scrutinizing internship and examination and licensure. Since NCARB was working on this before TxA issued the white paper, there must be something else to cause all this interest. Ms.

Dockery explained there was a NCARB/AIA Intern survey in 2012 in which a significant percentage of interns reported they could not fulfill a specified category in IDP and had to quit working for one firm and go to a different firm for that particular experience. There generally were complaints about NCARB in that timeframe regarding a lack of transparency, an unsustainable licensure model and costs.

Ms. Dockery reported on the NCARB task force working on the development of the Architectural Registration Examination 5.0 which will be administered beginning in 2016. The examination will be six parts, more aligned with practice and there will be two new parts on practice management and project management. Mr. Anastos asked if IDP will be geared to stay abreast of the subjects covered through education and examination. Ms. Dockery stated that the committee includes six educators to ensure relevance of examination and education to practice.

The Chair outlined the process for determining the substance of the examination. Every six to seven years NCARB conducts a practice analysis to determine what subjects and tasks take place in the course of practice. This informs the decision on what should be taught in architectural programs, what experience should be covered in IDP and covered in the examination. NCARB received 7,800 responses out of 15,000 surveys sent out. The Chair reported he was part of the group that analyzed and compiled the data reported from the 7,800 responses. From this data, NCARB tries to create a defensible document articulating what students, interns, and practitioners should know. NCARB retains PhDs in psychometrics to develop an examination that is valid in testing for relevant information in a manner which accurately demonstrates that knowledge. So when there is criticism of the examination and experience requirements it is really ultimately criticism of the practitioners who establish the content of the examination initially through the practice analysis.

The Chair also provided an update on the following developments from NCARB:

- A new App for reporting IDP;

- A new App for scheduling sections of the ARE;

- NCARB is now offered abroad in London and Abu Dhabi; and

- Thirty-four boards have agreed to the U.S./Canadian reciprocal recognition agreement.

Mr. Mijares asked Ms. Dockery if the Committee is considering elimination of the design part. Ms. Dockery answered that it is not but the examination will include new types of questions requiring more analysis. The questions require an identification of code problem and solutions. A vignette is no longer in each part. She stated it will be an improvement over vignettes.

The Chair noted that the pilot program NCARB is seeking to establish for an additional path to licensure will raise issues for member boards, including TBAE.

Many states accept the blue cover without looking behind it to ensure compliance with certain specific requirements. Texas looks behind the blue cover.

Ms. Dockery indicated one requirement the Board might consider is doing away with the requirement that a candidate allow 6 months to lapse between attempts to pass a part of the examination.

**12. Adjournment**

A MOTION WAS MADE AND SECONDED (Anastos/Edwards) TO ADJOURN THE MEETING AT 4:53 P.M. THE MOTION PASSED UNANIMOUSLY.

Approved by the Board:

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ALFRED VIDAURRI, JR., AIA, NCARB, AICP  
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS



# TEXAS BOARD OF ARCHITECTURAL EXAMINERS

## Minutes of February 13, 2014 Board Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street

Tower III, Conference Room 102

Austin, TX 78701

9:00 a.m. until completion of business

### 1. Preliminary Matters

#### A. Call to Order

Chair called the meeting of the Texas Board of Architectural Examiners to order at 9:00 a.m.

#### B. Roll Call

Secretary/Treasurer Sonya Odell called the roll.

#### Present

Alfred Vidaurri	Chair
Chase Bearden	Vice-Chair
Sonya Odell	Secretary/Treasurer
Charles H. (Chuck) Anastos	Member
Bert Mijares, Jr.	Member
Debra Dockery	Member
Paula Ann Miller	Public Member
Michael (Chad) Davis	Member
William (Davey) Edwards	Public Member

#### TBAE Staff Present

Scott Gibson	General Counsel
Glenda Best	Executive Administration Manager
Glenn Garry	Communications Manager
Mary Helmcamp	Registration Manager
Christine Brister	Staff Services Officer
Ken Liles	Finance Manager
Jack Stamps	Managing Investigator
Dale Dornfeld	IT Manager
Jackie Blackmore	Registration Coordinator
Katherine Crain	Legal Assistant
Julio Martinez	Network Specialist

#### C. Determination of a quorum

A quorum was present.

#### D. Recognition of Guests

The Chair recognized the following guests: Donna Vining, Executive Director for Texas Association for Interior Design, David Lancaster, Senior Advocate for Texas Society of Architects, James Perry, Executive Vice President/CEO for Texas Society of Architects, Nancy Fuller, Assistant

Attorney General of the Office of the Attorney General and Carolyn Hiza, a registered interior designer.

**F. Chair’s Opening Remarks**

The Chair welcomed everyone to the first Board meeting of the year. He acknowledged the newest board members and complimented them on their steep learning curve and ability to understand and engage in Board business after a very short time on the Board. The Chair stated that he has the general impression that the industry is changing with regard to the economy and people are busy again which will impact the Board in its business. He explained the concept of “Blue Sky” and moving forward with emerging trends and responsibilities so that an organization can be proactive and not reactive to foreseeable changes. He noted that he had recently given a leadership presentation about the concept of the “value proposition.” The value proposition focuses upon not about what we do, but why we do it. It is not a question of outcome or product but of the value derived from what the organization does. For his firm, the answer to the question why it does what it does is to provide clean water, safe roads, good buildings, and working systems to the communities and clients for whom it renders services. The Chair suggested transferring that concept to the Board to maintain an awareness of the purpose for what it does, and not just doing what it does.

**G. Public Comments**

The Chair opened the floor for public comment and recognized James Perry, Executive Vice President for the Texas Society of Architects (“TxA”).

Mr. Perry thanked the Board for giving him an opportunity to address the Board. He stated he was aware the Board had reviewed the *Path to Licensure* report by TxA. The report was prepared at the behest of the Large State Roundtable of the AIA. He said when TxA was drafting the report, he and his President and others met with Mr. Armstrong of NCARB to get information for the report. Mr. Armstrong noted that the membership of NCARB is made up of state architectural boards and the NCARB process is that of the state boards. Mr. Perry stated, with that in mind, TxA would like to charge the Board with representing Texas architects in discussions with NCARB. He liked the Chair’s comments on being proactive and that is what TxA would like in changing processes at NCARB. He stated that TxA favors an examination of the processes that NCARB has set up, and whether those processes work for the State of Texas. He stated he knew NCARB had a committee working on revisions to the architectural registration examination which will reduce the number of examination sections. Mr. Perry expressed his hope that the Board will be active in making changes to the Intern Development Program, which he described as an expensive and bureaucratic process and for young

interns, a very onerous process. He stated TxA encourages the Board to review its policies on internship and use its influence over NCARB to help make the process easier but not less rigorous.

The Chair thanked Mr. Perry for his comments. The Chair noted no other member of the public had completed a card requesting to speak and asked if any other member of the public wished to address the Board. No one responded.

**2. Approval of the August 22, 2013, Board Meeting Minutes**

The Chair put the draft minutes of the last Board meeting before the Board. A MOTION WAS MADE AND SECONDED (Anastos/Edwards) TO APPROVE THE AUGUST 22, 2013, BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY (Dockery abstained).

**3. Executive Director Report – Presentation of Budget**

**A. Operating Budget – Presentation of FY2013 end-of-year expenditures/revenue**

The Chair stated that the Executive Director is not present and has an excused absence from the meeting. Therefore, agency managers will make the presentation of the Executive Director's report as a team. The Executive Administrative Manager introduced the team to the Board: Communications Manager, Glenn Garry; Registration Manager, Mary Helmcamp; Finance Manager, Ken Liles and Staff Services Officer, Christine Brister; and IT Manager, Dale Dornfeld,.

The Finance Manager outlined details of the Fiscal Year 2013 budget. He stated that the agency closed 2013 with a \$17,430 deficit. He noted that when the Board adopted the budget it granted the agency authority to access the fund balance for up to \$166,000 so the deficit was not unanticipated and it is much lower than was originally anticipated and budgeted. He reported that revenues were strong last year which accounts for the lower than anticipated deficit. He also outlined certain expenditure line items that exceeded budgeted amounts. For example, the expenditures for the line item "professional services and fees" exceeded the \$35,000 budgeted amount by roughly \$2,000 because of the cost of one enforcement case. In addition fees charged for receiving electronic payments were marginally higher than the budgeted amount. The Finance Manager noted the fees charged for online payments are very difficult to accurately predict as it is a very dynamic process, causing the total amount of the fees paid to fluctuate. The actual amount of the total fees paid was \$1,500 more the \$108,000 budgeted.

Mr. Anastos asked about the \$166,000 draw on the fund balance that was approved by the Board last August. He noted that the reason the agency did not need the entire draw was not because of strong revenue but

because the agency did not expend as much as budgeted. Mr. Liles amended his earlier comment and stated that was correct. The agency expended \$200,000 less than budgeted.

The Chair noted that the 2013 budget included IT upgrades and the agency expended roughly \$12,000 less than budgeted. The Chair asked if all budgeted upgrades were completed. The IT Manager stated the agency deferred contracting for cloud services because it learned it could realize significant savings by contracting with the Department of Information Services' vendor for cloud access and DIR would not bring the agency online until the following fiscal year. The deferral saved the agency \$5,000. The agency deferred IT training which saved \$4,500, the agency saved \$1,000 on the purchase of desktop computers, and postponed purchasing an air conditioner for the server room. These factors accounted for the agency expending less than budgeted on IT upgrades.

The Chair asked about the lower expenditures on the line item "office rental and equipment leases". The Finance Manager stated that the agency budgets its rental payment based upon the payment made for the preceding fiscal year. The Facilities Commission looks backward and invoices for rent after the close of the fiscal year. Rent is now lower than it was in 2012 so the budgeted amount is greater than the amount actually paid. Additionally, he said that he does not know what the next cycle will be and whether the rent paid in 2013 will be accurate compared to the rent for 2014.

Mr. Edwards stated that he noticed most items are very close to the budgeted amount and several expenditure line items were under budget. He thanked staff for keeping costs down.

The Chair asked if there are any FTE positions which are not filled. The Finance Manager stated he was not aware of any. He said historically the agency staff count has been higher and it is currently trending lower.

The Finance Manager drew the Board's attention to the page in the Board materials titled "Fiscal Year 2013 Budget Scholarship Fund." He stated that the agency distributed 51 scholarships in 2013 and ended the year with a balance of almost \$140,000.

The Finance Manager then addressed the Fiscal Year 2014 Budget. He noted that the Board had challenges in creating this budget because the Legislature made some changes to the Registered Interior Design law requiring untested registered interior designers to pass the NCIDQ examination in order to remain registered after September 1, 2017. In developing the budget it was reasonable to assume some registered interior designers would decline to continue to maintain registration but it

is difficult to determine how many would surrender registration each year. He said the agency maintained a good, constant revenue stream from September through December. During that period the agency collected 35% of the projected total revenue for the year. He said that there doesn't appear to be an appreciable drop in revenue but he is watching it carefully.

The Finance Manager explained that budgeted business registration revenue projections were based upon 12 months of collections. The business registration fee has been collected only for a 9-month period so revenues are short of the \$67,000 revenue projection. He explained that it will probably come in around \$50,000. The shortfall will not be enough to really hurt agency operations.

The budget projects the agency will collect \$75,000 in late payment penalties. The Finance Manager noted that the agency has collected over 50% of that amount in the first 4 months of the Fiscal Year. He noted this is much more than was anticipated because one of the recent legislative changes was to reduce the amount the penalty is based upon which lowered each assessed penalty by two-thirds. The Finance Manager stated, in light of that change, it is puzzling that the amount of revenue from late penalties is as high as it is. The Chair asked the amount of most late penalties after the legislative change. The Finance Manager stated the penalty for renewing registration sooner than 90 days after expiration is now \$52.50. It was \$152.50.

Mr. Anastos asked if a registrant still must renew before the end of the registrant's birth month. The Registration Manager confirmed that is correct. Mr. Anastos asked if the amount of the late penalty still increases over time if not paid. The Registration Manager confirmed that the late penalty increases by another \$52.50 after 90 days. Mr. Anastos asked if the same late fee model applies to registered businesses. The Registration Manager confirmed that it does.

The Chair asked if there is information about the number of people who are renewing late. The Finance Manager stated the agency can research to determine that. The Chair noted that the volume of people who are late must be skyrocketing if the amount of the late penalty decreased but the total amount collected remains at or near the amount it was before the change to the statute. The Finance Manager said in the past the agency typically collected approximately \$200,000 per year in late fees and it appears the agency might collect that amount again. Mr. Bearden asked if the public is aware that the late fees were reduced by the Legislature. The Finance Manager noted that it appears people apparently are well aware of the reduction in late penalties. The Communications Manager

also confirmed that it had been the subject of an article in the agency newsletter.

The Chair asked the number of late registrants be reported as part of this report. The Chair noted registrants are not allowed to practice with a delinquent registration. He suggested that the agency should include a reminder in outreach and communication efforts about prohibitions upon practice and sealing documents during any period of delinquent registration.

Ms. Dockery noted the agency no longer receives enforcement penalties. She asked if the agency still collects them. The Finance Manager stated that the agency collects administrative penalties and transfers them to the Comptroller. He said revenue derived from administrative penalties show up in the agency's Safekeeping Trust account as revenue and then the agency transfers the funds out. Since that revenue is not available for agency expenditure, it is not included in the budget and does not appear in the budget materials before the Board. Ms. Dockery stated she understood that the agency does not keep them but she believes the agency should account for them.

Mr. Anastos agreed penalties should appear in budget documents. Administrative penalties are collected by the agency and paid to the Comptroller. The corresponding amounts should be reported to the Board. The Chair expressed concern about the results of future audits if these amounts are not reported to the Board. Ms. Miller also stated they should be reported. The Finance Manager stated he would be happy to include information regarding administrative penalty revenue collections and transfers to the Comptroller in all future budget reports to the Board. He noted he would provide it on a separate sheet so it does not confuse matters regarding the budget as it was previously approved.

Ms. Dockery asked about the postage cost. The agency has already spent 70% of the amount budgeted for postage in the first third of the year. The Finance Manager explained that the agency had incurred \$8,000 in postage costs for mailing postcards informing registrants of the new law requiring them to submit fingerprints. He noted that the agency has expended a lot of the amount it budgeted for postage for the same reason. Ms. Dockery observed that the Board had discussed using electronic notebooks during its meeting on the previous day. She suggested that might help recover some of the cost of printing and postage.

Mr. Edwards noted there is really no way to budget enforcement penalties in its budget because it is not available for agency expenditure. The Finance Manager agreed it is problematic to include projections for administrative penalties and showing the transfer of those moneys as an

expenditure line item in the budget. The transfer of enforcement penalties is not really expenditures of them. The Chair clarified that the Finance Manager should prepare a document showing the total amount of administrative penalties collected, deposited into, and transferred out of the Safekeeping Trust account but not to make it a part of the agency's operating budget. The Chair observed it would be a report similar to the report currently provided to the Board on payments from and balances in the scholarship fund.

Mr. Edwards asked if the \$41,000 for IT upgrades and servers accounts for the amount deferred from 2013 because of the delay in transferring to cloud computing. The IT Manager stated part of the savings is because of missed training. The IT Manager reported the agency is transitioning to Microsoft Office 365 cloud program and the agency has started paying for that in December. The contract for Office 365 through DIR is cheaper than budgeted. The IT Manager reported that most of the \$41,000 is for the replacement of servers. The plan is to replace half of that equipment in 2014 and the other half in 2015.

The Finance Manager noted that the 2014 Budget document shows almost \$169,000 paid on the \$510,000 paid annually to the General Revenue fund. That amount has not actually been paid. The amount is amortized over the year to avoid the misleading appearance of a \$510,000 surplus until it is paid at the end of the year. He reported that the agency's rental payment is similarly shown as one-third paid but the rent payment is not made until the end of the year. Even after pretending we paid one-third of those expenses we show a surplus of \$52,000. After one quarter plus a month, the agency's income is very healthy. Part of that is from late fees and part of it might be the result of a better economy.

The Finance Manager noted the agency is approving 26 scholarships, leaving a balance of \$139,000. Mr. Davis asks if that balance accrues interest. The Finance Manager reported the fund is kept in the Safekeeping Trust and it earns one-tenth of 1 percent of interest. It earns about \$1 or \$2 per year. Ms. Dockery asked if there is a limit on the number of scholarships granted. The Finance Manager stated there is no limit.

There were a series of graphs in the Board meeting materials portraying financial, registration, and enforcement trends. The Finance Manager outlined a graph titled "Revenues, Expenditures, Fund Balance by Fiscal Year." He noted the graph is largely self-explanatory and noted there was a time when the agency's revenue far exceeded its expenditures which is not currently the case.

The Finance Manager also outlined a series of graphs portraying the actual balance in the Architectural Registration Examination Financial Assistance Fund and projections of the balance under different scenarios in which a surcharge of different amounts might be assessed. The Finance Manager noted that currently, with no surcharge, it is projected that the Fund will be completely depleted around 2020. The next graph shows projected depletion rates if a surcharge of \$.50, \$1.00, \$2.00, and \$3.00 were assessed upon each renewal of architectural registration. The Finance Manager reported that it is projected a surcharge of \$2.39 would sustain the Fund indefinitely.

Mr. Anastos requested that the Architectural Registration Examination Financial Assistance Fund and a possible surcharge be placed on the agenda for the Board's next meeting.

The Finance Manager described the next graph portraying the scholarship fund balance by fiscal year and numbers of scholarships issued in each year from 2009-2013.

**B. Trend Analysis Presentation:**

The Chair recognized the Communications Manager to outline the next set of graphs, relating to enforcement penalties, registration matters and agency communications. The Communications Manager stated that the graph titled "Penalties Assessed and Collected by Fiscal Year" shows a data set three ways: amount assessed, amount collected, and percentage collected. The Investigations Manager explained to the Board that in 2009 the Board assessed an administrative penalty of \$200,000 and assessed a \$300,000 administrative penalty in 2010. The agency referred both cases to the Office of the Attorney General for collection. The Respondents failed to pay any part of the penalties in both cases which resulted in the percentage collected to be lower for each of those years. He also explained that in 2012 the Board imposed a \$100,000 administrative penalty against an out-of-state non-registrant which was not collected. Ms. Dockery asked how aggressive the Attorney General is about collecting administrative penalties. The General Counsel reported that the Office of the Attorney General has done well in collecting administrative penalties but by rule it will not pursue collections from anyone located in another jurisdiction.

The Chair recognized Mr. Lancaster of TxA who asked if the agency is permitted to retain an administrative penalty assessed before the Legislature adopted the requirement that administrative penalties are to be deposited in the General Revenue Fund. The Finance Manager stated the law requires all administrative penalties collected after September 1, 2013, must be deposited in the General Revenue Fund. The agency may not



keep enforcement penalties after September 1, 2013, regardless of when the penalty was assessed.

The Communications Manager outlined the following graph relating to the average time to resolve a complaint. He noted that the average time went up in 2012 when the agency was undergoing Sunset review and agency personnel was required to devote time to responding to requests for data as part of that review. The Communications Manager outlined the next graph regarding the number of full-time equivalents in the agency from Fiscal Year 2009 to Fiscal Year 2012. He noted the difference between full-time equivalent and the number of people. The term “full-time equivalent” is a measure of time for which a salary was paid. It assumes 8 hours per day is the equivalent of a full-time employee. The next graph portrays the agency’s total staff salary paid in each year from Fiscal Year 2009 through 2012. The Communications Manager noted the graph shows that the staff salaries total has trended downward by 5.2% over that time period.

The next graph shows the number of “affected RIDs” who have signed up to take the NCIDQ examination. The term “affected RID” refers to registered interior designers who have not passed a design examination and, under the Sunset bill, must pass a design examination in order to remain registered after September 1, 2017. The graph shows 46 out of roughly 1,800 have signed up for the NCIDQ examination. The Communications Manager stated the agency reached out to all of the roughly 1,800 via email to inform them they must pass the examination to maintain registration. The number who signed up is roughly 2.6 percent. The Chair asked when the numbers were compiled. The Communications Manager stated the email was sent in June of last year and the numbers compiled around February 1, 2014. Mr. Anastos noted this 1,800 represents a specific age group and it is unlikely more than a very small percentage of these registered interior designers are likely to sit for the examination. The agency should plan for that. Ms. Dockery asked whether the 1800 includes architects who are registered interior designers who have not passed the NCIDQ. The Communications Manager answered in the negative. Architects who have passed the architectural registration examination may maintain registered interior design status without passing any other design examinations.

The next graph, titled “RID attrition since HB 1717” shows that the number of registered interior designers have gone down by roughly 100 since June 2013. Mr. Davis asked when the deadline for registered interior designers is in order to maintain registration. The Communications Manager stated it is September 1, 2017, so the numbers might drop suddenly on or before that date.

The Communications Manager outlined a graph titled “Open Exam Candidates by Profession by Fiscal Year.” He explained the bar graph shows the number of candidates who are eligible to sit for the examination and have paid the record maintenance fee. The Registration Manager explained that a candidate may sit for the examination without paying the record maintenance fee but in order to receive the examination results, the candidate must pay the fee. The graph may underestimate the number of exam candidates by the number who are sitting for the examination but who have not paid the \$25 record maintenance fee. Mr. Anastos asked if something happened in 2010. The number of architectural examination candidates seemed to increase that year and stay above the number from 2009. The Registration Manager stated that in 2010 NCARB transitioned to a new examination. Candidates would normally try to complete the examination before the transition to avoid having to retest on previously passed sections or postpone sitting for the examination until after the transition. The numbers might show a lower number in 2009 followed by a return to normal numbers in 2010 and thereafter.

The Communications Manager outlined three graphs showing, by fiscal year, the numbers of new registered interior designers, new landscape architects and new architects, respectively, for fiscal years 2009 – 2013. The graphs show the numbers who gained initial licensure by examination and by reciprocity for each profession during each fiscal year. He noted that there is a 53% drop in newly registered interior designers over the 2009-2013 period. For all three professions in the aggregate, there has been a net gain of 98 over the 5-year period. Mr. Anastos asked how these trends compare to other states. The Communications Manager stated the agency is not aware of nationwide registration trends but agency staff will research it and try to find the answer. The Communications Manager also noted that the percentage of registrants who reside in-state has consistently remained at 93% for registered interior designers, 74% for landscape architects, and 65% for architects.

The last graph shows the number of presentations and impressions made by the agency in its outreach efforts from Fiscal Year 2009 through Fiscal Year 2012. Ms. Dockery asked about the meaning of the term “impression” on this graph. The Communications Manager stated it refers to the number of people who received information at a presentation. The graph shows a spike in 2010 which is when 500 people attended a presentation at the TxA convention.

**The Board took a break at 10:28 a.m. and reconvened at 10:45 a.m.**

**D. Survey of Employee Engagement 2013**

The Staff Services Officer presented the Survey of Employee Engagement report for 2013. She outlined the executive summary of the report in the

Board meeting materials. The survey is an employment assessment tool which is conducted every 2 years, usually at the end of each legislative session year. It is not required but highly encouraged. The Staff Services Officer reported that the survey results are shared with the State Auditor's Office which reports it to the Legislature prior to session. She stated that the agency's overall score for the survey was 424 which is a great improvement over the score of 382 received in 2011. Scores normally range from 325 to 375 for other agencies. The scores go up to 500 so we were very pleased with a score of 424.

The Staff Services Officer stated that employee participation on the survey is voluntary and anonymous. The survey was completed by 95% of agency staff, which is considered a high response rate and an indicator that employees have an investment in the organization. The Staff Services Officer outlined the construct analysis which highlights the three highest scoring categories and the three lowest scoring categories. Highest score was supervision, meaning staff is pleased with leadership. Next highest is external communication and then physical environment, referring to office environment. Pay scored the lowest at 378 followed by internal communication which came in at 406 and quality at 417. Quality refers to efforts on improvement principles such as customer service and other improvements, the assessment of needs and efforts to address those needs. The Staff Services Officer noted that even though these three constructs received the lowest scores, they are still very high scores. She stated that 375 and above are generally considered an area of strength. In fact, TBAE's score increased by 92 points this year. Mr. Anastos asked if it is typical for pay to be the lowest score with other agencies. The Staff Services Officer responded that it is.

The Chair noted that the construct analysis might also show the effects of the economy. Staff scores may be higher in times when unemployment is higher and staff is satisfied to have a job.

Mr. Bearden asked typically what time of year is the survey conducted. She answered usually late in the year. This survey was conducted in December.

The Chair noted the high response rate from an internal survey. He asked if the agency sends an external survey to the registrants. The Communications Manager said that the agency sends a survey out every 2 years to all registrants, building officials, school district officials, and general public, totaling more than 20,000 surveys. The Chair asked the percentage response rate. The response rate is typically 10-15%, compared to the 95% rate for the employee survey.

**C. Outreach Program Update**

The Director of Registration gave a presentation regarding outreach by the agency. She stated that the agency gave a presentation at the TxA convention in Fort Worth and at the AIA chapter of the Lower Rio Grande Valley. The registration department made presentations at Texas State University, UT Austin, UT San Antonio and is scheduled to participate in a panel discussion with architecture students in Ft. Worth during the week following the Board meeting. In addition, the registration department is scheduled to make presentations to students at Sam Houston State, Prairie View, interior design conference in Dallas, IIDA student conference in Houston, Texas A&M and Art Institute in Austin.

Mr. Anastos stated that he would like the agency to make presentations to building officials and city managers at the same time and place. He suggested that the agency should send one or two people to each of the 10 largest cities in Texas because he believes there are still building officials not current on HB2284 and on other things, regarding roles of architects and engineers. The Managing Investigator responded to Mr. Anastos by stating that he had personally made presentations to the City of Dallas and BOAT and would be making another presentation in August. The Chair noted the Texas Municipal League has a large event which rotates among different cities. This year it is in Houston. Mr. Anastos agreed that the agency should present there to take the message above the building official level. Mr. Davis inquired as to whether the agency would be attending the ASLA Convention. The Communications Manager replied in the affirmative. The Chair suggested that the agency upgrade the transportable board that the agency takes to conventions for exhibit purposes. He stated it is something the Board should consider when it next considers its budget.

The Chair thanked staff on their presentations on behalf of the Executive Director's Report. He stated he appreciated the graphs and the Board next should hone in on which is necessary.

**Report on Conferences and Meetings**

**A. 2013 CLARB Board of Directors/Annual Meetings – Sep 26-28**

Mr. Davis reported on the 2013 CLARB Annual meeting. He stated he attended the meeting with the Executive Director. It was his first meeting, very informative, and he looks forward to becoming more active in the future.

**B. 2013 LRGV-AIA Building Communities Conference – Sep 26-27**

The Managing Investigator stated that he attended the Lower Grand Valley Conference and made a presentation on fingerprinting and late penalties which was well received by the audience.

**C. Texas Association of School Administrators/Texas Association of School Boards Conference 2013 – Sep 17-28**

General Counsel and Communications Manager attended the School Administrators Conference. The General Counsel noted it was a very large conference and the agency booth received a fair amount of foot traffic, considering it was not an architectural event. The Communications Manager echoed the General Counsel's comments. He added that the agency will attend the next conference and will apply to make a presentation regarding the Professional Services Procurement Act.

**D. TxA 2013 Convention and Design Expo – Nov 7-9**

A number of Board members attended the TxA convention in Fort Worth. Ms. Dockery commented on an elegant and moving convocation for new architects by TxA and presented by the Chair, and TxA President Larry Speck. She mentioned also that Ms. Elizabeth Chu-Richter gave a presentation. Mr. Mijares thought that the keynote speakers were great and relevant topics were presented at this convention, particularly regarding the second topic on health issues. In addition, the location was great and it was a good overall experience. Mr. Anastos reiterated the Board's sentiment about the convention. He stated the programs were outstanding. He stated the staff made a great presentation but were met with a little hostility at first on the fingerprinting issue. He stated the Board is finally overcoming the perception that the Board is responsible for the fingerprinting requirements. The Chair asked Mr. Lancaster to convey to the TxA Board TBAE's gratitude for the exhibit space, the presentation opportunity, and the opportunity to participate in the convocation.

**E. NCIDQ 2013 Council of Delegates Meeting – Nov 8-9**

Ms. Odell reported that she and the Executive Director attended. She reported that the improving economy is providing opportunities for interns to obtain mandatory experience. All jurisdictions report a lot of people are not taking the examination.

Mr. Edwards reported that he and Mr. Davis attended the Attorney General Law and Liability Conference held in Austin in early November 2013.

**4. Update on NCARB Spring-Regional Meetings and Annual Meeting (Information)**

The Chair stated that this spring meeting in San Antonio is a pilot program for NCARB and that Texas is in the largest of the six regions in the nation. At this meeting, all six regions will meet for the first time in history, but the regions will set the agenda. This meeting is an economic driver to see how this will work in the future. He explained that Texas is not the host region even though the meeting will be held in Texas. The host region is region 4 which is in Ohio. Region 4 chose to move the meeting to the southern part of the country. More of these regional meetings will start to take place in the southern part of the country because of the climate. The spring meeting will be in the south and the annual meeting in June will be held in the north part of the country. This year the annual meeting will be held in Philadelphia. He mentioned that Ms. Dockery has done an

excellent job of organizing the tours for the spring meeting in San Antonio. He thanked Ms. Dockery for this service, as well as the AIA Chapter in San Antonio for its leadership.

The Chair stated that on March 22, 2014, there will be an Educator's Conference in Raleigh, North Carolina on the campus of North Carolina State University. The Chair will be attending and he will speak at the meeting. They invite educators to this meeting to have a collaborative meeting. The invitation is extended to all schools of architecture in Region Three, usually the dean or someone high in academic oversight in the architectural schools attend the conference.

The Chair directed the Board to turn to the enforcement section of their notebooks.

**7. Enforcement Cases (Action)**

**B. Continuing Education Cases:**

The General Counsel outlined the cases on the agenda. For continuing education cases, the Executive Director's proposed agreed orders include a standard penalty of \$700 for misstatements to the Board, \$500 for failing to complete required continuing education, and \$250 for failing to timely respond to an inquiry of the Board.

A MOTION WAS MADE AND SECONDED (Anastos/Edwards) THAT THE BOARD APPROVE THE EXECUTIVE DIRECTOR'S RECOMMENDED ADMINISTRATIVE PENALTIES IN THE PROPOSED AGREED SETTLEMENTS OF THE FOLLOWING CASES INVOLVING CONTINUING EDUCATION VIOLATIONS:

- Appel, Jennifer (#196-13L)**
- Armstrong, Ted (#009-14A)**
- Bache, Debra Lee (#195-13I)**
- Batho, Robert T. (#174-13A)**
- Blonski, Arcadio (#198-13A)**
- Boggio, Michael A. (#002-14A)**
- Eckols, Donald A. (#061-14A)**
- Evans, Evan U. (#201-13A)**
- Henderson, Mark W. (#006-14A)**
- Hiza, Carolyn F. (#003-14I)**
- Kniffen, Anne E. (#008-14I)**
- Lam, Nai (#212-13I)**
- Langford, Steven W. (#169-13I)**
- McIntyre, Timothy A. (#010-14A)**
- McMillan, Ben S. (#194-13A)**
- Mendoza, Gary A. (#093-13A)**
- Monsanto, Hugo (#197-13A)**
- Montgomery, Robert E. (#062-14I)**
- Moore, Sherry R. (#211-13I)**

**Mullican, Gerri P. (#056-14I)**  
**Oberholzer, Mark A. (#004-14A)**  
**Rickard, Susan E. (#005-14I)**  
**Robert, John E. (#051-14A)**  
**Robertson, Stan A. (#055-14A)**  
**Scoggins, William Curtis (#213-13L)**  
**Sorenson, Mark E. (#046-14A)**  
**Wellman, Parke R. (#191-13A)**  
**Yeatts, Gordon N. (#110-13A)**  
**Young, C. Cal (#200-13A)**  
**Young, Erron A. (#214-13A)**  
THE MOTION PASSED UNANIMOUSLY.

The following continuing education cases were heard separately because certain board members recusing themselves due to an actual or potential perceived conflict of interest with the Respondent in each case:

**Huerta, Javier (#007-14A)**

A MOTION WAS MADE AND SECONDED (Dockery/Mijares) THAT THE BOARD APPROVE THE EXECUTIVE DIRECTOR'S PROPOSED SETTLEMENT INVOLVING JAVIER HUERTA IN CASE NO. 007-14A. THE MOTION PASSED UNANIMOUSLY (ANASTOS RECUSED AND ABSTAINED FROM VOTING).

**Swanteson, Catherine L. (#204-13I)**

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) THAT THE BOARD APPROVE THE EXECUTIVE DIRECTOR'S PROPOSED SETTLEMENT INVOLVING CATHERINE L. SWANTESON IN CASE NO. 204-13I. THE MOTION PASSED UNANIMOUSLY (ODELL RECUSED AND ABSTAINED FROM VOTING).

**Vernooy, David A. (#166-13A)**

A MOTION WAS MADE AND SECONDED (Davis/Bearden) THAT THE BOARD APPROVE THE EXECUTIVE DIRECTOR'S PROPOSED SETTLEMENT INVOLVING DAVID A. VERNOOY IN CASE NO. 166-13A. THE MOTION PASSED UNANIMOUSLY (MIJARES AND ANASTOS RECUSED AND ABSTAINED FROM VOTING).

**Review and possibly adopt ED's recommendation in the following enforcement cases:**

**A. Registrant & Non-Registrant Cases:**

The Chair recognized General Counsel to present the following cases to the Board for their consideration and possible approval of proposed agreed settlements:

**Garrison, Michael (#168-13N)**

This case involves a registered architect who was revoked in 1989 for failure to pay renewal fees. Mr. Garrison prepared plan sheets for a house and presented them to the City for permit approval. The Executive

Director reviewed the findings of fact and recommended a \$6,000 penalty which represents a penalty of \$3,000.00 per sheet. The Chair asked if the “McMansion ordinance” requires an architectural seal. The General Counsel stated it does and requested input from the Managing Investigator who confirmed that it does. Mr. Lancaster of TxA provided further detail on the application of the ordinance. Ms. Dockery asked if the recommended administrative penalty is within the matrix. General Counsel confirmed that it is. Mr. Edwards asked about the number of sheets to which Respondent affixed his non-compliant seal.

A MOTION WAS MADE AND SECONDED (Anastos/Bearden) TO APPROVE THE EXECUTIVE DIRECTOR’S RECOMMENDATION IN CASE NUMBER 168-13N INVOLVING MICHAEL GARRISON. THE MOTION PASSED UNANIMOUSLY.

**Jetton, Sheila (#219-12N)**

This case involves a non-registrant who prepared four sheets of plans for a church, but was unaware that she was restricted from preparing plans on a church. She had been advised by an architect that she may lawfully prepare architectural plans for a commercial building up to 20,000 square feet which led her to believe she could prepare architectural plans for a smaller church. In addition, there were other mitigating circumstances for the Executive Director’s recommendation. The Chair asked if there were any evidence she had used an architectural title. General Counsel stated she had not and the agency had investigated that issue. Mr. Mijares asked about wind loading and whether the plans complied with those standards and if construction went forward. General Counsel stated Respondent employed an architect when she learned one was necessary and the architect completed the design. Construction did move forward but likely complied with building codes. A building official turned her into the Board.

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO APPROVE THE EXECUTIVE DIRECTOR’S RECOMMENDATION IN CASE NUMBER 219-12N INVOLVING SHEILA JETTON. THE MOTION PASSED UNANIMOUSLY.

**Pappageorge, George (#120-13A)**

This case involves an architect who sealed a project while his license was on inactive status. His secretary changed his status to inactive and forgot to change it back prior to him working on the project. Ms. Dockery noted Respondent reported himself. The Managing Investigator confirmed he did. The investigation showed he was not aware his registration was still on inactive status and he brought it to the attention of the agency when he learned it was.

A MOTION WAS MADE AND SECONDED (Davis/Mijares) TO APPROVE THE EXECUTIVE DIRECTOR’S RECOMMENDATION IN CASE NUMBER 120-13A INVOLVING GEORGE PAPPAGEORGE. THE MOTION PASSED UNANIMOUSLY.



**Taniguchi, Evan (#176-13A)**

This case is a companion case to the case involving Michael Garrison. The City of Austin would not accept Mr. Garrison's plans for permitting so Mr. Garrison approached Mr. Taniguchi to revise the plans. Mr. Taniguchi converted the plans to CAD and added information necessary to comply with the "McMansion" Ordinance. He neglected to note on the plan which parts were his work. The Executive Director recommended a small administrative penalty because it is a minor, technical violation and neither the client nor the City was misled or harmed by Respondent's conduct.

A MOTION WAS MADE AND SECONDED (Mijares/Bearden) TO APPROVE THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 176-13A INVOLVING EVAN TANIGUCHI.

The Chair recognized Mr. Anastos. Mr. Anastos stated he was troubled by this case. He noted that it is common for a principal of a firm to affix his architectural seal to architectural plans prepared by architects on his staff. Mr. Anastos asked why this is not permitted in this case. The Managing Investigator stated it has to do with a failure to exercise supervision and control. Mr. Anastos stated clients bring plans to architects and ask that they be drawn to scale with information added to comply with building codes. The non-registrants' plans have no value and are not architectural plans until an architect revises them. He stated he sees no violation here. General Counsel stated that is a policy decision the Board may make but the rules prohibit architects from sealing architectural plans unless they are prepared by or under the supervision and control of the architect. Ms. Dockery noted that the affixation of the architect's seal, without more, created the incorrect impression that the entire sheet was prepared by the architect. She stated the false impression is the violation. Mr. Anastos asked a hypothetical question. If an architect studies plans and adds calculations and other information, is that enough engagement to withstand the supervision and control requirement? The Managing Investigator stated it does not because that level of engagement, after the fact, does not involve the frequent and continuous communication during design development. Mr. Edwards outlined the facts: the city rejected the plans because they bore Mr. Garrison's non-compliant architectural seal. The Respondent reviewed and sealed them but they were rejected because they were the same plans previously filed with a different architect's seal. Mr. Edwards stated the Respondent took responsibility for the work after he studied them and sealed them. Mr. Edwards agreed with Mr. Anastos in that he does not understand the violation. Mr. Mijares pointed out that the violation is Respondent's failure to identify specifically what he added to the plan sheets. The General Counsel read the disclaimer the Respondent printed on the plan sheets. Respondent's disclaimer made it clear these were the architectural plans previously prepared by Mr. Garrison. The only violation is the failure to make it clear what portion of the plan sheet the Respondent prepared. Mr. Davis asked

about the minimal sanction available to the Board. Mr. Edwards noted somebody had to seal the rest of the document to comply with the ordinance. If Respondent had complied with the rule, the plan sheet would not comply with the ordinance. He asked what could be done to comply with the rule and the ordinance. The General Counsel stated under the Board's rule, assuming the city required an architectural seal on the entire document, an architect would have to be retained to prepare the plans from the beginning. Mr. Edwards expressed concern about the application of this rule. Apparently, the rule prohibits using pre-existing plans to design a remodel to a pre-existing building. Mr. Mijares noted that would be permissible so long as the changes are clouded so it is clear what the architect designed and the extent to which the architectural seal applied. Mr. Edwards stated he remains unsure about the application of the rule. THE CHAIR PUT THE MOTION BEFORE THE BOARD FOR A VOTE. THE MOTION PASSED 5-2. (Anastos and Davis opposed. Edwards abstained.)

**Taylor, John (#127-11N)**

The General Counsel noted Respondent owned a design firm which advertised architectural services at a time when there was no architect to practice on behalf of the firm. The proposed agreed order included the Executive Director's recommendation for the imposition of an administrative penalty of \$10,000.

A MOTION WAS MADE AND SECONDED (Dockery/Anastos) TO APPROVE THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 127-11N INVOLVING JOHN TAYLOR. THE MOTION PASSED UNANIMOUSLY.

**The Board took a break for lunch at 12:12 p.m. and reconvened at 1:03 p.m.**

5. **The Board convened in closed session at 1:04 p.m. pursuant to Section 551.071, Government Code, to confer with legal counsel regarding pending litigation and prospective settlement involving *TBAE v. Powell, Nigaglioni, and Hernandez on behalf of PBK Architects and Gignac on behalf of Gignac & Associates.***

Mr. Anastos has recused himself from participation in the case and did not attend or otherwise confer with legal counsel regarding the litigation or settlement of the case.

**The Board completed its closed session at 1:58 p.m. and reconvened in open session at 1:59p.m.**

6. **Report on Rules (*Action*)**
  - A. **Proposed Rules for Adoption**

The Chair recognized General Counsel to describe rules before the Board for proposal and adoption. The first set of rules is before the Board for adoption.

**Rules 1.149/3.149/5.158** -- Revising criminal history background check procedures to implement recent legislation requiring the submission of fingerprints. The amendments eliminate the self-reporting requirement upon conviction.

Mr. Edwards asked if it is permissible to adopt these since it will be retroactive to January 1, 2014. He asked if it would pose a problem to enforce them even though the statute took effect on that date. The General Counsel stated that this could pose a problem but it is important to note that there is no enforcement action to take on these rules in that they make the submission of fingerprints a precondition to renewing registration. If a person failed to comply with the fingerprint requirement, there is no sanction other than not renewing registration. For the most part, the rule outlines the procedure to be followed if a criminal history is disclosed as a result of the fingerprinting. It is unlikely that the effective date would affect any disciplinary action arising from the underlying criminal conduct.

A MOTION WAS MADE AND SECONDED (Davis/Bearden) TO ADOPT RULES 1.149/3.149/5.158 AS PROPOSED. THE MOTION PASSED UNANIMOUSLY.

#### **B. Draft Rules for Proposal**

**Rule 1.28/3.28/5.38** -- Prohibiting the issuance of an architectural, landscape architectural, or registered interior design certificate of registration to applicants whom the Board has received notice are in arrears in child support obligations. The General Counsel stated that the agency had been contacted by the Office of the Attorney General which stated that licensure is to be withheld from child support obligors who are in arrears. The rules currently prohibit renewal of registration but not initial registration. The rules as amended would prohibit initial registration when the Board receives notice that the applicant is in arrears on child support.

A MOTION WAS MADE AND SECONDED (Dockery/Edwards) TO PROPOSE AMENDMENTS TO RULES 1.28/3.28/5.38 FOR PUBLICATION IN THE *TEXAS REGISTER* FOR PUBLIC COMMENT. THE MOTION PASSED UNANIMOUSLY.

**Rule 1.52** – Requiring applicants to pass the Architectural Registration Examination in order to receive an award from the Architectural Registration Examination Financial Assistance Fund.

The General Counsel suggested that the Board may not need the rule. Agency research has suggested that nearly all scholarship recipients pass the examination within roughly 5 years. No motion was made to propose the rule. The draft rule was tabled for want of a motion.

**Rule 1.192** – Amending architectural internship requirements to allow credit after receiving a high school diploma or equivalent and to eliminate mandatory minimum hours per week and employment duration requirements. The

amendment makes it easier to gain architectural experience for registration and brings the rule into conformity with NCARB internship requirements.

A MOTION WAS MADE AND SECONDED (Dockery/Davis) TO PROPOSE THE AMENDMENTS TO RULE 1.192 FOR PUBLICATION IN THE *TEXAS REGISTER* FOR PUBLIC COMMENT. THE MOTION PASSED UNANIMOUSLY.

**Rule 1.66/3.66/5.76** – specifying continuing education requirements for registrants whose certificates of registration are reinstated after a period when they were revoked or surrendered

**Rule 1.69/3.69/5.79** – specifying continuing education requirements for registrants during their first calendar year of registration

The General Counsel explained that the above referenced rules are a series of amendments to provide guidance on fulfilling continuing education requirements during the first year of registration or during the first year after reinstating registration. The registrant might not have a full calendar year to complete continuing education. The Chair asked how it works right now. The Registration Manager stated there is a complication arising from the new calendar year reporting period for continuing education. The Chair expressed concern about reciprocity impediments and whether we know the implications for other jurisdictions. The Registration Manager noted the rule still refers to the first registration period which is the period between initial registration and the end of the registrant's birth month – which might be only a month. It would be difficult for a new registrant to complete a year's worth of continuing education in a month. Mr. Davis asked if this rule should be delegated to the Rules Committee. Mr. Mijares asked why the Rules Committee was not involved in preparing the draft rules. General Counsel stated the custom has been for staff to bring a draft rule before the Board and the Board will delegate it to the Rules Committee, if the Board believes it is necessary. Some rules are so simple the Board determines it does not require a Committee report.

A MOTION WAS MADE AND SECONDED (Edwards/Odell) TO DELEGATE RULE 1.66/3.66/5.76 AND 1.69/3.69/5.79 TO THE RULES COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

The Chair put before the Board the protocol for referring matters to the Rules Committee. The question is whether all rules should be referred to the Committee before Board consideration. Ms. Dockery proposed that all future rules should be vetted by the Rules Committee before they are brought before the full Board. Mr. Anastos stated that since he had been on the Rules Committee, he felt it was difficult to do for just three members from the Board. He suggested it may take too long for Rules Committee to consider every rule. He also suggested all Committees should have four members to include a public member. Mr. Edwards asked the Board how the rules are generated. The Chair answered by stating that it could be any of the following: a legislative mandate; staff proposals; different organizations can petition to propose rules and NCARB changes trigger a need for a corresponding change to Board rules. They are often prepared by agency staff and presented to the Board. General Counsel

noted any member of the public can petition the Board for a new rule or amendment. He noted a lot of the rules come from staff to implement new legislation and coordination with NCARB changes. Mr. Bearden noted that some rules are merely “clean-up” rules which do not merit the time or travel expenses for a Committee meeting. In response to an inquiry from the Chair, the General Counsel noted that the laws on open meetings have made videoconferencing easier which would make convening a meeting more convenient and less costly. Mr. Mijares suggested that the Board continue to deliberate on rule drafts unless there is a controversial one that should be addressed by the Rules Committee. The Chair suggested the Board would continue to rely upon staff to determine whether a matter is controversial or detailed enough to require a Rules Committee meeting.

Mr. Anastos suggested that a public member be added to the Executive Director’s Performance Evaluation Goals and Procedures Committee. He also suggested each committee should include a public member. The Chair asked if any of the public members would like to serve on the Committee. Mr. Bearden volunteered and was appointed to the Committee. Mr. Anastos also suggested the development of communications protocols between agency staff and Board members. He proposed that the matter be added to the agenda for an upcoming meeting. Ms. Dockery asked the General Counsel about whether the Executive Director’s Evaluation Committee could meet via conference call or through video conferencing, rather than meeting in Austin. The General Counsel stated he would research the new amendments to the Open Meetings Act and would send it to the Board members. Mr. Davis asked whether that Committee, addressing personnel matters has to be a posted meeting. The General Counsel explained that there is precedent holding that the Open Meetings Act does not apply to advisory committees but whether an advisory committee is truly advisory often depends how the work of the committee is considered by the Board. If its report is rubber stamped, it is not advisory. The General Counsel stated he would research whether the Executive Director Evaluation Committee is an advisory committee.

**8. Board Election (Action)**

Board Vice-Chair and Secretary/Treasurer

MR. MIJARES MADE A MOTION TO NOMINATE MS. DOCKERY AS VICE-CHAIR. The Chair asked for other nominations. None were made. THE CHAIR PUT THE MOTION BEFORE THE BOARD FOR A VOTE. THE MOTION PASSED UNANIMOUSLY. The Chair congratulated Ms. Dockery upon becoming Vice-Chair.

The Chair thanked Mr. Bearden for his service as Vice-Chair, noting that he had represented his position extremely well.

The Board asked for nominations for Secretary/Treasurer. Ms. Odell suggested a public member should fill the position and suggested one of them should

volunteer. MS. MILLER VOLUNTEERED FOR NOMINATION FOR SECRETARY/TREASURER. THE CHAIR PUT THE NOMINATION BEFORE THE BOARD FOR A VOTE. THE MOTION PASSED UNANIMOUSLY.

The Chair congratulated Ms. Miller. The Chair thanked Ms. Odell for her service as Secretary/Treasurer.

**Board Committee Assignments (Action)**

Rules Committee

The Chair proposed the following Board members to serve on the Rules Committee: Ms. Odell, Mr. Davis, Mr. Anastos and Mr. Edwards. The Chair requested that Mr. Davis serve as the Chair on the Rules Committee. Mr. Davis agreed and was appointed.

Ms. Dockery pointed out that the Board had not appointed a Chair of the new Executive Director's Review Committee. Ms. Dockery suggested that Ms. Odell serve as the Chair of the Committee. The Chair appointed Ms. Odell as Chair of the Executive Director Review Committee.

**9. Review Speaker of the House, Joe Straus' Recent Letter to Board Members (Information)**

The Board briefly discussed a letter from the Speaker of the House regarding the new House Committee on transparency. The letter references issues at other agencies brought to light through legislative oversight. The Chair stated he thinks the purpose of the letter to reiterate conduct that was out of bounds and serve as a reminder to adhere to requirements and responsibilities as Board members. The Chair stated that all agencies received this letter as a result of the ongoing issues involving the University of Texas and its regents.

**10. Upcoming Board Meeting & Board Schedule (Action)**

The Board discussed the scheduled May 22, 2014, August 21, 2014, and October 30, 2014, meeting dates. The Board decided to change the meeting date in May to May 15, 2014, due to the fact that Ms. Miller had a conflict and would be unavailable for the meeting on May 22<sup>nd</sup>. The Board directed agency staff to determine if the Board meeting in May could be rescheduled to May 15<sup>th</sup>.

A MOTION WAS MADE AND SECONDED (Edwards/Anastos) TO APPROVE THE ABOVE-REFERENCED BOARD MEETING DATES FOR THE REMAINDER OF THE 2014 CALENDAR YEAR. THE MOTION PASSED UNANIMOUSLY.

**11. Chair's Closing Remarks**

The Chair stated that the Board has come to a conclusion. He thanked the members for their service over the past two days.

**12. Adjournment**

BY UNANIMOUS CONSENT THE MEETING ADJOURNED AT 2:53 P.M.

Approved by the Board:

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ALFRED VIDAURRI, JR., AIA, NCARB, AICP  
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS

**Texas Board of Architectural Examiners  
Fiscal year 2014 Budget With Servers**

	<b>FY 2014 Approved Budget</b>	<b>FY 2014 Actual Rev. and Exp. Sept 1, 2013---Mar. 31, 2014</b>	<b>FY 2014 Actual Rev. Earned &amp; Exp. as a Percentage</b>
<b>Total Beginning Fund Balance</b>	<b>2,152,139.00</b>		
<b>Revenues:</b>			
Licenses & Fees	2,455,356.00	1,410,022.00	57.43%
Business Registration Fees	67,500.00	30,240.00	44.80%
Late Fee Payments	75,000.00	58,078.00	77.44%
Other	1,000.00	1,846.00	184.60%
Interest	2,500.00	404.00	16.16%
<i>Potential Draw on Fund Balance</i>	<b>105,458.00</b>		
<b>Total Revenues</b>	<b>2,706,814.00</b>	<b>1,500,590.00</b>	<b>55.44%</b>
<b>Expenditures:</b>			
Salaries and Wages	1,394,330.00	750,341.00	53.81%
Payroll Related Costs	383,310.00	231,567.00	60.41%
Professional Fees & Services	40,000.00	10,624.00	26.56%
Travel			
Board Travel	30,000.00	8,141.00	27.14%
Staff Travel	23,000.00	10,636.00	46.24%
Office Supplies	15,000.00	6,328.00	42.19%
Postage	15,000.00	13,047.00	86.98%
Communication and Utilities	15,000.00	8,508.00	56.72%
Repairs and Maintenance	1,000.00	107.00	10.70%
Office Rental and Equipment Leases	60,910.00	35,529.00	58.33%
Printing	7,000.00	11,064.00	158.06%
Operating Expenditures	55,000.00	28,230.00	51.33%
Conference Registration Fees	7,000.00	1,223.00	17.47%
Membership Dues	21,000.00	12,435.00	59.21%
Credit Card Fees---Sep. only	9,000.00	9,311.00	103.46%
Staff Training	10,000.00	1,223.00	12.23%
SWCAP Payment	68,939.00	40,213.00	58.33%
Payment to GR	510,000.00	297,483.00	58.33%
<b>IT Upgrades in 2014 with Servers</b>	<b>41,325.00</b>	2,645.00	6.40%
<b>Total Expenditures</b>	<b>2,706,814.00</b>	<b>1,478,655.00</b>	<b>54.63%</b>
<b>Excess/(Deficiency) of Rev over Exp.</b>	<b>-</b>	<b>21,935.00</b>	
<b>* Funding for 6 months</b>	<b>1,353,407.00</b>		
<b>Ending Fund Balance</b>	<b>798,732.00</b>		



Texas Board of Architectural Examiners  
 Fiscal Year 2014 Budget - Scholarship Fund

	<b>FY 2014 Budget</b>	<b>FY 2014 Actual Expenditures Sept 1, 2013---Mar. 31, 2014</b>	<b>FY 2014 Remaining Budget</b>
<b>Operating Fund Beginning Fund Balance:</b>	-	-	126,965.22
<b>Adjusted Beginning Balance</b>	-	-	-
<b>Scholarship Fund Beginning Balance</b>	139,946.44	139,946.44	
<b>Total Beginning Scholarship Fund Balance</b>	139,946.44	139,946.44	126,965.22
<b>Expenditures:</b>			
Operating Expenditures-Scholarship Payments		12,981.22	-
<b>Total Expenditures</b>		12,981.22	-
<b>Excess/(Deficiency) of Rev. over Exp.</b>	139,946.44	126,965.22	-
<b>Ending Fund Balance</b>	139,946.44	126,965.22	126,965.22

Number of Scholarships Awarded

26

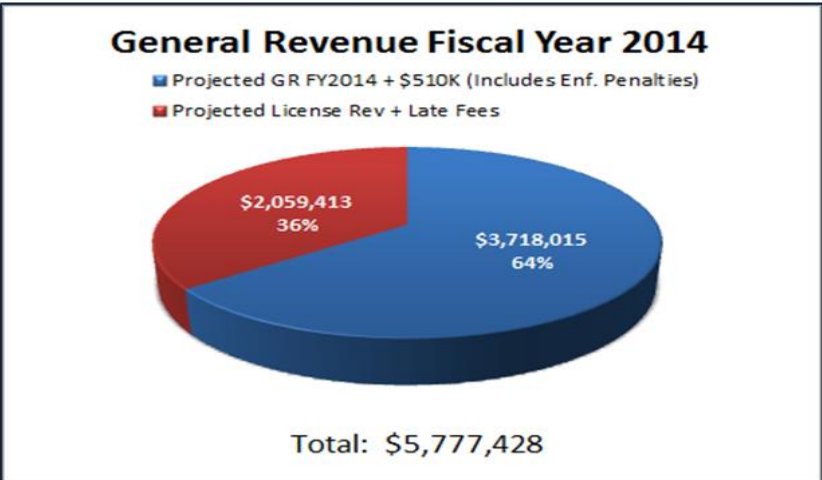
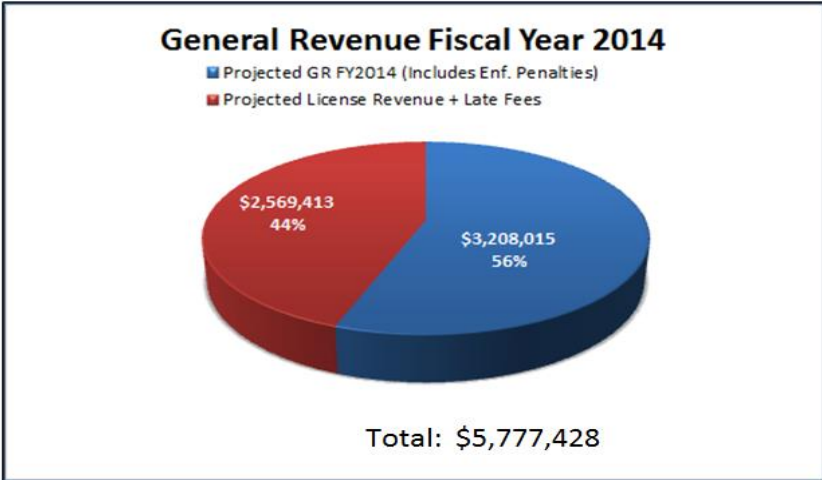
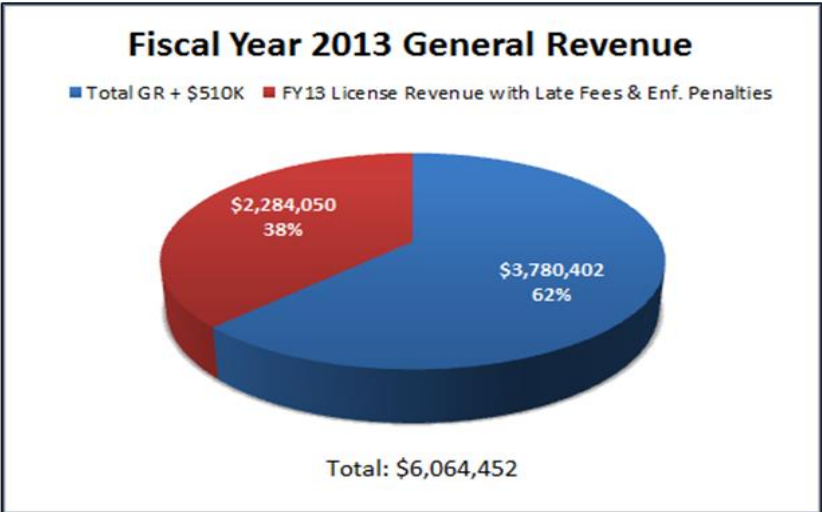
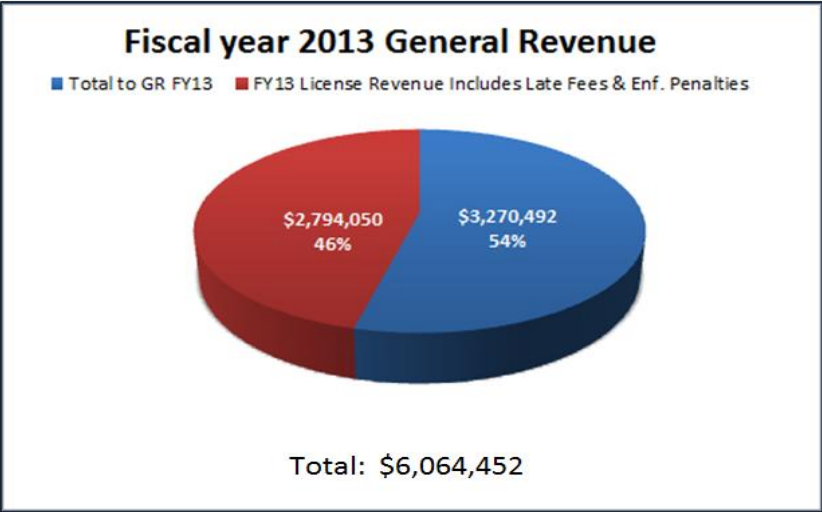
Frequency per Fiscal Year----January 31, May 31, and September 30

Texas Board of Architectural Examiners  
Enforcement Penalties Collected



# General Revenue vs. License Revenue

(Includes Late Fees and Enforcement Penalties)




**ACTION ITEMS/ITEMS OF INTEREST ASSIGNED AT TBAE BOARD MEETING**  
*(February 12-13, 2014 Board Meeting)*

<b>Priority</b>	<b>Action Description</b>	<b>Action Details</b>	<b>Due Date</b>	<b>Status</b>	<b>Action Owner</b>
One	Employee representation at the NCARB Regional Summit in San Antonio, March 6-9, 2014.	Convergence of all NCARB's Regions into one summit meeting annually. Registration is required for attendees; spoke with Cathy, she did not ask staff to attend.	Done	Jack/Mary will attend the Region3 portion of the meeting on Friday, June 7, 2014	Glenda
One	Include the link to the SEE report on the TBAE Website in the next agency Update/Report to the Board	Glenda to place report on the Board's section of the Website.	Early April	Link sent to IT on Mar 25 to upload on Website.	Glenda Christine Matthew
One	Provide an analysis of number of registrants paying late fees since the rate was lowered compared to what happened a year ago.	Include in EDs report at the May 15, 2014 Board agenda item.	May 15	Mary will provide data and analysis to Glenda	Ken/Mary
One	Three-person (later expanded to four, to include one public member) to the ED performance Review Committee (Chase Bearden). One of each profession, plus public member.	Initial meeting to convene. Sonya Odell is named Chair of that committee  May 15 Board agenda item	May 15	Alfred asked the ED Goal setting committee to continue to move forward with developing goals. He asked Ms. Odell, Chair of the committee to coordinate with the committee and staff on the when and where. He also asked her to have a set of proposed goals ready for approval at the next board meeting.	Sonya Odell Debra Dockery Chad Davis Chase Bearden

Priority	Action Description	Action Details	Due Date	Status	Action Owner
One	iPad-friendly Board notebooks. No more paper books. PDFs must be editable with note-taking capability. "Annotate PDF" and "Board Pack" were specific apps mentioned. Let's try PDF-only but have "backup" printouts available at meeting. Last word was: Give the Board some options (software/app and process) next time.	Include in EDs report at the May 15, 2014 Board agenda item.	May 15	IT and Executive continue researching application for the May 2014 Board notebook. Ops team agreed to report the various software packages available for each platform providing basic PDF Annotation FreeWare for the Board's approval	Glenda, Dale IT
One	Dockery has some email/list-serve problems we need to look into.	On Thursday, March 13, Glenda addressed the issue with the IT manager to research the list serve problem the Vice-Chair is encountering.	Mar 14	IT identified the problem and successfully corrected the error and confirmation received from the Vice-Chair that she successfully received the trial list serve message on Friday, March 14 at 2:06 pm	Glenda Dale/Julio IT
One	Add additional section to existing Operating Budget to report enforcement penalties (revenue) transferred to GR.	Develop a reporting page to capture the enforcement penalties transferred to GR. Also, it would be advantageous to show our initial GR transfers as well. Include in EDs report at the May 15, 2014 Board agenda item.	May 15	Develop pie charts for all transferred funds to GR. Update will be presented under the ED's report at the May 15 Board meeting	Ken/Glenda
One	Pros and cons breakdown for continuing scholarship fund at next Board meeting	May 15 Board agenda item for discussion	May 15	Agenda item for the May 15 Board meeting	Board
One	Email Board members the new rule (or law) regarding Board meetings by videoconferencing or teleconferencing.		Done	Email sent on Friday, February 14, 2014 regarding videoconferencing which was amended during the 2013 session.	Scott

Priority	Action Description	Action Details	Due Date	Status	Action Owner
One	Compare registrant trends (Page 44, Individual Registrations by FY – all professions) compare to any available national data	Include in EDs report at the May 15, 2014 Board agenda item.	May 15	Present comparison at the May 15 – ED's report on trending	Mary/Glenn
Two	Do a survey of other states about what their CE requirement is for the initial registration period. What effect would any rule change have on reciprocity?	Include in EDs report possibly at the Oct 21, 2014 Board agenda.	TBD	Report to the Rules Committee. Review the model rule	Rules Committee
Two	Have a social media presence		Oct 30	P&P developed and awaiting ED's approval then present to the Board	Cathy/Glenda/Glenn
Two	Do presentations to Texas Municipal League (TML). Point is to go "above" the BOs to get their attention.	Communications manager filed application with TML for presentation	Oct 30	Include in the ED's report	Jack/Glenn
Two	Presentation to BOs and city managers of the ten largest cities, for starters. Focus will be HB 2284. Jack notes that this is partially in motion already.		Oct 30	Four-hour block at the BOAT conference in August 2014	Jack
Three	Blue Sky Discussion – Reevaluate sealing rules and other practice rules in light of BIM and other evolutions in practice.	Will require extensive practitioner input and careful consideration by Board Would be prudent for Rules Committee workshop	TBD	Pending more specific Board direction – Currently is a Blue Sky Item	Board
Three	Blue Sky Discussion: Make our Website mobile-friendly; develop apps for mobile devices	Create a comprehensive plan to mobilize our Website	Oct 30	This is a work in progress	Cathy/IT
Three	Sync up ED performance reviews with the Survey of Employee Engagement (SEE) results in the future.	Note: SEE is done bi-annually not annually.	Jan 2016	Would provide SEE results to the ED Performance Review Committee bi-annually	ED Performance Review Committee

BOARD "BLUE SKY" DISCUSSION ITEMS AND/OR AREAS OF INTEREST

Item #	Action Description	Initial Action Details	Comments	Board Action/ Decision
1.	Blue Sky Issue: Have one Board meeting a year in other geographical locations rotating throughout Texas. Idea expressed to maybe convene at a TxA convention.	"Blue Sky" discussion. May be a logistical and financial constraint to convene Board meetings outside of Austin.		
2.	Blue Sky Issue: CLARB is looking for a champion for the concept of "welfare."	CLARB's Welfare document is the outline for TBAE CE rules. The rules track the document extensively.	<p>The agency received the CLARB welfare regulation pilot project for consideration. It was determined that While this is an interesting concept I do not feel that our Board is currently in the position to commit the time, focus, and resources to such a pilot program</p> <p align="center">                       CLARB welfare regulation pilot proje                      at this time.                 </p>	No further action required.
3.	Blue Sky Issue: Encourage interns to register ASAP.	Discussion proposed offering incentives to encourage registration ("carrots and not just the stick")	Pending further Board consideration	
4.	Blue Sky Issue: Have a "blue sky" section (information item) on ALL Board agendas	Capture the Board's brainstorm items on this list and include in the Appendix portion of the Board notebook.	<p>Use the brainstorming ideas as part of the Board Workshop held annually.</p> <p>Chapter VIIA, 2014 Open Meetings Handbook states, "Notice must be sufficient to apprise the general public of the subjects to be considered during the meeting. . .</p>	

			Generalized terms such as 'old business,' 'new business,' 'regular or routine business,' and 'other business' are not proper terms to give notice of a meeting because they do not inform the public of its subject matter." ( See pages 24-26, <a href="#">2014 Open Meetings Handbook</a> )	
5.	Blue Sky Issue: adhere to quarterly meeting schedule even on legislative years.	May be problematic due to unforeseen legislative committee hearings. New Board members are appointed usually at the end of legislative session.		
6.	Blue Sky Issue: Reestablish the Legislative Committee			



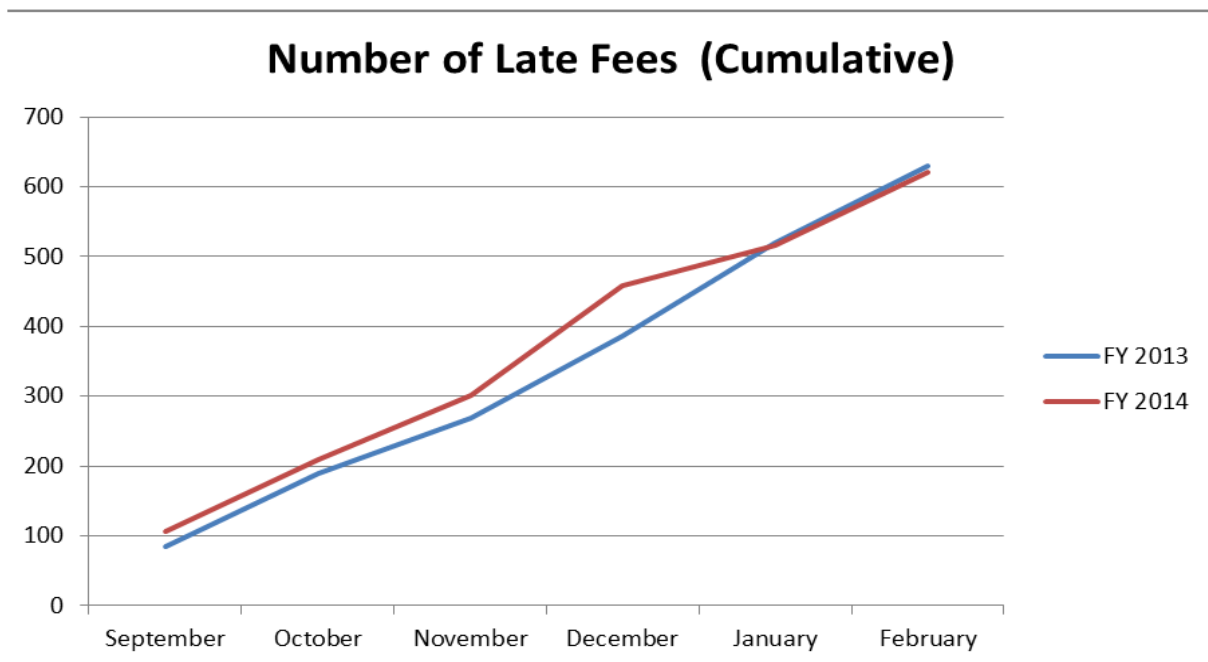
## Late Fee Analysis

**QUESTION:** Why received \$37,728 of \$75,000 (yearly estimate) or 50.3% in just 4 months?

**FINDINGS:** Average number of late fees per month has not increased year to year.

1. September and October combined had 74 late fee payments that were paid at the old amount (which brought in \$7400 above projected revenue).
2. December had 54 late fee payments above average, likely due to an email TBAE sent on Dec. 12th to 360 delinquent registrants alerting them of the new fingerprint law taking effect on January 1, 2014 (about \$3400 collected earlier than normal).

Month	FY 2013 Number of Late Fees	FY 2014 Number of Late Fees
September	85	107
October	104	102
November	80	92
December	117	158
January	133	57
February	110	105
<b>6M - AVERAGE</b>	105	104
<b>6M - SUM</b>	629	621



## Board Notebooks in PDF format

The staff at TBAE recognizes the desire of some Board members to have access to PDF version of the Board Notebook for review before and during the Board meetings. Each Board member is welcome to utilize this option.

TBAE realize that Board member's personal devices may already have PDF Annotation software that they are familiar with and would prefer to use. However, if other software options are desired, here are a few available applications for the following device types reviewed by TBAE's IT Department.

### iPad (software available in the App Store)

FREE	Adobe Reader
FREE	iDocuments HD
\$4.99	PerfectReader Pro
\$9.99	iAnnotate PDF

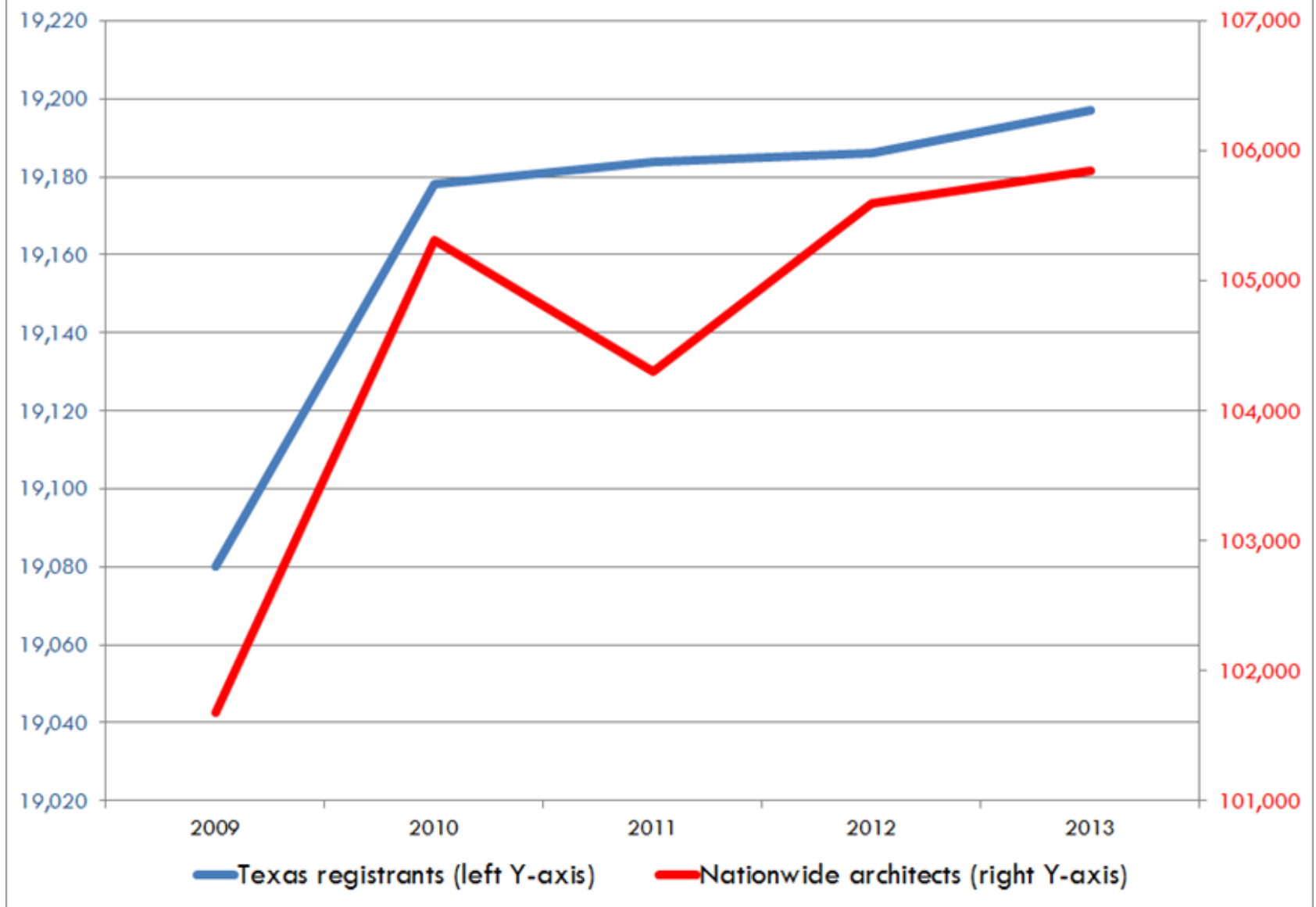
### Android

FREE	Adobe Reader	<a href="https://play.google.com/store/apps/details?id=com.adobe.reader">https://play.google.com/store/apps/details?id=com.adobe.reader</a>
FREE	iAnnotate PDF	<a href="https://play.google.com/store/apps/details?id=com.branchfire.iannotate">https://play.google.com/store/apps/details?id=com.branchfire.iannotate</a>
\$3.99	ezPDF Reader	<a href="https://play.google.com/store/apps/details?id=udk.android.reader">https://play.google.com/store/apps/details?id=udk.android.reader</a>

### Windows Surface

FREE	Adobe Reader Touch	<a href="http://www.winrtsource.com/2013/09/12/adobe-reader-touch-app-updated-with-editing-annotations/">http://www.winrtsource.com/2013/09/12/adobe-reader-touch-app-updated-with-editing-annotations/</a>
\$7.99	Drawboard-PDF	<a href="http://apps.microsoft.com/windows/en-us/app/drawboard-pdf/6d65bcd8-8390-4533-af58-307d2e1ec1dd">http://apps.microsoft.com/windows/en-us/app/drawboard-pdf/6d65bcd8-8390-4533-af58-307d2e1ec1dd</a>
MS Office	OneNote	<a href="http://www.winrtsource.com/2013/08/20/surface-tip-use-onenote-to-annotate-pdfs-on-surface-rt-or-surface-pro/">http://www.winrtsource.com/2013/08/20/surface-tip-use-onenote-to-annotate-pdfs-on-surface-rt-or-surface-pro/</a>

### All Texas Registrants vs. Nationwide Architects, by FY



<b>Policy Title:</b>	Criminal History Check Management	<b>Policy Number</b>	EN-004
<b>Originally Issued:</b>	April 1, 2012	<b>Revisions:</b>	
<b>Approved By:</b>	Cathy L. Hendricks, Executive Director		
<b>Responsible Department:</b>	Investigations		
<b>Primary Policy Custodian</b>	Managing Investigator		

**\*\*Note\*\* Criminal History Information is Strictly Confidential\*\***  
**Only Managing Investigator, Investigations Specialist and Legal Assistant, upon approval from DPS, shall have access to these records.**

**Purpose**

The purpose of the process is to detail the manner in which criminal history checks of registrants and applicants are conducted by identifying specific procedures. This ensures the health, safety and welfare of the public by disqualifying those with egregious criminal histories from licensure. The process concludes at the point where the investigator, investigations specialist and legal assistant have completed their assigned criminal history checks and individuals with significant criminal history have been investigated and the results of the investigation are referred to the executive director.

Under Board rules 1.149(b) (1), 3.149(b) (1) and 5.158(b) (1), registrants and applicants for registration are required to respond in writing to an inquiry by the Executive Director regarding any information about a criminal conviction, other than a minor traffic offense, disclosed in the applicant's or registrant's criminal history record within 30 days of the inquiry. Upon review of reported criminal convictions, the Board may take any of the standard enforcement actions. Any felony conviction which results in incarceration automatically revokes a registration by operation of law.

HB1717 (83<sup>rd</sup> Legislature – Regular Session) mandates that all applicants for registration and all registrants who are active at their renewal time in 2014 (if inactive or emeritus, upon changing their status to active) must submit their fingerprints for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

### **References and related Resources or Statutory Authority**

Texas Occupations Code, Ch. 53, §§ 1051.252, 1051.253, 1051.501; Texas Government Code, §411.122(d) (2); 22 Tex. Admin. Code §§1.174, 3.174, 5.184, 1.175, 3.175, 5.185, 1.177, 3.177, 5.187, 1.232, 3.232, 5.242, 1.149, 3.149, 5.158

### **Scope**

Managing Investigator, Investigations Specialist, Legal Assistant, General Counsel and Executive Director

### **Policy**

It is the policy of the agency to review the criminal history of applicants for registration and the subsequent real time criminal history of registrants as reported by the Texas Department of Public Safety (DPS) and the Federal Bureau of Investigations (FBI) pursuant to the 2014 fingerprinting requirement. These reviews will be conducted in a timely and thorough manner to ensure the integrity of the professions regulated and protect the health, safety and welfare of the public.

### **Procedures**

1. **Weekly Criminal History Check Procedures** The managing investigator, investigations specialist or legal assistant, working under the supervision of the managing investigator (authorized staff) shall, on a rotating schedule, review the criminal histories as reported in the DPS Consolidated Report each Monday, Wednesday and Friday. ([see DPS procedures document](#))
  - a. The results of criminal history checks based on mandatory fingerprinting are posted on a daily basis by the DPS and FBI in the form of the Consolidated Report. The Consolidated Report is maintained by DPS.
  - b. Authorized staff will review the criminal history records and identify individuals with significant criminal history. Significant criminal history is defined as:
    - 1) A class A or B misdemeanor conviction has occurred within the last 5 years and the conviction relates to one or more of the following:
      - a) honesty & trustworthiness,
      - b) financial violations,
      - c) aggravated assault,
      - d) sexual assault,
      - e) multiple DUI convictions
      - f) multiple drug possession convictions, or
      - g) other similar violations as outlined in Texas Occupations Code 53
    - 2) A felony conviction has occurred within the last 10 years and the conviction relates to one or more of the following:
      - a) honesty & trustworthiness,
      - b) financial violations,

- c) aggravated assault,
  - d) sexual assault,
  - e) alcohol or drug infractions, or
  - f) other similar violations as outlined in Texas Occupations Code 53; ([See flow chart](#))
- c. If a registrant, applicant or candidate has a significant criminal history as outlined in paragraph 1b, The Managing Investigator will open an enforcement case. These cases will be assigned to the Managing Investigator or Investigations Specialist. Following the procedures for conducting an investigation of an enforcement case, the Managing Investigator or Investigations Specialist will evaluate the facts and circumstances, as well as the respondent's disclosure (or failure to disclose) of the conviction(s) and make a recommendation to the Executive Director regarding licensure. (Tex. Admin. Code §§1.149, 3.149, 5.158)
- d. If it is determined that a registrant has been convicted of a felony and has been sentenced to prison, the investigator will:
- 1) Obtain supporting documentation regarding the conviction and sentence
  - 2) Confirm the conviction with registrant when possible.
  - 3) Send a letter to the former registrant to provide notice that the registration was canceled by operation of law as of the date of sentencing.
  - 4) Make appropriate notations in TBAsE and notify the director of registration by email regarding the cancellation.

2. **Processing registrants who have failed to return for a second fingerprinting session procedure**

- a. Every Monday authorized staff shall, on a rotating basis, run a search through the DPS Consolidated Response system to identify those Registrants whose fingerprints have been rejected and who have not returned for a reprint as required by established DPS/FBI procedures.
- b. When authorized staff determines that approximately 45 days have passed since the original date of fingerprinting and a registrant has failed to return for a reprint, the authorized staff member will enter the fingerprint rejection date into TBAsE. At day 69 TBAsE will send a stock email reminding the registrant that they have just 30 days to return for a reprint or be liable for another fingerprinting charge. This email will also warn the registrant that if they fail to return for a reprint at the end of the 30 day period, a "hold" will be placed on their registration file. The email will be sent to the email on file in TBAsE and retained electronically for 2 years. If registrant fails to return for a reprint, a "hold" will be placed automatically after 95 days.
- c. The managing investigator will recheck and verify previous entries each week by running a report of current fingerprint holds and verify that data against

current DPS Consolidated Report results.

3. **Requesting name check criminal history report from FBI after prints have been rejected twice**

- a. Authorized staff will weekly review the “prints rejected” files in the Consolidated Report on a rotating basis. When it is determined that the registrant’s fingerprints have been rejected twice, a form requesting a name-based criminal history check will be completed and faxed to the FBI. Copies of the fax and fax confirmation report will be placed in a notebook that will be maintained by the Managing Investigator.
- b. Authorized staff will check at this time for responsive faxes from the FBI. Review of reported criminal history will be made and acted upon accordingly. A check will be made against the copied faxes in the notebook and those records will be marked as complete and pertinent documents shredded. A log will be maintained identifying both active and processed individuals.

4. **Process for determining whether a late registration fee is applicable (due to a delay in fingerprint processing)**

Note: For this process, Authorized Staff includes the Managing Investigator, Registration Manager, and Communications Manager and the Executive Director or designee.

- a. A registrant will contact TBAE, stating that he or she submitted fingerprints prior to the deadline and should not have to pay late fees. The registrant will be put in contact with Authorized Staff. Authorized Staff will request documentation and information clearly showing that the registrant submitted prints prior to the registration deadline. In the absence of corroborating information, the process is at an end. Effectively, this documentation often will take the form of a FedEx/UPS/Certified Mail (or similar) tracking number or DPS records showing prints were “submitted” prior to renewal date (for out of state registrants). For in-state registrants, documentation will take the form of any documentation showing that the registrant scheduled and attended the appointment properly and before the renewal date, but prints were not submitted through the fault of the vendor (not the registrant).
- b. Authorized Staff will documents and save it all into the designated file in a folder with the naming convention LASTNAMEFirstname, along with the completed [waiver memo](#).
- c. Executive Director or a designee will review the file and make a recommendation, save the signed recommendation memo into the file, and email the Authorized Staff who submitted the request that it is decided.
- d. Staff will contact the requestor and inform him or her of the decision. In the event that the request was granted, staff will note the one-day fee removal deadline

(must be renewed by midnight that same day) and ask which day the requestor would like to have the fee removed and do the renewal.

- e. Authorized Staff will remove the fingerprint hold on the account, making sure to add back any additional holds (check comments if “multiple holds” is selected in the dropdown).
- f. Authorized Staff will add a comment regarding removal of the hold and late fee.
- g. Authorized Staff will email Registration Coordinator, with copy to Registration Manager, to remove the fee on the appropriate day.
- h. The Registration Coordinator will remove the fee and email requesting Authorized Staff that this is done.
- i. Authorized Staff will contact the registrant again by email and inform him or her that he or she has until midnight that night to renew, or the fee will go back on automatically.
- j. If the respondent already has paid (and thus seeks a refund of late fees), the steps above will be followed by an email to the Finance Manager (with late fee memo attached) to request removal of the late fee. See appropriate and applicable Finance Department procedures for reference.

### **Acronyms and Definitions**

IT- Information Technology Division

TBAE – Texas Board of Architectural Examiners

TBAE- Agency database

DPS- Texas Department of Public Safety

FBI- Federal Bureau of Investigations

### **Review Cycle**

Policies and procedures are reviewed at least annually or updated as required to ensure they reflect current information and requirements. Policies and procedures are reviewed in consultation with staff, management, and agency regulatory bodies to ensure they accommodate and are reflective of the needs of our registrants, oversight agencies, and best practice guidelines.



## Fingerprinting Statistics - ACTIVE Registrants Only

As of April 30th, 2014

	<b>Architects</b>	<b>Landscape Architects</b>	<b>Registered Interior Designers</b>	<b>All Registrants</b>
Number Registered	11,469	1,396	4,060	16,925
Number Fingerprinted	6,060	722	1,990	8,772
Percent Fingerprinted	52.8%	51.7%	49.0%	52%

Fingerprinted	8772
Not printed yet	8153

# **SUMMARY FOR PROPOSED BOARD DECISION**

## **Architect Registration Examination Financial Assistance Fund (AREFAF)**

### **Issue:**

Board discussion and possible action to re-implement the surcharge to continue funding the AREFAF.

### **Background:**

The scholarship fund was created in 1999 by the 76<sup>th</sup> Texas Legislature. From 2000 to 2003, a surcharge of \$10 was collected from Architect registrants (all statuses) on top of their renewal fees to seed the fund. The fund was created to promote professional needs of the state, increase the number of architects, encourage economic development, and support architectural applicants.

At its present rate and without Board action, the AREFAF “scholarship fund” will be completely depleted sometime around 2018 or 2019. The chart named “AREFAF Depletion Projection” shows how the depletion might occur over the next few years, though of course various factors (changes in interest rates, demand, or eligibility requirements, for instance) could change the rate of depletion significantly.

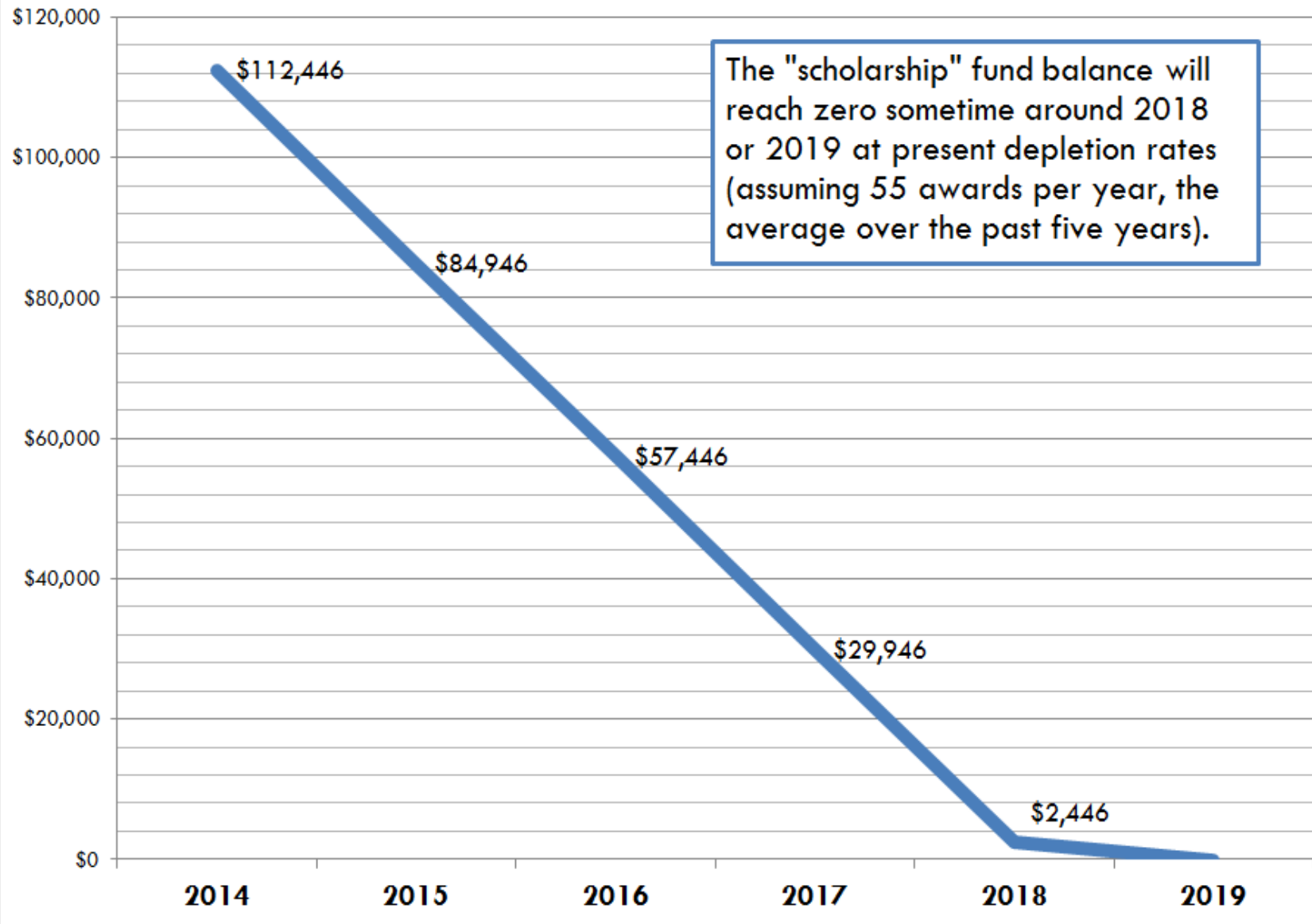
### **Options:**

A variety of options are available to the Board, ranging from letting the Fund deplete naturally in a few years, to maintaining present levels (or even growing) the Fund via a reinstated surcharge on Architects.

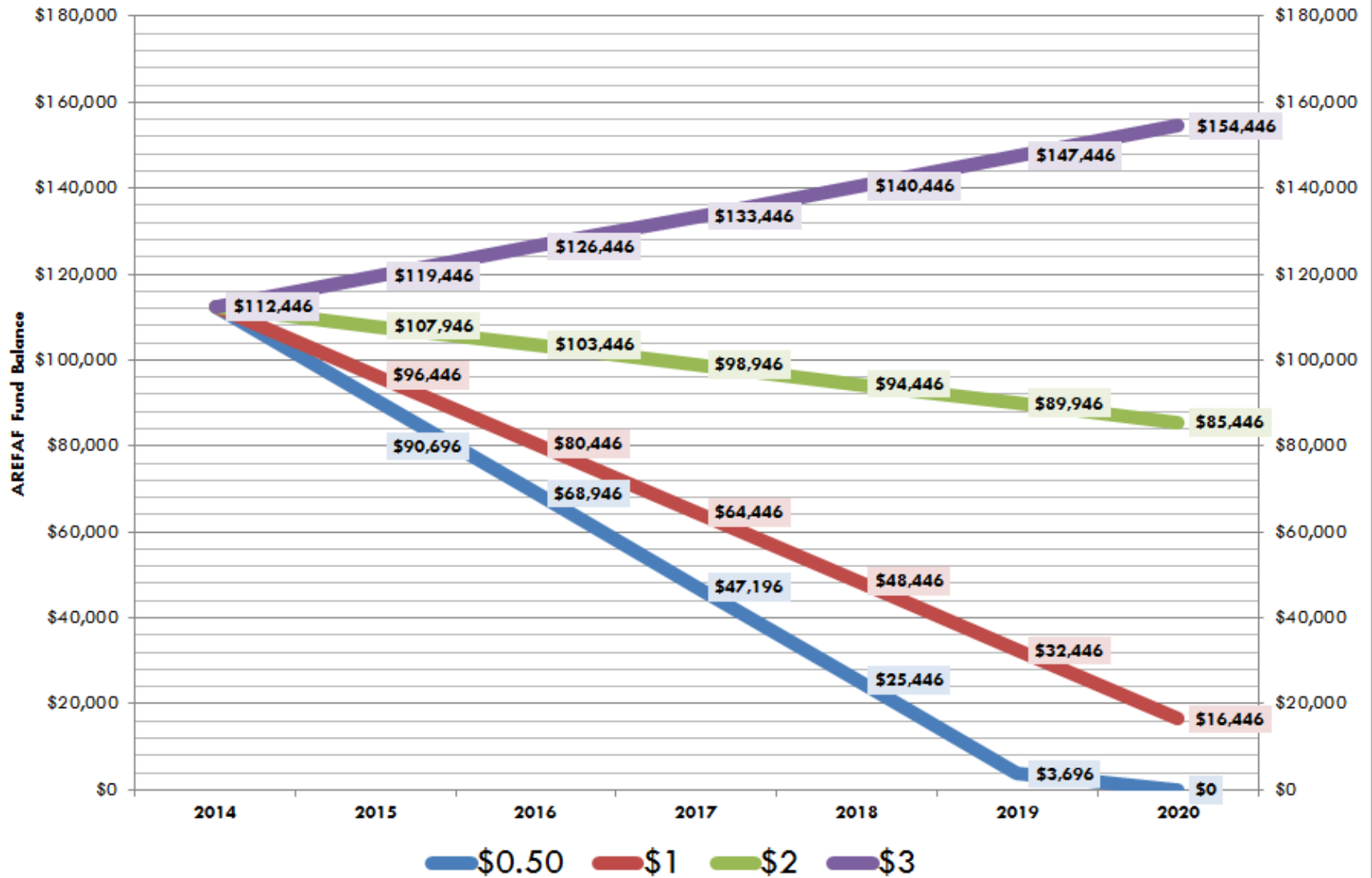
It should be noted that the Fund was created by the Legislature for a purpose. To allow it to go to a zero balance would be contrary to legislative intent. However, without a source of revenue, the Fund balance will continue to go down. The only questions are whether the Fund will be diminished gradually or through abrupt and unpredictable losses.

The chart named “Projections: Reinstating the AREFAF Surcharge on Active Architects” shows four possible projected outcomes based on reinstating a fraction of the original \$10 surcharge (ranging from \$.50 to \$3) on Active-status Architects.

## AREFAF Fund Depletion Projection



### Projections: Reinstating the AREFAF Surcharge on Active Architects (four surcharge amounts shown for context)



**Rules 1.28, 3.28 and 5.38 – Child Support  
Summary of Proposed Rule Amendment for Adoption**

**Current Rule**

Rule 1.28/3.28/5.38 states that the Board may be prohibited from renewing a certificate of registration if the Board receives official notice from a child support agency that the registrant has failed to pay court ordered child support. (The “child support agency” means the agency designated the Title IV-D agency for the collection of child support -- the Office of the Attorney General or the office of a county attorney or district attorney or other office which renders child support services under contract with the Office of the Attorney General.) Section 231.302, Family Code, requires licensing agencies to request, and licensees to provide, social security numbers to assist the Attorney General in collecting child support. Rule 1.23/3/23/5.33.

**Prospective Rules**

The new rules would prohibit the agency from issuing an initial certificate of registration to a person whom the Office of the Attorney General has reported has failed to pay court-ordered child support. The new rules augment current rules which prohibit renewal of a certificate of registration upon notice of failure to pay child support. The rules fully implement Section 232.0135, Family Code, which requires licensing authorities to deny license issuance or renewal upon receipt of notice to pay child support. The current rules address only the denial of license renewal, not initial issuance.

The proposed rules, as amended, were published in the April 4, 2012 edition of the *Texas Register* (39 TexReg 2405-2408) for the 30-day public comment period. At the time this summary was written, no public comment had been received.

**Adoption of New Rule: Amend Subchapter B – Eligibility for Registration as follows:**

1 **§1.28 Child Support Arrearage**

2 Pursuant to Texas Family Code §232.0135, the Board shall not approve an application for  
3 registration from an Applicant who has failed to pay court ordered child support. The Board shall  
4 refuse to approve such an application upon receipt of notice of the child support arrearage from  
5 the child support agency until receipt of notice from the agency that the arrearage has been paid  
6 or other conditions specified in Texas Family Code §232.0135 have been met.

7 **§3.28 Child Support Arrearage**

8 Pursuant to Texas Family Code §232.0135, the Board shall not approve an application for  
9 registration from an Applicant who has failed to pay court ordered child support. The Board shall  
10 refuse to approve such an application upon receipt of notice of the child support arrearage from  
11 the child support agency until receipt of notice from the agency that the arrearage has been paid  
12 or other conditions specified in Texas Family Code §232.0135 have been met.

13 **§5.38 Child Support Arrearage**

14 Pursuant to Texas Family Code §232.0135, the Board shall not approve an application for  
15 registration from an Applicant who has failed to pay court ordered child support. The Board shall  
16 refuse to approve such an application upon receipt of notice of the child support arrearage from  
17 the child support agency until receipt of notice from the agency that the arrearage has been paid  
18 or other conditions specified in Texas Family Code §232.0135 have been met.

**Child Support Enforcement – Denial of License Application**  
**Excerpts from Texas Family Code**  
**§ 232.003. Suspension of License**

(a) A court or the Title IV-D agency may issue an order suspending a license as provided by this chapter if an individual who is an obligor:

(1) owes overdue child support in an amount equal to or greater than the total support due for three months under a support order;

(2) has been provided an opportunity to make payments toward the overdue child support under a court-ordered or agreed repayment schedule; and

(3) has failed to comply with the repayment schedule.

(b) A court or the Title IV-D agency may issue an order suspending a license as provided by this chapter if a parent or alleged parent has failed, after receiving appropriate notice, to comply with a subpoena.

(c) A court may issue an order suspending license as provided by this chapter for an individual for whom a court has rendered an enforcement order under Chapter 157 finding that the individual has failed to comply with the terms of a court order providing for the possession of or access to a child.

**§ 232.0135. Denial of License Issuance or Renewal**

(a) A child support agency, as defined by Section 101.004, may provide notice to a licensing authority concerning an obligor who has failed to pay child support under a support order for six months or more that requests the authority to refuse to approve an application for issuance of a license to the obligor or renewal of an existing license of the obligor.

(b) A licensing authority that receives the information described by Subsection (a) shall refuse to accept an application for issuance of a license to the obligor or renewal of an existing license of the obligor until the authority is notified by the child support agency that the obligor has:

(1) paid all child support arrearages;

(2) made an immediate payment of not less than \$200 toward child support arrearages owed and established with the agency a satisfactory repayment schedule for the remainder or is in compliance with a court order for payment of the arrearages;

(3) been granted an exemption from this subsection as part of a court-supervised plan to improve the obligor's earnings and child support payments; or

(4) successfully contested the denial of issuance or renewal of license under Subsection (d).

(c) On providing a licensing authority with the notice described by Subsection (a), the child support agency shall send a copy to the obligor by first class mail and inform the obligor of the

steps the obligor must take to permit the authority to accept the obligor's application for license issuance or renewal.

(d) An obligor receiving notice under Subsection (c) may request a review by the child support agency to resolve any issue in dispute regarding the identity of the obligor or the existence or amount of child support arrearages. The agency shall promptly provide an opportunity for a review, either by telephone or in person, as appropriate to the circumstances. After the review, if appropriate, the agency may notify the licensing authority that it may accept the obligor's application for issuance or renewal of license. If the agency and the obligor fail to resolve any issue in dispute, the obligor, not later than the 30th day after the date of receiving notice of the agency's determination from the review, may file a motion with the court to direct the agency to withdraw the notice under Subsection (a) and request a hearing on the motion. The obligor's application for license issuance or renewal may not be accepted by the licensing authority until the court rules on the motion. If, after a review by the agency or a hearing by the court, the agency withdraws the notice under Subsection (a), the agency shall reimburse the obligor the amount of any fee charged the obligor under Section 232.014.

(e) If an obligor enters into a repayment agreement with the child support agency under this section, the agency may incorporate the agreement in an order to be filed with and confirmed by the court in the manner provided for agreed orders under Chapter 233.

(f) In this section, "licensing authority" does not include the State Securities Board.

#### **§ 232.015. Cooperation Between Licensing Authorities and Title IV-D Agency**

(a) The Title IV-D agency may request from each licensing authority the name, address, social security number, license renewal date, and other identifying information for each individual who holds, applies for, or renews a license issued by the authority.

(b) A licensing authority shall provide the requested information in the form and manner identified by the Title IV-D agency.

(c) The Title IV-D agency may enter into a cooperative agreement with a licensing authority to administer this chapter in a cost-effective manner.

(d) The Title IV-D agency may adopt a reasonable implementation schedule for the requirements of this section.

(e) The Title IV-D agency, the comptroller, and the Texas Alcoholic Beverage Commission shall by rule specify additional prerequisites for the suspension of licenses relating to state taxes collected under Title 2, Tax Code.<sup>1</sup> The joint rules must be adopted not later than March 1, 1996.



## **Rules 1.192 – Intern Development Program Summary of Proposed Rule for Adoption**

### **Current Rule**

Currently, in order to receive training credits, an applicant must be enrolled in a NAAB/CACB accredited degree program, a pre-professional architectural degree program that offers a NAAB/CACB accredited degree or must work for an IDP supervisor who is licensed as an architect in Texas or another jurisdiction with substantially similar licensing requirements. The rule also requires continuous employment for at least 8 weeks for at least 15 hours per week in order to earn training credit for work in any setting other than a post professional degree, teaching, or research setting.

### **Prospective Amendments**

The amendment eliminates most prerequisites for earning training hours. As amended the rule allows an applicant to earn training hours after receiving a high school diploma, a GED equivalent, or other equivalent diploma or degree.

### **Additional Information**

The amendment conforms the rule to changes adopted by NCARB to the Intern Development Program (“IDP”). The changes adopted by NCARB take effect December 16, 2013. (The NCARB memo follows the prospective rule change.)

The proposed rule as amended was published in the April 4, 2014 edition of the *Texas Register* (39 TexReg 2406) for the 30-day public comment period. At the time this document was created, no public comment had been received.

**§1.192 Additional Criteria**

- 1 (a) One Training Hour shall equal one hour of acceptable experience. Training Hours  
2 may be reported in increments of not less than .25 of an hour.
- 3 (b) An Applicant may earn credit for Training Hours [~~upon enrollment in a NAAB/CACB-~~  
4 ~~accredited degree program; upon enrollment in a pre-professional architecture degree~~  
5 ~~program at a school that offers a NAAB/CACB-accredited degree program; or~~  
6 ~~employment in Experience Setting A described in §1.191 of this subchapter (relating to~~  
7 ~~Description of Experience Required for Registration by Examination)] after obtaining a  
8 high school diploma, General Education Degree (GED) equivalent, or other equivalent  
9 diploma or degree [~~or a comparable foreign degree~~].~~
- 10 (c) [~~In order to earn credit for Training Hours in any work setting other than a post-~~  
11 ~~professional degree or teaching or research, an Applicant must work at least fifteen (15)~~  
12 ~~hours per week for a minimum period of eight (8) consecutive weeks.~~]
- 13 (d) Every training activity, the setting in which it took place, and the time devoted to the  
14 activity must be verified by the person who supervised the activity.

**Rules 1.192 – Intern Development Program  
Enabling Law**

**§ 1051.705. Eligibility and Application for Examination**

- (a) A person may apply for an examination under this chapter if the person:
  - (1) is a graduate of a recognized university or college of architecture approved by the board; and
  - (2) has satisfactory experience in architecture, in an office or offices of one or more legally practicing architects, as prescribed by board rule.
- (b) The applicant must present to the board:
  - (1) a diploma showing that the applicant meets the education requirement established by Subsection (a)(1); and
  - (2) evidence acceptable to the board that the applicant meets the experience requirement established by Subsection (a)(2).
- (c) The board shall set an examination fee in an amount reasonable and necessary to cover the cost of the examination.

**MEMORANDUM**

**To:** Member Board Members  
Member Board Executives

**From:** Katherine E. Hillegas, CAE *K E Hillegas*  
Council Relations Director

**Date:** 14 October, 2013

**Re:** Board Approved Modifications to the IDP

- Employment Duration
- Eligibility Requirements

I am pleased to notify you that the Board of Directors has voted to approve the proposed changes pertaining to employment duration requirements and the IDP eligibility date as outlined in the announcement distributed to you on May 2, 2013. **Please note that these changes will become effective 16 December, 2013.**

A summary of the adopted changes is below.

**Duration Requirement**

The adopted changes remove the employment duration requirement to report IDP hours. Currently, interns are required to be employed at least 15 hours per week for a minimum period of eight consecutive weeks. **Effective 16 December, 2013 this requirement will be eliminated.**

With the removal of this requirement, interns will be afforded the opportunity to:

- Earn IDP experience credit for valid work through the project work relative to an experience area, regardless of the time spent working on the project;
- Earn IDP credit for valid experience acquired over winter and spring breaks while in school;
- Earn IDP credit for valid experience by working on short-term projects.

As a reminder, the following edits will be made to the November 2012 *IDP Guidelines*, page 9, Employment Requirements, Paragraph 1:

*"To earn experience in setting A, O, "Design and Construction Related Employment" within setting S, and some scenarios in "Construction Work" within setting S, you must be employed. ~~at least 15 hours per week for a minimum period of eight consecutive weeks.~~*

**Memorandum to Member Board Members & Member Board Executives  
Adopted Changes to IDP  
October 14, 2013  
Page 2**

- *Unpaid internships are not eligible to earn experience hours with the exception of the approved community-based design center/collaborative as defined in experience setting S.*
- *No experience may be earned outside of the U.S. or Canada, except at an organization engaged in the practice of architecture, an approved Community-Based Design Center/Collaborative as defined in experience setting S, or through Leadership and Service defined in experience setting S.*
- *To earn experience in Teaching or Research as defined in experience setting S, you must be employed by the institution. ~~;~~ however, there is no minimum period of consecutive employment."*

**Eligibility Date**

The adopted change modifies the point of eligibility to participate in IDP. The existing requirement to begin participation in the Intern Development Program (IDP) is that interns meet one of three IDP eligibility dates:

- 1) Enrollment in a NAAB/CACB-accredited degree program.
- 2) Enrollment in a pre-professional architecture degree program.
- 3) Employment in Experience Setting A after obtaining a high school diploma.

**Effective 16 December, 2013, the point of eligibility to participate in IDP will be the receipt of a high school diploma or equivalent.**

As a reminder, the November 2012 *IDP Guidelines* will be modified as follows on page 9, Eligibility Requirements:

*"Your 'IDP eligibility date' is the date after which you are able to earn IDP experience. Qualifying experience can be earned only after obtaining a high school diploma (or equivalent) on or after your IDP eligibility date. Once this date has been established, it is set for all experience earned on or after that date. You can earn IDP experience once you have successfully established one of the following:*

- 1. Enrollment in a NAAB/CACB accredited degree program*
- 2. Enrollment in a pre-professional architecture degree program at a school that offers a NAAB/CACB accredited degree program.*
- 3. Employment in experience setting A after obtaining a U.S. high school diploma, General Education Degree (GED) equivalent, or comparable foreign degree."*

You will receive an electronic copy of the updated *IDP Guidelines* when they are available. Should you have any questions, please do not hesitate to contact either Harry Falconer ([hfalconer@ncarb.org](mailto:hfalconer@ncarb.org)) or myself ([khillegas@ncarb.org](mailto:khillegas@ncarb.org)).

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise, and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>132-13N</b>
<b>Respondents</b>	<b>Mike Chase</b>
<b>Location of Respondent:</b>	<b>Austin, Texas</b>
<b>Date of Complaint Received:</b>	<b>May 16, 2012</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Mike Chase (hereafter “Respondent”) is not and never has been registered as an architect in Texas.
- During the fall of 2012, Respondent hired Margaret Grayson, a registered Texas architect bearing architectural registration number 20722 to provide a site study for a proposed project to be located at 3501 Balcones Drive, Austin, Texas. The site study was to include information regarding the buildable area and height limitation and to show that the house that was proposed for the site would fit within these bounds. She was not hired to design the house, nor did she produce the architectural plans and specifications for the residence.
- The architect prepared seven (7) drawings that were produced on letter sized paper. She signed, sealed, and dated each page of the drawings. She subsequently sent the 7 drawings to Respondent to include in his set of architectural plans and specifications that were prepared by a Florida design group to be reviewed by the City of Austin for permitting.
- In addition, Respondent attempted to hire Ms. Grayson to seal the prototypical architectural plans and specifications in the set, but she declined his request.
- Subsequently, Respondent photocopied Ms. Grayson’s architectural seal, her signature and the date of sealing on her site study and affixed them to eight (8) sheets of prototypical architectural construction documents which he submitted to the City of Austin for permitting. The architect did not know about or consent to Respondent’s use of a copy of her architectural seal and signature.
- On or about February 26, 2013, the Board received an email from Ms. Grayson detailing the events that constitute a violation and her requirement by rule to report the infraction to the Board.
- Respondent signed a confession and cooperated with the investigation by admitting his conduct and expressing remorse for his impulsive behavior.

**Applicable Statutory Provisions and Rules:**

- A person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture unless the person is registered as an architect. TEX. OCC. CODE ANN. § 1051.701(a).
- A person may not use or attempt to use an architect’s seal, a similar seal, or a replica of the seal unless the use is by or through an architect. TEX. OCC. CODE ANN. § 1051.702(b)
- By creating a copy of an architect’s seal without the knowledge or consent of the architect and by affixing the copy of the seal and the architect’s signature to plans submitted to a governmental entity for permitting purposes, Respondent violated TEX. OCC. CODE ANN. § 1051.702(b).

Action Recommended by Executive Director:

- The Executive Director recommends, and Respondent is prepared to accept, the issuance of an Agreed Order imposing an administrative penalty in the sum of **\$1,000.00** per sheet for a total of **\$8,000.00** and an Order prohibiting Respondent from practicing architecture, using any architectural title and using or replicating an architectural seal in order to mislead a governmental entity or any other person.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise, and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>225-12A</b>
<b>Respondent:</b>	<b>Phillip B. Townsend</b>
<b>Location of Respondent:</b>	<b>Wichita Falls, TX</b>
<b>Date of Complaint Received:</b>	<b>February 5, 2013</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Phillip B. Townsend (hereafter "Respondent") is a registered architect in Texas with registration number 16666.
- From January 1, 2012 through June 3, 2012, Respondent's architectural registration was delinquent and not in good standing due to his failure to take necessary steps to renew it.
- During this period, Respondent provided architectural services on at least 5 separate projects listed as follows:
  - Building Renovation for Goodwill Industries and Thrift Store;
  - Kitchen Renovation for Horsin Around Furnishing, Gifts and Western Wear;
  - Renovation for McBride's Fine Meats; and
  - Code Analysis for VaCa Loca Restaurant and Bar.
- Respondent provided medical records that established that he had been experiencing life threatening medical conditions since October 2011. Respondent indicated to staff that he had experienced financial hardship as a result of his life threatening medical conditions.
- Respondent has been honest and cooperative during this investigation and has accepted responsibility for his violations.
- In addition, TBAE staff has determined that Respondent has no other projects and has not otherwise engaged in the practice of architecture in Texas during his delinquent status.
- Respondent is currently in good standing with the Board and is on active status.

Applicable Statutory Provisions and Rules:

- A person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture unless the person is registered as an architect. TEX. OCC. CODE ANN. §§1051.351(a) &1051.701(a).
- The Board may impose an administrative penalty upon Respondent based upon statutory criteria. TEX. OCC. CODE ANN §§1051.451 & 1051.452.

Action Recommended by Executive Director:

- The Executive Director recommends, and Respondent is prepared to accept the imposition of an administrative penalty in the sum of **\$3,000.00**.



**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise, and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>056-13N</b>
<b>Respondent:</b>	<b>Lance Tyler</b>
<b>Location of Respondent:</b>	<b>Dallas, Texas</b>
<b>Date of Complaint Received:</b>	<b>October 29, 2012</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Lance Tyler (hereafter “Respondent”) is the owner of the business Bella Vista Company in Dallas, Texas.
- Neither he nor the business is registered to engage in the practice of architecture.
- On or about October 29, 2012, the Board received a copy of an advertisement for Bella Vista Company in the October and November 2012 issues of *Advocate* Magazine. The advertisement offered “architecture and design” services by Bella Vista Company.
- During the fall of 2012, Respondent placed a business sign at a residence on Ellsworth Avenue in Dallas, TX. The sign listed Bella Vista Company as offering “architecture & design.”
- On Respondent’s company’s website, BellaVistaCompany.com, Respondent advertised his firm as an “architectural design” firm which has an “architect and interior designer” on the team. The website also included the following statement: “Our homes are designed with classical, timeless architecture ....”
- Respondent received a Warning Notice dated October 30, 2009 which addressed the same or similar conduct.

Applicable Statutory Provisions and Rules:

- A person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture unless the person is registered as an architect. TEX. OCC. CODE ANN. § 1051.701(a); Board rule 1.123 (no person or entity may use any form of the word ‘architect’ or ‘architecture’ in its name or to describe the services which it provides unless registered with the Board).
- The Board may impose an administrative penalty upon Respondent in the amount of \$2,000.00 per violation.

Action Recommended by Executive Director:

- The Executive Director recommends, and Respondent is prepared to accept imposition of an administrative penalty in the sum of **\$2,500.00** and the imposition of an Order prohibiting Respondent from using any architectural title, practicing architecture, other than subject to an exemption from the Architects’ Practice Act, and from associating with any business which offer or renders architectural services, or which offers architecture or holds itself out to the public as an architectural firm, unless all architecture on behalf of the firm, is rendered by a registered architect.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>106-14A</b>
<b>Respondent:</b>	<b>Thomas Carl Brink</b>
<b>Location of Respondent:</b>	<b>Dallas, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Thomas Carl Brink (hereafter "Respondent") is registered as an architect in Texas with registration number 11161.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete his continuing education requirements for the audit period of May 1, 2010 through April 30, 2011.
- In addition to completing the required continuing education hours outside of the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his architectural registration.

Applicable Statutory Provisions and Rules:

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 1.69(g). The Board's standard assessment for providing false information is **\$700.00**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$1,200.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>090-14A</b>
<b>Respondent:</b>	<b>Albert Bryant, Jr.</b>
<b>Location of Respondent:</b>	<b>Dallas, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Albert Bryant, Jr. (hereafter "Respondent") is registered as an architect in Texas with registration number 12808.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete his continuing education requirements for the audit period of April 1, 2010 through March 31, 2011.
- In addition to completing the required continuing education hours outside of the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his architectural registration.

Applicable Statutory Provisions and Rules:

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 1.69(g). The Board's standard assessment for providing false information is **\$700.00**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$1,200.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>079-14A</b>
<b>Respondent:</b>	<b>E. Austin DePree</b>
<b>Location of Respondent:</b>	<b>Chicago, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- E. Austin DePree (hereafter "Respondent") is registered as an architect in Texas with registration number 216478.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete his continuing education requirements for the audit period of March 1, 2010 through February 28, 2011.
- In addition to completing the required continuing education hours outside of the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his architectural registration.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to two written requests for information.

Applicable Statutory Provisions and Rules:

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 1.69(g). The Board's standard assessment for providing false information is **\$700.00**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.
- By failing to respond to two written requests for information within 30 days of staff's requests, Respondent violated Board rule 1.171 which requires that an architect answer an inquiry or produce requested documents within 30 days of a request. Each violation is subject to a standard administrative penalty of **\$250.00** totaling **\$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$1,700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>102-14A</b>
<b>Respondent:</b>	<b>David Dierkes</b>
<b>Location of Respondent:</b>	<b>Dallas, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- David Dierkes (hereafter "Respondent") is registered as an architect in Texas with registration number 18686.
- On November 15, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of May 1, 2010 through April 30, 2011.
- On February 20, 2014, he responded by emailing the Continuing Education Coordinator and stated that he could not locate his CE records.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of May 1, 2010 through April 30, 2011, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>071-14A</b>
<b>Respondent:</b>	<b>Julie A. Gereda</b>
<b>Location of Respondent:</b>	<b>El Paso, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Julie A. Gereda (hereafter "Respondent") is registered as an architect in Texas with registration number 13632.
- On August 19, 2013, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of August 1, 2011 through July 31, 2012.
- On November 18, 2013, she responded by submitting a CEPH Log and supporting documentation for the audit period. A review of the documentation by the Continuing Education Coordinator determined that her continuing education requirements were completed outside the audit period.

Applicable Statutory Provisions and Rules:

- By falsely reporting that she had completed the required continuing education in order to renew her registration, Respondent violated Board rule 1.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

Action Recommended by Executive Director:

- The Executive Director recommends a total administrative penalty of **\$700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>092-14L</b>
<b>Respondent:</b>	<b>Philip E. Hendricks</b>
<b>Location of Respondent:</b>	<b>Fort Collins, CO</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Philip E. Hendricks (hereafter "Respondent") is registered as a landscape architect in Texas with registration number 2454.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete his continuing education requirements for the audit period of November 1, 2011 through October 31, 2012.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to a written request for information.

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 3.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.
- By failing to respond to a written request for information within 30 days, Respondent violated Board rule 3.171 which requires that an architect answer an inquiry or produce requested documents within 30 days of a request. The standard administrative penalty assessed for this violation is subject to a standard administrative penalty of **\$250.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$750.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>083-14A</b>
<b>Respondent:</b>	<b>Douglas C. Hildinger</b>
<b>Location of Respondent:</b>	<b>Dallas, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Douglas C. Hildinger (hereafter "Respondent") is registered as an architect in Texas with registration number 16736.
- On November 15, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of November 1, 2011 through October 31, 2012.
- On December 16, 2013, he responded by stating that he did not have the courses for the audit period. However, he made up the hours for his continuing education and forwarded supporting documentation to the Continuing Education Coordinator.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of November 1, 2011 through October 31, 2012, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$500.00**.



**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>084-14I</b>
<b>Respondent:</b>	<b>Heather Jackson</b>
<b>Location of Respondent:</b>	<b>Dallas, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Heather Jackson (hereafter "Respondent") is a registered interior designer in Texas with registration number 9741.
- On December 15, 2013, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of June 1, 2010 through May 31, 2011.
- On January 8, 2014, the Board received a reply from her stating that she could not locate her original certificates for the audit period.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of her continuing education activities for the period of June 1, 2010 through May 31, 2011, Respondent violated Board rule 5.79(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of his or her continuing education activities for a period of five years after the end of the registration period for which credit is claimed is **\$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>067-14A</b>
<b>Respondent:</b>	<b>Rick Jin</b>
<b>Location of Respondent:</b>	<b>Plano, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Rick Jin (hereafter "Respondent") is registered as an architect in Texas with registration number 15930.
- On September 16, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of September 1, 2011 through August 31, 2012.
- On October 2, 2013, he responded by stating that he was working overseas and failed to maintain his CEPH Log and his certificates of completion. However, he insisted on making up the eight (8) hours.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of September 1, 2011 through August 31, 2012, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>103-14A</b>
<b>Respondent:</b>	<b>Randal Scott Johnson</b>
<b>Location of Respondent:</b>	<b>Flower Mound, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Randal Scott Johnson (hereafter "Respondent") is registered as an architect in Texas with registration number 16227.
- On November 15, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of November 1, 2011 through October 31, 2012.
- On February 8, 2014, he responded by submitting a CEPH Log and supporting documentation for the audit period. A review of the documentation by the Continuing Education Coordinator determined that his continuing education requirements were completed outside the audit period.

Applicable Statutory Provisions and Rules:

- By falsely reporting that he had completed the required continuing education in order to renew his registration, Respondent violated Board rule 1.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

Action Recommended by Executive Director:

- The Executive Director recommends a total administrative penalty of **\$700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>052-14I</b>
<b>Respondent:</b>	<b>Courtney Johnston</b>
<b>Location of Respondent:</b>	<b>Dallas, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Courtney Johnston (hereafter "Respondent") is a registered interior designer in Texas with registration number 10971.
- On June 17, 2013, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of June 1, 2011 through May 31, 2012.
- On September 30, 2013, she responded by sending a letter stating that she was unable to locate her continuing education certificates due to a computer crash. However, she made up the hours and sent in the certificates of completion.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of her continuing education activities for the period of June 1, 2011 through May 31, 2012, Respondent violated Board rule 5.79(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of his or her continuing education activities for a period of five years after the end of the registration period for which credit is claimed is **\$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>105-14A</b>
<b>Respondent:</b>	<b>Donald Richard Kelly</b>
<b>Location of Respondent:</b>	<b>San Antonio, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Donald Richard Kelly (hereafter "Respondent") is registered as an architect in Texas with registration number 14515.
- On December 16, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of December 1, 2011 through November 30, 2012.
- On February 13, 2014, he responded by emailing the Continuing Education Coordinator and stated that he could not locate his CE records. However, he subsequently took additional courses for the required CE hours and submitted those records to the Continuing Education Coordinator.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of December 1, 2011 through November 30, 2012, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>047-14A</b>
<b>Respondent:</b>	<b>Robin H. McCaffrey</b>
<b>Location of Respondent:</b>	<b>Ladonia, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Robin H. McCaffrey (hereafter "Respondent") is registered as an architect in Texas with registration number 9021.
- On June 17, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of June 1, 2011 through May 31, 2012.
- On August 8, 2013, he responded by submitting supporting documentation taken after the audit period. The Continuing Education Coordinator contacted him and stated that these courses he had submitted were for the wrong time period.
- On August 12, 2013, he faxed an AIA transcript of courses he had completed prior to the audit period.

Applicable Statutory Provisions and Rules:

- By falsely reporting that he had completed the required continuing education in order to renew his registration, Respondent violated Board rule 1.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

Action Recommended by Executive Director:

- The Executive Director recommends a total administrative penalty of **\$700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>101-14A</b>
<b>Respondent:</b>	<b>Robert E. Marcussen</b>
<b>Location of Respondent:</b>	<b>Denver, CO</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Robert E. Marcussen (hereafter “Respondent”) is registered as an architect in Texas with registration number 10343.
- On January 16, 2014, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of July 1, 2010 through June 30, 2011.
- Shortly thereafter, he contacted the Board’s Continuing Education Coordinator to inform him that he had lost his certificates on a move from Los Angeles to Denver and was unable to submit the proper continuing education documentation.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of July 1, 2010 through June 30, 2011, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>082-14I</b>
<b>Respondent:</b>	<b>Tracy A. Miller</b>
<b>Location of Respondent:</b>	<b>Lakeway, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Tracy A. Miller (hereafter "Respondent") is a registered interior designer in Texas with registration number 9669.
- On November 15, 2013, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of May 1, 2010 through April 30, 2011.
- On December 14, 2013, the Board received a reply from her stating that she had moved and could not locate her original certificates for the audit period.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of her continuing education activities for the period of May 1, 2010 through April 30, 2011, Respondent violated Board rule 5.79(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of his or her continuing education activities for a period of five years after the end of the registration period for which credit is claimed is **\$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$500.00**.



**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>081-14A</b>
<b>Respondent:</b>	<b>Michael K. Schaumburg</b>
<b>Location of Respondent:</b>	<b>Ft. Worth, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Michael K. Schaumburg (hereafter "Respondent") is registered as an architect in Texas with registration number 6700.
- On September 16, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of September 1, 2011 through August 31, 2012.
- On January 7, 2014, his assistant responded by submitting supporting documentation for his continuing education requirement. A review of the documentation by the Continuing Education Coordinator determined that a portion of his continuing education requirements were completed outside of the audit period.

Applicable Statutory Provisions and Rules:

- By falsely reporting that he had completed the required continuing education in order to renew his registration, Respondent violated Board rule 1.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

Action Recommended by Executive Director:

- The Executive Director recommends a total administrative penalty of **\$700.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
SUMMARY OF PROPOSED  
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

<b>Case Number:</b>	<b>202-13A</b>
<b>Respondent:</b>	<b>Lane E. Welter</b>
<b>Location of Respondent:</b>	<b>Houston, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Lane E. Welter (hereafter "Respondent") is registered as an architect in Texas with registration number 14068.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete his continuing education requirements for the audit period of March 1, 2011 through February 29, 2012.
- In addition to completing the required continuing education hours outside of the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his architectural registration.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to two written requests for information.

Applicable Statutory Provisions and Rules:

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 1.69(g). The Board's standard assessment for providing false information is **\$700.00**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.
- By failing to respond to two written requests for information within 30 days of staff's requests, Respondent violated Board rule 1.171 which requires that an architect answer an inquiry or produce requested documents within 30 days of a request. Each violation is subject to a standard administrative penalty of **\$250.00** totaling **\$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$1,700.00**.

# NCARB

National  
Council of  
Architectural  
Registration  
Boards

March 17, 2014

Dear Member Board Members and Member Board Executives:

Blakely C. Dunn, AIA  
*President/Chair of the Board*  
El Dorado, Arkansas

Dale McKinney, FAIA  
*1st Vice President/President-Elect*  
Sioux City, Iowa

Dennis S. Ward, AIA  
*2nd Vice President*  
Florence, South Carolina

Margo P. Jones, AIA  
*Treasurer*  
Greenfield, Massachusetts

Kristine A. Harding, AIA  
*Secretary*  
Huntsville, Alabama

Ronald B. Blich, FAIA, FACHA  
*Past President*  
New Orleans, Louisiana

Christopher P. Williams, AIA  
*Director, Region 1*  
Meredith, New Hampshire

John R. Sorrenti, FAIA  
*Director, Region 2*  
Minerva, New York

Anne K. Smith, AIA  
*Director, Region 3*  
Savannah, Georgia

Terry L. Allers, AIA  
*Director, Region 4*  
Fort Dodge, Iowa

David L. Hoffman, FAIA  
*Director, Region 5*  
Wichita, Kansas

Gregory L. Emy, AIA  
*Director, Region 6*  
Reno, Nevada

Kathleen R. Nusbisch  
*Member Board Executive Director*  
Chester, Virginia

Lynn R. Aselroth  
*Public Director*  
Philadelphia, Pennsylvania

Michael J. Armstrong  
*Chief Executive Officer*

The National Council of Architectural Registration Boards (NCARB) is currently seeking Member Board comments on a proposed change to the Intern Development Program (IDP). This change specifically relates to the reporting requirement known as the “six-month reporting rule” for IDP credit. A detailed description of the proposed change is attached and is also posted on the Registration Board Section of the NCARB website.

Following this initial notice of the proposed change there will be a 90-day period for your Board to review and submit comments. We would greatly appreciate it if you would please take the opportunity to review the proposed change and provide your feedback. The NCARB Board of Directors would like to hear from all Member Boards before they vote on the proposed changes. To that end, please use the following questions as a guide when crafting your response:

- Does your Board agree, disagree, or have no position on the proposed change?
- If your Board disagrees, what are your concerns?
- Does your Board need more time to address the proposed change? If so, when do you expect to be able to provide us feedback?

All comments, including “no comments”, should be sent to the following address: [idp-comments@ncarb.org](mailto:idp-comments@ncarb.org) with a copy to [khillegas@ncarb.org](mailto:khillegas@ncarb.org) by 5:00 P.M. on Friday, June 6, 2014.

1801 K Street NW, Suite 700K  
Washington, DC 20006  
202/785-6000  
FAX 202/783-0290  
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## ***Proposed Change to IDP Reporting Requirement***

*March 17, 2014*

### **WHAT IS THE PROPOSED CHANGE?**

This proposed change will allow interns to earn IDP credit for valid work experience not previously reported within the timeframe specified by the reporting requirement. Currently interns must submit all experience in reporting periods of no longer than six months and within two months of completion of each reporting period. The proposed change would, *for the first time*, allow credit for intern experience that occurred up to five years beyond the current reporting requirements. Credit for experience beyond the reporting period would be valued at 50 percent for up to five years, after which any experience would be ineligible for credit.

### **WHY SHOULD THIS CHANGE BE IMPLEMENTED?**

If adopted, interns will be able to earn IDP experience credit for valid work experience while still preserving the value of the Six-Month Rule. By preserving a 100 percent value for experience earned and reported within the reporting period, IDP participants will continue to be incentivized to comply with the reporting rule. In addition, this adjustment creates a parallel with the five-year rolling clock for honoring examination results, emphasizing a consistent position that activity along the licensure path maintains its value for five years.

### **The NCARB Board of Directors approved the following revisions to modify the IDP “Reporting Requirements” for Member Board comment:**

*Modify the IDP Guidelines, December 2013, page 9, Reporting Requirements, Paragraph 2 as follows:*

*“To earn full credit for experience, interns must submit all experience including supplemental experience in reporting periods of no longer than six months and within two months of completion of each reporting period.*

*□ For each day past the two-month filing period, a day of acceptable ~~experience will be lost at the beginning of the reporting period.~~*

*Experience reported beyond the two-month filing period and up to five years after the date of the validated experience will be accepted at a reduced value of fifty percent (50 percent) toward the IDP requirements.*

### **Rationale:**

At the December 2013 Board of Directors meeting the Board engaged in a conversation about ways to improve the customer service experience regarding the IDP reporting rule. Currently, interns are only able to document experience in reporting periods of six months. The conversation was centered on ways to identify a reasonable and flexible solution to support the path to licensure while also continuing to endorse the value of timely reporting.

## Proposed Changes to IDP Reporting Requirement March 17, 2014 Page 2

In the nearly five years since the IDP Reporting Requirement was introduced, there has been significant compliance with this rule. Hundreds of thousands of intern experience reports have been submitted within the framework of this rule and a significant number of IDP stakeholders have reaffirmed that this rule is valuable and should remain intact. There are, however, a subset of customers that, for various reasons, have not complied with the rule and have lost experience hours as a result.

This proposed modification creates an alternative to allow the acceptance of hours for experience earned outside of the reporting requirement while still strongly incentivizing interns to comply with this rule. This modification caps the experience earned at a maximum of 5 years from the date of submission.

The NCARB Board will review comments from its Member Boards over the next 90 days, and place a formal vote on the change onto its June pre-Annual Meeting agenda. The timeline for implementation of this change, should it be approved, is anticipated to occur no later than 1 January 2015.

Draft Resolutions  
to be discussed at  
2014 Regional Summit

02/24/2014

**Resolution 2014-A**

Supported by the Council Board of Directors ( \_ - \_ )

**Title:** *Freeze of Member Dues and Bylaw Amendment*

**Submitted By:** Council Board of Directors

**RESOLVED**, that notwithstanding Article XI, Section 1A of the Bylaws providing for no change in annual membership dues sooner than three years after adoption of such resolution, effectively immediately the annual membership dues established by Resolution 2011-08 and confirmed by Resolution 2012-05 be frozen at the level effective July 1, 2013, or \$6,500 per year, and, further, that as provided in Section 1A of the Bylaws any future increase in annual membership dues be implemented not less than three years after adoption of any resolution increasing such dues.

**Sponsors' Statement of Support:**

At the time the Member Board dues fee increase schedule was adopted, Council leadership determined that increases were necessary to address anticipated economic shortfalls. However, since adoption of that increase, various cost savings measures have begun to bear fruit, including a focus on more efficiency in meeting and travel expenses, staff consolidations, and the redesign of the ARE. In reassessing the Council's business model, the relative impacts of smaller revenue streams such as dues revenue -- coupled with an ongoing ability to exploit efficiencies in execution of the Council's responsibilities -- it became clear to the Board that the premise for the 2011 fee schedule adjustment is no longer valid.

This resolution also recognizes the high degree of financial scrutiny applied to the annual budgets of our Member Boards. Ongoing budget reductions and other adjustments to the functionality of Member Boards have, in many cases, created an extra level of justification and explanation of the dues schedule. *Freezing dues at current levels does not reflect a reduction in the Council's commitment to Member Board service, but rather is designed to recognize the increased burden of Member Board oversight.*

The Council's financial stability is continuously monitored in the context of historical trends, long range forecasts, and a commitment to balanced budgeting as a yearly starting point. The stability of the Council's finances has been reinforced by aggressive debt-reduction measures and redirection of programmatic development to less costly options. Accordingly, the Board of Directors recommends that all future Member Board dues increases voted at the 2011 and 2012 Annual Meetings not take effect.

Adoption of this Resolution will mean that annual membership dues will remain at \$6,500. Consistent with the existing Bylaws, any future resolution resulting in a membership dues increase would not take effect earlier than three years after adoption to allow Member Boards time to seek approvals from their various state fiscal authorities.

**Resolution 2014-B**

Supported by the Council Board of Directors ( \_ - \_ )

**Title:** *Incidental Bylaw Changes*

**Submitted By:** Council Board of Directors

**RESOLVED**, that wherever in the Bylaws the words “Regional Chairs Committee” appear, such words shall be struck and replaced with the words “Regional Leadership Committee.”

**FURTHER RESOLVED**, that Article XII, Section 5, sub-sections A through H be amended to read as follows, and that existing sub-sections I and J be renumbered H and I:

- A. Education Committee: The Committee shall ~~oversee the development, delivery, and assessment~~ assess and recommend updates to the Council Board of Directors with respect to the Council’s education and continuing education policies for use by Member Boards and its the Council’s relationship with the National Architectural Accrediting Board (NAAB).
- B. Internship Committee: The Committee shall ~~oversee the development, delivery, and assessment~~ assess and recommend updates to the Council Board of Directors with respect to the Intern Development Program for use by Member Boards.
- C. Examination Committee: The Committee shall ~~oversee the development, delivery, and assessment~~ assess and recommend updates to the Council Board of Directors with respect to the Architect Registration Examination (ARE) for use by Member Boards.
- ~~D. Continuing Education Committee: The Committee shall oversee the development, delivery, and assessment of the Council’s policies and programs relating to continuing education standards for use by Member Boards.~~
- ~~E-D.~~ D. Procedures and Documents Committee: The Committee shall review proposed resolutions, procedures, and documents for their impact on and consistency with Council policies and programs and make recommendations on such matters to the Council Board of Directors. The Committee shall assess the usefulness of special Council publications, and modify as appropriate.
- ~~F-E.~~ E. Professional Conduct Committee: The Committee shall oversee the development, application, assessment and adjudication Council policies and practices relating to the professional conduct of Record holders and others using Council services.
- ~~G-F.~~ F. Member Board Executives Committee: The Committee shall consider issues of concern to the jurisdictions and Member Board Executives. The Committee shall nominate a Member Board Executive Director to serve on the Council Board of Directors as provided in Article VII, Section 2.



Resolution 2014-B (cont'd)

H G. Regional Chairs Leadership Committee: The Committee shall discharge its responsibilities as described in Article V, Section 5, and consider issues of concern to the Regions. The membership of the Committee shall be the Chairs of each of the Regions, any person designated by the Region as the chief administrative officer of the Region and the First Vice President/President Elect who shall serve as Chair of the Committee.

FURTHER RESOLVED, that Article X, Section 2 be revised to read as follows:

SECTION 2. Forms and Documents. In order to ensure uniformity in the reporting of an applicant's education, experience, registration (if applicable), and other necessary supporting data for determining eligibility for examination, Council Certification, or reciprocal registration, the Council shall study and prepare forms, ~~and~~ documents and/or systems appropriate for use by both the Council and Member Boards.

FURTHER RESOLVED, that Article XII, Section 2 be revised to read as follows:

SECTION 2. Reports of Committees. Each Committee shall report in writing annually to the Council Board of Directors, at least 60 days prior to the date of the Annual Meeting, ~~for inclusion in the Pre-Annual Meeting Report, further, and~~ shall make interim reports to the Council Board of Directors as directed. ~~Such reports shall be filed with the President/Chair of the Board, with a copy to the Chief Executive Officer.~~

FURTHER RESOLVED, that Article XII, Section 6 be revised to read as follows:

SECTION 6. Select Committees. Whenever the Council establishes by resolution a Committee, a majority of whose members are, in accordance with such resolution, to be selected by a procedure other than those set out in Section 7 of Article VIII, such a Committee shall be deemed a Select Committee and shall have, in addition to the duties and powers set out in the resolution, the right, notwithstanding Article V, Section 5, to offer resolutions to be voted on at the Annual Meeting on subjects germane to the work of such Select Committee, provided such resolutions are included in the annual report of such Select Committee submitted to the Council Board of Directors in accordance with Section 2 of this Article XII. Such annual report of a Select Committee shall be ~~included in the Pre-Annual Meeting and Conference Report~~ distributed to the membership not later than 30 days prior to the Annual Meeting without revision by the Council Board of Directors.

#### **Resolution 2014-B (cont'd)**

##### **Sponsors' Statement of Support**

This resolution is designed to capture the current and evolving state of various NCARB committees, as well as adjust the Bylaws to better reflect current practice.

For the last two years the chief regional administrative officers, known as Regional Executives, of Regions have been active participants in the work of the Regional Chairs Committee. Therefore, the Committee recommends that it be renamed the Regional Leadership Committee.

In addition, several of the descriptions of Committees' functions have been modified in this Resolution to clarify their assessment role as advisory to the Council's Board of Directors. Through the life of various committees charged with different elements of the educational continuum, it has become increasingly clear that greater efficiency and use of volunteer input could be derived from merging these elements. A step in that direction is to eliminate the Bylaws mandate for separate committees and recommends that Continuing Education become a component of the larger Education Committee. This step will preserve the function and place it within the context of a larger discussion regarding all phases of the education continuum.

Another necessary adjustment to the Bylaws addresses the Committee reporting timeline. The Council has moved into developing an Annual Report to be issued after the close of the fiscal year to allow complete and accurate representations of the 12-month cycle. The Committee reports will appear in that publication. This adjustment is designed to eliminate the required production of a Pre-Annual Report prior to the Annual Meeting, thus relieving committees of an unnecessary burden and allowing a more accurate reflection of the entire year. The Council always expects to give due notice of all Resolutions coming before the Annual Meeting. Those resolutions along with all information essential to the business of the annual meeting delegates will continue to be provided before the annual meeting.

**Resolution 2014-C**

Supported by the Council Board of Directors ( \_ - \_ )

**Title:** *By Law Change – Regional Directors*

**Submitted By:** Council Board of Directors[

**RESOLVED**, that Article VII, Section 2, first paragraph, first sentence be amended to read as follows, with clauses (iii) and (iv) of the amendment only taking effect as to Regional Directors who are not incumbent Regional Directors but who are first nominated as a Regional Director after March 1, 2017:

A candidate for election as a Regional Director shall be (i) a citizen of the United States, and (ii) a current member of a Member Board within the Region or a past member of such Member Board whose service as a member ended no more than one year before nomination, or the Chair of the Region, or the incumbent Regional Director, (iii) have served at least two years as a member of a Member Board, and (iv) in the case of architect candidates, hold an active NCARB Certificate, in every case at the time he or she is nominated by the Region.

**FURTHER RESOLVED**, that Article VII, Section 2, first paragraph, second sentence be amended to read as follows:

In the case of a Member Board regulating professions in addition to the profession of architecture, ~~and which is divided into professional sections~~, the candidate will qualify as a member of a Member Board only if he or she is an architect or public member of the architectural section of the Member Board. All Directors shall serve without compensation.

**Sponsors' Statement of Support**

This Resolution is being presented based on the discussions of the Regional Chairs Committee, and incorporates previous conversations that occurred in joint meetings between that Committee and the Governance Task Force. This Resolution reflects a consensus, but not unanimous, position of the participants. These changes are intended to clarify the qualifications for serving as a Regional Director on the NCARB Board.

- In the first part of the Resolution, the Regional Chairs Committee recommends that Member Board members whose service has ended remain eligible as a Regional Director candidate for one additional year following the end of their Member Board service.
- The Regional Chairs Committee also recommends adding the requirement that a Regional Director must have served at least two years on a Member Board at the time of nomination.

**Resolution 2014-C (cont'd)**

- Finally, the Committee's consensus recommendation is that architect candidates must hold an active NCARB Certificate at the time of nomination. While NCARB performs many services, administering its certification program and thereby promoting common registration standards and facilitating reciprocity among its jurisdictions is one of its most important activities. This activity is fundamental to the basis for NCARB as a facilitator of licensure. The Committee believes that NCARB leadership provides an opportunity for Regional Directors to promote the vision of the Council.

To acknowledge individuals currently in line for potential service as a Regional Director on the NCARB Board, the latter two requirements—service of two years and architects holding an NCARB certificate—are deferred in taking effect until March 1, 2017 to allow prospective office seekers time to become compliant. Thus this proposed Bylaws amendment will not affect any incumbent Regional Directors.

The second part of the Resolution entitled "Further Resolved" acknowledges the reality that many Boards regulate more professions than simply architecture and often are not divided into "professional sections." In those cases of multi-professional boards, this Resolution clarifies that only architects and public members -- as a subset of Member Board Members -- would be qualified to be candidates for Regional Director. Surveyors, landscape architects, engineers and other Member Board members who are not public or architect members of the jurisdictional Board would not be qualified.

**Resolution 2014-D**

Supported by the Council Board of Directors ( \_ - \_ )

**Title: Certification Guidelines Amendment – Modifications to the BEA Requirements**

**Submitted By:** Council Board of Directors

RESOLVED, that paragraph A. under “Alternatives to the Education Requirement” in Section 2.2 of the *Certification Guidelines* be amended to read as follows:

- A. Satisfaction of NCARB’s Broadly Experienced Architect program, which permits an applicant with the required years of experience in practicing architecture as defined in the *Legislative Guidelines and Model Law, Model Regulations* gained while holding a registration issued by any U.S. jurisdiction in which the applicant exercised responsible control within a U.S. jurisdiction while registered in such jurisdiction to demonstrate that a combination of education and/or experience in practicing architecture satisfies all of his/her education deficiencies with respect to the *NCARB Education Standard* set forth in the *Education Guidelines*. The required years are:
- Six years for architects who hold a pre-professional degree in architecture awarded by a U.S.-regionally accredited institution or the Canadian equivalent, or
  - Eight years for architects who hold any other baccalaureate or higher degree, or
  - Ten years for architects who do not hold a post-secondary baccalaureate or higher degree.

**Sponsors’ Statement of Support:**

The current program requirement for the Broadly Experienced Architect (BEA) program requires applicants to submit evidence of experience gained in a jurisdiction in which the applicant was registered while gaining that experience. Given that experience is recognized regardless of duration or location in other Council programs, the current BEA requirement is unnecessarily and inconsistently restrictive.

At the time the candidate interview was eliminated as part of the BEA application process, it was believed that narrowing the experience requirement would compensate for this adjustment. The BEA Committee was not aware of the number of potential applicants this would adversely affect when this requirement was implemented. Subsequent experience with the program following the changes enacted at the 2011 Annual Meeting, indicate that it is now clear that this requirement should be expanded back to its original scope.

The remaining elements of the BEA process implemented in June 2011 will continue with the adoption of this Resolution. Those elements include several means to ensure verification of responsibility for the experience submitted. These include an affidavit, third party verification, and an audit process with an audit interview if appropriate. The BEA requirements will continue to assure that only designs reflecting the work of the applicant are considered. This clarifies that the BEA program requires evidence of experience which satisfies the missing education, not evidence of “responsible control.” In some cases experience may involve overall design of a project; in other cases it may involve only design of a component or components of a project.

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**Resolution 2014-E**

Supported by the Council Board of Directors ( \_ - \_ )

**Title: Certification Guidelines Amendment – Modifications to the Education Requirement**

**Submitted By:** Council Board of Directors

**RESOLVED**, that section 1.2 of the Certification Guidelines be amended to read as follows:

You must hold a professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB) not later than 24 months after your graduation or a program that retained its accreditation without revocation to a time 24 months or less before your graduation, or hold a professional degree in architecture certified by the CACB from a Canadian university.

**Sponsors' Statement of Support:**

This Resolution was introduced as a means of addressing occasional cases which cannot be resolved administratively. When evaluating the education prerequisite to licensure, an NCARB determination of the accreditation status of a degree primarily rests on whether the degree conferment date is *within the date range of accreditation*. In a small number of cases, the conferment date noted on the transcript is outside of the end date of accreditation. There are a variety of reasons that this may occur, ranging from examples such as the delay of graduation until unpaid balances are settled with the school, to changes of degree programs from B Arch to M Arch where some B Arch students are allowed to complete that program beyond the accreditation end date.

- “Before Accreditation”: NCARB Certification Guidelines at present allow for a two year window leading up to the initial date of accreditation, where NCARB accepts the degree awarded before accreditation as satisfying the education requirement.
- “Beyond Accreditation”: This change is intended to add a similar two-year window beyond of the *end* of the accreditation period to accommodate students well along in their course work who are impacted by a program’s loss or change of accreditation. The word ‘retained’ is specifically used in the updated language – this is not intended to provide an extension of accreditation in those rare instances when a program fails to meet standards and has its accreditation revoked. In cases where a program is in danger of losing its accreditation, sufficient notice is provided through multiple meetings, extensions and probationary periods for the program to cure its deficiencies. This long process would adequately protect any student within the date range of accreditation.

This Resolution is supported by the Education Committee which included a review and comment by the Executive Director of the National Architectural Accrediting Board (NAAB).