

Texas bearing an architectural seal containing Respondent's name and the architect registration number issued to John Anderson (TBAE Architect Registration #10135).

15. On or about June 3 and July 7, 2014, Respondent engaged in the unregistered practice of architecture, and improperly used the terms "architect" and "architecture" to describe services he provided, in that Respondent provided architectural services, including the issuance of architectural plans and specifications, for the project identified as *Pho Kitchen* in Dallas, Texas, while utilizing the business title "Hamilton Wolf Andrews, Architecture / Design / Consulting." Furthermore, Respondent presented himself as an architect to the Northpark Management Company in connection with the project.
16. On or about November 26, 2014 and March 15, 2015, Respondent engaged in the unauthorized use of an architect's seal, or a copy or replica of an architect's seal, in that Respondent issued architectural plans and specifications for the project identified as *Cowboy Up Men's Salon* in Southlake, Texas bearing an architectural seal containing Respondent's name and the architect registration number issued to John Anderson (TBAE Architect Registration #10135).
17. On or about November 26, 2014 and March 15, 2015, Respondent engaged in the unregistered practice of architecture, and improperly used the term "architecture" to describe services he provided, in that Respondent provided architectural services, including the issuance of architectural plans and specifications, for the project identified as *Cowboy Up Men's Salon* in Southlake, Texas, while utilizing the business title "Hamilton Wolf Andrews, Architecture / Design / Consulting."
18. On or about March 27 and April 17, 2015, Respondent engaged in the unauthorized use of an architect's seal, or a copy or replica of an architect's seal, in that Respondent issued

architectural plans and specifications for the project identified as *Taco Ocho Restaurant* in Flower Mound, Texas bearing an architectural seal containing Respondent's name and the architect registration number issued to John Anderson (TBAE Architect Registration #10135).

19. On or about March 27 and April 17, 2015, Respondent engaged in the unregistered practice of architecture, and improperly used the term "architecture" to describe services he provided, in that Respondent provided architectural services, including the issuance of architectural plans and specifications, for the project identified as *Taco Ocho Restaurant* in Flower Mound, Texas, while utilizing the business title "Hamilton Wolf Andrews, Architecture / Design / Consulting."
20. On or about January 5, 2018 in Cause No. 1466468D in the Criminal District Court Number Two of Tarrant County, Texas, Respondent received deferred adjudication for the offense of Tamper w/Governmental Record Lic/Seal Defraud/Harm, committed on May 8, 2015. This action was based on Respondent's use of a fraudulent architectural seal on the project *Cowboy Up Men's Salon*. As a result of this action, Respondent was placed on community supervision for a period of eight years and ordered to pay restitution in the amount of \$5,000.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the disciplinary authority delegated to the Board in Texas Occupations Code Chapter 1051, Subchapters H, I, J, and O.
2. Pursuant to Tex. Occ. Code 1051.701, a person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture, as defined in Section 1051.001(7)(A), (B), or (C) unless the person is registered as an architect.

3. The unauthorized practice of architecture and unauthorized use of the title “architect” in the State of Texas are criminal offenses under Tex. Occ. Code §1051.801.
4. Except as allowed under limited circumstances specified by Tex. Occ. Code §1051.606(a)(4), Respondent has been prohibited from practicing architecture in the State of Texas for all times pertinent to this Agreed Order. Respondent also has been prohibited from using the title “architect” in the State of Texas for all times pertinent to this Agreed Order. Respondent’s business, Hamilton Wolf Andrews, has also been prohibited from engaging in the practice of architecture, offering architecture, and representing to the public that it is engaging in the practice of architecture for all times pertinent to this Agreed Order. Tex. Occ. Code §1051.701(b) and 22 Tex. Admin. Code §1.123.
5. Under Tex. Occ. Code §1051.702, no person may 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.
6. By creating a copy of an architect’s seal without the knowledge or consent of the architect and by affixing the seal to architectural plans on the *Terillis Restaurant* project, Respondent violated Tex. Occ. Code §1051.702 and 22 Tex. Admin. Code 1.104(c)(2).
7. By creating a replica of an architect’s seal which included a valid registration number issued to a registered architect and Respondent’s name, and affixing the seal to architectural plans on seven projects, Respondent violated 22 Tex. Admin. Code 1.104(c)(3).
8. By utilizing the titles “architect” and “architecture” while preparing and issuing architectural plans and specifications on eight projects, Respondent engaged in the unregistered practice of architecture in violation of Tex. Occ. Code §1051.701 and violated 22 Tex. Admin. Code 1.123(c).

9. The evidence received is sufficient cause pursuant to Tex. Occ. Code §1051.752(1) to take disciplinary action against Respondent.

ORDER OF THE BOARD

NOW, THEREFORE, it is the ORDER of the Texas Board of Architectural Examiners that Respondent be subject to the following provisions:

- (A) AN ADMINISTRATIVE PENALTY of Sixty-Four Thousand Dollars (\$64,000.00) is imposed upon RESPONDENT, Five Thousand Dollars (\$5,000.00) of which is due and payable within 50 days after the effective date of this Order. A second payment of Five Thousand Dollars (\$5,000.00) is due and payable within one (1) year of the effective date of this order. A third payment of Five Thousand Dollars (\$5,000.00) is due and payable within two (2) years of the effective date of this order. Payment of the remaining Forty-Nine Thousand Dollars (\$49,000.00) shall be deferred for a period of ten (10) years after the effective date of this Order (“the deferral period”) or until Respondent violates the terms of this Order or otherwise violates the laws or administrative rules enforced by the Board, whichever occurs first. If Respondent does not violate the terms of this Order or the laws and rules enforced by the Board during the deferral period, the deferred administrative penalty is cancelled ten (10) years after the effective date of this Order.

If, during the deferral period, an additional allegation, accusation, or complaint is reported or filed against the Respondent or a firm or business owned or controlled by the Respondent, the deferral period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

If, during the deferral period, the Respondent fails to comply with any of the terms and conditions of this Order or otherwise violates the laws or rules of the Board, the entire

amount of the administrative penalty shall become payable and due immediately, and any failure to pay such debt shall be referred to the Attorney General's office for collection. Respondent's liability for this payment shall be separate and apart from any disciplinary action or administrative penalty the Respondent may be subject to arising from subsequent violations under Texas Occupations Code §1051.752.

- (B) RESPONDENT SHALL NOT engage in the practice of architecture, as defined by Tex. Occ. Code §1051.001(7), unless and until Respondent becomes registered by the Board as an architect or practices architecture under the supervision and control of an architect. This provision does not prohibit or otherwise restrict Respondent from practicing architecture under the exceptions listed in Tex. Occ. Code §1051.606, so long as Respondent complies with all limitations of those exceptions.
- (C) RESPONDENT SHALL NOT use any form of the word "architect" to describe himself or the services he offers or renders in the State of Texas unless and until Respondent becomes registered by the Board as an architect.
- (D) RESPONDENT SHALL NOT allow himself to be associated with any firm, partnership, association, or corporation, including but not limited to his business, Hamilton Wolf Andrews, that engages in the practice of architecture or holds itself out to the public as being engaged in the practice of architecture or uses a form of the word "architect" in its name unless the actual practice of architecture on behalf of such business entity is offered or rendered only by and through duly registered architects, and complies in all respects with 22 Tex. Admin. Code §§1.122 and 1.124, and any other relevant law.
- (E) For all written contracts for design services provided by Respondent or a business or firm owned or controlled by the Respondent, RESPONDENT SHALL ensure that the following

statement is included within the contract: "John Hamilton is not registered as an architect in the State of Texas." The statement must appear just above or otherwise near the space reserved for the signature of parties to the contract, in no less than 12 point font and must be separated by clear space from the body of the contract. If Respondent or Respondent's firm does not enter into a written contract with a client, he shall provide the client with a document prominently bearing the statement subject to the other requirements of this provision.

- (F) RESPONDENT SHALL publish the same statement as described in Paragraph (E) above in no less than 12 point font in a prominent and visible location on any website used by the Respondent or a firm owned or controlled by the Respondent to advertise services relating to building design.

Respondent, by signing this Order, agrees to its terms and acknowledges his understanding of those terms. Respondent further acknowledges that this Order shall not become effective unless it is approved by the Board and signed by the Board's presiding officer. The effective date of this Order is the first date it is signed by all parties and approved by the Board.

The Board, by approving this Order, acknowledges that it is the Board's express desire to resolve this matter according to its terms. The Board acknowledges that so long as Respondent abides by the provisions of the Order, the Board shall not take further action against Respondent for any of the activities that are specifically identified as Findings of Fact in this Order or for any action occurring prior to the entry of this Order.

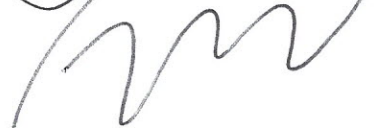
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. By my signature on this Order, I agree to the entry of this Order, and all conditions of said Order, to avoid further disciplinary action in this matter. I waive notice and hearing and judicial review of this Order. I understand that when this Order becomes final, and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, as a consequence of my noncompliance.

DATED: 3/29, 2018.



JOHN A. HAMILTON, Respondent

APPROVED AS TO FORM AND SUBSTANCE:

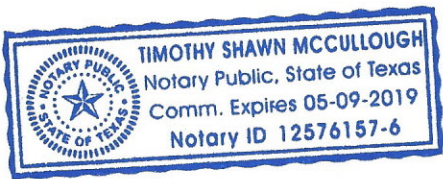


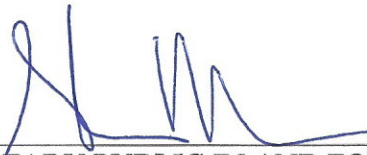
MICHAEL CRAMER, Attorney for Respondent

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned notary public, on this day personally appeared JOHN A. HAMILTON, a person whose identity is known to me. After I administered an oath to him, upon his oath he said that he read this Agreed Order, he acknowledged to me that he freely and knowingly executed the same for the purposes and consideration therein expressed.

29 SWORN TO AND SUBSCRIBED before me by JOHN A. HAMILTON, on this the day of March, 2018.





NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Architectural
Examiners hereby ratifies and adopts the Agreed Order that was signed on the _____ day of
_____, 2018, by JOHN A. HAMILTON, Respondent, and said Order is
final.

Effective this the _____ day of _____, 2018.

DEBRA DOCKERY, FAIA
Chair
TEXAS BOARD OF ARCHITECTURAL EXAMINERS

**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.

Case Number: 278-18N
Respondent: Leslie Nepveux
Location of Respondent: Dallas, Texas
Date of Complaint Received: March 6, 2018
Instrument: Report and Notice of Violation

- Respondent is not and has never been registered to practice architecture in the State of Texas.
- Respondent is an applicant for architect registration by reciprocity. Respondent has met all eligibility requirements for registration as an architect by Reciprocity.
- During the consideration of Respondent's application, Staff became aware that Respondent had used the title "architect" on her firm's website and Instagram page, and on her personal LinkedIn profile. Additionally, Respondent had engaged in the unauthorized practice of architecture, in that she issued plans and specification on a residential remodel project which indicated that she was an architect on the cover page. Findings of Fact and conclusions of law are included in the attached Order.

Action Recommended by Executive Director:

- The Executive Director recommends that the Board adopts the attached Agreed Eligibility Order. This order would grant the Respondent's architectural registration. Additionally, the Order would impose a \$3,000 administrative penalty for Respondent's violations of the Board laws and rules prior to her registration.

BEFORE THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS

In the Matter of	§	AGREED
Leslie Nepveux,	§	
Applicant for Registration by	§	ELIGIBILITY ORDER
Reciprocity	§	

On this day, the Texas Board of Architectural Examiners (hereafter “the Board”) considered the above-styled matter at a regularly scheduled meeting.

Information received by the Board produced evidence that Leslie Nepveux (Respondent) may be ineligible for licensure pursuant to Section 53.021, Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Order approved by Julie Hildebrand, Executive Director, on May 3, 2018, subject to ratification by the Board.

Upon recommendation of its Executive Director, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order:

FINDINGS OF FACT

1. Respondent is an applicant for architect registration by reciprocity having successfully met all requirements for registration under 22 Tex. Admin. Code §1.22.
2. Respondent is not, and has never been, registered to engage in the practice of architecture in Texas.
3. On or about October 27, 2017, Respondent issued architectural plans and specifications for permit on a residential remodel project located on Camden Avenue in Dallas, Texas. The plans identified Respondent and her design firm as the “Architect” on the project. Additionally, the plans referenced future design decisions to be made by the “Architect,” and included the proviso that the

documents were “not suitable for use on other projects or in other locations without the approval of the Architect.”

4. On or about March 6, 2018, Respondent utilized a website at www.veuxdeuxdesign.com for her design firm which stated that “VeuxDeux Design is a full-service architecture firm focusing on residential and small commercial projects in the Dallas, Texas area.” The website listed Respondent as the “Owner, Architect” for the firm. Additionally, Respondent utilized an Instagram account that stated her firm was offering residential architecture in Dallas, Texas and a LinkedIn profile which stated that Respondent was “Architect, Owner” at VeuxDeux Design in Dallas, Texas.

5. Respondent states that it was not her intention to violate the laws and rules governing the practice of architecture and apologizes for her oversight. She notes that she is an architect in good standing in the state of Kansas.

CONCLUSIONS OF LAW

1. The Texas Board of Architectural Examiners has authority and jurisdiction over this case and the Respondent. The Board may, after notice and hearing, impose an administrative penalty upon a person who is not registered to engage in the practice of architecture if it appears that that person is violating or has violated Texas Occ. Code Chapter 1051. *See* Tex. Occ. Code §§ 1051.401, 1051.451, 1051.501, 1051.503, 1051.504, 1051.751, 1051.752.

2. As an applicant for registration, the Board may take action against the Respondent for any violation of the practice or title restrictions of the Architects’ Practice Act. Such action may include the imposition of an administrative penalty or denial of registration. 22 Tex. Admin. Code §1.151(c).

3. A person who is not registered by the Board as an architect may not offer, engage in, or attempt to engage in, the practice of architecture. Tex. Occ. Code §§1051.701, 1051.801.

4. Only architects, duly registered by the Board, may use any form of the words “architect” or “architecture” to describe themselves or to describe the services they offer or perform in Texas. 22 Tex. Admin. Code §1.123(a).

5. A firm, partnership, corporation, association, or other business entity may engage in the practice of architecture, represent itself to the public that it is engaged in the practice of architecture or offering architecture, or use the words “architect” or “architecture” in its name only if any practice of architecture or architectural service performed on behalf of the entity is performed by or through a person registered as an architect by the Board. Tex. Occ. Code §1051.701(b) and 22 Tex. Admin. Code 1.123(c).

6. In preparing and issuing architectural plans and specifications for the regulatory approval, permitting, and construction of the residential project on Camden Avenue while using the title “architect,” Respondent engaged in the unauthorized practice of architecture. This conduct violates Tex. Occ. Code §§ 1051.701 and 1051.801 and 22. Tex. Admin. Code §1.123.

ORDER

It is THEREFORE AGREED AND ORDERED, subject to the approval of the Texas Board of Architectural Examiners, that Respondent shall pay an administrative penalty in the amount of Three Thousand Dollars (\$3,000) within sixty (60) days after the date this ORDER becomes final. Failure to timely pay the administrative penalty shall be considered a violation of this Board Order, subject to a penalty of up to and including suspension or revocation of Respondent’s architectural registration.

It is further ORDERED, that upon payment of any required fees and completion of any other requirements for registration, Respondent shall be issued a CERTIFICATE OF REGISTRATION to practice architecture in the State of Texas, subject to the terms of this Order. Respondent shall comply with all laws and regulations governing the practice of architecture in the State of Texas.


Upon full compliance with the terms of this Order, all encumbrances will be removed from Respondent's registration to practice architecture in Texas.

Upon approval by the Board, the Chair of the Texas Board of Architectural Examiners is authorized to sign this Agreed Final Order on behalf of the Board.

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I understand that that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. By my signature on this Order, I agree to the entry of this Order, and all conditions of said Order, to avoid further disciplinary action in this matter. I waive notice and hearing and judicial review of this Order. I understand that when this Order becomes final, and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my registration to practice architecture in the State of Texas, as a consequence of my noncompliance.

DATED: May 4, 2018.



Leslie Nepveux, Respondent and
Applicant for Texas Architect Registration

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

Before me, the undersigned notary public, on this day personally appeared Leslie Nepveux, a person whose identity is known to me. After I administered an oath to her, upon her oath she said that he read this Agreed Order, she acknowledged to me that she freely and knowingly executed the same for the purposes and consideration therein expressed.

Sworn to and subscribed before me by Leslie Nepveux on the 4th day of May, 2018.



NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Architectural Examiners hereby ratifies and adopts the Agreed Order that was signed on the _____ day of _____, 2018, by Leslie Nepveux, Respondent, and said Order is final.

Effective this the _____ day of _____, 2018.

DEBRA DOCKERY, FAIA
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS

**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.

Case Number: 142-18A
Respondent: James Thompson Wilson, Jr.
Location of Respondent: McKinney, TX
Location of Project(s): Denton, TX
Nature of Violation: Violation of Architectural Barriers Act (TDLR)
Instrument: Report and Notice of Violation

Findings:

- James Thompson Wilson, II (hereafter “Respondent”) is registered as an architect in Texas with registration number 15260.
- Previous History
 - On March 8, 2017, the Executive Director issued a Warning to the Respondent based on findings that the Respondent failed to timely submit plans to TDLR for accessibility review.
- On November 20, 2017, the Texas Board of Architectural Examiners (TBAE) received a referral from the Texas Department of Licensing and Regulation (TDLR) indicating that Respondent had failed to submit plans for a project known as “2nd Floor Finish-Out” located in Denton, Texas, to TDLR for accessibility review within 20 days of issuance as required by Texas Government Code §469.102(b). The plans and specifications were issued on July 18, 2017, and were submitted to TDLR on August 24, 2017.

Applicable Statutory Provisions and Rules:

- By failing to submit plans and specifications on a project for accessibility review no later than 20 days after issuance, Respondent violated §1051.252(2) of the Architect Registration Law and Board Rule 1.170(a).

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1,000** as set forth in the Report and Notice of Violation dated March 27, 2018.

**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.

Case Number: 413-17A
Respondent: Edmond Patrick Alexander
Location of Respondent: Austin, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Edmond Patrick Alexander (hereafter “Respondent”) is registered as an architect in Texas with registration number 15493.
- On June 15, 2017, Respondent was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of January 1, 2016 through December 31, 2016.
- On July 13, 2017, Respondent replied that due to multiple moves, he could not provide the Board with complete and accurate proof of continuing education activities.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of January 1, 2016 through December 31, 2016, Respondent violated Board Rule 1.69. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, the conclusions of law, and the recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated October 31, 2017.

**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.

Case Number: 188-18A
Respondent: Kenneth Ray Blevins
Location of Respondent: Luling, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Kenneth Ray Blevins (hereafter “Respondent”) is a registered architect in Texas with registration number 10826.
- Based upon the results of a random continuing education audit, it was determined that Respondent falsely reported continuing education compliance to the Board for the audit period of January 1, 2016 through December 31, 2016.
- Subsequently, he completed supplemental CEPH pursuant to Board Rule 1.69(g)(2).

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. The Board’s standard assessment for providing false information is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated March 6, 2018.

**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.

Case Number: 283-18I
Respondent: Michael Anthony Bunch
Location of Respondent: Bryan, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Michael Anthony Bunch (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 3351
- On December 15, 2017, Respondent was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of January 1, 2016 through December 31, 2016.
- On February 24, 2018, Respondent replied that he could not locate his continuing education certificates.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of January 1, 2016 through December 31, 2016, Respondent violated Board Rule 5.79. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated April 4, 2018.

**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.

Case Number:	039-18A
Respondent:	Kent Edward Coston
Location of Respondent:	La Mesa, CA
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Kent Edward Coston (hereafter “Respondent”) is registered as an architect in Texas with registration number 24027.
- 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 January 1, 2016 through December 31, 2016, but completed them prior to the renewal of his architectural registration

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required continuing education program hours during the audit period, but before his renewal period, Respondent violated Board Rule 1.69(b). The standard administrative penalty assessed for this violation is **\$500**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$500** as set forth in the Report and Notice of Violation dated December 7, 2017.

**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.

Case Number:	132-18I
Respondent:	Melissa Erin Diaz deLeon
Location of Respondent:	Cibolo, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Melissa Erin Diaz deLeon (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 10873.
- On November 16, 2017, Respondent was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of January 1, 2016 through December 31, 2016.
- On December 4, 2017, Respondent replied that due to the loss of an archive folder on her computer, she could not produce her continuing education certificates.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of her continuing education activities for the period of December 1, 2016 through December 31, 2016, Respondent violated Board Rule 5.79. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated January 25, 2018.

**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.

Case Number: 128-18L
Respondent: Robert E. Forsythe
Location of Respondent: Houston, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Robert E. Forsythe (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 507.
- On September 15, 2017, Respondent was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of January 1, 2016 through December 31, 2016.
- On October 17, 2017, Respondent replied that due to computer issues, he could not produce his continuing education certificates.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of January 1, 2016 through December 31, 2016, Respondent violated Board Rule 3.69. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated January 25, 2018.

**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.

Case Number:	286-18A
Respondent:	Christian St. Jon Gournay
Location of Respondent:	Plano, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Christian St. Jon Gournay (hereafter “Respondent”) is registered as an architect in Texas with registration number 18869.
- 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 January 1, 2016 through December 31, 2016, but completed them prior to the renewal of his architectural registration

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required continuing education program hours during the audit period, but before his renewal period, Respondent violated Board Rule 1.69(b). The standard administrative penalty assessed for this violation is **\$500**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$500** as set forth in the Report and Notice of Violation dated April 5, 2018.

**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.

Case Number: 273-18A
Respondent: Robert Lee Herbage
Location of Respondent: San Antonio, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Robert Lee Herbage (hereafter "Respondent") is registered as an architect in Texas with registration number 11258.
- 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 January 1, 2016 through December 31, 2016, but completed them prior to the renewal of his architectural registration

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required continuing education program hours during the audit period, but before his renewal period, Respondent violated Board Rule 1.69(b). The standard administrative penalty assessed for this violation is **\$500**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$500** as set forth in the Report and Notice of Violation dated March 27, 2018.

**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.

Case Number: 285-18A
Respondent: Rodger Wylie Messer
Location of Respondent: Atlanta, GA
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Rodger Wylie Messer (hereafter “Respondent”) is a registered architect in Texas with registration number 9032.
- Based upon the results of a random continuing education audit, it was determined that Respondent falsely reported continuing education compliance to the Board for the audit period of January 1, 2016 through December 31, 2016.
- Subsequently, he completed supplemental CEPH pursuant to Board Rule 1.69(g)(2).

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. The Board’s standard assessment for providing false information is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated April 5, 2018.

**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.

Case Number:	127-18I
Respondent:	Joseph Javier Rodriguez
Location of Respondent:	San Francisco, CA
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Joseph Javier Rodriguez (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 10837.
- On November 16, 2017, Respondent was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of January 1, 2016 through December 31, 2016.
- On December 7, 2017, Respondent replied that due to a computer crash, he could not produce his continuing education certificates.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of January 1, 2016 through December 31, 2016, Respondent violated Board Rule 5.79. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated January 25, 2018.

**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.

Case Number:	282-18A
Respondent:	Robert Sennet
Location of Respondent:	Plano, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Robert Sennet (hereafter “Respondent”) is registered as an architect in Texas with registration number 9084.
- On September 15, 2017, Respondent was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of January 1, 2016 through December 31, 2018.
- On January 18, 2018, Respondent replied that he could not locate his continuing education certificates.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of January 1, 2016 through December 31, 2016, Respondent violated Board Rule 1.69. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated April 5, 2018.

**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.

Case Number: 274-18I
Respondent: Gari L. Sprott
Location of Respondent: San Antonio, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Gari L. Sprott (hereafter "Respondent") is a registered interior designer in Texas with registration number 2562.
- Based upon the results of a random continuing education audit, it was determined that Respondent falsely reported continuing education compliance to the Board for the audit period of January 1, 2016 through December 31, 2016.
- Subsequently, he completed supplemental CEPH pursuant to Board Rule 5.79(g)(2).

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 5.79. The Board's standard assessment for providing false information is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, the conclusions of law, and the recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated March 13, 2018.

**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.

Case Number: 123-18I
Respondent: Meredith Ashley Wallace
Location of Respondent: Dallas, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Meredith Ashley Wallace (hereafter “Respondent”) is a registered interior designer in Texas with registration number 11112.
- Based upon the results of a random continuing education audit, it was determined that Respondent falsely reported continuing education compliance to the Board for the audit period of January 1, 2016 through December 31, 2016.
- Subsequently, she completed supplemental CEPH pursuant to Board Rule 5.79(g)(2).

Applicable Statutory Provisions and Rules:

- By indicating at the time of her online renewal that she was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board Rule 5.79. The Board’s standard assessment for providing false information is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated January 31, 2018.

**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.

Case Number: 190-18I
Respondent: Vickey Lynn Ward
Location of Respondent: Hurst, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Vickey Lynn Ward (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 6376.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete her continuing education requirements for the audit period of January 1, 2016 through December 31, 2016.
- In addition to failing to complete the required continuing education hours, Respondent falsely certified completion of CE responsibilities in order to renew her interior design registration.

Applicable Statutory Provisions and Rules:

- By indicating at the time of her online renewal that she was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board Rule 5.79(g). The Board’s standard assessment for providing false information is **\$700**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board Rule 5.79(b). The standard administrative penalty assessed for this violation is **\$500**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1200** as set forth in the Report and Notice of Violation dated February 15, 2018.

TBAE Mission

The mission of the Texas Board of Architectural Examiners (TBAE) is to serve the State of Texas by protecting and preserving the health, safety, and welfare of the Texans who live, work, and play in the built environment through the regulation of the practice of architecture, landscape architecture, and interior design. TBAE's mission is grounded in its enabling statutes, Chapters 1051 – 1053 of the Texas Occupations Code.

TBAE's Strategic Plan ensures that the agency not only carries out its mission, but also is:

1. Accountable to the public who uses and inhabits the built environment, registrants, and all other stakeholders.
2. Efficient by producing maximum results with no waste of collected funds and by identifying any function or provision that is redundant or not cost effective.
3. Effective by successfully fulfilling core functions, achieving performance measures, and implementing plans to continuously improve.
4. Attentive to providing excellent customer service.
5. Transparent such that agency actions can be understood by any Texan.

About TBAE

A. Agency Overview and Organizational Aspects

TBAE operates under the Self-Directed, Semi-Independent (SDSI) program established by the 77th Texas Legislature. TBAE's participation in SDSI removes the agency from the appropriations process, ensures accountability to stakeholders, and requires the agency to operate as a business. SDSI agencies must adopt their own budgets and establish registration fees to cover all operational costs. Additionally, each agency submits an annual payment (\$510,000 in TBAE's case) to the general revenue fund and pays approximately \$112,000 for the services of other state agencies and other operating costs.

TBAE is overseen by a Board of nine gubernatorial appointees. Four Board members are registered architects, three are public members, one is a registered interior designer, and one is a registered landscape architect. The Chair is selected by the Governor from among the Board members, and typically the group meets four times a year to make or amend rules and decide enforcement cases.

TBAE has a staff of 19.5 full-time equivalent positions and operates with an annual budget of \$3M. TBAE Staff is divided into three broad functional units: Registration, Enforcement, and Administration. Each division is responsible for executing particular operational aspects of the Board's statutory charge and mission. While separation of the units allows staff to fully engage in their respective areas of expertise, close collaboration and cross-training allows the agency as a whole to remain flexible for most any event.

B. Current Year Activities

Through the second quarter of fiscal year 2018, TBAE is operating under a balanced budget, in spite of the requirement to pay \$50,000 for the audit conducted by the State Auditor's Office. As a result, for the fourteenth year in a row, TBAE did not raise registration fees. With such fiscal responsibility, TBAE has a healthy fund balance at 85% of its annual budget.

Looking at registration trends through the second quarter of FY18, TBAE expects to see a 5.6% increase for active architect registrants, a 1.2% increase for active registered interior designers and a 6.5% increase for active landscape architect registrants for FY18. It is also expected that TBAE will see more than 1,166 new registrants from all professions for FY18. These numbers are a marked increase from the registration trends in FY16.

In the enforcement unit, TBAE is on track to open approximately 480 complaints in FY18. This number is a two-fold increase from FY16 and previous years. This increase is due to an increase of cases received from the Texas Department of Licensing and Regulation related to design professionals' accessibility review filings. Through the second quarter of FY18, the enforcement unit has closed 267 cases, with 28 resulting in disciplinary action by TBAE. This pace should keep us on track to avoid a backlog in cases.

TBAE staff worked to implement all relevant legislation from the 85th Session, including the promulgation of rules related to the licensure of Registered Interior Designers. Staff has focused significant amounts of time this fiscal year on its transition to CAPPs for both HR and Payroll and will be prepared for the final transition this summer. Staff also focused on special projects, including transition to the Texas Centralized Accounting and Payroll/Personnel System, recertification of the Records Retention Schedule, Continuity of Operations Plan Exercises, and compliance with several oversight agency audits. Additionally, TBAE successfully completed a Post-Payment Audit by the Comptroller in FY17 and three audits (State Auditor's Office, Texas Workforce Commission and Department of Public Safety) in FY18 and implemented all recommendations, resulting in improvements to TBAE's operations. Lastly, TBAE assisted the Governor's office and state agencies in responding to the needs of the citizens of Texas effected by Hurricane Harvey.

C. External/Internal Assessment Issues and Trends

In conducting an external/internal assessment, the Board collected and analyzed information from several sources including an Industry Environmental Scan, Customer Service Survey, Survey of Employee Engagement, and a Management Strategic Planning Session. The Board conducted a thorough analysis of its past, current, and future position and its expectations for external and internal change. The following current and future major issues may affect the Board's operations and results in meeting the needs of its stakeholders.

1. Use of Technology by the Professions
2. Mobility of Registrants
3. Evolving Role of the Design Professional in Project Management
4. Unregistered Practice
5. Thriving Registrant Pool/Emerging Professionals
6. Positive Construction Forecasts
7. Workforce Demographics

TBAE Goals and Action Plans

Licensing Goal: TBAE will administer a licensing program to ensure that only qualified professionals become licensed in Texas.

Specific Action Items to be Achieved Throughout the Strategic Plan Period

1. Ensure the professional qualifications of those practicing the regulated professions by setting appropriate requirements for education, experience, and examination.
2. Increase public and professional awareness of TBAE's mission, activities and services, with specific attention to the prevention of unregistered practice and the timely and appropriate registration of qualified applicants to ensure compliance with the law and protection of the public health, safety, and welfare.
3. Improve relationships with related organizations in order to facilitate consistent regulation of the professions and further the Board's mission and goals.
4. Anticipate and respond to an evolving registrant pool, with specific attention to the following factors:
 - changing demographics of registrants, exam candidates, and future professionals; and
 - reducing barriers to registration and registrant mobility.
5. Review the current use of technology in the regulated professions and by the agency to ensure that state laws, rules, and services are keeping pace with the impacts of technology, and to improve operational efficiency, effectiveness, and customer service.
6. Improve data collection and analysis to allow the Board and agency to better evaluate the successes and challenges of the agency's various services.
7. Continue to monitor and update TBAE rules to ensure alignment and relevancy, and eliminate redundancies and impediments.
8. Enhance organizational effectiveness and improve the quality of customer service in all programs, by reviewing state and national standards with the aim of continuous operational improvement. TBAE will look to maximize administrative leanness, while not sacrificing agency agility and responsiveness.
9. Ensure that leadership succession planning is strong and that cross-component working groups are developed to ensure the continuity of agency effectiveness and efficiency.
10. Protect fiscal soundness through policies, procedures, and preparation for expected revenue and expenditure fluctuations, with a focus on linking revenues to expenditures.
11. Ensure TBAE's ability to meet its mission by identifying various risk indicators and creating proactive efforts to mitigate the most significant risks.

TBAE's Licensing Goal and Action Plan Supports Each Statewide Objective Accountable • Efficient • Effective • Transparent • Customer Service

All of the Statewide Objectives were considered as a roadmap in developing the Action Items listed above. Each Action Item speaks directly to at least one Statewide Objective, and most address more than one Statewide Objective. Taken together, the Action Items pursuant to the Licensing goal make great strides toward bolstering all of the State's Objectives and toward high performance overall.

Enforcement Goal: TBAE will protect the public health, safety, and welfare with an effective, responsive, and consistent enforcement program.

Specific Action Items to Achieved Throughout the Strategic Plan Period

1. Ensure that all complaints and known violations are investigated and appropriate voluntary or disciplinary action is taken against all violators.
2. Investigate and prosecute complaints in a thorough and timely manner.
3. Pursue compliance with disciplinary actions and conditions.
4. Establish regulatory standards of practice for the regulated professions.
5. Increase public and professional awareness of TBAE's mission, activities, and services, to encourage a better understanding of the regulatory requirements, voluntary compliance with the regulatory requirements, and feedback on ways to continuously improve.
6. Improve relationships with related organizations in order to facilitate consistent regulation of the professions and further the Board's mission and goals.
7. Review the current use of technology in the regulated professions and by the agency to ensure that state laws, rules, and services are keeping pace with the impacts of technology, and to improve operational efficiency, effectiveness, and customer service.
8. Improve data collection and analysis to allow the Board and agency to better evaluate the successes and challenges of the agency's various services.
9. Continue to monitor and update TBAE rules to ensure alignment and relevancy, and eliminate redundancies and impediments.
10. Enhance organizational effectiveness and improve the quality of customer service in all programs, by reviewing state and national standards with the aim of continuous operational improvement. TBAE will look to maximize administrative leanness, while not sacrificing agency agility and responsiveness.
11. Ensure that leadership succession planning is strong and that cross-component working groups are developed to ensure the continuity of agency effectiveness and efficiency.
12. Protect fiscal soundness through policies, procedures, and preparation for expected revenue and expenditure fluctuations, with a focus on linking revenues to expenditures.
13. Ensure TBAE's ability to meet its mission by identifying various risk indicators and creating proactive efforts to mitigate the most significant risks.

TBAE's Enforcement Goal and Action Plan Supports Each Statewide Objective
Accountable • Efficient • Effective • Transparent • Customer Service

All of the Statewide Objectives were considered as a roadmap in developing the Action Items listed above. Each Action Item speaks directly to at least one Statewide Objective, and most address more than one Statewide Objective. Taken together, the Action Items pursuant to the Enforcement goal make great strides toward bolstering all of the State's Objectives and toward high performance overall.

Redundancies and Impediments

Service, Statute, Rule or Regulation (Provide Specific Citation, if applicable)	Describe why the Service, Statute, Rule or Regulation is Resulting in Inefficient or Ineffective Agency Operations	Provide Agency Recommendation for Modification or Elimination	Describe the Estimated Cost Savings or Other Benefit Associated with Recommended Change
Annual \$510,000 SDSI payment, Tex. Gov't Code 472.102(c) Remittance of all administrative penalties to General Revenue, Tex. Gov't Code 472.110(d)	Expenditures, most of which are fixed, are set to outpace revenues in coming years. Absent a reduction in legislatively mandated expenditures, higher registration fees will be required resulting in greater barriers to entering or continuing in the regulated professions.	Respectfully, TBAE suggests a review of the two legislative requirements noted in this section. An evaluation of whether the requirements accomplish the state's goals of reducing barriers and maximizing results may be in order.	If these legislatively mandated expenditures are eliminated, TBAE would expect for the need to increase renewal fees to be significantly delayed, which would reduce impediments to continued or initial registration.

TBAE is facing difficult demographic and financial realities, and likely will need to raise registration fees after fourteen continuous years of not needing to do so. TBAE projects that by FY21, renewal fees may climb by approximately \$7 for an annual registration renewal unless one or more of the fixed costs noted above are decreased. TBAE well understands that increased fees can be a barrier to registration, and is proud to have avoided raising fees for so long. But in light of the required \$510,000 annual SDSI payment to General Revenue and the 2013 requirement to remit all enforcement penalties to General Revenue, the agency has little choice but to consider raising revenue via fee increases.

A continual self-evaluation of all of TBAE's statutes, rules, and services is part of the culture. TBAE will evaluate throughout the strategic planning period with the goal of reducing any barriers to the economic prosperity of Texas and making the agency more effective and efficient in achieving its core mission.

Since FY16, as part of its ongoing self-evaluation to eliminate redundancies and impediments, TBAE has reviewed its rules and has made the following updates to improve the efficiency and effectiveness of the agency's operations.

1. TBAE reduced the number of examinations required to satisfy the examination requirement for registration as an architect.
2. Pursuant to legislation, TBAE extended the deadline for "grandfathered" Registered Interior Designers to pass all sections of the registration examination from September 1, 2017 to September 1, 2027. Additionally, TBAE increased the number of paths to registration as a Registered Interior Designer.
3. TBAE amended its administrative penalty rules to provide clear guidance on the appropriate levels of administrative penalties. This action has increased efficiencies and consistency and was complimented during an audit by the State Auditor's Office.
4. Pursuant to legislation, TBAE amended its rules to provide for expedited consideration of applications filed by military service members, veterans, and spouses; an additional two years to complete continuing education requirements; and a waiver of application and examination fees for military service members.
5. TBAE repealed obsolete rules and corrected errors within its current rules.

TBAE's Response to Hurricane Harvey

Below is a summary of TBAE's response during the aftermath of Hurricane Harvey.

1. TBAE's Executive Director reached out to the Executive Directors of New York, New Jersey, Louisiana and Mississippi to ask for their experiences and advice based on the aftermath of Hurricanes Sandy, Ike, Rita, and Katrina.
2. TBAE staff established contact with collateral groups, including professional associations and other registration boards, to coordinate any needs from those entities. Specifically, TBAE assisted the Texas Society of Architects in their initiative to provide trained, volunteer design professionals for safety assessments.
3. Pursuant to Section 418.171 of the Government Code, TBAE gave consideration to out-of-state registrations and allowed an individual holding such registration to render aid involving their professional skills during the period of declared emergency.
4. TBAE expedited its registration processes for individuals affected by the hurricane and individuals providing services in response to the hurricane.
5. TBAE waived the late payment penalty for affected individuals who were not able to renew by their expiration date.
6. TBAE waived the requirement for documentation of continuing education credits for affected individuals who were audited.
7. TBAE waived the cost of replacement wall certificates for those lost in the hurricane.
8. TBAE participated in the Harvey Occupational and Professional Emergency (HOPE) Workgroup created to share best practices, resources and analytics during the state's response to Hurricane Harvey.
9. TBAE communicated to its registrants via its regular newsletter the importance of the role registrants would play during the rebuilding phase and the responsibility to design smarter with an emphasis on resiliency and accessibility.
10. In the future, during the rebuilding phase, TBAE anticipates that it may see an increase in complaints related to fraud and practice without a registration and will respond accordingly.
11. In response to specific requests, TBAE continues to work with affected individuals to ensure that we do not prevent, hinder, or delay necessary action in coping with the disaster and to assist them any way that we can.

TBAE did not experience any significant statutory redundancies or impediments in its response to Hurricane Harvey. However, it believes that concerted efforts between the professional regulation agencies to ensure standardized and appropriate responses would be beneficial to the agencies and their registrants.

Supplemental Schedule A: Budget Structure and Performance Measures

As a self-directed, semi-independent agency, TBAE does not operate under a traditional budget structure within the general appropriations bill. Instead, TBAE is required to adopt a budget annually using generally accepted accounting principles. Therefore, TBAE does not operate under a Goal-Objective-Strategy model and does not submit data to the Automated Budget Evaluation System of Texas (ABEST).

In lieu of reporting to ABEST, TBAE is required to submit an annual report to the Governor, Legislature, and the Legislative Budget Board, which includes trend performance data related to TBAE's goals and other data related to its administrative and fiscal operations. TBAE additionally submits a quarterly report to all parties. TBAE's trend performance data measures related to its goals are listed below.

Measures Related to the Licensing Goal:

1. Number of Registrants by Type and Status
2. Average Time to Issue a Registration
3. Number of Examination Candidates

Measures Related to the Enforcement Goal:

1. Number of Cases Opened by Staff and Public
2. Number of Cases Closed by Dismissal and Enforcement Action
3. Number of Enforcement Actions by Sanction Type
4. Number of Cases Closed through Voluntary Compliance
5. Amount of administrative penalties assessed and the rate of collection of assessed administrative penalties
6. Number of Cases Opened that Allege HSW and Disposition
7. Average Time to Resolve a Complaint

Supplemental Schedule B: Performance Measure Definitions

Measures Related to the Licensing Goal:

Number of license holders or regulated persons broken down by type of license and license status, including inactive status or retired status

1. Definition: The number of registered architects, landscape architects, registered interior designers, and businesses each broken down by active, inactive, and retired status.
2. Purpose/Importance: The measure helps to determine agency workload.
3. Source and Collection of Data: TBAE internal database, TBAsE.
4. Method of Calculation: Registrants are broken down by profession, and further by status [Active, Inactive, or Emeritus (Retired)]. Business registration count includes all businesses with an Active or Pending status. Counts are made in the first few moments of the next fiscal year and roster data are saved for future review.
5. Data Limitations: None.
6. Calculation Type: Non-cumulative.
7. New Measure: No.

Average time to issue a registration

1. Definition: The average number of days to issue a registration to an applicant once the application is complete, including payment of the initial registration fee.
2. Purpose/Importance: The measure helps to determine efficiency in delivering services to registrants.
3. Source and Collection of Data: TBAE internal database, TBAsE.
4. Method of Calculation: The universe consists of intended registrants whose accounts are populated with "Registration by Exam" or "Reciprocal Registration" fees indicating that all requirements have been met for licensure. Time is calculated as the number of days between the payment of the fee (Payment Date field) and the date of registration (License Certification Date field), and records are reported by fiscal year based on payment date. Roster data are saved for future review.
5. Data Limitations: None.
6. Calculation Type: Non-cumulative.
7. New Measure: No.

Number of examination candidates

1. Definition: The current number of individuals who have applied for registration by examination, but have not been issued a registration.
2. Purpose/Importance: The measure indicates workload and helps to project number of possible eligible registrants, viewed against previous reports with an eye toward trending.
3. Source and Collection of Data: TBAE internal database, TBAsE.
4. Method of Calculation: The agency's database (TBAsE) will automatically run a snapshot report quarterly, in the first hours after the end of each quarter. TBAsE will run a count of all records with an application type of "Exam Candidate" or "Prior Exam" and a registration status of "Open," "Closed," or "Passed." Roster data are saved for future review.
5. Data Limitations: None.
6. Calculation Type: Non-cumulative.
7. New Measure: No.

Measures Related to the Enforcement Goal:

Number of complaints received from the public and number of complaints initiated by agency staff

1. Definition: The number of enforcement cases opened as a result of a complaint filed by the public (non-staff) and the number opened as a result of a staff-initiated complaint.
2. Purpose/Importance: The measure helps to track agency workload and determine allocation of agency resources.
3. Source and Collection of Data: TBAE internal database, TBAsE.
4. Method of Calculation: From TBAsE, the universe will consist of all enforcement matters with an entry in the Case Type field of "Case" and "Complaint." Staff complaints will be counted as those with a Source of Complaint field entry of "Evidence returned through internal TBAE ops," "Evidence revealed through associated complaint," "R Identified thru Other Complaint," and "CE audit." All other Source of Complaint types will be counted as Public complaints. Complaints will be counted in the appropriate year based on their open date. Roster data are saved for future review.
5. Data Limitations: None.
6. Calculation Type: Non-cumulative
7. New Measure: No.

Number of complaints dismissed and the number of complaints resolved by enforcement action

1. Definition: The number of enforcement cases dismissed and the number of enforcement cases resolved with enforcement action.
2. Purpose/Importance: The measure helps to track agency workload.
3. Source and Collection of Data: TBAE internal database, TBAsE.
4. Method of Calculation: From TBAsE, the universe will consist of all enforcement matters with an entry in the Case Type field of "Case" and "Complaint." Of the universe, those items with content in the "Board Approved Date" field will be counted as "resolved by enforcement action," and those with a blank entry will be counted as dismissed. The date entered in "Board Approved Date" will determine in which fiscal year to report the item. Otherwise, the "Case Closed Date" field will determine the fiscal year of reporting. Additionally, those with a blank "Board Approved Date" and having a disposition type of "Revocation" will be counted as "resolved by enforcement action." Roster data are saved for future review.
5. Data Limitations: None.
6. Calculation Type: Non-cumulative
7. New Measure: No.

Number of enforcement actions by sanction type

1. Definition: The number of disciplinary actions taken by TBAE broken down by sanction type.
2. Purpose/Importance: The measure helps to track the results of the agency's enforcement activities.
3. Source and Collection of Data: TBAE internal database, TBAsE.
4. Method of Calculation: From TBAsE, the universe will consist of all enforcement matters with an entry in the Case Type field of "Case" and "Complaint" and having a Final Disposition of "Agreed Order," "Cease and Desist," "Consent Order," "Notice of Violation," "Order of the Board," "Penalty Notice," "Revocation," "Suspension/Probation," or "Dismissed (C.O.)." Of the universe, those items with a Final Disposition of "Agreed Order," "Cease and Desist," "Consent Order," "Notice of Violation," "Order of the Board," "Penalty Notice," or "Dismissed (C.O.)" and having a penalty assigned will be counted as "Admin Penalty." Those of this same list without having a penalty to pay will be counted as "Cease & Desist." Those having a Final Disposition of "Revocation" and "Suspension/Probation" will be counted under their corresponding Sanction Type. Cases will be counted in the appropriate fiscal year based on "Board Approved Date." Roster data are saved for future review.
5. Data Limitations: None.

6. Calculation Type: Non-cumulative
7. New Measure: No.

Number of enforcement cases closed through voluntary compliance

1. Definition: The number of enforcement cases closed by voluntary compliance by the respondent in the case.
2. Purpose/Importance: The measure helps to track agency workload and determine the effectiveness of enforcement activities.
3. Source and Collection of Data: TBAE internal database, TBAsE.
4. Method of Calculation: From TBAsE, the universe will consist of all enforcement matters with an entry in the Case Type field of "Case" or "Complaint." Items from this universe with an entry in the Final Disposition field of "warning letter" or "informal reprimand" will be counted. Cases will be counted in the appropriate fiscal year based on their closed date. Roster data are saved for future review.
5. Data Limitations: None.
6. Calculation Type: Non-cumulative
7. New Measure: No.

Amount of administrative penalties assessed and the rate of collection of assessed administrative penalties

1. Definition: The amount of all administrative penalties assessed during the reporting period and the rate of collection of administrative penalties during the reporting period.
2. Purpose/Importance: The measure helps to track disciplinary compliance among enforcement respondents.
3. Source and Collection of Data: TBAE internal database, TBAsE.
4. Method of Calculation: The amount (in dollars) of all administrative penalties assessed in a fiscal year is divided by the amount (in dollars) of all administrative penalties collected in the same fiscal year. The date entered in "Board Approved Date" will determine in which fiscal year to report the penalties assessed. If "Board Approved Date" is not entered, the "Case Closed Date" field will determine the fiscal year of reporting. The recorded "Payment Date" will determine in which fiscal year to report the amount collected. The result is expressed as a percentage. Roster data are saved for future review.
5. Data Limitations: Penalties collected in one fiscal year may have been assessed in a previous fiscal year.
6. Calculation Type: Non-cumulative.
7. New Measure: No.

Number of enforcement cases that allege a threat to public health, safety, or welfare or a violation of professional standards of care and the disposition of those cases

1. Definition: The number of enforcement cases that allege a threat to public health, safety, or welfare or a violation of professional standards of care and the disposition of those cases.
2. Purpose/Importance: The measure helps to gauge agency workload and effectiveness with regard to more-involved enforcement cases.
3. Source and Collection of Data: TBAE internal database, TBAsE.
4. Method of Calculation: Method of Calculation: From TBAsE, the universe will consist of all enforcement matters with an entry in the Case Type field of "Case" or "Complaint" with a Board Approved Date within the reporting fiscal year and a Violation Status ID of "Violation found by ED" or "Violation found by Board," and excluding all records with specified rule/statute citations in the Violations field indicating that the infraction was a title violation or a continuing education violation. (A bulleted list of specified citations follows below.) The Disposition of the responsive records is reported and categorized based on sanction type similar to the "Number of enforcement actions by sanction type" measure. Roster data are saved for future review. Citations to be excluded are:
 - a. Did not fulfill mandatory continuing education requirements

- b. Reported false information regarding continuing education
 - c. Use of any form of the word "architect" or "architecture" by an unqualified firm
 - d. Practiced or used of title "architect" or "architecture" while registration was delinquent
 - e. A person other than an architect who advertised using the title architect or architectural designer
 - f. Failed to fulfill mandatory continuing education requirements
 - g. Reported false information regarding Interior Designer's continuing education
 - h. Use of title "interior designer" or term "interior design" while registration was delinquent
 - i. A person other than an interior designer who advertised using the title "interior designer" or offered "interior design" services.
 - j. Did not fulfill mandatory continuing education requirements
 - k. Reported false information regarding landscape architects continuing education
 - l. Unauthorized practice or use of title "landscape architect" while registration was delinquent
 - m. Unauthorized practice or use of title "landscape architect" while registration was delinquent
 - n. A person other than a landscape architect used the title "landscape architect" or offered or performed "landscape architect".
 - o. A person other than an architect practicing architecture or using the regulated title
 - p. Failure to maintain continuing education records
 - q. Failure to complete a minimum of eight (8) CEPE for each annual registration period
 - r. Failure to complete a minimum of eight (8) CEPE for each annual registration period
 - s. Failure to maintain continuing education records
 - t. Practiced or used of title "architect" or "architecture" while registration was delinquent.
 - u. Fail to record Continuing Education activities
- 5. Data Limitations: None.
 - 6. Calculation Type: Non-cumulative
 - 7. New Measure: No.

Average time to resolve a complaint

- 1. Definition: The average number of days to resolve a complaint.
- 2. Purpose/Importance: The measure helps to determine efficiency in caseload management.
- 3. Source and Collection of Data: TBAE internal database, TBAsE.
- 4. Method of Calculation: From TBAsE, the universe will consist of all enforcement matters with an entry in the Case Type field of "Case" or "Complaint" with a Closed Date within the reporting fiscal year. Time is determined by calculating the number of days between the Open Date and Closed Date for each record. Roster data are saved for future review.
- 5. Data Limitations: None.
- 6. Calculation Type: Non-cumulative
- 7. New Measure: No.

Supplemental Schedule C: Historically Underutilized Business (HUB) Plan

As a self-directed, semi-independent agency, TBAE does not operate under the General Appropriations Act, and therefore, was not required to complete the HUB report required by that Act. However, TBAE makes a good faith effort to utilize HUBs in contracts for construction, services (including professional and consulting services) and commodity procurements. TBAE works to procure products and services for agency users and identify HUBs to ensure they have an equal opportunity to bid on agency contracts and related subcontracts. Additionally, TBAE submits HUB reporting to the Legislative Budget Board, although not specifically required.

Mission of the TBAE HUB Program

The Mission of the TBAE HUB Program is to advocate for the participation of HUBs in the agency's procurement and contracts and remain committed to providing procurement and contracting opportunities for minority, women, and veteran-owned businesses.

Goal of the TBAE HUB Program

The Goal of the TBAE HUB Program is to establish and carry out policies governing purchasing and public works contracting that foster meaningful and substantive inclusion of HUBs. Specifically, the Board will make a good faith effort to utilize HUBs in the Board's procurement and contracts with the following statewide goals in mind:

1. 23.7 % for professional services contracts;
2. 26.0 % for all other services contracts; and
3. 21.1 % for commodities contracts.

TBAE HUB Program Strategies

In an effort to meet the agency's goal, TBAE has established the following strategies:

1. compliance with HUB planning and reporting requirements;
2. utilization of the Texas Procurement and Support Services' (TPASS) Centralized Master Bidder List and other sources in bidding for delegated services;
3. adherence to the HUB purchasing procedures and requirements established by the Comptroller of Public Accounts' Texas Procurement and Support Services Division;
4. attendance at HUB Coordinator meetings, HUB small business trainings and HUB agency functions;
5. utilization of HUB resellers from the Department of Information Resources' contracts;
6. promotion of HUBs in the competitive bid process on all goods and services; and
7. encourage contractors to use HUBs as partners and subcontractors.

**Texas Board of Architectural Examiners
Proposed 2019 Budget**

	FY 2018 Approved Budget	FY 2018 Projected through 8/31/18	FY 2019 Proposed Budget
Revenues:			
Licenses & Fees	2,650,000	\$ 2,737,633	\$ 2,737,000
Business Registration Fees	100,000	\$ 109,288	\$ 109,000
Late Fee Payments	125,000	\$ 139,248	\$ 139,000
Other	3,000	\$ 4,125	\$ 4,000
Interest	2,500	\$ 17,672	\$ 16,000
Potential Draw on Fund Balance	140,830		\$ 11,553
Total Revenues	3,021,330	\$ 3,007,966	\$ 3,016,553
Expenditures:			
Salaries and Wages	1,572,215	\$ 1,556,284	\$ 1,619,381
Payroll Related Costs	548,115	\$ 539,589	\$ 561,172
Professional Fees & Services	75,000	\$ 72,000	\$ 25,000
Travel			
Board Travel	25,000	\$ 11,261	\$ 24,000
Staff Travel	20,000	\$ 15,645	\$ 19,000
Office Supplies	8,000	\$ 6,132	\$ 7,000
Postage	11,000	\$ 8,000	\$ 8,000
Communication and Utilities	14,000	\$ 13,948	\$ 14,000
Repairs and Maintenance	1,000	\$ 400	\$ 1,000
SWCAP Payment with Office Rental	115,000	\$ 112,152	\$ 113,000
Equipment Leases--Copiers	9,000	\$ 8,170	\$ 9,000
Printing	8,000	\$ 5,000	\$ 5,000
Operating Expenditures	30,000	\$ 25,197	\$ 26,000
Registration Fees--Employee Training	9,000	\$ 9,000	\$ 9,000
Membership Dues	21,000	\$ 20,225	\$ 21,000
Payment to GR	510,000	\$ 510,000	\$ 510,000
IT Upgrades	45,000	\$ 45,000	\$ 45,000
Total Expenditures	3,021,330	\$ 2,958,003	\$ 3,016,553
Excess/ (Deficiency) of Rev over Exp.	-	49,963	-

Policy Title:	Reserve Fund Balance	Policy Number	EA-015
Originally Issued	June 26, 2015	Revisions	<p>Aug 31, 2015 – This version supersedes the previous version dated January 2011</p> <p>Apr 26, 2016 – Added Disaster Recovery to the Reserve fund utilization</p> <p>May 26, 2016 – The Board approved the minimal balance of fund to be maintained at an amount equal to eight months of agency operations, which includes the SDSI payment in the Reserve Fund Balance.</p> <p>May 3, 2018 - May 3, 2018 – Amended Step 1 and Step 3. Incorporated into Executive Administration as an Executive Director Policy and Procedure.</p>
Approved By:	Julie Hildebrand, Executive Director		
Responsible Department	Executive Administration		
Primary Policy Custodian	Executive Director		

Purpose

To establish a formal policy for the utilization of the Reserve Fund Balance, which are funds that are in excess of normal operating requirements. These funds are only to be used for special purposes, which will be recommended by the Executive Director and approved by the Board on a year by year basis. Disaster recovery, Capital projects, unfunded legislative mandates, retirees’ health insurance premiums, employee lump sum retirement payments, and oversight agency audits are examples of special purposes.

1. The minimal balance of the fund will be maintained at an amount equal to **eight** months of agency operations, which includes the SDSI payment. This level is set to mitigate any current and future risks (e.g., revenue shortfalls and unanticipated expenditures) and to ensure stable service levels and license fee rates despite any temporary revenue shortfalls or unpredicted one-time expenditures. The basis of this level is the predictability of the agency’s revenues and the low volatility of expenditures on the one hand and the agency’s moderate exposure to mandated outlays (e.g., unfunded legislative mandates, various required payroll related costs, and unbudgeted payments to oversight agencies, legal defense costs and settlements, and disaster recovery costs) on the other.

2. If the balance of the fund exceeds the minimal amount stated above, a draw on those funds may be made for normal budgeted operating expenses. This amount is to be requested in the proposed operating budget by the Executive Director, based on identified needs. The Board will address non-budgeted emergencies as they arise throughout the fiscal year and may grant additional spending authority. If the balance of the fund falls below the minimal amount stated above, any future budgets shall include a line item to address the shortfall with the goal of replenishing the fund balance to the minimal amount.
3. The Executive Director will determine and evaluate possible fiscal risks and monitor the Reserve Fund Balance. A report on the fund balance will be provided to the Board at least quarterly.
4. If the agency were to generate surplus revenues to fund items previously designated as being funded from the Reserve Fund, those items will be funded as normal operating expenses. The Reserve Fund would be unaffected for that year in that scenario.

Review Cycle

Policies and procedures are reviewed at least every two years 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.