



**TEXAS** Board of  
**Architectural Examiners**  
Architects • Interior Designers • Landscape Architects

# LICENSING NEWS

ARCHITECTURE • INTERIOR DESIGN • LANDSCAPE ARCHITECTURE

MARCH 2013

## CHAIRMAN'S COLUMN

# The Sunset Journey Continues

IN MY LAST CHAIRMAN'S COLUMN I WROTE about the ongoing Sunset Commission review of TBAE, and the resulting staff report. A new year brings us several steps closer to the conclusion of this significant journey, with additional updates to share.

Over the course of more than a year, Sunset staff compiled agency data and laid out recommended changes to the elected and appointed Commission members. A pair of public hearings took place in front of the Sunset Commission where a wide variety of stakeholders, professionals, and the public had opportunities to make comments. This first phase of the Sunset process concluded with the Commission members issuing their official decisions regarding the Texas Board of Architectural Examiners.

With the Sunset Commissions decisions in hand, the next step is for a bill (or bills) to be written following the typical legislative bill making process. As a reminder; the basic legislative process involves 31 Senators and 150 House Members having 140 days to pass all the laws they consider necessary for the next two years. In the past week, legislation was filed to incorporate the final decisions of the commission. A separate story in this issue of *Licensing News* provides information on how to stay informed of all the latest developments on TBAE-related bills and other legislation of interest.

It's often said that the only piece of legislation that absolutely must pass is the appropriations bill. That's true, as far as it goes—but as Chair of TBAE, I'd argue that if you're reading this newsletter, the TBAE Sunset bills absolutely must pass as well. If those bills don't pass by the time the Session ends in May, the SDSI project or even the agency itself would be abolished. While that scenario is highly unlikely, of course, it's still a reason for everyone to keep an eye on things at the state capitol through the month of May.

Once the Session ends on May 27, TBAE staff will begin taking steps to implement any new changes in statute. If history is any guide, implementation will entail multiple processes like the drafting, proposal, publishing, and adoption of rules, and of course communicating to stakeholders any rule change. In many ways after legislators return to their home districts later this summer, the real work for TBAE gears up. It is clear that the Sunset Commission's decisions will bring some changes to our current rules, and this agency will make sure that you are kept well informed and engaged along the way.



Alfred Vidaurri, Jr.  
AIA, AICP  
Chairman

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## How Well Do You Know TBAE?

Leading any organization without good data is a sure way to fail. With that in mind, I keep tabs on key measures and trends generated by TBAE to ensure that we continue delivering services efficiently.

Some of the data are revealing, and perhaps of interest to stakeholders like you. Since numbers can be a little dry, how about a pop quiz about TBAE and the three design professions we regulate?

1. **What percentage of enforcement complaints originate from the public (consumers, building officials, etc.), as opposed to originating from internal staff operations?**
  - a. 38 percent
  - b. 96 percent
  - c. 81 percent
  - d. 14 percent
2. **Registrant counts of two professions have increased every year from 2003 to 2011. What profession hasn't?**
  - a. Architects
  - b. Registered Interior Designers
  - c. Landscape Architects
3. **Percentage-wise, what is the most common way an enforcement complaint is resolved?**
  - a. Revocation of a license
  - b. Administrative penalty
  - c. Cease-and-Desist notice
  - d. Voluntary compliance

4. **In what year did renewal fees for all three professions align to the same amount?**

- a. 2004
- b. 2001
- c. 2007
- d. 1998

5. **In 2009, two professions witnessed a “bump” or “spike” in new licenses issued. Which one did not?**

- a. Architects
- b. Registered Interior Designers
- c. Landscape Architects

**Bonus question (because who doesn't like a bonus every now and then?): TBAE was created by the Legislature in 1937. Which of these events did not happen that same year?**

- a. The Golden Gate Bridge was opened
- b. Bill Cosby was born
- c. Pilot Amelia Earhart and navigator Fred Noonan disappeared
- d. Outlaws John Dillinger, “Bonnie and Clyde,” and Baby Face Nelson all met their maker

Go to page 6 for answers and context.



**Cathy L. Hendricks**  
RID/ASID/IIDA  
Executive Director

Trying to find an old issue of *Licensing News*? Past issues are available at:

**[www.tbae.state.tx.us](http://www.tbae.state.tx.us)**

## Legislature considers topics relevant to design professionals

As readers may know, in 2011 TBAE began to undergo a comprehensive review by the Sunset Advisory Commission of Texas (Sunset), a legislative branch agency charged with seeking out waste, duplication, and inefficiency in state government. All state agencies undergo such review, often scheduled at 12-year intervals. Sunset makes decisions big and small, ranging from the continuance or abolishment of an agency to minor tweaks of its statute, and those decisions are written into a bill for consideration by the full legislature.

This agency wasn't alone in its Sunset review this cycle; the Self-Directed, Semi-Independent program (under which TBAE funds itself outside the appropriations process) and our colleagues at the Texas Board of Professional Engineers also were reviewed, with their own legislation as a result.

TBAE's Sunset bills are available for review [on the TBAE legislative information Web page](#), along with the SDSI Sunset legislation and other items of interest to stakeholders and Capitol-watchers. We will update the page promptly as the legislative session progresses, and we hope you find the resource useful.

## Business Registration Goes Online

TBAE's Business Registration program is nothing new, having existed for many years now. But for 2013, the program is getting an operational makeover, with a new Web interface, a more sophisticated database, and an online roster of registered design firms, searchable by any consumer big or small.

So if you're a firm principal currently handling registration duties for your firm, watch for more information soon. (Only a single individual needs to fulfill the business registration requirement for each firm.) We are currently ironing out the wrinkles of the new-look Business Registration program, and we will make sure to communicate the rollout schedule once the final cogs fall into place. Stay tuned for more.



## LARE Changes Ongoing

By now, Landscape Architecture candidates likely know all about the recent changes to the Landscape Architecture Registration Exam (LARE) which began in September of 2012. At that time, the exam changed from five sections to four and was delivered entirely via computer.

Should you need a refresher on the LARE changes, the Council of Landscape Architectural Registration Boards (CLARB) has several helpful online resources to help.

- [General information on the 2012 LARE changes](#)
- [LARE transition chart](#)
- [FAQ on LARE transition](#)
- [CLARB's newsletter regarding the LARE](#)

# Architectural Candidates: Apply For Exam Reimbursement

If you're making your way through the Architectural Registration Exam (ARE) right now, you already know how tough it can be. Realizing the difficulties architectural candidates may face, the Texas Legislature created a "scholarship" in 1999 to help emerging professionals succeed.

More of a reimbursement than a true scholarship, the Architectural Registration Examination Financial Assistance Fund (AREFAF) offers a one-time \$500 reimbursement to eligible test-takers. AREFAF eligibility currently extends only to architectural candidates. Full eligibility details are available online, but below are some of the major requirements. Applicants must:

- Have resided in Texas for at least 18 months immediately preceding the date of application
- Have passed \$500 worth of exam sections (currently this translates into three sections)

- Have been approved for examination by TBAE and paid all required fees
- Have not been disciplined or been the subject of a pending enforcement proceeding by an architectural registration board
- Meet established financial requirements. Income maximums (adjusted gross income as shown on most recent income tax return) are \$52,000 (filing status single), \$75,000 (filing status married) and \$63,500 (Head of Household).

So if you're eligible, please apply; it takes only a few minutes to fill out the form and send it. And if you're a mentor, employer, or supervisor of an ARE-taker, we urge you to let your candidates know about this little-known but very helpful program.

Frequently Asked Questions about the AREFAF program.

## ARE "blackout" Begins July 1

This summer, the National Council of Architectural Registration Boards (NCARB) will transfer content and candidate management for the ARE to Alpine Testing Solutions, but NCARB's current vendor, Prometric, will continue to be the Council's site management consultant.

In order to facilitate the migration of data to the new consultant, NCARB estimates an eight-week blackout for candidates. This means:

- No exam appointments may be scheduled on or after July 1, 2013 until the blackout ends in late August.
- There will be no exams administered beginning July 1, 2013 until the blackout ends.
- The last day to take an exam before the blackout will be June 30, 2013.

- The last batch of exams taken on or before June 30, 2013 will be scored by Prometric prior to the data migration to the new consultant.
- The last day to contact Prometric to receive an authorization to test letter or candidate ID numbers will be June 30, 2013.
- TBAE Staff will not have access to the candidate database during the blackout, so we will not be able to enter or create exam eligibilities or update your name or address information during this time.
- TBAE will grant all candidates an automatic 12-week extension to their 5-year rolling clock, post-blackout.

According to NCARB, there will be no changes to exam content post-blackout. However, the process to schedule an exam appointment will be different. Read the December 2012 copy of ARE e-news for more detailed information.

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# A Refresher Course on Construction Observation

After the bustle of the client meetings, the programming, the drawings and specifications and permits, there is an aspect of the practice of architecture that is too often neglected: construction observation. It is an important aspect of architecture, and construction observation rules sometimes are insufficiently understood. A short refresher course on construction observation requirements is in order.

The relevant TBAE rule is 1.217, and it is worth reviewing from time to time. Even seasoned professionals are sometimes surprised by its provisions.

For instance, construction observation must be performed by an architect or someone working under the supervision and control of an architect (such as a project manager or associate in the architect's firm). This architect need not be the architect of record. Contractors or other construction professionals are prohibited from performing construction observation, even if the owner requests the contractor to do so.

Also useful and interesting is to consider what specific tasks and responsibilities comprise construction observation. In a nutshell, construction observation includes:

- Reviewing shop drawings and samples from the contractor,
- Scrutinizing changes to architectural plans,
- Visiting the construction site to become generally familiar with the project, taking steps to identify deficiencies, and ensuring generally that the project is on track to reflect its plans and specifications, and
- Notifying the client in writing of any problematic deviations from the architectural plans.

TBAE's construction observation rule applies to non-exempt projects; exempt projects such as single family residences, farm/agricultural/warehouse facilities, and other smaller projects are not subject to the rule. TBAE has published a detailed flow chart to identify which projects are exempt; the construction observation rule does not apply in these instances.

Of the three professions overseen by TBAE, the construction observation rule applies only to architects. Even so, the issue arises with some frequency, and it's best for everyone involved—architects, project owners, contractors—to be aware of the regulation before a problem appears.

If your project is under construction and a question comes up, we're ready at 512-305-9000 or [customerservice@tbae.state.tx.us](mailto:customerservice@tbae.state.tx.us) to help. One quick call or email could prevent a big headache very near the completion of your project, so don't hesitate to contact TBAE for clarification.





**Tony Whitt**  
*Continuing Education Coordinator*

## A New Year Brings Some New Continuing Education Rules

Beginning in calendar year 2013, the TBAE has some major changes to the continuing education (CE) program. As you've probably read before in this newsletter, Texas architects, landscape architects, and Registered Interior Designers will be required to complete 12 hours of continuing education each year. Additionally, CE cycles will change from the previous renewal cycle period to a calendar year reporting period. That is, you should earn your CE (and organize your CE documentation) starting January 1 and ending December 31 of each year. Your registration renewal cycle will not change—so remember to renew by the end of your birth month.

As before, all 12 hours must be in topics pertinent to the health, safety, and welfare (HSW) of the public. Of the 12 total hours, registrants are required to complete a minimum of eight hours in structured activities (classroom, online courses, webinars), and permitted to complete up to four hours in self-directed study (reading from magazines, journals and other material pertinent to the HSW of the public). Please keep in mind that "self-directed" study is not mandatory, and you may complete all 12 hours in structured activities if you wish.

While all registrants are still required to renew their registration by the last day of their birth month, all CE must be taken during the cal-

endar year (January 1 through December 31). Since we are in a transition period, registrants are welcome to use any CE taken after their expiration date in 2012 and apply it to their 2013 requirement. [Read more about the transition period.](#)

Word of the change has spread, and many CE providers are expanding their offerings to help TBAE registrants meet the new requirements. Also, feel free to take advantage of the self-directed study time. Many registrants read design-related magazines, professional journals, or the latest design news from various Web sites. This can all be logged and used for up to four hours of your yearly CE requirement.

Since all registrants reading this article have until December 31, 2013 to complete the 12 hours, TBAE has removed any references to CE during the renewal process. When you renew your registration during calendar year 2014, you will be asked to confirm completion of the 12 hours during the calendar year 2013.

TBAE is well aware of the stress that change can cause, so we want to assure you we are available to explain the new rules for you. If you have any questions regarding the new changes please pick up the phone and give me a call at (512) 305-8528, or email me at [ce@tbae.state.tx.us](mailto:ce@tbae.state.tx.us).

### Contact Tony Whitt directly about continuing education issues!

PHONE: 512-305-8528 • EMAIL: [ce@tbae.state.tx.us](mailto:ce@tbae.state.tx.us)

## How Well Do You Know TBAE?—Answers

**1.** The answer is C, 81 percent. Approximately four of every five complaints is sent to TBAE from an external source, and the remainder (often continuing education courses or the results of compliance checks) originate within the agency.

**2.** The answer is B, Registered Interior Designers, who have had modest ups and downs in numbers over time. Meanwhile, Landscape Architect counts are increasing modestly and Architect numbers are climbing at a healthy rate.

**3.** The answer is D, Voluntary compliance. 41 percent of complaints are handled in this simple but effective way. On the other end of the Enforcement spectrum, 22 percent of cases end with an

administrative penalty, 5 percent with a Cease-and-Desist notice, and only a handful of truly egregious matters with revocation.

**4.** The answer is A, 2004. Almost a decade ago, all three professions began paying the \$200 "professional fee" to the state's General Revenue (not to this agency), and renewal fees were set \$5 higher than the \$305 that in-state registrants pay today.

**5.** The answer is C, Landscape Architects—though the lack of a "spike" in registrant numbers does not mean there was a dramatic trough by any means. In fact, only in Landscape Architecture were there more new licenses issued in 2011 than in 2007.

**Bonus answer:** The answer is D. Those outlaws all perished in 1934, which suggests it was a tough year to be a notorious crook.

# Disciplinary Action

The following enforcement cases were decided during TBAE Board meeting in October, 2012. Each case is based on the applicable rule in effect at the time of the violation, and was considered by Enforcement staff and the Board in light of its unique facts. Individual rules may have changed between the time a violation occurs and the time the case is publicized.

In order to ensure compliance with continuing education responsibilities TBAE staff audits 10% of its registrants each year through a random selection process. All of the continuing education enforcement cases brought to the Board at the October, 2012 meeting stem from the random audit program. The cases reflect the most common violations: (1) failing to complete adequate continuing education hours during a program year, (2) failing to maintain continuing education records and verification of participation in CE activities for a period of five years, (3) falsely certifying at the time of renewal compliance with continuing education responsibilities, and/or (4) failing to respond to a request for information within 30 days. Each infraction is subject to a standard administrative penalty.

## October 2012 Board Meeting

### TDLR Referral

#### **Gomez, Rudolph V.** **Brownsville, Texas**

- Failure to submit plans for three separate projects to Texas Department of Licensing and Regulation for accessibility review within 20 days of issuance – \$3,000.00, representing \$1,000.00 for each separate project.

### Continuing Education Cases

#### **Adams, Joseph H.** **Houston, Texas**

- Falsely reporting completion of CE responsibilities in order to renew registration – \$700.00

#### **Atwood, Robert O.** **Houston, Texas**

- Failure to maintain adequate records of CE activities for a period of 5 years – \$500.00

#### **Campbell, David G.** **Fort Worth, Texas**

- Failure to maintain adequate records of CE activities for a period of 5 years – \$500.00
- Failure to respond to request for information within 30 days – \$250.00

#### **Croft, Brent E.** **Cheyenne, Wyoming**

- Failure to maintain adequate records of CE activities for a period of 5 years – \$500.00
- Failure to respond to request for information within 30 days – \$250.00

#### **Dykes, Tim L.** **Houston, Texas**

- Falsely reporting completion of CE responsibilities in order to renew registration – \$700.00
- Failure to complete CE responsibilities during program year – \$500.00
- Failure to respond to request for information within 30 days – \$250.00

#### **Gabriel, Michael** **Frisco, Texas**

- Falsely reporting completion of CE responsibilities in order to renew registration – \$700.00
- Failure to complete CE responsibilities during program year – \$500.00

#### **Hibbs, Richard A.** **Dallas, Texas**

- Falsely reporting completion of CE responsibilities in order to renew registration – \$700.00
- Failure to complete CE responsibilities during program year – \$500.00
- Failure to respond to two requests for information within 30 days – \$500.00

#### **Joy, Rick** **Tucson, Arizona**

- Failure to complete CE responsibilities during program year – \$500.00

#### **Lew, Dick H.** **Houston, Texas**

- Failure to maintain adequate records of CE activities for a period of 5 years – \$500.00

#### **Marusak, Jean Marie** **Ennis, Texas**

- Failure to maintain adequate records of CE activities for a period of 5 years – \$500.00

#### **Reynolds, Nicolett** **Austin, Texas**

- Failure to complete CE responsibilities during program year – \$500.00
- Falsely reporting completion of CE responsibilities in order to renew registration – \$700.00

#### **Riffey, Brenda L.** **El Paso, Texas**

- Failure to complete CE responsibilities during program year – \$500.00
- Falsely reporting completion of CE responsibilities in order to renew registration – \$700.00

#### **Weintraub, Lee** **Chicago, Illinois**

- Failure to respond to two requests for information within 30 days – \$500.00



# TEXAS Board of Architectural Examiners

Architects ▪ Interior Designers ▪ Landscape Architects

333 Guadalupe, Suite 2-350, Austin, TX 78701 • P.O. Box 12337, Austin, TX 78711

Telephone: (512) 305-9000 • Fax: (512) 305-8900 • [www.tbae.state.tx.us](http://www.tbae.state.tx.us)

Registrants, please encourage your interns to sign up for the TBAE list serve for important news and updates.

## Change of Address

Please make sure that we have your current mailing and email address so we may send your renewal notice to you in a timely fashion. You may update your own record by logging in to your online account on our Web site, [www.tbae.state.tx.us](http://www.tbae.state.tx.us). You can also mail or fax **512.305.8900** the address change along with your signature. We will send renewal reminders to registrants at the e-mail address on file with TBAE, so be sure to keep your valid and unique email address updated.

## Upcoming Board Meetings

- June 14, 2013
- August 22, 2013
- October 24, 2013

## EXECUTIVE DIRECTOR

**Cathy L. Hendricks**, RID/ASID/IIDA

## BOARD MEMBERS

**Alfred Vidaurre, Jr.**, AIA, AICP

*Chair, Architect Member; Term ends 1/31/15*

**Corbett "Chase" Bearden**

*Vice-Chair, Public Member; Term ends 1/31/15*

**Sonya B. Odell**

*Secretary-Treasurer, Registered Interior Designer Member;  
Term ends 1/31/17*

**Chuck Anastos**, AIA – Architect Member; Term ends 1/31/13

**Debra Dockery**, AIA – Architect Member; Term ends 1/31/17

**H.L. "Bert" Mijares**, AIA – Architect Member; Term ends 1/31/15

**Paula Ann Miller** – Public Member; Term ends 1/31/17

**Brandon Pinson** – Public Member; Term ends 1/31/13

**Diane Steinbrueck**, RLA – Landscape Architect Member; Term ends 1/31/13

The mission of the Texas Board of Architectural Examiners is to protect the public health, safety, and welfare through the regulation of the practice of the professions of architecture, landscape architecture, and interior design.

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