

1 (1) submit a request for reconsideration of the determination of ineligibility based upon evidence that
2 was not disclosed or reasonably available to the agency at the time the determination was made;

3 (2) submit a new request for an evaluation no sooner than one year after the date upon which the
4 criminal history evaluation letter was issued; or

5 (3) request a hearing on the determination made in the executive director's criminal history evaluation
6 letter. A hearing conducted pursuant to this section is subject to the Administrative Procedure Act,
7 Chapter 2001, Government Code.

8 (f) The Board shall issue a final order on the determination made in the criminal history evaluation after
9 consideration of a proposal for decision issued by an administrative law judge at the State Office of
10 Administrative Hearings. The Board's final order must specify findings of fact and conclusions of law,
11 stated separately, regarding the person's eligibility for registration in light of his or her criminal history
12 record.

13 (g) A person who is found to be ineligible by a final order of the Board may not file another request for a
14 criminal history evaluation or apply for registration until three years after the date of the Board's final
15 order. However, a person may request reconsideration of the final order based upon evidence that was
16 not disclosed or reasonably available to the Board at the time the final order was issued.

17

18 **RULE §5.37 Provisional Licensure**

19 (a) The Board shall grant a Certificate of Registration or a provisional Certificate of Registration to an
20 otherwise qualified ~~Candidate-Applicant~~ who has been convicted of an offense that:

21 (1) is not directly related to the Practice of Interior Design as determined by the executive director
22 under §5.158 of this chapter (relating to Criminal Convictions);

23 (2) was committed earlier than five (5) years before the date the ~~Candidate-Applicant~~ filed an
24 application for registration;

25 (3) is not an offense listed in §3g, Article 42.12, Code of Criminal Procedure; and

26 (4) is not a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.

27 (b) A provisional Certificate of Registration expires six (6) months after the date it is issued.

28 (c) A provisional Certificate of Registration may be Revoked for the following reasons:

29 (1) the provisional Registrant commits another offense during the 6-month provisional Registration
30 period;

31 (2) the provisional Registrant's community supervision, mandatory supervision, or parole is Revoked; or

32 (3) the provisional Registrant violates a statute or rule enforced by the Board.

33 (d) A provisional Registrant who is subject to community supervision, mandatory supervision, or parole
34 shall provide the Board name and contact information of the probation or parole department to which
35 the provisional Registrant reports. The Board shall provide notice to the department upon the issuance

1 of the provisional Certificate of Registration, as well as any terms, conditions or limitations upon the
2 provisional Registrant's practice.

3 (e) Upon successful completion of the provisional Registration period, the Board shall issue a Certificate
4 of Registration to the provisional Registrant. If a provisional Registrant's provisional Certificate is
5 Revoked, the provisional Registrant is disqualified from receiving a Certificate of Registration and may
6 not apply for a Certificate of Registration for a period of three (3) years from the date of Revocation.

7

8 **RULE §5.38 Child Support Arrearage**

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

14

15 **RULE §5.39 Registration of a Military Service Member, Military Veteran, or Military Spouse**

16 (a) Definitions.

17 (1) "Active duty" means current full-time military service in the armed forces of the United States or
18 active duty military service as a member of the Texas military forces, as defined by Section 437.001,
19 Government Code, or similar military service of another state.

20 (2) "Armed forces of the United States" means the army, navy, air force, coast guard, or marine corps
21 of the United States or a reserve unit of one of those branches of the armed forces.

22 (3) "Military service member" means a person who is on active duty.

23 (4) "Military spouse" means a person who is married to a military service member.

24 (5) "Military veteran" means a person who has served on active duty and who was discharged or
25 released from active duty.

26 (b) Interior design registration eligibility requirements for military service members, military veterans,
27 and military spouses.

28 (1) Verified military service, training, or education will be credited toward the registration
29 requirements, other than an examination requirement, of an Applicant who is a military service member
30 or a military veteran.

31 (2) An Applicant who is a military service member, military veteran, or military spouse may be eligible
32 for registration if the Applicant:

33 (A) Holds an active interior design registration issued by another jurisdiction that has licensing or
34 registration requirements that are substantially equivalent to the requirements for the license in this
35 state; or

1 (B) Held an active interior design registration in this state within the five years preceding the
2 application.

3 (3) As soon as practicable after a military service member, military veteran, or military spouse files an
4 application for registration, the Board shall process the application, and if the applicant qualifies for
5 registration under this subsection, issue the registration.

6 (4) This subsection does not apply if the Applicant holds a restricted registration issued by another
7 jurisdiction or has an unacceptable criminal history.

8

9 **RULE §5.51 Requirements**

10 (a) An Applicant for Interior Design registration by examination in Texas must meet the eligibility and
11 application requirements contained in §5.33(b) and (c) of this chapter, and successfully complete all
12 sections of the National Council for Interior Design Qualification (NCIDQ) NCIDQ examination or a
13 predecessor or other examination deemed equivalent by the Council for Interior Design Qualification
14 (CIDQ)NCIDQ deems equivalent to the NCIDQ examination. Alternatively, prior to December 31, 2018,
15 an applicant may obtain Interior Design registration by examination by successfully completing all
16 sections of the Architectural Registration Examination (ARE), or another examination NCARB deems
17 equivalent to the ARE, after fulfilling the requirements of §1.21 and §1.41 of this title relating to Board
18 approval to take the ARE for architectural registration by examination.

19 ~~(b) The Board may approve an Applicant to take the NCIDQ examination only after the Applicant has~~
20 ~~completed the educational requirements for Interior Design registration by examination in Texas, has~~
21 ~~completed at least six (6) months of full-time experience working under the Direct Supervision of a~~
22 ~~Registered Interior Designer, and has submitted the required application materials. In jurisdictions~~
23 ~~where interior designers are not licensed, the supervision may be under a licensed architect or a~~
24 ~~Registered Interior Designer who has passed the NCIDQ examination.~~

25 ~~(c) An Applicant may take the NCIDQ examination at any official NCIDQ testing center but must satisfy~~
26 ~~all Texas registration requirements in order to obtain Interior Design registration by examination in~~
27 ~~Texas.~~

28 ~~(d)~~ Each Candidate Applicant must achieve a passing score in each division of the NCIDQ examination.
29 Scores from individual divisions may not be averaged to achieve a passing score.

30 ~~(e)~~ An examination fee may be refunded as follows:

31 (1) The application fee paid to the Board is not refundable or transferable.

32 (2) The Board, on behalf of an examinee Candidate, may request a refund of a portion of the
33 examination fee paid to ~~the national examination provider~~CIDQ for scheduling all or a portion of the
34 registration examination. A charge for refund processing may be withheld by ~~the national examination~~
35 ~~provider~~CIDQ. Refunds of examination fees are subject to the following conditions:

36 (A) An Candidate examinee, because of extreme hardship, must have been precluded from scheduling
37 or taking the examination or a portion of the examination. For purposes of this subsection, extreme
38 hardship is defined as a serious illness or accident of the Candidate-examinee or a member of the

1 ~~Candidate's examinee's~~ immediate family or the death of an immediate family member. Immediate
2 family members include the spouse, child(ren), parent(s), and sibling(s) of the ~~Candidate examinee~~. Any
3 other extreme hardship may be considered on a case-by-case basis.

4 (B) A written request for a refund based on extreme hardship must be submitted not later than thirty
5 (30) days after the date the examination or portion of the examination was scheduled or intended to be
6 scheduled. Documentation of the extreme hardship that precluded the ~~applicant-examinee~~ from
7 scheduling or taking the examination must be submitted by the ~~Candidateexaminee~~ -as follows:

8 (i) Illness: verification from a physician who treated the illness.

9 (ii) Accident: a copy of an official accident report.

10 (iii) Death: a copy of a death certificate or newspaper obituary.

11 (C) Approval of the request and refund of the fee or portion of the fee by ~~the national examination~~
12 ~~providerCIDQ~~.

13 (3) An examination fee may not be transferred to a subsequent examination.
14

15 **RULE §5.52 Examination Administration and Scoring**

16 (a) An Applicant must apply for Interior Design registration by examination as described in §5.33 of this
17 title (relating to Application Process).

18 (b) ~~Unless otherwise noted in this chapter, the administration and scoring of the NCIDQ examination~~
19 ~~shall be governed by the procedures adopted by the Council for Interior Design Qualification (CIDQ).The~~
20 ~~NCIDQ examination shall be administered once during the spring and once during the fall of every year.~~

21 ~~(c) In order for an Applicant to take the NCIDQ examination in the spring, the Applicant's application and~~
22 ~~supporting documentation must be postmarked or received by the Board no later than December 1st of~~
23 ~~the preceding year. In order for an Applicant to take the NCIDQ examination in the fall, the Applicant's~~
24 ~~application and supporting documentation must be postmarked or received by the Board no later than~~
25 ~~June 1st. If the deadline falls on a date when the Board's office is closed, the application and supporting~~
26 ~~documentation must be postmarked or received by the Board no later than the next date when the~~
27 ~~Board's office is open.~~

28 ~~(d) A Candidate who is approved to take the NCIDQ examination must appear personally for~~
29 ~~examination as directed in the notification letter sent to the Applicant. In order to be admitted for~~
30 ~~examination, the Candidate must present the candidate's identification card that was mailed to the~~
31 ~~Candidate prior to the examination date and must present a separate official form of identification~~
32 ~~bearing a recent photograph of the Candidate.~~

33 ~~(e) Each Candidate shall be responsible for taking to the examination all tools necessary to complete the~~
34 ~~examination.~~

35 ~~(f) An explanation of the scoring procedures for the NCIDQ examination shall be provided to each~~
36 ~~Candidate before the examination is administered to the Candidate.~~

1 ~~(g) A Candidate's NCIDQ examination scores shall be determined by the entity that administers the~~
2 ~~examination.~~ The Board shall not review any NCIDQ examination score to determine its validity.

3 ~~(h) If, for any reason, a Candidate takes a section or sections of the NCIDQ examination but does not~~
4 ~~receive a score for the section or sections, the Board shall have no liability beyond authorizing the~~
5 ~~Candidate to retake the section or sections with the corresponding fee waived.~~

6
7 **RULE §5.53 ~~Reexamination~~Scheduling of Examinations**

8 (a) In order to qualify for registration by examination, an Applicant must schedule and pass all sections
9 of the NCIDQ within the time period required by the Council for Interior Design Qualification (CIDQ).

10 (b) Notwithstanding subsection (a) of this section, an Applicant described by §5.31(c) of this chapter may
11 schedule and pass all sections of the NCIDQ examination within the time period:

12 (1) required by CIDQ; or

13 (2) adopted by the Board and in effect at the time the application was filed.~~A Candidate's~~
14 ~~passing grade for any section of the examination is valid for five (5) years. Each Candidate must pass all~~
15 ~~sections of the examination within five (5) years after the date the Candidate passes a section of the~~
16 ~~examination. A Candidate who does not pass all sections of the examination within five (5) years after~~
17 ~~passing a section of the examination will forfeit credit for the section of the examination passed and~~
18 ~~must pass that section of the examination again.~~

19 ~~(c) A qualifying examinee may request an extension if the examinee is~~ The Board may grant extensions
20 ~~to the 5-year period for completion of the examination if the Candidate is unable to pass all sections of~~
21 ~~the examination within that the required time period for the following reasons:~~

22 (1) The ~~Candidate-examinee~~ gave birth to, or adopted a child ~~within that 5-year period;~~

23 (2) The ~~Candidate-examinee~~ developed a serious medical condition ~~within that 5-year period;~~ or

24 (3) The ~~Candidate-examinee~~ commenced active duty service as a member of the United States military
25 ~~within that 5-year period.~~

26 ~~(d) An Candidate-examinee~~ may receive an extension of up to 6 months for the birth or adoption of a
27 child by filing a written application with the Board together with any corroborating evidence
28 immediately after the ~~Candidate-examinee~~ learns of the impending adoption or birth. A ~~Candidate~~
29 ~~examinee~~ may receive an extension for the period of the serious medical condition or for the period of
30 active duty military service by filing a written application with the Board together with corroborating
31 evidence immediately after the ~~Candidate-examinee~~ learns of the medical condition or the
32 commencement of active duty military service. An ~~Candidate-examinee~~ shall immediately notify the
33 Board in writing when the medical condition is resolved or active duty military service ends. Any request
34 for an extension under this section must be approved by the Board and CIDQ.

35
36 **RULE §5.54 — Transfer of Passing Scores**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

~~(a) A Candidate's examination score may be transferred from one NCIDQ member board to another. The acceptance of the Candidate's score by the board receiving the score shall terminate the Candidate's application with the board transferring the score so that the Candidate has an application pending in only one (1) jurisdiction at all times. In order to be approved for Interior Design registration in Texas, a Candidate whose examination score is transferred to Texas must satisfy all requirements for Interior Design registration in Texas in effect at the time the examination score is transferred.~~

~~(b) If a Candidate's examination score is transferred from another member board and accepted by the Board, the Candidate must pass all sections of the examination no later than five (5) years from the date the first examination section was passed. If the Candidate does not pass all sections of the examination within five (5) years after passing a section of the examination, the Candidate will forfeit credit for the section of the examination passed and must pass that section of the examination again.~~

RULE §5.55 Special Accommodations

(a) In accordance with the Americans with Disabilities Act (ADA), every registration examination must be conducted in an accessible place and manner, or alternative accessible arrangements must be afforded so that no qualified individual with a disability is unreasonably denied the opportunity to complete the licensure process because of his/her disability.

(b) Special accommodations can be provided for examinees with physical or mental impairments that substantially limit major life activities. Available accommodations include the modification of examination procedures and the provision of auxiliary aids and services designed to furnish an individual with a disability an equal opportunity to demonstrate his/her knowledge, skills, and ability.

(c) The Board is not required to approve every request for accommodation or auxiliary aid or provide every accommodation or service as requested. The Board is not required to grant a request for accommodation if doing so would fundamentally alter the measurement of knowledge or the measurement of a skill intended to be tested by the examination or would create an undue financial or administrative burden.

(d) Procedure for requesting accommodation:

(1) To protect the integrity of the testing process, an Applicant-examinee requesting an accommodation must submit documentation regarding the existence of a disability and the reason the requested accommodation is necessary to provide the Applicant-examinee with an equal opportunity to exhibit his/her knowledge, skills, and ability through the examination. The Board shall evaluate each request on a case-by-case basis.

(2) An Applicant-examinee requesting an accommodation must have a licensed health care professional or other qualified evaluator provide certification regarding the disability as described in Subsection (e) of this section.

(3) An Applicant-examinee seeking an accommodation must make a request for accommodation on the prescribed form and provide documentation of the need for accommodation well in advance of the

1 examination date. If the form is submitted less than sixty (60) days prior to the examination date, the
2 Board will attempt to process the request but might not be able to provide the necessary
3 accommodation for the next examination.

4 (e) The following information is required to support a request for an accommodation or an auxiliary aid:

5 (1) Identification of the type of disability (physical, mental, learning);

6 (2) Credential requirements of the evaluator:

7 (A) For physical or mental disabilities (not including learning), the evaluator shall be a licensed health
8 care professional qualified to assess the type of disability claimed. If a person who does not fit these
9 criteria completes the evaluation, the Board may reject the evaluation and require another evaluation,
10 and the request for accommodation may be delayed.

11 (B) In the case of learning disabilities, a qualified evaluator shall have sufficient experience to be
12 considered qualified to evaluate the existence of learning disabilities and proposed accommodations
13 needed for specific learning disabilities. The evaluator shall be one of the following:

14 (i) a licensed physician or psychologist with a minimum of three years' experience working with
15 adults with learning disabilities; or

16 (ii) another professional who possesses a master's or doctorate degree in special education or
17 educational psychology and who has at least three years of equivalent training and experience in all of
18 the areas described below:

19 (I) assessing intellectual ability and interpreting tests of such ability;

20 (II) screening for cultural, emotional, and motivational factors;

21 (III) assessing achievement level; and

22 (IV) administering tests to measure attention and concentration, memory, language reception and
23 expression, cognition, reading, spelling, writing, and mathematics.

24 (3) Professional verification of the disability, which shall include a description of:

25 (A) the nature and extent of the disability, including a description of its effect on major life activities
26 and the anticipated duration of the impairment;

27 (B) the effect of the disability on the ~~applicant's~~ examinee's ability to:

28 (i) evaluate written material;

29 (ii) complete graphic sections of the examination by drawing, drafting, and lettering; and

30 (iii) complete computerized sections of the examination that require data entry via keyboard and the
31 manipulation of a mouse.

32 (C) whether the disability limits the amount of time the ~~Applicant-examinee~~ can spend on specific
33 examination tasks;

34 (D) the recommended accommodation and how it relates to the ~~applicant's~~ examinee's disability;

- 1 (E) the professional's name, title, telephone number, and his/her original signature;
- 2 (F) any other information necessary, in the professional's opinion, to enable the exam provider to
- 3 understand the examinee's disability and the accommodation necessary to enable the examinee to
- 4 demonstrate his/her knowledge, skills, and ability.
- 5 (f) Documentation supporting an accommodation shall be valid for five (5) years from the date
- 6 submitted to the Board except that no further documentation shall be required where the original
- 7 documentation clearly states that the disability will not change in the future.
- 8 (g) The Board has the responsibility to evaluate each request for accommodation and to approve, deny,
- 9 or suggest alternative reasonable accommodations. The Board may consider an Applicant's examinee's
- 10 history of accommodation in determining its reasonableness in relation to the currently identified
- 11 impact of the disability.
- 12 (h) Information related to a request for accommodation shall be kept confidential to the extent provided
- 13 by law.

14 SUBCHAPTER J - TABLE OF EQUIVALENTS FOR EDUCATION AND EXPERIENCE IN INTERIOR DESIGN -

15 REPEALED

16 RULE §5.201 — Description of Approved Education for Registration by Examination

17 (a) Pursuant to §5.31 of this title (relating to Registration by Examination), an Applicant must

18 successfully demonstrate that he/she has approved Interior Design education and experience in

19 accordance with the following table. An Applicant for Interior Design registration by examination who

20 enrolls in an Interior Design educational program after September 1, 2006, must graduate from a

21 program described in ID-1:

22 Attached Graphic

Figure: 22 TAC §5.201(a)

Approved Education		Minimum Experience Required
ID-1 (Per §5.31(a)(1))	Graduation from a program granted professional status by the Council for Interior Design Accreditation (CIDA) or the National Architectural Accreditation Board (NAAB) or from an interior design education program outside the U.S. that is substantially equivalent to a CIDA-accredited or NAAB-accredited professional program	2 years
ID-2 (Per §5.31(a)(2))	A doctorate, master's degree, or baccalaureate degree in Interior Design from a degree program that	3 years

	does not satisfy the requirements of category ID-1	
ID-3 (Per §5.31(a)(3))	A baccalaureate degree in a field other than Interior Design plus an associate's degree or a two-year or three-year certificate from an Interior Design program at an institution accredited by an agency recognized by the Texas Higher Education Coordinating Board (THECB)	3 years
ID-4 (Per §5.31(a)(4))	A baccalaureate degree in a field other than Interior Design plus an associate's degree or a two-year or three-year certificate from a foreign interior design program approved or accredited by an agency acceptable to the Board	3 1/2 years

1

2 (b) An Applicant may not earn credit in more than one of categories ID-1 through ID-4.

3

4 RULE §5.202 — Description of Approved Experience for Registration by Examination

5 Every Applicant for registration by examination must successfully demonstrate that he/she has gained a
6 minimum of two years of experience credit in accordance with the following table subject to the
7 following terms and conditions:

8

9 Attached Graphic

Figure: 22 TAC §5.202

Description of Experience		Credit Allowed	Maximum Credit
ID-7	Diversified experience directly related to Interior Design as an employee working under the Direct Supervision of a Registered Interior Designer or architect	Full credit	No limit
ID-8	Diversified experience directly related to Interior Design when the experience is not under the Direct Supervision of a Registered Interior Designer or architect	Half credit	1 year

ID-9	Teaching on a full-time basis in a CIDA-accredited program in Interior Design	Full credit	1-year
------	--	-------------	--------

1

2 ~~—(1) An Applicant must earn at least one year of experience credit under the conditions described in~~
 3 ~~category ID-7.~~

4 ~~—(2) In order to earn credit in category ID-7 or ID-8, an Applicant must:~~

5 ~~—(A) work at least thirty-five (35) hours per week for a minimum of ten (10) consecutive weeks; or~~

6 ~~—(B) for half credit, work between twenty (20) and thirty-four (34) hours per week for a minimum of six~~
 7 ~~(6) consecutive months.~~

8 ~~—(3) In order to earn credit in category ID-9, an Applicant must teach subjects that are directly related to~~
 9 ~~the practice of interior design. An Applicant may earn one year of credit by teaching for twenty (20)~~
 10 ~~semester credit hours or thirty (30) quarter credit hours.~~

11 ~~—(4) An Applicant may not earn credit for experience gained prior to the date the Applicant completed~~
 12 ~~the educational requirements for Interior Design registration by examination in Texas.~~

13

14 ~~RULE §5.203 — Other Education and Experience~~

15 ~~An Applicant may earn credit for education or experience other than under the conditions described in~~
 16 ~~Sections 5.201 and 5.202 of this subchapter if the Board considers such education or experience to be~~
 17 ~~substantially equivalent to the education and experience described therein. For purposes of this~~
 18 ~~subsection, education may be considered as experience.~~

Sec. 1053.152. ELIGIBILITY REQUIREMENTS. (a) The board shall establish the qualifications for the issuance or renewal of a certificate of registration under this chapter.

(b) To be eligible for a certificate of registration, an applicant must:

- (1) meet the qualifications established by the board under Subsection (a);
- (2) pass the registration examination; and
- (3) pay the required fees.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003.

Sec. 1053.153. APPLICATION FOR CERTIFICATE OF REGISTRATION. Each application for a certificate of registration must:

- (1) be on a form prescribed and furnished by the board; and
- (2) include a:
 - (A) verified statement of the applicant's education; and
 - (B) detailed summary of the applicant's interior design work experience.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003.

Sec. 1053.154. EXAMINATION REQUIRED. (a) An applicant for a certificate of registration must pass the examination adopted by the board.

(b) The examination must cover subjects established by and must be graded according to board rules. The board by rule may adopt the examination of the National Council for Interior Design Qualification or a comparable examination.

(c) The board shall determine the time and place for each examination. The examination shall be offered at least once a year. The board shall give reasonable public notice of the examination in the manner provided by board rule.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003.

Sec. 1053.155. APPLICATION FOR ADMISSION TO EXAMINATION. (a) An applicant for a certificate of registration must apply to the board, on a form prescribed by the board, for admission to the registration examination.

(b) An application for admission to the registration examination must be accompanied by evidence satisfactory to the board that the applicant has satisfied the educational and professional experience requirements for the examination adopted by the board under Section 1053.154[-];

~~(1) has graduated from an interior design educational program recognized and approved by the board;
and~~

~~(2) has professional experience in the field of interior design].~~

~~[(c) The board shall adopt rules establishing standards for:~~

~~(1) the recognition and approval of interior design educational programs; and~~

~~(2) the amounts and types of professional experience necessary for registration examination eligibility.-]~~

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003, as amended S.B. 1932, 85th
Legislature

CIDA Degree

(ROUTE 1)

<p>Education Bachelor's or Master's degree from a CIDA-accredited interior design program.</p> <p>BY END OF YEAR 3 96 sem/144 qtr credits completed</p>			<p>Up to 1,760 hours of work experience can be earned before education is completed.</p> <p>BY END OF YEAR 4 Education completed</p>	APPLY FOR IDFX	<p>Work Experience 3,520 hours qualified interior design experience.²</p> <p>Final 1,760 hours must be earned after all education is completed.</p>		APPLY FOR IDPX/ PRAC TO COMPLETE THE EXAM
YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6		

Interior Design Degree — Non-CIDA

(ROUTE 2)

<p>Education Bachelor's degree (minimum) in an interior design program not accredited by CIDA.¹</p> <p>Including: No less than 120 semester or 180 quarter credits, of which no less than 60 semester or 90 quarter credits are interior design coursework.</p> <p>BY END OF YEAR 3 96 sem/144 qtr credits completed</p>			<p>Up to 1,760 hours of qualified work experience can be earned before education is completed.</p> <p>BY END OF YEAR 4 Education completed</p>	APPLY FOR IDFX	<p>Work Experience 3,520 hours qualified interior design experience.²</p> <p>Final 1,760 hours must be earned after all education is completed.</p>		APPLY FOR IDPX/ PRAC TO COMPLETE THE EXAM
YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6		

Other Degree + Interior Design Degree

(ROUTE 3)

<p>Education Bachelor's degree (minimum) in any other major and no less than 60 semester or 90 quarter credits of interior design coursework that culminates in a certificate, degree or diploma.</p> <p>BY END OF YEAR 3 30 sem/45 qtr interior design credits completed</p>			<p>Up to 1,760 hours of qualified work experience can be earned before education is completed.</p> <p>BY END OF YEAR 4 Education completed</p>	APPLY FOR IDFX	<p>Work Experience 3,520 hours qualified interior design experience.²</p> <p>Final 1,760 hours must be earned after all education is completed.</p>		APPLY FOR IDPX/ PRAC TO COMPLETE THE EXAM
YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6		

Associates Degree (60 Hrs) in Interior Design

(ROUTE 4)

<p>Education No less than 60 semester or 90 quarter credits of interior design coursework that culminates in a certificate, degree or diploma.</p> <p>BY END OF YEAR 3 Education completed</p>			APPLY FOR IDFX	<p>Work Experience 5,280 hours qualified interior design experience.²</p> <p>Education must be complete before work experience can be earned.</p>		APPLY FOR IDPX/ PRAC TO COMPLETE THE EXAM
YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	

Associates Degree (40 Hrs) in Interior Design Route 5 ENDS December 31, 2018 (ROUTE 5)

<p>Education No less than 40 semester or 60 quarter credits of interior design coursework that culminates in a certificate, degree or diploma.</p> <p>BY END OF YEAR 2 Education completed</p>	<p>Work Experience 7,040 hours qualified interior design experience.²</p> <p>Education must be complete before work experience can be earned.</p>	APPLY FOR EXAM			
YEAR 1	YEAR 2		YEAR 3	YEAR 4	YEAR 5

NAAB or CACB Degree

(ROUTE 6)

<p>Education Bachelor's or Master's degree from an NAAB or CACB accredited architecture program.³</p> <p>BY END OF YEAR 5 - 6 Education completed</p>	APPLY FOR IDFX	<p>Work Experience 5,280 hours qualified interior design experience.²</p> <p>Education must be complete before work experience can be earned.</p>	APPLY FOR IDPX/ PRAC TO COMPLETE THE EXAM
5 - 6 YEARS		3 YEARS	

Architecture Degree – Non-NAAB or CACB

(ROUTE 7)

<p>Education Bachelor of Science or Bachelor of Arts in Architecture</p> <p>BY END OF YEAR 4 Education completed</p>	APPLY FOR EXAM	<p>Work Experience 7,040 hours qualified interior design experience.²</p> <p>Education must be complete before work experience can be earned.</p>					
YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	YEAR 7	YEAR 8

Do not see a route that matches your background?
Please give our offices a call to discuss your options at 202.721.0220

Go to www.cidq.org to learn more and apply online!

- 1 CIDA – the Council for Interior Design Accreditation – was formerly known as FIDER. To qualify, the degree program must have been CIDA-accredited at graduation or must have become CIDA-accredited within two years following graduation.
- 2 If you began accruing interior design work experience after January 1, 2008, you must earn qualified work experience in order to be eligible to take the NCIDQ Examination.
- 3 NAAB – the National Architectural Accrediting Board
CACB – the Canadian Architectural Accrediting Board
To qualify, the degree program must have been accredited at graduation or within two years of graduation.

The NCIDQ Certificate: Professionalism. Prestige.

NCIDQ
Examination
by the COUNCIL FOR
INTERIOR DESIGN QUALIFICATION

Consideration of Informal Conference Procedures

At the June board meeting, the board considered a disciplinary action involving a landscape architect registrant. Prior to this matter being brought before the board, an informal conference had been held with the respondent and a board member in attendance. The proposed settlement that had been offered at the informal conference was accepted by the board, but a conversation followed in which the board discussed informal conferences and the appropriate role of board members in that process. The chair asked staff to place the matter on the agenda for the next board meeting, so that relevant information could be provided for board consideration.

At the August Board meeting, staff presented information to the Board regarding relevant laws, rules, and policies; the recent history of informal conferences at TBAE; practices at other administrative agencies; and the advantages and disadvantages of Board member participation in informal conferences. Following this presentation, the Board engaged in a discussion about the appropriate role of Board members in the informal conference procedures, and shared their concerns and preferences regarding the administration of informal conferences going forward. Consensus emerged on the following grounds:

- Depending upon the circumstances, some participation by Board members at informal conferences could bring value to the process.
- The chair should be involved in the selection of Board members for participation in informal conferences.
- It was discussed that in certain circumstances, it may be advisable for more than one Board member to attend an informal conference. Ms. Hildebrand suggested to the Board that this determination could be left to the discretion of the Board chair at the time she is contacted to identify a participant for the informal conference.
- The Board expressed a preference that a Board member who participates in an informal conference be allowed to participate or answer questions for the Board at the time the proposed settlement is considered.

Based upon this feedback, and discussions with the Attorney General's office, staff have prepared amendments to Policy LE-001, concerning contested cases. Staff is hopeful that this policy meets

the Board's expectations regarding the administration of informal conferences before the agency. Staff now presents the amended policy for consideration and approval by the Board.

Attachments

Staff have gathered the following documents for consideration by the board:

- Proposed Changes to Policy LE-001
- Board Rules 1.166, 3.166, and 5.176
- Excerpt from board training manual regarding informal conferences
- History of TBAE informal conferences and mediations, 2000-2017
- Agency Policy GC-006 – Conflict of Interest and Recusal Policy

Action

Staff recommends that the Board adopt the proposed amendments to agency policy LE-001.

Policy Title:	Contested Case Process	Policy Number	LE-001
Originally Issued:	April 1, 2012	Revision Dates:	Sep 16, 2013 - Amended Aug 31 – Reviewed Oct 25, 2017 - Amended
Revisions:	Change: Managing Litigator to General Counsel Revised: Page 3 – Policy statement Revised: Page 4 – Separation of Responsibilities Revised: Page 8, paragraph 17 & 21 Revised: Page 5, inserted “Informal Conference Procedures”		
Approved By:	Julie Hildebrand, Executive Director		
Responsible Department:	Legal Department		
Primary Policy Custodian	General Counsel		

Purpose

The purpose of this policy is to describe the steps taken by the legal division subsequent to a referral from the investigations division in evaluating, developing and bringing to final resolution violations of laws within the jurisdiction of TBAE.

References and related Resources or Statutory Authority

Texas Occupations Code, Subchapter B –“Regulation of Architecture and Related Practices.”

- 1051.201 (“Scope of Administrative Authority”)
- 1051.202 (“General Rulemaking Authority”)
- 1051.204 (“Subpoenas”)
- 1051.208 (“Standards of Conduct”)
- 1051.401 (“Right to Hearing; Appeal”)
- 1051.451 (“Imposition of Administrative Penalty”)
- 1051.452 (“Amount of Administrative Penalty”)
- 1051. 453 (“Report and Notice of Violation”)
- 1051.454 (“Administrative Penalty to be Paid or Hearing Requested”)
- 1051.455 (“Hearing”)
- 1051.456 (“Notice of Board Order”)
- 1051.457 (“Options Following Board Order: Pay or Appeal”)
- 1051.458 (“Collection of Administrative penalty”)
- 1051.501 (“General Enforcement Authority”)
- 1051.502 (“Injunctive Relief”)
- 1051.503 (“Cumulative Effect of Provisions”)
- 1051.504 (“Cease and Desist Order”)
- 1051.505 (“Restitution”)
- 1051.701 (“Registration Required”)

1051.751 (“Disciplinary Power of Board”)
1051.752 (“Grounds for Disciplinary Action”)

Landscape Architecture

1052.003 (“Practice of Landscape Architecture”)
1052.151 (“Registration Required; Exceptions”)
1052.251 (“Disciplinary Powers of Board”)

INTERIOR DESIGNERS

1053.251 (“Disciplinary Powers of Board”)
1053.252 (“Grounds for Disciplinary Action”)
1053.351 (“Criminal Penalty”)

22 Tex. Admin. Code §§ 1.1 – 1.234 (Architecture)

§1.66 (“Reinstatement”)
§1.141 (“General”)
§1.149 (“Criminal Convictions”)
§1.151 (“Effect of Enforcement Proceedings on Application”)
§1.164 (“Initiating a Contested Case”)
§1.165 (“Informal Disposition of a Contested Case”)
§1.166 (“Informal Conference”)
§1.168 (“Dismissal”)
§1.169 (“Alternative Dispute Resolution”)
§1.170 (“Referrals from the Texas Department of Licensing and Regulation”)
§1.172 (“Continuing Violation”)
§1.173 (“Violation by One Not an Architect”)
§1.174(h) (“Complaint Process”
§1.177 (“Administrative Penalty Schedule”)
§1.232 (“Board Responsibilities”)
§1.234 (“Suspension of Registration”)

22 Tex. Admin. Code §§ 3.1 – 3.234 (Landscape Architecture)

§3.66 (“Reinstatement”)
§3.141 (“General”)
§3.149 (“Criminal Convictions”)
§3.151 (“Effect of Enforcement Proceedings on Application”)
§3.164 (“Initiating a Contested Case”)
§3.165 (“Informal Disposition of a Contested Case”)
§3.166 (“Informal Conference”)
§3.168 (“Dismissal”)
§3.169 (“Alternative Dispute Resolution”)
§3.170 (“Referrals from the Texas Department of Licensing and Regulation”)
§3.172 (“Continuing Violation”)
§3.173 (“Violation by One Not a Landscape Architect”)
§3.174 (“Complaint Process” §3.177 (“Administrative Penalty Schedule”)
§3.232 (“Board Responsibilities”)
§3.234 (“Suspension of Registration”)

22 Tex. Admin. Code §§ 5.1 – 5.244 (Interior Design)

§5.76 (“Reinstatement”)

§5.151 (“General”)

§5.158 (“Criminal Convictions”)

§5.160 (“Effect of Enforcement Proceedings on Application”)

§5.174 (“Initiating a Contested Case”)

§5.175 (“Informal Disposition of a Contested Case”)

§5.176 (“Informal Conference”)

§5.178 (“Dismissal”)

§5.179 (“Alternative Dispute Resolution”)

§5.180 (“Referrals from the Texas Department of Licensing and Regulation”)

§5.182 (“Continuing Violation”)

§5.183 (“Violation by One Not a Registered interior Designer”)

§5.184 (“Complaint Process”)

§5.187 (“Administrative Penalty Schedule”)

§5.242 (“Board Responsibilities”)

§5.244 (“Suspension of Registration”)

OTHER

TEXAS GOVERNMENT CODE §311.005¹

TEXAS OPEN MEETINGS ACT, TEX. GOV’T CODE CH. 551.

TEXAS GOVERNMENT CODE CH. 2001

(ADMINISTRATIVE PROCEDURE ACT)

1 TEX. ADMIN. CODE §§ 155.1 – 155.507

(PROCEDURAL RULES OF THE STATE OFFICE OF ADMINISTRATIVE HEARINGS)

Scope

The legislature has mandated that a violation of the laws (which includes both statutory and regulatory duties), regulating the professions of architecture, landscape architecture and registered interior designers be reported to TBAE and that enforcement action is taken against a person who violates these laws. Tex. Occ. Code §1051.501.

This policy will direct the activities of the General Counsel, attorneys, and paralegals in the legal division in their evaluation, preparation, negotiation, and prosecution of cases under the statutory mandate.

Policy

It is the function of the General Counsel to evaluate contested cases referred from the investigations division to ensure that the evidence collected during the investigation of a matter supports a conclusion that a violation of law has occurred and to ensure that the administrative response is guided by, and reflects, the criteria established by law. The guidelines for calculating an administrative *penalty* are identified as policy number LE-002. The General Counsel may delegate the preparation of settlement documents for routine matters, subject to review and approval by General Counsel prior to recommendation to the Executive Director.

In addition to the administrative *penalty*, which is a monetary sum, the General Counsel is responsible for recommending any other disciplinary sanction which may be other than, or include, the imposition of an administrative penalty. Texas Occupations Code §1051.503 permits the Board, in the exercise of its enforcement function, to use a combination of administrative responses.² These may include seeking

² Non-registrants who violate the laws within the agency’s jurisdiction may also be prosecuted. §§1051.801,

an injunction (§1051.502); issuance of a cease and desist order (§1051.504), requiring a registrant to pay restitution to a consumer (§1051.505); the reprimand of a certificate holder; or the revocation, suspension or refusal to renew or revoke a certificate of registration (§1051.751; Board Rules 1.232(j); 3.232(j); 5.242(j)). Staff may also seek the criminal prosecution of an individual (§1051.801; §1053.351) or impose terms and conditions upon the practice of a person whose registration is subject to a probated suspension (Board Rule 1.234 Tex. Occ. Code §1051.751; 1052.251; 1053.251).

In addition the General Counsel is responsible for representing the agency if a Respondent or applicant makes a request for the issuance or reinstatement of a certificate of registration which the Executive Director believes is not warranted. §1051.401.

It is the policy of the Texas Board of Architectural Examiners that the legal department thoroughly evaluate the facts and the governing law applicable to all cases in order to apply principles which treat similarly situated persons in a similar manner, ensures that any administrative response reflects the unique facts and circumstances of each case, and that enforcement proceedings safeguard life, health, property, and the public welfare and protect the public against the irresponsible practice of architecture. §1051.0015.

SEPARATION OF RESPONSIBILITIES

The General Counsel provides legal counsel to the Board and the agency regarding general legal matters in conducting Board meetings and carrying out agency business. However, the General Counsel does not provide legal counsel to the Board regarding matters arising from a case the General Counsel is prosecuting before the Board. On those matters, the Board receives independent representation from legal counsel provided by the Office of the Attorney General.

PROCEDURES

1. The legal division is primarily responsible for review of an investigative file upon its transfer from the investigations division. Upon receipt of a case referral from the investigations division the General Counsel will review the file to ensure legal adequacy of the facts to support a finding that a violation of the laws over which the agency has jurisdiction exists. A review will also be made of the recommended administrative response which may, as noted, involve cumulative remedies. §1051.503
2. If the General Counsel determines that the facts do describe a violation of law which cannot be disposed of by a written warning pursuant to Board Rules 1.174(i)(2), 3.174(i)(2), 5.184(i), he or she shall prepare a Report and Notice of Violation for review and possible adoption by the Executive Director in accordance with Tex. Occ. Code §1051.453, Board Rules 1.165, 3.165, 5.175. The Report and Notice of Violation shall contain both Findings of Fact, which describe the specific acts or omissions supporting a legal violation, and Conclusions of Law which provide legal references to the specific statutory or regulatory provisions which have been violated.
3. If the General Counsel determines that the facts do not give rise to a legal violation he or she shall have the case returned to the Managing Investigator with a Confidential Legal Memorandum (thereby exempting it from possible disclosure under the Public Information Act or subsequent discovery during case prosecution) specifically setting forth the elements

1053.351; Board Rules 1.173 and 5.183.

which are lacking in order to make out a *prima facie* case. Staff may take other action consistent with the options set forth in Board Rules 1.174(h); 3.174(h); 5.184(h)

4. The draft Report and Notice of Violation which is prepared for the Executive Director's review and signature shall state the General Counsel's recommendation for disciplinary sanction, including an administrative penalty based upon the criteria set forth in statute and Board Rules including Tex. Occ. Code §§1051.452, 22 TAC §§1.141, 1.165, 1.177, 1.232(j); 3.141, 3.165, 3.177, 3.232(j); 5.151, 5.175, 5.187, and 5.242. See Policy Number LE-002. The following shall be included in the Report and Notice of Violation:
 - a. Notice that the Respondent may either:
 - (1) (1) accept the Executive Director's proposed resolution, subject to Board approval, or
 - (2) (2) request a hearing at the State Office of Administrative Hearings;
 - b. Notice that the Respondent may request an informal conference in accordance with Board Rules 1.166, 3.166 and/or 5.176 (see below).
 - c. Language which the Respondent must sign and have notarized in order to accept the proposal. This language shall, at a minimum, contain
 - (1) The Respondent's acknowledgement that he, she or it has read the materials and accepts the Findings and Conclusions contained in the Report and Notice of Violation;
 - (2) The Respondent waives rights to any appeal from the Board order including a hearing before the State Office of Administrative Hearings; and
 - (3) The Respondent agrees to pay the administrative penalty within a specified period of time after the Board accepts the terms of a proposed informal resolution.
5. Upon receipt of the Report and Notice of Violation signed by the Respondent and containing the Executive Director signature it shall constitute a settlement agreement which is taken to the Board by the General Counsel for possible approval. Board Rules 1.165(b) 3.165(b), 5.174(b); 1 TAC 2001.056.
6. The Report and Notice of Violation executed by both the Executive Director and the Respondent will be placed on the agenda as a proposed informal case settlement for the first regularly scheduled Board meeting which permits posting of the item in compliance with the Open Meetings Act, Tex. Gov't Code §551.014.
7. If the Board rejects the terms of the settlement agreement, the Respondent will be notified and offered another proposal for informal settlement. Board Rules 1.165(c), 3.165(c), 5.1749(c).
8. If the Board approves of the proposed settlement agreement, the Chair will be provided with a document titled "Final Order of the Board," which attaches and incorporates by reference the settlement agreement and recites that the Board considered and voted on the proposed settlement agreement and has approved of its terms. The Respondent will be provided a copy of the Final Order of the Board and all incorporated documents along with written notice of the date by which the administrative penalty must be paid.

INFORMAL CONFERENCE PROCEDURES

1. Following the receipt of a Report and Notice of Violation, a Respondent may request an informal conference before agency representatives to discuss factual issues, settlement

terms, or any other items related to the case. A Respondent is not entitled to an informal conference. Rather, the Executive Director shall determine whether an informal conference is likely to assist in the informal settlement of the investigation. Factors to be considered in this determination include whether meaningful factual disagreements exist between the parties; whether the case presents a unique question of law; whether an in-person meeting will assist in resolving any disagreements of law or fact; whether the Board's laws, rules, and precedent would support a departure from the settlement terms that have already been offered; whether the presence of a Board member could encourage the settlement of a case; and any other relevant factors.

2. If the Executive Director determines that an informal conference should be held, the Executive Director shall contact the Board Chair, who shall determine whether a Board member should attend an informal conference and, if so, which Board member should be asked to attend. The Board Chair may designate one or more Board members to attend an informal conference. Factors to be considered by the Board Chair in selecting a Board member for attendance at an informal conference include the subject matter of the investigation; the specialized expertise of the Board member; whether the presence of a Board member may encourage the agreed settlement of a case; and the availability and convenience of a Board member to attend an informal conference.
3. In addition to any Board member selected by the Board Chair, the Executive Director shall designate other individuals to attend an informal conference, as needed. 22 TAC §§1.166, 3.166 and/or 5.176.
4. The Respondent may employ legal counsel to attend the informal conference at the Respondent's expense. 22 TAC §§1.166, 3.166 and/or 5.176.
5. At the informal conference, Board staff shall present a summary of the investigation and the current settlement offer. The Respondent shall have an opportunity to present any information or evidence relevant to the case. Following the Respondent's presentation, the Respondent will be excused from the room and TBAE representatives will determine whether amended settlement terms will be offered. After deliberation, the Respondent will be invited to rejoin the informal conference, and any amended terms will be presented to the Respondent.
6. Following an informal conference, amended terms of settlement will be reduced to writing and sent to the Respondent, if applicable. Respondent shall have 20 days from the date of the informal conference to accept settlement terms, or request a hearing at SOAH.
7. If a settlement agreement is reached following an informal conference, the settlement will be presented to the full Board as discussed in Item #6, above. At the Board meeting, any Board member who participated in the informal conference may discuss with the Board their opinion regarding the proposed settlement agreement, and the Board members may ask for information from the Board member. However, the Board member shall recuse him or herself from voting on the acceptance of the settlement agreement.
8. If the Board rejects an informal settlement agreement following an informal conference, and the case is docketed at SOAH and a proposal for decision is issued by an Administrative Law Judge, any Board member who previously participated in an informal conference in that case shall recuse him or herself from all discussion and voting regarding acceptance of the

proposal for decision and entry of a final order.

SOAH PROCEDURES

1. The General Counsel shall docket a case at the State Office of Administrative Hearings if the Respondent neither accepts the Executive Director's proposed resolution nor requests a formal hearing within 20 days of actual receipt of the Report and Notice of Violation. Prior to docketing a case the General Counsel may attempt to contact the Respondent to ensure receipt of the Report and Notice of Violation, the possibility of an informal settlement, and the Respondent's desire to participate in an informal conference. Tex. Occ. Code §1051.455
2. The State Office of Administrative Hearings will, usually within one week, notify the General Counsel of the docket number and hearing date for the matter. The General Counsel shall draft a Notice of Hearing which conforms to Tex. Gov't Code 2001.02 and SOAH Rule 155.401 and the legal assistant will be responsible for ensuring that the Notice of Hearing is served upon the respondent and filed with SOAH.
3. Upon the docketing of a case with the State Office of Administrative Hearings the General Counsel will oversee, and be responsible for, the development and prosecution of the case in accordance with Tex. Occ. Code §1051.401, 1051.455; Board Rules 1.231, *et seq.*, 3.231, *et seq.* 5.241, *et seq.*; 1 TAC §155, *et seq.* (SOAH procedural Rules); and Tex. Gov't Code §§2001.051, *et seq.* (Texas Administrative Procedure Act)
4. Upon the Administrative Law Judge's issuance of a Proposal for Decision the General Counsel shall, in consultation with the Executive Director decide whether exceptions shall be submitted to the Administrative Law Judge; Board Rules 1.232, 2.232, 5.242; 1 TAC 155.507.
5. Upon the issuance of a PFD to which no exceptions have been filed, or upon receipt of a PFD which adopts, or is revised in response to exceptions filed by either party, the Executive Director in consultation with General Counsel shall decide whether the agency should argue before the Board in favor of adopting or amending the PFD as the Board's final order.
6. If it is decided that staff wishes the Board to make changes to the PFD he or she shall prepare a proposed final order which states the changes staff wishes the Board to make and which complies with Tex. Gov't Code 2001.058(e); Board Rules 1.232, 3.232, 5.242.
7. After receipt of the Administrative Law Judge's PFD, and the expiration of timelines for the filing of exceptions and replies as set out in SOAH rule 155.507, the General Counsel shall place the matter on the agenda for a regularly scheduled Board meeting.
8. The General Counsel shall notify the Respondent in writing of the date when the Board will consider the PFD issued by the Administrative Law Judge.
9. The General Counsel shall provide this information to the legal assistant who is responsible for ensuring that the matter is placed on the Board's agenda and that a copy of the PFD is provided to the Board prior the meeting.
10. The General Counsel or the Respondent may request an opportunity to address the Board in order to influence its action of the PFD. Board rules 1.232; 2.232; 5.241. No other communication shall be made by either party to the Board except through the Board's

Executive Director with a copy to the other party.

11. If necessary, the Executive Director shall contact the Attorney General's Office to request legal representation for the Board in consideration of a PFD.
12. After the Board's meeting at which it has considered and taken action upon the PFDs issued by SOAH the legal assistant shall send written notice of the Board's action to the Respondent along with an invoice for the amount of the administrative penalty.
13. The General Counsel will monitor the receipt of a motion for rehearing submitted by the Respondent as a condition necessary for any subsequent effort to obtain judicial review.
14. Upon appeal, General Counsel shall prepare a letter for the Executive Director's signature requesting the Office of the Attorney General to assign counsel to represent the agency before the Court.

CLOSING OF CASES AND MONITORING

1. A case is considered closed within the legal division upon the Board's issuance of a Final Order, whether the final order is issued as the final agency action in the informal settlement of a case or in response to a Proposal for Decision issued by an Administrative Law Judge after the time period for the filing of exceptions has expired.
2. Upon the closing of a case, the Legal Assistant will enter the amount of the administrative penalty into TBAsE and the investigations specialist will verify that the entry accurately reflects the sum imposed by the board and will make an entry that this check has been performed within TBAsE.
3. The General Counsel shall monitor, or delegate the monitoring of, the Respondent's compliance with the final Order of the Board and, if the Board Order was the result of a previous hearing before the State Office of Administrative Hearings, shall monitor the Respondent's activities for post-hearing review. Tex. Occ. Code §§1051.457, 1051.459; Board rules 1.232(d); 3.232(d), 5.242(d).
4. Payments of administrative penalties will be governed by Agency Policies LE-005 and LE-006.

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.

RULE §1.166 Informal Conference

- (a) An informal conference may be held in order to provide a respondent with the opportunity to appear and answer a charge against the respondent in person.
- (b) An informal conference shall be attended by the respondent and each person designated by the Executive Director to attend the conference. The respondent shall have the right to employ legal counsel to attend the informal conference at the respondent's expense.
- (c) An informal conference shall be voluntary and shall not be a prerequisite to a formal hearing.

RULE §3.166 Informal Conference

- (a) An informal conference may be held in order to provide a respondent with the opportunity to appear and answer a charge against the respondent in person.
- (b) An informal conference shall be attended by the respondent and each person designated by the Executive Director to attend the conference. The respondent shall have the right to employ legal counsel to attend the informal conference at the respondent's expense.
- (c) An informal conference shall be voluntary and shall not be a prerequisite to a formal hearing.

RULE §5.176 Informal Conference

- (a) An informal conference may be held in order to provide a respondent with the opportunity to appear and answer a charge against the respondent in person.
- (b) An informal conference shall be attended by the respondent and each person designated by the Executive Director to attend the conference. The respondent shall have the right to employ legal counsel to attend the informal conference at the respondent's expense.
- (c) An informal conference shall be voluntary and shall not be a prerequisite to a formal hearing.

Chapter 6. Enforcement/Compliance

Board Powers Relating to Disciplinary Matters

State law gives the Board general authority to take enforcement action in response to violations of the enabling acts for architecture, landscape architecture, and interior design. Occupations Code §1051.501. This includes disciplinary authority to suspend, revoke, or refuse to renew registrations issued by the Board, as well as the imposition of administrative penalties against registrants and non-registrants who violate the Board's laws. §§ 1051.401 and 1051.451. The Board also has authority to order a registrant to pay restitution to a consumer, not to exceed the amount the consumer paid the registrant for a service. Occupations Code §1051.505.

Complaint Procedures

When the Board receives a complaint, it is initially reviewed by the Managing Investigator to determine if there is probable cause to believe an actionable violation of agency statutes or rules might have occurred. When probable cause exists, a case is opened, assigned to an investigator and the respondent is notified of the allegations. The Respondent is given an opportunity to respond to any cited violations. The investigator contacts the complainant, respondent and witnesses, and collects evidence as necessary to investigate the matter fully. If technical expertise is required, a subject matter expert may be asked to review the case.

When the investigation is complete, the case file is forwarded to the Board's legal counsel. At this time, a Notice of Violation is prepared which outlines the violations of Board laws and rules, and offers the Respondent an opportunity to accept the Executive Director's proposed settlement. Occupations Code 1051.453. If the Respondent does accept the settlement, the Respondent returns a signed copy of the Notice of Violation, and the matter is placed on the agenda for the next Board meeting, where the Board must approve the settlement terms.

If the settlement is not accepted, the matter proceeds to further to informal conference and/or formal hearing at the State Office of Administrative Hearings (SOAH).

Informal Conferences

In the event a proposed settlement is not accepted by the Respondent, Staff may recommend that an informal conference be held. An informal conference is an opportunity for the Respondent to present information to a TBAE panel concerning the disciplinary case. The Board has adopted procedures regarding informal conferences in Rules §§1.166, 3.166, and 5.176. The Board is not required to grant the Respondent an informal conference. Generally, an informal conference will only be offered in matters where factual circumstances in dispute can be better addressed in person. Most often, an informal conference will be attended by the Executive Director, the General Counsel, investigative staff, and a Board member, in addition to the Respondent and his representatives. Depending upon the results of the informal conference, the proposed settlement may be revised or kept the same, or the disciplinary action dismissed. The informal conference recommendation is not binding, and the Respondent may request a formal hearing.

The Formal Hearing Process

If a disciplinary action is not disposed of through acceptance of a settlement or informal

SUMMARY OF TBAE INFORMAL CONFERENCES

Case Number: #096-16L
 Case Name: David L. Garrison
 Date of IFC: April 28, 2017
 Attendees: David L. Garrison (R), Julie Hildebrand (ED), Chad Davis (Bd. Member), Lance Brenton (GC), Jack Stamps (MI)
 Violation: Board Rule 3.104(a) – sealed document prepared by another
 Settlement: \$1,000

Case Number: #031-17N
 Case Name: Rojelio Hernandez
 Date of IFC: October 18, 2016
 Attendees: Rojelio Hernandez (R), Matt Ryan (R’s atty.), Julie Hildebrand (ED), Debra Dockery (Bd. Member), Lance Brenton (GC), Jack Stamps (MI)
 Violation: Criminal Conviction – Determination of Eligibility for Licensure
 Settlement: Approved for provisional registration upon completion of ARE

Case Number: #088-14N
 Case Name: Dawn Moore
 Date of IFC: April 1, 2015
 Attendees: Dawn Moore (R), Michael Dietch (R’s atty.), Glenn Garry (Interim ED), Zindia Thomas (OAG Rep.) Jack Stamps (MI), Katherine Crain (LA)
 Violation: Board Rule 1.104(c) – use of architect’s seal
 Settlement: \$40,000

Case Number: #105-13I
 Case Name: Paul Sanchez
 Date of IFC: January 28, 2015
 Attendees: Paul Sanchez (R), J.J. Trevino & Louis Lechter (R’s attys.) Glenn Garry (Interim ED), Scott Gibson (GC), Jack Stamps (MI), Katherine Crain (LA)
 Violation: Tex. Occ. Code §1051.702 – use of architect’s seal
 Settlement: \$15,000

Case Number: #075-11A
 Case Name: James C. Walker
 Date of IFC: May 22, 2014
 Attendees: James C. Walker (R), Gordon Landreth (former TBAE Chair), Cathy Hendricks (ED), Scott Gibson (GC), Jack Stamps (MI), Katherine Crain (LA)
 Mediation @ SOAH: October 21, 2014

Attendees: Michael O'Malley (ALJ), James C. Walker (R), Matt Ryan & Will Allensworth (R's attys.), Gordon Landreth (Former TBAE Chair), Chuck Anastos (Board Member), Debra Dockery (Board Member), Davey Edwards (Board Member) Glenn Garry (Interim ED), Scott Gibson (GC), Jack Stamps (MI), Katherine Crain (LA)
 Violation: Board Rule 1.104(a) – sealed documents not prepared by an architect
 Settlement: \$25,000 + 24 month probated suspension

Case Number: #116-13N
 Case Name: Rafael Sanchez
 Date of IFC: April 23, 2014
 Attendees: Rafael Sanchez (R), Gil Peralez (R's atty.), Scott Gibson (GC), Jack Stamps (MI), Katherine Crain (LA)
 Violation: Tex. Occ. Code §1051.702 – person other than architect practicing
 Settlement: \$15,000

Case Number: #006-12A; 139-11A; 005-12A; 007-12A
 Case Name: Irene Nigaglioni, Raymond Gignac, Joel Hernandez, James Ian Powell
 Date of Mediation: January 15, 2014 @ SOAH
 Attendees: Alfred Vidaurri (Chair), Debra Dockery (Bd. Member), Chad Davis (Bd. Member), Cathy Hendricks (ED), Scott Gibson (GC), Nancy Fuller (OAG Rep.)
 Violation: Board Rule 1.147
 Settlement: Administrative Penalties (\$10,000, \$17,500, \$10,000, \$15,000) for each Respondent + 2 hours Ethics Course

Case Number: #219-12N
 Case Name: Sheila Jetton
 Date of IFC: July 22, 2013
 Attendees: Sheila Jetton (R), Cathy Hendricks (ED), Scott Gibson (GC), Michael Shirk (ML), Jack Stamps (MI), Katherine Crain (LA)
 Violation: Tex. Occ. Code §1051.801(a)(1) – a person other than an architect practicing architecture
 Settlement: \$800 (low penalty due to R's mitigating circumstances)

Case Number: #168-13N
 Case Name: Michael Garrison
 Date of IFC: September 18, 2013
 Attendees: Michael Garrison (R), Cathy Hendricks (ED), Scott Gibson (GC), Jack Stamps (MI), Katherine Crain (LA)
 Violation: Tex. Occ. Code §1051.702 & 1051.801(a)(3) – use of architect's seal
 Settlement: \$6,000

Case Number: #123-11A
Case Name: Kai Geschke
Date of IFC: November 7, 2011
Attendees: Kai Geschke (R), Cathy Hendricks (ED), Michael Shirk (ML), Jack Stamps (MI), Katherine Crain (LA)
Violation: Board Rule 1.142 & 1.143 – practiced reckless architecture
Settlement: Warning

Case Number: #107-9A
Case Name: David Lee Walker
Date of IFC: February 15, 2011
Attendees: David Lee Walker (R), Debora Pickens & Joel B. Bennett (R's attys.), Cathy Hendricks (ED), Michael Shirk (ML), Steve Franz (I), Katherine Crain (LA)
Violation: Board Rule 1.144(a) – dishonest practice
Settlement: 1 year suspension of license with 18 months probated

Case Number: #245-08N & #246-08N
Case Name: Hector & Protasio Guerra
Date of IFC: December 2, 2010
Attendees: Hector Guerra (R), Protasio Guerra (R), Cathy Hendricks (ED), Michael Shirk (ML), Steve Franz (I), Katherine Crain (LA)
Violation: Tex. Occ. Code §1051. 801(a)(1) – practiced without a license
Settlement: \$6,000 (for both cases)

Case Number: #026-09N
Case Name: Pedro Ayala
Date of IFC: March 29, 2010
Attendees: Pedro Ayala (R), Cathy Hendricks (ED), Michael Shirk (ML), Steve Franz (I), Katherine Crain (LA)
Violation: Tex. Occ. Code §1051.801(a)(1) – advertising as architect
Settlement: \$5,000

Case Number: #207-08N
Case Name: Israel Pena
Date of IFC: February 18, 2009
Attendees: Israel Pena (R), Cathy Hendricks (ED), Charles Schiesser (Staff Atty.), Steve Franz (I), Katherine Crain (LA)
Violation: Board Rule 1.123(b) & (c) – used of the word architecture by firm
Settlement: \$2,000

Case Number: #167-06N
Case Name: Bryan Weiss
Date of IFC: December 10, 2009
Attendees: Bryan Weiss (R), J. Mark Mann (R's atty.), Cathy Hendricks (ED), Michael Shirk (ML), Scott Gibson (GC), Jack Stamps (MI)
Violation: Tex. Occ. Code §1051.701(a) & 1051.801(a)(1) – advertising as architect
Settlement: \$6,000

Case Number: #523-04N
Case Name: Kyle Smith
Date of IFC: April 11, 2007
Attendees: Kyle Smith (R), Roger Borgelt (R's atty.), Cathy Hendricks (ED), Scott Gibson (GC), Michael Shirk (ML), Katherine Crain (LA)
Violation: Tex. Occ. Code §1051.752 – use of bogus seal
Settlement: \$15,000 + 5 year probated suspension upon being licensed; mentoring architect over list of projects which must be submitted to TBAE every 60 days; 10 hours of CE plus Ethics Course @ NCARB

Case Number: #278-98A
Case Name: Charles Wilson
Date of IFC: January 6, 2000
Attendees: Charles Wilson (R), Diane Wilson (R's wife), Cathy Hendricks (ED), Cynthia Canfield (GC), Scott Gibson (Staff atty.), Cynthia Black (MI)
Violation: Tex. Occ. Code §1051.752(4) – gross incompetency
Settlement: Case Settled on October 18, 2005 prior to SOAH hearing. Settlement terms were as follows: 24 month suspension with all probated except for 90 days of active suspension; supervising architect over projects; reimbursement of litigations costs to TBAE in the amount of \$23,000

Key Definitions:

R = Respondent; ED = Executive Director; Interim Executive Director = Interim ED; GC = General Counsel; MI = Managing Investigator; ML = Managing Litigator; I = Investigator in Charge; LA = Legal Assistant

Policy Title:	Conflict of Interest and Recusal Policy	Policy Number	GC-006
Originally Issued:		Revisions:	
Approved By:	Julie Hildebrand, Executive Director		
Responsible Department:	General Counsel		
Primary Policy Custodian	General Counsel		

Purpose

To define the standards of conduct expected of all TBAE Board member relating to conflicts of interest and recusal.

References and related Resources or Statutory Authority

Govt. Code Sec. 572.058
Govt. Code Sec. 572.051

Scope

Members of the Texas Board of Architectural Examiners

Policy

It is the policy of the Texas Board of Architectural Examiners (Board) that all decisions of the Board are made with impartiality and fairness, consistent with the Board’s mission to protect the interest of the public health, safety, and welfare and to preserve the public’s trust in the Board.

Procedures

These procedures are intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest applicable to Board members.

Recusal

1. Under Government Code Sec. 572.058, a member of the Board who has a personal or private interest in a measure, proposal, or decision pending before the board may not participate in the decision of the matter. A Board member who fails to recuse him or herself from a matter in violation of Sec. 572.058 is subject to removal from the Board.
2. The determination of whether a Board member has a personal or private interest in a matter is the responsibility of the Board member in question. However, in considering whether recusal in a matter is required, the Board member must be aware that the Board’s fairness and impartiality are of vital importance to its mission to protect the public health and safety. For this reason, Board members shall liberally construe the statutory requirements in favor of recusal where participation in the matter could give the public the appearance of a conflict of interest.

3. In determining whether recusal is appropriate, the following factors should be considered:
 - a. Whether the Board member, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, has a financial interest in the outcome of a cause, proceeding, application, petition, or any other matter pending before the Board.
 - b. Whether the Board member, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, has or had a business, personal, or private relationship with a person appearing before the Board, and whether participation in the matter would give the appearance of a conflict of interest.
4. If a Board member identifies any potential conflict of interest, and is unsure whether recusal is appropriate, the Board member should contact the general counsel for further consideration.
5. A Board member shall recuse him or herself if:
 - a. the Board member has publicly displayed a pre-judgment of the merits of a particular proceeding. This shall not apply to a member's general political views or general opinion on a given issue.
 - b. the Board member has engaged in ex parte communications with a party in a proceeding or was contacted by a party to a proceeding and did not immediately end the contact and refer the party to Board staff.
6. If a Board member determines that recusal is appropriate, the Board member shall announce the decision and publicly disclose the interest to the Board in an open meeting. In such cases, the Board member may not vote or participate in the decision. A recused Board member is not required to leave the meeting, provided that the Board member does not participate in the debate.
7. A Board member who is aware of a potential conflict of interest, but believes that he or she is able to act fairly, objectively, and in the public's best interest, despite the potential conflict of interest, shall, prior to participating in any official action on the matter, disclose at the Board's open meeting on the matter under consideration, the nature of the potential conflict of interest and why he or she believes that he or she is able to act fairly, objectively, and consistently with the Board's mission in the matter.
8. A Board member's recusal and disclosure of interest shall be entered in the minutes of the meeting.
9. If a Board member determines that recusal is not required, but the Board disagrees, the Board shall not prohibit the Board member's participation in a pending decision by its own action, in accordance with previous guidance issued by the attorney general's office (Tex. Atty. Gen. Op. H-1319, 1978). Rather, the appropriate remedy is a petition of the attorney general for removal from office on the attorney general's own initiative or on the relation of a resident or of any other member of the Board following a Board member's violation of Government Code Sec. 572.058.


Other Conflicts of Interest

In compliance with the requirements of Texas Government Code Sec. 572.051, a Board member shall not:

1. accept or solicit any gift, favor, or service that might reasonably tend to influence the Board member in the discharge of official duties or that the Board member knows or should know is being offered with the intent to influence the Board member's official conduct;
2. accept other employment or engage in a business or professional activity that the Board member might reasonably expect would require or induce the Board member to disclose confidential information acquired by reason of the official position;
3. accept other employment or compensation that could reasonably be expected to impair the Board member's independence of judgment in the performance of the Board member's official duties;
4. make personal investments that could reasonably be expected to create a substantial conflict between the Board member's private interest and the public interest; or
5. intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the Board member's official powers or performed the Board member's official duties in favor of another.

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.



Texas Board of Architectural
Examiners
Board Member Training Manual



333 Guadalupe Street, Suite II-350 - Austin, Texas 78701-3942

Table of Contents

Contents

Chapter 1. Introduction and Overview	4
Board Training and Filing of Oath	4
Purpose of the Texas Board of Architectural Examiners	4
Board Composition.....	5
Role of the Board Member/ Effective Participation	5
Responsibilities of the Board.....	6
Resignation	7
Removal	7
Chapter 2. Board Meetings	9
Open Meeting Law	9
Frequency/Location of Meetings	11
Conduct of Meetings/Quorum	11
Meeting Materials.....	11
Participation	11
Board Member Attendance at Board Meetings	11
Public Attendance at Board Meetings	11
Agenda Items.....	12
Robert’s Rules	12
Record of Meetings.....	12
Chapter 3. Ethical Issues and Liability	13
Impartiality and Conflict of Interest	13
Ex Parte Communication	14
Contact with ARE and Licensure Candidates	14
Communication/Requests for Information.....	15
Requests for Records Access.....	16
Board Member Disciplinary Actions	16
Board Member Liability and Insurance.....	16
Chapter 4. Licensure	18
Completion of the Experience Requirement for the Three Professions.....	18

Architect Registration Examination NCARB (ARE)	19
Landscape Architect Registration Examination (LARE).....	19
The NCIDQ Exam	20
Renewals and Continuing Education	20
Chapter 5. Laws and Regulations	21
Statutes and Regulations – How are they different?	21
Changing Statutory Law – The Board’s Role	21
Policies– How are they different from Statutes and Regulations?	23
Related Laws and Regulations	23
Chapter 6. Enforcement/Compliance	25
Board Powers Relating to Disciplinary Matters	25
Complaint Procedures	25
Informal Conferences	25
Board Members Disqualifying Themselves (Recusal).....	26
Confidentiality	27
Chapter 7. Internal Management Issues.....	28
Travel Procedures/Policy	28
Per Diem	28
Travel Claims.....	28
Board Staff and their Responsibilities.....	28
Chapter 8. NCARB, CLARB & CIDQ	29
National Council of Architectural Registration Boards (NCARB)	29
The Council of Landscape Architectural Registration Boards (CLARB).....	30
The Council for Interior Design Qualification, Inc. (CIDQ).....	30
Chapter 9. Glossary of General Terms.....	31

Chapter I. Introduction and Overview

Thank you for agreeing to serve as a member of the Texas Board of Architectural Examiners. We appreciate your willingness to devote time and energy to the work of this Board. We hope you find your role as a Board member both interesting and challenging.

The purpose of this Manual is to provide you, as a Board member, with a resource for answering general questions relating to the Board's purpose, functions and procedures. This Manual is not a definitive statement on administrative law or Board practice. The Manual should be applied in a manner consistent with all applicable laws and the TBAE's enabling legislation, rules, policies, and procedures, each as amended and in effect. The Manual provides a framework for the conduct of the TBAE's business and sets forth certain policies as issued by the Board. You are encouraged to contact the Board counsel with any questions concerning the Board's law and its application. All other questions should be directed to the Board's Executive Director.

The Board may modify or make exceptions to the Manual in its discretion and consistent with its duties and responsibilities to the TBAE. The Manual will be distributed to all members and will be available for reference during all Board meetings.

The TBAE shall review and reassess the adequacy of this Manual at least once every two years and recommend any proposed changes to the Board for approval.

Board Training and Filing of Oath

Under Occupations Code §1051.112, an appointee to the Board may not vote, deliberate, or be counted as a member in attendance at a meeting of the Board until the person completes a training program that includes the following topics:

- The legislation that created the TBAE;
- The programs, functions, rules, and budget of the TBAE;
- The results of the most recent formal audit of the TBAE;
- The requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest; and
- Any applicable ethics policies adopted by the TBAE or the Texas Ethics Commission.

A person appointed to the Board is entitled to reimbursement for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Before assuming the duties of office, each Board member shall file with the Secretary of State the Statement of Officer and Oath of Office.

Purpose of the Texas Board of Architectural Examiners

The Texas Board of Architectural Examiners is a multi-profession regulatory agency that oversees the examination, registration, and professional regulation of architects, landscape architects, and interior designers. The agency was created in 1937 by the 45th Texas Legislature in the aftermath of the New London School explosion in which 295 students and teachers were killed.

The agency carries out its duties and responsibilities as outlined in Title 6, Subtitle B of the Occupations Code, Chapters 1051, 1052, and 1053.

The purpose of TBAE is to protect the life, health, property, and the public welfare of the citizens of Texas. Inherent in this mandate is the responsibility for consumer protection through the regulation of the profession of architecture, landscape architecture and interior design by licensing the professionals who practice it. This is accomplished by enforcing the provisions of the TBAE's Acts, and Board Rules and Regulations. The Administrative Procedure Act governs the manner in which the Board carries out the creation of rules and how it adjudicates disciplinary matters.

Appointment to the Board (whether as a member of the profession or as a public member) requires a Board member to fulfill the purpose of the Board. Therefore, as a Board member, the primary concern is to ensure that the professions of architecture, landscape architecture, and interior design are properly regulated and the consumer is appropriately protected. This is paramount and takes precedence over all other considerations and concerns. The Board is not concerned with matters related to advancing the professions of architecture, landscape architecture, and interior design, and must not be seen, in any way, to be protecting the interests of registrants of the Board.

Board Composition

The TBAE is governed by a Board that consists of nine members appointed by the Governor with the advice and consent of the Senate. All Board members are appointed by the Governor for a six-year term. The Board is required to be composed of four architects, one landscape architect, one registered interior designer, and three non-registrant public members, at least one of whom is a person with a physical disability. The Governor designates a member of the Board as the presiding officer. The Board elects a Vice-Chair and Secretary/Treasurer. The law requires appointments to the Board to be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees. Board member positions are voluntary and non-salaried. Board members are eligible for per diem reimbursements and actual expenses reimbursements for the carrying out of Board-sanctioned activities. See Policy & Procedure EA-012, Officers Election and Committee Appointments.

Role of the Board Member/ Effective Participation

There are two main roles for a Board member. The first is to ensure the protection of life, health, property and welfare of the citizenry of Texas through the development of policies and rules. The second is to adjudicate matters relating to the violation of the Board's laws and rules.

The following is a list of common characteristics for effective Board members:

1. They are able to work with a group to make decisions.
2. They understand and follow democratic processes.
3. They are willing to devote time and effort to the work of the Board.
4. They work to find alternative solutions to problems whenever necessary.

5. They have good communication skills.
6. They recognize that the goal of the board is the service and protection of the public.
7. They are aware that authority is granted by the law to the board as a whole, not to any member individually, and can only be used in open meeting by vote of the majority of Board members.
8. They entrust the daily functioning of the agency to staff.
9. They delay making judgments until adequate evidence is in and has been duly discussed.
10. They do not let personal feelings toward others affect their decisions.
11. They never discuss a complaint but refer all calls or contacts to the board office.
12. They read all meeting materials prior to the meeting so as to be informed and able to make thoughtful contributions to board discussions.

Responsibilities of the Board

The Board manages its responsibilities through the employment of an executive director. The Board is authorized to employ an executive director to conduct the affairs of the Board under the Board's direction. The Executive Director manages the Board's staff (currently 20 positions). With direction from the Board and the Strategic Plan, the Board staff implements the Board's examination, licensing, enforcement, and administration programs.

The Board selects the agency's executive director in the manner that it determines to be in the best interest of the TBAE. In the event of involuntary separation of the executive director, the Board selects an interim replacement in the manner that it determines to be in the best interest of the TBAE. The Board shall provide the overall evaluation of the executive director.

As a whole, the Board's responsibilities include the following:

1. Delineation of the basic professional qualifications and performance standards for admission to and practice of the professions of architecture, landscape architecture and interior design.
2. Establishment and administration of a fair and uniform enforcement policy to deter and prosecute violations of the Board's statutes and related regulations.
3. Setting policy and procedures for the Board, its committees, task forces, and staff in carrying out the duties of the Board.
4. Disseminating information to consumers, licensees, and professional and educational organizations about the Board's services and activities, and rules and regulations governing the profession.

Individual Board member responsibilities include:

1. Attendance at Board meetings. The Board is required to meet at least twice each year but may meet more often if necessary. Currently, the Board meets four times per year. Meetings are generally one-day and are scheduled in Austin, Texas. Overnight travel may be necessary. Once every two years, the Board meeting includes a Strategic Planning session, held over two days. Special meetings of the Board may be held at the call of the Chair or the Vice-Chair if the Chair is absent from the state or unable to act.
2. Participation on Board committees and task forces. Time commitment for committees and task forces vary. Meetings are generally one-day, and are scheduled in Austin, Texas. Overnight travel may be necessary.
3. Board members are also expected to invest the time to review the "recommended reading" necessary to participate effectively in Board business. Such readings include this manual, board and committee packets, recent studies and reports, and related material.
4. Acting as a representative of the Board to communicate information to the professional and educational communities. Board members may be assigned to constituency groups with which they act as a liaison.
5. Possible participation in meetings of the National Council of Architectural Registration Boards' (NCARB), Council of Landscape Architectural Registration Boards (CLARB), and the Council for Interior Design Qualification (CIDQ) meetings and committees. Each organization holds at least one meeting per year. NCARB committees typically meet twice per year. Meetings are usually two days, and up to two days travel time may be required, depending on meeting location.

Resignation

If you are unable to complete your term, it is important to let the Governor's office and the Board's Executive Director know as soon as you make a decision to resign. A letter of resignation should be sent to the Governor and copied to the Board's Executive Director indicating the date your resignation is effective and whether or not you are able to serve until a replacement is named.

Removal

Under Occupations Code §1051.105, it is a ground for removal from the Board that a member:

- 1) Does not maintain the required qualifications (architect, landscape architect, interior designer or public member);
- 2) Is ineligible for membership as a public member under Section 1051.102;
- 3) Is an officer, employee or paid consultant of a Texas trade association in the field of Architecture, Landscape Architecture, or Interior Design, or their spouse is an officer, manager or paid consultant of such an association;
- 4) Is required to register as a lobbyist, because of the member's activities for compensation on behalf of Architects, Landscape Architects, or Interior Designers;
- 5) Cannot because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

- 6) Is absent from more than half of the regularly scheduled Board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the Board.

If the Executive Director has knowledge that a potential ground for removal exists, the Executive Director shall notify the presiding officer of the Board of the potential ground. The presiding officer shall then notify the Governor and the Attorney General that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the Executive Director shall notify the next highest ranking officer of the Board, who shall then notify the Governor and the Attorney General that a potential ground for removal exists. Membership on the Board does not prohibit a member from performing any work or providing any service on a state, county, municipal, or other public building or work for a fee or other direct compensation. Occupations Code §1051.110.

Chapter 2. Board Meetings

Open Meeting Law

Board meetings are subject to the [Open Meetings Act](#). The Open Meetings Act was adopted to help make governmental decision-making accessible to the public. It requires meetings of governmental bodies to be open to the public, except for expressly authorized closed sessions. Government Code §551.002. Meetings of the Board must be preceded by public notice of the time, place and subject matter of the meeting. The authority vested in the Board may be exercised only in a meeting of a quorum of its members, which is defined as a majority of the number of members fixed by statute. Government Code § 311.013. Thus, a quorum of the Texas Board of Architectural Examiners occurs in the presence of five members. A meeting may not be convened unless a quorum of the governmental body is present in the meeting room.

Notice of Board Meetings

The Open Meetings Act requires written notice of all meetings. Section 551.041 of the Act provides: “A governmental body shall give written notice of the date, hour, place, and subject of each meeting held by the governmental body.” Governmental actions taken in violation of the notice requirements of the Act are voidable. Government Code § 551.141.

The Board is required to provide notice of a meeting to the Secretary of State. Government Code 551.048. The Secretary of State posts the notice on the Internet, and must provide the public with a computer terminal that members of the public may use to view the notice. The notice must be posted seven days before the Board meeting. Government Code 551.044. The notice that the Board provides is the agenda of the meeting.

What Constitutes a Meeting under the Open Meetings Act?

Board members must consider that any communications relating to Board matters, made between a quorum of them in person, or by telephone or email, could constitute a meeting, even if the gathering of the quorum occurs outside of a scheduled Board meeting. If Board business is discussed by a quorum of Board members, without notice to the public, the Open Meetings Act is violated. For example, if a quorum of the Board members assembles in an informal setting, such as a social occasion, it will be subject to the requirements of the Act if the members discuss public business or policy. Government Code §551.001(4)(B)

To avoid violations of the Open Meetings Act, consider the following “best practices”:

1. Be aware of the possibility of a quorum. If a quorum is present, and notice of a meeting has not been given, avoid discussing Board business. Additionally, avoid discussing Board business before the start of a Board meeting or during breaks.
2. Avoid emailing other Board members in a group. Serial emails among Board members could be considered a “meeting” during which “discussion” is conducted.
3. Similarly, conference phone calls among members to discuss cases on the meeting agenda are violations of the Open Meeting Law.

4. When conducting a Board meeting, avoid discussions of items not included on the agenda. If an item has not been noticed to the public, then it should not be discussed at a Board meeting. It is acceptable to request that such a topic be placed on the agenda for the following meeting.

Another issue for Board member consideration is the fact that emails between members could be considered public records which could be obtained for public review, as discussed below regarding the Public Information Act. The best practice for Board members is to refrain from emailing or calling one another concerning business that might come before the Board. If you have a question about a case or issue before the board, please contact board staff.

Executive Session

Under limited circumstances, the Board may go into closed meeting (executive session) to hold certain discussions in private away from the public. There are several situations in which an agency is authorized to hold a closed meeting. The most frequent justifications for executive session are as follows:

1. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee. Texas Government Code §551.074.
2. To seek the advice of counsel about pending or contemplated litigation; a settlement offer; or discussions of a matter in which the attorney's duty to the agency conflicts with discussion of the matter in a public meeting. Texas Government Code §551.071(1).

If the Board convenes in closed meeting, certain procedures must be followed. First, the Board may not conduct a closed meeting unless a quorum of the Board first convenes in an open meeting. Additionally, prior to entering a closed meeting, the presiding officer must publicly announce that a closed meeting will be held and identify the section or sections of the Act under which the closed meeting is held. Government Code §551.101. Furthermore, the Board may not take a vote in closed meeting; rather, a final action, decision, or vote on a matter deliberated in a closed meeting must occur in an open meeting that is held in compliance with the Open Meetings Act. Government Code Sec. 551.102. A governmental body has discretion to include in an executive session any of its officers and employees whose participation is necessary to the matter under consideration.

Convening a closed meeting should be avoided unless compelling reasons exist to employ the procedure. While the Board enters executive session, it arouses public suspicion, especially among those who may be the subject of the discussion. Executive session could increase the likelihood of litigation by such parties, and the Board could be assessed costs of litigation and attorney's fees in such suits. Government Code Sec. 551.142.

Violations of the Open Meetings Act

The courts strictly construe the Open Meeting Law statutes in order to promote openness in government. Furthermore, a Board member could be subject to criminal misdemeanor liability for knowingly participating in an unauthorized closed meeting (reasonable reliance upon an opinion by the Board's counsel could be a defense under this provision). Government Code Sec. 551.144. In addition, the courts could determine that the action taken at a meeting at which a violation occurred is null and void. Government Code

§551.141. Other consequences could include embarrassment and loss of the public's trust.

Frequency/Location of Meetings

Meeting dates, times, and locations are decided by the board and administrative staff, but there are generally four meetings per year. Special meetings may be called as determined by the needs of the TBAE. Meeting dates and locations are posted in accordance with state requirements.

Conduct of Meetings/Quorum

The Chair of the Board conducts meetings. All members of the board have voting privileges. Members must be present at the meeting when an issue is being discussed in order to vote on the issue. Members are asked to abstain from voting on an issue or from hearing a case when the potential for conflict of interest is present (see below).

Meeting Materials

Information and data that are important to the Board's understanding of the business to be conducted at a Board or Committee meeting should generally be distributed in writing to the members at least two weeks before the meeting where practicable, and members should review these materials in advance of the meeting.

Participation

It is important that Board members prepare for meetings by reading reports, proposals, and other documents prepared by staff. If you feel that you do not have enough information to make an informed decision, you are encouraged to ask for staff assistance. Always feel free to express your opinion.

Board members shall seek recognition from the Chair to address the Board or a person presenting information to the Board. Upon recognizing the member, the Chair shall state the member's name for the record. Board members shall maintain a respectful atmosphere at all times during Board meetings.

Board Member Attendance at Board Meetings

Regular attendance at meetings is essential for the smooth functioning of the board and administrative staff. Board members are responsible for notifying the Chair or Board Administrator in the event of unforeseen circumstances or emergency situations. Absence, even with prior notification, should be avoided. Notation as to the time members are absent for any portion of the board meeting is included in the Minutes so that an accurate record is available on which members are present when votes are taken.

Public Attendance at Board meetings

In accordance with the Open Meetings Act, Board meetings are open to the public. Under the Board's enabling legislation, the Board is required to develop and implement policies that provide the public with a reasonable opportunity to appear before the Board and to speak on any issue under the jurisdiction of the TBAE. Government Code 1051.254. To promote participation by the public, the Board schedules a public comment period during each Board meeting in which the public may address any subject relating to the business of the Board. Rule §7.6.

If, at a meeting of a governmental body, a member of the public or of the governmental body

inquires about a subject for which notice has not been given as required by the Texas Open Meetings Act, Board members or staff may respond with a statement of specific factual information given in response to the inquiry; or, a recitation of existing policy in response to the inquiry. However, any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting. Government Code §551.042.

Agenda Items

The Board Chair shall collaborate with the Executive Director to establish the agenda for each Board meeting. Any Board member may submit a request to the Chair to include an item on the Board meeting agenda. Such requests must be submitted at least one month prior to a Board meeting.

It is the policy of the Board that each Board meeting agenda shall contain an agenda item allowing members of the public to address the Board on any issue under the jurisdiction of the TBAE. Each member of the public is allotted five minutes to make a presentation to the Board.

Discussion of topics not included on the agenda constitutes a violation of the notice provisions of the Open Meetings Act, and should be avoided.

Robert's Rules

The Board Chair is responsible for ensuring that Board meetings proceed with appropriate order and decorum in accordance with Robert's Rules of Order as implemented by Board Rule §7.5. The Board Chair, in consultation with the TBAE's General Counsel, shall resolve any questions relating to parliamentary procedures.

Record of Meetings

Section 551.021 of the Government Code provides as follows:

1. A governmental body shall prepare and keep minutes or make a recording of each open meeting of the body.
2. The minutes must state the subject of each deliberation; and indicate each vote, order, decision, or other action taken.

Section 551.022 of the Government Code provides that the minutes and recordings of an open meeting are public records and shall be available for public inspection and copying on request to the governmental body's chief administrative officer or the officer's designee.

In compliance with these provisions, the Board keeps minutes of each Board meeting. The minutes are a summary, not a transcript, of each Board meeting. They are prepared by Board staff and submitted for review by Board members as required by law. Board minutes are approved at the start of the next scheduled meeting. When approved, the minutes serve as the official record of the meeting and may be disseminated to other parties. Because meetings are open to the public and the minutes are available by request, Board members should be cognizant of the public nature of their statements at Board meetings.

Chapter 3. Ethical Issues and Liability

Impartiality and Conflict of Interest

As a public servant, a Board member owes a responsibility to the people of Texas in the performance of official duties. This guide sets out laws that govern conduct as a public servant. Please bear in mind that ethical conduct involves more than merely following these laws. As a public servant, you should act fairly and honestly and should avoid creating even the appearance of impropriety.

The legislature has adopted the following standards of conduct for state officers and employees:

A state officer or employee should not:

- (1) accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct;
- (2) accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;
- (3) accept other employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties;
- (4) make personal investments that could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest; or
- (5) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer's or employee's official powers or performed the officer's or employee's official duties in favor of another. (Gov't Code § 572.051).

Under Government Code §572.058, if a Board member has a private or personal interest in a measure, proposal, or decision pending before the board, the Board member must disclose that fact to the rest of the board in an open meeting and must refrain from voting or otherwise participating in the matter. This is known as "recusal."

Bias

Even though a Board member may not have a conflict of interest, he or she may need to disqualify themselves from participating in a matter before the Board because they may have a bias or prejudice. Bias and prejudice could occur in consideration of disciplinary matters wherein a Board member knows the Respondent or a complainant, or has some other connection to this case. This could occur through relationships between firms or other professional relationships. A member should disqualify him or herself if he or she has strong

feelings about the specific facts of a case which will influence an opinion regardless of the evidence. To determine whether you have a bias or prejudice regarding a case or issue before the Board, ask yourself whether you can sit, hear the evidence and make a fair and impartial decision on the matter.

In avoiding the appearance of prejudice or favoritism, Board members must conduct themselves in an impartial and objective manner when conducting Board business. This necessitates a careful choice of words when discussing issues at Board meetings, which are recorded as part of the permanent record of Board proceedings. This neutrality must continue when conducting committee meetings and through any communications related to Board business.

Recusal

If a Board member does have a conflict of interest or appearance of prejudice or bias in a Board matter, recusal from discussion and voting on the matter is the appropriate course of action. If recusal is undertaken, the Board member should state the recusal on the record. If possible, the Board member should identify the source of the conflict. Even if a Board member believes he or she has no actual bias or prejudice about specific facts of a case, he or she should consider recusal if participation in the matter would give the public the appearance of a conflict. Once a member disqualifies him or herself, that member cannot participate in either the discussion or vote regarding that case. If you feel there is the potential for a conflict of interest in any situation related to Board business, you should discuss the details with the Executive Director.

Ex Parte Communication

Generally, ex parte communication is a communication to a decision-maker made by one party to a disciplinary action without the opportunity for participation by the other party. For the Board's purposes, an example of an ex parte communication would be discussion between a Board member and staff of a disciplinary case outside of a Board meeting. Under the Administrative Procedures Act, Board members who will be making a decision on a contested case are prohibited from having discussions with a state agency, person, party, or a representative of those entities, except on notice and opportunity for each party to participate. Government Code §2001.061(a). However, a Board member *may* communicate ex parte with an agency employee who has not participated in a hearing in the case for the purpose of using the special skills or knowledge of the agency and its staff in evaluating the evidence.

If an applicant for examination or licensure, a respondent, or a respondent's attorney directly contacts a Board member, either verbally or by mail, an ex parte communication could occur, and the Board member should end the communication immediately and refer the person to Board staff. If documents are received, please send them to the Director at the Board office without reading them.

Contact with ARE and Licensure Candidates

Board members should not intervene on behalf of a candidate for any reason. Please forward any contacts or inquiries from candidates to the Board office.

Gifts of any kind to Board members from a candidate are not permitted.

Communication/Requests for Information

Any requests for information or interviews by the media must be referred to the Board office. Board members must not discuss any complaint or investigation in person or on the telephone. Reporters' requests for information in such matters must be made in writing to the Board office and will receive a written response, except for requests for procedural information. All communication from attorneys representing respondents or complainants, as well as all inquiries from respondents regarding the substance of a case, must be referred to Board counsel.

It is the policy of the Board that only the Chair or his/her designee may speak on behalf of the Board as an entity. The Executive Director or designee may speak on behalf of the staff. No member shall make representation on behalf of the Board unless authorized by the Chair or the Board. When so authorized, the Board member's representations must be consistent with accepted positions and policies of the Board.

Inquiries from Governor's Office or Legislature

Members may respond to inquiries from the Governor's office or a member of the Legislature. Any such contacts related to agency business must be disclosed to the agency. If a member of the Legislature requests documents related to TBAE business, the Board member will coordinate the production of such documents with the Executive Director.

When interacting with members of the Legislature, Board members must use caution not to endorse or oppose any legislation in the name of the Board. Board members may take positions on legislation, but may do so only as an individual, and not as a representative of the Board.

Public Speaking Engagements

Board members are encouraged to accept invitations to speak at community events and other public forums. Members are expected to ensure that presentations accurately reflect Board and TBAE policies and activities, and ensure that any communications of the Board member's own opinions are communicated as such, and not the position of the Board. Members should inform TBAE in advance of their speaking engagements. Members should coordinate any presentation materials through the Executive Director.

Respectful Conduct

It is recognized that members bring to the Board diverse backgrounds, skills, and experiences and that members will not always agree with one another on all issues. All debates shall take place in an atmosphere of mutual respect and courtesy and in accordance with Robert's Rules of Order. The authority of the Chair must be respected by all members.

Board Solidarity

Members acknowledge that properly authorized Board actions must be supported by all members. The Board speaks with one voice. Members may disagree with a decision of the Board but are expected to abide by and support the implementation of any action duly approved by majority vote.

Obtaining Advice of Counsel

Requests to obtain outside opinions or advice regarding matters before the Board may be made through the Chair and the general counsel. Note that the general counsel is limited to providing counsel on Board matters, and cannot provide personal legal advice to Board members.

Requests for Records Access

In order to avoid even the appearance of impropriety, Board members are not allowed access to applicant or registrant records except when a specific, verified reason exists. Records or copies of records may not be removed from the Board's office.

Board Member Disciplinary Actions

Board members are not immune to incurring disciplinary action before the Board. A complaint against a Board member will be conducted in the same manner as it would be with any other registrant. If the matter goes through the hearing process, a hearing officer may be appointed to hear the matter. The hearing officer would then reach a decision that would be approved or disapproved by the Board.

Board Member Liability and Insurance

Board members can be sued in two distinct capacities.

First, a Board member may be sued in an individual capacity. Board members enjoy certain protections from personal liability in lawsuits. One type of protection is the doctrine of official immunity. Board members are entitled to immunity from suits that arise from the performance of their discretionary duties in good faith as long as they are acting within the scope of their authority. Reliance on advice of counsel helps establish good faith. Another protection Board members enjoy is the limited right to indemnification by the state. Indemnity protection is afforded to Board members for acts and omissions taken in the course and scope of their service in cases that are based on constitutional, statutory and even negligence grounds, or when the attorney general determines that it would be in the interest of the state. The only claims excepted are those based on acts taken in bad faith, conscious indifference or reckless disregard. TBAE has also purchased liability insurance for any damage amounts that exceed indemnification limits.

Second, a Board member may be sued in an official capacity. In such a case, the state pays any adverse judgment. When a Board member is sued in their official capacity, it is as though the office they hold has been sued. If a Board member leaves office in such a suit, the suit attaches to the next officeholder. The doctrine of sovereign immunity protects a Board member from suit and liability unless immunity is waived. Examples where immunity has been waived are under alleged violations under the United States and Texas Constitutions (Commerce Clause, Freedom of Speech, etc.), federal antitrust laws, the Texas Tort Claims Act, and the Whistleblower Act. It is important to note that although the sovereign immunity may be waived, it does not mean that individual immunity is waived.

The attorney general represents Board members in civil lawsuits. TBAE must notify the Office of the Attorney General within 10 days of service. Board members have the right to be co-represented by a private attorney of their choice, at their own expense. As long as a Board member wishes to have state indemnification, the assistant attorney general assigned to the

case remains the attorney in charge of the defense. State defendants who choose to retain private co-counsel should inform the Office of the Attorney General of this decision as soon as possible.

Chapter 4. Licensure

Establishing Requirements for Registration by Examination

Each of the three occupations regulated by the TBAE have three components for initial registration by examination: education, experience, and examination. The eligibility requirements for the professions are located in Board Rules 1.21, 3.21, and 5.31.

Applicants for architect registration must (1) have a professional degree from an architectural education program accredited by the National Architectural Accreditation Board (NAAB) or a foreign program substantially equivalent to a NAAB accredited program,¹ (2) successfully demonstrate completion of the Intern Development Program (IDP); and (3) successfully complete the architectural registration examination (ARE). See Rule §1.21.

Applicants for landscape architect registration must demonstrate completion of (1) a professional degree from a landscape architectural education program accredited by the Landscape Architectural Accreditation Board (LAAB)² or a foreign program substantially equivalent to landscape architectural program; (2) at least two years' actual experience working directly under a licensed landscape architect as defined under Board Rule § 3.191; and (3) the Landscape Architectural Registration Examination (L.A.R.E.) discussed below. See Rule §3.21.

Applicants for registered interior design registration must (1) demonstrate completion of at least two years' actual experience as described in Board Rules §§5.201 and 5.202; and (2) successfully complete the NCIDQ examination as described below. Additionally, the applicant must satisfy education requirements, which vary depending on whether the applicant qualifies as having graduated from a program accredited by the Council for Interior Design Accreditation (CIDA) or NAAB or a doctoral, master's, or baccalaureate degree in interior design. If the applicant does not have such a degree, the applicant may qualify by holding a baccalaureate degree in any discipline, as well as an associate's degree or two-or-three year certificate from an acceptable interior design program. Such candidates are required to complete additional experience prior to becoming registered. More information can be found in Board Rule §5.31.

Completion of the Experience Requirement for the Three Professions

Applicants for architecture registration by examination must complete the Intern Development Program (IDP). IDP is a comprehensive training program created to ensure that interns in the architecture profession gain the knowledge and skills required for the independent practice of architecture. The IDP was created jointly in the 1970s by the National Council of Architectural Registration Boards (NCARB) and the American Institute of Architects (AIA) and is administered by NCARB.

The Intern Development Program is an essential step in the path to become an architect. An intern's journey typically begins in a school of architecture; however, it does not end there. Through the IDP, interns will apply their formal education to the daily realities of architectural

¹ See Rule §1.21 for more detailed requirements regarding programs that are accredited by NAAB after the applicant's accreditation

² See Rule §3.21 for more detailed requirements regarding programs that are accredited by LAAB after the applicant's graduation

practice, acquire comprehensive experience in basic practice areas, explore specialized areas of practice, develop professional judgment, and refine their career goals. IDP is designed to help Interns realize those goals.

Interns document their training hours through the Online Reporting System, a reporting system created by NCARB that allows interns to document their experience in various training areas directly into their online NCARB Record. Interns will identify their supervisor in each report and when a report is submitted, a notification will be sent to the supervisor for approval.

The IDP Guidelines describes the specific training requirements including eligibility to begin participation in the IDP, work settings, training categories, training areas, training hour minimums and maximums, timely reporting and verification of training experiences, and the like.

As for landscape architect and interior design registration applicants, TBAE does not rely upon an outside program such as IDP to determine whether the experience requirement has been completed. Rather, applicants for these professions send their documentation directly to Board staff, who determine whether the submitted experience qualifies under Board Rules.

Architect Registration Examination NCARB (ARE)

The Architect Registration Examination (ARE) assesses candidates for their knowledge, skills, and ability to provide the various services required in the practice of architecture. The ARE has been adopted for use by all 54 Member Boards and the Canadian provincial and territorial architectural associations as a registration examination required for architectural registration. No single examination can test for competency in all aspects of architecture, which is why the Architect Registration Examination (ARE) is not the only requirement to become a licensed architect. The ARE concentrates on those services that most affect the public health, safety, and welfare. The ARE has been developed with specific concern for its fidelity to the practice of architecture; that is, its content relates to the actual tasks an architect encounters in practice. This examination attempts to determine the candidate's qualifications not only to perform measurable tasks, but also to exercise the skills and judgment of a generalist working with numerous specialists. In short, the objective is to reflect the practice of architecture as an integrated whole.

The ARE 5.0 consists of the following six divisions:

1. Practice Management
2. Project Management
3. Programming and Analysis
4. Project Planning and Design
5. Project Development and Documentation
6. Construction & Evaluation

Landscape Architect Registration Examination (LARE)

The LARE is designed to determine whether applicants for landscape architectural registration possess sufficient knowledge, skills and abilities to provide landscape architectural services without endangering the health, safety and welfare of the public.

Successful completion of the LARE is required for registration as a landscape architect in the United States, Puerto Rico and the three Canadian Provinces (Alberta, British Columbia and

Ontario) that license landscape architects.

The LARE is the same across jurisdictions. Administration dates are established by CLARB and administered at conveniently located Pearson VUE professional test centers throughout North America. All exams are uniformly graded by CLARB. The LARE consists of four sections; each section receives a “pass or fail” score independent of the other sections, and all sections must be passed in order to be granted licensure.

The NCIDQ Exam

Individuals seeking registration as an interior designer apply to take the NCIDQ Exam. After eligibility is approved, the candidate registers for each of the three sections of the exam and must successfully pass each section within a specific timeframe. The exam is continually updated to ensure it aligns with the most current professional knowledge necessary to design spaces that are innovative, functional and safe.

Renewals and Continuing Education

1. Renewal procedure. A renewal application is available on the TBAE website in which the registrant may certify his or her completion of the required number of Continuing Education Hours (CEU's). Registrants may also make this certification by renewing online.
2. Audit Selection and Documentation. Registrants who have renewed will be randomly selected for audit. Registrants selected for audit must supply the records specified by Board rules. This documentation shall be submitted to the Board office within thirty (30) days of the postmark date of the audit notice.
3. Review by Board Staff. The submitted records shall be reviewed by Board staff for completeness. If all of the submitted CEUs meet the minimum requirements were in subjects pertinent to the Health, Safety and Welfare (HSW), then Board staff may approve the audit, provided that all required documentation has been submitted. Board staff may also approve audits when transcripts or other records are submitted from the American Institute of Architects (AIA), American Society of Landscape Architects (ASLA), or the American Society of Interior Designers (ASID). Additional information or evidence may be requested of the registrant by the Board. The registrant shall have (60) days from receipt of the Board's letter to return the requested information or evidence.
4. Disallowance. If the Board disallows claimed CEU credits, the registrant shall within (60) days after notification of same either substantiate the original claim or earn other credit to meet the minimum requirements. A registrant failing to supply the requested records within this time frame shall be deemed in noncompliance and may be subject to disciplinary action.
5. Review by Board Members. If an audit does not meet the conditions for approval by Board staff, and is referred for a violation, the resulting disciplinary action will be reviewed by the Board at the next Board meeting.

Chapter 5. Laws and Regulations

Statutes and Regulations – How are they different?

There are two types of law which govern the operation of the Board: statutes and rules, also known as regulations. Statutes are enactments of the legislature and are the higher form of the law. The statutes create the Board, set requirements on issues like membership of the board, licensure standards, and grounds for disciplinary action. They also give the Board the power to promulgate rules to carry out the purposes of the statute.

A rule, on the other hand, has the effect of law but is issued by the Board. A rule may not be in conflict with a statute; instead it is the means by which the Board carries out the intent of the Legislature on matters too specific to be addressed in the statute itself. Rules must be tied to a specific grant of authority by the legislature; the Board cannot promulgate rules on topics that are outside the areas in which the legislature has granted regulatory authority. Writing regulations is one of the most important functions of a regulatory board. Examples of regulations are those governing the way the board conducts meetings and hearings, and those that build on basic legislative requirements for registration and discipline.

Changing Statutory Law – The Board's Role

The modification of statutory law is the responsibility of the legislature, and the Board's role is limited, as the agency may not use appropriated money to attempt to influence the passage or defeat of a legislative measure. Government Code §556.006. For this reason, employees or officers of the TBAE must refrain from offering support or opposition to any legislation on behalf of the Board. If a Board member chooses to express such support or opposition, the Board member must make clear that this activity is undertaken in an individual capacity, and the Board member is not speaking on behalf of the Board.

Note that Government Code §556.006 does not prevent a state officer or employee from using state resources to provide public information or to provide information responsive to a request. Commonly such a request might come from a legislature or committee inquiring about the agency's activities, and responses could range from written reports to the provision of testimony by the executive director or other staff.

Rulemaking

The adoption of rules or amendment of rules is known as "rulemaking." Rulemaking is governed under Chapter 2001 of the Administrative Procedure Act. In order to engage in rulemaking, the Board must follow certain legal requirements. The common procedure for rulemaking by the Board is as follows:

1. Identification of issue. The identification of issues to be resolved through rulemaking may occur through a number of processes. Often, staff will identify an issue with an existing Board rule that must be addressed through amendment. Alternatively, a Board member may identify an issue with an existing Board rule, or a topic that requires a rule to protect the public. Additionally, the agency is often required to undertake rulemaking in response to legislation that has been passed by the legislature. Finally, the Board may be petitioned by members of the public to engage in rulemaking pursuant to Occupations Code §2001.021 and Board Rule §7.7.

2. Consideration of rulemaking by the rules committee. Once a topic has been identified, the matter will be placed on the agenda of the rules committee for consideration. The rules committee is appointed by the Board chair to engage in preliminary consideration of Board rules prior to consideration by the full Board. Often, staff will write a draft rule in advance of the committee meeting, and amend that draft as directed by the committee. Alternatively, the committee will engage in discussion of a topic, and staff will create a draft rule based on these discussions. Either way, presentation of the draft rule to the full Board depends upon approval by the rules committee.

3. Consideration of rule proposal by the Board. Following the rules committee meeting, staff will finalize a draft rule for consideration by the full Board at the next Board meeting. At the meeting, staff will provide the Board members with a copy of the proposed rule, associated statutes, and any other information relating to the rule. Staff will answer any questions from the Board. After the rule has been considered, a motion may be made to propose the rule, with majority vote controlling. If the motion to propose the rule is defeated, staff may be given guidance on how to amend the draft to gain the Board's approval. If the motion passes, the draft moves forward to proposal.

4. Rule proposal. Following approval by the Board, rulemaking is formally initiated by publication of the agency's notice of a proposed rule in the Texas Register. Under Government Code §2001.023, the notice of a proposed rule must be published a minimum of 30 days in advance of the intended adoption date of the rule. The notice must contain certain information, including a brief explanation of the proposed rule; the text of the proposed rule; a statement of statutory authority for the proposed rule and the statutory provision affected by the proposed rule; a fiscal note for each year of the first five years that the rule will be in effect; a note about public benefits and costs for each year of the first five years that the rule will be in effect; the local employment impact statement, if required; and a request for comments on the proposed rule. Government Code §2001.024(a). The general counsel is responsible for the preparation of the notice of proposed rule and publication of the notice.

5. Comment period. The public is entitled to at least 30 days' notice of a proposed rule before the agency adopts the rule. Generally, the public comment period begins immediately after the proposed rule is published in the Register. The notice period must give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing. If certain requirements are met, the Board may be required to hold a public hearing on a proposed rule. Government Code 2001.029.

6. Responding to comments. The Board must fully consider all written and oral submissions concerning the proposed rule. Government Code 2001.029. The agency may choose to amend the rule in response to comments. If the change is minor, the Board may move forward to adoption. However, if the Board changes a rule in nature or scope so much that it could be deemed a different rule, the process may have to start over.

7. Adoption of the rule. At the next Board meeting following expiration of the comment period, the Board will consider adoption of the proposed rule. Majority vote controls

on a motion to adopt a rule. If the rule is adopted, the agency must adopt an order that includes certain information, including a reasoned justification of the rule, a statement of the authority under which the rule is adopted, and a legal certification. Government Code 2001.033. The reasoned justification must include a summary of comments received from parties interested in the rule that shows the names of interested groups or associations offering comment on the rule and whether they were for or against its adoption; a summary of the factual basis for the rule as adopted that demonstrates a rational connection between the factual basis for the rule and the rule as adopted; and the reasons why the agency disagrees with party submissions and proposals.

Policies– How are they different from Statutes and Regulations?

A policy is informative and descriptive but does not carry the force of law. It establishes a plan or a set of guidelines that is formulated in response to a unique set of circumstances brought to the attention of the board. A licensee cannot be sanctioned for failing to adhere to a board policy.

Policies that affect a large segment of the regulated or general public (rather than an individual or a narrow select group) should be developed and promulgated into regulations.

Related Laws and Regulations

Sunset - State law provides that prior to the scheduled cessation date of an agency, the agency's functions are scheduled for review by the Commission. The agency will be reviewed to determine whether its licensing and regulatory functions continue to be necessary for the public interest and whether the actions and policies of the Board conform to certain standards. Working with the TBAE, the legislative staff reviews records of past operations and makes recommendations of changes in operation and law which would improve efficiency and effectiveness.

A draft report is circulated to the Board and the Department for comments before it is submitted to the appropriate committees of the legislature. If the legislature is satisfied that there continues to be a need for the services provided by this Board, it will reauthorize it for a maximum of 12 years.

The Texas Public Information Act - The Public Information Act, Government Code chapter 552, mandates public access to information that is collected, assembled or maintained in connection with the transaction of the official business of governmental bodies. Information subject to the Act includes not only paper documents but also recordings, computer files, photographs and many other forms of information. Exceptions to disclosure protect a wide range of interests, including individual privacy and considerations of public safety. If a governmental body receives a request for information, in most cases, it must either provide the information or seek an attorney general's decision regarding the applicability of an exception to disclosure.

How does the Public Information Act affect Board members?

First, it is important to remember that any written communication by a Board Member

regarding official business is subject to the Public Information Act. Therefore, the Board member must use sound judgment and avoid engaging in communications that could embarrass the Board member or the Board.

Second, a Board member could find the processes used to implement the Public Information Act to be cumbersome. For example, if a Board member uses personal or business email to address Board business, any public information request inquiring into such emails would require a search through the Board member's emails. In conducting such a search, Board staff would attempt to use the least invasive process for doing so, but nonetheless, this could be viewed as an unwanted intrusion. For these reasons, if a Board member intends to use email to conduct Board communications, it may be advisable to utilize a dedicated email address that is separate from the Board member's personal or business address, and to limit all discussions of Board business to this account. That way, if the Board receives a public information request, responding to the request can be completed by searching through that email account alone. If a Board member wishes set up a separate email account for this purpose, Staff is available to help with this task upon request.

Chapter 6. Enforcement/Compliance

Board Powers Relating to Disciplinary Matters

State law gives the Board general authority to take enforcement action in response to violations of the enabling acts for architecture, landscape architecture, and interior design. Occupations Code §1051.501. This includes disciplinary authority to suspend, revoke, or refuse to renew registrations issued by the Board, as well as the imposition of administrative penalties against registrants and non-registrants who violate the Board's laws. Occupations Code §§ 1051.401 and 1051.451. The Board also has authority to order a registrant to pay restitution to a consumer, not to exceed the amount the consumer paid the registrant for a service. Occupations Code §1051.505.

Complaint Procedures

When the Board receives a complaint, it is initially reviewed by the Managing Investigator to determine if there is probable cause to believe an actionable violation of agency statutes or rules might have occurred. When probable cause exists, a case is opened and assigned to an investigator, and the respondent is notified of the allegations. The Respondent is given an opportunity to respond to any cited violations. The investigator contacts the complainant, respondent and witnesses, and collects evidence as necessary to investigate the matter fully. If technical expertise is required, a subject matter expert may be asked to review the case.

When the investigation is complete, the case file is forwarded to the Board's legal counsel. If a violation has occurred, a Notice of Violation is prepared at this time which outlines the violations of Board laws and rules, and offers the Respondent an opportunity to accept the Executive Director's proposed settlement. Occupations Code 1051.453. If the Respondent does accept the settlement, the Respondent returns a signed copy of the Notice of Violation, and the matter is placed on the agenda for the next Board meeting, where the Board must approve the settlement terms.

If the settlement is not accepted, the matter proceeds to further to informal conference and/or formal hearing at the State Office of Administrative Hearings (SOAH).

Informal Conferences

In the event a proposed settlement is not accepted by the Respondent, Staff may recommend that an informal conference be held. An informal conference is an opportunity for the Respondent to present information to a TBAE panel concerning the disciplinary case. The Board has adopted procedures regarding informal conferences in Rules §§1.166, 3.166, and 5.176. The Board is not required to grant the Respondent an informal conference. Generally, an informal conference will only be offered in matters where factual circumstances in dispute can be better addressed in person. Most often, an informal conference will be attended by the Executive Director, the General Counsel, investigative staff, and a Board member, in addition to the Respondent and his representatives. Depending upon the results of the informal conference, the proposed settlement may be revised or kept the same, or the disciplinary action dismissed. The informal conference recommendation is not binding, and the Respondent may request a formal hearing.

The Formal Hearing Process

If a disciplinary action is not disposed of through acceptance of a settlement or informal conference, a formal hearing must be held. Occupations Code §1051.401. The Board's hearings are heard by the State Office of Administrative Hearings (SOAH). SOAH is an independent state agency created by the legislature to provide independent consideration of administrative hearings.

The Board's hearings are governed by the Administrative Procedure Act contained in Chapter 2001 of the Government Code. Under Government Code §2001.051, a Respondent is entitled to notice of at least 10 days prior to the initiation of a hearing at SOAH. A formal hearing is a civil proceeding, not a criminal one. Therefore, the complaint must be sustained by a "preponderance of the evidence" rather than "beyond a reasonable doubt" or "clear and convincing evidence."

The general counsel represents the Board in a hearing at SOAH, and presents witness testimony and documentary evidence in support of the Board's allegations. The Respondent is entitled to respond and to present evidence and argument on each issue involved in the case. The parties present their cases to a SOAH Administrative Law Judge (ALJ) who hears the evidence and is responsible for preparing a proposal for decision (PFD) at the conclusion of the hearing

A PFD contains the ALJ's findings of fact, conclusions of law (based on the Board's laws and rules), and a recommended sanction if the ALJ finds that a violation has occurred. This PFD is presented to the Board for entry of a final order. The ALJ's findings of fact are binding upon the Board, and cannot be changed other than to correct technical errors. Government Code §2001.058(e). In other words, the ALJ has final authority to determine "what happened."

However, the Board has final authority to determine conclusions of law. If the ALJ did not properly apply or interpret applicable law, agency rules, written policies, or prior administrative decisions, or the ALJ relied upon a previous decision that is incorrect or should be changed, the Board may change a conclusion of law. Government Code §2001.058(e). In other words, the Board has final authority to determine how the law applies to the findings of fact made by the ALJ. This authority also extends to the penalties enforced if a violation is found; while the ALJ will make a recommendation for discipline, the Board has final authority to determine the appropriate sanction.

The presentation of the PFD occurs at a Board meeting. The general counsel will present the PFD to the Board, and make recommendations regarding acceptance of the ALJ's conclusions of law and proposed sanction. Because the ALJ has final authority on findings of fact, the Board members may not re-litigate the evidence and must limit consideration to the ALJ's findings. Upon motion by the Board members, a vote will be held to consider entry of a final order under Government Code §2001.141. If the Respondent disagrees with the decision, he may file a motion for rehearing, and if unsuccessful, appeal the decision to state district court. See Government Code §§2001.146 and 2001.171.

Board Members Disqualifying Themselves (Recusal)

Generally, Board members should disqualify (recuse) themselves from participating in an investigative inquiry and any subsequent formal hearing if they are in a close personal or financial relationship, or stand to gain or lose from the outcome of the hearing. In cases where

a Board member casually knows the subject of the complaint but does not believe that this relationship would influence his or her decision, this determination should be made on the record at the beginning of the consideration of the matter. If the subject of the complaint or his or her attorney has no objections, the inquiry can move forward. When in doubt, a Board member should confer with the Executive Director and General Counsel for clarification.

Confidentiality

Board members who are contacted about a complaint by anyone other than Board staff must refer these contacts to the Board office.

In general, members must maintain the confidential nature of information obtained in the course of service on the Board. Members shall endeavor to maintain the lawyer-client privilege regarding any information obtained in the course of consulting with legal counsel.

It is recognized that the role of members may include representing the TBAE in the community. However, such representations must be respectful of and consistent with the member's duty of confidentiality.

Every Board member shall respect the confidentiality of information about the TBAE regardless of the source of the confidential information. A member may not use confidential information to his/her personal advantage or to the disadvantage of any person.

A member is in breach of their duties with respect to confidentiality when information is used or disclosed for purpose other than those identified by the Board or the agency.

Chapter 7. Internal Management Issues

Travel Procedures/Policy

You must have approval prior to travel except for regularly scheduled Board meetings and Committee meetings to which you are assigned. For out of state travel, prior approval is required. Board members will be reimbursed actual lodging expenses, supported by hotel bills, and will be reimbursed for meals, mileage, and supplemental expenses at the state rates.

Per Diem

Compensation in the form of a per diem for travel and other expenses incurred in the performance of official duties will be paid at the rate of \$30.00 per day. Board members who are also state employees may not be eligible to receive per diem compensation.

Travel Claims

Rules governing reimbursement of travel expenses for Board members are outlined in government policies and regulation. All expenses must be claimed on the appropriate travel expense claim forms. We urge you to submit travel expense forms immediately after returning from a trip and not later than 10 days following the trip. Original receipts are required for some reimbursements. Refer to [TBAE Policy EA-005, Travel Policy and Procedures](#)

Board Staff and their Responsibilities

The TBAE staff consists of 20 employees:

Staff member responsibilities:

1. Assist Board members in carrying out their duties and responsibilities;
2. Organize and manage the board meetings;
3. Maintain the records for licensees, disciplinary proceedings, etc.;
4. Maintain the records of applicants for licensure;
5. Review applications for licensure;
6. Issue new licenses;
7. Renew licenses;
8. Investigate complaints;
9. Assist consumers with questions and concerns;
10. Assist licensees and applicants with questions and concerns;
11. Answer questions from government officials, the media (when appropriate), other licensing boards;
12. Develop the budget and monitor expenditures;
13. Assist the Board in developing Regulations.

Chapter 8. NCARB, CLARB & CIDQ

National Council of Architectural Registration Boards (NCARB)

In May 1919, fifteen architects from thirteen states came together to form an organization that would become NCARB. The purpose was to facilitate the exchange of information on examining, licensing and regulating architects; to foster uniformity in licensing and practice laws; to facilitate reciprocal licensing; to discuss the merits of various examination methods as well as the scope and content of licensing exams; and, to improve the education standards of the architectural profession in the United States.

Today NCARB works as a Council of Member Boards to safeguard the health, safety and welfare of the public and to assist Member Boards in carrying out their duties. NCARB develops and recommends standards to be required of applicants for architectural registration; develops and recommends standards regulating the practice of architecture through publication of Legislative Guidelines and Model Law, Model Regulations; provides a certification process and architectural registration programs to Member Boards and represents the interests of Member Boards before public and private agencies. For more information, please familiarize yourself with the documents, *The History of NCARB* and *How Architectural Boards Work Together*.

NCARB is a nonprofit organization comprised of the architectural registration boards of the 50 United States, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands. These are known as Member Boards.

Member Boards elect NCARB officers and directors and work together to formulate NCARB policies, Model Laws and Model Regulations. NCARB's mission is to assist Member Boards in protecting the health, safety and welfare of the public. It provides many significant services to interns, architects, and Member Boards. For more information, visit their Web site at www.ncarb.org. There is a private "Members Only" site which you may also access after setting up a password.

The TBAE is also a member of Region 3, one of six regions nationwide. There is an annual regional meeting in March or April that is held in conjunction with six regions of NCARB. There is also an annual national meeting of all boards in June. Again, there is a private "Members Only" site which you may access after setting up a password.

Members of the TBAE Board have traditionally been involved in NCARB activities on the regional and national level. Board members and the Board administrator attend the regional and national meetings held at various locations in the United States.

NCARB is vital to the existence of architectural registration boards. Among its many services is development of the Architect Registration Examination, record-keeping for interns and architects, support of Member Boards in countless ways, publications, and as liaison with collateral organizations. Each state or jurisdiction has different licensing requirements; however, NCARB recommends standards—including a Model Law and Model Regulations—for consideration by Member Boards. NCARB's function is to support state architecture boards as much as possible but never to dictate to them.

The Council of Landscape Architectural Registration Boards (CLARB)

CLARB works to protect the public's health, safety and welfare by establishing and promoting professional licensure standards. Its members are the licensure boards across the United States, Canada and Puerto Rico. CLARB prepares, administers and scores the Landscape Architect Registration Examination (L.A.R.E.) which assesses the ability of prospective licensees to protect the public's health, safety and welfare.

CLARB also manages a professional information system called the CLARB Council Record, through which landscape architects document and verify their education, experience, examination and licensure history. The Record helps reduce barriers to mobility by streamlining the initial and reciprocal licensure processes.

The Landscape Architect Accreditation Board (LAAB) is the accrediting organization for landscape architectural programs. As such, the LAAB develops standards to objectively evaluate landscape architectural programs and judges whether a school's landscape architectural program is in compliance with the accreditation standards.

The Council for Interior Design Qualification, Inc. (CIDQ)

CIDQ exists to credential interior designers who have met minimum education and experience requirements and who have passed the NCIDQ Exam.

In 2009 the CIDQ Board of Directors adopted a policy that allows the application for certification if an accredited degree is earned in architecture from either the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB). This policy is intended to allow architects who have migrated into interior design the opportunity to take the NCIDQ Exam to qualify for certification.

Candidates who have architectural educations that are not NAAB or CACB-accredited but who hold the National Council of Architectural Registration Boards (NCARB) Certificate and have had their education evaluated by the Educational Evaluation Service for Architects (EESA), also qualify to sit for the exam and to be certified if they pass.

The National Council for Interior Design Qualification (NCIDQ) is the only organization to provide an internationally recognized certification exam for the profession of interior design. The Council for Interior Design Accreditation (CIDA), founded in 1970, is an international non-profit organization that accredits postsecondary interior design education programs in the United States and Canada. The voluntary accreditation process uses internationally recognized educational standards to review programs.

Chapter 9. Glossary of General Terms

Administrative law judge – an independent judicial officer who is given the authority to hear cases and made recommendations on them to the boards.

Administrative agency – any governmental entity within the executive branch of government, charged with the responsibility to enforce the law. TBAE is an administrative agency.

Administrative code – all the rules and regulations promulgated by administrative agencies of the state, brought together in one unit.

Meetings notice – an announcement required by the Open Meetings Act. A board must notify the public of time, place and subject matter of a scheduled meeting.

Practitioner – a person who practices a specific occupation or profession.

Promulgate – to adopt and publish a regulation after proposal and public comment.

Public comment – comments concerning issues that are gathered by holding hearings, and/or inviting written public response.

Public record – any documents required by law to be made, maintained, or kept on file by an agency of the government. Agency or board documents which pertain to an investigation in progress are NOT part of the public record; access to them may be denied or allowed (unless allowing access is otherwise prohibited by law).

Quorum – the number of members of a body that, when assembled, is legally competent to conduct business.

Revocation – a disciplinary sanction that terminates the right to engage in the activity for which registration is required by law. Revocation is a final act and terminates licensure permanently; however, reinstatements of licensure by separate, subsequent action is, in most cases, permitted as a discretionary act by a board.

Restitution – the act of making good, or of giving the equivalent for any loss, damage, or injury.

Rule (also referred to as Regulation) – a statement that defines how a law will be implemented; it has the force of law; it is written by an administrative agency and adopted following publication for public comment.

Statute – a law that governs conduct within its scope. A bill passed by the legislature and signed by the Governor becomes a statute.

Statutory authority – boundaries of a board's lawful responsibility as established by the statute which established it.

Stipulation – a condition, requirement, or item of an agreement, specified in an instrument (e.g., Consent Order).

Sunset – a concept which may be set in law to limit the life span of a government agency or program and force an evaluation and reauthorization if it is to continue.

Suspension – a termination (for a limited period of time) of the right to practice the activity for which licensure is required. Suspension may contain conditions precedent to reinstatement after the suspension terminates (e.g., reinstatement may be conditional upon a satisfactory medical or psychiatric report or other requirement).

Stay of suspension – an order that withholds the operative effect of an active suspension and effectively allows a licensee to continue to practice under a period of “probation.”

**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: 341-17A
Respondent: Patrick M. Ahearne
Location of Respondent: Allen, TX
Location of Project(s): Dallas, TX
Nature of Violation: Violation of Architectural Barriers Act (TDLR)
Instrument: Report and Notice of Violation

Findings:

- Patrick M. Ahearne (hereafter “Respondent”) is registered as an architect in Texas with registration number 14649.
- Previous History
 - On September 18, 2006, the Executive Director issued a Report and Notice of Violation to Respondent based on findings that the Respondent failed to timely submit plans to TDLR for accessibility review. Respondent was assessed a \$700 administrative penalty. Respondent had not previously been issued a warning.
- On June 19, 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 “The Grove” located in Dallas, 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 August 11, 2015, and were submitted to TDLR on March 15, 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 §1051.752(2) of the Architects’ Practice Act and Board Rule 1.170(a).

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$1,000**.

**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: 224-17A
Respondent: Pui-Lam Chu
Architectural Registration No.: 11992
Location of Respondent: Houston, TX
Nature of Violation: Practice Violation by Registrant
Instrument: Agreed Order

Action Recommended by Executive Director:

- The Executive Director recommends the Board enter the attached Agreed Order in Case Number 224-17A
- The Agreed Order would impose the following terms on the Respondent's architectural registration:
 - Probated suspension of architectural registration for a period of two (2) years from the date of the Board's Order;
 - Submission of a quarterly report of a list of architectural plans and specifications to the Board every three (3) months after the entry of the Board's Order;
 - Successful completion of the National Council of Architectural Registration Board's Monograph Course "Professional Conduct" or an equivalent of ten (10) hours of ethics courses, subject to approval by the board staff. These continuing education courses are in addition to the yearly twelve (12) hours of continuing education currently in effect and must be completed within one (1) year of the Board's Order; and
 - Payment of administrative penalty in the amount of \$10,000.

TBAE CASE NO. 224-17A

IN THE MATTER OF
PUI-LAM CHU

TEXAS ARCHITECT
Registration Number 11992

§
§
§
§
§
§

BEFORE THE TEXAS BOARD

OF

ARCHITECTURAL EXAMINERS

AGREED ORDER

On this day, the Texas Board of Architectural Examiners (hereafter "the Board") considered the matter of PUI-LAM CHU, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Texas Occupations Code §1051.752(1)&(6). Respondent waived notice and hearing and agreed to the entry of this Order approved by Julie Hildebrand, Executive Director, on September 28, 2017. Upon recommendation of its Executive Director, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order:

FINDINGS OF FACT

1. Prior to the institution of agency proceedings, notice of the matters specified below in the Findings of Fact was served on Respondent, and Respondent was given an opportunity to show compliance with all requirements of law for the retention of the registration.
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent is registered as an architect in the State of Texas, in current status.
4. On or about April 6, 2016, John Albert Chipman, architect registration number 13827, prepared, sealed, and submitted a set of construction documents to the City of Deer Park for a

pl