

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda

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

333 Guadalupe Street

Austin, Texas

Thursday, October 20, 2011

9:00 a.m.

1. Preliminary Matters

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

Alfred Vidaurri
Chase Bearden
Alfred Vidaurri

2. Approval of the August 18, 2011, Board Meeting Minutes

(Action)

Alfred Vidaurri

3. Legal counsel briefing on recent developments regarding litigation

(Information)

- A. TSPE v. TBAE and Cathy L. Hendricks in her official capacity as Executive Director
- B. Richardson, Rogers and Winton v. TBAE

Ted Ross

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

4. Executive Director Report *(Information)*

- A. Budget
- B. Enforcement
- C. Registration
- D. Communications

Cathy Hendricks

Report on conferences and meetings *(Information)*

- A. 2011 CLARB Annual Meeting – Sep 14-18, 2011
- B. 2011 LRGV-AIA Building Communities Conference – Sep 24, 2011
- C. 2011 Government Law & Liability Conference – Oct 6-7, 2011
- D. DFC Leadership Conference – Oct 9-11, 2011

5. General Counsel Report *(Action)*

C. Adoption of Proposed Rules

Repeal Rule §3.12, relating to the Joint Advisory Committee on the Practices of Architecture, Engineering and Landscape Architecture

D. Report on HB 2284 *(Information)*

Scott Gibson

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9:00 a.m.

6. **Report on the Rules Committee** (*Action*) Scott Gibson
- A. Rules §1.69/§3.69/§5.79 increasing the number of mandatory continuing education program hours registrants must obtain annually; clarifying substance of acceptable continuing education
 - B. Rules §1.124/§3.124/§5.134 revising process for the registration and renewal of registration of business entities with the Board
 - C. Rule §7.10 adopting a fee for initial business registration, renewal of business registration and late registration fees
 - D. Rules §1.232/§3.232/§5.242 to conform penalty matrix to amendments to business registration processes
 - E. Rule §5.201 repealing obsolete provisions relating to repealed “grandfather” classes
7. **Enforcement Cases** (*Action*) Michael Shirk
- Review and possibly adopt ED’s recommendation in the following enforcement cases:**
- A. **TBAE v. Dwight Norton and Fountainhead Co., L.L.C.** (TBAE Case No. 144-11N; SOAH Docket No. 459-11-4646)
 - B. **Andersson, Arthur W.** (TBAE Case No. 122-11A) (Registrant Case)
 - C. **Hart, James T.** (TBAE Case No. 211-09N) (Non-registrant Case)
 - D. **Massock, Shawn William** (TBAE Case No. 130-11L) (Continuing Education Case)
 - E. **Rohr, Anthony G.** (TBAE Case No. 129-11A) (Continuing Education Case)
 - F. **Schmidt, Richard** (TBAE Case No. 116-11N) (Non-Registrant Case)
- The Board may meet in closed session pursuant to TEX. GOV’T CODE ANN. §551.071 to confer with legal counsel***
8. **Approval of the 2012 Board Meeting Dates** (*Action*) Alfred Vidaurri
- January 19-20, 2012
 - May 17-18, 2012
 - August 23-24, 2012
 - October 18-19, 2012
9. **Chair’s Closing Remarks** Alfred Vidaurri

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9:00 a.m.

10. Adjournment

Alfred Vidaurri

NOTE:

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

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services (such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille), are required to contact Glenda Best at (512) 305-8548 at least five (5) work days prior to the meeting so that appropriate arrangements can be made.

FREQUENTLY USED ACRONYMS

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Minutes of August 18, 2011 Board Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street
Tower III, Conference Room 102
Austin, TX 78701

9:00 a.m. until completion of business

1. Preliminary Matters

A. Call to Order

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

B. Roll Call

Secretary/Treasurer, Chase Bearden, called the roll.

Present

Alfred Vidaurri, Jr.	Chair
Charles H. (Chuck) Anastos	Vice-Chair
Chase Bearden	Secretary/Treasurer
Bert Mijares, Jr.	Member
Brandon Pinson	Member
Diane Steinbrueck	Member
Debra Dockery	Member
Paula Miller	Member
Sonya Odell	Member

TBAE Staff Present

Cathy L. Hendricks	Executive Director
Scott Gibson	General Counsel
Glenda Best	Executive Administrative Manager
Christine Brister	Staff Services Officer
James Coffman	IT Manager
Katherine Crain	Legal Assistant
Steve Franz	Investigator
Glenn Garry	Communications Manager
Mary Helmcamp	Registration Manager
Kenneth Liles	Accounting Manager
Julio Martinez	Network Specialist
Michael Shirk	Managing Litigator
Jack Stamps	Managing Investigator

C. Excused and unexcused absences

None.

D. Determination of a quorum

A quorum was present.

E. Recognition of Guests

Guests were as follows: Ted Ross, Counsel to the Board from the Attorney General's Office; Donna Vining, Texas Association for Interior Design; Sherry Sewell, State Auditor's Office, and Jeri Morey, Architect from Corpus Christi.

F. Chair's Opening Remarks

The Chair thanked everyone including Board members and the audience for attending the Board meeting. He stated that this was the last Board meeting for the fiscal year. He said that it was a new day for a new opportunity. Our thoughts determine our destiny and our destiny determines our legacy. He urged the Board to be cognizant of time and move through the agenda as quickly as possible. The Chair moved on to Public Comment.

G. Public Comment

The Chair recognized Jeri Morey of Corpus Christi, Texas, who registered for public comment.

Ms. Morey introduced herself to the Board and said that she would like to make a recommendation to the Board. She stated that last November or December she made a public information request to the agency regarding a case involving an architect whose back porch collapsed. She stated the agency's response was that there were no documents responsive to her request but she later heard we had received a complaint against the architect. She stated that if staff has a practice of getting rid of documents when it is determined a case will not be opened, that's a bad practice which must end.

2. Approval of the June 16, 2011 Board Meeting Minutes

A MOTION WAS MADE AND SECONDED (Anastos/Dockery) TO APPROVE THE JUNE 16, 2011 BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

3. Confer with legal counsel regarding recent developments in pending litigation in the case *Richardson, Rogers, and Winton vs. TBAE*

The Board went into a closed session for a briefing on the pending litigation with Assistant Attorney General, Ted Ross at 9:12 a.m. and adjourned the closed session at 10:24 a.m.

The Board took a 10 minute recess after the closed session and reconvened in an open meeting at 10:35 a.m. Vice-Chair Anastos presiding in Chair's absence.

**4. Audit Findings of the Accounting Management Review
(This section was postponed until later in the day.)**

5. Presentation of Budget

- A. Presentation of 2011 end-of-year expenditures/revenue through June 30, 2011
- B. Presentation of 2012 proposed budget for consideration of the Board

The agency's accounting manager, Kenneth Liles, outlined the difference in items in the 2011 budget and the proposed 2012 budget. Mr. Liles noted there were items added to the 2011 budget in January that were not expended. The scholarship fund had been added to the budget and the budget as presented in January was portrayed as being out of balance. The budget as presented extracts the scholarship fund and is in balance.

Ms. Steinbrueck noted that in years past, the budgets appeared to be inflated. They would show reductions in the surplus when at the end of the year the surplus increased. Ms. Steinbrueck expressed an interest in having a realistic budget. Ms. Hendricks noted that a lot of expenditures budgeted for 2011 were not made. They were either deferred or canceled in light of legislation that might have abolished the agency.

Ms. Dockery observed that in light of the revenue collections for 2011, the proposed 2012 budget might be ambitious. Mr. Liles responded that it is difficult to make projections in the current economic climate but he anticipated the agency would make its \$510,000 payment to the General Revenue Fund, make payroll and end the fiscal year with a surplus of \$150,000.

Mr. Mijares inquired about enforcement penalties and the percentage of the penalties assessed that is actually collected. Ms. Steinbrueck requested staff to provide a balance sheet on those amounts in future.

The Chair returned during discussion of the budget and resumed his position presiding over the meeting.

A MOTION WAS MADE AND SECONDED (Mijares/Miller) TO ACCEPT THE PROPOSED 2012 BUDGET. THE MOTION PASSED UNANIMOUSLY.

Mr. Pinson asked if the agency budgets on a month-to-month timeline and whether staff could provide projections by month to the Board. Mr. Liles said it is possible. However, there is a large \$510,000 payment to General Revenue at the end of each fiscal year which would create the appearance of a false surplus. Mr. Pinson asked if there were any other large one-time payments that would create the same effect. Mr. Liles noted the agency's payment to SWYCAP is a large annual lump-sum payment. Mr. Liles stated the agency can prepare a report showing monthly expenditures and monthly revenue—a cash flow report. But it might be difficult to have such a report by the October meeting.

The Board also requested a final report of all actual revenue and expenditures for fiscal year 2011 at the end of the year.

The Chair asked Board member Paula Miller if she had any suggestions on the format of the budget. She stated that she would prefer that the budget include percentages to provide context to the amount of changes from year to year. Also, she requested that a projection through the end of the year be added to the budget.

6. Consideration of Future Revenue Stream

The Chair explained that the Executive Committee had requested that the Executive Director to create a list of agency services or products for which costs are not recovered. The Executive Director was requested to identify potential fees for these services. The Chair stated the list of potential future revenue streams is strictly for informational purposes. The Executive Director outlined the following:

1. Agency to put on a low-cost continuing education conference on a Saturday from 10-4 in the Hobby Building;
2. Agency staff to develop a continuing education course on the agency website. Currently, this is being done by a third party vendor;
3. Agency to charge a fee for business registration;
4. Agency to charge a fee to recover the credit card fee the agency currently pays upon electronic renewals; and
5. Agency to increase registration, renewal or other fees as a last resort.

The Chair asked about the charge paid by the agency per credit card transaction. The Executive Director stated the charge is based upon a percentage of the transaction amount which results in a charge as high as \$8 for some transactions. The current cost annually to the agency totals roughly \$97,000. The Executive Director noted that other agencies which tried to recover the cost learned that licensees began mailing in registration fees in lieu of using the electronic method. Processing hard copy payments increases administrative costs and risks. The Board discussed the value of the convenience to the agency's licensees, the need to inform them that the charge is to recover a cost paid to credit card companies, and whether such a charge constitutes revenue.

Ms. Steinbrueck suggested that the Board develop a fiscal policy of charging only for services which are optional but not for matters which are mandated. She also expressed concern that there might be a potential conflict of interest for the agency to award continuing education credit for courses it develops and recovers a fee for holding.

7. Adoption of proposed rules

- A. Repeal Rule §1.12 relating to the joint advisory committee on architecture, engineering, and landscape architecture. The rule was rendered obsolete by legislation which repealed the enabling law for the committee. No public comment was received on the proposed rule change.

A MOTION WAS MADE (Pinson/Odell) TO REPEAL RULE 1.12. THE MOTION PASSED UNANIMOUSLY.

Proposed repeal of Rule 3.12, relating to the Joint Advisory Committee on architecture, engineering, and landscape architecture. The rule was rendered obsolete by legislation which repealed the enabling law for the committee.

A MOTION WAS MADE (Pinson/Odell) TO PROPOSE THE REPEAL OF RULE 3.12. THE MOTION PASSED UNANIMOUSLY.

- B. Amend Rule §7.10 to include an application fee for engineers to apply for exempt status to engage in the practice of architecture under HB 2284.

A MOTION WAS MADE (Pinson/Mijares) TO AMEND RULE 7.10 TO INCLUDE AN APPLICATION FEE OF \$150.00 FOR ENGINEERS TO APPLY FOR EXEMPT STATUS TO ENAGE IN THE PRACTICE OF ARCHITECTURE UNDER 2284.

9. Report on conferences and meetings

A. NCARB Annual Conference, June 22-25, 2011, Washington, D.C.
Board member Bert Mijares reported on the NCARB Annual Conference in Washington, D.C. He stated that a new CEO was introduced at NCARB and his name is Michael Armstrong. Also, TBAE Chair Alfred Vidaurri was elected Vice-Chair of Region III. The prize for design went to Virginia Tech on practice and promoting practice. The Chair reported that Region III elected a new executive, Jenny Wilkinson of Mississippi. Also, the fourteen (14) resolutions that came before TBAE at the last meeting were approved and passed by the NCARB Board.

B. METROCON11 Expo and Conference, August 11-12, 2011, Dallas, TX
The Executive Director reported that although she could not make the conference, agency staff members Jackie Blackmore and Tony Whitt gave CE seminars at the conference. In addition, Sonya Odell and former Board member Lew Vassberg attended. Ms. Odell noted there was steady traffic to the TBAE booth and the agency seminars were well-attended.

The Chair reported CLARB would be having its annual meeting in Chicago in September and that Diane Steinbrueck and Cathy Hendricks would be attending this conference. Also, the 77th Convention for TSA will be held in Dallas on October 27-29, 2011. Cathy Hendricks and Scott Gibson will be attended this conference and will be making a presentation.

The Board took a 30 minute recess for lunch at 12:00

The Board reconvened at 12:37 p.m.

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

The Chair recognized General Counsel to present the enforcement cases. The General Counsel explained to the Board members that the enforcement cases involved proposed Agreed Orders and/or settlements previously entered into with the Respondents.

A. **Non-Registrants:
Hand, Brian (#108-11N)**

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO ACCEPT THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 108-11N IMPOSING A \$1,500.00 PENALTY AGAINST BRIAN HAND FOR THE UNLAWFUL ISSUANCE OF SIX SHEETS OF ARCHITECTURAL PLANS. THE MOTION PASSED UNANIMOUSLY.

VALLA Design Group (#074-11I)

A MOTION WAS MADE AND SECONDED (Pinson/Odell) TO ACCEPT THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 074-11I IMPOSING A \$10,000.00 PENALTY AGAINST VALLA DESIGN GROUP FOR UNLAWFUL USE OF ARCHITECTURAL TITLE. THE MOTION PASSED UNANIMOUSLY.

B. Registrants:

Carruthers, James (#090-11A)

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO ACCEPT THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 090-11A IMPOSING A \$4,000.00 PENALTY AGAINST JAMES CARRUTHERS FOR FAILING TO TIMELY SUBMIT PLANS FOR ACCESSIBILITY REVIEW. THE MOTION PASSED UNANIMOUSLY.

Reed, Phillip (#096-11A)

A MOTION WAS MADE AND SECONDED (Pinson/Odell) TO ACCEPT THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 096-11A IMPOSING A \$500.00 PENALTY AGAINST PHILLIP REED FOR FAILING TO TIMELY SUBMIT PLANS FOR ACCESSIBILITY REVIEW. THE MOTION PASSED UNANIMOUSLY.

Windle, David (#102-11A)

A MOTION WAS MADE AND SECONDED (Mijares/Pinson) TO ACCEPT THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 102-11A IMPOSING A \$8,000.00 PENALTY AGAINST DAVID WINDLE FOR FAILING TO TIMELY SUBMIT PLANS FOR ACCESSIBILITY REVIEW FOR TWO PROJECTS. THE MOTION PASSED UNANIMOUSLY.

C. Continuing Education:

Baum, David (#120-11A)

A MOTION WAS MADE AND SECONDED (Pinson/Odell) TO ACCEPT THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 120-11A IMPOSING A \$500.00 PENALTY AGAINST DAVID BAUM FOR TWICE FAILING TO RESPOND TO AN INQUIRY OF THE BOARD. THE MOTION PASSED UNANIMOUSLY.

11. Upcoming Board Meeting

October 20-21, 2011

The following dates were discussed and decided upon for upcoming Board meetings: January 19-20, 2012; May 17-18, 2012; August 23-24, 2012; and October 18-19, 2012. The Board meeting dates will be submitted for Board approval at the October 20 Board meeting.

4. Audit Findings of the Accounting Management Review

The Chair directed the Board members to the findings of the Accounting Management Review. He gave a background explanation to the Board members and stated that

the review was requested by the Executive Committee. The Committee asked the audit firm to return in August and give an update of their findings to the full Board.

Monday Rufus, and his partner, Robert Gonzales, approached the Board and introduced themselves as the independent auditors that were hired by the agency to conduct a management review of the agency's accounting procedures. He asked the Board if they had any questions about their findings. Board member Bert Mijares asked if they were provided the letter from the former managing accountant regarding deficiencies she discovered in the agency's accounting processes. Mr. Rufus said they were not provided with that document prior to conducting the management review. He directed the Board to his written response after reviewing the letter in which he stated if they had been provided that document prior to the review, the population of samples might have been different. Board member Paula Miller asked if the auditors had any concerns. Mr. Rufus stated "yes," and his recommendations were in his report. He concluded that they could not issue an opinion regarding the document generated by the former accounting manager because the management review did not cover the period which was the subject of the management review. The Board addressed the possibility of retaining the firm to increase the scope of the review and to conduct an audit, not a management review. The General Counsel noted the previous accountant identified issues and errors she had discovered and which she indicated she had corrected and for which she had implemented procedures to prevent future errors. The agency retained the firm to conduct a review of the period after the corrections had been put in place to ensure those errors are not continuing to be committed. The General Counsel also stated the agency had been audited by the State Auditor and the Comptroller only a few years ago.

The Board asked when the State Office of Auditors would be scheduling another audit of the agency. The Executive Director stated that the SOA could order an audit of the agency at any time. The last one that they did was in 2009.

The Chair thanked the auditors for coming to the Board and giving an explanation of their report.

10. Executive Director Review Committee Report

- A. Report on findings based upon performance evaluation
- B. Consider and possibly act upon recommended personnel action that may be proposed by the committee

The Chair gave the Board members the background on the review performed by the Executive Director Review Committee on August 1, 2011. He said that the review was divided into 11 parts. Each member scored every section of the review and those scores were divided to come up with a total. He stated that the Executive Director received a score of 670.85 which was above meets expectations, but below exceeds expectations. Staff Services Officer, Christine Brister, gave the board members salary history for the Executive Director. The Chair explained that the Executive Director Review Committee had recommended a six percent (6%) raise effective September 1, 2011.

A MOTION WAS MADE AND SECONDED (Pinson/Bearden) THAT THE BOARD ACCEPT THE EXECUTIVE REVIEW COMMITTEE'S RECOMMENDATION OF A SIX PERCENT (6%) RAISE FOR THE EXECUTIVE DIRECTOR EFFECTIVE SEPTEMBER 1, 2011. THE MOTION PASSED UNANIMOUSLY.

12. Chair's Closing Remarks

The Chair stated that he thought it had been an extremely successful Board meeting and that he would like to open the opportunity for additional public comment for those who were not present at the start of the meeting.

David Lancaster, Senior Manager of Advocacy from TSA, approached the Board and said that he wanted to introduce himself to the new board members and that he offered himself as an informational resource to them. Furthermore, he stated that he really appreciated the staff of the agency and he appreciated the professionalism that they bring to the agency.

Also, he addressed the case regarding the issue of the collapsed balcony. He stated that the Third Court of Appeals rendered a decision that overturned its earlier decision in the case which he understood had been mentioned in earlier public comment. The agency's Managing Investigator stated that the agency never received a complaint arising from the case and never destroys documents relating to non-jurisdictional cases.

Ms. Morey stated that she did not say that the agency destroys documents. She clarified that she said *if* the agency destroys documents, then that would be a practice that should stop.

11. Adjournment

A MOTION WAS MADE AND SECONDED (Mijares/Pinson) TO ADJOURN THE MEETING AT 2:17 P.M. THE MOTION PASSED UNANIMOUSLY.

Approved by the Board:

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

Texas Board of Architectural Examiners Fiscal Year 2011 - 2012 Budget

	FY 2011 Budget	FY 2011 Actual Rev. and Exp. Sept 1, 2010---August 31, 2011	FY 2012 Proposed Budget
Total Beginning Reserve Fund Balance	1,664,332.63	1,857,317.81	1,979,213.90
Revenues:			
Licenses & Fees	2,512,268.77	2,519,217.40	2,499,707.00
Enforcement Penalties	102,393.00	58,991.96	92,153.00
Penalties - Late Fee Payments	239,391.67	232,342.50	229,816.00
Other	2,000.00	2,175.54	2,000.00
Interest	14,000.00	9,491.41	12,000.00
<i>Draw on Reserve Fund</i>	192,985.18	-	50,000.00
Total Revenues	3,063,038.62	2,822,218.81	2,885,676.00
Expenditures:			
Salaries and Wages	1,435,004.98	1,288,971.74	1,432,654.93
Payroll Related costs	380,808.50	358,367.04	361,768.08
Professional fees & Services	67,290.00	85,017.55	52,486.20
Travel			
Board Travel	40,008.11	30,598.65	40,008.11
Staff Travel	27,808.89	10,871.03	31,980.22
Office Supplies (1)	48,434.00	47,101.83	19,355.49
Postage	25,797.40	20,341.61	23,217.66
Communication and Utilities	23,420.00	16,974.18	19,907.00
Repairs and Maintenance	7,050.00	373.90	4,545.00
Office Rental and Equipment Leases (2)	82,675.00	89,158.25	60,907.50
Printing and Reproduction	15,676.00	7,243.05	15,676.00
Operating Expenditures	60,222.40	43,753.01	54,200.16
Conference Registration Fees	11,115.25	6,071.95	8,561.35
Membership Dues (3)	70,690.00	20,190.00	20,069.30
Fees for Receiving Electronic Payments	98,000.00	95,692.22	98,000.00
Staff Training	12,000.00	6,071.96	27,000.00
SWCAP Payment	55,339.00	63,524.75	55,339.00
Payment to GR	510,000.00	510,000.00	510,000.00
Exceptional Items: Accounting System 2012	91,699.09	-	50,000.00
Total Expenditures	3,063,038.62	2,700,322.72	2,885,676.00
Excess/(Deficiency) of Rev over Exp.	-	121,896.09	0.00
Potential Draws on Reserve Fund:			
* <i>Funding for 6 months</i>	1,664,332.63	-	1,664,332.63
Ending Reserve Fund Balance	0.00	1,979,213.90	314,881.27

**Texas Board of Architectural Examiners
Fiscal Year 2011 Budget
Scholarship Fund**

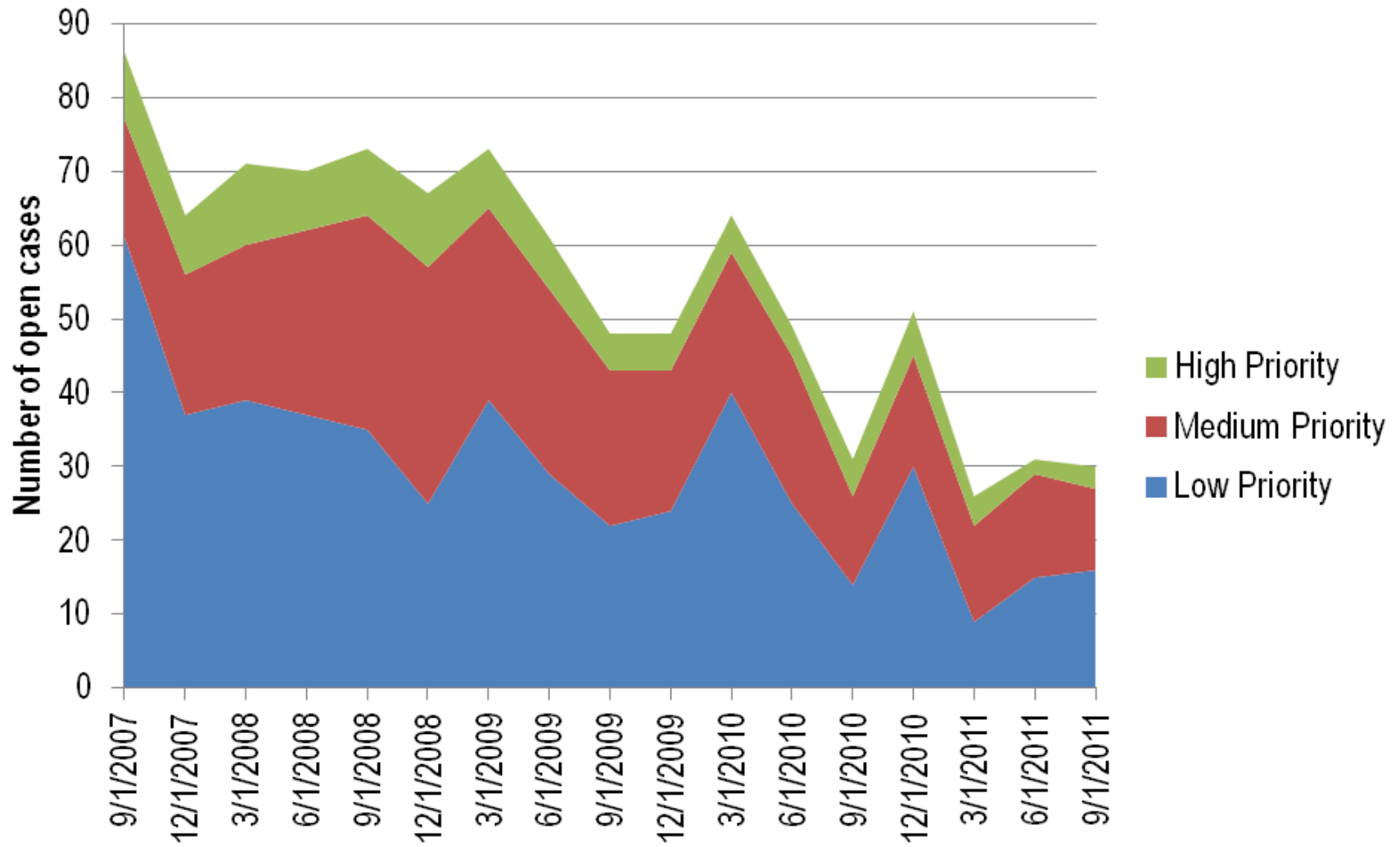
	FY2011 Budget	FY 2011 Actual Rev. and Exp. Sept 1, 2010-- August 31, 2011	FY2012 Budget
Total Beginning Reserve Fund Balance	219,970.00	219,970.00	191,681.00
Revenues:			
Draw on Reserve Fund	28,289.00	28,289.00	-
Total Revenues	28,289.00	28,289.00	-
Expenditures:			
Operating Expenditures	28,289.00	28,289.00	-
Total Expenditures	28,289.00	28,289.00	-
Excess/(Deficiency) of Rev over Exp.	-	-	-
-			
Ending Reserve Fund Balance	191,681.00	191,681.00	191,681.00

Number of Scholarships Awarded

56

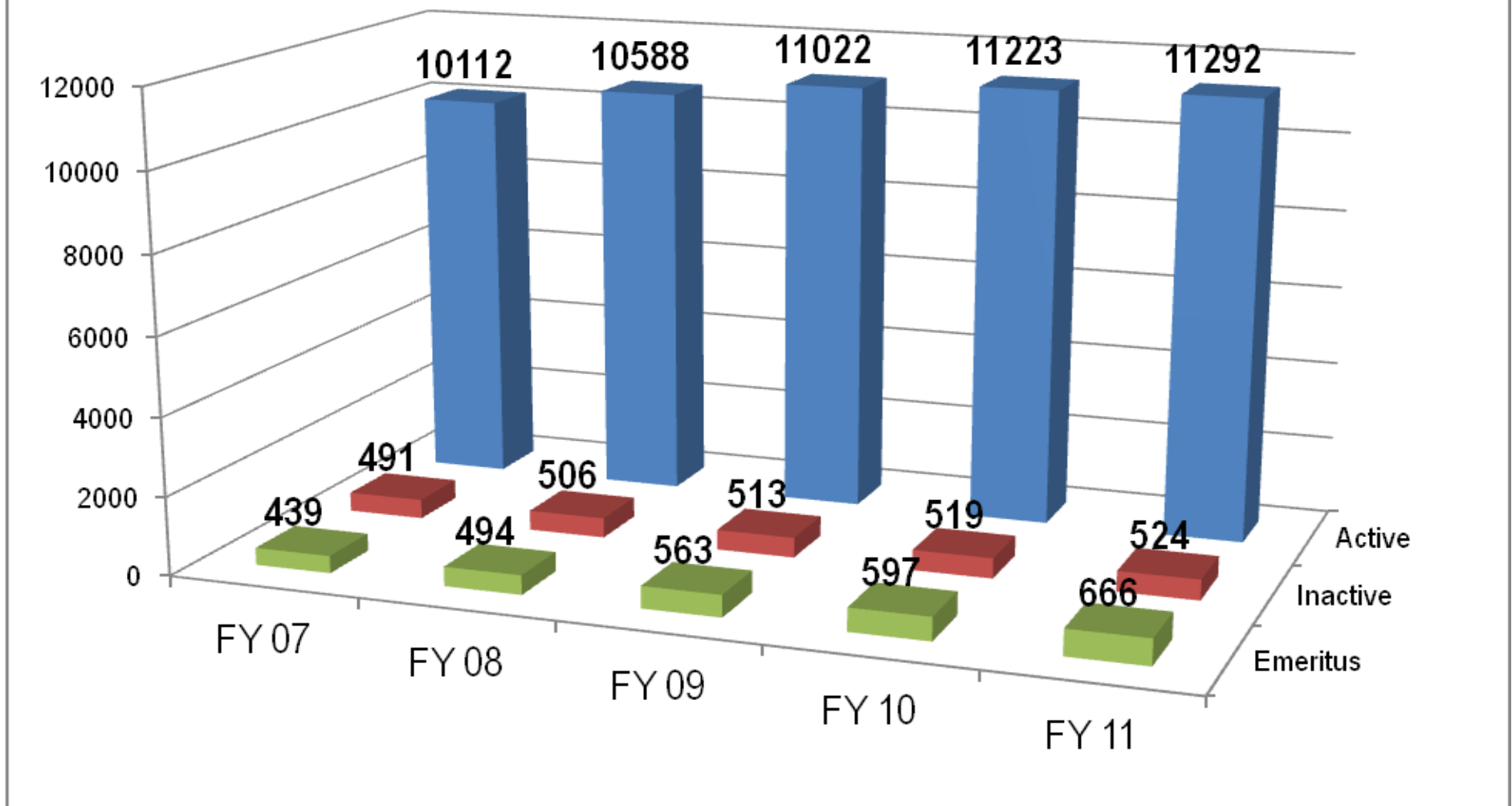
Investigations Division: Open Case Load History, Fiscal Years 2008-2011

Source: Data provided by Investigations Division 9/19/2011



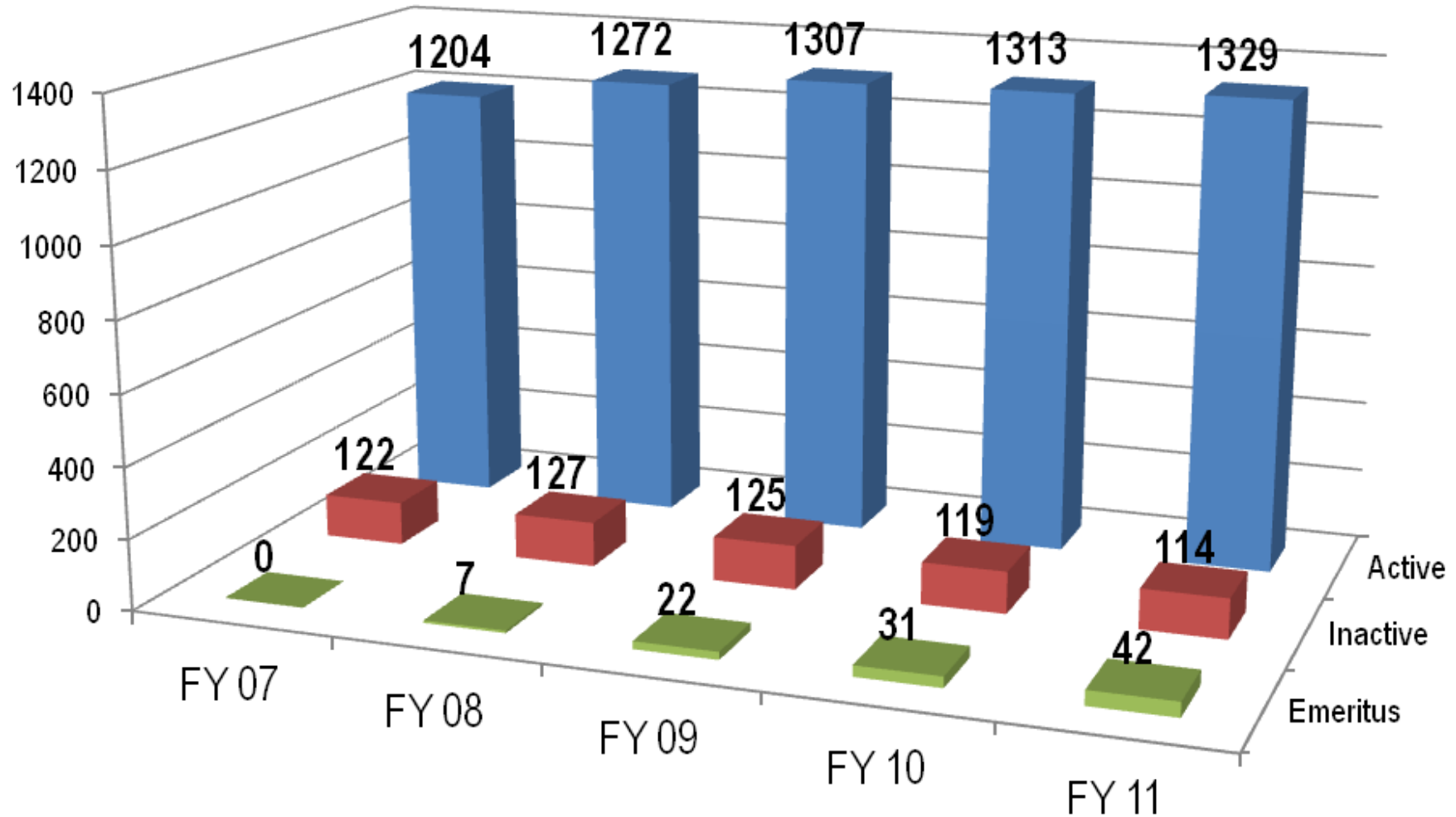
Architect Registrant Trends, Fiscal Years 2007-2011

Source: TBAAsE reports (see source document)



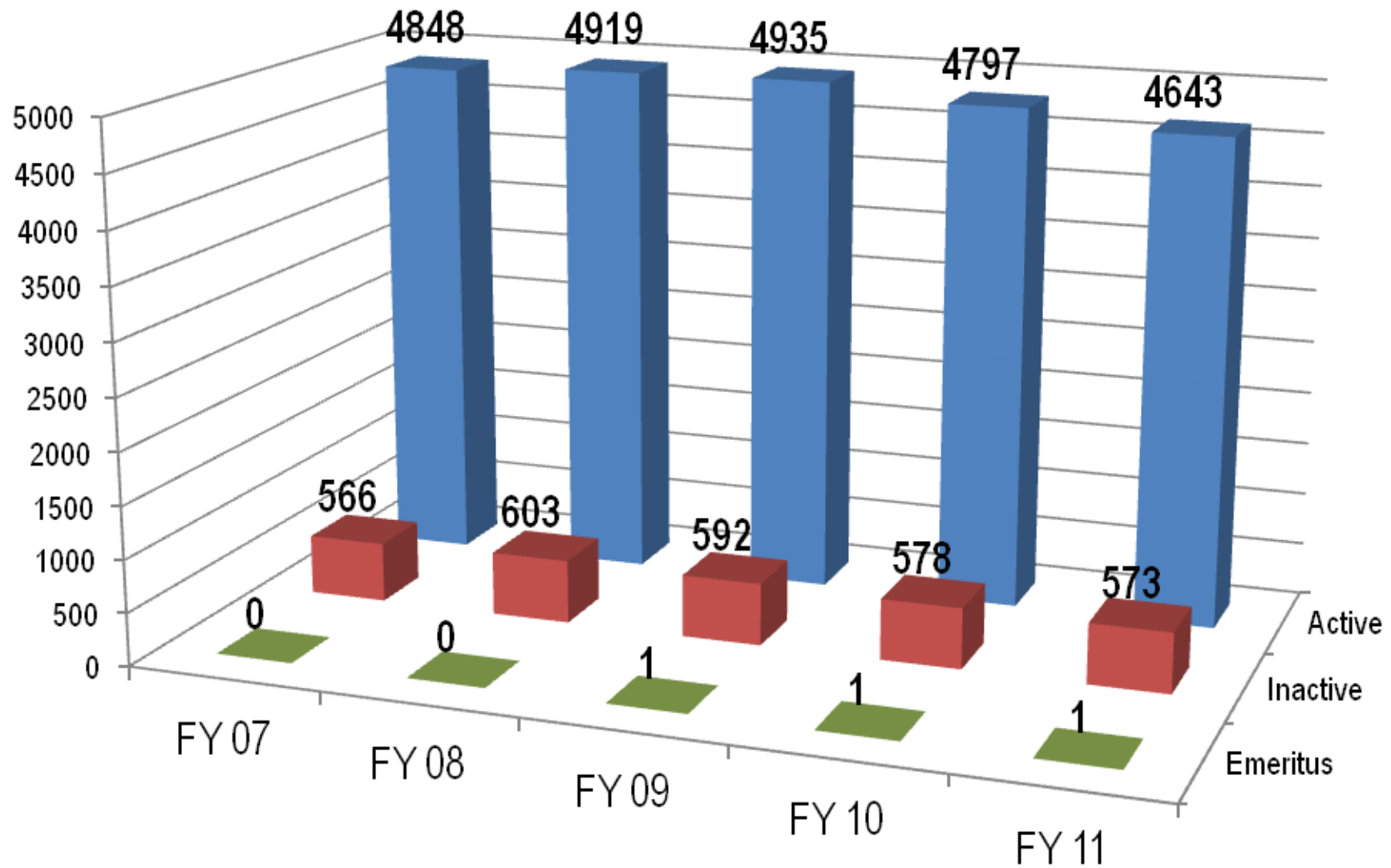
Landscape Architect Registrant Trends, Fiscal Years 2007-2011

Source: TBAsE reports (see source document)



RID Registrant Trends, Fiscal Years 2007-2011

Source: TBAAsE reports (see source document)



Architect Examination Candidates, Fiscal Years 2007-2011

Source: TBASE Report, Admin, Licensee Count

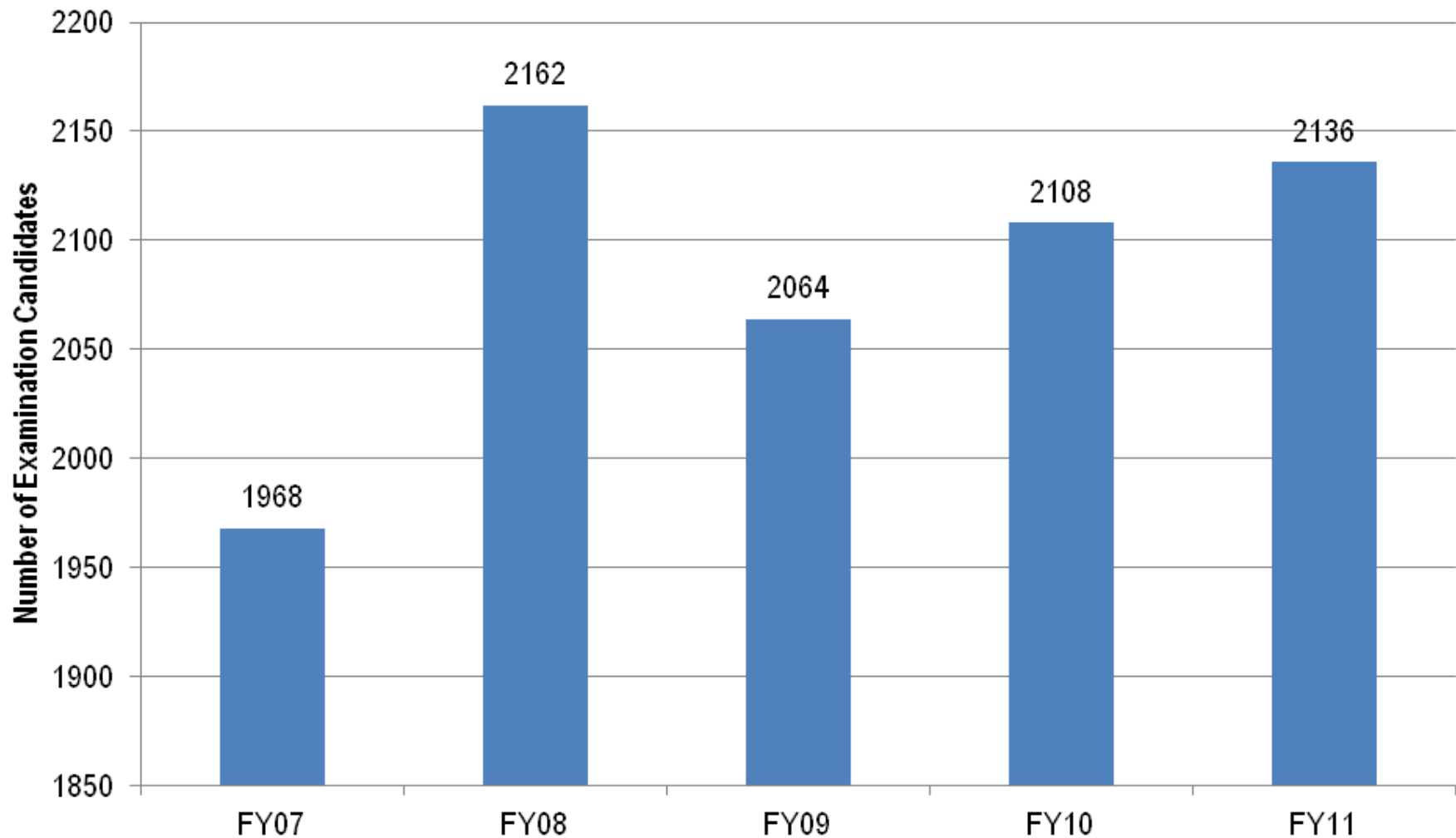


Figure 7

Landscape Architect Examination Candidates, Fiscal Years 2007-2011

Source: TBASE Report, Admin, Licensee Count

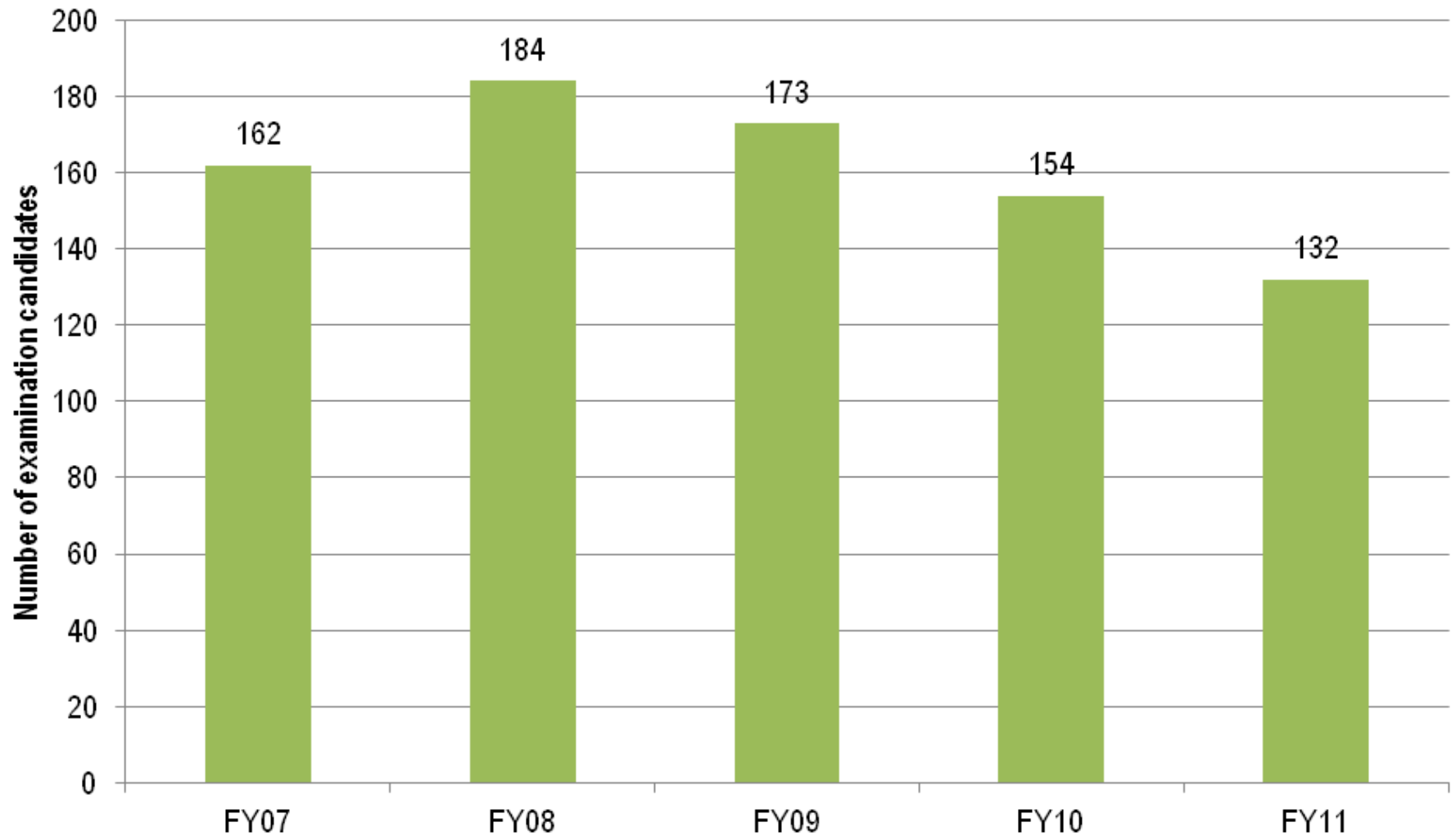


Figure 8

Interior Design Examination Candidates, FY 2001-2011

Source: TBASE Report, Admin, Licensee Count

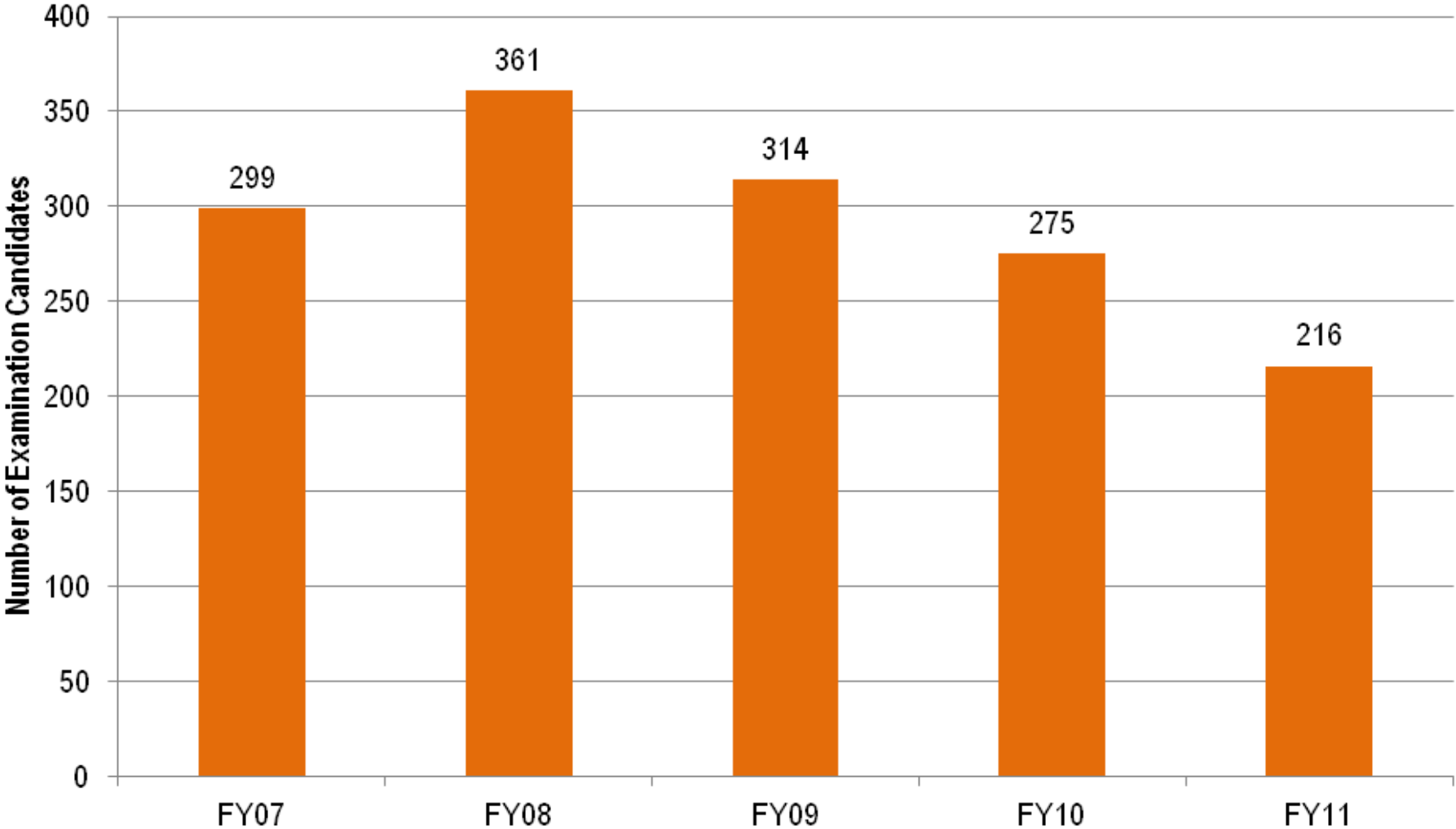
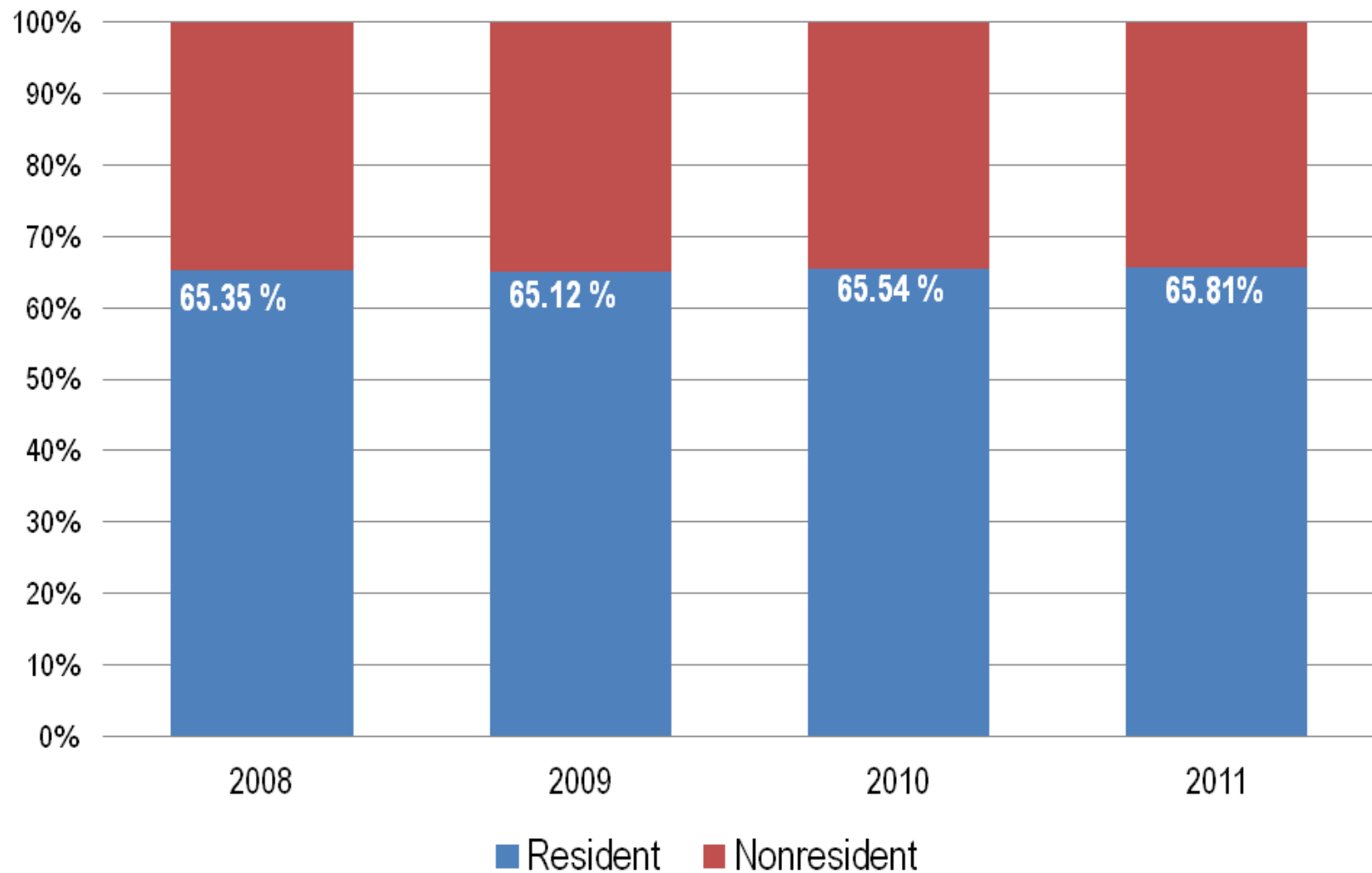


Figure 9

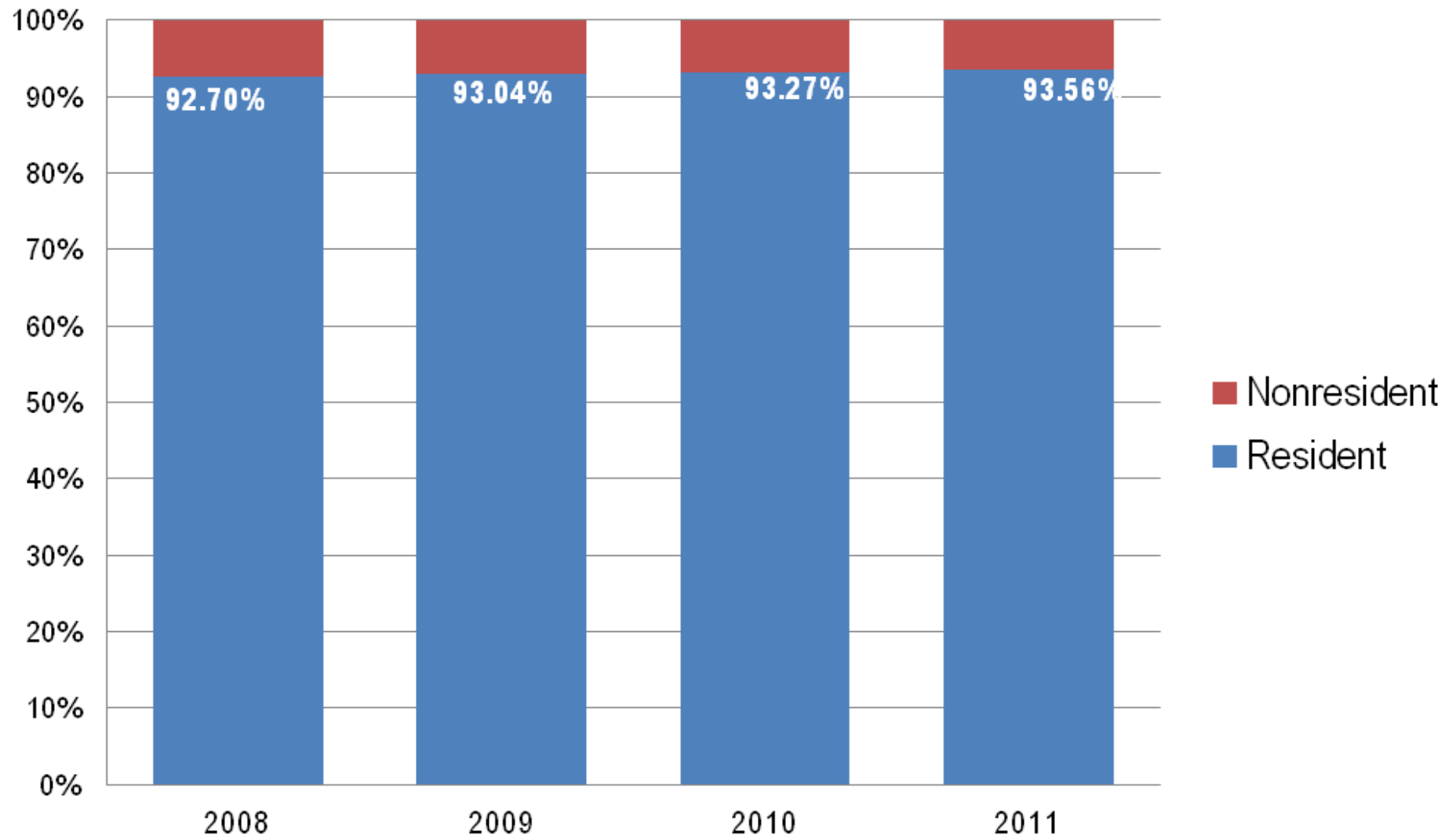
Architect Residency Status, Fiscal Years 2008-2011

Source: TBAsE (see source document)



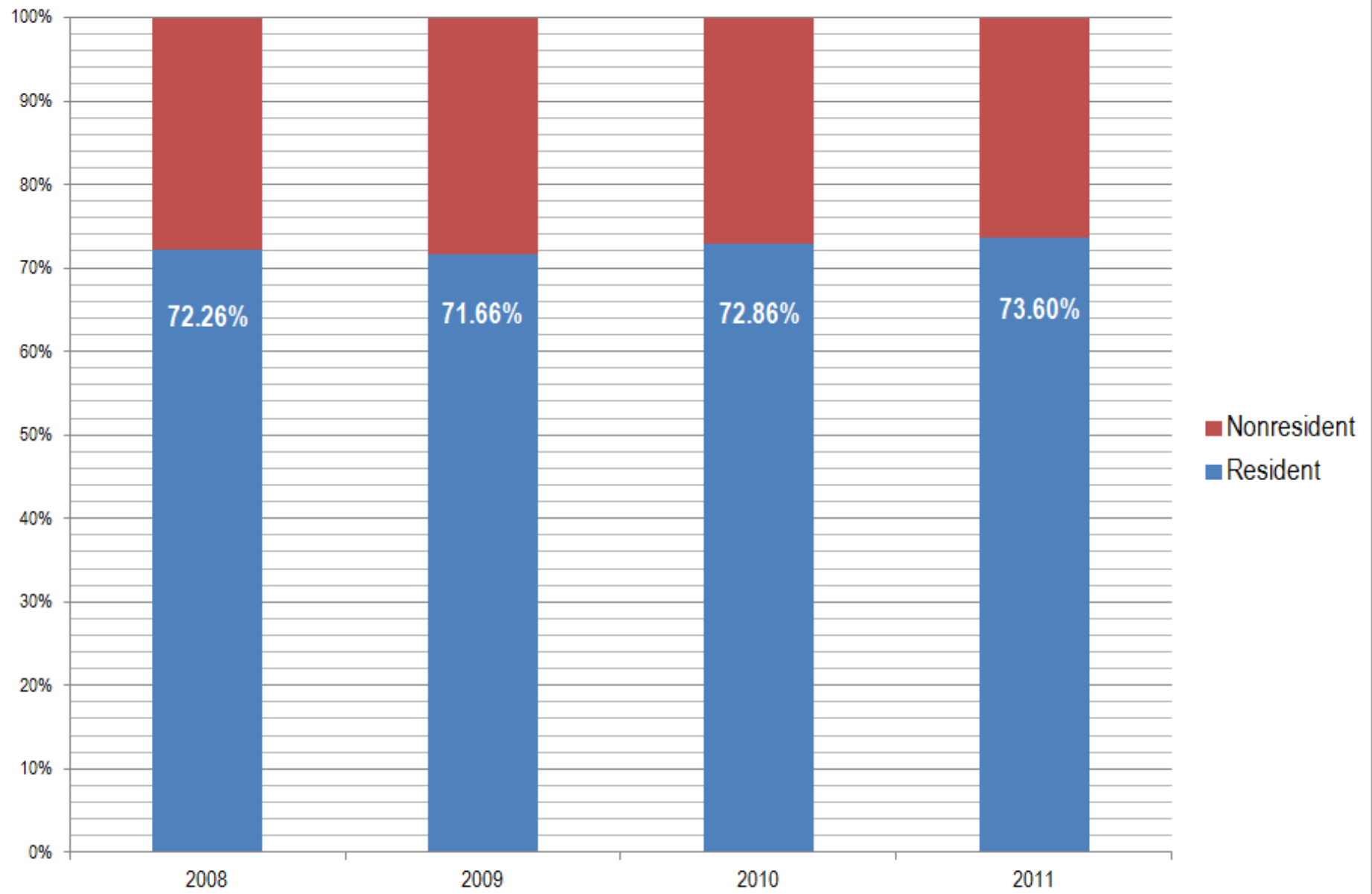
RID Residency Status, Fiscal Years 2008-2011

Source: TBAsE (see source document)

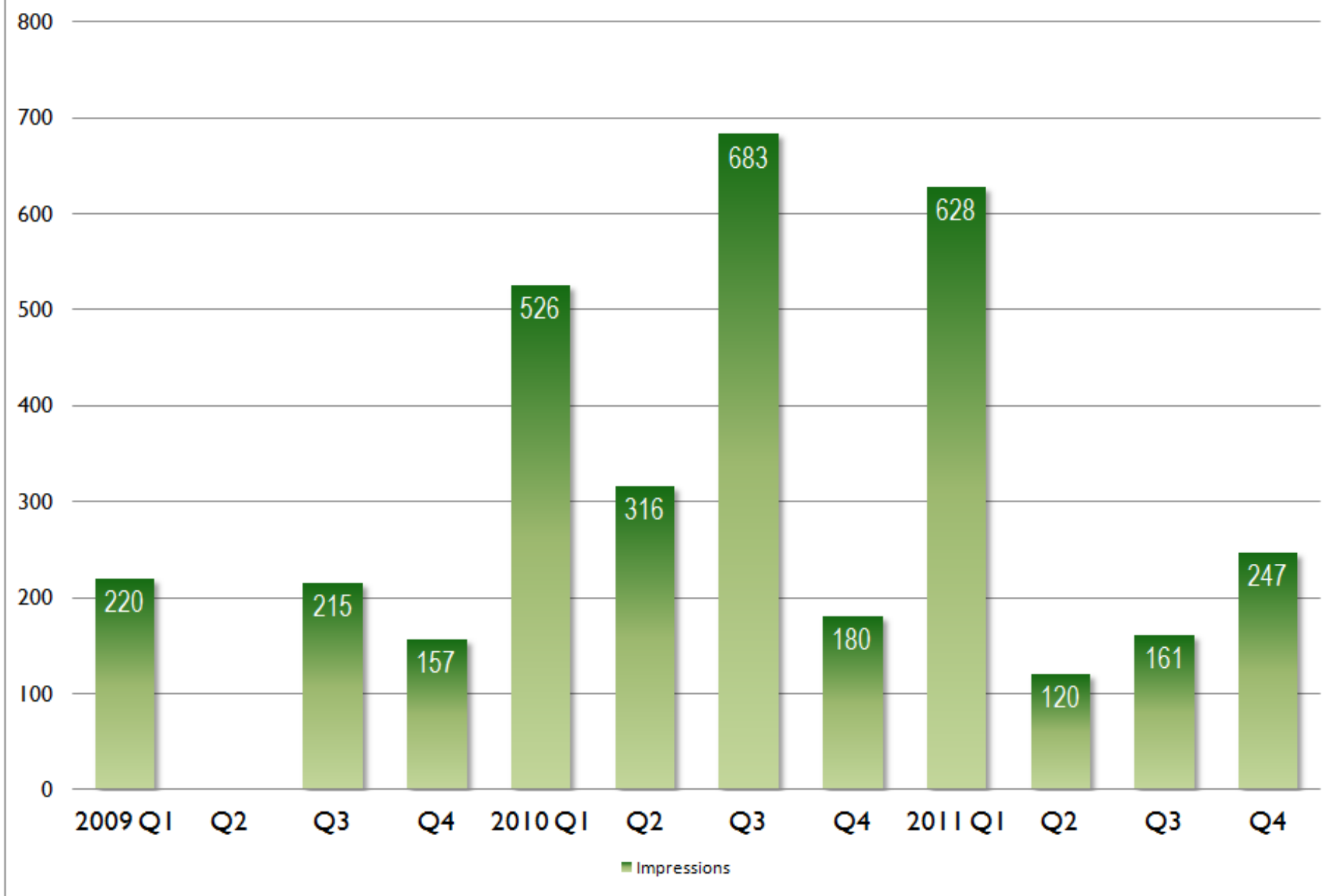


Landscape Architect Residency Status, Fiscal Years 2008-2011

Source: TBA&E (see source document)



Communications Corps: Impressions by Fiscal Quarter



Summary
Implementation of House Bill 2284
Rule Amendments for Adoption

Background

The 82nd Legislature adopted House Bill 2284 which draws clearer, more specific distinctions between the professions of architecture and engineering. It also provides a process for engineers who can demonstrate experience in designing certain buildings to be listed on a roster of engineers who may practice architecture. The Bill abolishes the joint advisory committee on the practice of architecture, engineering and landscape architecture and replaces it with a smaller task force to aid in the implementation of the bill.

Proposed Rule Amendments for Adoption

At its meeting in August, the Board proposed the repeal of Rule 3.12, relating to the membership, responsibilities and expiration of the joint advisory committee. Effective September 1, 2011, the committee's enabling legislation was repealed. Therefore the rule is without legal authority. At its meeting in August, the Board adopted the repeal of an identical rule in the rules relating to the practice of architecture.

Public Comment

The proposals to repeal Rule 3.12 were published in the September 9, 2011, edition of the *Texas Register* for public comment. To date, the agency has not received any comment from the public.

For Adoption: Repeal Rule §3.12

**RULE §3.12 Joint Advisory Committee of the Texas Board of
Architectural Examiners and the Texas Board of
Professional Engineers**

- (a) The Chairman shall appoint three members of the Board and one architect who is not a member of the Board to serve on a joint advisory committee on the practices of engineering, architecture, and landscape architecture. The three members of the Board to be appointed by the Chairman shall include one architect, one Landscape Architect, and one other member of the Board.
- (b) Members of the joint advisory committee shall serve staggered six-year terms. The terms of one or two of the members appointed by the Chairman must expire each odd-numbered year.
- (c) The joint advisory committee shall meet at least twice each year to address issues resulting from the overlap between activities that constitute the practices of engineering and architecture and the practices of engineering and landscape architecture.
- (d) The joint advisory committee shall issue advisory opinions to the Board and the Texas Board of Professional Engineers (TBPE) on subjects including:
 - (1) whether certain activities constitute the practice of engineering, the practice of architecture, and/or the practice of landscape architecture;
 - (2) specific disciplinary proceedings initiated by the Board or by TBPE; and
 - (3) the need for persons working on particular projects to be registered by the Board or licensed by TBPE.
- (e) The Board shall notify the joint advisory committee of the final action taken by the Board with regard to a matter addressed in an advisory opinion issued to the Board.
- (f) The Board shall enter into a memorandum of understanding with TBPE regarding the joint advisory committee.
- (g) The mission of the joint advisory committee shall be to assist the Board and TBPE in protecting the public rather than advancing the interests of either agency or the profession(s) it regulates.

AN ACT

1 relating to the practice of architecture and engineering.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

3 SECTION 1. Subchapter A, Chapter 1001, Occupations Code, is
4 amended by adding Section 1001.0031 to read as follows:

5 Sec. 1001.0031. PRACTICES OF ENGINEERING AND ARCHITECTURE.

6 (a) Except as provided by Subsection (d) or (e), the practice of
7 engineering does not include, and engineers may not engage in or
8 offer to engage in, the practice of architecture as defined by
9 Sections 1051.001(7)(A), (B), and (C), as that definition existed
10 on April 1, 2011, and by Section 1051.0016(a).

11 (b) An engineer may not prepare or provide a complete,
12 comprehensive set of building plans for a building designed for
13 human use or occupancy unless:

14 (1) the plans and specifications as described by
15 Section 1051.001(7)(A) or (B) are prepared by, or under the
16 supervision of, an architect;

17 (2) the building is part of a project described by
18 Section 1051.601(b) or a building described by Section
19 1051.606(a)(4); or

20 (3) the engineer has received administrative approval
21 by the Texas Board of Architectural Examiners to practice
22 architecture under Section 1051.607.

23 (c) An engineer is responsible for the engineering plans and
24 specifications of a building unless the work is exempt under

1 Section 1001.053 or 1001.056. In this section, the term
2 "engineering plans and specifications" means:

3 (1) plans for a structural, mechanical, electrical,
4 electronic, fire suppression, or geotechnical system in a
5 building;

6 (2) specifications of structural elements and
7 connections of a building;

8 (3) foundation design;

9 (4) hydrologic management calculations and design of
10 surface water control and detention necessary for compliance with
11 ordinances and regulations;

12 (5) design of building drain and waste system plumbing,
13 fresh water plumbing, graywater systems, and mechanical aspects of
14 moving water in and out of a structure, other than simple roof
15 drainage;

16 (6) evaluation of structural framing members before the
17 addition of roof-mounted equipment or a heavier roof covering;

18 (7) design of changes in roof pitch by the addition of
19 structural framing members;

20 (8) evaluation and repair of damaged roof structural
21 framing;

22 (9) design of electrical and signal and control
23 systems;

24 (10) shop drawings by manufacturers or fabricators of
25 materials and products to be used in the building features
26 designed by the engineer; and

1 (11) specifications listing the nature and quality of
2 materials and products for construction of features of the
3 building elements or systems designed by an engineer.

4 (d) The preparation of engineering plans and specifications
5 for the following tasks is within the scope of practice of both
6 engineering and architecture:

7 (1) site plans depicting the location and orientation
8 of a building on the site based on:

9 (A) a determination of the relationship of the
10 intended use with the environment, topography, vegetation,
11 climate, and geographic aspects; and

12 (B) the legal aspects of site development,
13 including setback requirements, zoning and other legal
14 restrictions, and surface drainage;

15 (2) the depiction of the building systems, including
16 structural, mechanical, electrical, and plumbing systems, in:

17 (A) plan views;

18 (B) cross-sections depicting building components
19 from a hypothetical cut line through a building; and

20 (C) the design of details of components and
21 assemblies, including any part of a building exposed to water
22 infiltration or fire-spread considerations;

23 (3) life safety plans and sheets, including
24 accessibility ramps and related code analyses; and

25 (4) roof plans and details depicting the design of roof
26 system materials, components, drainage, slopes, and directions and

1 location of roof accessories and equipment not involving
2 structural engineering calculations.

3 (e) The following activities may be performed by either an
4 engineer or an architect:

5 (1) programming for construction projects, including:

6 (A) identification of economic, legal, and natural
7 constraints; and

8 (B) determination of the scope of functional
9 elements;

10 (2) recommending and overseeing appropriate
11 construction project delivery systems;

12 (3) consulting with regard to, investigating, and
13 analyzing the design, form, materials, and construction technology
14 used for the construction, enlargement, or alteration of a
15 building or its environment; and

16 (4) providing expert opinion and testimony with respect
17 to issues within the responsibility of the engineer or architect.

18 SECTION 2. Subchapter A, Chapter 1051, Occupations Code, is
19 amended by adding Section 1051.0016 to read as follows:

20 Sec. 1051.0016. PRACTICES OF ARCHITECTURE AND ENGINEERING.

21 (a) In this chapter, "architectural plans and specifications"
22 include:

23 (1) floor plans and details:

24 (A) depicting the design of:

25 (i) internal and external walls and floors,
26 including simple foundations;

27 (ii) internal spaces of a building; and

1 (iii) vertical circulation systems, including
2 accessibility ramps, stair systems, elevators, and escalators; and

3 (B) implementing programming, regulatory, and
4 accessibility requirements for a building;

5 (2) general cross-sections and detailed wall sections
6 depicting building components from a hypothetical cut line through
7 a building to include the building's mechanical, electrical,
8 plumbing, or structural systems;

9 (3) reflected ceiling plans and details depicting:

10 (A) the design of the location, materials, and
11 connections of the ceiling to the structure; and

12 (B) the integration of the ceiling with
13 electrical, mechanical, lighting, sprinkler, and other building
14 systems;

15 (4) finish plans or schedules depicting surface
16 materials on the interior and exterior of the building;

17 (5) interior and exterior elevations depicting the
18 design of materials, locations, and relationships of components
19 and surfaces;

20 (6) partition, door, window, lighting, hardware, and
21 fixture schedules;

22 (7) manufacturer or fabricator drawings that are
23 integrated into the construction documents; and

24 (8) specifications describing the nature, quality, and
25 execution of materials for construction of the elements of the
26 building depicted in the plans prepared by the architect.

1 (b) The preparation of architectural plans and
2 specifications for the following tasks is within the scope of
3 practice of both engineering and architecture:

4 (1) site plans depicting the location and orientation
5 of a building on the site based on:

6 (A) a determination of the relationship of the
7 intended use with the environment, topography, vegetation,
8 climate, and geographic aspects; and

9 (B) the legal aspects of site development,
10 including setback requirements, zoning and other legal
11 restrictions, and surface drainage;

12 (2) the depiction of the building systems, including
13 structural, mechanical, electrical, and plumbing systems, in:

14 (A) plan views;

15 (B) cross-sections depicting building components
16 from a hypothetical cut line through a building; and

17 (C) the design of details of components and
18 assemblies, including any part of a building exposed to water
19 infiltration or fire-spread considerations;

20 (3) life safety plans and sheets, including
21 accessibility ramps and related code analyses; and

22 (4) roof plans and details depicting the design of roof
23 system materials, components, drainage, slopes, and directions and
24 location of roof accessories and equipment not involving
25 structural engineering calculations.

26 (c) The following activities may be performed by either an
27 engineer or an architect:

- 1 (1) programming for construction projects, including:
2 (A) identification of economic, legal, and natural
3 constraints; and
4 (B) determination of the scope of functional
5 elements;
6 (2) recommending and overseeing appropriate
7 construction project delivery systems;
8 (3) consulting with regard to, investigating, and
9 analyzing the design, form, materials, and construction technology
10 used for the construction, enlargement, or alteration of a
11 building or its environment; and
12 (4) providing expert opinion and testimony with respect
13 to issues within the responsibility of the engineer or architect.

14 SECTION 3. Subchapter F, Chapter 1051, Occupations Code, is
15 amended by adding Section 1051.308 to read as follows:

16 Sec. 1051.308. INTERN DEVELOPMENT PROGRAM. The board shall
17 allow a graduate student engineer enrolled in an accredited
18 architectural professional degree program in this state to enroll
19 concurrently in the intern development program required by board
20 rules before an applicant may take the examination under this
21 chapter.

22 SECTION 4. Subchapter L, Chapter 1051, Occupations Code, is
23 amended by adding Section 1051.607 to read as follows:

24 Sec. 1051.607. LIST OF ENGINEERS PERMITTED TO ENGAGE IN
25 PRACTICE OF ARCHITECTURE. (a) The board shall maintain a list of
26 engineers licensed under Chapter 1001 who are authorized to engage
27 in the practice of architecture based on an administrative finding

1 of experience under this section. The board shall post the list
2 on the board's Internet website.

3 (b) An engineer may not engage or offer to engage in the
4 practice of architecture unless:

5 (1) the engineer is listed under Subsection (a); and

6 (2) the engineer is in good standing with the Texas
7 Board of Professional Engineers.

8 (c) The board shall list each engineer who:

9 (1) applies for placement on the list not later than
10 January 1, 2012;

11 (2) was licensed to practice engineering under Chapter
12 1001 before January 1, 2011; and

13 (3) provides to the board documentation of at least
14 three projects that:

15 (A) were prepared by the engineer;

16 (B) were adequately and safely built before
17 January 1, 2011; and

18 (C) are described by Section 1051.703(a) or were
19 not exempt under Section 1051.606(a) (4).

20 (d) Documentation that is sufficient to satisfy the
21 requirement of Subsection (c)(3) includes plans, specifications,
22 photographs, and other records establishing that the architectural
23 design work was performed by the engineer. The documentation is
24 subject to verification by the board. The board shall complete
25 the verification not later than the 120th day after the date the
26 board receives the documentation.

1 (e) The board shall issue written confirmation to each
2 engineer listed under this section that, notwithstanding the
3 requirements of Section 1051.701, the engineer may lawfully engage
4 and offer to engage in the practice of architecture without a
5 license under this chapter.

6 (f) If the board declines to list an engineer who applies
7 under this section, the engineer may request a contested case
8 hearing to be conducted under Chapter 2001, Government Code. The
9 motion for rehearing required by Chapter 2001, Government Code,
10 shall be filed with the State Office of Administrative Hearings.
11 The decision of the administrative law judge in the contested case
12 is final and may be appealed in a Travis County district court.

13 (g) The board and the Texas Board of Professional Engineers
14 shall pay equally the costs of a contested case.

15 (h) The Texas Board of Professional Engineers has exclusive
16 regulatory oversight over an engineer listed under Subsection (a).

17 SECTION 5. Section 1051.703(b), Occupations Code, is amended
18 to read as follows:

19 (b) This section does not prohibit an owner of a building
20 from contracting with [~~choosing~~] an architect or engineer as the
21 prime design professional for a building construction, alteration,
22 or addition project. Designation as the prime design professional
23 does not expand the scope of practice of an architect or engineer
24 beyond the scope of practice that the architect or engineer is
25 authorized to practice under Chapter 1001 or 1051.

26 SECTION 6. (a) The Texas Board of Professional Engineers and
27 the Texas Board of Architectural Examiners shall establish a joint

1 task force of members of each board and license and registration
2 holders regulated by each board to make recommendations to the
3 boards regarding whether certain activities should be within the
4 scope of practice of architecture or engineering, or both.

5 (b) This section expires August 31, 2013.

6 SECTION 7. An engineer who applies for listing under Section
7 1051.607, Occupations Code, as added by this Act, may continue to
8 practice under the law as it existed immediately before the
9 effective date of this Act until the date the application is
10 finally approved or denied, or if appealed after denial, a final
11 decision is entered by an administrative law judge, and the former
12 law is continued in effect for that purpose.

13 SECTION 8. Sections 1001.216 and 1051.212, Occupations Code,
14 are repealed.

15 SECTION 9. This Act takes effect September 1, 2011.

Summary
Rules 1.69/3.69/5.79
Mandatory Continuing Education

Current Rule

TBAE requires each registrant to complete 8 hours of continuing education each year. Of the 8 hours of mandatory continuing education, a registrant must complete 1 hour of accessible design (design to accommodate persons with disabilities) and 1 hour of continuing education in energy efficiency or sustainable design.

Continuing education must be pertinent to health, safety and welfare. The rules specify the subjects studied must be on technical and professional aspects of the regulated professions. However, the rule provides limited guidance on the nature of the course substance for which credit will be acceptable to TBAE. TBAE does not pre-certify courses or course providers, with the exception of continuing education provided by the agency.

TBAE conducts audits on a sample of registrants to ensure compliance. A registrant has 60 days to respond to a request for information from TBAE during the course of an audit. If a registrant's continuing education is disallowed, she/he currently has 180 days to substantiate the original report of completing continuing education or obtain other continuing education.

Inactive and emeritus registrants are exempt from continuing education requirements. Upon returning to active status, an inactive or emeritus registrant must complete continuing education for each year of inactive or emeritus status.

Rules Committee Report

The Committee amendments to the continuing education rules include the following changes:

- Requires 12 hours of continuing education per year;
- Requires one of the 12 continuing education hours to be ethics education;
- Adds an extensive list describing the nature of the substance of continuing education courses and materials which are acceptable;
- Makes corresponding changes to the minimum number of hours of structured course study (8 hours); maximum number of allowable self-study hours (4 hours); and the maximum number of hours allowed for teaching courses (4 hours per classroom hour);
- Allows 30 days to respond to a request for information from TBAE;
- Allows 60 days, in lieu of the current 180 days, to substantiate disallowed continuing education credit or to obtain credits by taking other continuing education;
- Explicitly states registrants on emeritus registration status are exempt from continuing education requirements (currently exempt under other law); and
- Adds failure to respond to a request for information or to comply with an audit to a list of conduct for which discipline may be imposed.

Additional Information

The National Council of Architectural Registration Boards ("NCARB") will consider a resolution at its next meeting to modify the NCARB Model Law to encourage the establishment of uniform standards for continuing education. NCARB generally seeks unified standards to remove barriers to reciprocal registration. NCARB indicates 34 jurisdictions require 12 hours of mandatory

continuing education per year. The NCARB resolution also includes a list describing course content which relates to health, safety and welfare. The draft rule generally incorporates both provisions. The Council of Landscape Architecture Registration Boards (“CLARB”) recently completed an extensive study and report on the meaning of the term “welfare”. The draft rule amendment also incorporates aspects of that definition.

**RULE §1.69 Continuing Education
Requirements**

1 (a) Each Architect shall complete a minimum of 12 [eight (8)] continuing education program hours
2 (CEPH) in topics pertinent to the public welfare, contributing to environmental and economic
3 sustainability, promoting public health and well-being, encouraging community building and
4 stewardship, offering aesthetic and creative experiences and enabling people and communities to
5 function more effectively. These topics may include the following health and safety categories:

6 (1) legal: laws, codes, zoning, regulations, standards, life-safety, accessibility, ethics, insurance
7 to protect owners and public.

8 (2)technical: surveying, structural, mechanical, electrical, communications, fire protection,
9 controls.

10 (3) environmental: energy efficiency, sustainability, natural resources, natural hazards, hazardous
11 materials, weatherproofing, insulation.

12 (4) occupant comfort: air quality, lighting, acoustics, ergonomics.

13 (5) materials and methods: building systems, products, finishes, furnishings, equipment.

14 (6) preservations: historic, reuse, adaptation.

15 (7) pre-design: land use analysis, programming, site selection, site and soils analysis.

16 (8) design: urban planning, master planning, building design, site design, interiors, safety and
17 security measures.

18 (9) Construction Documents: drawings, specifications, delivery methods.

19 (10) construction administration: contract, bidding, contract negotiations.

20 Each Architect shall complete the minimum mandatory CEPH during the year immediately
21 preceding the date the Architect renews the Architect's certificate of registration [for each annual
22 registration period]. Of the 12 minimum mandatory CEPH, each Architect shall complete a
23 minimum of 1 CEPH in barrier-free design, at least 1 CEPH in the study of Sustainable or Energy-
24 Efficient design, and at least 1 CEPH related to the study of ethics. One CEPH equals a minimum
25 of fifty (50) minutes of actual course time. No credit shall be awarded for introductory remarks,
26 meals, breaks, or business/administration matters related to courses of study.

27 (b) [(1)] Architects shall complete a minimum of 8 [five (5)] CEPH in structured course study.
28 [Structured course study shall consist of participation in educational activities presented by

1 individuals or groups qualified by professional, practical, or academic experience to conduct
2 courses of study, including monographs offered by the National Council of Architectural
3 Registration Boards.] Credit will not be [No credit shall be] awarded for the same structured
4 course for which the Architect has previously claimed credit [during the preceding three (3) years]
5 except for a structured course offered through the Texas Accessibility Academy or another similar
6 course offered by the Texas Department of Licensing and Regulation (TDLR).

7 (c) [(2)] Architects may complete a maximum of 4 [three (3)] CEPH in self-directed study. [One
8 (1) CEPH equals one (1) hour of self-directed study.] Self-directed study must utilize articles,
9 monographs, or other study materials that the Architect has not previously utilized for self-directed
10 study.

11 [(b) Topics for the eight (8) CEPH shall satisfy the following requirements: All CEPH shall
12 include the study of relevant technical and professional architectural subjects pertinent to the
13 health, safety and welfare of the public. The study of topics related to barrier-free design must be
14 used to satisfy the requirements for at least one (1) of the eight (8) CEPH. The study of topics
15 related to Sustainable or Energy Efficient design must be used to satisfy the requirements for at
16 least one (1) of the eight (8) CEPH.]

17 (d) [(e)] The Board has final authority to determine whether to award or deny credit claimed by an
18 Architect for continuing education activities. The following types of activities may qualify to
19 fulfill continuing education program requirements:

20 (1) Attendance at courses [or seminars] dealing with technical architectural subjects related to the
21 Architect's profession, ethical business practices, or new technology [sponsored by colleges or
22 universities];

23 (2)[Attendance at technical presentations or workshops on architectural subjects which are held
24 in conjunction with conventions or seminars and are related to materials use and function;

25 ~~-(3) Attendance at courses or seminars related to ethical business practices or new technology and
26 offered by colleges, universities, professional organizations, or system suppliers;~~

27 ~~-(4) Teaching architectural courses [or seminars] and time spent in preparation for such teaching:~~

28 (A) a maximum of 4 [three (3)] CEPH may be claimed per class hour spent teaching
29 architectural courses [or seminars];

1 (B) an Architect may not claim credit for teaching the same course [~~or seminar~~] more than once;
2 and

3 (C) College or university faculty may not claim credit for teaching.

4 ~~(3)~~~~(5)~~ Hours spent in professional service to the general public which draws upon the
5 Architect's professional expertise, such as serving on planning commissions, building code
6 advisory boards, urban renewal boards, or code study committees;

7 ~~(4)~~~~(6)~~ Hours spent in architectural research which is published or formally presented to the
8 profession or public [~~during the annual registration period~~];

9 ~~(5)~~~~(7)~~ Hours spent in architectural self-directed study programs such as those organized,
10 sponsored, or approved by the American Institute of Architects, the National Council of
11 Architectural Registration Boards, or similar organizations acceptable to the Board.

12 ~~(6)~~~~(8)~~ College or university credit courses on [~~dealing with~~] architectural subjects or ethical
13 business practices; each semester credit hour shall equal 1 [~~one~~~~(1)~~] CEPH; each quarter credit
14 hour shall equal 1 [~~one~~~~(1)~~] CEPH;

15 ~~(7)~~~~(9)~~ 1 [~~One~~~~(1)~~] CEPH may be claimed for attendance at 1 [~~one~~~~(1)~~] full-day session of a
16 meeting of the Texas Board of Architectural Examiners [~~; an Architect must attend the entire full-~~
17 ~~day session in order to receive credit~~].

18 ~~(e)~~ [~~(d)~~] An Architect may be exempt from [~~the~~] continuing education requirements [~~described in~~
19 ~~this subchapter~~] for any of the following reasons:

20 (1) An Architect shall be exempt for his/her initial registration period [~~, which shall not exceed~~
21 ~~one year~~];

22 (2) An inactive or emeritus Architect [~~registrant~~] shall be exempt for any registration period
23 during which the Architect's [~~registrant's~~] registration is in inactive or emeritus status, but all
24 continuing education credits for each period of inactive or emeritus registration shall be completed
25 before the Architect [~~inactive registrant's~~] registration may be returned to active status [~~unless, in~~
26 ~~lieu of completing the outstanding continuing education requirements, the inactive registrant~~
27 ~~successfully completes all sections of the current registration examination during the five (5) years~~
28 ~~immediately preceding the return to active status~~];

1 (3) An Architect who is not a full-time member of the Armed Forces shall be exempt for any
2 registration period during which the Architect serves on active duty in the Armed Forces of the
3 United States for a period of time exceeding ninety (90) consecutive days;

4 (4) An Architect who has an active registration in another jurisdiction that has registration
5 requirements which are substantially equivalent to Texas registration requirements and that has a
6 mandatory continuing education program shall be exempt from mandatory continuing education
7 program requirements in Texas for any registration period during which the Architect satisfies
8 such other jurisdiction's continuing education program requirements, except with regard to the
9 requirement in Texas that each Architect complete 1 CEPE related to Sustainable or Energy-
10 Efficient design; or

11 (5) An Architect who is, as of September 1, 1999, a full-time faculty member or other permanent
12 employee of an institution of higher education, as defined in Section 61.003, Education Code, and
13 who in such position is engaged in teaching architecture.

14 (f) ~~(e)~~ When renewing his/her annual registration, each Architect shall attest ~~[sign the statement~~
15 ~~on the renewal form attesting]~~ to the Architect's fulfillment of the mandatory continuing education
16 program requirements during the preceding registration period.

17 (1) Each Architect shall maintain a [A] detailed record of the Architect's continuing education
18 activities ~~[shall be recorded annually]~~. Each Architect shall retain proof of fulfillment of the
19 mandatory continuing education program requirements and shall retain the annual record of
20 continuing education activities required by this subsection for a period of 5 ~~[five (5)]~~ years after
21 the end of the registration period for which credit is claimed.

22 (2) Upon written request, the Board may require an Architect to produce documentation to prove
23 that the Architect has complied with the mandatory continuing education program requirements.
24 ~~[The Architect shall be required to produce the documentation in the manner prescribed in the~~
25 ~~Board's written request.]~~ If acceptable documentation is not provided within 30 ~~[thirty (30)]~~ days
26 of request, claimed credit may be disallowed. The Architect shall have 60 ~~[one hundred and eighty~~
27 ~~(180)]~~ calendar days after notification of disallowance of credit to substantiate the original claim
28 or earn other CEPE credit to fulfill the minimum requirements. Such credit shall not be counted
29 again for another registration period.

1 (3) If an Architect is registered to practice more than one ~~[(1)]~~ of the professions regulated by the
2 Board and the Architect completes a continuing education activity that is directly related to more
3 than one ~~[(1)]~~ of those ~~[the]~~ professions ~~[regulated by the Board]~~, the Architect may submit that
4 activity for credit for all of the professions to which it ~~[directly]~~ relates. The Architect must
5 maintain a separate detailed record of continuing education activities for each profession.

6 (4) An Architect may receive credit for up to 24 ~~[sixteen (16)]~~ CEPH earned during any single
7 registration period. A maximum of 12 ~~[Any]~~ CEPH that is not used to satisfy the continuing
8 education requirements for a ~~[the current]~~ registration period may be carried forward to satisfy the
9 continuing education requirements for the next registration period. ~~[CEPH may not be carried~~
10 ~~forward beyond the registration period immediately following the registration period during which~~
11 ~~the CEPH was earned.]~~

12 (g) ~~[(f)]~~ Providing false information to the Board, failure ~~[Failure]~~ to fulfill the annual continuing
13 education program requirements, and failure to respond to, and comply with, audit and verification
14 requests may result in disciplinary action by the Board.

15 ~~[(g) Any Architect who is found to have reported false information regarding the Architect's~~
16 ~~continuing education activities may be subject to disciplinary action by the Board.]~~

**RULE §3.69 Continuing Education
Requirements**

1 (a) Each Landscape Architect shall complete a minimum of 12 [~~eight (8)~~] continuing education
2 program hours (CEPH) in topics pertinent to the public welfare, contributing to environmental and
3 economic sustainability, promoting public health and well-being, encouraging community building
4 and stewardship, offering aesthetic and creative experiences and enabling people and communities
5 to function more effectively. These topics may include the following health and safety categories:

6 (1) legal: laws codes, zoning, regulations, standards, life-safety, accessibility, ethics, insurance to
7 protect owners and public.

8 (2) technical: surveying, grading, drainage, site layout, selection and placement of trees and
9 plants.

10 (3) environmental: sustainability, natural resources, natural hazards, design of surfaces and
11 selection and placement of trees and plants appropriate to environmental conditions.

12 (4) occupant comfort: air quality, water quality, lighting, acoustics, ergonomics.

13 (5) materials and methods: building systems, products.

14 (6) preservations: historic, reuse, adaptation.

15 (7) pre-design: land use analysis, programming, site selection, site and soils analysis.

16 (8) design: urban planning, master planning, site design, interiors, safety and security measures.

17 (9) construction documents: drawings, specifications, delivery methods.

18 (10) construction administration: contract, bidding, contract negotiations.

19 Each Landscape Architect shall complete the minimum mandatory CEPH during the year
20 immediately preceding the date the Landscape Architect renews the Landscape Architect's
21 certificate of registration [~~for each annual registration period~~]. Of the 12 minimum mandatory
22 CEPH, each Landscape Architect shall complete a minimum of 1 CEPH in barrier-free design, at
23 least 1 CEPH in the study of Sustainable or Energy-Efficient design, and at least 1 CEPH related to
24 the study of ethics. One CEPH equals a minimum of fifty (50) minutes of actual course time. No
25 credit shall be awarded for introductory remarks, meals, breaks, or business/administration matters
26 related to courses of study.

27 (b) [(1)] Landscape Architects shall complete a minimum of 8 [~~five (5)~~] CEPH in structured
28 course study. [~~Structured course study shall consist of participation in educational activities~~

1 presented by individuals or groups qualified by professional, practical, or academic experience to
2 conduct courses of study, including monographs offered by the Council of Landscape
3 Architectural Registration Boards.] Credit will not be [~~No credit shall be~~] awarded for the same
4 structured course for which the Landscape Architect has previously claimed credit [~~during the~~
5 ~~preceding three (3) years~~] except for the Texas Accessibility Academy or another similar course
6 offered by the Texas Department of Licensing and Regulation (TDLR).

7 (c) [~~(2)~~] Landscape Architects may complete a maximum of 4 [~~three (3)~~] CEPH in self-directed
8 study. [~~One (1) CEPH equals one (1) hour of self-directed study.~~] Self-directed study must utilize
9 articles, monographs, or other study materials that the Landscape Architect has not previously
10 utilized for self-directed study.

11 [~~(b) Topics for the eight (8) CEPH shall satisfy the following requirements: All CEPH shall~~
12 ~~include the study of relevant technical and professional landscape architectural subjects pertinent~~
13 ~~to the health, safety and welfare of the public. The study of topics related to barrier-free design~~
14 ~~must be used to satisfy the requirements for at least one (1) of the eight (8) CEPH. The study of~~
15 ~~topics related to Sustainable or Energy Efficient design must be used to satisfy the requirements~~
16 ~~for at least one (1) of the eight (8) CEPH.]~~

17 (d) (e) The Board has final authority to determine whether to award or deny credit claimed by a
18 Landscape Architect for continuing education activities. The following types of activities may
19 qualify to fulfill continuing education program requirements:

20 (1) Attendance at courses [~~or seminars~~] dealing with technical landscape architectural subjects
21 related to the Landscape Architect's profession, ethical business practices, or new technology
22 [~~sponsored by colleges or universities~~];

23 (2) [~~Attendance at technical presentations or workshops on landscape architectural subjects~~
24 ~~which are held in conjunction with conventions or seminars and are related to materials use and~~
25 ~~function~~];

26 [~~(3) Attendance at courses or seminars related to ethical business practices or new technology and~~
27 ~~offered by colleges, universities, professional organizations, or system suppliers~~];

28 ~~(4)~~ Teaching landscape architectural courses [~~or seminars~~] and time spent in preparation for such
29 teaching:

1 (A) a maximum of 4 [~~three (3)~~] CEPH may be claimed per class hour spent teaching landscape
2 architectural courses [~~or seminars~~];

3 (B) a Landscape Architect may not claim credit for teaching the same course [~~or seminar~~] more
4 than once; and

5 (C) college or university faculty may not claim credit for teaching.

6 (3) [~~(5)~~] Hours spent in professional service to the general public which draws upon the
7 Landscape Architect's professional expertise, such as serving on planning commissions, building
8 code advisory boards, urban renewal boards, or code study committees;

9 (4) [~~(6)~~] Hours spent in landscape architectural research which is published or formally presented
10 to the profession or public [~~during the annual registration period~~];

11 (5) [~~(7)~~] Hours spent in landscape architectural self-directed study programs such as those
12 organized, sponsored, or approved by the American Society of Landscape Architects, the Council
13 of Landscape Architectural Registration Boards, or similar organizations acceptable to the Board.

14 (6) [~~(8)~~] College or university credit courses on [~~dealing with~~] landscape architectural subjects or
15 ethical business practices; each semester credit hour shall equal [~~one (1)~~] CEPH; each quarter
16 credit hour shall equal 1 [~~one (1)~~] CEPH;

17 (7) [~~(9)~~] 1 [~~One (1)~~] CEPH may be claimed for attendance at 1 [~~one (1)~~] full-day session of a
18 meeting of the Texas Board of Architectural Examiners[; ~~a Landscape Architect must attend the~~
19 ~~entire full-day session in order to receive credit~~].

20 (e) [~~(d)~~] A Landscape Architect may be exempt from [~~the~~] continuing education requirements
21 [~~described in this subchapter~~] for any of the following reasons:

22 (1) A Landscape Architect shall be exempt for his/her initial registration period[; ~~which shall not~~
23 ~~exceed one year~~];

24 (2) An inactive [~~registrant~~] or emeritus Landscape Architect shall be exempt for any registration
25 period during which the Landscape Architect registrant's registration is in inactive or emeritus
26 status, but all continuing education credits for each period of inactive or emeritus registration shall
27 be completed before the Landscape Architect's [~~inactive registrant's~~] registration may be returned
28 to active status [~~unless, in lieu of completing the outstanding continuing education requirements,~~
29 ~~the inactive registrant successfully completes all sections of the current registration examination~~
30 ~~during the five (5) years immediately preceding the return to active status~~];

1 (3) A Landscape Architect who is not a full-time member of the Armed Forces shall be exempt
2 for any registration period during which the Landscape Architect serves on active duty in the
3 Armed Forces of the United States for a period of time exceeding ninety (90) consecutive days;

4 (4) A Landscape Architect who has an active registration in another jurisdiction that has
5 registration requirements which are substantially equivalent to Texas registration requirements and
6 that has a mandatory continuing education program shall be exempt from mandatory continuing
7 education program requirements in Texas for any registration period during which the Landscape
8 Architect satisfies such other jurisdiction's continuing education program requirements, except
9 with regard to the requirement in Texas that each Landscape Architect complete 1 CEPH related to
10 Sustainable or Energy-Efficient design; or

11 (5) A Landscape Architect who is, as of September 1, 1999, a full-time faculty member or other
12 permanent employee of an institution of higher education, as defined in Section 61.003, Education
13 Code, and who in such position is engaged in teaching landscape architecture.

14 (f) ~~(e)~~ When renewing his/her annual registration, each Landscape Architect shall attest ~~sign the~~
15 ~~statement on the renewal form attesting~~ to the Landscape Architect's fulfillment of the mandatory
16 continuing education program requirements during the preceding registration period.

17 (1) Each Landscape Architect shall maintain a [A] detailed record of the Landscape Architect's
18 continuing education activities ~~shall be recorded annually~~. Each Landscape Architect shall retain
19 proof of fulfillment of the mandatory continuing education program requirements and shall retain
20 the annual record of continuing education activities required by this subsection for a period of 5
21 ~~[five (5) years]~~ after the end of the registration period for which credit is claimed.

22 (2) Upon written request, the Board may require a Landscape Architect to produce documentation
23 to prove that the Landscape Architect has complied with the mandatory continuing education
24 program requirements. ~~[The Landscape Architect shall be required to produce the documentation~~
25 ~~in the manner prescribed in the Board's written request.]~~ If acceptable documentation is not
26 provided within 30 ~~[thirty (30)]~~ days of request, claimed credit may be disallowed. The Landscape
27 Architect shall have 60 ~~[one hundred and eighty (180)]~~ calendar days after notification of
28 disallowance of credit to substantiate the original claim or earn other CEPH credit to fulfill the
29 minimum requirements. Such credit shall not be counted again for another registration period.

1 (3) If a Landscape Architect is registered to practice more than one ~~[(1)]~~ of the professions
2 regulated by the Board and the Landscape Architect completes a continuing education activity that
3 is directly related to more than one ~~[(1)]~~ of those ~~[the]~~ professions ~~[regulated by the Board]~~, the
4 Landscape Architect may submit that activity for credit for all of the professions to which it
5 ~~[directly]~~ relates. The Landscape Architect must maintain a separate detailed record of continuing
6 education activities for each profession.

7 (4) A Landscape Architect may receive credit for up to 24 ~~[sixteen-(16)]~~ CEPH earned during any
8 single registration period. A maximum of 12 ~~[Any]~~ CEPH that is not used to satisfy the continuing
9 education requirements for a ~~[the current]~~ registration period may be carried forward to satisfy the
10 continuing education requirements for the next registration period. ~~[CEPH may not be carried~~
11 ~~forward beyond the registration period immediately following the registration period during which~~
12 ~~the CEPH is earned.]~~

13 ~~(g) [(f)]~~ Providing false information to the Board, failure ~~[Failure]~~ to fulfill the annual continuing
14 education program requirements, and failure to respond to, and comply with, audit and verification
15 requests may result in disciplinary action by the Board.

16 ~~[(g) Any Landscape Architect who is found to have reported false information regarding the~~
17 ~~Landscape Architect's continuing education activities may be subject to disciplinary action by the~~
18 ~~Board.]~~

**RULE §5.79 Continuing Education
Requirements**

1 (a) Each Registered Interior Designer shall complete a minimum of 12 [eight (8)] continuing
2 education program hours (CEPH) in topics pertinent to the public welfare, contributing to
3 environmental and economic sustainability, promoting public health and well-being, encouraging
4 community building and stewardship, offering aesthetic and creative experiences and enabling
5 people and communities to function more effectively. These topics may include the following
6 health and safety categories:

7 (1) legal: laws, codes, zoning, regulations, standards, life-safety, accessibility, ethics, insurance
8 to protect owners and public.

9 (2)technical: structural, mechanical, electrical, communications, fire protection, controls.

10 (3) environmental: energy efficiency, sustainability, natural resources, natural hazards, hazardous
11 materials, weatherproofing, insulation.

12 (4) occupant comfort: air quality, lighting, acoustics, ergonomics.

13 (5) materials and methods: building systems, products, finishes, furnishings, equipment.

14 (6) preservations: historic, reuse, adaptation.

15 (7) pre-design: programming, project analysis, survey of existing conditions, including the
16 materials and configuration of the interior space of a project.

17 (8) design: interior building design, interior specifications, accessibility, safety, and security
18 measures.

19 (9) Construction Documents: drawings, specifications and other materials within the definition
20 of the term “Construction Document”.

21 (10) construction administration: contract, bidding, and contract negotiations.

22 Each Registered Interior Designer shall complete the minimum mandatory CEPH during the year
23 immediately preceding the date the Registered Interior Designer renews the Registered Interior
24 Designer’s certificate of registration [for each annual registration period]. Of the 12 minimum
25 mandatory CEPH, each Registered Interior Designer shall complete a minimum of 1 CEPH in
26 barrier-free design, at least 1 CEPH in the study of Sustainable or Energy-Efficient design, and at
27 least 1 CEPH related to the study of ethics. One CEPH equals a minimum of fifty (50) minutes of

1 actual course time. No credit shall be awarded for introductory remarks, meals, breaks, or
2 business/administration matters related to courses of study.

3 ~~(b)(4)~~ Registered Interior Designers shall complete a minimum of 8 ~~[five (5)]~~ CEPH in
4 structured course study. ~~[Structured course study shall consist of participation in educational~~
5 ~~activities presented by individuals or groups qualified by professional, practical, or academic~~
6 ~~experience to conduct courses of study, including monographs offered by the National Council for~~
7 ~~Interior Design Qualification.]~~ Credit will not be ~~[No credit shall be]~~ awarded for the same
8 structured course for which the Registered Interior Designer has previously claimed credit ~~[during~~
9 ~~the preceding three (3) years]~~ except for a structured course offered through the Texas
10 Accessibility Academy or another similar course offered by the Texas Department of Licensing
11 and Regulation (TDLR).

12 ~~(c)(2)~~ Registered Interior Designers may complete a maximum of 4 ~~[three (3)]~~ CEPH in self-
13 directed study. ~~[One (1) CEPH equals one (1) hour of self-directed study].~~ Self-directed study must
14 utilize articles, monographs, or other study materials that the Registered Interior Designer has not
15 previously utilized for self directed study.

16 ~~[(b) Topics for the eight (8) CEPH shall satisfy the following requirements: All CEPH shall~~
17 ~~include the study of relevant technical and professional Interior Design subjects pertinent to the~~
18 ~~health, safety and welfare of the public. The study of topics related to barrier free design must be~~
19 ~~used to satisfy the requirements for at least one (1) of the eight (8) CEPH. The study of topics~~
20 ~~related to Sustainable or Energy Efficient design must be used to satisfy the requirements for at~~
21 ~~least one (1) of the eight (8) CEPH.]~~

22 ~~(d)(e)~~ The Board has final authority to determine whether to award or deny credit claimed by a
23 Registered Interior Designer for continuing education activities. The following types of activities
24 may qualify to fulfill continuing education program requirements:

25 (1) Attendance at courses ~~[or seminars]~~ dealing with technical Interior Design subjects related to
26 the Registered Interior Designer's profession, ethical business practices, or new technology
27 ~~[sponsored by colleges or universities];~~

28 (2) ~~[Attendance at technical presentations or workshops on Interior Design subjects which are~~
29 ~~held in conjunction with conventions or seminars and are related to materials use and function;~~

1 ~~–(3) Attendance at courses or seminars related to ethical business practices or new technology and~~
2 ~~offered by colleges, universities, professional organizations, or system suppliers;~~
3 ~~–(4) Teaching Interior Design courses [or seminars] and time spent in preparation for such~~
4 ~~teaching:~~
5 (A) a maximum of 4 [~~three (3)~~] CEPH may be claimed per class hour spent teaching Interior
6 Design courses [~~or seminars~~];
7 (B) a Registered Interior Designer may not claim credit for teaching the same course [~~or~~
8 ~~seminar~~] more than once; and
9 (C) college or university faculty may not claim credit for teaching.
10 ~~(3)[(5)] Hours spent in professional service to the general public which draws upon the~~
11 ~~Registered Interior Designer's professional expertise, such as serving on planning commissions,~~
12 ~~building code advisory boards, urban renewal boards, or code study committees;~~
13 ~~(4)[(6)] Hours spent in Interior Design research which is published or formally presented to the~~
14 ~~profession or public [during the annual registration period];~~
15 ~~(5)[(7)] Hours spent in Interior Design self-directed study programs such as those organized,~~
16 ~~sponsored, or approved by the American Society of [~~Association for~~] Interior Design, the~~
17 ~~International Interior Design Association, the National Council for Interior Design Education and~~
18 ~~Research, or similar organizations acceptable to the Board;~~
19 ~~(6)[(8)] College or university credit courses on [~~dealing with~~] Interior Design subjects or ethical~~
20 ~~business practices; each semester credit hour shall equal 1 [~~one (1)~~] CEPH; each quarter credit~~
21 ~~hour shall equal 1 [~~one (1)~~] CEPH;~~
22 ~~(7)[(9)] 1 [~~One (1)~~] CEPH may be claimed for attendance at one 1 [~~(1)~~] full-day session of a~~
23 ~~meeting of the Texas Board of Architectural Examiners[; a Registered Interior Designer must~~
24 ~~attend the entire full-day session in order to receive credit].~~
25 ~~(e)[(d)] A Registered Interior Designer may be exempt from [~~the~~] continuing education~~
26 ~~requirements [~~described in this subchapter~~] for any of the following reasons:~~
27 (1) A Registered Interior Designer shall be exempt for his/her initial registration period[~~, which~~
28 ~~shall not exceed one year~~];
29 (2) An inactive or emeritus Registered Interior Designer [~~registrant~~] shall be exempt for any
30 registration period during which the Registered Interior Designer's [~~registrant's~~] registration is in

1 inactive or emeritus status, but all continuing education credits for each period of inactive or
2 emeritus registration shall be completed before the Registered Interior Designer's [~~inactive~~
3 ~~registrant's~~] registration may be returned to active status [~~unless, in lieu of completing the~~
4 ~~outstanding continuing education requirements, the inactive registrant successfully completes all~~
5 ~~sections of the current registration examination during the five (5) years immediately preceding the~~
6 ~~return to active status~~];

7 (3) A Registered Interior Designer who is not a full-time member of the Armed Forces shall be
8 exempt for any registration period during which the Registered Interior Designer serves on active
9 duty in the Armed Forces of the United States for a period of time exceeding ninety (90)
10 consecutive days;

11 (4) A Registered Interior Designer who has an active registration in another jurisdiction that has
12 registration requirements which are substantially equivalent to Texas registration requirements and
13 that has a mandatory continuing education program shall be exempt from mandatory continuing
14 education program requirements in Texas for any registration period during which the Registered
15 Interior Designer satisfies such other jurisdiction's continuing education program requirements,
16 except with regard to the requirement in Texas that each Registered Interior Designer complete 1
17 CEPH related to Sustainable or Energy-Efficient design; or

18 (5) A Registered Interior Designer who is, as of September 1, 1999, a full-time faculty member or
19 other permanent employee of an institution of higher education, as defined in Section 61.003,
20 Education Code, and who in such position is engaged in teaching Interior Design.

21 (f)[~~(e)~~] When renewing his/her annual registration, each Registered Interior Designer shall attest
22 [~~sign the statement on the renewal form attesting~~] to the Registered Interior Designer's fulfillment
23 of the mandatory continuing education program requirements during the preceding registration
24 period.

25 (1) Each Registered Interior Designer shall maintain a [A] detailed record of the Registered
26 Interior Designer's continuing education activities [~~shall be recorded annually~~]. Each Registered
27 Interior Designer shall retain proof of fulfillment of the mandatory continuing education program
28 requirements and shall retain the annual record of continuing education activities required by this
29 subsection for a period of 5 [~~five (5)~~] years after the end of the registration period for which credit
30 is claimed.

1 (2) Upon written request, the Board may require a Registered Interior Designer to produce
2 documentation to prove that the Registered Interior Designer has complied with the mandatory
3 continuing education program requirements. ~~[The Registered Interior Designer shall be required to~~
4 ~~produce the documentation in the manner prescribed in the Board's written request.]~~ If acceptable
5 documentation is not provided within 30 ~~[thirty (30)]~~ days of request, claimed credit may be
6 disallowed. The Registered Interior Designer shall have 60 ~~[one hundred and eighty (180)]~~
7 calendar days after notification of disallowance of credit to substantiate the original claim or earn
8 other CEPH credit to fulfill the minimum requirements. Such credit shall not be counted again for
9 another registration period.

10 (3) If a Registered Interior Designer is registered to practice more than one ~~[(4)]~~ of the
11 professions regulated by the Board and the Registered Interior Designer completes a continuing
12 education activity that is directly related to more than one ~~[(4)]~~ of those ~~[the]~~ professions
13 ~~[regulated by the Board]~~, the Registered Interior Designer may submit that activity for credit for all
14 of the professions to which it ~~[directly]~~ relates. The Registered Interior Designer must maintain a
15 separate detailed record of continuing education activities for each profession.

16 (4) A Registered Interior Designer may receive credit for up to 24 ~~[sixteen (16)]~~ CEPH earned
17 during any single registration period. A maximum of 12 ~~Any~~ CEPH that is not used to satisfy the
18 continuing education requirements for a [the current] registration period may be carried forward to
19 satisfy the continuing education requirements for the next registration period. ~~[CEPH may not be~~
20 ~~carried forward beyond the registration period immediately following the registration period~~
21 ~~during which the CEPH was earned.]~~

22 ~~(g) [(f)]~~ Providing false information to the Board, failure ~~[Failure]~~ to fulfill the annual continuing
23 education program requirements, and failure to respond to, and comply with, audit and verification
24 requests may result in disciplinary action by the Board.

25 ~~[(g) Any Registered Interior Designer who is found to have reported false information regarding~~
26 ~~the Registered Interior Designer's continuing education activities may be subject to disciplinary~~
27 ~~action by the Board.]~~

RESOLUTION 2011-01

Supported by the Council Board of Directors (14-0)

TITLE: *Legislative Guidelines, Model Law and Model Regulations* Amendments – Changes to Continuing Education Requirements

SUBMITTED BY: Council Board of Directors

RESOLVED, that the second paragraph of Section 4 of the *Model Law* be amended to read as follows:

“A registered architect must demonstrate professional development completion of annual continuing education activities. since the architect’s last renewal or initial registration, as the case may be; The Board shall by regulation describe professional development such activities acceptable to the Board and the form of documentation of such activities required by the Board. The Board may decline to renew a registration if the architect’s professional development continuing education activities do not meet the standards set forth in the Board’s regulations.”

FURTHER RESOLVED, that Section 100.006, Terms Defined Herein, of the *Model Regulations* be amended to add the following in appropriate alphabetic order:

“Continuing Education (CE)

Continuing education is post-licensure learning that enables a registered architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public’s health, safety, and welfare.”

FURTHER RESOLVED, that Section 100.006, Terms Defined Herein, of the *Model Regulations* be amended to revise the existing definition of “Professional Development Unit” as follows:

“Professional Development Unit Continuing Education Hour (CEH)

One continuous instructional hour (50 to 60 minutes of contact) spent in either Structured Educational Activities or Individually Planned Activities intended to increase or update the architect’s knowledge and competence in Health, Safety, and Welfare Subjects. If the vendor provider of the Structured Educational Activities prescribes a customary time for completion of such an Activity, then such prescribed time shall, unless the Board finds the prescribed time to be unreasonable, be accepted as the architect’s time for Professional Development Unit Continuing Education Hour purposes irrespective of actual time spent on the activity.”

FURTHER RESOLVED, that Section 100.006, Terms Defined Herein, of the *Model Regulations* be amended to revise the existing definition “Structured Educational Activities” as follows:

“Structured Educational Activities

Educational activities in which the teaching methodology consists primarily of the systematic presentation of at least 75 percent of an activity’s content and instructional time must be devoted to Health, Safety, and Welfare Subjects related to the practice of architecture, including courses of study or other activities under the areas identified as Health, Safety and Welfare Subjects and provided by qualified individuals or organizations, including monographs, courses of study taught in person or by correspondence, organized lectures, presentations or workshops and other means through which identifiable technical and professional subjects are presented in a planned manner whether delivered by direct contact or distance learning methods.”

FURTHER RESOLVED, that Section 100.006, Terms Defined Herein, of the *Model Regulations* be amended to delete the existing definition “Individually Planned Educational Activities” as follows:

“Individually Planned Educational Activities

Educational activities in which the teaching methodology primarily consists of the architect himself/herself addressing Health, Safety, and Welfare Subjects, which are not systematically presented by others, including reading or writing articles on such Subjects; studying or researching

building types, designs or building systems; rendering services to the public, advancing the profession's and the public's understanding of the practice of architecture; and the like.”

FURTHER RESOLVED, that Section 100.006, Terms Defined Herein, of the *Model Regulations* be amended to revise the existing definition “Health, Safety, and Welfare Subjects” as follows:

“Health, Safety, and Welfare Subjects

Technical and professional subjects, which that the Board deems appropriate to safeguard the public's health, safety, and welfare. Such subjects include building design; sustainable design; environmental or land use analysis; life safety; architectural programming; site and soils analysis; accessibility; structural systems considerations; lateral forces; building codes; evaluation and selection of building systems, products or materials; construction methods; contract documentation; construction administration; and the like. and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

LEGAL: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to protect Owners and Public

BUILDING SYSTEMS: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection

ENVIRONMENTAL: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation

OCCUPANT COMFORT: Air Quality, Lighting, Acoustics, Ergonomics

MATERIALS and METHODS: Construction Systems, Products, Finishes, Furnishings, Equipment

PRESERVATION: Historic, Reuse, Adaptation

PRE-DESIGN: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying

DESIGN: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures

CONSTRUCTION DOCUMENTS: Drawings, Specifications, Delivery Methods

CONSTRUCTION CONTRACT ADMINISTRATION: Contracts, Bidding, Contract Negotiations”

FURTHER RESOLVED, that Section 100.703 of the *Model Regulations* be amended as follows:

“100.703 Renewal

[Describe terms, including fee with cross reference to 100.107, citing applicable statute.]

[The Board may require that each registered architect demonstrate professional development continuing education by including the following provisions.]

Continuing Education Professional Development Requirements. To renew registration, i In addition to all other requirements for registration renewal, an architect must have acquired complete a minimum of 12 Continuing Education Hours each calendar year Professional Development Units for each 12-month period since his/her last renewal or initial registration as the case may be or be exempt from these continuing education professional development requirements all as provided below. Failure to comply with these requirements shall may result in non-renewal of the architect's registration.

(A) Professional Development Units. Continuing Education Hours. Within any 12-month period during which 12 Professional Development Units must be acquired, at least eight Professional Development Units shall be 12 Continuing Education Hours must be completed in Health, Safety, and Welfare Subjects acquired in Structured Educational Activities. and the remaining four Professional Development Units shall be in Health, Safety, and Welfare Subjects but may be in either Structured Educational Activities or in Individual Planned Educational Activities. Professional Development Units need not be acquired within this jurisdiction, but Continuing Education Hours may be acquired at any location. Excess Continuing Education Hours may not be credited to a future calendar year.

[Note: for jurisdictions having renewal periods of longer than one year adjust numbers accordingly.]

(B) Reporting and Recordkeeping. An architect shall complete and submit forms prescribed or accepted as required by the Board certifying to that the architect's having has acquired completed the required Professional Development Units Continuing Education Hours. Forms may be audited by the Board for verification of compliance with these requirements. Evidence of compliance Documentation of reported Continuing Education Hours shall be maintained by the architect for two six years from the date of award after submission of the form to which it relates. If the Board disallows any Professional Development Units, unless Continuing Education Hours the Board finds following a notice and hearing that the architect willfully disregarded these requirements, then the architect shall have six months 60 days from notice of such disallowance either to provide further evidence of having acquired completed the Professional Development Units Continuing Education Hours disallowed or to cure remedy the disallowance by acquiring completing the required number of Professional Development Units Continuing Education Hours (but such Professional Development Units Continuing Education Hours shall not again be used for the next renewal calendar year). If the Board finds, after proper notice and hearing, that the architect willfully disregarded these requirements or falsified documentation of required Continuing Education Hours, the architect may be subject to disciplinary action in accordance with the Board regulations.

(C) Exemptions. An architect shall not be subject to these requirements if:

- 1.** The architect has been granted emeritus or other similar honorific but inactive status by the Board; or
- 2.** The architect otherwise meets all renewal requirements and is a civilian called to active military service duty in the armed forces of the United States for a significant period of time, has a serious medical condition is ill or disabled for a significant period of time, or can demonstrate to the Board other like hardship, then upon the Board's so finding, the architect may be excused from some or all of these requirements.; or
- 3.** The architect otherwise meets all renewal requirements and is registered in any other jurisdiction having continuing professional development requirements which the architect has met, provided that such other jurisdiction accepts satisfaction of this jurisdiction's continuing professional development requirements as meeting its own."

SPONSORS' STATEMENT OF SUPPORT

Chaos and confusion have dominated the debate over continuing education for architects for the past several years. Requirements, terminology, types of hours, number of hours, and renewal dates are literally all over the map as almost every jurisdiction now has some form of continuing education requirement. The resolution being presented is a result of the Committee on Professional Development, the Member Board Executives Committee, and the Committee on Procedures and Documents working together, analyzing, and discussing the current situation in order to standardize continuing education requirements.

Since all jurisdictions are charged with protecting the public's health, safety and welfare, NCARB's *Model Law* and *Model Regulations* only concern health, safety, and welfare (HSW) continuing education. Professional development, as it applies to the *Model Law* and *Model Regulations* should be more accurately termed "continuing education," the term used by most jurisdictions in their current laws and regulations. Despite the variety of renewal requirements imposed by jurisdictions, the committees tried to remedy the difficult issue of mutual acceptance whereby a particular jurisdiction accepts another jurisdiction's requirements.

They determined that the language in the *Model Regulations* should be simplified to allow an architect who has met all mandatory continuing educational requirements and is in good standing in one jurisdiction requiring a minimum of 12 continuing education hours per calendar year in HSW subjects acquired in structured educational activities to have met the mandatory continuing education requirements. Any registrant of a jurisdiction will still be subject to that jurisdiction’s auditing policies with respect to continuing education requirements. Since 34 jurisdictions currently require an average of 12 hours per year, the committees also concluded that 12 HSW continuing education hours cited in NCARB’s *Model Regulations* was appropriate. However, the way adults learn in the 21st century is very different than that of the previous century. As a result, the committees offered to expand the definition of “structured educational activities” to include both direct contact and distance learning methods, which could include webinars, podcasts, etc. The committees dropped the term “individually planned educational activity” since it is difficult to evaluate the learning objectives, accomplishments, and time devoted to the individually planned educational activity. The committees determined that the *NCARB Model Regulations* should not allow for any carryover of continuing education hours earned during a previous calendar year. Under the proposed model regulations there is no justification for carry-over of CEHs. The committees also agreed on 60 days as a reasonable period to make up for any disallowed continuing education hours, and that a reasonable period for record retention would be six years from the date the continuing education hours were awarded. The committees did not feel it realistic to try to define health, safety, and welfare, but instead chose to identify HSW categories and subjects found in the *NCARB Model Regulations*, AIA’s provider manual, and in a variety of jurisdictional regulations. The subjects are aligned with those used for the Intern Development Program (IDP) and Architect Registration Examination® (ARE®), as directed by the Practice Analysis and should reinforce the competence of practitioners in the same areas where the competence of emerging professionals is initially required. When approved and implemented by the Member Boards, this resolution will lead to greater standardization of continuing education requirements, improved course content and quality, and simplified record keeping processes for Member Boards, while easing the burden for practitioners licensed in multiple jurisdictions.

**Continuing Education
Enabling Legislation**

Section 1051.356. CONTINUING EDUCATION. (a) The board shall recognize, prepare, or administer continuing education programs for its certificate holders. A certificate holder must participate in the programs to the extent required by the board to keep the person's certificate of registration.

(b) The continuing education programs:

(1) must include courses relating to sustainable or energy-efficient design standards; and

(2) may include courses relating to:

(A) health, safety, or welfare; or

(B) barrier-free design.

(b-1) As part of a certificate holder's continuing education requirements for each annual registration period, the board by rule shall require the certificate holder to complete at least one hour of continuing education relating to sustainable or energy-efficient design standards.

(c) The board may recognize the continuing education programs of:

(1) a nationally acknowledged organization involved in providing, recording, or approving postgraduate education; and

(2) any other sponsoring organization or individual whose presentation is approved by the board as qualifying in design or construction health, safety, or welfare.

(d) A person is exempt from the continuing education requirements of this section if the person is, as of September 1, 1999, engaged in teaching the subject matter for which the person is registered under this subtitle as a full-time faculty member or other permanent employee of an institution of higher education, as defined by Section 61.003, Education Code.

Summary
Rules 1.124/3.124/5.134/1.232/3.232/5.242/7.10(b)
Business Registration

Current Rule

TBAE requires the registration of business entities and associations which offer or render regulated services in Texas. The current rule requires a registered natural person (an architect, landscape architect or interior designer), acting as the principal for the business entity or association, to register the firm with TBAE. For purposes of TBAE rules an association is a contractual relationship between a registrant (either a person or a business entity) and a non-registrant to offer or render regulated services. Once a principal registers a business entity or association, its annual registration renewal date coincides with the principal's registration renewal date. If the business entity stops providing regulated services, the principal is required to notify the Board. If the principal leaves the business, it must designate another natural person to serve as the business' principal which would alter the business' annual registration renewal date. The obligation to register, renew registration, and maintain up-to-date registration records is imposed upon one principal for each firm.

The agency maintains its business registration database separate from the automated system connected to the agency's website which is available for the registration of natural persons. An individual may download a registration form from the agency's web site or receive a form through the mail, complete it, and mail or email it to the agency in order to register a business or association. The information is received by agency staff and manually entered on a separate database. Since business registration is maintained on a separate database, businesses and associations do not show up on the agency's roster of registrants which is available on the agency's web site. There is currently no registration fee charged for registering and renewing the registration of businesses and associations.

Committee Amendments

The amendments shift the duty for registering businesses and associations from a principal to the business entity or association. The amendments will establish each registered business entity and association as having its own annual registration renewal date, distinct from the registration renewal date of a principal or any other registrant. By establishing a registration renewal date for each business entity, the amendments make that date permanent. The change is necessary to include business entities and associations in the roster of registrants which are registered and renewed on the agency database for individual registrants. The intent of the amendments is to make business registration automated and similar to the registration of natural persons.

The amendments impose an annual registration fee of \$30 to cover the cost of programming and implementation of business registration within the automated system. As with the registration of natural persons, failure to renew registration by the annual registration renewal date will result in the imposition of a penalty equal to 1.5 times (\$45) the annual registration fee and after 90 days the penalty is 2 times (\$60) the annual registration fee. Unlike the process for the renewal of registration for a natural person, registration is not canceled two years after expiration.

The amendments add a requirement that each registered business is to post a certificate of registration at each place of business. The Committee determined that businesses should be permitted to copy the certificate for additional business locations and need not obtain additional certificates from the agency.

The draft amendments also require registered businesses and associations to provide TBAE an email address. All registration renewal reminders and other communications with registered businesses and associations will be by email. Amendments are made to the penalty matrices to correct and update cross-references to conform to the amendments to the business registration rules.

RULE §1.124 Business Registration

- 1 (a) An [A Principal for an] architectural firm or other business entity that offers or provides
2 architectural services in Texas must annually register information regarding the firm or business
3 entity with the Board, including an email address to which all TBAE correspondence will be sent.
- 4 (b) An Architect or ~~[a Principal of]~~ an architectural firm which [who] enters into an agreement to
5 create a business association pursuant to section 1.122 shall annually register the association with
6 the Board, including an email address to which all TBAE correspondence will be sent.
- 7 (c) If ~~[a]~~ an architectural firm, business entity, or association dissolves or otherwise becomes
8 unable to lawfully offer or provide architectural services in Texas, ~~[the Architect or Principal who~~
9 ~~last registered]~~ the architectural firm, business entity, or association shall so notify the Board in
10 writing. Such notification must be postmarked or otherwise provided within 30 [thirty (30)] days
11 of the date of dissolution or the date the architectural firm, business entity, or association became
12 unable to lawfully offer or provide architectural services. Such an architectural firm, [A] business
13 entity, or association may not continue to offer or provide architectural services unless it employs
14 or contracts with an Architect to offer or provide service and updates its registration [another
15 Architect or Principal files information with the Board identifying himself or herself as the
16 Principal for the business entity or association] within that 30 [thirty (30)] day period.
- 17 (d) An Architect who is a sole proprietor doing business under his/her own name is [shall be]
18 exempt from the requirements of subsections (a) - (c) of this section.
- 19 (e) Each registered architectural firm, business entity, or association shall annually renew its
20 unexpired registration and pay a renewal fee not later than the anniversary of the date of its initial
21 registration. Each registered architectural firm, business entity, and association shall pay a
22 registration renewal fee to renew an expired registration in an amount equal to 1-1/2 times the
23 normally required renewal fee if the registration has been expired for 90 days or less and in an
24 amount equal to twice the normally required renewal fee if the registration has been expired for
25 longer than 90 days. [An Architect or Principal who is subject to this section shall initially register
26 a business entity or a business association within thirty (30) days after the creation of the business
27 entity or the business association. Thereafter the annual registration renewal of the business entity
28 or business association shall coincide with the Architect's or Principal's renewal of architectural
29 registration.]

1 (f) Each registered architectural firm, business entity, or association shall display a certificate of
2 registration for the firm at its principal place of business. A registered architectural firm, business
3 entity, or association shall display a copy of the certificate of registration at each additional
4 business location.

RULE §3.124 Business Registration

1 (a) A [~~Principal for a~~] Landscape Architecture firm or other business entity that offers or
2 provides landscape architectural services in Texas must annually register information regarding
3 the firm or business entity with the Board, including an email address to which all TBAE
4 correspondence will be sent.

5 (b) A Landscape Architect or [~~a Principal of~~] a Landscape Architecture firm which [~~who~~] enters
6 into an agreement to create a business association pursuant to §3.122 shall annually register the
7 association with the Board, including an email address to which all TBAE correspondence will
8 be sent.

9 (c) If a Landscape Architecture firm, business entity, or association dissolves or otherwise
10 becomes unable to lawfully offer or provide Landscape Architecture services in Texas, [~~the~~
11 ~~Landscape Architect or Principal who last registered~~] the Landscape Architecture firm, business
12 entity, or association shall so notify the Board in writing. Such notification must be postmarked
13 or otherwise provided within 30 [~~thirty (30)~~] days of the date of dissolution or the date the
14 Landscape Architecture firm, business entity, or association became unable to lawfully offer or
15 provide Landscape Architecture services. Such a Landscape Architecture firm, [~~A~~] business
16 entity, or association may not continue to offer or provide Landscape Architecture services unless
17 it employs or contracts with a Landscape Architect to offer or provide service and updates its
18 registration [~~another Landscape Architect or Principal files information with the Board~~
19 ~~identifying himself or herself as the Principal for the business entity or association~~] within that 30
20 [~~thirty (30)~~] day period.

21 (d) A Landscape Architect who is a sole proprietor doing business under his/her own name shall
22 be exempt from the requirements of subsections (a) - (c) of this section.

23 (e) Each registered Landscape Architecture firm, business entity, or association shall annually
24 renew its unexpired registration and pay a renewal fee not later than the anniversary of the date of
25 its initial registration. Each registered Landscape Architecture firm, business entity, and
26 association shall pay a registration renewal fee to renew an expired registration in an amount
27 equal to 1-1/2 times the normally required renewal fee if the registration has been expired for 90
28 days or less and in an amount equal to twice the normally required renewal fee if the registration

1 has been expired for longer than 90 days. [A Landscape Architect or Principal who is subject to
2 this section shall initially register a business entity or a business association within thirty (30)
3 days after the creation of the business entity or the business association. Thereafter, the annual
4 registration renewal of the business entity or business association shall coincide with the
5 Landscape Architect's or Principal's renewal of registration as a Landscape Architect.]
6 (f) Each registered Landscape Architecture firm, business entity, or association shall display a
7 certificate of registration for the firm at its principal place of business. A registered Landscape
8 Architecture firm, business entity, or association shall display a copy of the certificate of
9 registration at each additional business location.

RULE §5.134 Business Registration

- 1 (a) An [A Principal for an] Interior Design firm or other business entity that uses the title
2 "registered interior designer" to describe itself or which offers or renders the services described
3 as those of a Registered Interior Designer must annually register information regarding the firm
4 or business entity with the Board, including an email address to which all correspondence from
5 the Board will be sent.
- 6 (b) A Registered Interior Designer or ~~[a Principal of]~~ a Registered Interior Design firm which
7 [who] enters into an agreement to create a business association pursuant to §5.132 of this title
8 (relating to Association) shall annually register the association with the Board, including an email
9 address to which all correspondence from the Board will be sent.
- 10 (c) If a Registered Interior Design firm, business entity, or association dissolves or otherwise
11 becomes unable to lawfully use the title "registered interior designer" to describe itself, [the
12 Registered Interior Designer or Principal who last registered] the Registered Interior Design firm,
13 business entity, or association shall so notify the Board in writing. Such notification must be
14 postmarked or otherwise provided within 30 [thirty (30)] days of the date of dissolution or the
15 date the Registered Interior Design firm, business entity, or association became unable to
16 lawfully use the title "registered interior designer;" and to offer or render the services described
17 as those of a Registered Interior Designer. A business entity or association may not continue to
18 use the title "registered interior designer" or offer or render the services of a Registered Interior
19 Designer unless it employs or contracts with a Registered Interior Designer and updates its
20 registration [another Registered Interior Designer or Principal files information with the Board
21 identifying himself or herself as the Principal for the business entity or association] within that 30
22 thirty (30) day period.
- 23 (d) A Registered Interior Designer who is a sole proprietor doing business under his/her own
24 name is [shall be] exempt from the requirements of subsections (a) - (c) of this section.
- 25 (e) Each Registered Interior Design firm, business entity, or association shall annually renew its
26 unexpired registration and pay a renewal fee not later than the anniversary of the date of its initial
27 registration. Each Registered Interior Design firm, business entity, and association shall pay a
28 registration renewal fee to renew an expired registration in an amount equal to 1-1/2 times the

1 normally required renewal fee if registration has been expired for 90 days or less and in an
2 amount equal to twice the normally required renewal fee if the registration has been expired for
3 longer than 90 days. [A Registered Interior Designer or Principal who is subject to this section
4 shall initially register a business entity or a business association within thirty (30) days after
5 creation of the business entity or the business association. Thereafter, the annual registration
6 renewal of the business entity or business association shall coincide with the Registered Interior
7 Designer's or Principal's renewal of registration as a Registered Interior Designer.]
8 (f) Each Registered Interior Design firm, business entity, or association shall display a certificate
9 of registration for the firm at its principal place of business. A Registered Interior Design firm,
10 business entity, or association shall display a copy of the certificate of registration at each
11 additional business location.

Figure: 22 TAC §7.10(b)

Fee Description	Architects	Landscape Architects	Interior Designers
Exam Application	\$100	\$100	\$100
Examination	****	***	**
Registration by Examination--Resident	155	*355	*355
Registration by Examination--Nonresident	180	*380	*380
Reciprocal Application*****	150	150	150
Reciprocal Registration	*400	*400	*400
Active Renewal--Resident	*305	*305	*305
Active Renewal--Nonresident	*400	*400	*400
Active Renewal 1-90 days late--Resident	*457.50	*457.50	*457.50
Active Renewal greater than 90 days late--Resident	*610	*610	*610
Active Renewal 1-90 days late--Nonresident	*600	*600	*600
Active Renewal greater than 90 days late--Nonresident	*800	*800	*800
Emeritus Renewal--Resident	10	10	10
Emeritus Renewal--Nonresident	10	10	10
Emeritus Renewal 1-90 days late--Resident	15	15	15
Emeritus Renewal greater than 90 days late--Resident	20	20	20
Emeritus Renewal 1-90 days late--Nonresident	15	15	15
Emeritus Renewal greater than 90 days late--Nonresident	20	20	20
<u>Annual Business Registration</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Firm Renewal 1-90 days late</u>	<u>45</u>	<u>45</u>	<u>45</u>
<u>Firm Renewal greater than 90 days late</u>	<u>60</u>	<u>60</u>	<u>60</u>
Inactive Renewal--Resident	25	25	25
Inactive Renewal--Nonresident	125	125	125
Inactive Renewal 1-90 days late--Resident	37.50	37.50	37.50
Inactive Renewal greater than 90 days late--Resident	50	50	50
Inactive Renewal 1-90 days late--Nonresident	187.50	187.50	187.50
Inactive Renewal greater than 90 days late--Nonresident	250	250	250
Reciprocal Reinstatement	610	610	610

Change in Status--Resident	65	65	65
Change in Status--Nonresident	95	95	95
Reinstatement--Resident	685	685	685
Reinstatement--Nonresident	775	775	775
Certificate of Standing--Resident	30	30	30
Certificate of Standing--Nonresident	40	40	40
Replacement or Duplicate Wall Certificate--Resident	40	40	40
Replacement of Duplicate Wall Certificate--Nonresident	90	90	90
Duplicate Pocket Card	5	5	5
Reopen Fee for closed candidate files	25	25	25
Examination--Administrative Fee	-	40	-
Examination--Record Maintenance	25	25	25
Returned Check Fee	25	25	25
Application by Prior Examination	-	-	100

*These fees include a \$200 professional fee required by the State of Texas and deposited with the State Comptroller of Public Accounts into the General Revenue Fund. The fee for initial architectural registration by examination does not include the \$200 professional fee. Under the statute, the professional fee is imposed only upon each renewal of architectural registration.

**Examination fees are set by the Board examination provider, the National Council for Interior Design Qualification ("NCIDQ"). Contact the Board or the examination provider for the amount of the fee, and the date and location where each section of the examination is to be given.

***Examination fees are set by the Board's examination provider, the Council of Landscape Architectural Registration Boards ("CLARB"). Contact the Board or the examination provider for the amount of the fee, and the date and location where each section of the examination is to be given.

****Examination fees are set by the Board's examination provider, the National Council of Architectural Registration Boards ("NCARB"). Contact the Board or the examination provider for the amount of the fee, and the date and location where each section of the examination will be given.

*****Applies to engineers seeking an administrative finding of experience pursuant to House Bill 2284 as passed by the 82nd Legislature. This administrative fee as applied to engineers takes effect September 1, 2011 and expires January 1, 2012.

	Est. Man Hours	Est Cost Per Hour	Total
Systems Analysis	120	\$ 41.00	\$ 4,920.00
Development	640	\$ 35.00	\$ 22,400.00
Testing	80	\$ 35.00	\$ 2,800.00
Implementation	24	\$ 35.00	\$ 840.00
total	864		\$ 30,960.00
	21.6	weeks(40 hour week)	
	5.4	months	

Based on 2550 current business registrations cost = \$ 12.14 per registration

TBAE Expense for Maintaining Business Registration

Staff	% BR time	BR total salary expense		
Nancy	40%	\$15,610		
Steve	20%	\$9,150		
Jack	10%	\$5,692		
		\$30,452	Total	# Registered Businesses= 2550

Yearly cost for BR-agency expense ÷ registered business= \$11.95

Expense for postage, file maintenance, correspondence, copying = ± \$2.05

\$14.00



Yearly Agency Cost for each Business Registration

Figure: 22 TAC §1.232(j)

Violation	Rule(s) Cited	Recommended Penalty
Unauthorized duplication of certificate of registration or failure to display certificate of registration as required	Rule 1.62	Administrative penalty or reprimand
Practice of architecture while registration is inactive	Rule 1.68	Administrative penalty
Failure to fulfill mandatory continuing education requirements	Rule 1.69	Administrative penalty or suspension
Failure to use appropriate seal or signature	Rule 1.102 Rule 1.104(c)	Administrative penalty or reprimand
Failure to seal documents or insert statement in lieu of seal as required	Rule 1.103(a) Rule 1.103(d) Rule 1.103(f) Rule 1.103(h)(2) Rule 1.103(i) Rule 1.105(a)(4) Rule 1.122(c) Rule 1.122(e)	Administrative penalty or reprimand
Failure to mark incomplete documents as required	Rule 1.103(b)	Administrative penalty or reprimand
Removal of seal after issuance of documents	Rule 1.104(e)	Administrative penalty or reprimand
Failure to maintain a document for 10 years as required	Rule 1.103(g) Rule 1.105(b) Rule 1.122(d)	Administrative penalty or reprimand
Failure to notify the original design professional as required	Rule 1.103(h)(1)	Administrative penalty or reprimand
Sealing a document prepared by a person not working under the respondent's Supervision and Control	Rule 1.103(h)(3) Rule 1.104(a)	Suspension or revocation
Unauthorized use of a seal or modification of a document	Rule 1.104(b)	Administrative penalty or reprimand
Violation of requirements regarding prototypical design	Rule 1.105(a)(1) Rule 1.105(a)(2) Rule 1.105(a)(3)	Administrative penalty, reprimand, or suspension

	Rule 1.105(a)(5)	
Failure to provide Statement of Jurisdiction	Rule 1.106	Administrative penalty or reprimand
Failure to enter into a written agreement of association when required	Rule 1.122	Administrative penalty or reprimand
Failure to exercise Supervision and Control over the preparation of a document as required	Rule 1.122(c)	Suspension or revocation
Failure to exercise Responsible Charge over the preparation of a document as required	Rule 1.122(e)	Suspension or revocation
Failure of [to timely register] a <u>firm, business entity, or association to register [as Principal thereof]</u>	Rule 1.124(a), and (b), and [(e)]	Administrative penalty, <u>cease and desist order, or both [or reprimand]</u>
Failure to timely notify the Board upon dissolution of a business entity or association of loss of lawful authority to offer or provide architecture	Rule 1.124(c)	Administrative penalty, reprimand, or suspension
<u>Offering or rendering the Practice of Architecture by and through a firm, business entity or association that is not duly registered</u>	<u>Rule 1.124</u>	<u>Administrative penalty, cease and desist order, or both</u>
Gross incompetency	Rule 1.142	Suspension or revocation
Recklessness	Rule 1.143	Suspension or revocation
Dishonest practice	Rule 1.144(a) Rule 1.144(c)	Suspension or revocation
Dishonest practice	Rule 1.144(b)	Administrative penalty or reprimand
Conflict of interest	Rule 1.145	Suspension or revocation
Failure to uphold responsibilities to the architectural profession	Rule 1.146(a)	Suspension or revocation
Failure to uphold responsibilities to the architectural profession	Rule 1.146(b) Rule 1.146(c)	Administrative penalty or reprimand

Failure to act in a manner consistent with the Professional Services Procurement Act	Rule 1.147	Administrative penalty or reprimand
Unauthorized practice or use of title "architect"	Rule 1.148	Suspension, revocation, or denial
Criminal conviction	Rule 1.149	Suspension or revocation
Violation by Applicant	Rule 1.148 Rule 1.149 Rule 1.151	Reprimand, administrative penalty, suspension, rejection, denial of right to reapply
Failure to submit a document as required by the Architectural Barriers Act	Rule 1.170	Reprimand or administrative penalty
Failure to respond to a Board inquiry	Rule 1.171	Administrative penalty

Figure: 22 TAC §3.232(j)

Violation	Rule(s) Cited	Recommended Penalty
Unauthorized duplication of certificate of registration or failure to display certificate of registration as required	Rule 3.62	Administrative penalty or reprimand
Practice of landscape architecture while registration is inactive	Rule 3.68	Administrative penalty
Failure to fulfill mandatory continuing education requirements	Rule 3.69	Administrative penalty or suspension
Failure to use appropriate seal or signature	Rule 3.102 Rule 3.104(c)	Administrative penalty or reprimand
Failure to seal documents or insert statement in lieu of seal as required	Rule 3.103(a) Rule 3.103(d) Rule 3.103(f) Rule 3.103(h)(2) Rule 3.103(i) Rule 3.122(c) Rule 3.122(e)	Administrative penalty or reprimand
Failure to mark incomplete documents as required	Rule 3.103(b)	Administrative penalty or reprimand
Removal of seal after issuance of documents	Rule 3.104(e)	Administrative penalty or reprimand
Failure to maintain a document for 10 years as required	Rule 3.103(g) Rule 3.122(d)	Administrative penalty or reprimand
Failure to notify the original design professional as required	Rule 3.103(h)(1)	Administrative penalty or reprimand
Sealing a document prepared by a person not working under the respondent's Supervision and Control	Rule 3.103(h)(3) Rule 3.104(a)	Suspension or revocation
Unauthorized use of a seal or modification of a document	Rule 3.104(b)	Administrative penalty or reprimand
Failure to provide Statement of Jurisdiction	Rule 3.105	Administrative penalty or reprimand
Failure to report a course of action taken against the respondent's advice as required	Rule 3.105(b)	Administrative penalty, reprimand, or suspension

Failure to enter into a written agreement of association when required	Rule 3.122	Administrative penalty or reprimand
Failure to exercise Supervision and Control over the preparation of a document as required	Rule 3.122(c)	Suspension or revocation
Failure to exercise Responsible Charge over the preparation of a document as required	Rule 3.122(e)	Suspension or revocation
Failure of a firm, [to timely register a] business entity, or association <u>to register</u> [as Principal thereof]	Rule 3.124(a), and (b), [and (e)]	Administrative penalty, <u>cease and desist order</u> , or <u>both</u> [reprimand]
Failure to timely notify the Board upon dissolution of a business entity or association of loss of lawful authority to offer or provide landscape architecture	Rule 3.124(c)	Administrative penalty, reprimand, or suspension
<u>Offering or rendering Landscape Architecture by and through a firm, business entity or association that is not duly registered</u>	<u>Rule 3.124</u>	<u>Administrative penalty, cease and desist order, or both</u>
Gross incompetency	Rule 3.142	Suspension or revocation
Recklessness	Rule 3.143	Suspension or revocation
Dishonest practice	Rule 3.144(a) Rule 3.144(c)	Suspension or revocation
Dishonest practice	Rule 3.144(b)	Administrative penalty or reprimand
Conflict of interest	Rule 3.145	Suspension or revocation
Failure to uphold responsibilities to the landscape architectural profession	Rule 3.146(a)	Suspension or revocation
Failure to uphold responsibilities to the landscape architectural profession	Rule 3.146(b) Rule 3.146(c)	Administrative penalty or reprimand
Failure to act in a manner consistent with the Professional Services Procurement Act	Rule 3.147	Administrative penalty or reprimand
Unauthorized practice or use of title "landscape architect"	Rule 3.148	Suspension, revocation, or denial
Criminal conviction	Rule 3.149	Suspension or revocation

Violation by Applicant	Rule 3.148 Rule 3.149 Rule 3.151	Reprimand, administrative penalty, suspension, rejection, denial of right to reapply
Failure to submit a document as required by the Architectural Barriers Act	Rule 3.170	Reprimand or administrative penalty
Failure to respond to a Board inquiry	Rule 3.171	Administrative penalty

Figure: 22 TAC §5.242(j)

Violation	Rule(s) Cited	Recommended Penalty
Unauthorized duplication of certificate of registration or failure to display certificate of registration as required	§5.72	Administrative penalty or reprimand
Practice of Interior Design while registration is inactive	§5.78	Administrative penalty
Failure to fulfill mandatory continuing education requirements	§5.79	Administrative penalty or suspension
Failure to use appropriate seal or signature	§5.112 §5.114(c)	Administrative penalty or reprimand
Failure to seal documents or insert statement in lieu of seal as required	§5.113(a) and (b) §5.132(c), §5.132(e)	Administrative penalty or reprimand
Failure to mark incomplete documents as required	§5.113(b)	Administrative penalty or reprimand
Removal of seal after issuance of documents	§5.114(e)	Administrative penalty or reprimand
Failure to maintain a document for 10 years as required	§5.113(c) §5.132(d)	Administrative penalty or reprimand
Failure to make reasonable efforts to notify the original design professional as required	§5.114(d)	Administrative penalty or reprimand
Sealing a document prepared by a person not working under the respondent's Supervision and Control	§5.114(a)	Suspension or revocation
Unauthorized use of a seal or modification of a document	§5.114(b) and (c)	Administrative penalty or reprimand
Failure to provide Statement of Jurisdiction	§5.115(a)	Administrative penalty or reprimand
Failure to report a course of action taken against the respondent's advice as required	§5.115(b)	Administrative penalty, reprimand, or suspension
Failure to enter into a written agreement of association when required	§5.132	Administrative penalty or reprimand
Failure to exercise Supervision and Control over the preparation of a document as required	§5.132(c)	Suspension or revocation

Failure to exercise Responsible Charge over the preparation of a document as required	§5.132(e)	Suspension or revocation
Failure of a firm, [to timely register a] business entity, or association to register [as Principal thereof]	§5.134(a), and (b) [, and (e)]	Administrative penalty or reprimand
Failure to timely notify the Board upon dissolution of a business entity or association or upon loss of the entity or association to use the title "registered interior designer"	§5.134(c) [(d)]	Administrative penalty, <u>cease and desist order</u> , or both [reprimand, or suspension]
<u>Representing firm, business entity or association which is not registered as Registered Interior Designer firm</u>	<u>Rule 5.134</u>	<u>Administrative penalty, cease and desist order, or both</u>
Gross incompetency	§5.152	Suspension or revocation
Recklessness	§5.153	Suspension or revocation
Dishonest practice	§5.154(a) §5.154(c)	Suspension or revocation
Dishonest practice	§5.154(b)	Administrative penalty or reprimand
Conflict of interest	§5.155	Suspension or revocation
Failure to uphold responsibilities to the Interior Design profession	§5.156(a)	Suspension or revocation
Failure to uphold responsibilities to the Interior Design profession	§5.156(b) §5.156(c)	Administrative penalty or reprimand
Unauthorized practice or use of title "registered interior designer"	§5.157	Suspension, revocation, or denial
Criminal conviction	§5.158	Suspension or revocation
Violation by Applicant	§5.157 §5.158 §5.160	Reprimand, administrative penalty, suspension, rejection, denial of right to reapply
Failure to submit a document as required by the Architectural Barriers Act	§5.180	Reprimand or administrative penalty
Failure to respond to a Board inquiry	§5.181	Administrative penalty

Firm Registration Enabling Legislation

Section 1051.306. FIRM REGISTRATION. The board by rule may require a firm, partnership, corporation, or association that engages in the practice of architecture, landscape architecture, or interior design to register with the board under this subtitle.

Section 1051.351. ANNUAL RENEWAL REQUIRED. (a) A person who is otherwise eligible to renew a certificate of registration under this subtitle may renew an unexpired certificate by paying the required renewal fee to the board before the expiration date of the certificate. A person whose certificate of registration has expired may not engage in activities that require registration until the certificate of registration has been renewed.

(b) The board by rule may adopt a system under which certificates of registration expire on various dates during the year.

(c) For the year in which the certificate of registration expiration date is changed, the board shall prorate renewal fees on a monthly basis so that each certificate holder pays only that portion of the registration fee that is allocable to the number of months during which the certificate is valid. On renewal of the certificate of registration on the new expiration date, the total registration renewal fee is payable.

Section 1051.353. PROCEDURE FOR RENEWAL. (a) A person may renew an unexpired certificate of registration by submitting proof satisfactory to the board of compliance with the board's continuing education requirement.

(b) A person whose certificate of registration has been expired for 90 days or less may renew the certificate by paying to the board a renewal fee that is equal to 1-1/2 times the normally required renewal fee.

(c) A person whose certificate of registration has been expired for more than 90 days but less than two years may renew the certificate by paying to the board a renewal fee equal to two times the normally required renewal fee.

(d) A person whose certificate of registration has been expired for two years or more may not renew the certificate. The person may obtain a new certificate of registration by complying with the requirements and procedures, including the examination requirements, for obtaining an original certificate.

(e) A person who was registered in this state, moved to another state, and is currently licensed or registered and has been in practice in the other state for the two years preceding the date of the application may obtain a new certificate of registration without reexamination.

The person must pay to the board a fee that is equal to two times the normally required renewal fee for the certificate of registration.

Section 1051.651. FEES. (a) The board may set a fee for a board action involving an administrative expense in an amount that is reasonable and necessary to cover the cost of administering this chapter, unless the amount of the fee is set by this chapter or by the General Appropriations Act.

(b) The board shall set the required renewal fee for:

(1) a resident of this state in an amount that is equal to the sum of:

(A) the amount determined by the board as reasonable and necessary to cover administrative costs; and

(B) an amount determined annually by the board as reasonable and necessary for the administration of the examination fee scholarship program under Section 1051.653; and

(2) nonresidents in an amount determined by the board.

(c) The board may accept payment of a fee by electronic means. The board may charge a fee to process the payment made by electronic means. The board shall set the processing fee in an amount that is reasonably related to the expense incurred by the board in processing the payment made by electronic means, not to exceed five percent of the amount of the fee for which the payment is made.

(d) A fee set by the board under this section may not be used for the purpose of earning additional revenue for the board.

Section 1051.701. REGISTRATION REQUIRED. (a) A person may not engage in the practice of architecture, or offer or attempt to engage in the practice of architecture, as defined in Section 1051.001(7)(A), (B), or (C) unless the person is registered as an architect under this chapter.

(b) A firm, partnership, corporation, or association, including a firm, partnership, corporation, or joint stock association engaged in the practice of engineering under Section 1001.405, may engage in the practice of architecture, represent to the public that the entity is engaged in the practice of architecture or is offering architectural services, or use the word "architect" or "architecture" in any manner in its name only if any practice of architecture or architectural service performed on behalf of the entity is performed by or through a person registered as an architect under this chapter.

Section 311.005. GENERAL DEFINITIONS. The following definitions apply unless the statute or context in which the word or phrase is used requires a different definition:

[Subsection (1) omitted.]

(2) "Person" includes corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

[Subsequent Subsections omitted.]

Summary
Rule 5.201

Approved Education and Experience for Interior Design Examination

Current Rule

Section 5.201 specifies the education and corresponding experience for varying degrees of education necessary for an applicant to sit for the National Council of Interior Design Qualifications examination. TBAE recently adopted a series of amendments to other rules to eliminate grandfather provisions which allowed an applicant to sit for the examination with varying degrees of education and experience depending upon the date the applicant commenced his or her interior design education and experience. Pursuant to the recently passed amendments, an applicant who applies after September 1, 2011, must have a degree in interior design and must have specified experience.

Section 5.201 was not amended when TBAE eliminated the grandfather provisions.

Committee Amendment

The amendment repeals provisions of Section 5.201 which reference pre-existing grandfather provisions which were recently repealed. The amendment conforms Section 5.201 to the recent changes to Section 5.31.

1 5.201 DESCRIPTION OF APPROVED EDUCATION FOR REGISTRATION BY EXAMINATION
 2 (a) Pursuant to §5.31 of this title (relating to Registration by Examination,) an Applicant
 3 must successfully demonstrate that he/she has approved Interior Design education and
 4 experience in accordance with the following table. An Applicant for Interior Design
 5 registration by examination who enrolls in an Interior Design educational program after
 6 September 1, 2006, must graduate from a program described in ID-1:

Approved Education		Minimum Experience Required
ID-1 (Per Rule 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 Rule 5.31(a)(2))	A doctorate, master's degree, or baccalaureate degree in interior design from a degree program that does not satisfy the requirements of category ID-1	3 years
ID-3 (Per Rule 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 Rule 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 ½ years

ID-5 (Per Rule 5.31(a)(5))	An associate's degree in interior design from an institution accredited by an agency recognized by THECB plus credit for the equivalent of at least sixty (60) semester credit hours toward any baccalaureate degree	6 years under the direct supervision of a registered interior designer or a registered architect
ID-6 (Per Rule 5.31(a)(6))	Completion of a CIDA-accredited pre-professional assistant level program plus credit for the equivalent of at least sixty (60) semester credit hours toward any baccalaureate degree	4 years under the direct supervision of a registered interior designer or a registered architect

- 1 **(b) An Applicant may not earn credit in more than one of categories ID-1 through ID-6 4.**
- 2 **(c) — In order to earn credit in category ID-5 or ID-6, an Applicant must complete all**
- 3 **requirements described in that category, including the experiential requirements, and**
- 4 **apply for registration by examination on or before August 31, 2010.**

**Registered Interior Design Education Prerequisites
Enabling Legislation**

Section 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.

Section 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:

- (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.

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:	TBAE # 044-11N / SOAH #459-11-4646
Respondent:	Dwight Norton and Fountainhead Co., LLC
Location of Respondent:	Folsom, CA
Nature of Violation:	Illegal Practice of Architecture and Title Violations
Instrument:	Proposal for Decision Issued by ALJ on August 2,
2011	

This matter will be presented to the Board to accept, reject or accept with modifications a Proposal for Decision (PFD) issued by an Administrative Law Judge on August 2, 2011 from the State Office of Administrative Hearings. The Executive Director recommends adoption of this PFD as issued.

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: 122-11A
Respondent: Arthur Andersson
Location of Respondent: Austin, Texas
Date of Complaint Received: July 20, 2011
Instrument: Report and Notice of Violation

Findings:

- Arthur Andersson (“Respondent”) has been registered to engage in the practice of architecture since 1990.
- During the period of August 1, 2009 through July 18, 2011, Respondent’s Texas architectural registration was expired due to his failure to take necessary steps to renew it.
- During this period of time Respondent provided architectural services on at least 11 separate occasions by participating in client conversations and providing architectural advice. Another firm architect participated in those conversations and Respondent did not seal any architectural plans or specifications during this period.
- Respondent is currently in good standing and has assisted and cooperated in this investigation. His conduct did not place the citizens of Texas at risk of injury.

Applicable Statutory Provisions and Rules:

- A person whose architectural certificate of registration has expired may not engage in activities which require registration as an architect until the certificate of registration has been renewed. TEX. OCC. CODE ANN. § 1051.351(a)(West 2004 & Supp. 2009); Board rule 1.82(b)
- The Board may impose an administrative penalty upon a person who engages in conduct which violates the Architects’ Practice Act or Board rules. TEX. OCC. CODE ANN § 1051.451.
- Respondent’s conduct constitutes a ‘moderate’ violation of Board rules. Board rule 1.177(1)(A)(ii)

Action Recommended by Executive Director:

- Based upon the nature of Respondent’s activities, his acceptance of responsibility and cooperation during the investigation, and other facts set forth in tin the Report and Notice of Violation the Executive Director recommends, and Respondent is prepared to accept, imposition of an administrative penalty in the sum of \$5,500 to be paid within 30 (thirty) days of the Board’s issuance of its Final Order.

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: TBAE Case No. 211-09N; SOAH Docket #459-11-8747
Respondent: James T. Hart
Location of Respondent: Houston, TX
Instrument: Report and Notice of Violation

Findings:

- James T. Hart (hereafter “Respondent”) has never been registered to engage in the practice of architecture.
- In July 2008, Respondent prepared three sheets of architectural plans and specifications for a church.

Applicable Statutory Provisions and Rules:

- A person may not offer to provide or provide architectural services unless that person is registered as an architect or is performing work which falls within one of the statutory exemptions. Tex. Occ. Code §§1051.701, 1051.606.
- A church of any size is a nonexempt structure which may not have architectural plans and specifications prepared by anyone other than a registered architect.

Action Recommended by Executive Director:

- The Executive Director recommends, and Respondent has agreed to, an administrative penalty of **\$1,500.00**. (During the investigation of this case, it was determined that Respondent’s sole source of income is derived from social security benefits.)
- The Executive Director also recommends, and the Respondent has agreed to, accept the issuance of a cease-and-desist Order which prohibits Respondent from offering to provide or providing architectural services unless he (i) works within the exemptions contained in Tex. Occ. Code 1051.606, or, (ii) he becomes registered as an architect with the Board or (iii) he works under the “supervision and control” of an architect or under the “direct supervision” of an architect as those terms are defined by Board rule 1.5.

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: 130-11L
Respondent: Shawn William Massock
Location of Respondent: August, Texas
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Shawn William Massock (hereafter "Respondent") is registered as a landscape architect in Texas with registration number 78732.
- On May 17, 2010, he was notified that he was being audited for compliance with the continuing education requirements for the audit period of May 1, 2010 through April 30, 2011.
- On June 17, 2010, he submitted his CEPH Log, but no supporting documentation for the period of May 1, 2010 through April 30, 2011. In his submission of materials, he stated that he did not have any course completion certificates for this time period.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of May 1, 2010 through April 30, 2011, Respondent violated Board rule 3.69(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is \$500.00.

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number: 129-11A
Respondent: Anthony G. Rohr
Location of Respondent: Kansas City, MO
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Anthony G. Rohr (hereafter "Respondent") is registered as an architect in Texas with registration number 18258.
- Based upon the results of a random continuing education audit it was determined that Respondent failed to complete his continuing education requirements for the audit period of December 1, 2009 through November 30, 2010.
- In addition to completing the required continuing education hours outside of the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his architectural registration.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to a written request for information.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number: 116-11N
Respondent: Richard Schmidt d/b/a Schmidt Design, Inc.
Location of Respondent: Oak Park, IL
Date of Complaint Received: June 10, 2011
Instrument: Report and Notice of Violation

Findings:

- Richard Schmidt d/b/a Schmidt Design, Inc. (Respondent) is not, and never has been, registered to engage in the practice of architecture.
- On March 14, 2011 and March 18, 2011, Respondent submitted proposals for architectural services for a project identified as "Paradise 4 Paws," to be located at 3010 North Airfield Drive, in Dallas, Texas, prior to obtaining reciprocal architectural licensure in Texas.

Statutory Provisions and Rules:

- A person may not engage in the practice of architecture, unless he or she is registered with the Board. TEX. OCC. CODE ANN. §§1051.701, 1051.752 , 1051.801 (West 2004 and Supp. 2008).
- The Board may impose an administrative penalty upon a nonregistrant who violates the Architects' Practice Act such as Respondent. TEX. OCC. CODE ANN §1051.451, *et seq.* (West 2004 & Supp. 2008).

Action Recommended by Executive Director:

- Based upon the facts of this case and Respondent's full cooperation in the investigation, the Executive Director recommends and Respondent is prepared to accept, the imposition of a total administrative penalty in the sum of **\$1,000.00**, i.e., \$500.00 per violation.