

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda

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

333 Guadalupe Street

Austin, Texas

Wednesday, October 17, 2012

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 23, 2012 Board Meeting Minutes (Action)

Alfred Vidaurri

3. Executive Director Report (Information)

Cathy Hendricks

- A. Operating Budget - Presentation on FY2012 end-of-year expenditures/revenue
- B. Trend Analysis Presentation:
 - Operating Budget/Scholarship Enforcement
 - Registration
 - Communications
- C. Outreach Program Update
- D. Electronic Credit Card Payment

Report on conferences and meetings (Information)

- A. 2012 CLARB Board of Directors/Annual Meetings – Sep 5-8
- B. HB2284 Taskforce Meeting (TBAE/TBPE) – Sep 25
- C. 2012 LRGV-AIA Building Communities Conference – Sep 28-29

4. Board Review and Response to the Sunset Advisory Commission Recommendations (Action)

Cathy Hendricks

5. Report on the Rules Committee (Action)

Brandon Pinson
Scott Gibson

Pending Approval of the Rules Committee, Consider for Proposal the following Potential Committee Recommendations:

- A. Readopt Chapters 1, 3, and 5 relating to the regulation of the practices of architects, landscape architects and registered interior designers , except as follows:
 - I. Repeal Rules 1.63/3.63/5.73 relating to the replacement of certificates of registration
 - II. Amend Rule 1.67 relating to emeritus status, making

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda

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

333 Guadalupe Street

Austin, Texas

Wednesday, October 17, 2012

9:00 a.m.

- defined terms upper-case
- III. Amend Rules 1.142/3.142/5.152 to revise the definition of the term “gross incompetence” to include reference to the circumstances of the specific conduct at issue
- IV. Amend Rule 1.143 to include code violations within the description and prohibition upon recklessness in the practice of architecture
- V. Amend Rule 1.144/3.144/5.154 to repeal requirements that Board registrants publish registration numbers in certain advertising
- VI. Repeal Rules 1.152/3.152/5.161 prohibiting Board registrants from maliciously injuring the professional reputation of another
- VII. Amend Rule 1.174 relating to the complaint process against architects, requiring greater participation of complainants in investigations
- VIII. Amend Rule 1.175 to allow evaluation of evidence against an architect by an expert witness who is not an architect prior to filing a case against the architect at the State Office of Administrative Hearings
- IX. Amend Rules 1.177/3.177/5.187 relating to the administrative penalty schedule to correct a technical error
- B. Readopt Chapter 7, relating to the administration of the Texas Board of Architectural Examiners, except as follows:
 - Amend Rule 7.10, relating to administrative fees to correct a technical error and repeal an obsolete administrative fee

6. Consider and Act on Landscape Architecture Education Accreditation Requirements (Action)

Diane Steinbrueck

7. Enforcement Cases (Action)
Review and possibly adopt ED’s recommendation in the following enforcement cases:

Michael Shirk

A. Continuing Education Cases:

Adams, Joseph H. (#233-12A)

Atwood, Robert O. (#249-12L)

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda

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

333 Guadalupe Street

Austin, Texas

Wednesday, October 17, 2012

9:00 a.m.

Campbell, David G. (#006-13A)

Croft, Brent E. (#235-12L)

Dykes, Tim L. (#237-12A)

Gabriel, Michael (#243-12A)

Hibbs, Richard A. (#254-12A)

Joy, Rick (#257-12A)

Lew, Dick H. (#248-12A)

Marusak, Jean Marie (#234-12A)

Reynolds, Nicolett (#238-12I)

Riffey, Brenda L. (#223-12I)

Weintraub, Lee (#236-12A)

B. TDLR Case:

Gomez, Rudolph V. (#184-12A)

C. Makover v. TBAE, Dismissal of the Appeal of the Final Board order of October 30, 2010

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

- | | |
|--|--------------------------------------|
| 8. Architecture/Engineering Taskforce Update (<i>Information</i>) | Chuck Anastos
Scott Gibson |
| 9. Board Election (<i>Action</i>)
Board Vice-Chair and Secretary/Treasurer
Board Committee Assignments (<i>Action</i>)
Executive and Rules Committees | Alfred Vidaurri |
| 10. NCARB Chief Executive Officer Question & Answer Session
(<i>Information</i>) | Alfred Vidaurri
Michael Armstrong |
| 11. Upcoming Board Meeting
January 31, 2012 | Alfred Vidaurri |
| 12. Chair's Closing Remarks | Alfred Vidaurri |
| 13. Adjournment | Alfred Vidaurri |

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda

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

333 Guadalupe Street

Austin, Texas

Wednesday, October 17, 2012

9:00 a.m.

NOTE:

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

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

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

FREQUENTLY USED ACRONYMS

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
CLARB	Council of Landscape Architectural Registration Boards
IDCEC	Interior Design Continuing Education Council
IDEC	Interior Design Educators Council
IDEP	Interior Design Experience Program
IDP	Intern Development Program
IIDA	International Interior Design Association
LARE	Landscape Architect Registration Examination
NAAB	National Architectural Accreditation Board
NCARB	National Council of Architectural Registration Boards
NCIDQ	National Council for Interior Design Qualification
TAID	Texas Association for Interior Design
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 23, 2012 Board Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street
Tower II2, Conference Room 2-225
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 9:02 a.m.

B. Roll Call

Vice-Chair, Chuck Anastos, called the roll.

Present

Alfred Vidaurri, Jr.	Chair
Charles H. (Chuck) Anastos	Vice-Chair
Bert Mijares, Jr.	Member
Brandon Pinson	Member
Diane Steinbrueck	Member (arrived @ 9:10 a.m.)
Debra Dockery	Member
Sonya Odell	Member

C. Excused and unexcused absences

Chase Bearden (excused) and Paula Miller (excused)

D. Determination of a quorum

A quorum was present.

TBAE Staff Present

Cathy L. Hendricks	Executive Director
Scott Gibson	General Counsel
Glenda Best	Executive Administration Manager
Katherine Crain	Legal Assistant
Glenn Garry	Communications Manager
Mary Helmcamp	Registration Manager
Ken Liles	Finance Manager
Julio Martinez	Network Specialist
Michael Shirk	Managing Litigator
Jack Stamps	Managing Investigator

E. Recognition of Guests

Guests were as follows: Ted Ross, Assistant Attorney General, Donna Vining, Executive Director for Texas Association for Interior Design, David Lancaster, Texas Society of Architects, Joe Walraven, Assistant Director, Sunset Advisory Commission, Carrie Holley-Hurt, Policy Analyst, Sunset Advisory Commission 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. The Chair stated he has been reading an intriguing

book entitled "Drive" by Daniel Pink about what motivates people. He said the premise of the book is that there are different ways people are energized to act upon things. Some people have an internal drive and some are motivated by external rewards and motivations. As the Chair reflected upon the eight years he has served on the Board and worked with all the different members who have come and gone, it has been interesting to see the different ways they were motivated. And how all those members with different drives always kept in mind the overarching motivation of the Board to protect the health, safety and welfare of the public.

G. Public Comment

Jeri Morey, architect from Corpus Christi, approached the Board and stated that she had read the last set of minutes and noted that an engineer seeking placement on the exempt engineer list was rejected because he misclassified a multi-purpose room resulting in a project design with inadequate fire protection. She stated she had filed a report in 2007 in which she had found an architect had done the same thing and would like to make that portion of her report a formal complaint against that architect.

2. Approval of Minutes

A. May 17, 2012 Board Meeting

A MOTION WAS MADE AND SECONDED (Anastos/Pinson) TO APPROVE THE MAY 17, 2012, BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

B. May 18, 2012 Board Member Training Meeting

A MOTION WAS MADE AND SECONDED (Pinson/Anastos) TO APPROVE THE MAY 18, 2012 BOARD MEMBER TRAINING MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

3. Confer with legal counsel regarding recent developments in pending litigation in the cases

A. *TSPE and Winton v. TBAE and Cathy L. Hendricks in her official capacity as Executive Director*

B. *Richardson, Rogers, and Winton vs. TBAE*

At 9:11 a.m., the Board convened in closed session, pursuant to Section 551.071(1), Government Code, to confer with legal counsel on pending litigation and proposed settlement of pending litigation. The Chair adjourned the closed session at 10:00 a.m. The Board adjourned closed session at 9:55 a.m.

The Board reconvened in an open meeting at 9:55 a.m.

The Chair reported that the other side had withdrawn its appeal in the case *TSPE v. TBAE*. At its last meeting, the Board approved a proposed settlement of both cases. With the withdrawal of the appeal, the amendment of rules, and other implementation of recent legislation, there are no longer any viable issues to litigate or to settle. The terms of a proposed settlement have been met independent of settlement.

A MOTION WAS MADE AND SECONDED (Dockery/Mijares) TO RESCIND THE PROPOSED SETTLEMENT AGREEMENT APPROVED AT THE LAST BOARD MEETING. THE MOTION PASSED UNANIMOUSLY.

The Board recessed at 10:00 a.m. and reconvened at 10:10 a.m.

4. Presentation of Budget and Strategic Plan

A. Presentation of FISCAL YEAR 2012 end-of-year expenditures/revenue

The Executive Director gave a presentation of the end-of-year expenditures and revenue and stated that the total actual revenue is currently at 97.7% of the amount budgeted for the fiscal year. The Executive Director outlined variations between actual and budgeted revenue and expenditures and gave a brief explanation of the cause of the variations.

Presentation of FISCAL YEAR 2013 proposed budget for consideration of the Board
The Executive Director explained that the Executive Committee had reviewed the staff proposed 2013 budget and directed modifications to it. The Chair outlined the changes made by the Committee report. The Committee added \$100,000 in expenditures for the agency to employ an information resource manager, \$3,000 cover the cost of public outreach to building officials on recent legislation, and \$18,000 to enhance staff training. The method of finance for the added expenditures is from the fund balance. The Board discussed cost-savings that could be realized by holding paperless meetings with materials in electronic format. The Board directed staff to prepare materials for the next meeting in electronic format only.

The Board also discussed the cost to the agency to cover the fee charged by credit card companies to process charges made through the agency's Web site. The Executive Director reported that the Department of Information Resources issued a directive to agencies which prohibited them from recovering that cost from end users. The Executive Director noted that the agency has realized cost-savings through electronic payments in lieu of using the resources necessary to process checks. The Chair asked staff to present to the Board annually the amount of this cost is and the percentage of registrants who renew online and the trends of the cost over time.

The Executive Director stated the agency's self-evaluation report to the Sunset Commission proposed transferring enforcement penalties to the General Revenue fund in accordance with the Sunset Model Law which ensures agencies do not actually or appear to impose penalties for improper purposes. If adopted by the Sunset Commission, the transfer would have a fiscal impact beginning in fiscal year 2014. The Board deliberated on the potential effect of the proposal.

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO APPROVE THE FISCAL YEAR 2013 BUDGET AS REPORTED BY THE EXECUTIVE COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

The Executive Director briefed the Board on the architectural scholarship fund. At the start of fiscal year 2012 the fund balance was \$191,681. During the year \$27,500 was expended from the fund. At the end of the year it is projected that the fund balance will be \$164,181. The Executive Director covered the history of the fund from its enactment and the method of finance for the fund over the years. The cost of the Architectural Registration Examination has gone up over the life of the fund but there is a statutory cap on the amount the agency can pay to each scholarship recipient. The Board discussed possible modifications to the fund during the

upcoming legislative session. The Chair delegated discussion of the scholarship fund the Board's Executive Committee to consider trends regarding the number of scholarships awarded from the fund, re-imposing the surcharge on registration renewals to increase the balance of the fund, and making the surcharge voluntary. Ms. Steinbrueck asked that the Committee also consider expanding the fund to provide financial assistance to landscape architect and interior design candidates for registration.

B. FISCAL YEAR 2013-2017 Strategic Plan for approval

The Executive Director made a presentation of the 2013-2017 Strategic Plan for the agency which she explained is required by all agencies every 2 years. The proposed strategic plan includes the agency's revised performance measures which were evaluated and approved by a third party vendor. The measures are accurate and valid.

A MOTION WAS MADE AND SECONDED (Anastos/Odell) TO APPROVE THE 2013-2017 STRATEGIC PLAN. THE MOTION PASSED UNANIMOUSLY.

The Chair directed the Board to skip to item number 9.

9. Report on conferences and meetings

A. NCARB Annual Meeting, June 20-23, Minneapolis, MN

The Chair, Mr. Mijares, Ms. Dockery and the Executive Director attended this meeting. Ms. Dockery stated she attended the new member orientation and break-out sessions. She reported there is an emphasis on NCARB renewing its relationship with AIA and NAAB. Mr. Mijares reported that he was disappointed in the amount of information provided in the CEO report, a general lack of meaningful information conveyed at the meeting and a lack of effort to expedite the Intern Development Program which, on average, takes five years to complete. The Chair reported that NCARB has put a lot of work into information technology systems and has mined data for statistical and demographic data. Each attendee received a copy of a book on the statistics and demographics of architectural candidates and examinees. He reported that the data reveals that it is a myth that it takes 10 years to get licensed. On average it takes only 7 years. Also, in the 1990's roughly 10 percent of the people who sat for the Architectural Registration Examination were women and now 40 percent of examinees are women. The Chair reported next year the Southern region will celebrate its 50th anniversary at its meeting in Charleston, South Carolina. The Chair serves as Vice Chair of the region and might become Chair. Ms. Dockery asked if the practice analysis has been released. The Chair reported that the information has been gathered and the Council and NAAB are evaluating survey results but nothing has been published yet.

B. METROCON12 Expo & Conference, August 9-10, Dallas, TX

The Executive Director gave a presentation on the conference and stated that it was a huge success. The classes presented on continuing education were both sold out. In addition to the Executive Director, a number of agency staff attended the conference, made a presentation and distributed information from the agency's information booth. Ms. Odell and former Board member Ms. Vassberg also were in attendance at the conference. Ms. Odell reported there was a cross section of both interior designers and architects present. Ms. Odell reported the agency's presentations were good and very well-attended.

10. Approval of the Proposed 2013 Board Meeting Dates

The Board approved the following dates for next year's Board meetings:

January 31, 2013

June 13, 2013

August 22, 2013

October 24, 2013

The Board took a lunch break at 12:05 p.m. and reconvened at 1:03 p.m.

The Chair requested the Board direct its attention to item number 6.

6. General Counsel Report

A. Consideration of public comment and possible adoption of proposed amendments to rules 1.210, 1.211, 1.212, 1.214 and 1.217 relating to the requirement for an architect to design and observe the construction of certain buildings

The General Counsel gave the Board the background regarding the reasons for amending these rules and stated that they were amended to incorporate provisions of House Bill 2284. They were published for 30 days in the Texas Register and the agency received no public comments.

A MOTION WAS MADE AND SECONDED (Steinbrueck/Anastos) TO ADD THE WORDS "LISTED AS" ON PAGE 46 AT LINE 19 TO READ AS FOLLOWS:

'(e) Licensed professional engineers who are listed as permitted to engage in the practice of architecture pursuant to Section 1051.607, Texas Occupations Code, are not restricted from preparing any architectural plans and specifications described in this subchapter.' THE MOTION PASSED UNANIMOUSLY.

WITHOUT OBJECTION, THE BOARD ADDED THE WORD "REGISTERED" BEFORE THE TERM "INTERIOR DESIGN" IN THE EXEMPTION SUBSECTION IN RULE 1.210. THE MOTION PASSED WITH UNANIMOUS CONSENT.

A MOTION WAS MADE AND SECONDED (Anastos/Pinson) TO ADOPT, AS AMENDED, THE PROPOSED AMENDMENTS TO 1.210, 1.211, 1.212, 1.214 AND 1.217 RELATING TO THE REQUIREMENT FOR AN ARCHITECT TO DESIGN AND OBSERVE THE CONSTRUCTION OF CERTAIN BUILDINGS. THE MOTION PASSED UNANIMOUSLY.

B. Consideration of public comment and possible adoption of proposed amendments to rules 1.5, 3.5 and 5.5 defining the term "sole practitioner" for purposes of business registration rules. The agency received no public comment.

A MOTION WAS MADE AND SECONDED (Pinson/Anastos) TO ADOPT THE PROPOSED AMENDMENTS TO RULES 1.5, 3.5 AND 5.5 DEFINING THE TERM "SOLE PRACTITIONER" FOR PURPOSES OF BUSINESS REGISTRATION RULES. THE MOTION PASSED UNANIMOUSLY.

C. Consideration of public comment and possible adoption of proposed amendment to rule 3.69 increasing continuing education requirements for landscape architects. The Chair inquired about the meaning of the term "structured study" as used in the Rule. Ms. Helmcamp, the agency's Registration Manager, explained it is classroom instruction or online class instruction with an examination upon completing the class.

A MOTION WAS MADE AND SECONDED (Steinbrueck/Mijares) TO ADOPT THE PROPOSED AMENDMENT TO RULE 3.69 INCREASING CONTINUING

EDUCATION REQUIREMENTS FOR LANDSCAPE ARCHITECTS FROM EIGHT HOURS TO 12 HOURS. A MOTION PASSED UNANIMOUSLY.

5. Executive Director Report

A. Update on Sunset Review

The Executive Director stated that the Communications Manager was serving as the agency's primary contact with Sunset staff during the agency's Sunset Review. The agency has provided information on agency operations over the past 15 years. Sunset staff has received public input and met with the agency's licensees. Sunset staff will prepare a report in early to mid-October. In mid-October Sunset staff will issue a final staff report. In November the report will be presented to the Sunset Commission at a hearing. Sunset has requested that as many Board members as possible attend the hearing. The Commission will make decisions on the staff recommendations and a bill will be filed during the legislative session beginning in January. She stated the agency has encouraged stakeholders to give their input to the Sunset Commission. The Chair asked Board members to note the prospective scheduled hearing dates of November 13-14 and to attend.

The Board took a recess at 1:53 p.m. and reconvened at 2:07 p.m.

7. Architecture/Engineering Task Force Update

Mr. Anastos briefed the Board regarding the meeting of the Task Force. The Task Force met on June 12, 2012, in San Antonio. The Task Force is made up of six members, two members each from TBAE and TBPE and a practicing architect and a practicing engineer who are not members of either Board. The first meeting's primary purpose was to set out rules by which the Task Force could operate and elect chairs to preside over alternating meetings. Dan Hart was elected as Chair from the architectural side and Gary Raba was elected Chair from the professional engineering side. The Task Force was created to address issues arising from the implementation of House Bill 2284. The Task Force addressed the following issues: (1) the design of industrial plans or an engineering work with some occupancy, referred to as "mixed-use" projects; (2) the meaning of the term "simple foundations" as used in HB2284; (3) the design of surface drainage which is designed by landscape architects and architects but an engineer is required for drainage across more than one site; (4) door, window, and hardware schedules; (5) the design of roofing; and (6) cross-section of buildings. The next meeting is scheduled for September 25, 2012 at TBPE's office.

8. Enforcement Cases

Review and possibly adopt the Executive Director's recommendations to resolve the following enforcement cases. The Executive Director's recommendations are to resolve the following cases in accordance with agreements reached with the Respondents. The Chair recognized Mr. Shirk, the Managing Litigator, to present the enforcement cases.

A. Continuing Education Cases

A MOTION WAS MADE AND SECONDED (Pinson/Anastos) THAT THE BOARD APPROVE THE EXECUTIVE DIRECTOR'S PROPOSED AGREED SETTLEMENTS OF THE FOLLOWING CASES:

Atkins, Jack Alan (#207-12A)
Burt, John Vincent (#224-12A)
Butler, Frank Arthur (#209-12A)
Flemons, Jerry Brent (#169-12A)
Guedry, Timothy P. (#213-12A)
Hodgkins, Robbin G. (#173-12A)
Hooper, Glenn P. (#215-12A)
Hunt, Eugene Lee (#227-12A)
Levrier, Fulgencio (#210-12I)
Phares, Stephanie M. (#160-12I)
Pickens, David Jackson (#222-12A)
Rogers, Sandra (#212-12I)
Solomon, Phillip R. (#206-12L)
Wilson, Peter R. (#216-12A)

THE MOTION PASSED UNANIMOUSLY.

B. CASES INVOLVING TDLR VIOLATIONS:

Shepherd, Phillip (#197-12A)

Respondent failed to file plans for accessibility review within 20 days after the plans were issued. The plans were filed approximately four months late. Ms. Dockery had questions regarding Respondent's previous violations. She noted Respondent has been sanctioned three times for the same type of violation. Mr. Shirk noted that the agency took his history into account in negotiating the amount of the penalty in the proposed agreed settlement. It elevated the case to a moderate violation. He noted that the period of time which had passed since the prior violations was also considered. Ms. Dockery questioned the amount of the penalty in light of his history of sanctions for this violation. Mr. Shirk stated that the highest penalty that could be assessed would be \$3,000.00. Mr. Anastos questioned what other sanctions could be imposed upon the Respondent.

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO APPROVE THE EXECUTIVE DIRECTOR'S RECOMMENDATION TO IMPOSE A \$2,500 ADMINISTRATIVE PENALTY IN CASE NUMBER 197-12A AND TO ALSO ORDER RESPONDENT TO ATTEND THE ENTIRE ACCESSIBILITY COURSE OFFERED BY TDLR AND TO COMPLETE THE COURSE OFFERED ONLINE BY TBAE REGARDING ITS RULES WITHIN 120 DAYS. THE MOTION PASSED UNANIMOUSLY.

12. Approval of Resolution Honoring

Steve Franz

The Chair read the Resolution into the record honoring TBAE employee, Steve Franz, for his past 31 years of service for the State of Texas and, in particular, the last four and one-half years of TBAE service and congratulating him upon his retirement.

The Chair directed the Board back to item number 10.

10. Executive Committee Report

- A. Report on findings based upon Executive Director's performance evaluation
- B. Consider and possibly act upon recommended Executive Director's personnel action

The Chair explained that this part of the meeting must be convened in a closed session unless the Executive Director elects to have her performance evaluation considered in an open meeting. The Executive Director stated that she had no objection to deliberation of her review in open meeting. The Chair stated that the Executive Committee met on July 30, 2012 for the Executive Director's annual review. There are three major parts of the review and they are as follows: (1) core competencies – 11 areas reviewed which equals 60% of the evaluation; (2) five goals that the committee set last year represents 25% of the review; and (3) training goals established by the committee which make up 15% of the review. The Executive Committee's report scored the Executive Director high scores across the board and is recommending a 6% merit increase to take effect September 1, 2012.

A MOTION WAS MADE (Odell/Pinson) TO ADOPT THE COMMITTEE REPORT AND TO AWARD A 6 PERCENT MERIT INCREASE IN SALARY FOR THE EXECUTIVE DIRECTOR EFFECTIVE SEPTEMBER 1, 2012. THE MOTION PASSED UNANIMOUSLY.

Ms. Steinbrueck suggested that all Board members have the opportunity to fill out the review and then present those to the Committee for recommendation. The Chair noted this suggestion and will incorporate it into future annual reviews for the Executive Director. Ms. Dockery suggested all Board members need not complete the form but should have narrative input in the evaluation. The Executive Director was directed to modify the evaluation process to ensure all Board members have input in the evaluation.

13. Upcoming Board Meeting

The Board's next meeting is on October 17, 2012. The Chair informed the Board that Michael J. Armstrong, the CEO of NCARB, will attend the meeting of the Board in October and he will address the Board. The Chair asked the Board members to let him know of any questions or issues any of them would like Mr. Armstrong to address. Board members suggested some topics for Mr. Armstrong to address. The Chair asked Board members to let him know of any others before the next meeting.

15. Adjournment

A MOTION WAS MADE AND SECONDED (Pinson/Anastos) TO ADJOURN THE MEETING AT 3:00 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 2012 BUDGET

	FY 2012 Approved Budget	FY 2012 Actual Rev. and Exp. Sept 1, 2011--- Aug. 31, 2012	FY 2012 Actual Rev. Earned & Exp. as a Percentage
Total Beginning Fund Balance	1,929,213.90		
Revenues:			
Licenses & Fees	2,499,707.00	2,521,305.00	100.86%
Enforcement Penalties	92,153.00	67,180.00	72.90%
Late Fee Payments	229,816.00	213,375.00	92.85%
Other	2,000.00	7,116.39	355.82%
Interest	12,000.00	3,046.47	25.39%
<i>Draw on Fund Balance</i>	50,000.00		0.00%
Total Revenues	2,885,676.00	2,812,022.86	97.45%
Expenditures:			
Salaries and Wages	1,432,654.93	1,386,976.80	96.81%
Payroll Related costs	361,768.08	365,273.79	100.97%
Professional Fees & Services	52,486.20	47,771.10	91.02%
Travel			
Board Travel	40,008.11	32,100.91	80.24%
Staff Travel	31,980.22	26,260.02	82.11%
Office Supplies	19,355.49	10,899.39	56.31%
Postage	23,217.66	15,875.60	68.38%
Communication and Utilities	19,907.00	14,234.14	71.50%
Repairs and Maintenance	4,545.00	859.29	18.91%
Office Rental and Equipment Leases	60,907.50	60,059.00	98.61%
Printing	15,676.00	5,798.66	36.99%
Operating Expenditures	54,200.16	55,595.26	102.57%
Conference Registration Fees	8,561.35	5,491.66	64.14%
Membership Dues	20,069.30	19,745.00	98.38%
Fees for Receiving Electronic Payments	98,000.00	108,038.97	110.24%
Staff Training	27,000.00	24,360.02	90.22%
SWCAP Payment	55,339.00	76,609.00	138.44%
Payment to GR	510,000.00	510,000.00	100.00%
Exceptional Items: IT Upgrades in 2013	50,000.00	45,680.02	91.36%
Total Expenditures	2,885,676.00	2,811,628.63	97.43%
Excess/(Deficiency) of Rev over Exp.	0.00	394.23	
* Funding for 6 months	1,442,838.00		
Ending Fund Balance	486,375.90		

TEXAS BOARD OF ARCHITECTURAL EXAMINERS - FISCAL YEAR 2012 BUDGET SCHOLARSHIP FUND

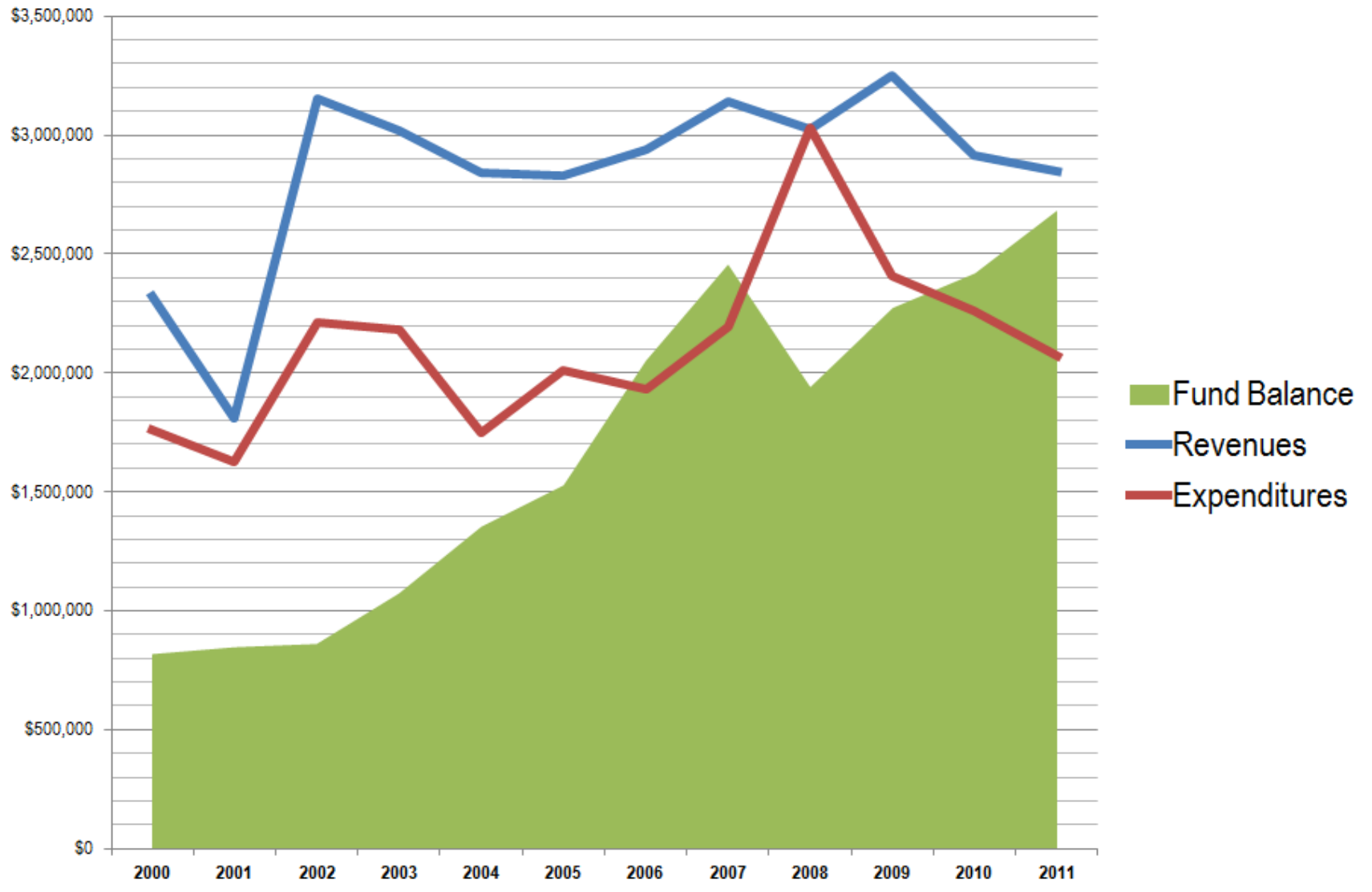
	FY 2012 Budget	FY 2012 Actual Expenditures Sept 1, 2011---August 31, 2012	FY 2012 Remaining Budget
Total Beginning Scholarship Fund Balance	191,681.00	191,681.00	164,181.00
Expenditures:			
Operating Expenditures-Scholarship Payments		27,500.00	-
Total Expenditures		27,500.00	-
Excess/(Deficiency) of Rev over Exp.	191,681.00	164,181.00	-
Ending Reserve Fund Balance	191,681.00	164,181.00	164,181.00

Number of Scholarships Awarded

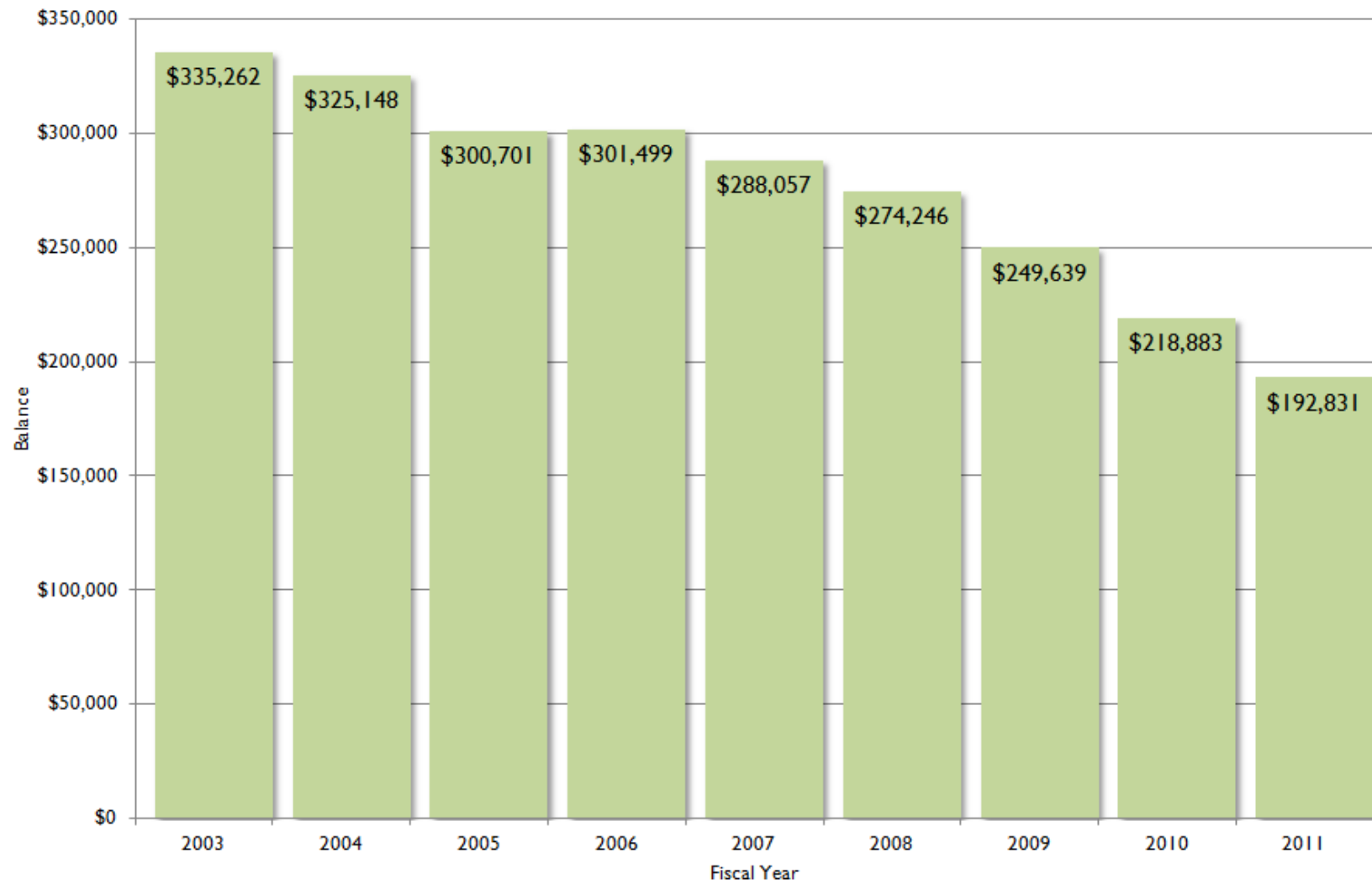
55

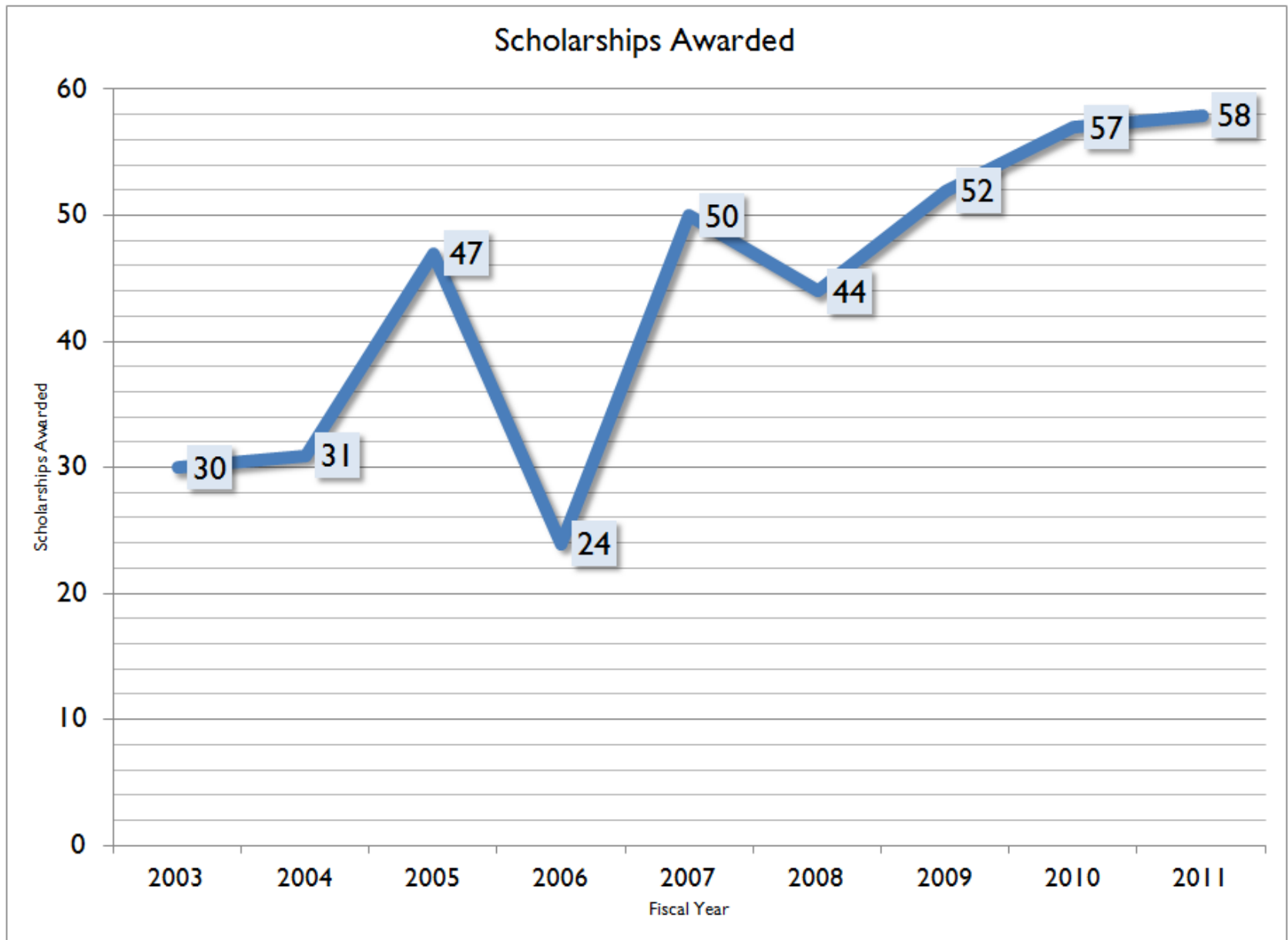
Frequency per Fiscal Year----January 31, May 31, and September 30

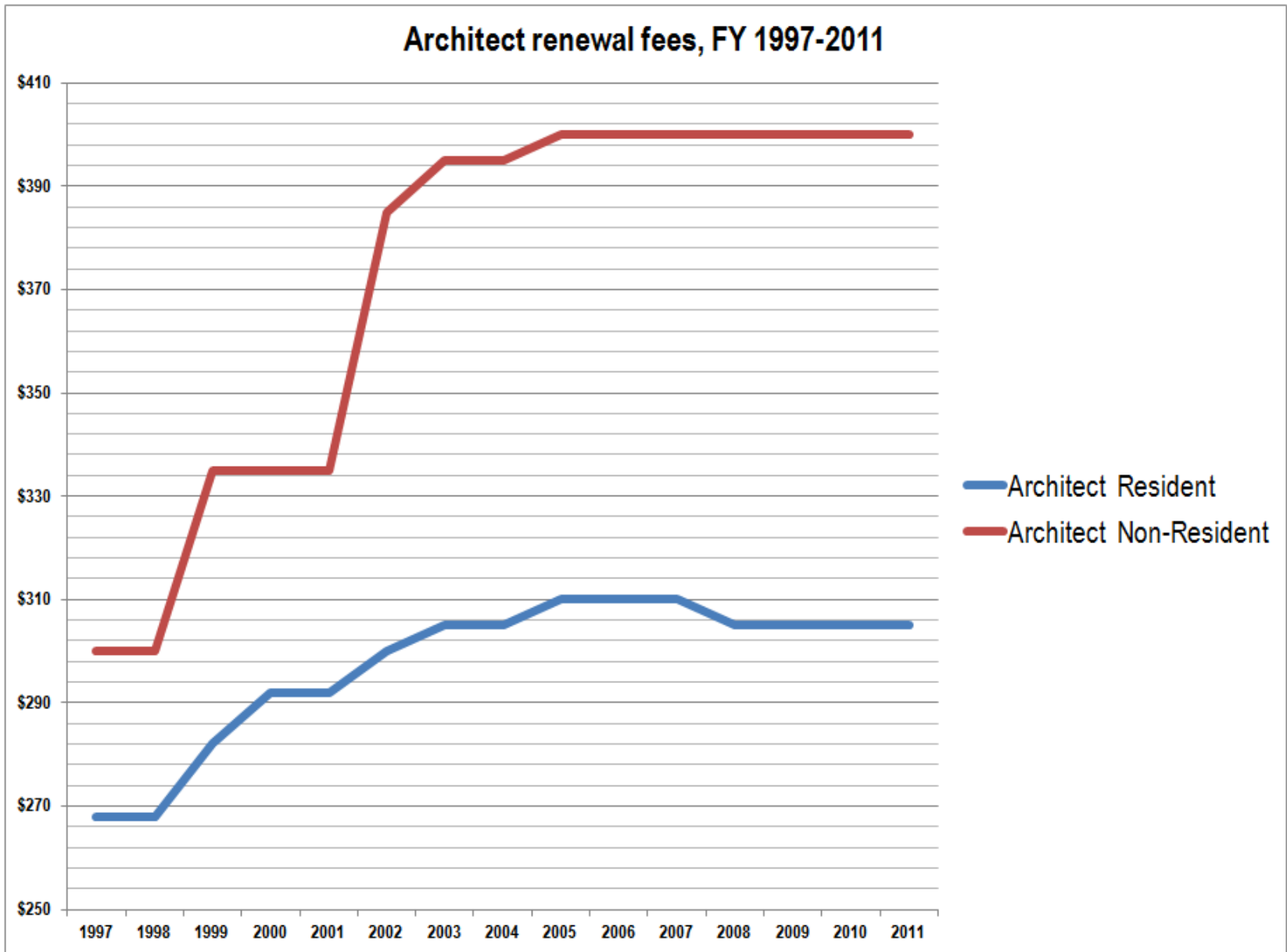
Expenditures, Revenues, and Fund Balance, FY 2000-2011



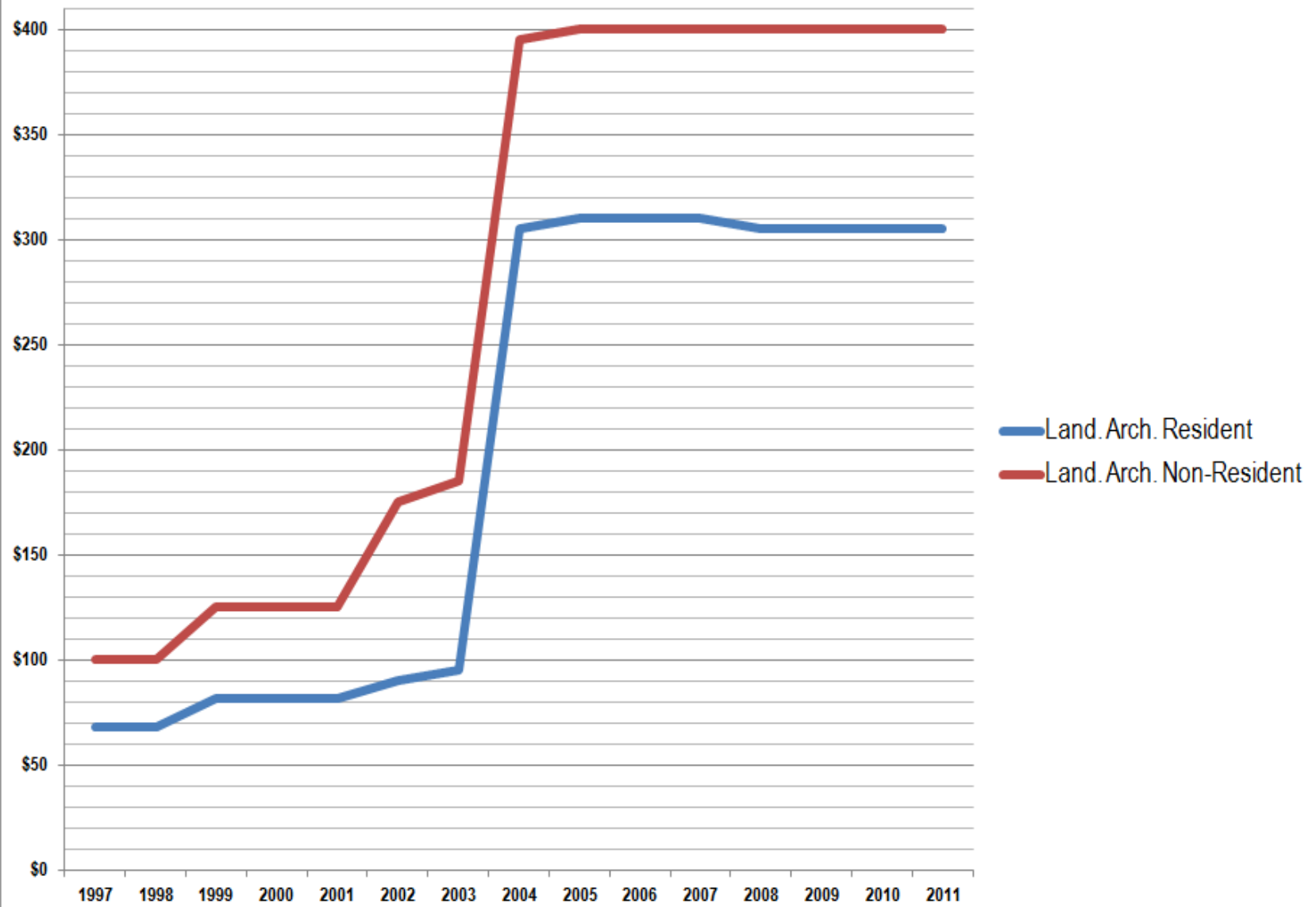
Architect Registration Exam Financial Assistance Fund (AREFAF) year-end fund balance

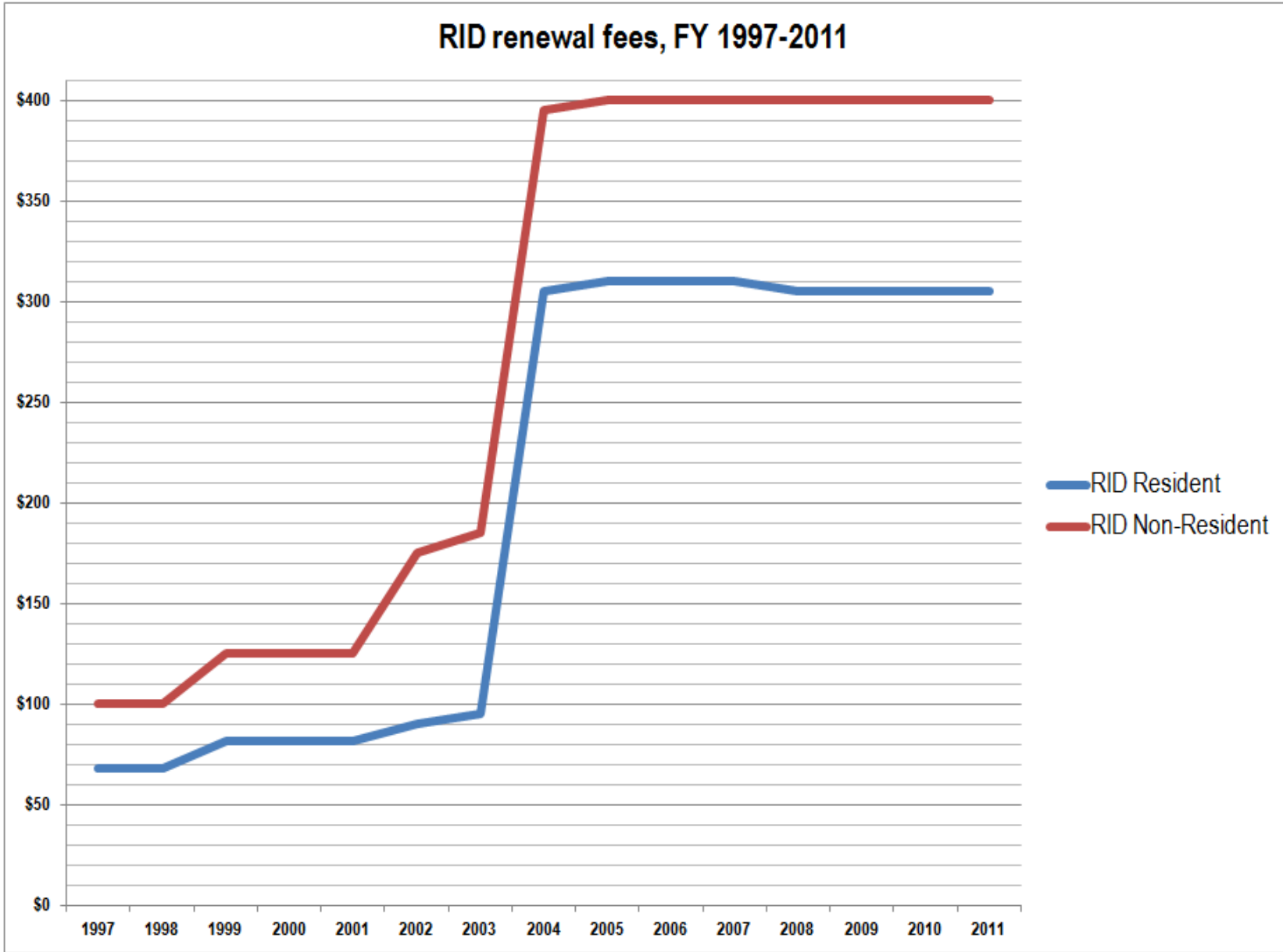




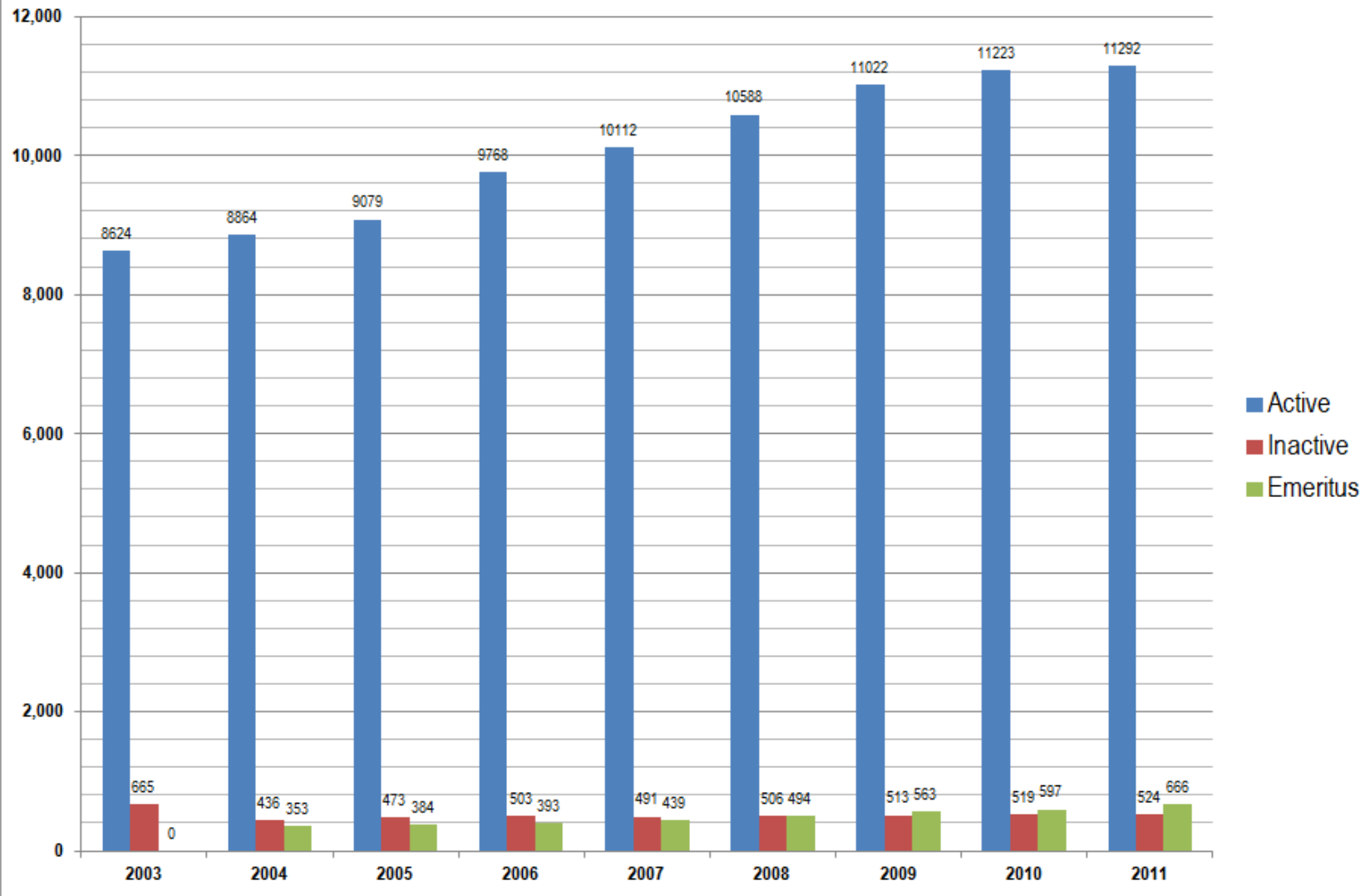


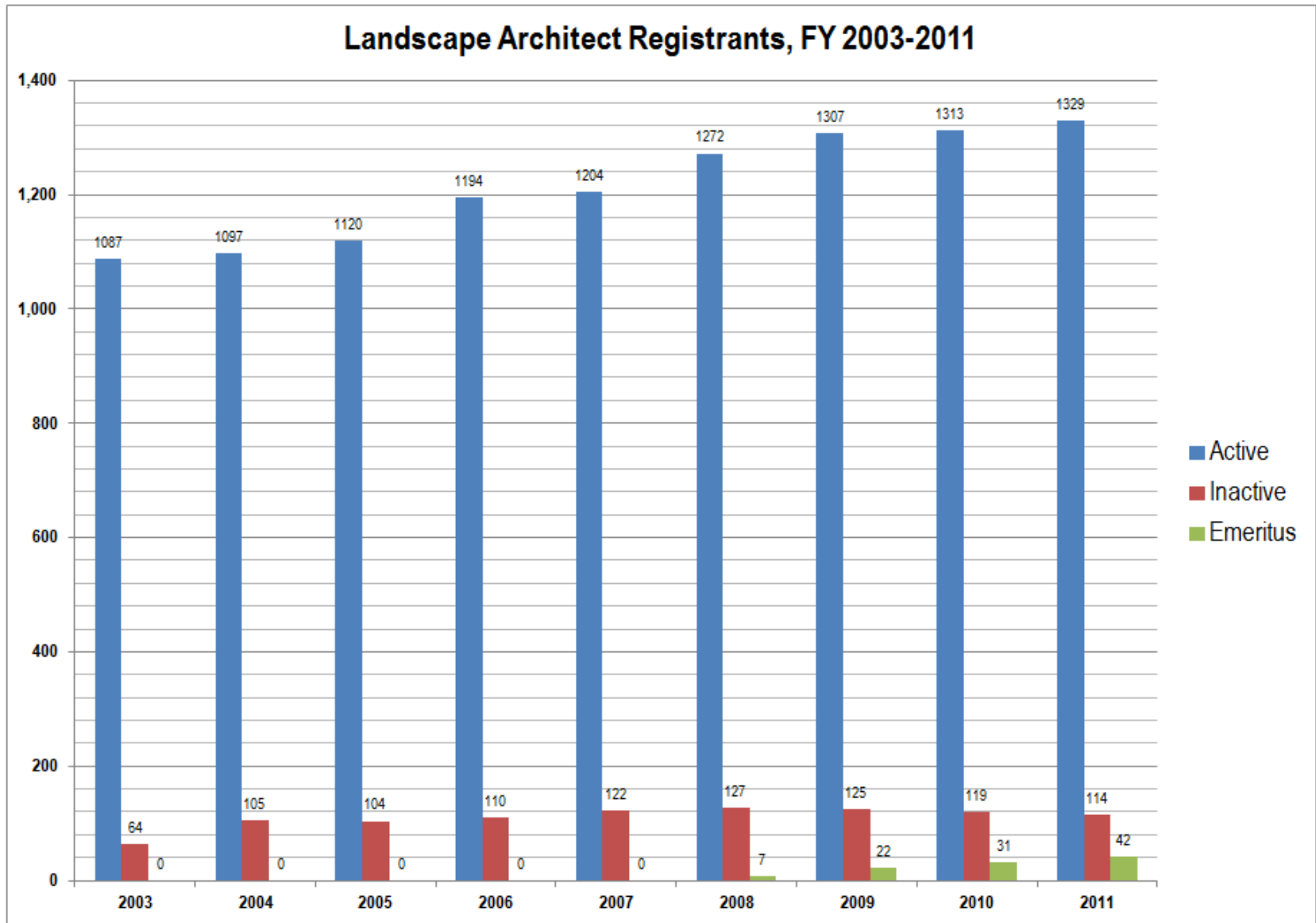
Landscape Architect renewal fees, FY 1997-2011



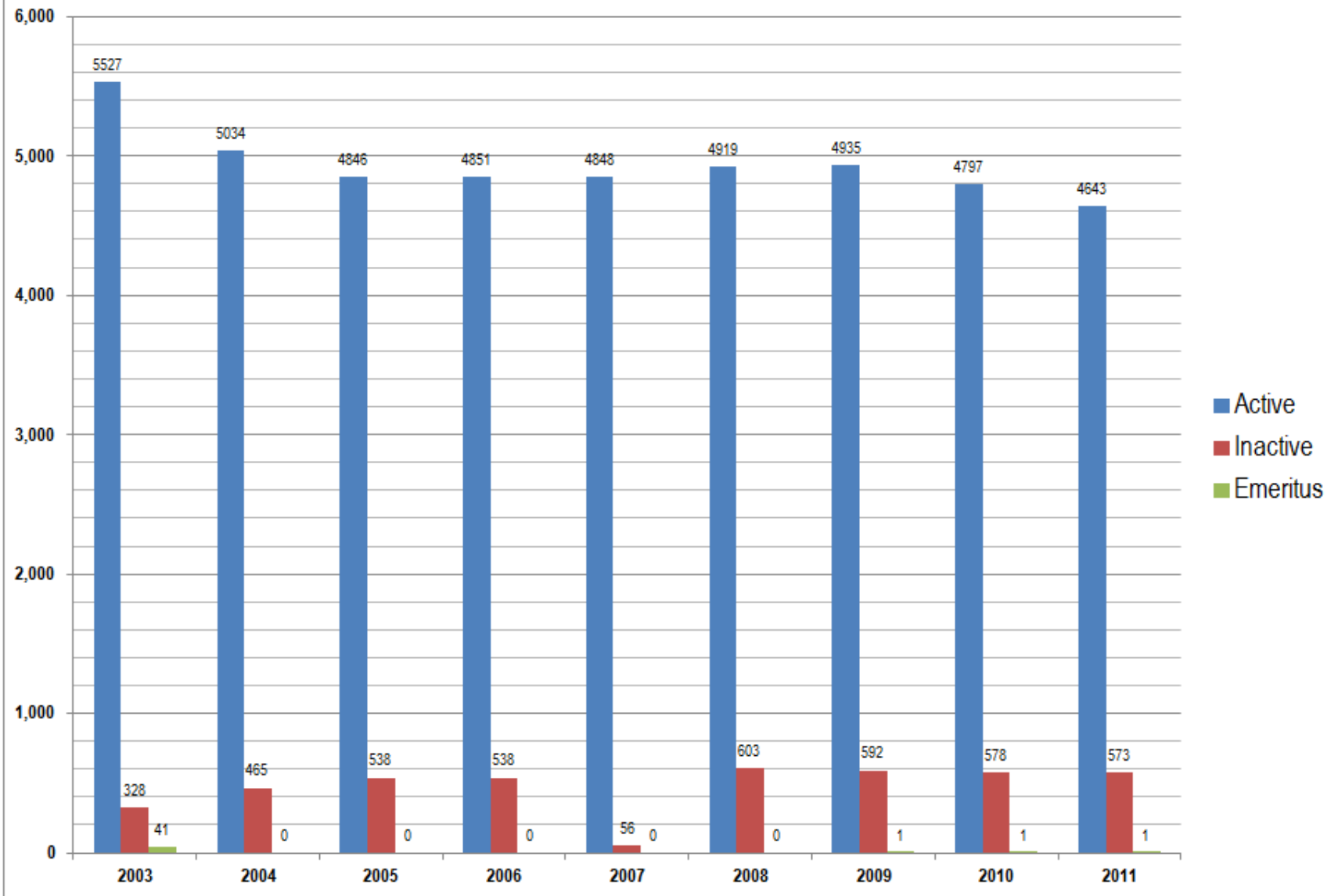


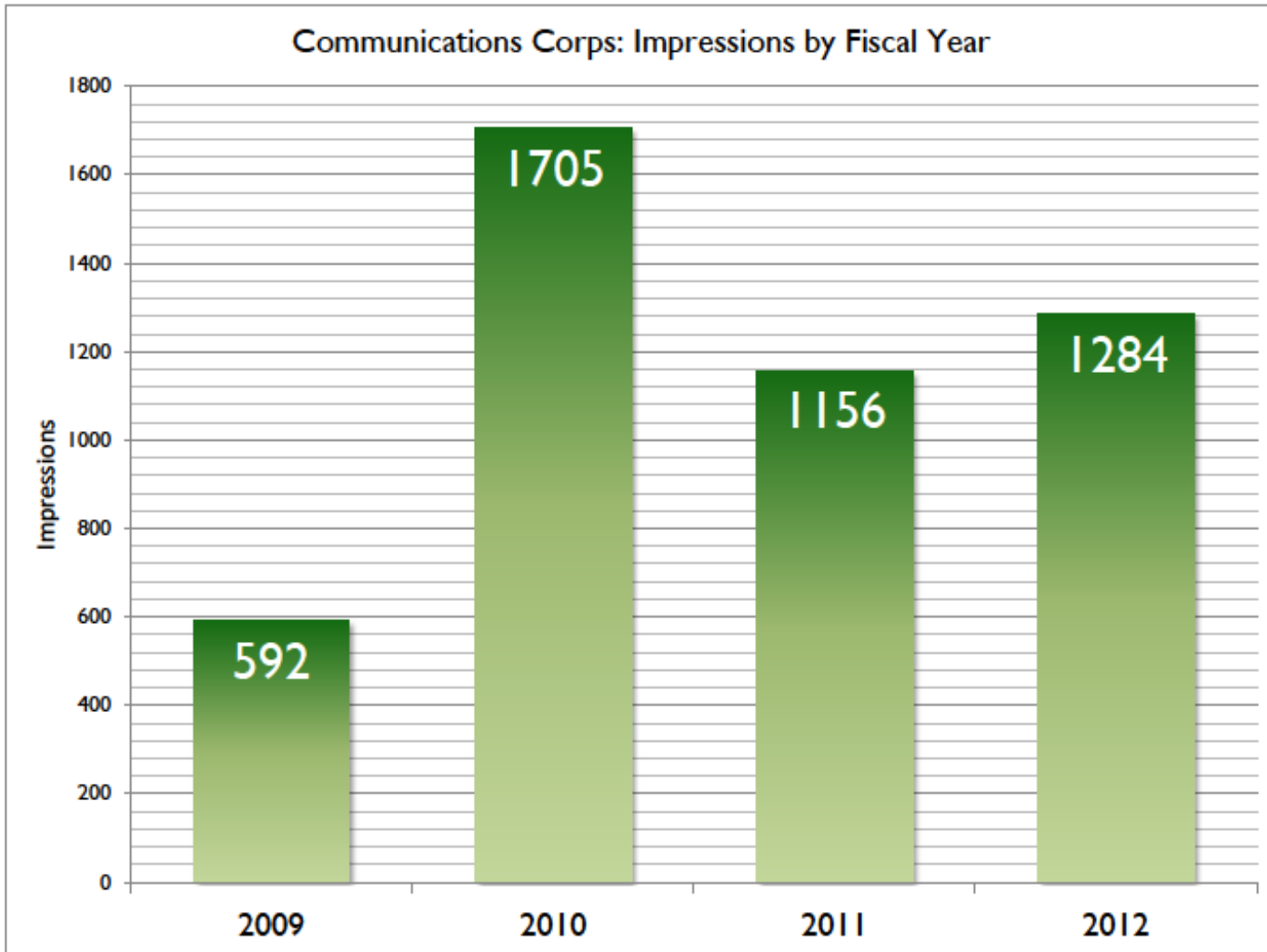
Architect Registrants, FY 2003-2011

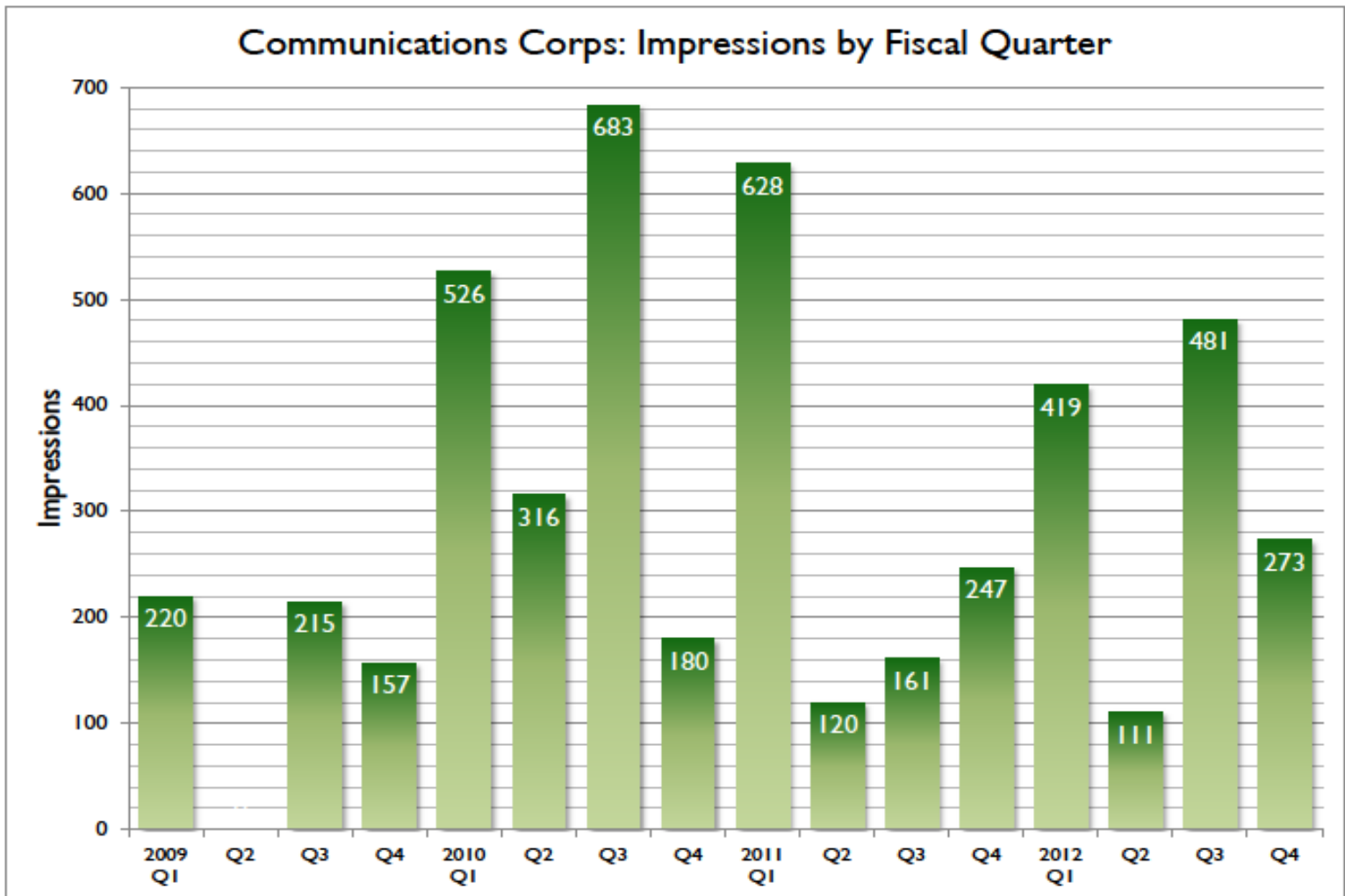




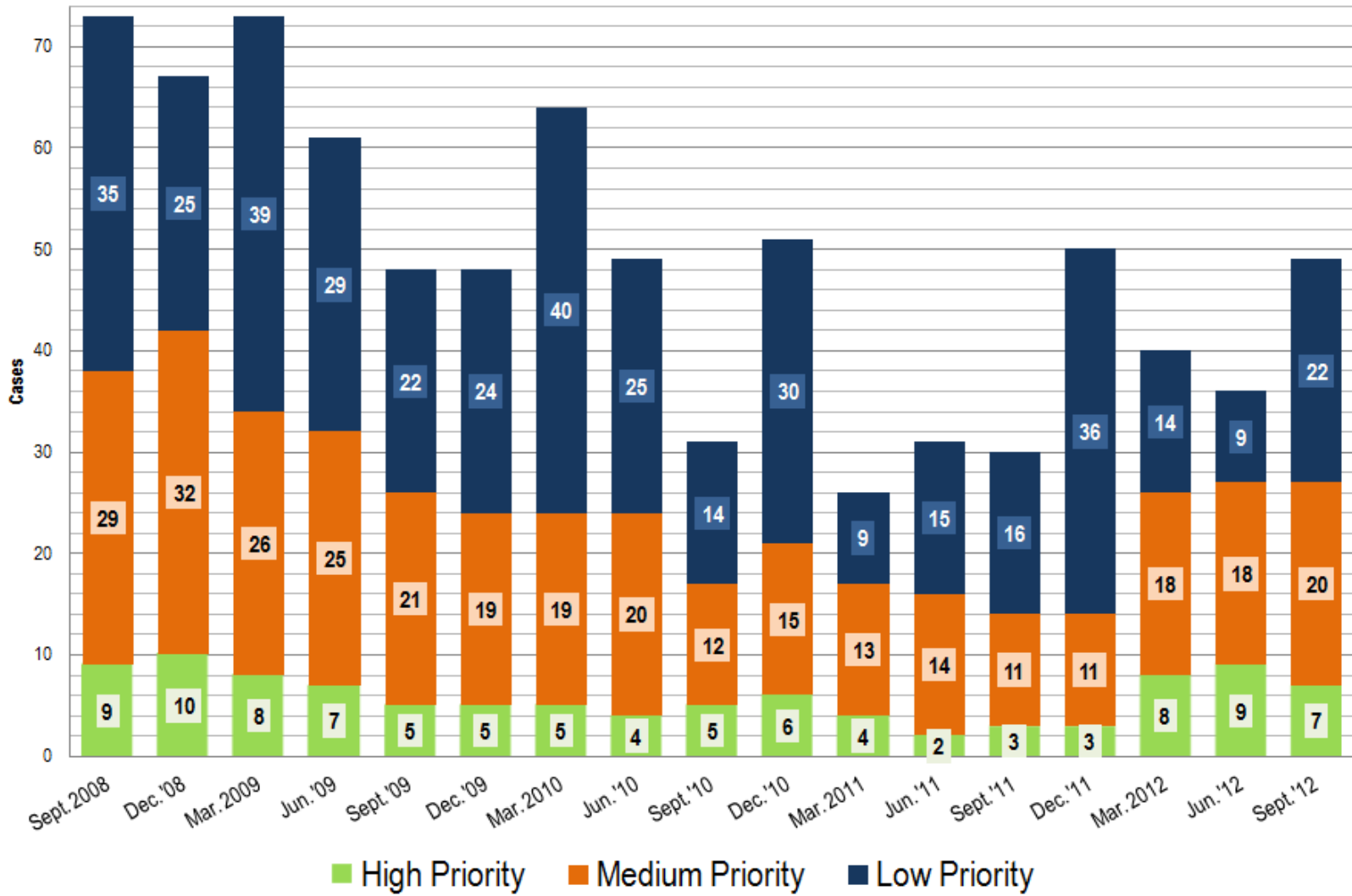
RID Registrants, FY 2003-2011



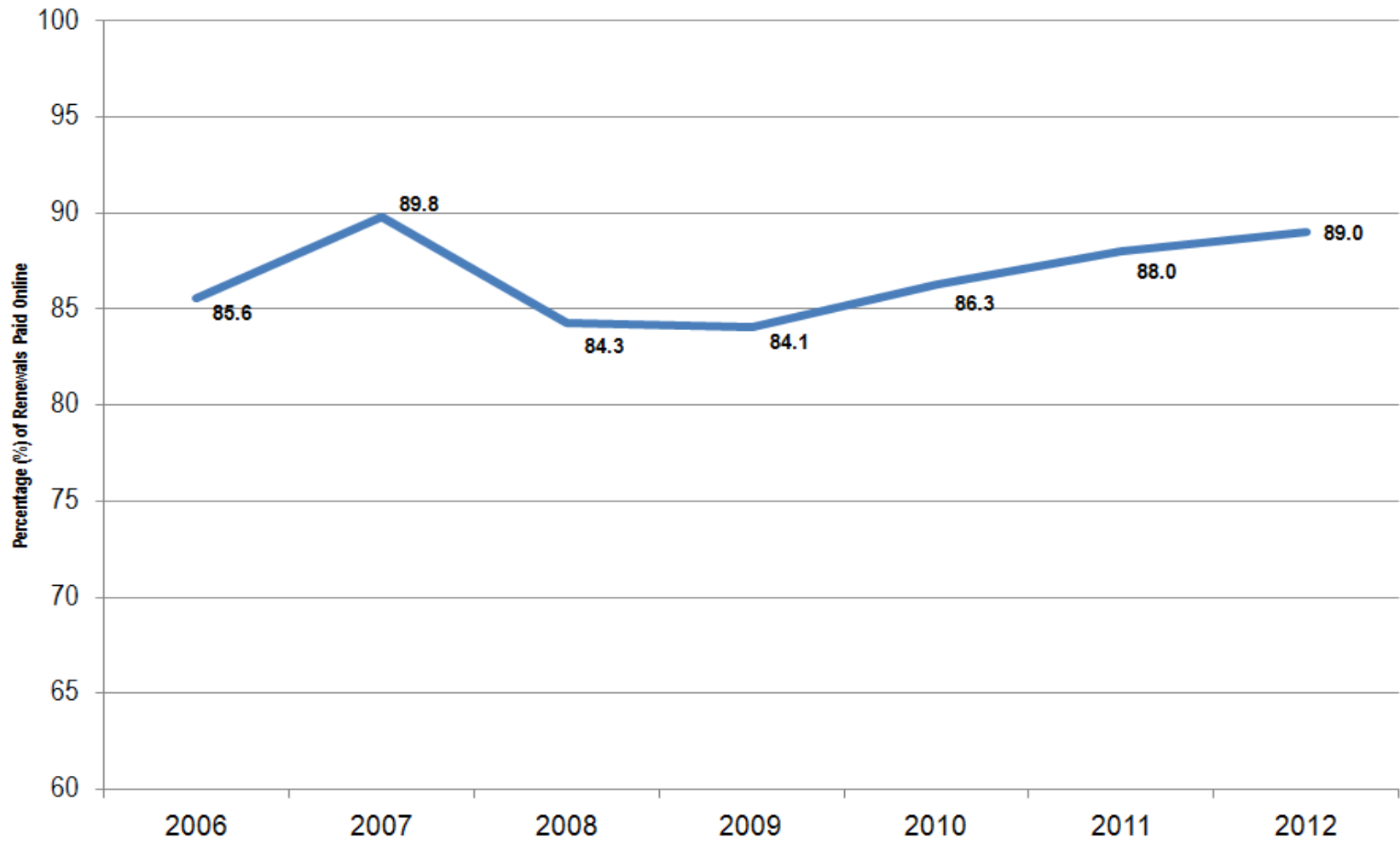




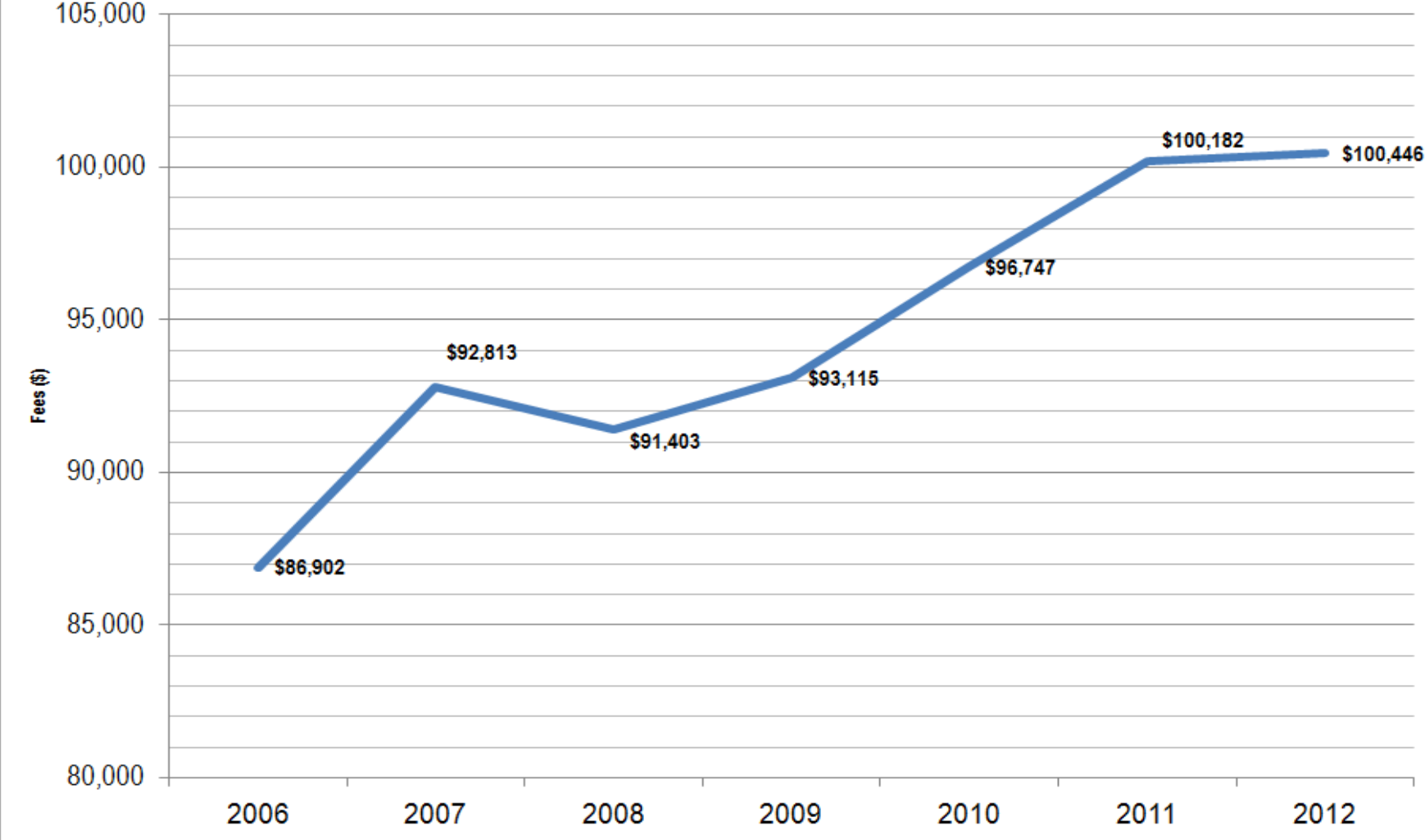
Enforcement Caseload, FY 2009-2012



Percentage of Renewals Paid Online by Fiscal Year



Total Credit Card Fees by Fiscal Year



TAB 3

Board Review and Response to the Sunset Advisory Commission Recommendations

**Sunset Report Publication
Date:
October 12, 2012**

**Rules Committee
October 16, 2012
Summary and Outline of Prospective Action**

TBAE Rules Review – Background

Pursuant to Section 2001.039, Government Code, each agency is required to conduct a review of each of its rules not later than the fourth anniversary of its effective date and each 4 years after that date. An agency shall assess its rules to determine if the original purpose for the adoption still exists. Agencies must readopt, revise or repeal rules in the course of a rules review.

In lieu of conducting a review of each rule in accordance with a separate four-year cycle, the Board has scheduled the review of all its rules every four years. The current rules review process must be completed no later than March 2013. The Board delegated the rules review to the Rules Committee.

Prospective Committee Action

The Committee met in August to receive stakeholder input and staff recommendations. The Committee directed staff to condense the input it received into prospective rule amendments and repeals for consideration at its next meeting. The Committee's direction was to place on the agenda the re-adoption of all rules that were not subject to a prospective amendment or repeal.

The Committee received input on the following rules which are before the Committee as prospective recommendations to the Board for proposal and adoption:

1. Rules 1.63/3.63/5.73 –replacement of certificate of registration
Source: staff recommendation
Proposed Action: repeal
Rationale: redundant
2. Rule 1.67 – emeritus architects
Source: staff recommendation
Proposed Action: amend – make defined terms uppercase to cross-reference definitions
Rationale: conform to drafting conventions
3. Rules 1.142/3.142/5.152 – competence
Source: stakeholder input
Proposed Action: amend – revise the term “gross incompetence” to reference same or similar circumstances in the competence standard
Rationale: different standards should not apply according to local custom or practice
4. Rule 1.143 – recklessness
Source: stakeholder input
Proposed Action: amend – designate as “recklessness” the violation of codes or the violation of the true meaning of codes, as interpreted by the International Code Council
Rationale: an architect who does not follow the spirit of the code should be perceived as reckless regardless of whether a building official accepted the architect's designs
5. Rules 1.144/3.144/5.154 – dishonest practice
Source: stakeholder input/staff recommendation
Proposed Action: amend – delete requirement that registrants publish registration numbers in phone listings and certain advertising
Rationale: largely unenforceable and limited protection of public
6. Rules 1.152/3.152/5.161 – malicious injury to reputation
Source: staff recommendation

Proposed Action: repeal

Rationale: rule is largely unenforceable and potentially unconstitutional

7. Rule 1.174 – agency complaint process

Source: stakeholder input

Proposed Action: amend – note: no specific amendment was proposed

Rationale: complainant should have greater involvement in the investigation and prosecution of the complaint; complainants should have equal status as the respondent

8. Rule 1.175 – expert evaluation of evidence

Source: stakeholder input

Proposed Action: amend – allow an expert who is not an architect to evaluate evidence in cases involving recklessness, incompetence or dishonesty in the practice of architecture

Rationale: the agency should consult with fire safety engineers for fire modeling in certain cases

9. Rules 1.177/3.177/5.187 – responding to a Board request for information

Source: staff recommendation

Proposed Action: amend – insert the word “not” within a prohibition on failing to respond without good cause within 30 days

Rationale: correct a drafting error – effects original intent

10. Rule 7.10 – administrative fees

Source: staff recommendation

Proposed Action: amend – amend drafting error by changing the word “touring” to “routing” and repealing an administrative fee for the Landscape Architecture

Examination – agency no longer administers the exam so the fee is no longer assessed

Rationale: clarifies rule and deletes obsolete fee

11. Readopt Chapters 1, 3, 5, and 7, except with regard to specific rules otherwise amended or repealed.

Staff Recommendation – Rules Review – Repeal Redundant Rule

RULE §1.63 Replacement of Certificate

1 If an Architect's certificate of registration is lost or destroyed and the Architect's registration is
2 current and in good standing, the Architect may obtain a replacement certificate by:

- 3 (1) submitting a written explanation regarding the loss or destruction of the certificate
4 and requesting a replacement certificate; and
5 (2) paying the fee prescribed by the Board for the replacement of a certificate of
6 registration.

RULE §3.63 Replacement of Certificate

7 If a Landscape Architect's certificate of registration is lost or destroyed and the Landscape
8 Architect's registration is current and in good standing, the Landscape Architect may obtain a
9 replacement certificate by:

- 10 (1) submitting a written explanation regarding the loss or destruction of the certificate
11 and requesting a replacement certificate; and
12 (2) paying the fee prescribed by the Board for the replacement of a certificate of
13 registration.

RULE §5.73 Replacement of Certificate

14 If a Registered Interior Designer's certificate of registration is lost or destroyed and the
15 Registered Interior Designer's registration is current and in good standing, the Registered Interior
16 Designer may obtain a replacement certificate by:

- 17 (1) submitting a written explanation regarding the loss or destruction of the certificate
18 and requesting a replacement certificate; and
19 (2) paying the fee prescribed by the Board for the replacement of a certificate of
20 registration.

21

22 Note: Rules 1.62, 3.62 and 5.72 include provisions for the issuance of duplicate certificates. The
23 “Replacement of Certificate” rules are redundant and unnecessary.

Staff recommendation – Technical Amendments/Retain Rule as amended

RULE §1.67 Emeritus Status

1 (a) An Architect whose registration is in Good Standing may apply for emeritus registration
2 status on a form prescribed by the Board. In order for an Architect to obtain emeritus status, the
3 Architect must demonstrate that:

4 (1) he/she has been registered as an architect for at least 20 years; and

5 (2) he/she is at least 65 years of age.

6 (b) An Emeritus Architect [~~emeritus architect~~] may engage in the Practice of Architecture as
7 defined by §1051.001(7)(D) - (H) of the Texas Occupations Code and may prepare architectural
8 plans and specifications for:

9 (1) the alteration of a building that does not involve a substantial structural or exitway
10 change to the building; or

11 (2) the construction, enlargement, or alteration of a privately owned building that is:

12 (A) a building used primarily for farm, ranch, or agricultural purposes or for the
13 storage of raw agricultural commodities;

14 (B) a single-family or dual-family dwelling or a building or appurtenance
15 associated with the dwelling;

16 (C) a multifamily dwelling not exceeding a height of two stories and not
17 exceeding 16 units per building;

18 (D) a commercial building that does not exceed a height of two stories or a square
19 footage of 20,000 square feet; or

20 (E) a warehouse that has limited public access.

21 (c) An Emeritus Architect [~~emeritus architect~~] may use the title "Emeritus Architect" or
22 "Architect Emeritus."

23 (d) An Emeritus Architect [~~emeritus architect~~] may renew his/her registration prior to its
24 specified expiration date by:

25 (1) remitting the correct fee to the Board; and

26 (2) providing the information or documentation requested by the registration renewal
27 notice and signing the renewal form to verify the accuracy of all information and
28 documentation provided.

Staff recommendation – Technical Amendments/Retain Rule as amended

- 1 (e) If an Emeritus Architect [~~emeritus architect~~] fails to remit a completed registration renewal
2 form and the prescribed fee on or before the specified expiration date of the Emeritus Architect's
3 [~~emeritus architect's~~] registration, the Board shall impose a late payment penalty that must be
4 paid before the Emeritus Architect's [~~emeritus architect's~~] registration may be renewed.
- 5 (f) In order to change his/her registration to active status, an Emeritus Architect [~~emeritus~~
6 ~~architect~~] must:
- 7 (1) apply on a form prescribed by the Board;
 - 8 (2) either submit proof that he/she has completed all continuing education requirements
9 for each year the registration has been emeritus or, in lieu of completing the outstanding
10 continuing education requirements, successfully complete all sections of the current
11 Architect Registration Examination during the five years immediately preceding the
12 return to active status; and
 - 13 (3) pay a fee as prescribed by the Board.
- 14 (g) Applications to return to active status may be rejected for any of the reasons for which an
15 initial application for registration may be rejected or for which a registration may be revoked.
- 16 (h) The Board may require an Applicant to include [~~that an application to return to active status~~
17 ~~include~~] verification of compliance [~~that the Applicant has complied~~] with the laws governing
18 the Practice of Architecture [~~practice of architecture~~] with her or his application to return to
19 active status.

RULE §1.142 Competence

1 (a) An Architect shall undertake to perform a professional service only when the Architect,
2 together with those whom the Architect shall engage as consultants, is qualified by education
3 and/or experience in the specific technical areas involved. During the delivery of a professional
4 service, an Architect shall act with reasonable care and competence and shall apply the technical
5 knowledge and skill which is ordinarily applied by reasonably prudent architects practicing
6 under similar circumstances and conditions.

7 (b) An Architect shall not affix his/her signature or seal to any architectural plan or document
8 dealing with subject matter in which he/she is not qualified by education and/or experience to
9 form a reasonable judgment.

10 (c) "Gross Incompetency" shall be grounds for disciplinary action by the Board. An Architect
11 may be found guilty of "Gross Incompetency" under any of the following circumstances:

12 (1) the Architect has engaged in conduct that provided evidence of an inability or lack of
13 skill or knowledge necessary to discharge the duty and responsibility required of an
14 Architect;

15 (2) the Architect engaged in conduct which provided evidence of an extreme lack of
16 knowledge of, or an inability or unwillingness to apply, the principles or skills generally
17 expected of a reasonably prudent architect under the same or similar circumstances and
18 conditions;

19 (3) the Architect has been adjudicated mentally incompetent by a court; or

20 (4) pursuant to section 1.150(b)(relating to substance abuse).

RULE §3.142 Competence

21 (a) A Landscape Architect shall undertake to perform a professional service only when the
22 Landscape Architect, together with those whom the Landscape Architect shall engage as
23 consultants, is qualified by education and/or experience in the specific technical areas involved.
24 During the delivery of a professional service, a Landscape Architect shall act with reasonable
25 care and competence and shall apply the technical knowledge and skill which is ordinarily
26 applied by reasonably prudent landscape architects practicing under similar circumstances and
27 conditions.

1 (b) A Landscape Architect shall not affix his/her signature or seal to any landscape architectural
2 plan or document dealing with subject matter in which he/she is not qualified by education
3 and/or experience to form a reasonable judgment.

4 (c) "Gross Incompetency" shall be grounds for disciplinary action by the Board. A Landscape
5 Architect may be found guilty of "Gross Incompetency" under any of the following
6 circumstances:

7 (1) the Landscape Architect has engaged in conduct that provided evidence of an inability
8 or lack of skill or knowledge necessary to discharge the duty and responsibility required
9 of a Landscape Architect;

10 (2) the Landscape Architect engaged in conduct which provided evidence of an extreme
11 lack of knowledge of, or an inability or unwillingness to apply, the principles or skills
12 generally expected of a reasonably prudent landscape architect under the same or similar
13 circumstances and conditions;

14 (3) the Landscape Architect has been adjudicated mentally incompetent by a court; or

15 (4) pursuant to section 3.150(b)(relating to substance abuse).

RULE §5.152 Competence

16 (a) A Registered Interior Designer shall undertake to perform a professional service only when
17 the Registered Interior Designer, together with those whom the Registered Interior Designer
18 shall engage as consultants, is qualified by education and/or experience in the specific technical
19 areas involved. During the delivery of a professional service, a Registered Interior Designer shall
20 act with reasonable care and competence and shall apply the technical knowledge and skill which
21 is ordinarily applied by reasonably prudent Registered Interior Designers practicing under
22 similar circumstances and conditions.

23 (b) A Registered Interior Designer shall not affix his/her signature or seal to any Interior Design
24 plan or document dealing with subject matter in which he/she is not qualified by education
25 and/or experience to form a reasonable judgment.

26 (c) "Gross Incompetency" shall be grounds for disciplinary action by the Board. A Registered
27 Interior Designer may be found to be grossly incompetent under any of the following
28 circumstances:

- 1 (1) the Registered Interior Designer has engaged in conduct that provided evidence of an
2 inability or lack of skill or knowledge necessary to discharge the duty and responsibility
3 required of a Registered Interior Designer;
- 4 (2) the Registered Interior Designer engaged in conduct which provided evidence of an
5 extreme lack of knowledge of, or an inability or unwillingness to apply, the principles or
6 skills generally expected of a reasonably prudent Registered Interior Designer under the
7 same or similar circumstances and conditions ;
- 8 (3) the Registered Interior Designer has been adjudicated mentally incompetent by a
9 court; or
- 10 (4) pursuant to §5.159(b) of this title (relating to substance abuse [~~Substance Abuse~~]).

To the Staff and Rules Committee of TBAE:
I recommend the following change to Rules #1.143 and 1.175

1.143 Recklessness . . . (3) action which demonstrates a conscious disregard for compliance with a statute, regulation, code, ordinance, or recognized design standard applicable to the design or construction of a particular project when such disregard jeopardizes any person's health, safety or welfare. It is not necessary for personal injury or property damage to have happened in order for an architect's behavior to be judged as having jeopardized safety. When an architect does not try to comply with the true meaning of adopted building codes, as interpreted by the International Code Council and by fire science and fire protection engineering, then regardless of whether the code official accepts the architect's design, when the result is that the architect designs a building which is built with code violations, the architect's behavior shall be considered reckless. [This change shall be effective Jan. 1, 2014.]

1.175 Evaluation of Evidence by Expert . . . unless the evidence and information gathered during the investigation have been reviewed by a member of the Board or the Board's staff, or a consultant who is registered as an Architect, and when the science is created and kept by others, a consulting expert in the field of science whose standard(s) the Respondent is alleged to have violated, and who will testify before SOAH.

Reasons:

The time when another kind of expert will be needed is when the Respondent's design has allegedly violated one of the required building codes, that was adopted as law, as is true for locations inside of municipalities and some places outside of municipalities. In general, many rules of the code are self-evident and need no expert to testify.

However, when they aren't self-evident, the question is, "Who should interpret these rules?" The 5th Cir. Ct. Of Appeals, covering Texas, rejected the Amicus Brief argument made by the American Institute of Architects¹, where they argued, [paraphrasing] "We should be allowed to rely on the government official who reviews our plans and approves our construction." The court said, however, that to interpret any code, we must do a textual analysis

of the whole document and then ask of the authors of the document, "What did you consider, and what did you intend?" Since this was an ADA case, the Court asked that question of the U.S. Access Board. In the case of building code regulations, the author is usually the International Code Council (ICC) or its legacy organizations, whose history the ICC maintains. The ICC offers technical interpretations and answers application questions from its members, as well as do plan reviews on specific projects by request from government members. They are telling me they believe they could do them for TBAE. Building officials should, but often do not, consult this source. But the ICC will not testify in

¹ *Lara v. Cinemark USA, Inc.* 207 F.3d 783+(5th cir., 2000.) When I explained this case to one of my attorneys, he replied, "That's what I was taught in law school." Thus, there are likely similar precedents to interpreting any document that predate this.

any court unless perhaps a government member is sued, or is sued itself. So, what TBAE will need is an expert to testify to what ICC finds, and the ideal person is someone who helped create the code, either by voting or by lobbying for/against code changes, for one of the interested parties. While there are several of us architects who have been active in code development at the national level, for whatever reason, sometimes we don't tell the same story. There are far more fire protection engineers active in code development than architects. Since most of the architects in that position have and want to have architect-clients, it puts some of us in a conflict of interest for us to alone review documents for TBAE. So, the first part of an ideal Complaint process, when TBAE is given a complaint alleging a violation of building codes, is for the ICC to do the initial basic plan review and for that report to be available to both Complainant and Respondent, in order that any mistake or omissions made by these experts can be corrected, and then for this review to be explained to SOAH when needed by a code expert who has participated in code development and who understands the science behind the requirements.

But there are three other situations that may arise in the text of the building code: First, when the Respondent alleges that s/he used "alternative means or methods;" secondly, when the language in question is not prescriptive but performance-based; and third, when the ICC and its legacy organizations were not the original authors. In each of these cases, the ICC is not likely to be as helpful as needed, and the expert for TBAE must be someone who knows the science and knows or can find the history behind the requirements.

Ever since the first Uniform Building Code was written in 1927, there has always been an "alternative means and methods" (AMM) clause. I believe that is because there has always been an understanding that while the authors believe the code expresses the best and cheapest way to achieve one or more kinds of safety under certain general conditions, we must let anyone who wants to use an equally safe alternative to the prescriptive rules use it, due to the "equal protection" requirement in our Constitutions. The original standard for measuring safety in a way accepted by the courts was established by the case of *Frye v. U.S.*², which required the method of analysis to be generally accepted by the scientific community (i.e., that branch of science, nationwide) whose safety it was measuring. That *Frye* case has now been replaced in Texas by *E.I. du Pont de Nemours v. Robinson*³ which gives slightly more lenience to what is admitted.

The codes have always specified some laboratory tests to measure equal safety of untested products, and has always explicitly accepted some materials as not needing testing. Over the years, more explicit testing has been identified in the Codes and accepted for testing untested products, for "or equal" material substitutions. But these are all "apples to apples" substitutions. In 1990, the National Institute of Science and Technology (NIST, a branch of the U.S. Dept. of Commerce) accepted the first fire modeling process, which was created by the fire protection engineering community as a method of substituting a different group of products from those specified by the codes or to justify leaving out some protections entirely. In the process, when an engineer works

² *Frye v. U. S.* 293 F 1013 (D.C. 1923)

³ 923 S.W.2d 549 (TX 1995)

directly with clients to identify an appropriate group of fire scenarios for the owner's needs, and then the engineer applies this fire/egress modeling first to a design that is similar to the one desired, but fully prescriptively code compliant, and then applies it to the substitute design which the owner and architect desire, and if the second is as safe or safer than the first, then the substitute design complies with code. But the design must be safe for the life of the building, under changes in management and changes in ownership, so when the Owner uses "restrictions in use" or special employee programs as part of the safety package, he must agree to periodic inspections to be sure any promises he made are maintained, and agree to specific "bounding conditions," which determine when the Owner needs to re-evaluate the safety and possibly increase safety - even if no construction is planned. So the freedom comes with a price of on-going reviews, of informing and getting acceptance by all stakeholders' representatives, and of spending money on the cost of later reconstruction. This is described in the *ICC Performance Code*. Today, there are several fire modeling procedures and several egress modeling procedures; there is the *SFPE Engineering Guide to Performance-Based Fire Protection*⁴ (now in its 2nd edit.) that describes the engineering standard of care for this work, and there are the *ICC Performance Code*⁵ and the *SFPE Code Official's Guide to Performance-Based Design Review*⁶ books to supplement the written engineering standard of care and make the particular set of alternatives adopted law. The *Performance Code* and the *Code Official's Guide* were written jointly by the ICC and SFPE, so they are generally accepted by those communities.

There is one performance-based provision that has been at issue in my disagreement with other architects, namely in renovations. Since at least the 1985 (reportedly back to 1982) edition of the Standard Building Code, this code has said,⁷ "Alterations . . . may be made to any existing building without requiring the building to comply with all the requirements of this Code, provided that the alteration . . . conforms to the requirements of this Code for New Construction. . . ." It then goes on to give the Building Official the right to determine how much upgrade of the original construction is required. Every edition of these national codes required the Owner to maintain protection features previously required by the technical (i.e., written codes.) But in §101.2.3 of this same code, NO one is allowed to rely on any code-enforcing agency or its employees to assure themselves the building will be safe. The Corpus Christi local ordinance maintains this latter statement using other words, as does § of the 2009 IBC. In the CC ordinance which cites a 50% rule whose calculation is based on the local Appraisal Dist,'s values, where that value is zero for churches and government buildings, the Building Official erred in saying "therefore there are no [safety] requirements for alterations [for churches and government buildings]" because the City Council gave no reason why people in those building types should have no safety, and because the correct mathematical interpretation would be to require a 100%, not 0% upgrade to new construction requirements in every renovation. So, the Building Official should have estimated the value before the alterations for the 50% calculation using the cost basis type of calculation of value used by real estate appraisers, or equal. This kind of

⁴ Society of Fire Protection Engineers, *SFPE Engineering Guide to Performance-Based Fire Protection*, 2nd edit.

⁵ ICC, International Code Council Performance Code, 2003. The code has not changed since its original adoption.

⁶ SFPE (Bethesda, MD: SFPE, 2004.)

⁷ §101.5.1

wrong interpretation is what happens when people play “word games” with the code, without knowing the intent of the rules and the history of losses that caused the requirements to be adopted. Another form of this particular performance-based provision is still found in the IBC 2009, §3403 and 3404, which are to some extent alternates to §3412 and in the IEBC 2009 Chpt. 3, which is an alternate to chpt. 13.

So, how do we reconcile this apparent conflict, of the building official getting to decide, but us not being able to rely on his opinions? The answer was given by both the Federal Courts and the Texas Supreme Court.⁸ In *Viacao*⁹, the US S. Court said the government had a right to spot check for compliance with its rules and had the right to miss things, without being responsible, because the design professional and manufacturer were still liable. In other words, the government regulator did not have the right to choose what to enforce — only what to check. In *Spann*, the Tx Sup. Court said the Code Official did NOT have discretion to choose what to approve and what to require — except in accordance with explicit reasons stated in the adopting ordinance [or other criteria adopted by elected officials?] In other words, the Building Official has a duty to make decisions only for the purpose of giving permits and Certificates of Occupancies and not to determine what safety is “good enough” for the Owner to use and to defend in a court. So, when we combine this rule with the “equal protection” requirement of our Constitution, the Code Official can accept “or equal” methods of code compliance, and we must know how to evaluate the safety before it is built. If we don’t, we need to ask an engineer/testing lab to help us. The Code Official has a right to make these “good faith” approval mistakes without being sued, but we don’t. Building Officials are not required to learn much in fire science or fire protection engineering, so I believe many of their testimonies will not be accepted by a Court when the plaintiff’s attorney files a *motion in limini* to have his/her opinions re the Code excluded. So, to defend ourselves and the Owner in court, an Architect must know for sure whether or not what s/he proposes is as safe as the code requires.

In the case of my dispute with other architects, I knew the meaning of “increased risk” for one simple reason: I had seen and analyzed fire scenes, and immediately knew that what may seem the simplest of code violations (the lack of opening protections for what should have been a fire rated corridor, and a smoke detector that didn’t work) apparently doubled the property damage losses and more than doubled the seriousness of the personal injuries. Because I had smelled strong smoke in rooms where it hardly showed on surfaces, because I saw evidence that serious personal injuries were greatly increased by code violations, and because I had seen the importance of removing or encapsulating smoke that will be hidden above a suspended ceiling — therefore I knew how important code violations were. My original vision of how smoke and fire would cause reasonably preventable harm upon seeing a church building’s code violations was later confirmed by fire insurance calculations and other scientific/engineering sources. It took me years to figure out why other architects couldn’t clearly foresee this, but why it was so “patently obvious” to me. Even after 18 years since our dispute began, I see no evidence my colleagues understand this. That is why I say architects must not only learn the rules of building codes, they must also understand some of fire science, study/experience some of

⁸ *Spann v. City of Dallas* 235 SW 513 (Tx S.Ct., 1921)

⁹ *U.S. v. S.A. Empresa de Viacao Area Rio Grandense* 104 S.Ct. 2755 (1984)

the great historical fires, and learn how to work with fire protection engineers when they want to do Performance-Based Design (i.e., to break the rules, but keep the building safe enough.)

At this point, some architects will be arguing that we have protection in the courts by our Tx Certificate of Merit and our Standard of Care. They may cite *Ryan v. Morgan Spear Assoc., Inc.*¹⁰ in their defense, or even *Smith v. Black & Vernooy* (depending on the Tx S. Ct's final ruling.) Actually, to my knowledge, the Courts have never allowed any group of professionals to decide "what is good enough" when the standard is enacted laws (which *Smith v. Black & Vernooy* is not) unless the professional Standard of Care is more stringent. One of these first cases is *Johnson v. Salem Title Co.*¹¹ which also denied the Building Official the final say in what meets code. Another similar case is *Atherton Condominium Association v. Blume Development Co*, where the court said the doctrine of Negligence Per Se substitutes the legislatively created standard of care for the common law standard of reasonableness [and our Architects' Standard of Care] and said the plaintiff was due damages because the design violated fire safety prescriptive code requirements, which was not just a trivial nuisance, even though no fire had yet occurred.¹² In the case of *Huang v. Garner*,¹³ the court went on to identify compliance with a statute as part of everyone's Ordinary Standard of Care, to which all design professionals must be held accountable, and therefore what other architects' do is not relevant, unless the safety of our professional standard is higher. The court went on to clarify that it does not prove the plaintiff's position wrong when the design violates prescriptive standards but the code allows AMM, because it is not the plaintiff's burden to prove the architect has not used some AMM. Rather, when the design fails prescriptive standards, the defendant must prove he acted reasonably under the circumstances; in other words, the court said he was faced with circumstances which prevented compliance or he was justified in non-compliance. In the case of building codes, where no one is holding a gun to our head for the duration of the design/construction, it means that to prove justification, the defendant must prove the design complies through an AMM or that the particular safety feature that is missing would not have made any difference in the harm done. In very rare particular situations, two code provisions may seem to be in conflict and cannot both be achieved; however, I believe one will always be able to achieve the two goals with an AMM. So, that brings us back to engineering fire/egress modeling as the analysis the courts would accept in cases of fire safety and other emergencies. That same process of fire/egress modeling is used by forensic fire protection engineers after a fire to show whether or not a code violation caused additional harm; I know that because I have been to two continuing ed. programs where forensic methods were being taught. As for *Ryan v. Morgan Spear*, that case did not involve anything covered by building codes at the time: it was about expansive soils. I know it was decided correctly since I was practicing architecture in Corpus Christi then as was Mr. Spear; we didn't know about these soils, and I knew it was not in our building code. For some reason, the engineer whom the architect hired and whose error

¹⁰ 546 SW 2d 678 (1977)

¹¹ 425 P2d 519 (1967)

¹² 799 P.2d 250 (1990)

¹³ 203 C. Rpt. 801 (1984)

it was in that case, was never a part of the suit.

One final comment on Architect's Standard of Care comes from the case of the City of Mounds View v. Walijarvi¹⁴ where the court established that defense for Architects, the court begins, "[because] architects . . . deal in somewhat inexact science and are continually called upon to exercise their skilled judgment . . . to . . . provide for random factors that are incapable of precise measurement" Since fire safety/means of egress building code requirements are precise enough and measurable, it is not applicable.

As for the third case, where the ICC was not the original author, and therefore the ICC does not know how to apply the standard to a particular design: The first of these I saw was in the 1979 Standard Building Code (revoked in 1985) when they took the concept of "communicating openings" from the Life Safety Code, published by the National Fire Protection Association (NFPA). The misunderstanding that developed was that the use of these 3 story atrium-like spaces without fire sprinklering was intended to be used only when the entire use of all connected occupied spaces was for storage of non-combustible products. But building officials failed to use the same precise definitions and thus approved a lot of office buildings that should have been fire sprinklered. Thus, a fire protection engineer familiar with code development could explain that to the court and talk about its NFPA context. A second case is the AMM paragraph discussed earlier, and incorporated about 1982. ICC told me only that these words came from a magazine article when members were looking for a substitute for the 25% and 50% rules for altering existing buildings to meet new construction codes, because it was becoming clear to many experts that without some weakening in code requirements, some old empty buildings would never be used, and empty buildings were harming the look and function of cities. So the goal was to retain nearly all of the personal injury protection and let go of some of the property protection. So, when I found that the original author of these words were the courts, and it was recorded in the Restatement of the Law, Torts, 2nd, §323¹⁵, it was then clear to me that the meaning of "increased risk" for the altered building was to be measured by the best scientific analysis available at the time of the design decision. The current method of individual building assessment of property damage risk due to fires is the SCOPES¹⁶ method, and it was © beginning in 1990, the same year as fire modeling was recognized by NIST. So, using it, if a design's "after" calculation is safer than before the proposed alteration by one of these methods, the "after" design still might not be sufficiently safe, but certainly if the proposed alteration calculates to be less safe by these calculations, compared to the "before" calculations, it should be considered as too dangerous and failing to meet that code requirement. The starting point of a "before" alteration needs, of course, to be a design fully compliant with its prior "code(s) at the time of construction(s)." So, TBAE will probably need an expert in building code development to find the original source of these kinds of paragraphs when ICC cannot fully interpret them,

¹⁴ 263 NW Rept. 2d 420 (1978)

¹⁵ American Law Institute, "Negligent Performance of Undertaking to Render Services," *Restatement of the Law, Torts*, 2nd (Washington, DC: The American Law Institute, 1965)

¹⁶ ISO Commercial Risk Services, Inc. Specific Commercial Properties Evaluation Schedule (Jersey City, NJ: ISO, 1990+) This is one of the individual building calculation standards accepted by the Tx. Dept. of Insurance and required for insurance policies sold on the open market for commercial buildings over 15,000 ft.²

and to identify the original intent and explain any calculations required to others and to the court.

If you set up the process of determining the truth about building code violations in this manner, I believe you will rarely ever need to take the matter to SOAH. Probably you will need to begin a statewide random sample audit to see the extent of the problem, and then quickly begin teaching architects these new understandings, which up til now some of my colleagues have been very resistant to learning. In my conflict with them, “everyone relied upon everyone else” to do the hard work of legal research and applying these principles to this matter. But no one did. Even an opposing attorney refused to meet with me, saying in effect he was not going to violate the law (but I believe he did, because he didn’t understand it.) If I’m wrong about some of this, show me the arguments. If there is case law opposing any of my conclusions, please send me the citations. I hope this will help.

Probably you will want to communicate this to architects in some other form — especially in small “bites,” since most people will not want to read thru all this. But sooner or later you may need all of this, if someone wants to debate it, as very likely some will. I hope TBAE will pursue communicating this to architects and other affected registrants.

Thank you.
Jeri L. S. Morey,
Architect

RULE §1.144 Dishonest Practice

1 [Subsection (a) omitted]

2 (b) An Architect may not advertise in a manner which is false, misleading, or deceptive. [~~Each~~
3 ~~advertisement that offers the service of an Architect in Texas and is found in a telephone~~
4 ~~directory, e-mail directory, web site, or newspaper must clearly display that Architect's Texas~~
5 ~~architectural registration number. If an advertisement is for a business that employs more than~~
6 ~~one Architect, only the Texas architectural registration number for one Architect employed by~~
7 ~~the firm or associated with the firm pursuant to section 1.122 is required to be displayed.]~~

RULE §3.144 Dishonest Practice

8 [Subsection (a) omitted]

9 (b) A Landscape Architect may not advertise in a manner which is false, misleading, or
10 deceptive. [~~Each advertisement that offers the service of a Landscape Architect in Texas and is~~
11 ~~found in a telephone directory, e-mail directory, web site, or newspaper must clearly display that~~
12 ~~Landscape Architect's Texas landscape architectural registration number. If an advertisement is~~
13 ~~for a business that employs more than one Landscape Architect, only the Texas landscape~~
14 ~~architectural registration number for one Landscape Architect employed by the firm or~~
15 ~~associated with the firm pursuant to §3.122 is required to be displayed.]~~

RULE §5.154 Dishonest Practice

16 [Subsection (a) omitted]

17 (b) A Registered Interior Designer may not advertise in a manner which is false, misleading, or
18 deceptive. [~~Each advertisement that offers the services of a Registered Interior Designer in Texas~~
19 ~~and is found in a telephone directory, e-mail directory, web site, or newspaper must clearly~~
20 ~~display that Registered Interior Designer's Texas Interior Design registration number. If an~~
21 ~~advertisement is for a business that employs more than one Registered Interior Designer, only~~
22 ~~the Texas Interior Design registration number for one Registered Interior Designer employed by~~
23 ~~the firm or associated with the firm pursuant to §5.132 of this title (relating to Association is~~
24 ~~required to be displayed.)~~

Rules Review – Staff Recommendation – Repeal Obsolete Provision

RULE §1.152 Malicious Injury to Professional Reputation

1 An Architect may not maliciously injure or attempt to injure the professional reputation of
2 another. However, an Architect may disclose a dishonest practice, recklessness, incompetence, or
3 illegal conduct to the proper authorities or provide a frank but private appraisal of the services or
4 work of a person or a business entity upon request by a client or a prospective employer.

RULE §3.152 Malicious Injury to Professional Reputation

5 A Landscape Architect may not maliciously injure or attempt to injure the professional
6 reputation of another. However, a Landscape Architect may disclose a dishonest practice,
7 recklessness, incompetence, or illegal conduct to the proper authorities or provide a frank but
8 private appraisal of the services or work of a person or a business entity upon request by a client
9 or a prospective employer.

RULE §5.161 Malicious Injury to Professional Reputation

10 A Registered Interior Designer may not maliciously injure or attempt to injure the professional
11 reputation of another. However, a Registered Interior Designer may disclose a dishonest practice,
12 recklessness, incompetence, or illegal conduct to the proper authorities or provide a frank but
13 private appraisal of the services or work of a person or a business entity upon request by a client
14 or a prospective employer

RULE §1.174 Complaint Process

- 1 (a) A person may file a complaint by submitting the following information to the Board:
2 (1) the name of and contact information for the complainant unless evidence regarding a
3 possible violation was submitted anonymously;
4 (2) the name of the person against whom the complaint is filed;
5 (3) the address, telephone number, Web site, or other contact information for the person
6 against whom the complaint is filed, if available;
7 (4) the date and location of the alleged violation that is the subject of the complaint;
8 (5) a description of each alleged violation; and
9 (6) the name, address, and telephone number for any known witness who can provide
10 information regarding the alleged violation.
- 11 (b) A complaint should be submitted on the complaint form that may be obtained by accessing
12 the form on the Board's Web site or by contacting the Board's staff. If a completed complaint
13 form is not submitted, the Board's staff will not be able to initiate an investigation unless the
14 Board's staff receives information sufficient to establish probable cause to believe an actionable
15 violation might have occurred.
- 16 (c) Once a complaint has been received, the Board's enforcement staff shall:
17 (1) conduct a preliminary evaluation of the complaint within thirty (30) days to
18 determine:
19 (A) Jurisdiction: whether the complaint provides information sufficient to
20 establish probable cause for the Board's staff to believe an actionable violation
21 might have occurred;
22 (B) Disciplinary History: whether there has been previous enforcement activity
23 involving the person against whom the complaint has been filed; and
24 (C) Priority Level: the seriousness of the complaint relative to other pending
25 enforcement matters;
- 26 (2) provide the complainant and respondent with information which will permit review of
27 the Board's policies and procedures from the Board's web site regarding complaint
28 investigation and resolution. If the complainant or respondent requests a copy of the
29 policies and procedures in written format a copy shall be mailed upon request.

1 (3) notify the complainant and respondent of the status of the investigation at least
2 quarterly unless providing notice would jeopardize an investigation; and

3 (4) maintain a complaint file that includes at least:

4 (A) the name of the person who filed the complaint unless the complaint was filed
5 anonymously;

6 (B) the date the complaint was received by the Board's staff;

7 (C) a description of the subject matter of the complaint;

8 (D) the name of each person contacted in relation to the complaint;

9 (E) a summary of the results of the review and investigation of the complaint; and

10 (F) an explanation for the reason the complaint was dismissed if the complaint
11 was dismissed without action other than the investigation of the complaint.

12 (d) After the preliminary evaluation period, the Board's staff may contact the complainant, the
13 respondent, and any known witness concerning the complaint.

14 (e) After the preliminary evaluation period, the Board's staff shall take steps to dismiss the
15 complaint or proceed with an investigation of the allegation(s) against the respondent. A
16 complaint may be referred to another government agency if it appears that the other agency
17 might have jurisdiction over the issue(s) raised in the complaint.

18 (f) If the Board's staff proceeds with an investigation, the staff shall:

19 (1) investigate the complaint according to the priority level assigned to the complaint;

20 (2) notify the complainant and respondent that, as a result of the staff's preliminary
21 evaluation of the complaint, the staff has determined that the Board has jurisdiction over
22 the allegations(s) described in the complaint and has decided to proceed with an
23 investigation of the allegation(s) against the respondent; and

24 (3) gather sufficient information and evidence to determine whether there is probable
25 cause to believe that a violation of a statutory provision or rule enforced by the Board has
26 occurred.

27 (g) The Board's staff may conduct an investigation regardless of whether a complaint form was
28 received as described in subsection (a) of this section.

29 (h) If the information and evidence gathered during an investigation are insufficient to establish
30 probable cause to believe that a violation has occurred, the Board's staff shall:

31 (1) dismiss the complaint;

- 1 (2) send notices to the complainant and respondent regarding the dismissal;
- 2 (3) if warranted, include in the respondent's notice a recommendation or warning
- 3 regarding the respondent's future conduct; and
- 4 (4) if a complaint is determined to be unfounded, state in the respondent's notice that no
- 5 violation was found.

6 (i) If the information and evidence gathered during an investigation are sufficient to establish
7 probable cause to believe that a violation has occurred, the Board's staff shall:

- 8 (1) seek to resolve the matter pursuant to §§1.165, 1.166 or 1.173 of this subchapter; or
- 9 (2) issue a warning to the respondent if the violation is the respondent's first violation
- 10 and:

11 (A) the respondent has not received a written warning or advisory notice from the
12 Board;

13 (B) the respondent provided a satisfactory remedy which has eliminated any harm
14 or threat to the health or safety of the public; and

15 (C) the guidelines for determining an appropriate penalty for the violation
16 recommend an administrative penalty or a reprimand as an appropriate sanction
17 for the violation.

18 (j) Before a proposed settlement agreement may be approved by the Board:

19 (1) the complainant, if known, must be notified of the terms of the agreement and the
20 date, time, and location of the meeting during which the Board will consider the
21 agreement; and

22 (2) the terms of the agreement must be reviewed by legal counsel for the Board to ensure
23 that all legal requirements have been satisfied.

24 (k) If a complaint is dismissed, the complainant may submit to the Executive Director a written
25 request for reconsideration. The written request must explain why the complaint should not have
26 been dismissed. The Executive Director may, but is not required to, respond to the request for
27 reconsideration.

RULE §1.175 Evaluation of Evidence by Expert

- 1 (a) If the Board's staff determines that a respondent who is a Registrant, Candidate, or Applicant
2 appears to have engaged in the Practice of Architecture in a manner that was Reckless, Grossly
3 incompetent, or dishonest, the matter may not be docketed at the State Office of Administrative
4 Hearings for a formal hearing unless the evidence and information gathered during the
5 investigation have been reviewed by a member of the Board or the Board's staff or a consultant
6 who is registered as an Architect or is a consulting expert in the field of science the respondent is
7 alleged to have violated.
- 8 (b) The purpose of the review shall be to confirm, prior to the commencement of formal
9 disciplinary proceedings, that the respondent's professional conduct did not satisfy the requisite
10 standard of care which should be applied by a reasonably prudent Architect under similar
11 circumstances.

RULE §1.177 Administrative Penalty Schedule

1 If the Board determines that an administrative penalty is the appropriate sanction for a violation
2 of any of the statutory provisions or rules enforced by the Board, the following guidelines shall
3 be applied to guide the Board's assessment of an appropriate administrative penalty:

4 [Subsection (1) omitted]

5 (2) After determining whether the violation is minor, moderate, or major, the Board shall
6 impose an administrative penalty as follows:

7 [Sub-subsections (A)-(F) omitted]

8 (G) An Architect, Candidate, or Applicant who fails, without good cause, to
9 provide information to the Board under provision of §1.171 of this subchapter
10 (relating to Responding to Request for Information) is presumed to be interfering
11 with and preventing the Board from fulfilling its responsibilities. For these
12 reasons a violation of §1.171 of this subchapter shall be considered a moderate
13 violation if a complete response is not received within 30 days after receipt of the
14 Board's written inquiry. Any further delay constitutes a major violation. Each 15
15 day delay thereafter shall be considered a separate violation of these rules.

RULE §3.177 Administrative Penalty Schedule

16 If the Board determines that an administrative penalty is the appropriate sanction for a violation
17 of any of the statutory provisions or rules enforced by the Board, the following guidelines shall
18 be applied to guide the Board's assessment of an appropriate administrative penalty:

19 [Subsection (1) omitted]

20 (2) After determining whether the violation is minor, moderate, or major, the Board shall
21 impose an administrative penalty as follows:

22 [Sub-subsections (A)-(F) omitted]

23 (G) A Landscape Architect, Candidate, or Applicant who fails, without good
24 cause, to provide information to the Board under provision of §3.171 of this
25 subchapter (relating to Responding to Request for Information) is presumed to be
26 interfering with and preventing the Board from fulfilling its responsibilities. For
27 these reasons a violation of §3.171 of this subchapter shall be considered a
28 moderate violation if a complete response is not received within 30 days after

1 receipt of the Board's written inquiry. Any further delay constitutes a major
2 violation. Each 15 day delay thereafter shall be considered a separate violation of
3 these rules.

RULE §5.187 Administrative Penalty Schedule

4 If the Board determines that an administrative penalty is the appropriate sanction for a violation
5 of any of the statutory provisions or rules enforced by the Board, the following guidelines shall
6 be applied to guide the Board's assessment of an appropriate administrative penalty:

7 [Subsection (1) omitted]

8 (2) After determining whether the violation is minor, moderate, or major, the Board shall
9 impose an administrative penalty as follows:

10 [Sub-subsections (A)-(F) omitted]

11 (F) A Registered Interior Designer, a Candidate, or an Applicant who fails,
12 without good cause, to provide information to the Board under §5.181 of this
13 subchapter (relating to Responding to Request for Information) is presumed to be
14 interfering with and preventing the Board from fulfilling its responsibilities. For
15 these reasons a violation of §5.181 of this subchapter shall be considered a
16 moderate violation if a complete response is not received within 30 days after the
17 violation. Any further delay constitutes a major violation. Each 15 day delay
18 thereafter shall be considered a separate violation of these rules.

Staff Recommendation - Technical Amendment/Retain Rule as Amended

RULE §7.10 General Fees

- 1 (a) FAILURE TO TIMELY PAY A REGISTRATION RENEWAL WILL RESULT IN THE
 2 AUTOMATIC CANCELLATION OF REGISTRATION BY OPERATION OF LAW.
 3 (b) The following fees shall apply to services provided by the Board in addition to any fee
 4 established elsewhere by the rules and regulations of the Board or by Texas law:

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 90days late - Resident	\$20	\$20	\$20
Emeritus Renewal 1-90 days	\$15	\$15	\$15

Staff Recommendation - Technical Amendment/Retain Rule as Amended

late - Nonresident			
Emeritus Renewal greater than 90 days late - Nonresident	\$20	\$20	\$20
Annual Business Registration	*****\$30	*****\$30	*****\$30
Business Registration Renewal 1-90 days late	*****\$45	*****\$45	*****\$45
Business Registration Renewal Greater than 90 days late	*****\$60	*****\$60	*****\$60
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

Staff Recommendation - Technical Amendment/Retain Rule as Amended

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

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

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

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

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

16 *****Notwithstanding the amounts shown in each column, a multidisciplinary firm which
 17 renders or offers two or more of the regulated professions of architecture, landscape architecture,
 18 and interior design is required to pay only a single fee in the same manner as a firm which offers
 19 or renders services within a single profession.

Staff Recommendation - Technical Amendment/Retain Rule as Amended

- 1 (e) If a check is submitted to the Board to pay a fee and the bank upon which the check is drawn
- 2 refuses to pay the check due to insufficient funds, errors in routing [~~touring~~], or bank account
- 3 number, the fee shall be considered unpaid and any applicable late fees or other penalties accrue.
- 4 The Board shall impose a processing fee for any check that is returned unpaid by the bank upon
- 5 which the check is drawn.
- 6 (f) A Registrant who is in Good Standing or was in Good Standing at the time the Registrant
- 7 entered into military service shall be exempt from the payment of any fee during any period of
- 8 active duty service in the U.S. military. The exemption under this subsection shall continue
- 9 through the remainder of the fiscal year during which the Registrant's active duty status expires.

Statutory Authority

§2001.039, Gov't Code. AGENCY REVIEW OF EXISTING RULES. (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.

(b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.

(c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.

(d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.

(e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

§1051.202, Occ. Code. GENERAL RULEMAKING AUTHORITY. The board shall adopt reasonable rules and bylaws and prescribe forms as necessary to administer or enforce this subtitle, including rules regulating the practices of architecture, landscape architecture, and interior design.

ASLA Accreditation and Reciprocity Summary 8 24 12
Summary of Issues: Accreditation and Reciprocity

Introduction

In 2009-2010, ASLA's California chapters shared with the ASLA Board of Trustees concerns regarding the current scope of accreditation and its impact on graduates of programs in California that do not award degrees. Programs at the University of California, Los Angeles and University of California, Berkeley offer certificates through the extension programs at those universities. According to the chapters, graduates of these certificate programs are then at a disadvantage for licensure outside of California and, therefore, full entry into the profession.

The Board responded by suggesting that ASLA create a task force to explore the impacts related to the lack of authority of the Landscape Architectural Accreditation Board (LAAB) to accredit non-degree-granting programs. In May 2010, the Task Force on Accreditation and Reciprocity was formed, which included perspectives from the two major issue areas: accreditation/education and licensure. The task force charge:

Identify potential advantages, disadvantages, and challenges for expanding the role of the Landscape Architectural Accreditation Board (LAAB) to evaluate other degree-granting and non-degree-granting programs. Specifically, the task force should review the impact of the status quo on licensure eligibility for professionals without a degree from an LAAB-accredited landscape architecture program, including graduates of the California certificate extension programs.

The Landscape Architectural Accreditation Board (LAAB) is currently authorized to accredit first-professional programs that offer landscape architecture degrees. LAAB is vested with authority via the ASLA Bylaws (Section 916):

There shall be a Landscape Architectural Accreditation Board (LAAB). The board shall consist of twelve (12) members, including one (1) appointed by the Society who shall also serve as a member of the Council on Education, one (1) appointed by the Council of Educators in Landscape Architecture (CELA), and one (1) appointed by the Council of Landscape Architectural Registration Boards (CLARB). The remaining members shall be appointed according to procedures established by LAAB. The board shall be an autonomous working group with responsibility to act in matters concerning accreditation of professional landscape architecture degree programs. Fees collected by LAAB shall cover the direct costs of accreditation visits and board meetings. The Society shall provide staff support and overhead for LAAB in an amount to be determined in the annual budget of the Society as established by the Board of Trustees.

As the task force explored the issues surrounding accreditation, the task force chair asked LAAB to share its comments on the matter, which were received by the task force and reviewed in May 2011. Next, the preliminary work of the task force was shared with the Presidents' Council at its June 2011 meeting. The Council includes leadership and staff from ASLA, LAAB, Council of Educators in Landscape Architecture (CELA), Council of Landscape Architectural Accreditation Boards (CLARB), Canadian Society of Landscape Architects (CSLA), and Landscape Architecture Foundation (LAF). The feedback received at the Presidents' Council meeting was shared with the task force and an invitation was made to the organizations to share additional comments in writing. The final task force meeting was held in August, when a recommendation was identified and agreed to unanimously, as follows:

The ASLA Task Force on Accreditation and Reciprocity recommends that the scope of the Landscape Architectural Accreditation Board should be expanded to include non-degree-granting first-professional landscape architecture programs. These programs must be able to meet the same standards that are used to evaluate degree-granting programs. There are areas where the accreditation standards will need to recognize the institutional model of the certificate program, in the same way that the existing standards recognize the differences between bachelor's and master's degrees, and care must be taken to maintain the existing standards for accreditation of all programs. The task force believes it is essential to the integrity of accreditation that certificate programs require a bachelor's degree as a prerequisite to entry into a certificate program. This recommendation is intended to expand the eligibility for accreditation to programs that provide an education equivalent to that of degree-granting programs. The task force acknowledges that it is the responsibility of LAAB to determine whether any program meets the accreditation standards.

Scope

The task force explored the extent to which accreditation could apply to other programs – both existing and future. Many of the existing accredited landscape architecture programs reside within land grant colleges, which typically have extension programs. A sampling of these schools showed that their extension programs tend to be for continuing education with a narrow scope. It appears that the California landscape architecture extension programs are unique programs that have not been attempted elsewhere.

Other potential sources of programs include landscape design or vocational-tech associates degree programs. A review of these models indicate that these are short-term programs with limited curricula or they have a technical/trade focus rather than a comprehensive discipline. The proposed bylaws change would not expand LAAB's scope beyond professional landscape architecture programs, thereby eliminating landscape design or programs with pre-professional curricula from eligibility unless these schools decided to make significant changes.

The California extension programs at UCLA and UC-Berkeley provide the only examples of landscape architecture programs that do not grant degrees, but have educational goals similar to the accredited degree-granting programs. Graduates of both programs earn certificates.

Founded in 1982, the Berkeley Extension Program is a 3-year program designed for working adults with average time in the program 4 years. It does not require a bachelor's degree, but recommends it for candidates and most students come to the program with a bachelor's degree. The program's student body consists of approximately 1/3 career change (from varying backgrounds); 1/3 from green industry/construction background; and 1/3 are in mid/late 20s looking for a career. There are about 100 individuals taking classes that are not enrolled in the certificate program, while there are 50-60 students actively seeking a certificate. Some Berkeley students transfer to an accredited MLA program, especially younger students. The program grants 15-20 certificates each year, with many graduates going on to take the licensing exam.

Founded in 1984, the UCLA Extension Program is also designed for working adults. UCLA requires a Bachelor's degree to become a certificate candidate, but allows conditional admission for students with a two-year Associate's Degree. In recent years, conditional admission has been rare, typically granted to one student/year. There are two portfolio reviews – one at the end of the first year and one at the end of the third year before entering a year of thesis. The four-year program is sequenced, which means that classes can only be taken in the approved sequence, with classes arranged to build on complexity and previous knowledge and skills. The program's student body consists of about 1/2 career changers, 1/4 right out of college, and 1/4 who are just trying out the classes. Many initial students transfer to MLA programs. Almost all of the students work full-time and take a full load of classes and the program has a high proportion of single parents in its student body. The program graduates between 15-25 students a year. The program has 301 graduates, of which at least 1/3 are licensed or in the process of being licensed in California.

Issues

The following section summarizes the issues identified by the task force and allied organizations.

Reciprocity

Reciprocity has been identified as a significant problem for licensed landscape architects with certificates. Each state sets its respective requirements for licensure. California performs its own review of the certificate programs, based upon the LAAB standards, allowing the state to enable graduates of the certificate programs to earn licensure in California. Other states require an accredited degree or may allow a non-accredited degree, but do not provide for non-degree landscape architectural education.

There are 31 states (see map) that allow for an experience-only path to licensure, which should be a viable route to licensure for graduates of these programs, provided that they continue to earn supervised experience for up to 12 years, depending on the state. An additional 2 states allow for credit for any bachelor's degree along with an extended period of experience. For the remaining 17 states, some allow for non-accredited degrees to credit toward the educational component of licensure requirements, but it is not clear if a board would allow for a certificate in lieu of a degree in these cases.

The ASLA Prerequisites for Licensure Policy asserts the value of providing varied pathways to licensure. It reads, in part:

The ASLA believes that a professional degree in Landscape Architecture from a program accredited by the Landscape Architectural Accreditation Board should be a prerequisite for licensing. The ASLA also believes that alternate experiences to the accredited degree could be considered as fulfilling the educational prerequisites to licensure on an individual candidate basis. These may include practical experience, alternative educational tracks, or a combination thereof.

Several states require a CLARB certificate to qualify for initial or reciprocal licensure. The Standards of Eligibility for CLARB certification require a first professional degree accredited by the LAAB (or the Canadian counterpart). There are several other ways that the education component of the standards can be met, but a certificate would not meet any of these categories and at least one year of education must be gained in an accredited degree program.

Accreditation will improve the grounds for reciprocity for those who graduate after accreditation is granted. Some additional regulatory action is likely to be necessary for states that specify a "degree" as a prerequisite; however, the task force did not anticipate the need for a national campaign to change licensure laws and regulations. Given the scope of this issue, individual licensees who continue to find barriers will need to present their qualifications.

CTA allows for experience to qualify to take the licensure exam without education requirements (# years required) –18 states WA 8 NC 10 VA 8 DE ID 8 MD PA 8 NY 12 MA VT NH ME 12 NV 6 CA OR 8 TX LA 6 MS 7 AL 8 FL 6 GA SC WV 10 KY TN KS OK AR 7 UT 8 CO 6 AZ 8 NM 10 MN 13 IA 10 WI MI 7 OH IN IL MO SD ND 8 MT 8 WY 6 HI 12 AK 12 NE 8 RI CT NJ Landscape Architecture Licensure Laws Eligibility Requirements 5-1-2011 NJCT: 8 MD: 8 MA: 6 RI: 6 VT: 9 Credits non-LA program education (does not include credit for A/E education) –2 states Experience-only and non-LA program education acceptable –13 states

Impact on Degree Programs

This issue was a primary concern of the task force as it evaluated the potential outcomes of a change in LAAB scope and also a strong concern expressed by allied organizations, including CELA.

The vulnerability of programs under fiscal challenges serves to heighten this issue. The task force recognized that an expansion of LAAB scope could undermine the viability of existing accredited degree-granting programs and programs under development, which potentially could be pressured to shift to a certificate program. The task force attempted to quantify this threat and turned to the example of the California extension programs as the best evidence available. The two extension programs, which are currently reviewed by the state licensing board, have coexisted for nearly 30 years with BLA and MLA programs in the state, without any evidence of adverse impact on degree-granting programs or shifting toward extension certificate programs over degree programs.

Even though there is no consideration given to developing two sets of standards for degree- and non-degree-granting programs, there could be a perceived gap between the two types of programs accredited by LAAB, downgrading the value of the accreditation credential itself. Without demonstrable evidence cited, it has been expressed through comments received that there may be a potential for adverse consequence to existing accredited programs if the standards are considered lax, including comparisons with other allied professions that do not accredit similar programs. All-in-all, this is a difficult threat to quantify in any meaningful way.

A review of LAAB standards and implementation options provides options to minimize the incentive for an institution to shift a degree program into a certificate program. LAAB has established Minimum Requirements for Achieving and Maintaining Accredited Status (page 5 of Standards and Procedures document). There are different standards set for undergraduate programs graduate programs, including program length and full-time faculty. LAAB would need to determine equivalent standards for certificate programs, including a statement that students in these programs must already hold at least a bachelor's degree. Also, Standard 3 (Professional Curriculum) would need to include a section on certificates (there are sections that set different requirements for bachelor's level, master's level and non-baccalaureate MLA programs).

Parity with Allied Professions

Architecture accreditation is limited to degree-granting programs. Engineering accreditation includes engineering technology programs, but with separate standards. Interior Design accredited certificates, but changed this policy in 2004. There are some examples of certificate program accreditation, primarily in the medical fields. It does not appear that architecture or engineering have educational programs comparable to the UCLA and Berkeley certificate programs. LAAB raised the question of whether certificate programs are the general direction for entry into the profession, citing pre-professional certificate programs that exist at community colleges that have agreements with nearby universities who will accept these students for completion of their BLA degrees. The proposed expansion of scope to non-degree programs would continue to apply only to professional landscape architecture programs, not pre-professional programs.

Growth of the profession

Allowing for alternative paths to landscape architecture may contribute to the growth of the profession. However, if current students already enter the profession in California, will the accreditation factor actually grow the profession? Potentially, the California programs may grow as a result of accreditation. There is a greater potential for additional extension programs to be created in California with the availability of accreditation. It is less clear the extent to which this could become a national model, given the lack of similar programs elsewhere. LAAB comments suggest that new university programs are meeting the concerns of growing the profession, with the projection of 100 programs at 75 institutions by 2018. However, it is unclear the extent to which these new programs will be accessible to adults who must work full-time while pursuing education, which is a significant aspect of the certificate programs.

Defense of Licensure

The expansion of LAAB's scope would be beneficial to protecting licensure from critics of regulation. Concerns have been raised that expanding routes to licensure serves to weaken the profession and will make licensure less defensible. On the contrary, allowing for varied pathways to licensure demonstrates the commitment to avoiding unnecessary barriers to entering the landscape architecture profession.

Much of the dialogue surrounding deregulation stresses the negative impact of professional regulation on the ability of people who are not licensed to make a living. It strengthens the case for licensure when individuals from varied backgrounds have reasonable access to licensure, as long as all licensure candidates demonstrate competency by passing the licensing exam.

Perceptions & Reputation

While perceptions are nebulous, the task force acknowledged that there could be an impact on the profession's reputation after an expansion of LAAB's scope. CELA has indicated concern that the change could inhibit the ability of degree programs to recruit students, "[w]hy would a student want to pursue a discipline based upon a certificate when they can have a real degree in architecture or another field?" The reaction to the proposed change has shown that the perception of a "certificate" does not adequately represent the types of programs that could even qualify for eligibility under an expansion of LAAB, let alone achieve accreditation.

Impact on Standards

CELA commented that "many existing candidacy programs use the standards as a means to 'push' institutions toward providing more resources. For example, accreditation requirements for facilities and faculty may help guard against cutbacks in these areas. Lowered standards for administration and faculty have the potential to lower resource allocations for all programs currently under stress."

Most critically, it should be noted that the task force recommendation emphasized the crucial point that all programs must meet the same standards and that there is no intent to lower accreditation standards. The LAAB is entrusted to maintain the standards.

The task force acknowledged that accommodations may be needed to recognize the different delivery model in a certificate program; however, these adaptations would occur not in the standards themselves, but in the measurement of the standards. These types of adjustments are already commonly used by LAAB to handle different models in existing BLA and MLA programs. For example, Standard 3, Professional Curriculum, has some criteria that apply to all programs and some that apply only to specific types of programs (undergraduate, MLA, or non-baccalaureate MLA).

CHEA and Institutional Accreditation

CELA asked how the Council of Higher Education Accreditation's (CHEA) accreditation of LAAB might be affected by the change. CHEA accreditation of LAAB will not be threatened by an expansion of scope. CHEA recognizes many accrediting agencies that review certificate programs and has a process in place for change of scope. LAAB would need to petition CHEA for a change in scope after it had granted accreditation to at least one certificate program.

In its correspondence, CELA also asked what organization is responsible for accrediting the parent institutions of certificate programs. LAAB requirements ensure that all parent institutions are accredited by the appropriate governing body. For the two certificate programs in California, UCLA and UC-Berkeley are the parent institutions and the extension programs are reviewed in the same process as degree programs under the institutional accreditation.

Additional Issues

The following issues were raised via correspondence with allied organizations, but do not fit into any of the major categories above:

- . CELA raised a concern that the expansion will “open the door” for for-profit professional degrees. For-profit institutions are already eligible for accreditation by LAAB.

- . CELA also expressed concern that the expansion of scope would imply that reasonable accommodations will be made to allow non-degree-granting institutions to achieve accreditation, thereby creating a legal risk if institutions are unable to meet accreditation. By their very nature, accreditation establishes a standard that must be met, meaning that there always will be institutions that fail to meet that standards. As long as the standards themselves are defensible and the process is fair, LAAB is well-positioned to fend off any legal challenge.

Implementation

In the event that the LAAB is empowered to grant accreditation to non-degree-granting programs, the task force identified standards that are likely to provide the greatest challenge for the programs positioned to be eligible for accreditation review. It should be noted that there are degree-granting programs that face challenges in these same areas. Fundamentally, UCLA and Berkeley extension programs believe that they can meet curriculum standards, but there are structural issues not compatible with the LAAB standards. The following provides a summary of the programs' compatibility to the LAAB standards and minimum requirements, but should not be construed as an official assessment or endorsement of the programs.

LAAB Minimum Requirements for Accreditation

In addition to the seven standards, there are minimum requirements for achieving and maintaining accredited status:

- . The program title and degree description incorporate the term "Landscape Architecture."
- . There may need to be changes made to accomplish this requirement, but it is anticipated that the schools will be able to comply with this requirement.

- . An undergraduate first-professional program is a baccalaureate of at least four academic years' duration. A graduate first-professional program is a master's equivalent to three academic years' duration.
- . This is the primary requirement that is under consideration by the task force. If the scope of LAAB is expanded, an additional option must be provided for the certificate programs.

- . Faculty instructional full-time equivalence (FTE) shall be as follows: An academic unit that offers a single first-professional program has at least three FTE instructional faculty who hold professional degrees in landscape architecture, at least one of whom is full-time. An academic unit that offers first-professional programs at both bachelor's and master's levels, has at least six instructional FTE, at least five of whom hold professional degrees in landscape architecture, and at least two of whom are full-time.
- . This requirement may be difficult for the extension programs to meet, but further study is needed to determine instructor equivalency to FTE faculty.
- . The parent institution is accredited by a recognized institutional accrediting agency [such as recognition by U.S. Department of Education or Council for Higher Education Accreditation].
- . The task force did not identify any potential concerns for this requirement.
- . There is a designated program administrator responsible for the leadership and management functions for the program under review.
- . Only one of the schools has a full-time program administrator. It is unlikely that accreditation could be granted without a full-time administrator.

- . A program accredited by LAAB shall: a. Continuously comply with accreditation standards; b. Pay the annual sustaining and other fees as required; and c. Regularly file complete annual and other requested reports.
- . The institutions would need to be able to manage the costs associated with accreditation. In addition to the LAAB fee, there would likely be implementation costs to conform to accreditation standards. Initial costs could range from \$5-10,000 and ongoing LAAB fees at \$2,000/year.

LAAB Standards

Standard 1: Program Mission and Objectives: The program shall have a clearly defined mission supported by goals and objectives. Intent: Using a clear concise mission statement, each landscape architecture program should define its core values and fundamental purpose for faculty, students, prospective students, and the institution. The mission statement summarizes why the program exists and the needs that it seeks to fulfill. It also provides a benchmark for assessing how well the program is meeting the stated objectives.

- . It is likely that both programs have the goals, objectives, and planning processes in place to meet this standard.

Standard 2: Program Autonomy, Governance, and Administration: The program shall have the authority and resources to achieve its mission, goals and objectives. Intent: Landscape architecture should be recognized as a discrete professional program with sufficient financial and institutional support and authority to enable achievement of the stated program mission, goals and objectives.

- . This standard includes requirements for full-time faculty. The task force believes that there may be flexibility to accommodate the instructor model of the extension programs, even though they are not considered faculty by the institutions. One possible barrier to accreditation is the requirement for three full-time faculty who hold professional degrees in landscape architecture. This requirement can be met by showing equivalence to three full-time faculty.

Standard 3: Professional Curriculum: The first professional-degree curriculum shall include the core knowledge skills and applications of landscape architecture. Intent: The purpose of the curriculum is to achieve the learning goals stated in the mission and objectives. Curriculum objectives should relate to the program's mission and specific learning objectives. The program's curriculum should encompass coursework and other opportunities intended to develop students' knowledge, skills, and abilities in landscape architecture.

- . One part of this standard would require that certificate students hold a bachelor's degree. UCLA currently requires this, but allows for a rare exception. Berkeley does not require a bachelor's degree, but most students do have such a degree.

Standard 4: Student and Program Outcomes: The program shall prepare students to pursue careers in landscape architecture. Intent: Students should be prepared – through educational programs, advising, and other academic and professional opportunities – to pursue a career in landscape architecture upon graduation. Students should have demonstrated knowledge and skills in creative problem solving, critical thinking, communications, design, and organization to allow them to enter the profession of landscape architecture.

. The task force did not identify any potential concerns for this standard.

Standard 5: Faculty: The qualifications, academic position, and professional activities of faculty and instructional personnel shall promote and enhance the academic mission and objectives of the program.

Intent: The program should have qualified experienced faculty and other instructional personnel to instill the knowledge, skills, and abilities that students will need to pursue a career in landscape architecture. Faculty workloads, compensation, and overall support received for career development contribute to the success of the program.

. As also described in Standard 2, the faculty issue is one of the most problematic areas for certificate programs.

Standard 6: Outreach to the Institution, Communities, Alumni, and Practitioners: The program shall have a record or plan of achievement for interacting with the professional community, its alumni, the institution, community, and the public at large. Intent: The program should establish an effective relationship with the institution, communities, alumni, practitioners, and the public at large in order to provide a source of service learning opportunities for students, scholarly development for faculty, and professional guidance and financial support. Documentation and dissemination of successful outreach efforts should enhance the image of the program and educate its constituencies regarding the program and the profession of landscape architecture.

. The task force did not identify any potential concerns for this standard.

Standard 7: Facilities, Equipment, and Technology: Faculty, students, and staff shall have access to facilities, equipment, library, and other technologies necessary for achieving the program's mission and objectives. Intent: The program should occupy space in designated, code-compliant facilities that support the achievement of program mission and objectives. Students, faculty, and staff should have the required tools and facilities to enable achievement of the program mission and objectives.

. The task force did not identify any potential concerns for this standard.

References

LAAB Accreditation Standards
UC Berkeley Extension and UCLA Extension

CA Landscape Architects Technical Committee
ASLA Policy: "Prerequisites for Licensure"
ASLA Bylaws

Timeline

2009-2010 Board of Trustees briefed on issue by trustees of California chapters

May 2010 ASLA creates Task Force on Accreditation and Reciprocity

May 2011 LAAB feedback presented to task force

June 2011 Work of task force presented to the Presidents' Council (ASLA, CELA, CSLA, LARB, LAF, and LAAB), with invitation for additional comments

August 2011 Task force finished its research and reached a recommendation (unanimous) for the ASLA Board of Trustees (BOT)

October 25, 2011 CELA sends letter to BOT on the issue (ASLA responded to all 8 issues same day)

October 26, 2011 LAAF sends letter outlining its position. Most points were covered in the May 2011 communication

October 29, 2011 ASLA BOT approves the task force recommendations, which directs the development of a ASLA Bylaws amendment to implement the recommendation.

January 5, 2012 CELA message to program administrators with request for its membership to "further research concerns about and potential impacts of the change."

March 2012 Discussion at CELA Board of Directors

April 2012 ASLA Constitution and Bylaws Committee drafts bylaws change to implement the BOT action at the October 2011 meeting.

May 11, 2012 The Executive Committee proposes that the ASLA BOT defer action on the bylaws change until the 2013 Midyear meeting to allow for further exploration of these issues, including a forum at the 2012 Annual Meeting.

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: 233-12A
Respondent: Joseph H. Adams
Location of Respondent: Houston, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Joseph H. Adams (hereafter "Respondent") is registered as an architect in Texas with registration number 6960.
- Based upon the results of a random continuing education audit it was determined that Respondent failed to timely complete his continuing education requirements for the audit period of April 1, 2011 through March 31, 2012.
- In addition to completing the required continuing education hours outside of the continuing education audit period, Respondent falsely certified completion of his CE responsibilities in order to renew his architectural.
- Respondent provided medical documentation establishing serious health conditions during the program year which warrant no imposition of an administrative penalty for his failure to timely complete continuing education responsibilities.

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required number of continuing education hours during the audit period, Respondent violated 22 TEX. ADMIN. CODE § 1.69(f).
- By falsely reporting that he had completed the required continuing education in order to renew his registration Respondent violated Board rule 1.69(g). The standard administrative penalty assessed for this violation is \$700.00.

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number: 249-12L
Respondent: Robert O. Atwood
Location of Respondent: Houston, Texas
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Robert O. Atwood (hereafter "Respondent") is registered as a landscape architect in Texas with registration number 2365.
- On June 28, 2012, he was notified that he was being audited for compliance with the continuing education requirements for the audit period of June 1, 2008 through May 30, 2009.
- In his response to the Board's letter Respondent stated that he could not locate some of his course completion certificates.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of June 1, 2008 through May 30, 2009, Respondent violated Board rule 3.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of his or her continuing education activities for a period of five years after the end of the registration period for which credit is claimed is **\$500.00**.

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number: 006-13A
Respondent: David G. Campbell
Location of Respondent: Fort Worth, Texas
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- David Campbell (hereafter “Respondent”) is registered as an architect in Texas with registration number 18193.
- On January 28, 2011 he was notified that he was being audited for compliance with the continuing education requirements for the audit period of January 1, 2011 through December 31, 2011 and requested to provide his Continuing Education Program Log along with supporting documentation for all activities listed
- Respondent did not respond to this letter.
- In his response to staff’s follow-up letter Respondent provided his CEPH log but could not provide supporting documentation.

Applicable Statutory Provisions and Rules:

- By failing to maintain detailed records of his or her continuing education activities for a period of five years after the end of the registration period for which credit is claimed, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for is **\$500.00**.
- By failing to respond to a written request for information within 30 days Respondent violated Board rule 1.171 which requires that a registered interior designer 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 **\$750.00**.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number: 235-12L
Respondent: Brent E. Croft
Location of Respondent: Cheyenne, WY
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Brent E. Croft (hereafter "Respondent") is registered as a landscape architect in Texas with registration number 2303.
- Based upon the results of a random continuing education audit it was determined that Respondent failed to retain proof of fulfillment of continuing education responsibilities for the audit period of September 1, 2010 through August 31, 2011.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to a written request for information from the Board.

Applicable Statutory Provisions and Rules:

- By failing to maintain proof of fulfillment of continuing education obligations for the period of September 1, 2010 through August 31, 2011, Respondent violated Board rule 3.69(e). 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**.
- By failing to reply to the Board's letter of September 15, 2011, Respondent violated Board rule 3.171 which requires a registered landscape architect to respond to a Board inquiry within 30 days of receipt. The standard administrative penalty assessed for this violation is **\$250.00**.

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number: 237-12A
Respondent: Tim L. Dykes
Location of Respondent: Houston, Texas
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Tim L. Dykes (hereafter "Respondent") is registered as an architect in Texas with registration number 8558.
- Based upon the results of a random continuing education audit it was determined that Respondent failed to timely complete his continuing education requirements for the audit period of September 1, 2010 through August 31, 2012.
- In addition to completing the required continuing education hours outside of the continuing education period, Respondent falsely certified completion of his CE responsibilities in order to renew his architectural registration.
- During the course of staff's investigation 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 a written request for information within 30 days of staff's requests, Respondent violated Board rule 1.171. The standard administrative penalty assessed for this violation is **\$250.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$1,450.00**.

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: 243-12A
Respondent: Michael P. Gabriel
Location of Respondent: Frisco, Texas
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Michael P. Gabriel (hereafter “Respondent”) is registered as an architect in Texas with registration number 12026.
- 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 February 1, 2010 through January 31, 2011.
- In addition to completing the required continuing education hours outside of the continuing education audit period, Respondent falsely certified completion of his CE responsibilities in order to renew his architectural registration.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number: 254-12A
Respondent: Richard A. Hibbs
Location of Respondent: Dallas, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Richard A. Hibbs (hereafter “Respondent”) is registered as an architect in Texas with registration number 14513.
- Based upon the results of a random continuing education audit it was determined that Respondent failed to timely complete his continuing education requirements for the audit period of November 1, 2010 through October 31, 2011.
- In addition to completing the required continuing education hours outside of the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his architectural registration.
- During the course of staff’s investigation Respondent failed to respond two written requests for information from the Board.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number: 257-12A
Respondent: Rick Joy
Location of Respondent: Tucson, AZ
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Rick Joy (hereafter "Respondent") is registered as an architect in Texas with registration number 19108.
- Based upon the results of a random continuing education audit it was determined that Respondent failed to complete his continuing education requirements for the audit period of January 1, 2011 through December 31, 2011.

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$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: 248-12A
Respondent: Dick H. Lew
Location of Respondent: Houston, Texas
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Dick H. Lew (hereafter "Respondent") is registered as an architect in Texas with registration number 16061.
- On April 16, 2012, he was notified that he was being audited for compliance with the continuing education requirements for the audit period of April 1, 2011 through March 31, 2012.
- In his response to the Board's letter Respondent stated that he could not locate some of his course completion certificates due to an office move.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number: 234-12A
Respondent: Jean Marie Marusak
Location of Respondent: Ennis, Texas
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Jean Marie Marusak (hereafter “Respondent”) is registered as an architect in Texas with registration number 13678.
- Based upon the results of a random continuing education audit it was determined that Respondent failed to maintain her continuing education records for the audit period of September 1, 2010 through August 31, 2011.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of September 1, 2010 through August 31, 2011, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five 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: 238-12I
Respondent: Nicolett P. Reynolds
Location of Respondent: Austin, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Nicolett P. Reynolds (hereafter "Respondent") is registered as an interior designer in Texas with registration number 9131.
- Based upon the results of a random continuing education audit it was determined that Respondent failed to complete her continuing education requirements for the audit period of November 1, 2010 through October 31, 2011.
- In addition to completing the required continuing education hours outside of the continuing education audit period, Respondent falsely certified completion of her CE responsibilities in order to renew her interior design registration.

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required number of continuing education hours during the audit period, Respondent violated 22 TEX. ADMIN. CODE § 5.79(f). The standard administrative penalty assessed for this violation is \$500.00.
- By falsely reporting that she had completed the required continuing education for the period of November 1, 2010 through October 31, 2011, Respondent violated Board rule 5.79(g). The standard administrative penalty assessed for this violation is \$700.00.

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number: 223-12I
Respondent: Brenda Lou Riffey
Location of Respondent: El Paso, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Brenda Lou Riffey (hereafter "Respondent") is registered as an interior designer in Texas with registration number 6981.
- Based upon the results of a random continuing education audit it was determined that Respondent failed to complete her continuing education requirements for the audit period of September 1, 2010 through August 31, 2011.
- In addition to completing the required continuing education hours outside of the continuing education audit period, Respondent falsely certified completion of her CE responsibilities in order to renew her interior design registration.

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required number of continuing education hours during the audit period, Respondent violated 22 TEX. ADMIN. CODE § 5.79(f). The standard administrative penalty assessed for this violation is \$500.00.
- By falsely reporting that she had completed the required continuing education for the period of September 1, 2010 through August 31, 2011, Respondent violated Board rule 5.79(g). The standard administrative penalty assessed for this violation is \$700.00.

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number: 236-12A
Respondent: Lee Weintraub
Location of Respondent: Chicago, IL
Nature of Violation: Failure to Respond to a Board Inquiry
Instrument: Report and Notice of Violation

Findings:

- Lee Weintraub (hereafter "Respondent") is registered as an architect in Texas with registration number 20086.
- During a random continuing education audit, Respondent was requested to provide verification of CE hours for the audit period September 1, 2010 through August 31, 2011.
- During the course of staff's investigation Respondent failed to respond to two written requests for information.
- Respondent was compliant with CE obligations for the audit period.

Applicable Statutory Provisions and Rules:

- By failing to respond to two written requests for information within 30 days 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 for a combined penalty of **\$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: 184-12A
Respondent: Rudolph V. Gomez
Location of Respondent: Brownsville, TX
Location of Project: Brownsville, Edinburg & San Juan, TX
Nature of Violation: Violation of Architectural Barriers Act (TDLR)
Instrument: Report and Notice of Violation

Findings:

- Rudolph V. Gomez (hereafter “Respondent”) is registered as an architect in Texas with architectural registration number 4765.
- On March 22, 2012, staff received a referral from the Texas Department of Licensing and Regulation (TDLR) indicating that Respondent had failed to submit plans for a project known as the IDEA Public Schools Brownsville Frontier Hybrid Labs for accessibility review within 20 days of plan issuance as required by Texas Government Code §469.102(b). The plans and specifications were issued on April 28, 2011, and were submitted to TDLR on August 11, 2011.
- On March 22, 2012, staff received a referral from TDLR indicating that Respondent had failed to submit plans for a project known as the IDEA Public Schools McAllen Quest Hybrid Labs for accessibility review within 20 days of issuance as required by Texas Government Code §469.102(b). The plans and specifications were issued on April 28, 2011, and were submitted to TDLR on August 11, 2011.
- On March 22, 2012, staff received a referral from TDLR indicating that Respondent had failed to submit plans for a project known as the IDEA Public Schools San Juan Hybrid for accessibility review within 20 days of issuance as required by Texas Government Code §469.102(b). The plans and specifications were issued on April 28, 2011, and were submitted to TDLR on August 11, 2011.

Applicable Statutory Provisions and Rules:

- By failing to submit the plans and specifications for accessibility review on three separate projects no later than the 20th day after issuance, Respondent violated § 1051.752(2) of the Architects’ Practice Act and Board rule 1.170.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$1,000.00 per project for a total administrative penalty of \$3,000.00.**

CAUSE NO. D-1-GN-10-003665

LM SEP 27 2012

At 9:13A M.
Amalia Rodriguez-Mendoza, Clerk

RICHARD MAKOVER,
Plaintiff,

§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

v.

TRAVIS COUNTY, TEXAS

**TEXAS BOARD OF
ARCHITECTURAL EXAMINERS,**
Defendant.

419TH JUDICIAL DISTRICT

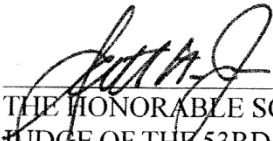
ORDER OF DISMISSAL WITH PREJUDICE

This matter is before the Court on this 27th day of September, 2012 pursuant to the Motion to Dismiss filed by Defendant, the Texas Board of Architectural Examiners. Defendant was present through its counsel of record, Assistant Attorney General Ted A. Ross, Office of the Attorney General. Plaintiff, having been duly served with Defendant's motion and notice of this hearing, failed to appear.

Having considered the motion and other relevant material on file, the Court finds that the motion has merit and should be granted.

IT IS THEREFORE ORDERED that the captioned proceeding is DISMISSED WITH PREJUDICE.

Dated: September 27, 2012.



THE HONORABLE SCOTT H. JENKINS
JUDGE OF THE 53RD JUDICIAL DISTRICT COURT
OF TRAVIS COUNTY, TEXAS

p. 1 of 2

**The Texas Board of Architectural Examiners
Questions for Chief Executive Officer
National Council of Architectural Registration Boards
(NCARB)
Michael J. Armstrong**

Item 1

Please discuss the Intern Development Program and recent adjustments to the standards of oversight for interns. Please let the Board know how intern supervision standards may change in light of emerging technology.

Item 2

We hear there are interior architecture educational programs around the country. Are these programs accredited by NAAB as architectural programs so that a graduate can eventually be licensed as an architect?

Item 3

We understand NCARB is conducting its practice analysis and is now evaluating the survey results as part of that analysis. Please let us know, to the extent that you can, how the practice analysis will impact the future of architectural education, the Intern Development Program and NCARB's role in the regulation of the profession. Please also discuss, in particular, any opportunities arising from the practice analysis to make an architectural degree and completing an internship more accessible to people who have financial challenges.

As the cost of a traditional 4-year university goes up, more people are opting to begin their education at a community college. Is it possible that NCARB might foster initiatives to reduce the time it takes to obtain an accredited degree and to accredit community college programs, without compromising on the quality and substance of the education of architects?