

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda
The Centennial Towers
TBAE/TSBPA Board Room, Suite 370
505 E. Huntland Drive, Austin, Texas
Thursday, February 24, 2022
10:00 a.m. – Conclusion

1. **Preliminary Matters**

<ol style="list-style-type: none">A. Call to orderB. Roll callC. Excused and unexcused absencesD. Determination of a quorumE. Recognition of guestsF. Chair’s opening remarksG. Public comments	Debra Dockery Fernando Trevino Debra Dockery
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2. **Approval of November 16, 2021 Board Meeting Minutes (Action)** Debra Dockery

3. **Executive Director Report (Information)**
 - A. Summary of Executive Accomplishments
 - B. Operating Budget/Scholarship Fund: Presentation on 1st Quarter FY 2022 Expenditures/Revenues

4. **CLARB Uniform Standard and Authority to Vote** Julie Hildebrand

5. **Enforcement Cases (Action)** Lance Brenton

Review and possibly adopt ED’s recommendation in the following enforcement cases:

 - A. **Registrant/Non-Registrant Cases:**

Case No. 069-21N	Comeaux, Stephanie	Non-Registrant
Case No. 135-21A	Martin, Paul E.	Arch #5595
Case No. 033-17N	Perez, Elihu aka Alex Perez	Non-Registrant
Case No. 193-18N;	Saldivar, Raul	Non-Registrant
SOAH Docket No. 459-22-0211		
Case No. 026-22A	Staiger, Steffen Carl	Arch #18259

 - B. **Continuing Education Cases:**

Case No. 043-22A	Davis, Richard D.	Arch #6271
Case No. 160-211	Parker, Pamela K.	RID #6554
Case No. 042-22L	Parrott, Nathan Ryan	Landscape Arch #3237
Case No. 162-211	Pope, Lisa Grochowski	RID #11160
Case No. 029-22A	Riley, Noah	Arch #23318
Case No. 053-22A	Shokry, Ashraf	Arch #26173

The Board may meet in closed session pursuant to TEX. GOV’T CODE ANN. §551.071(1) to confer with legal counsel.

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| 6. | Board Officers Election | Debra Dockery |
| 7. | Reports on National Regulatory Boards and Board Member and Staff Committee Service <i>(Information)</i> | Debra Dockery |
| 8. | Report on Conferences and Meetings <i>(Information)</i>
A. IIDA SHIFT22 Conference – January 26
B. SCNCARB Educators Conference – February 19 | Debra Dockery |
| 9. | Report on Upcoming Conferences and Meetings <i>(Information)</i>
A. NCARB Regional Summit/MBE Workshop – March 3
B. ASLA Texas Conference – April 19-20
C. NCARB Annual Business Meeting – June 2 | Debra Dockery |
| 10. | Board Member Comments/Future Agenda Items <i>(Information)</i> | Debra Dockery |
| 11. | Upcoming Board Meetings <i>(Information)</i>
Thursday, May 26, 2022
Thursday, August 25, 2022
Thursday, November 17, 2022 | Debra Dockery |
| 12. | Strategic Planning Workshop
A. Overview of Strategic Plan Requirements
B. Mission
C. Internal/External Assessment
D. Goals and Action Plan
E. Redundancies and Impediments | Julie Hildebrand |
| 13. | Adjournment | Debra Dockery |

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) workdays prior to the meeting so that appropriate arrangements can be made.

FREQUENTLY USED ACRONYMS

ACSA	Association of Collegiate Schools of Architecture
ADA	Americans with Disabilities Act
AIA	American Institute of Architects
AREFAF	Architect Registration Examination Financial Assistance Fund (Scholarship)
ASID	American Society of Interior Designers
ASLA	American Society of Landscape Architects
ARE	Architect Registration Examination
AXP	Architectural Experience Program
BOAT	Building Officials Association of Texas
CACB	Canadian Architectural Certification Board
CIDA	Council for Interior Design Accreditation (Formerly FIDER)
CIDQ	Council for Interior Design Qualification
CLARB	Council of Landscape Architectural Registration Boards
GAA	General Appropriations Act
GRF	General Revenue Fund
IDCEC	International Design Continuing Education Council
IDEC	Interior Design Educators Council
IIDA	International Interior Design Association
LARE	Landscape Architect Registration Examination
MBA	Member Board Administrator (within NCARB)
NAAB	National Architectural Accrediting Board
NCARB	National Council of Architectural Registration Boards
NCEES	National Council of Examiners for Engineering and Surveying
OAG	Office of the Attorney General
SOAH	State Office of Administrative Hearings
SORM	State Office of Risk Management
TAID	Texas Association for Interior Design
TAS	Texas Accessibility Standards
TASB	Texas Association of School Boards
TBPELS	Texas Board of Professional Engineers and Land Surveyors
TxA	Texas Society of Architects
TSPE	Texas Society of Professional Engineers

	<p>noted that it was so often the case that architecture enters the news only after a tragedy has occurred. In light of that, it was nice to see an example of the positive impact of architecture – how healthy buildings can improve society. She said it was a very interesting program and encouraged the Board to watch it.</p>
<p>1G. Public Comments</p>	<p>Ms. Dockery asked if there was anyone who wanted to address the Board. No comments were received.</p>
<p>2. Introduction of New Board Member Lauren Taylor, Public Member</p>	<p>Ms. Dockery then welcomed Lauren Taylor to the Board. She invited Ms. Taylor to introduce herself to her fellow Board members.</p> <p>Ms. Taylor stated that she was from the North Texas area (Denton, Lewisville, Dallas area) and had just graduated and received her Masters’ Degree in Rehabilitation Counseling from the University of North Texas. She said she works full time at the University of North Texas with students who are neuro divergent, including students with autism, anxiety, ADHD, helping them to navigate college. She said her passion for architecture came from studying in the Rehabilitation Studies program where she learned about universal design. She stated she had made it one of her main missions to advocate for accessible architecture. She thanked the Board for allowing her attend virtually as it is very difficult for her to travel due to her disability.</p> <p>The Board members introduced themselves to Ms. Taylor and welcomed her to the Board.</p>
<p>3. Approval of August 26, 2021 Board Meeting Minutes</p>	<p>A MOTION WAS MADE AND SECONDED (Smith/James) TO APPROVE THE AUGUST 26, 2021 BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.</p>
<p>4. Executive Director’s Report</p>	<p>Ms. Dockery invited Ms. Hildebrand to deliver the Executive Director’s report.</p> <p>Ms. Hildebrand began by stating that Christine Brister, the HR representative, had retired from the agency. She explained that Ms. Brister had provided dedicated service to TBAE and other agencies for many years and deserved her retirement. She noted that it was a big loss for the agency, but Ms. Best was proactive in finding a replacement. Recently, Sabrina Salazar was hired and began working at the beginning of October. Ms. Hildebrand shared information about Ms. Salazar’s biography and work history. Ms. Hildebrand stated she was very grateful to have her and thanked Ms. Best as well for her hard work in hiring and training Ms. Salazar.</p>
<p>A. Summary of Executive Accomplishments</p>	<p>Ms. Hildebrand updated the Board on current state of teleworking. She stated that the pilot program was working out nicely. She said the</p>

<p>B. Operating Budget/Scholarship Fund: Presentation on 4th Quarter Fiscal Year 2021 Expenditures/Revenue</p> <p>C. Report on Annual Financial Report (AFR)</p>	<p>Governor had requested that all agencies be functioning at 100% which TBAE had been maintaining and working well.</p> <p>Ms. Hildebrand presented agency accomplishments as discussed in her report on pages 16-17 of the Board materials. She referred the Board to those materials as a supplement to her verbal presentation.</p> <p>Ms. Hildebrand referred the Board to the budget on page 18 and gave details on specifics of the budget and explanations regarding the differences in the adopted budget for 2022.</p> <p>Ms. Hildebrand discussed the scholarship fund balance and referred the Board to page 19 of the Board materials as a supplement to her verbal presentation. She reported on staff’s efforts to implement the Board’s directive to increase the public’s awareness and use of the scholarship fund. She suggested that the agency should observe how those efforts impact the fund balance after a year, and if accruals continue to outpace distributions, the Board could consider decreasing the scholarship fee that is charged to architect registrants.</p> <p>Ms. Dockery asked whether the agency could increase the amount of the scholarship awards. Ms. Hildebrand responded that the scholarship amount is capped at \$500 by law.</p> <p>Ms. Dockery also suggested the agency could distribute scholarships to applicants even in the event of a failed examination, because those individuals may be economically disadvantaged and could become discouraged after the cost of an exam failure. She said awarding scholarships in such instances could result in increased resiliency for those applicants.</p> <p>Mr. James shared his observation that the outreach seemed to be working. He said he had heard people mention the scholarships more often in the architect community over the past few months.</p> <p>Ms. Salazar suggested that the agency could contact the local AIA chapters to assist with promoting the scholarship program. Mr. Wetmore suggested the same with respect to architectural programs in higher education.</p> <p>Ms. Hildebrand asked whether there were any questions regarding budgetary matters.</p> <p>Mr. James noted that the Accountancy Board had signage in front of the building in which both agencies rent space. He asked whether TBAE could do the same, and whether there would be a cost associated with that.</p> <p>Ms. Hildebrand stated that she would check on it.</p>
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<p>D. Strategic Plan FY 2023-2027</p>	<p>Ms. Hildebrand discussed the information on agency performance trends, as contained in her report on pages 20-21 of the Board materials. She referred the Board to those materials as a supplement to her verbal presentation.</p> <p>Ms. Hildebrand began her presentation on the Strategic Plan. She stated she was looking at the strategic plan partly in the context of the agency's upcoming sunset review. As part of a sunset review, each agency is audited. Therefore, she was expecting the agency to be audited sometime around the end of the fiscal year. To prepare for that audit, she had asked the managers to review their policies and procedures and make sure that these documents were properly updated. She had also asked that measures be taken to ensure that data entry and performance measures were accurate.</p> <p>Ms. Smith asked whether the audit was financial only, or whether it looked at other agency processes.</p> <p>Ms. Hildebrand confirmed that the audit looked holistically at agency processes, with a focus on ensuring the agency was following its policies and procedures and that agency business was properly recorded in accurate records.</p> <p>Ms. Hildebrand proceeded to address the expected timeline for preparation of the strategic plan, as identified on page 39 of the Board materials. She referred the Board to those materials as a supplement to her verbal presentation.</p> <p>Ms. Hildebrand also asked for input from the Board regarding the preferred process for this iteration of strategic planning. She asked whether the Board would prefer to have in-depth Board participation at the beginning of the process, including a meeting devoted specifically to the strategic plan, or whether the Board would prefer to have staff develop a strategic plan, with written input from the Board and then bring a completed plan to the Board for approval.</p> <p>Ms. Dockery stated that, with all the upheaval in the past few years, as well as the presence of many new Board members, it would be a good idea to hold a Board workshop devoted to the strategic plan. Mr. Bargainer and Ms. Smith agreed.</p> <p>Ms. Hildebrand said she would schedule a strategic plan workshop and would follow up with requests for written input in advance of the workshop.</p>
<p>E. Remote Board Meeting Attendance</p>	<p>Next, Ms. Hildebrand presented draft policy language, located on page 40 of the Board materials, regarding remote Board meeting attendance by Board members. Ms. Hildebrand discussed state law requirements</p>

	<p>regarding meetings by video teleconference and the contents of the proposed policy. She also asked for Board member input on the proposed policy.</p> <p>The Board members discussed the proposed policy, and after discussion agreed that the policy was acceptable, except that the policy should be edited to require a quorum of the Board to be physically present at the meeting location, so as to help ensure that a meeting could continue even in the event of technological disruptions or recusal by the chair or other officers.</p> <p>Ms. Hildebrand said she would make that change and implement the policy in the Board training manual.</p>
<p>5. Trend Analysis Presentation on Agency Performance and Operations</p>	<p>Ms. Dockery directed the Board to item 5 of the agenda – Trend Analysis.</p> <p>Ms. Hildebrand referred the Board to page 41 of the Board materials as a supplement to her verbal presentation. She presented key data from that report and invited questions from the Board.</p> <p>One point specifically addressed by Ms. Hildebrand was administrative penalty assessments versus collections. She noted that, usually, Board assessments were higher than collections due to the fact that some Respondents do not pay. On this point, Ms. Hildebrand briefly discussed the Board’s collections practices, including referring cases to the Office of the Attorney General (OAG). In 2021, a Respondent in a case paid an outstanding penalty because a lien had been placed on a piece of his property by the OAG. Ms. Hildebrand noted that this collection action was responsible in part for the fact that 2021 resulted in higher collections than assessments.</p> <p>Mr. Bargainer asked how long, on average, it took for Respondents to pay administrative penalties after they had been assessed.</p> <p>Mr. Brenton said that, due to a small minority of Respondents who do not pay, or take a long time to pay, the average was likely misleadingly skewed. As a better indicator, he surmised that the median payment date was probably about 30 days, as the majority of Respondent pay their penalties on or before the due date, which is usually 30 days.</p> <p>Ms. Smith noted that the proceeds from administrative penalties go to the State of Texas, and not TBAE. She asked what the Board’s responsibilities were to pay for collections activities.</p>

	<p>Mr. Brenton responded that, due to an interesting wrinkle in TBAE’s self-directed, independent status (SDSI), TBAE actually had to pay the state, in the form of the OAG, to collect the state’s own money. That is because SDSI agencies directly reimburse the OAG for legal services rendered. He noted that, when the OAG collects attorney’s fees that have been ordered by a judge in a TBAE collections action, those attorney’s fees are offset against any current bills the OAG sends to TBAE, because TBAE previously paid the OAG for the original legal services that were the subject of attorney’s fees reimbursements.</p> <p>Ms. Dockery noted that the exam candidates did not decline recently even though the testing centers were closed for six (6) months, which she found to be encouraging. She also noted that the inactive registrants were declining, which she perceived as evidence of Texas being a good place for employment. Finally, regarding generational change, Ms. Dockery noted that while emeritus architects continued to increase, this trend was commensurate with the overall number of architects, so it didn’t appear to show a large exodus to retirement. However, anecdotally, she has had many conversations with her peer group, who are retirement age, and the pandemic and associated issues have convinced many to retire earlier than they otherwise might have intended. She suggested it would be useful to have an article in an upcoming newsletter regarding emeritus status and what that means for practice.</p> <p>Mr. Wetmore agreed that emeritus status was a subject of interest and an article in the newsletter would be appreciated.</p>
<p>6. Board Member Learning and Envisioning Information Technology/Information Security Divisions</p>	<p>Ms. Dockery directed to the Board to item number 6 – Board Member Learning and Envisioning on IT. Ms. Hildebrand stated that Mr. Dornfeld would be giving a power point presentation.</p> <p>Mr. Dornfeld introduced himself and Mr. Le. He provided information to the Board regarding the responsibilities of their Information Technology department. He referred the Board to pages 50-60 of the Board materials as a supplement to his verbal presentation. He presented information from that report and invited questions from the Board.</p> <p>Ms. Hildebrand then asked Mr. Martinez to address the Board about his role as the information security officer.</p> <p>Mr. Martinez shared his background with the Board. He then provided information to the Board regarding the responsibilities of the agency’s Department of Information Security. He referred the Board to pages 61-77 of the Board materials, which were written materials that summarized his verbal presentation. He presented information from that report and invited questions from the Board.</p>

	<p>The Board members agreed that both presentations were excellent and they expressed their gratitude for the information on the agency’s IT and IS infrastructure.</p>
	<p>The Board took a break at 11:45 a.m. and reconvened at 11:55 a.m.</p>
<p>7. Committee Appointments</p>	<p>Ms. Dockery announced the following appointments to the committees:</p> <p>Ms. Dockery stated that she preferred to have a public member on the Rules Committee and had asked Ms. Taylor to participate, but she declined stating that she was not yet comfortable accepting the position due to her recent appointment. Therefore, Ms. Dockery asked Ms. Smith if she would serve and explained that she did not believe there would be much work for the committee as the rules had been reviewed during the previous year.</p> <p>Ms. Smith accepted the assignment to be on the Rules Committee.</p> <p><u>Appointments to the Rules Committee</u> Tim Bargainer – Chair Rosa Salazar Darren James Joyce Smith</p> <p>Ms. Dockery stated that since it was not a legislative year that she would not appoint new members to the Legislative Committee. She stated that it would remain the same as last year with the exception of Mr. Bearden, who was no longer serving as a board member.</p> <p><u>Remaining Appointments to the Legislative Committee</u> Bob Wetmore – Chair Rosa Salazar</p> <p><u>Appointments to the Budget Committee</u> Rosa Salazar – Chair Joyce Smith Jennifer Walker</p> <p>Ms. Dockery stated that she was reinstating the Executive Director’s Review Committee with the charge to review the current form and format that the Board uses for the Executive Director’s annual review and advise the Board if this is still an appropriate form to use in its evaluation process.</p> <p><u>Executive Director’s Review Committee</u> Joyce Smith – Chair Bob Wetmore Fernando Trevino</p>

	<p>Ms. Dockery thanked the Board members for agreeing to serve on the various committees.</p>
<p>8. Consideration of Proposed Amendments for Adoption 3.191</p>	<p>Mr. Brenton referred to the Board materials for this agenda item beginning on page 80. He summarized those materials, provided staff's recommendation, and invited any questions or comments from the Board.</p> <p>A MOTION WAS MADE AND SECONDED (James/Bargainer) TO APPROVE THE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE § 3.191 FOR FINAL ADOPTION. THE MOTION PASSED UNANIMOUSLY.</p>
<p>9. Enforcement Cases Review and possibly adopt ED's recommendation in the following cases</p> <p>8A. Registrant/Non-Registrant Cases</p>	<p>Ms. Dockery asked Mr. Brenton to present the following disciplinary cases.</p> <p>DePasquale, Peter John (#166-21A) Mr. Brenton directed the Board to the written materials for this case beginning on page 93 and provided a summary of the case as well as staff's recommendation.</p> <p>A MOTION WAS MADE AND SECONDED (Walker/Bargainer) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTY OF \$500 AS SET FORTH IN THE REPORT AND NOTICE OF VIOLATION DATED JULY 30, 2021. THE MOTION PASSED UNANIMOUSLY.</p> <p>McKinney, James (#043-20N) Mr. Brenton directed the Board to the written materials for this case beginning on page 94 and provided a summary of the case as well as staff's recommendation.</p> <p>A MOTION WAS MADE AND SECONDED (Smith/James) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTY OF \$4,000 AND REQUIRES THE RESPONDENT TO CEASE AND DESIST FROM VIOLATING OCCUPATIONS CODE CHAPTER 1051 AS SET FORTH IN THE REPORT AND NOTICE OF VIOLATION DATED SEPTEMBER 22, 2021.</p> <p>Ms. Smith asked whether Respondent was an architect in any other jurisdiction. Mr. Brenton stated that he was not an architect in any other jurisdiction, did not otherwise engage in any design work, and was a tradesman.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p>

<p>8B. Continuing Education Cases</p>	<p>Mr. James asked whether the Board had seen a similar case. Mr. Brenton and Ms. Hildebrand both stated that occasionally the Board saw a case where a non-registrant had created a seal, but not necessarily where a Respondent had used such a seal on plans for their own home.</p> <p>Shin, Chong Ho (#178-20A) Mr. Brenton directed the Board to the written materials for this case beginning on page 95 and provided a summary of the case as well as staff's recommendation.</p> <p>A MOTION WAS MADE AND SECONDED (Bargainer/Wetmore) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTY OF \$4,000, AS SET FORTH IN THE REPORT AND NOTICE OF VIOLATION DATED JULY 29, 2021. THE MOTION PASSED UNANIMOUSLY.</p> <p>Mr. Brenton directed the Board to the written materials for the continuing education cases beginning on page 96 of the Board materials and asked whether there were any recusals. There were none. He explained that it was staff's recommendation for the Board to enter an order in each case that adopts the findings of fact, conclusions of law, and recommended administrative penalty, as set forth in the respective Notice of Violation for the following cases:</p> <p><u>Continuing Education Cases:</u> Peck, Erick Karl (#207-21A) Toldan, Joe Clark (#183-21A)</p> <p>A MOTION WAS MADE AND SECONDED (Walker/Smith) TO ACCEPT STAFF'S RECOMMENDATIONS IN THE ABOVE-REFERENCED CONTINUING EDUCATION CASES. THE MOTION PASSED UNANIMOUSLY.</p>
<p>10. Reports on National Regulatory Boards and Board Member and Staff Committee Service</p>	<p>Ms. Dockery directed the Board to item number 10. She asked whether anyone wanted to report any news to the Board.</p> <p>Ms. Smith stated that she served on the Professional Conduct Committee for NCARB, which met monthly. In addition to reviewing disciplinary cases, she said the committee was reviewing language on the NCARB certification guidelines, with no decision yet on recommendations.</p> <p>Ms. Dockery stated that she was continuing her service on the Responsible Charge Task Force for NCARB and they had formulated a resolution that would revise the definition of responsible charge in NCARB's model law. She said the resolution would have to be finalized in December, to then go to the Board and eventually the regions in March. She said discussions were ongoing, and that she looked forward to being able to report on the outcome. She said she developed four hypotheticals to help illustrate the relevant issues, which NCARB developed into a survey.</p>

	<p>Ms. Hildebrand shared her experiences on the Incidental Practice Committee with NCARB and said they had come to the general conclusion that there would be overlapping practice amongst the professions and everyone should continue to practice in their area and not venture outside of that realm. She expected the topic would move on to a broader task force in the future.</p> <p>Ms. Hildebrand also discussed her service on the Leadership Advisory Council Committee for CLARB, which considers nominations for committee work. On that topic, she said her committee was looking for nominations for a landscape architect with experience in international work, because a committee would be looking at providing testing to international candidates. She also said CLARB was looking for nominations for someone who was newer to the profession.</p> <p>Ms. Hildebrand also noted that FARB would be holding a FARB Forum in Fort Worth, which would be directed toward executive directors and Board members. She said was helping to plan for that forum.</p>
<p>11. Report on Conferences and Meetings A. 2021 LRGV-AIA Conference – Sep 10-12 B. CLARB Annual Meeting -- Sep 22-24 C. FARB: 2021 FARB Regulatory Law Seminar – Sep. 30-Oct. 3 D. TxA Annual Conference & Expo – Oct 7-9 E. CIDQ Annual Delegates Meeting – Nov 12-13</p>	<p>Ms. Dockery reported on the Texas Society of Architects Conference, which was held in San Antonio in October. Ms. Dockery was happy to report that Mr. James received the prestigious Award for Equitable Practice in Architecture at the conference. Ms. Dockery congratulated him on this honor and said it was well-deserved based on all that he has done to promote equity and inclusion. Additionally, Ms. Dockery reported that Mr. Stamps had made an excellent presentation to a good turnout. She also reported the convocation for new architects was a highlight of the conference.</p> <p>Ms. Smith attended the CIDQ Annual Meeting and was impressed with presentations on evidence-based design promoting health and wellness. Ms. Salazar also attended and stated that legislative and regulatory issues related to interior design was a continuing topic of interest. She noted that North Carolina had recently passed an interior designer registration law.</p> <p>Mr. Bargainer stated that this was his first CLARB Annual Meeting and enjoyed the discussions about the changes to uniform standards. Ms. Hildebrand explained that the conference was held in person and she did a joint presentation with the New York Executive Director regarding licensing issues.</p>
<p>12. Board Member Comments/Future Agenda Items</p>	<p>Ms. Hildebrand asked for the Board’s thoughts about the hybrid Board Meeting. Mr. Wetmore said he thought it was the wave of the future. Ms. Salazar thought it worked out fine and she did not feel as if she missed anything. She appreciated the opportunity to participate virtually.</p>

	Ms. Dockery asked Ms. Taylor if she enjoyed her first meeting. Ms. Taylor said it was all new information to her but that she felt she understood more as the meeting progressed.
13. Upcoming Board Meetings	Ms. Dockery discussed the dates for the upcoming Board meetings for 2022 as follows: Thursday, February 24, 2022, Regular Board Meeting and Strategic Planning Workshop Thursday, May 26, 2022 Thursday, August 25, 2022 Thursday, November 17, 2022
14. Adjournment	THE MEETING ADJOURNED AT 12:25 p.m.

APPROVED BY THE BOARD:

DEBRA J. DOCKERY, FAIA
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS

TBAE Staff Accomplishments: February 2022 Board Meeting

November

- Highlighted in DIR State Strategic Plan
- CLARB Leadership Advisory Council Meeting
- FARB Forum Design Team Meeting
- CLARB Uniform Standard Analysis
- CIDQ Annual Conference – Rosa, Joyce, and Julie
- NCARB – Getting to Know PSI Migration Update
- CLARB It's All Connected: HSW and DEI
- CLARB Uniform Standard/Model Law Focus Group
- Board Meeting
- SharePoint Training
- NCARB Incidental Practice Task Force Meeting
- NCARB Back to Basics
- Emergency Work from Home – Hybrid Return to Office, 75% Cap
- Bi-Weekly Managers Meetings
- Bi-Weekly State of Texas Regulatory Executive Meetings

December

- CLARB Board of Directors' Meeting – Reston, VA
- NCARB Committee Summit and Incidental Practice Task Force Meeting
- ASLA/CLARB Joint Legislative Meeting
- CLARB Nominee Information Webinar
- CLARB Leadership Advisory Council Meeting
- Staff Holiday Luncheon and Cookie Exchange
- Ken Liles (Finance) Retirement
- Emergency Work from Home – Hybrid Return to Office, 80% Cap
- Bi-Weekly Managers Meetings
- Bi-Weekly State of Texas Regulatory Executive Meetings

January

- CLARB Task Analysis Webinar
- Southern Conference of NCARB Pre-BOD Call AND Region 3 Meeting
- CLARB Leadership Advisory Council Meeting
- FARB Forum Design Team Meeting
- NCARB Mentor/Mentee Meeting
- CLARB Uniform Standard – Preparing to Vote
- Risk Management Program Review with SORM
- FARB Forum – Julie – Fort Worth, TX
- IIDA Annual Meeting Booth – Dallas, TX – Registration
- EC-Council Certified Application Security Engineer (CASE) .NET – IT
- Emergency Work from Home
- Bi-Weekly Managers Meetings
- Bi-Weekly State of Texas Regulatory Executive Meetings

February

- NCARB Incidental Practice Task Force Meeting
- CLARB Regional Meeting
- Southern Conference NCARB Educators and Practitioners Conference – Birmingham, AL – Julie and Registration
- Board Meeting
- Emergency Work from Home
- Bi-Weekly Managers Meetings
- Bi-Weekly State of Texas Regulatory Executive Meetings

March

- NCARB MBE Meeting and Regional Summit
- Staff Training – UT Center for Professional Education
- CLARB Presentation Increasing DEI in Regulation of LA Practice – Julie

April

- Texas ASLA Annual Meeting – San Antonio
- CLARB Mid-Year Membership Update
- CLARB Leadership Advisory Council Meeting – Reston, VA

May

- Board Meeting

June

- NCARB Annual Meeting – Austin, TX

Applicants		New Registrants		Registrants (active)		The Rest
520	+87 (433)	433	+91 (342)	19907	+406 (19501)	A survey of the Registration Division's additional accomplishments and activities
Fiscal Year to Date	Year-over-Year	FYTD	YOY	As of month ended	YOY	

By-examination applications received FYTD, by profession:

Architect:	178
RID:	49
LA:	29
Subtotal:	256

By-examination registrations issued FYTD, by profession:

Architect:	123
RID:	52
LA:	15
Subtotal:	190

Architects

Resident:	8706
<u>Nonresident:</u>	<u>5405</u>
Subtotal:	14111

1470
exam results received FYTD
1288 Arch | 0 RID | 182 LA

Reciprocal applications received FYTD, by profession:

Architect:	242
RID:	0
LA:	22
Subtotal:	264

Reciprocal registrations issued FYTD, by profession:

Architect:	221
RID:	0
LA:	22
Subtotal:	243

RIDs

Resident:	3744
<u>Nonresident:</u>	<u>277</u>
Subtotal:	4021

173
Continuing Education audits conducted FYTD

3
referred to Investigations FYTD

About this report

FYTD: Fiscal Year to Date. Compares current data to that of the beginning of the current fiscal year.

YOY: Year-over-Year. Compares current data to that of 12 months prior.

Landscape Architects

Resident:	1231
<u>Nonresident:</u>	<u>544</u>
Subtotal:	1775

18
scholarship applications approved FYTD

All registrants

Resident:	13681
<u>Nonresident:</u>	<u>6226</u>
Total:	19907

58
Certificates of Standing issued FYTD

Cases Opened		Cases Dismissed		Days to Investigate a Case		Cases Resolved (as of month ended)	
70	-5	42	-21	35	46	14	0
Fiscal Year to Date	Year-over-Year	FYTD	YOY	January, 2022	FY Average to Date	Warning(s) by Executive Director	Voluntary Surrender(s)
28 Case(s) referred to Legal		Dismissal details TDLR: 39 Other: 3* <small>*e.g. No evidence; not a violation.</small>		Context Typical target: 115-330 (2018-19) SDSI avg. actual: 110 (2018)		5 Disciplinary Action(s) by Board	13 *Notice(s) of Violation
						1 *Complaint(s) Filed at SOAH	0 *Informal Conference(s)

*Matters are ongoing and not yet resolved

Customer Service		Newsletter		Employee Engagement		Contact volume (to front desk alone)	
22,915	1,234	85%	21,000+	439	419	1,599	295
Customers surveyed	Responses	Read at least half (2018)	Recipients	Most recent score (2020)	Avg. score since 2010	Calls (FYTD)	Emails (FYTD)
94% Customer satisfaction (2020)		"Disciplinary Actions" Most-read topic (2018)		Strengths: Strategic Workplace Supervision	Weaknesses: Pay Benefits Development	Avg. monthly calls FYTD: 320	Avg. monthly emails FYTD: 59

**Texas Board of Architectural Examiners
Actual 2021 Budget**

	FY 2022 Proposed Amended Budget	FY 2022 Rev./Exp. as of 11-30-21	FY 2022 Percentage Earned/Spent
Revenues:			
Licenses & Fees	\$ 2,915,555	\$ 722,627	24.79%
Business Registration Fees	\$ 159,368	\$ 30,960	19.43%
Late Fee Payments	\$ 153,873	\$ 45,215	29.38%
Other	\$ -	\$ 2,975	
Interest	\$ -	\$ 81	
Potential Draw on Fund Balance	\$ 118,703		
Total Revenues	\$ 3,347,499	\$ 801,858	23.95%
Expenditures:			
Salaries and Wages	\$ 1,738,910	\$ 454,954	26.16%
Payroll Related Costs	\$ 601,589	\$ 138,982	23.10%
Professional Fees and Services	\$ 25,000	\$ 4,690	18.76%
Professional Fees and Services - IT/IS	\$ 12,000	\$ 1,991	16.59%
Board Travel	\$ 24,000	\$ 3,753	15.64%
Staff Travel	\$ 20,000	\$ 4,730	23.65%
Materials and Supplies	\$ 6,000	\$ 1,174	19.57%
Materials and Supplies - Postal	\$ 6,500	\$ 2,952	45.42%
Materials and Supplies - IT/IS	\$ 50,000	\$ 1,238	2.48%
Communication and Utilities	\$ 43,000	\$ 10,021	23.31%
Repairs and Maintenance	\$ 1,000	\$ 264	26.40%
Rentals and Leases - Equipment and Space	\$ 8,500	\$ 3,897	45.85%
Rentals and Leases - Office Space	\$ 138,000	\$ 34,507	25.01%
Printing and Reproduction	\$ 5,000	\$ 396	7.93%
Membership Dues (Other)	\$ 16,000	\$ 13,240	82.75%
Board/Staff Training and Conference Fees (Other)	\$ 22,000	\$ 11,810	53.68%
Operating Expenditures (Other)	\$ 20,000	\$ 18,207	91.04%
SWCAP Payment (Other)	\$ 100,000	\$ 25,000	25.00%
GR Payment (Other)	\$ 510,000	\$ 127,500	25.00%
Total Expenditures	\$ 3,347,499	\$ 859,307	25.67%
Excess/ (Deficiency) of Rev over Exp.	-	\$ (57,450)	

Funding for 8 months	\$ 2,231,443
Excess Fund Balance	\$ 845,705
Total Fund Balance	\$ 3,077,148

Administrative Penalties Collected \$ 3,600.00

**Texas Board of Architectural Examiners
Fiscal Year 2021 Budget
Scholarship Fund**

	FY 2022 Actual Sept. 1, 2020--Nov. 30, 2021
ARE Grant Fund Beginning Balance	111,114.52
Revenues:	
ARE Grant Licensing Fees	\$ 6,102.00
Expenditures:	
ARE Grant Payments	\$ 1,500.00
Fund Balance Ending	\$ 115,716.52

Number of Scholarships Awarded **3**
Frequency per Fiscal Year----September 30, January 31, and May 31

Uniform Standard Executive Summary

Why the Need for Change?

Over the past decade, we have seen exponential change. The bipartisan push for licensure reform continues to drive legislatures to look for new ways to reduce regulation and create more economic opportunity. Stakeholder wants, needs, and preferences are changing, and we must adapt to better serve current and future licensees. Advancements in technology are impacting every aspect of business and shifting expectations for the speed in which things get done. The shifting demographic in our country demands for increased equity and access to licensed professions.

As leaders in the regulatory community, we have responded to these changes by looking critically at our policies and recommending changes that promote and support defensible, consistent, and equitable requirements for landscape architectural licensure through the development of a uniform standard by which all candidates, in every jurisdiction, can be evaluated against.

The proposed CLARB Uniform Licensure Standard for Landscape Architecture, that is being presented for consideration by the membership, represents the culmination of more than five years of discussion, research, analysis, and feedback to create the best approach for achieving defensible, consistent, and equitable licensure requirements across the membership. We believe that by adopting the proposed uniform standard, we will greatly improve the landscape architecture mobility model, provide for increased equity in and access to licensure, improve the defensibility of landscape architecture licensure requirements, and ensure the continued protection of the health, safety, and welfare of the public and the environment.

What is in the Uniform Standard?

Within the Uniform Standard policy, you will find four sections:

1. *Qualifications for Licensure*: outlines the requirements for licensure
2. *Alternative Education*: outlines alternative pathways to section 1's licensure requirements
3. *Experience in the Regulated Practice of Landscape Architecture*: outlines guidelines for the experience competent of the licensure requirements
4. *Amendments*: outlines how the Uniform Standard policy can be updated in the future

Documents for Your Board's Review and Consideration

1. [Resolutions](#)
2. [Uniform Standard Policy](#)
3. Model Law and Regulations
 - a. [Executive summary](#)
 - b. [Clean](#)
 - c. [Redlined with color-coded changes](#)
4. [FAQs](#)
5. [Letter of Credential](#)

CLARB

Resolution #1 Adoption of the CLARB Uniform Licensure Standard for Landscape Architecture

Submitted to: The CLARB Membership

WHEREAS, the Board of Directors developed a strategy in 2017 to rethink landscape architecture licensure and regulation to reduce or eliminate unnecessary friction (friction that does not achieve a public protection outcome) in the licensure process;

WHEREAS, the Board of Directors approved a long-term workplan starting in 2018 to conduct research and to complete a deep evaluation of the policies, procedures, systems and processes currently in place that facilitate landscape architecture licensure and regulation;

WHEREAS, several work groups have convened, made up of member board executives, member board members, representatives from the landscape architecture profession and the broader regulatory community to ensure broad perspectives and expertise were considered;

WHEREAS, the Board of Directors directed a task force in 2021 to review the results of the research, analysis and work group inputs to develop a recommendation for a uniform licensure standard for landscape architecture to achieve consistency in requirements across the membership;

WHEREAS the Board of Directors has considered the task force's recommendation and agrees with its approach;

WHEREAS, the recommendation has been shared with the membership and opportunities for input and engagement have been provided;

WHEREAS the Board of Directors approved the Draft CLARB Uniform Licensure Standard for Landscape Architecture and approved the submission of the draft to the membership for consideration and adoption;

NOW, HEREOF, BE IT RESOLVED that the draft CLARB Uniform Licensure Standard for Landscape Architecture be published and submitted to the members for their approval, in accordance with Article VI, Section 5 of the Bylaws.

Approved by the CLARB Board of Directors, December 3, 2021

CLARB

Resolution #2 **Revisions to the CLARB Model Law and Regulations to align with the Draft Uniform Licensure Standard for Landscape Architecture**

Submitted to: **The CLARB Membership**

WHEREAS, the Board of Directors has approved the submission of the Draft Uniform Licensure Standard for Landscape Architecture to the membership for consideration and adoption;

WHEREAS, the Board of Directors recognizes that the CLARB Model Law and Model Regulations are important resources that may be used to support the implementation of the CLARB Draft Uniform Licensure Standard for Landscape Architecture in some member jurisdictions;

WHEREAS the Board of Directors approved revisions to the CLARB Model Law and Model Regulations to align with the proposed Draft Uniform Licensure Standard for Landscape Architecture;

NOW, HEREOF, BE IT RESOLVED that the draft CLARB Uniform Licensure Standard for Landscape Architecture be published and submitted to the members for their approval, in accordance with Article VI, Section 5 of the Bylaws.

Approved by the CLARB Board of Directors, December 3, 2021

CLARB

CLARB Board of Directors Supporting Statement for Resolutions #1 and #2

The Draft CLARB Uniform Licensure Standard for Landscape Architecture and proposed changes to the Model Law and Regulations in Resolutions #1 and #2 (above) represent the culmination of more than five years of discussion, research, analysis, and feedback to create the best approach for achieving consistency in the licensure requirements across the membership.

We believe, that by adopting a uniform standard for licensure by which all applicants can be evaluated against, we will improve the landscape architecture mobility model, provide for increased equity in and access to licensure, increase the defensibility of landscape architecture licensure requirements and ensure the continued protection of the health, safety, and welfare of the public and the environment.

In accordance with our legal duty of care as Board members, our desire to be good and faithful stewards for the organization and our commitment to foresight, we engaged member board executives, member board members, the landscape architecture profession, and the broader regulatory community to fully understand the challenges and opportunities that exist for addressing a key friction point – varying requirements for licensure – through the development of a uniform standard.

We also considered the evolving legal, social, political, technological, and economic environment. At the end of this lengthy, thorough process, we concluded that our licensure policies must evolve, and the changes presented represent a reasoned, practical, and sound approach.

While all the work that has been done to create a uniform standard are based in data and address key trends in the licensure reform movement, perhaps the most critical concepts embodied in the proposed uniform standard are the streamlining of alternative paths to licensure:

- Nearly 80% of members specify an alternative path to licensure, however there is broad variation among these.
- All but two member boards have the legal authority to consider alternative paths
- The profession supports the inclusion of alternative paths to licensure as demonstrated in the formal recommendation presented by the ASLA Licensure Committee
- There are early indicators that a growing number of applicants are coming through an alternative path - 7% of all Council Record holders achieved licensure through alternative paths vs. 8% of exam candidates over the past five years.
- Alternative paths exist for related design disciplines - architecture and engineering – and these professions are beginning to explore opportunities for increasing access to licensure.
- Alternative paths create more opportunity for underrepresented groups to enter the profession which aligns with our organizational principles on diversity, equity, and inclusion.

We strongly believe that adoption and implementation of the CLARB Uniform Licensure Standard for Landscape Architecture will improve the process for candidates and licensees, reduce vulnerabilities as legislatures across the country seek to reduce regulation and create a more diverse profession that will be better able to serve the public and the environment.

CLARB

Resolution #3

Revisions to the CLARB Model Law and Regulations to promote diversity, equity, and inclusion in licensure standards and to align with CLARB's DEI principles.

Submitted to:

The CLARB Membership

WHEREAS, the Board of Directors has approved and adopted organizational principles around diversity, equity and inclusion;

WHEREAS, CLARB's DEI principles specifically state that "We acknowledge that inequity exists within and outside of the landscape architecture community. We are dedicated to creating and acknowledging the multiple pathways to the landscape architecture profession while mitigating barriers to access. CLARB is committed to working actively to address the power imbalances and remove any bias in our systems and processes.";

WHEREAS, we believe as an International association of regulatory boards that removing the requirement for Boards to make judgements on an individuals "good moral character" is out of alignment with our DEI principles and interjects subjectivity into the process for evaluating an applicant's qualifications and suitability for licensure;

WHEREAS, at least 30 pieces of legislation have been introduced in legislatures around the United States to remove this type of language from the licensing statutes of all professionals within a jurisdiction;

WHEREAS the Board of Directors approved revisions to the CLARB Model Law and Model Regulations to remove all reference to "good moral character" as a condition of licensure;

NOW, HEREOF, BE IT RESOLVED that the draft revisions to the CLARB Model Law and Regulations be published and submitted to the members for their approval, in accordance with Article VI, Section 5 of the Bylaws.

Approved by the CLARB Board of Directors, December 3, 2021



CLARB Board of Directors Supporting Statement for Resolutions #3

CLARB has been on an intentional journey, since 2014, to learn and create opportunities across the organization to be more inclusive, equitable and accessible, and to better understand our impact on increasing diversity within landscape architecture.

As part of that journey, the CLARB Board of Directors developed and adopted organizational principles on diversity, equity, and inclusion. Looking at the future we want to create, CLARB affirms our commitment, and our dedication provides an opportunity to thrive and promote the advancement of these key principles.

Diversity: We believe diversity is an integrated experience in our programs and services that values differing thoughts, experiences, perspectives, career paths, and expertise. This is expressed in many forms, including, and not limited to, culture, career, race and ethnicity, gender and gender identify, sexual orientation, socioeconomic status, language, national origin, religion, age, disability, political perspective, veteran status, etc. Our transparency demonstrates an ongoing process of genuineness and self-awareness that is intentional in principle and practice.

Equity: We acknowledge that inequity exists within and outside of the landscape architecture community. We are dedicated to creating and acknowledging the multiple pathways to the landscape architecture profession while mitigating barriers to access. CLARB is committed to working actively to address the power imbalances and remove any bias in our systems and processes.

Inclusion: We are dedicated to honoring the shared experiences of our stakeholders (e.g. community, candidates, licensees, staff, volunteers, vendors, partners, etc.) and strive to create an environment where people feel included and valued for bringing one's whole self. Learning together through reflection and welcoming non-traditional approaches and voices allows for connection that represents our community both individually and across our community

Additionally, over the past two years, we have seen an increasing amount of proposed legislation across the United States to eliminate reference to "good moral character" or the assessment of an applicant's "moral turpitude." We believe removing this from our policies is good practice and the right thing to do to reduce subjectivity in evaluating an applicant's qualifications and suitability for licensure.

To this end, the CLARB Board fully supports the proposed revisions to the Model Law and Regulation to reduce bias and create more equitable and accessible licensure policies.

CLARB

Disclaimer: This document is a draft of the Uniform Licensure Standard for Landscape Architecture until approved by the CLARB membership. The information contained in this document is for review by CLARB members only.

CLARB Uniform Licensure Standard for Landscape Architecture [2022]

The CLARB Uniform Licensure Standard for Landscape Architecture [2022] is a policy document established and adopted by the CLARB membership that outlines the detailed requirements for education, experience, and examination to be eligible for licensure as a landscape architect within each member jurisdiction. The standard seeks to achieve consistent licensure requirements across the United States and Canada to improve the landscape architecture mobility model, provide for increased equity and access to practice, increase defensibility of licensure requirements, and ensure the health, safety, and welfare of the public and the environment.

Section 1: Qualifications for Licensure. To obtain a license to practice landscape architecture, an applicant must:

- A. **Education:** Either (i) hold a degree in landscape architecture accredited by the Landscape Architectural Accreditation Board (LAAB), Canadian Society of Landscape Architects Accreditation Council (LAAC), or their international equivalent; or (ii) satisfy the alternative education requirements set forth in Section (2); **and**
- B. **Experience:** Have completed two (2) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field; **and**
- C. **Examination:** Pass the licensure examination developed and administered by CLARB; **or**
- D. **Reciprocity:** In lieu of providing evidence that the applicant has completed the education, experience, and examination requirements noted in provisions (A) through (C) of this Section (1), provide evidence acceptable to the Board that the applicant is licensed and in good standing to practice landscape architecture under the laws of another jurisdiction.

Section 2: Alternative Education. In lieu of a degree in landscape architecture accredited by LAAB, LAAC, or their international equivalent, an applicant must obtain six (6) additional years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field or, if eligible, an applicant may earn credit toward the remaining years of experience in regulated practice through one of the following options:

- A. If an applicant holds a non-accredited degree or certificate in landscape architecture, then the applicant may be credited with one (1) year of experience for each year of schooling completed up to a maximum of four (4) years of credited experience, **OR**

CLARB

- B. If an applicant holds any degree or certificate, then the applicant may be credited with six (6) months of experience for each one (1) year of schooling completed up to a maximum of two (2) years of credited experience.

Section 3: Experience in the Regulated Practice of Landscape Architecture.

- A. To be considered “experience in the regulated practice of landscape architecture,” an applicant must gain experience in the following practice domains as determined by the Job Task Analysis to ensure competency necessary to protect the public and the environment:¹
 - 1. Project and Construction Management: includes pre-project management, project management, bidding, construction, and maintenance;
 - 2. Inventory and Analysis: includes site inventory, physical analysis, and contextual analysis;
 - 3. Design: includes stakeholder process, master planning, and site design;
 - 4. Grading, Drainage, and Construction Documentation: includes site preparation plans, general plans and details, specialty plans, and specifications.
- B. All applicant’s experience in the regulated practice of landscape architecture should be performed under the supervision of a licensed landscape architect or a licensed professional in a related field.

Section 4: Amendments. This CLARB Uniform Licensure Standard for Landscape Architecture [2022] may be amended at any special meeting or Annual Meeting of CLARB by resolution submitted to the member boards. The affirmative vote of the majority of the member boards represented at any CLARB meeting is required to adopt any amendment to this CLARB Uniform Licensure Standard for Landscape Architecture.

* * * * *

Adopted by the CLARB Member Boards on _____, 202X.

¹ Notwithstanding the standards set forth here, each jurisdiction within the CLARB membership will determine how it will evaluate experience based on its unique circumstances and requirements.

CLARB

Model Law and Regulations Changes Executive Summary

What are CLARB's Model Law and Regulations?

CLARB Model Law and Regulations are a resource for licensing boards and legislatures addressing issues related to the public-protection mission of regulation. These models promote uniformity in licensing laws (affording predictability, commercial efficiency, and enhanced trust in the profession), establishes minimal standards of competence for those practicing landscape architecture, and facilitates professional mobility and portability through a licensure transfer process. The model documents are intended to be fluid, subject to regular review and periodic changes, when necessary.

Why the Need for Change?

The CLARB Board of Directors is proposing revisions to the Model Law and Regulations to align the qualifications for licensure with the Uniform Licensure Standard for Landscape Architecture. By having the Uniform Standard reflected in the Model Law and Regulations, it will help members adopt and implement the new standard as well as continue to increase uniformity and improve mobility within the profession.

In addition, the proposed changes will also be a step forward in advancing CLARB's diversity, equity, and inclusion initiatives as the document was evaluated for language that can add bias into evaluating candidates for licensure. By removing the subjectivity of character from the licensing process, licensure boards can help the profession to be more inclusive and place the application evaluation focus on protecting the public's health, safety, and welfare.

Model Law Changes

Section 302. Qualifications for Licensure was heavily revised to reflect the Uniform Standard. The changes in Model Law center around the education and experience requirements. The education requirement is now LAAB, LAAC, or international equivalent **or** satisfy the alternative education requirements as determined by the Board.

The experience requirement is completed 2 years of experience under the direct supervision of a licensed landscape architect or a licensed professional in a related field as determined by the Board.

The reciprocity requirement is amended to require evidence acceptable to the Board that the Applicant is licensed and in Good Standing to practice under the laws of another jurisdiction.

The language, "Possession of good moral character" has been removed. Removing good moral character language is an important step to remove bias and subjectivity from the licensing process.

Model Regulations Changes

Section 302.10 Qualifications for Licensure was also heavily revised to reflect the Uniform Standard. The previous Approved Education Programs has been stricken and replaced with the accredited degree path **or** an Applicant shall meet the "Alternative Education" standards for licensure set forth in the CLARB Uniform Licensure Standard.

Similarly, the previous Experience Supervision Requirements section has been stricken and replaced with updated experience guidelines. The requirements now reflect the criteria in the CLARB Uniform Licensure Standard for Landscape Architecture.

CLARB

Documents for Your Board's Review and Consideration

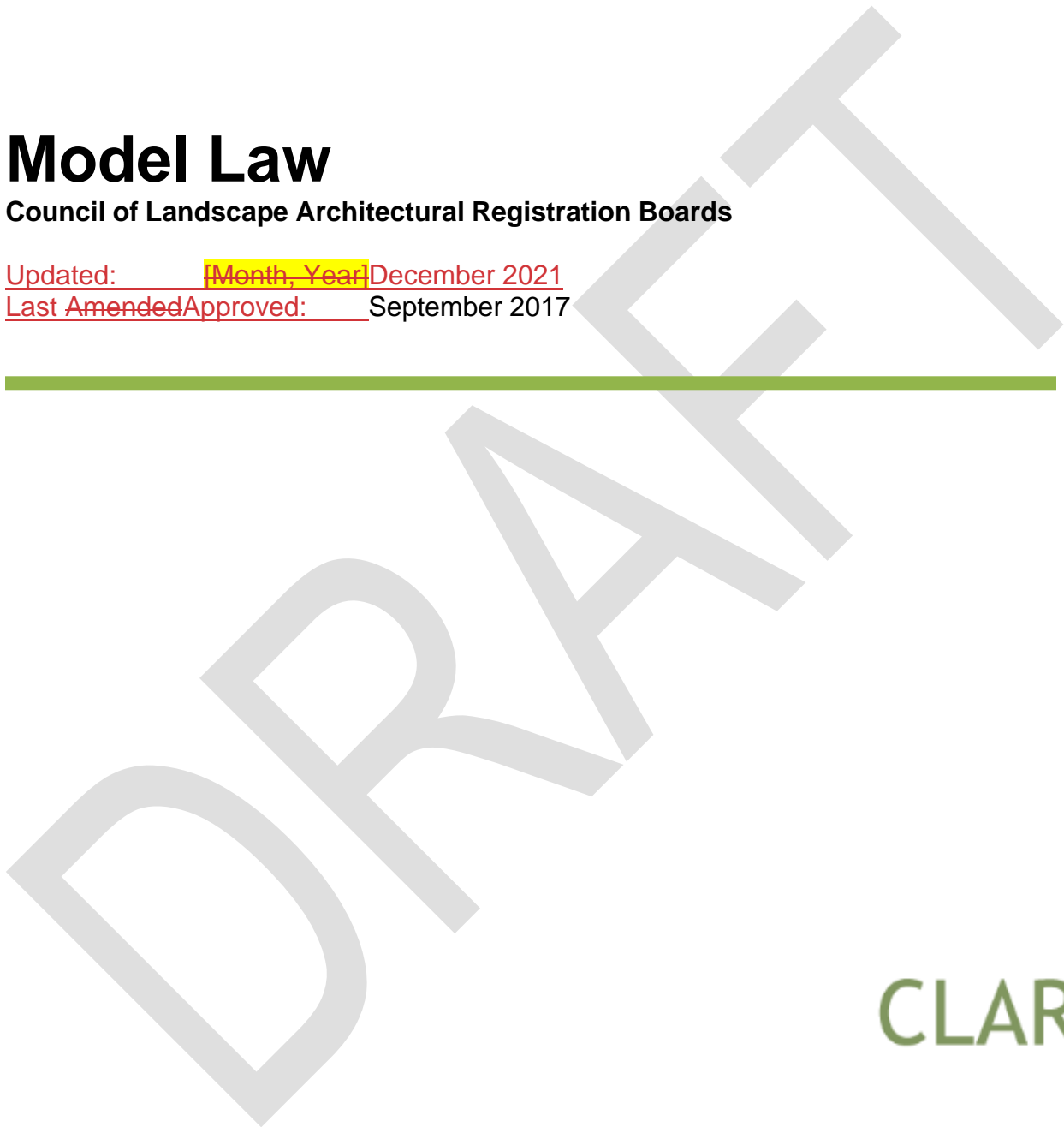
1. [Resolutions](#)
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5. [Letter of Credential](#)

Disclaimer: This document is a draft of the Model Law and Model Regulations for Landscape Architecture until approved by the CLARB membership. The information contained in this document is for review by CLARB members only.

Model Law

Council of Landscape Architectural Registration Boards

Updated: [Month, Year] December 2021
Last Amended/Approved: September 2017



CLARB

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

Introduction

What Landscape Architects Do

Since the 1800s, landscape architecture has encompassed analysis, planning, design, management, and stewardship of the natural and built environment through science and design. Landscape architects create well-planned, livable communities, leading the way by creating neighborhood master plans, designing green streets, managing storm-water runoff, and planning high-utility transportation corridors.

Landscape architecture includes iconic and neighborhood places, local parks, residential communities, commercial developments, and downtown streetscapes. Larger well-known examples include Central Park and the Highline in New York City, the U.S. Capitol grounds in Washington, D.C., the Oklahoma City National Memorial, and Chicago's Millennium Park.

Why Landscape Architects Must Be Licensed

The practice of landscape architecture includes keeping the public safe from hazards, protecting natural resources, and sustainably managing the natural and built environment surrounding our homes and communities. It requires a breadth of knowledge and training in many substantive areas of science, engineering, and aesthetics. The adverse risks and consequences of negligent, unqualified, unethical, or incompetent persons engaging in landscape architectural design services without the requisite education and training are significant—sometimes irreparable—economically, environmentally, and in terms of public safety, health, and welfare.

At stake are hundreds of millions of dollars' worth of infrastructure and site improvements every year, and the safety of persons and property these improvements affect. Licensure of landscape architects permits consumers to manage these risks, and reduce exposure for liability from hazardous and defective design.

To properly serve and protect the public these risks and consequences and the potential for harm must be minimized and prevented. The public interest is best served when qualified, licensed professionals carry out these responsibilities safely in accordance with rigorous and essential professional standards, and when other non-qualified individuals are prevented from providing such services to the public. Moreover, licensing is necessary and appropriate given landscape architecture's technical nature—and consumer/public inability to accurately and reliably assess the competence of such providers.

Without regulatory standards, consumers have no mechanism to ensure they can rely on a professional to produce design and technical documentation meeting minimum standards of competence.

How the CLARB Model Law Promotes Public Protection

The CLARB Model is a resource for legislatures and licensing boards addressing issues related to the public-protection mission of regulation.

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

This Model Law promotes uniformity in licensing laws (affording predictability, commercial efficiency, and enhanced trust in the profession), establishes minimal standards of competence for those practicing landscape architecture, and facilitates professional mobility and portability through a licensure transfer process.

How CLARB Member Boards Benefit from the Model Law

Member Boards should review and use the Model Law in the context of regulatory and language issues unique to each jurisdiction.

The Model Law includes the following sections:

- Article I – Title, Purpose and Definitions
- Article II – Board of (Profession)
- Article III – Licensing
- Article IV – Discipline
- Article V – Mandatory Reporting
- Article VI – Other

The Model Law is intended to be fluid, subject to regular review and periodic changes, when necessary. Revisions are generally stimulated by societal shifts, evolution of practice and technological advancements. Proposed revisions will be presented to CLARB members for consideration.

The language included in this Model Law version is framed with a single, stand-alone board structure in mind—i.e., for circumstances in which the promulgating Board's role is limited to serving/regulating one design discipline, not multiple related design disciplines. When this Model Law is used by Boards serving or regulating more than one professional discipline, its language will require adaptation **or** modification to accommodate that composite board **s**-structure **and** approach, and the specific design professions governed.

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

Article I - Title, Purpose, and Definitions

Section 101. Title of Act.

This Act is called the “[State Jurisdiction] Landscape Architecture Practice Act

Section 102. Legislative Declaration.

- A. The practice of Landscape Architecture in [State Jurisdiction] is declared a professional practice affecting public health, safety, and welfare and subject to regulation and control in the public interest. The public interest requires that Landscape Architecture merit and receive public confidence and that only qualified persons practice Landscape Architecture in [State Jurisdiction]. This Act will be liberally construed to carry out these objectives and purposes.
- B. This legislation regulates the Landscape Architecture profession. Any restriction on competition is outweighed by protecting the public interest. The regulatory structure calls for Licensees and Public Members to serve on the Board, recognizing the need for practitioners’ professional expertise in serving the public interest.

This Act provides active [State Jurisdiction] oversight and Supervision through its enactment, promulgation of enabling regulations, appointment and removal of Board members by the (Governor), legal representation of the Board by the [State Jurisdiction] Attorney General, legislative appropriation of monies to support the Board, periodic legislative sunset review, application to the Board of ethics laws, mandatory Board-member training, and judicial review.

Section 103. Statement of Purpose.

This Act’s purpose is to promote, preserve, and protect public health, safety, and welfare by licensing and regulating persons, whether in or outside [State Jurisdiction], who practice Landscape Architecture in [State Jurisdiction]. This Act creates the Board of Landscape Architecture whose members, functions, and procedures will be established in accordance with the Act.

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

Sections 102 and 103

One of the most important sections of a practice act is the legislative declaration and statement of purpose. These essential sections express the foundation and need for regulation of the profession with affirmative statements of the Act’s legislative intent. The “liberal construction” directive provides guidance to the judiciary when addressing language ambiguities in the statutes and regulations.

The guiding principles of legislation to regulate a profession include delegation of authority from the legislative to the executive branch through board appointments and authorization to regulate.

To provide an efficient and effective regulatory process, boards are populated with persons with knowledge of and expertise in the profession. For balance, boards also include members of the public with no direct connection to the profession regulated.

Section 104

The definition of the scope of practice provides the basis for the regulatory system and is used to identify work for which a license is necessary.

Those operating within the scope of practice must be licensed under the eligibility criteria. Eligibility criteria are provided in the regulations.

The scope of practice is purposefully defined using broad terms to allow interpretative opportunities and to recognize the interplay among the related design professions. When necessary, and using Board-member expertise, specificity can be clarified in regulations.

Section 104. Practice of Landscape Architecture.

The practice of Landscape Architecture means the application of mathematical, physical and social-sciences principles in Landscape Architectural consultation, evaluation, planning, and design; it includes preparing, filing, and administering plans, drawings, specifications, permits, and other contract documents involving projects that direct, inform or advise on the functional use and preservation of natural and built environments.

Section 105. Activities Not Subject to the Act.

This Act does not apply to:

- A. Persons licensed to practice Landscape Architecture in another State Jurisdiction while serving in the U.-S. military; provided such persons provide services occur during or as part of their military service.
- B. Persons licensed to practice Landscape Architecture in another State Jurisdiction while performing official duties as a federal government employee.
- C. Persons training for the practice of Landscape Architecture under a Licensee's direct Supervision.

Section 106. Definitions.

Words and phrases used in this Act have the meanings stated below, unless the context otherwise requires:

- A. **Adjudicatory Proceeding or Hearing** — formal processes of an administrative determination in which the Board adjudicates allegations of violations of law and, if appropriate, renders sanctions, all in accord with applicable procedural and substantive standards to protect rights.
- B. **Applicant** — a Person who submits an application to the Board for licensure to practice Landscape Architecture in [State Jurisdiction] under this Act.
- C. **Approved Educational Program** — an educational program for Landscape Architects as established by this Act or any other landscape architectural curriculum which has been evaluated and

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

Section 105

CLARB understands there exists significant overlap in scopes of practice of the design professions. This section statutorily recognizes that certain activities are not subject to the Act.

The Model Law purposefully avoids use of the term "exemptions," the concept of activities being included within the scope of practice, but not subject to licensure, undermines the need for regulation.

Section 106(C), (D), (E), and (G)

Specific references to programs and other standards of practice and ethics are not referenced in the Model Law. Such specifics are instead included in regulations created using Board members' expertise.

The legal reasons specific references are included in regulations instead of in the Model Law are related to delegation of authority and prohibitions of recognizing private-sector programs as a prerequisite to licensure in the statute.

found to be of an equivalent standard, may be reviewed and accepted approved by the Board.

- D. **Approved Program of Continuing Education** — an educational program offered by an Approved Provider of Continuing Education.
- E. **Approved Provider of Continuing Education** — any professional association or society, university, college, corporation, or other entity approved by the Board to provide educational programs designed to ensure continued Competence in the practice of Landscape Architecture.
- F. **Board** — the legislatively created Board granted the authority to enforce the [State Jurisdiction] Landscape Architects Practice Act.
- G. **Business Entity** — any firm, partnership, sole proprietorship, association, limited liability company, or corporation organized by and registered in [State Jurisdiction] to provide or offer Landscape Architectural services.
- H. **Certificate of Authorization** — a certificate issued by the Board to a Business Entity permitting it to offer or provide Landscape Architectural services.
- I. **CLARB** — the Council of Landscape Architectural Registration Boards.
- I.J. CLARB Uniform Licensure Standard — the current version of the CLARB Uniform Licensure Standard for Landscape Architecture adopted by the CLARB Member Boards, or a successor policy document published by CLARB and adopted by its Member Boards that sets forth standardized licensure requirements for landscape architecture
- J.K. Client — a Person, group, or corporation that enters into an agreement with a licensed Landscape Architect or Business Entity to obtain Landscape Architectural services.
- K.L. Competence — applying knowledge and using affective, cognitive, and psychomotor skills required by Landscape Architects to deliver safe Landscape Architectural care in accord with accepted practice standards.
- L.M. Consultation — providing advice to or receiving advice from

Section 106

Definitions identify terms used consistently throughout the Model Law. Note that capitalized words or phrases can be found in the Model Law's definition section.

Throughout the document defined terms are capitalized.

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another professional, or both, related to the practice of Landscape Architecture, to assist a Licensee.

M.N. Continuing Education — training designed to ensure continued Competence in the practice of Landscape Architecture.

N.O. Continuing Education Contact Hour — a 50-minute clock-hour of instruction, not including breaks or meals.

O.P. Conviction — conviction of a crime by a court with jurisdiction, including a finding or verdict of guilt—regardless of whether adjudication of guilt is withheld, not entered on admission of guilt, or involves deferred conviction, deferred prosecution, deferred sentence, a no consent plea, a plea of *nolo contendere*, or a guilty plea.

P.Q. Examination — an examination for Landscape Architects developed and administered by CLARB or as may be approved by the Board.

Q.R. Felony — a criminal act defined by State Jurisdiction laws, the laws of any other State Jurisdiction, province, or federal law.

R.S. Good Standing — a License not restricted in any manner and that grants Licensee full practice privileges.

S.T. Inactive License — an inactive category of licensure affirmatively elected by a Licensee in Good Standing who is not engaged in the active practice of Landscape Architecture, to maintain such License in a nonpractice status.

U. Jurisdiction — any state, commonwealth, the District of Columbia, or other insular territories of the United States, and Canadian provinces and territories.

V. Landscape Architect — a Person licensed by the Board under this Act.

T.—

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~~U.W.~~ **Landscape Architecture** — the practice of the profession as defined under this act.

~~V.X.~~ **License** — an authorization granted by the Board to practice Landscape Architecture.

~~W.Y.~~ **Licensee** — a Person licensed by the Board under this Act.

~~X.Z.~~ **Person** — any individual, firm, Business Entity, partnership, association, joint venture, cooperative, corporation, or other combination acting in concert, or as a Principal, trustee, fiduciary, receiver, or a representative, or as successor in interest, assignee, agent, factor, servant, employee, director, or officer of another Person.

~~Y.AA.~~ **Principal** — an individual who is a Landscape Architect and is in Responsible Charge of a Business Entity's Landscape Architectural practice.

~~Z.BB.~~ **Public Member** — a Person that is not and has never been a Licensee, or the spouse of a current or former Licensee, or a Person with material financial interest in providing Landscape Architectural services, or engaged in activity directly related to Landscape Architecture.

~~AA.CC.~~ **Responsible Charge** — the direct control and personal Supervision of the practice of Landscape Architecture.

~~BB.DD.~~ **Seal** — a symbol, image, or information in the form of a rubberstamp, embossed seal, computer-generated data, or other form acceptable to the Board applied or attached to a document to verify document authenticity and origin.

~~CC.~~ **State** — any State, commonwealth, the District of Columbia, or other insular U.S. territories of the United States, and Canadian provinces.

~~DD.EE.~~ **Supervision** and Supervision-related terms are defined as follows:

- (i) Supervising (Professional) — a Licensee who assumes responsibility for professional Client care given by a Person working under Licensee's direction.
- ~~(ii)~~ Direct control and personal Supervision — Supervision by a Landscape Architect of another's work in which

Section 106 ~~(B)(3)~~

The definition of Public Member is intended to preclude those involved with or related to persons in the profession of Landscape Architecture from serving in this role.

When a composite board approach is considered, the definition of public member will be reassessed and expanded to preclude other design professionals from serving as public members.

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supervisor is directly involved in all practice-related judgments affecting public health, safety and welfare.

(ii)

Article II - Board of Landscape Architecture

Section 201. Delegation of Authority.

Enforcing this Act is the Board of Landscape Architecture's ("the Board") responsibility. Under this State Jurisdiction's active oversight and Supervision, the Board has all duties, powers, and authority granted by, or necessary to enforce, this Act, and other duties, powers, and authority it is granted bylaw.

Section 201

This section recognizes and legislatively affirms that certain authority is delegated from the legislative branch to the board. A clear articulation authorizing the board to enforce the practice act in the interest of public protection provides added emphasis of legislative intent. This designation is important in times of added judicial and political scrutiny and in light of the recent U.S. Supreme Court ruling regarding antitrust liability and state action defense.

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Section 202. Board Composition.

Landscape Architect Board Option

- A. The Board will consist of [Number] members; at least [Number] will be public representative(s), and the remainder will be Licensees qualified under Section 203 of this Act. This Board member composition ensures the necessary expertise to efficiently and effectively regulate the profession, using professionals acting on the public's behalf and bound by applicable ethics and public-service laws.

Composite Board Option

- B. The Board will consist of [Number] members appointed under Section 204 and comprised of the following:
- (i) Two (2) Public Members as defined by this act.
 - (ii) Two (2) Landscape Architects as defined in Section 203.
 - (iii) Two (2) [Profession] as defined in [redacted] [citation to relevant practice act referencing resident, licensed in Good Standing, other licenses in Good Standing, licensed for aspecified period of time].
 - (iv) Two (2) [Profession] as defined in [redacted] [citation to relevant practice act referencing resident, licensed in Good Standing, other licenses in Good Standing, licensed for aspecified period of time].
 - (v) Two (2) [Profession] as defined in [redacted] [citation to relevant practice act referencing resident, licensed in Good Standing, other licenses in Good Standing, licensed for aspecified period of time].
 - (vi) Two (2) [Profession] as defined in [redacted] [citation to relevant practice act referencing resident, licensed in Good Standing, other licenses in Good Standing, licensed for aspecified period of time].
 - (vii) [Intended to include two (2) members from each professions under the Board's jurisdiction.]
- C. In addition to these qualifications, each Board member shall during the appointed period comply with Section 203(b), (c), (d), and (e).

Section 202

With respect to states' rights and differing current regulatory structures, CLARB provides two board models in this Model Law. The language included in this version of the Model Law works with a single, stand-alone board structure.

Language in various parts of the Model Law require modification if a different board structure is used.

The remaining portions of the Model Act do not include the multiple scopes and licensure eligibility criteria factors. Regardless of the type of board structure, the board composition includes persons with expertise of the represented design professions and public members.

Section 202(A) identifies a stand-alone board option with Landscape Architects and public members involved in regulation of the profession.

Section 202(B) identifies a composite board option and includes equal representation of the design professions regulated by the board. Public members are also included on the composite board.

Related design professions on a composite board may include, but are not limited to, architects, engineers, landscape architects, land surveyors, geologists, and interior designers.

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- D. This Board member composition ensures the necessary expertise to efficiently and effectively regulate the professions using professionals acting on the public's behalf and bound by applicable ethics and public-service laws.

Section 203. Qualifications for Board Membership.

- A. Each Landscape Architect Board member must during their Board tenure:
- i) Be a resident of [State Jurisdiction] for at least one (1) year.
 - ii) Be a Licensee in Good Standing.
 - iii) Maintain in Good Standing any other professional License they hold.
 - iv) Have been licensed as a Landscape Architect for at least three (3) years.
- B. Each Public Member of the Board must be a resident of [State Jurisdiction] and at least 21 years of age.
- C. Each Board member shall maintain eligibility to serve on the Board by avoiding relationships that may interfere with the Board's public-protection mission. Board members shall be especially cognizant of conflict-of-interest issues including, for example, participation in [State Jurisdiction] or national professional associations.
- D. Board members are barred from being an officer of or holding any leadership position (being a voting member of the governing Board) in a [State Jurisdiction] or national professional association during the Board member's appointed term.
- E. Each Board member shall annually attest to completing coursework or training hours and content approved by Board policy. Coursework or training must address relevant regulatory issues such as the Board's role, Board members' roles, conflicts of interest, administrative procedures, enforcement, and immunity.

Section 203

Expertise of board members is essential to effective and efficient decision-making.

This section identifies eligibility criteria to serve on the board.

All board members serve the public interest when undertaking and acting within the scope of board duties and responsibilities.

Section 204. Board Member Appointment and Oversight by Governor.

The Governor shall appoint members of the Board in accordance with

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Section 204

Government oversight is intended in the regulatory structure. Legislative enactment creating and delegating authority, Governor appointments, and removal authority assists in providing necessary governmental oversight.

Article II of this Act and the [StateJurisdiction] constitution. In addition, the Governor can remove Board members with or without cause.

Section 205. Terms.

- A. Except as provided in subsection B below, Board members are appointed for four-year terms. Board members appointed to fill vacancies occurring before a former member's full term expires shall serve the remaining portion of that unexpired term.
- B. Board-member terms must be staggered so no more than [Number/Percentage] member terms expire in any year. Each member shall serve until a qualified successor is appointed, unless such member resigns or is removed from the Board under Article II Sections s 204 or 207 of this Act.
- C. Board members can serve for up to three (3) consecutive full terms. Completing the remainder of an unexpired term is not a "full term".

Section 205

This section identifies a four-year term of appointment and limits service to three consecutive full terms. CLARB understands and appreciates the institutional knowledge and continuity of volunteers and attempts to balance longevity with the need for an infusion of new representation.

Section 206. Board Member Vacancies.

- A. Any vacancy in Board membership for any reason, including expiration of term, removal, resignation, death, disability, or disqualification, must be filled by the Governor or appointing authority as prescribed in Article II Section 204 of this Act as soon as practicable.
- B. If a vacancy is not filled within six (6) months, the Board may appoint an individual qualified under Section 203 to temporarily fill the vacancy until the Governor (or appointing authority) approves the temporary Board member or appoints a new member.

Section 206

This section addresses how a vacancy is filled by Governor appointment. CLARB identified and understands the value of a fully constituted board, but recognizes that vacancies may exist for months and years. To provide an incentive for the appointing authority to fill vacancies and keep boards fully populated, this section authorizes the board to fill a position that remains vacant for over six (6) months.

Section 207. Removal of Board Member.

The Board may remove a Board member on an affirmative vote of three quarters ($\frac{3}{4}$) of members otherwise eligible to vote, and based on one or more of the following grounds:

- A. Board member's refusal or inability to perform required duties efficiently, responsibly, and professionally.
- B. Misuse of a Board-member position to obtain, or attempt to

Section 207

This section authorizes the Board to remove Board members under specified conditions following identified procedures.

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obtain, any financial or material gain, or any advantage personally or for another, through the office.

- C. A final adjudication (by a court or other body with jurisdiction) that the Board member violated laws governing the practice of Landscape Architecture.
- D. Conviction of a crime other than a minor traffic offense.

Section 208. Organization of the Board.

- A. The Board shall elect from its members a Chairperson, Vice-Chairperson, and such other officers appropriate and necessary to conduct its business. The Chairperson shall preside at all Board meetings and perform customary duties of the position and other duties assigned by the Board.

The Chairperson may establish Board committees to further Board business, and may designate Board members as committee members.

- B. Officers elected by the Board serve terms of one (1) year starting the day of their election and ending when their successors are elected. Officers may serve no more than [Number] consecutive one-year terms in each elected office.

Section 209. Executive Director and Employees of Board.

- A. The Board shall employ an Executive Director who is responsible for performing administrative functions and such other duties the Board directs, under its oversight.
- B. The Board may employ persons (in addition to the Executive Director) in positions or capacities necessary to properly conduct Board business and fulfill Board responsibilities under this Act.

Section 210. Compensation of Board Members.

Each Board member is paid a *per diem* amount for each day the member performs official Board duties, and is reimbursed for reasonable and necessary expenses of discharging such official duties.

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Section 211. Meetings of Board.

- A. Frequency. The Board shall meet at least once every three months to transact its business, and at such additional times as the Board's Chairperson or two-thirds (2/3) of the Board's voting members determine.
- B. Location. The Board shall determine the location and format for each meeting and provide notice to the public as required by [citation to open meetings laws].
- C. Remote Participation. The Board, consistent with [State Jurisdiction] law and related regulations, may provide for remote participation in Board meetings by members not present at the meeting location.
- D. Notice. Notice of all Board meetings will be given in the manner prescribed by [State Jurisdiction]'s applicable open-meetings laws.
- E. Quorum. A majority of Board members is a quorum for convening and conducting a Board meeting and all Board actions will be by a majority of a quorum, unless more are required under this Act or Board regulation.
- F. Access by Public. All Board meetings must be conducted in accordance with [State Jurisdiction]'s open-meeting law.
- G. Record of Meetings of the Board. A record of all Board meetings must be maintained in accordance with [State Jurisdiction]'s open-records law.

Section 212. Regulations Governing Licensure and Practice.

The Board shall make, adopt, amend, and repeal regulations necessary for the proper administration and enforcement of this Act. Such regulations must be promulgated in accordance with [State Jurisdiction]'s Administrative Procedures Act.

Section 213. Powers and Duties Delegated to Board.

- A. Under active [State Jurisdiction] oversight and Supervision, the Board shall regulate the practice of Landscape Architecture in [State Jurisdiction] and is responsible for conducting all of its activities in connection therewith. The powers and duties of this Section 213 are in addition to other powers and duties delegated to the Board under this Act. Once licensed by the Board,

Section 211

This section specifies that the Board shall meet a minimum number of times annually. CLARB recognizes that boards must meet often enough to transact business on a regular basis and to ensure that applicants' and respondents' issues are timely addressed. Technology provides a means for boards to meet regularly if it is difficult for a board to meet face-to-face on a frequent basis.

Section 212

One of the most important authorities delegated from the legislature to the Board is rulemaking by regulation. Statutes are intended to be general in nature while regulations add specifics.

Using its expertise and public representation perspectives, boards create regulations that add specificity to the statute. Expertise is needed to provide practice-specific details to the regulations.

As practice evolves, regulations are more flexible and easier to amend than are statutes.

Section 213

This section is the heart of the authority delegated by the legislature to the Board. CLARB determined that this section must be robust and specify the breadth of the authority of the Board to engage in all actions necessary to effectively and efficiently regulate the profession in the interest of public protection.

Additional commentary is provided throughout this section to highlight some of the important authority delegated to the Board.

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Licensees cannot divest the Board of jurisdiction by changing their licensure status or relinquishing licensure. Moreover, persons never licensed by the Board who engage in the unlawful practice of Landscape Architecture in [State Jurisdiction] are subject to the Board's jurisdiction.

B. Licensure. The Board is authorized to issue licenses to, and renew licenses for:

- (i) Persons qualified to engage in the practice of Landscape Architecture under this Act.
- (ii) Businesses qualified to engage in the practice of Landscape Architecture under this Act.

C. Standards. The Board is authorized to establish and enforce:

- (i) Minimum standards of practice and conduct for Landscape Architects.
- (ii) Standards for recognizing and approving programs for Landscape Architect education and training.
- (iii) Standards, educational program criteria, or other mechanisms to ensure the continuing Competence of Landscape Architects.

D. Enforcement. The Board is authorized to enforce this Act and its regulations relating to:

- (i) The conduct or Competence of licensed Landscape Architects practicing in [State Jurisdiction], and the suspension, revocation, other restriction of, or action against, any License issued by the Board.
- (ii) The assessment and collection of fines, costs, and attorneys' fees:
 - a. Against Persons licensed by the Board (irrespective of their licensure status, whether active, inactive, expired, lapsed, surrendered or disciplined) relative to acts, omissions, complaints, and investigations that occurred during the licensure period.
 - b. Against Persons who engage in the unlawful practice of Landscape Architecture as defined under this Act.

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- (iii) With probable cause that an Applicant or Licensee has engaged in conduct prohibited under this Act or its regulations, the Board may issue an order directing Applicant or Licensee to submit to a mental or physical examination or chemical dependency evaluation. Every Applicant or Licensee is deemed to consent to undergo mental, physical, or chemical- dependency examinations, when ordered by the Board to do so in writing, and to waive all objections to the admissibility of the examiner's or evaluator's testimony or reports on the grounds that such testimony or reports constitute a privileged or confidential communication.
- (iv) The Board may investigate and inspect any Licensee, ~~whether Licensee is a Person or a Business Entity,~~ at all reasonable hours to determine a violation of the laws or regulations governing the practice of Landscape Architecture.

The Board, its officers, investigators, inspectors, and representatives shall cooperate with all agencies charged with enforcement of laws of the United States, ~~[State Jurisdiction],~~ and all other ~~State Jurisdictions~~ relating to the practice of Landscape Architecture.

- (v) The Board can subpoena persons and documents in connection with its complaint investigations before commencing, and during, any formal Adjudicatory Proceeding to take depositions and testimony as in civil cases in ~~[State Jurisdiction]~~ courts. Any Board member, Hearing officer, or administrative law judge has power to administer oaths to witnesses at any Hearing the Board conducts, and any other oath the Board is authorized by law to administer.
- (vi) The Board may conduct its authorized investigations, inquiries, or Hearings before any Board member(s). The findings and orders of such member(s) are deemed to be the findings and orders of the Board when approved and confirmed as set forth in Section 211(~~Ee~~) of Article II of this Act.
- (vii) The Board may report any violation of this Act or its regulations that implicates criminal law to the Attorney General or State's Attorney who shall without delay institute appropriate proceedings and investigations in the proper court for prosecution as required by law. ~~This does not require the Board to so report the potential application of criminal law if the Board reasonably believes the public interest is adequately served by a suitable written notice or warning. Any~~

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decision by the Board to issue a written notice or warning must be made in consultation with legal counsel, the State's Attorney or other appropriate law enforcement entity.

- (viii) The Board may seek declaratory, injunctive, and other appropriate remedies from a court with jurisdiction.

E. Recovery of Costs and Assessment of Fines.

- (i) The Board may assess against a respondent reasonable costs (e.g., attorneys' fees, investigation and prosecution costs) of any Adjudicatory Proceeding through which respondent is found to have violated any law or regulation governing the practice of Landscape Architecture. The assessment of reasonable costs must be formalized in a Board order directing payment of the costs to the Board, and issued together with the Board's final decision.

This authorization to assess costs exists so long as the Board operates in good faith and succeeds on any portion of the administrative prosecution, and even if some counts are not substantiated.

- (ii) In the case of a Person or Business Entity, the Board may issue an order for recovery of reasonable costs authorized under this Section 213 to the corporate owner, if any, and to any Licensee, officer, owner, or partner of the practice or Business Entity:
- a. found to have knowledge of, or
 - b. who should have reasonably known of, or
 - c. who knowingly participated in, a violation of any provision of this Act or any regulation issued hereunder.
- (iii) When the Board issues an order to pay costs, and timely payment of the costs is not made to the Board as directed in its final decision and order, the Board may enforce the order in the State Jurisdiction Courts in the county where the Adjudicatory Proceeding occurred. The Board's right of enforcement is in addition to other rights the Board has concerning Persons directed to pay costs, including denial of licensure.
- (iv) In any action for recovery of costs, the Board's final decision

Section 213(E)

This section authorizes the board to assess fines and costs as administrative sanctions of disciplined respondents. Differentiating costs (reimbursement of out-of-pocket expenses related to administrative prosecution of respondents) and fines (monetary assessments intended to deter future conduct) is important. Both cost assessments and fines are important tools used when negotiating resolution of complaints.

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and order is conclusive proof of the validity of the order and terms of payment.

- (v) The Board may assess administrative fines against a respondent not exceeding \$[dollars] for each count adjudicated a violation of law or regulation governing the practice of Landscape Architecture. Assessment of fines must be formalized in a Board order directing payment of such fines to the Board, and issued together with the Board's final decision. The Board is authorized to assess additional fines for continued violation(s) of any Board order.

This authorization to assess fines exists so long as the Board operates in good faith and succeeds on any portion of the administrative prosecution, even if some counts are not substantiated.

F. Expenditure of Funds. The Board may receive and expend funds from parties other than [State Jurisdiction], in addition to its (Annual/Biennial) appropriation, provided:

- (i) Such funds are awarded to pursue a specific objective the Board is authorized to accomplish under this Act, or is qualified to accomplish by reason of its jurisdiction or professional expertise.
- (ii) Such funds are expended to pursue the specific objective for which they were awarded.
- (iii) Activities connected with, or occasioned by, spending the funds do not interfere with the Board's performance of its duties and responsibilities and do not conflict with the Board's exercise of its powers under this Act.
- (iv) Funds are segregated in a separate account.
- (v) The Board provides periodic written reports to [state jurisdiction]'s Governor detailing its receipt and use of the funds, providing sufficient information for governmental oversight, and notes that such reports are deemed a public record under applicable law.

G. Fees for Services. In addition to fees specifically provided for under this Act, the Board shall establish nonrefundable fees, including (but not limited to) the following:

- i) Applications.

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Section 213(G)

This section identifies that the board is able to charge fees for various services and documents, including for processing applications, to offset expenses of board operations.

- ii) Examination administration.
- iii) Renewals.
- iv) Board publications.
- v) Data maintained by the Board, which may include mailing lists, Licensee lists, or other information requested under applicable open-records laws.
- vi) Copies of audiotapes, videotapes, computer discs, or other media used for recording sounds, images or information.
- vii) Temporary, duplicate or replacement licenses or certificates.
- viii) Notices of meetings.
- ix) Returned checks.
- x) Other fees deemed necessary by the Board.

The Board shall publish a list of established fees and deposit and expend the fees it collects in accord with State Jurisdiction statutes.

H. Other Powers and Duties of the Board. The Board is granted other powers and duties necessary to enforce regulations issued under this Act including, but not limited to, the following:

- (i) The Board may belong to professional organizations, societies, and associations that promote improvement of Landscape Architecture practice standards for protection of public health, safety, and welfare, or whose activities support the Board's mission.
- (ii) The Board may establish a Bill of Rights concerning the landscape-architectural services Client's may expect to receive.
- (iii) The Board may collect, and participate in collecting, professional demographic data.

I. Oversight of Board through Annual Report. To provide continued oversight, the Board shall file with the Governor an annual report on the Board's activities, including reference to the Board's effectiveness and efficiencies. The annual report shall, through statistics, at minimum, identify the number of Licensees, Applicants, renewals, complaints, and disposition of such complaints, the number of Board meetings, and all financial data relevant to Board operations.

Section 213(H)(ii)

This section authorizes the board to establish a Code of Conduct intended to provide clients and licensees with what to expect of the relationship. Information that may be included: how the practitioner is regulated and by whom, how a complaint can be filed, how billing and payment occur; expected work product, time period to completion, and other contractual details.

Section 213(I)

This section identifies the oversight intended through the statute by setting expectations regarding reporting. It references an annual report filed by the Board including its contents.

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Section 214 Source of Data

When making determinations under this Act, and to promote uniformity and administrative efficiencies, the Board may rely on the expertise of, and documentation and verified data gathered and stored by, not-for-profit organizations sharing the Board's public-protection mission.

Article III. - Licensing.

Section 301. Unlawful Practice.

- A. Unless this Act provides otherwise, it is unlawful to engage or offer to engage in the practice of Landscape Architecture unless the acting party is licensed as a Landscape Architect under this Act.
- B. No Person offering services may use the designation *Professional Landscape Architect*, *Registered Landscape Architect* or *Licensed Landscape Architect*, or any other designation, words, or letters indicating licensure as a Landscape Architect, including abbreviations, or hold himself or herself out as a Landscape Architect unless licensed by the Board.
- C. Providing any service defined under this Act as the practice of Landscape Architecture to a Client in [State Jurisdiction] through digital, telephonic, electronic, or other means, regardless of the service provider's location, constitutes the practice of Landscape Architecture in [State Jurisdiction] and requires the service provider's licensure under this Act.
- D. Providing any service defined under this Act as the practice of Landscape Architecture by a service provider located in [State Jurisdiction] through digital, telephonic, electronic, or other means, regardless of the location of the Client receiving such services, constitutes the practice of Landscape Architecture in [State Jurisdiction] and requires the service provider's licensure under this Act.
- E. Any Person who, after Hearing, is found by the Board to have unlawfully engaged in the practice of Landscape Architecture is, in addition to any other authorized remedies, subject to a fine imposed by the Board not exceeding \$[dollars] for each offense, and the imposition of costs described in this Act.
- F. Nothing in this Act prevents members of other professions from engaging in the practice for which they are licensed by the [State Jurisdiction]. However, such other professionals shall not

Section 214

This section authorizes the Board to rely on the private sector for certain services to promote efficiencies and uniformity. It recognizes the existence of CLARB-like organizations and that such associations can provide a wealth of services and products consistent with the Board's public-protection mission.

Section 301

This section addresses the fact that practice and use of titles are limited to licensees and that unlicensed persons are prohibited from practicing landscape architecture or using titles that confuse the public.

Section 301(C) and (D)

These sections recognize that electronic practice and other means of technology affect professional practice and need regulation through statute. Sections (C) and (D) establish where practice occurs and that the Board has authority over such modalities of practice.

Section 301(E)

This section establishes jurisdiction/authority of the Board to administratively prosecute unlicensed persons. This authority is essential to the Board's ability to protect the public and not rely solely on criminal prosecutions.

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hold themselves out as licensed Landscape Architects or refer to themselves by any title, designation, words, abbreviations, or other description stating or implying they are engaged in, or licensed to engage in, the practice of Landscape Architecture.

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Section 302. Qualifications for Licensure.

A. **Qualification for Initial** Licensure: To obtain **an initial** License to practice Landscape Architecture **in this State Jurisdiction**, an Applicant must **complete an application in a form determined by the Board and satisfy the following requirements substantiate each item below to the Board's satisfaction:**

(i) **Education:** Either (1) **hold a degree in landscape architecture accredited by the Landscape Architectural Accreditation Board (LAAB), Canadian Society of Landscape Architects Accreditation Council (LAAC), or their international equivalent, as determined by the Board; or (2) satisfy the alternative education requirements as determined by the Board, and** **Submission of a completed and signed application in the form determined by the Board.**

(ii) **Possession of good moral character as determined by the Board**
Experience: **Have completed two (2) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field, as may be defined or otherwise determined by the Board**
the regulated practice of requirements determined by the board a licensed landscape architect. If an applicant completes only one year under the direct supervision of a licensed landscape architect, then the second year of experience must be completed under the direct supervision of a licensed professional in a related field as determined by the Board, and

(iii) **Payment of all fees specified by the Board**
Examination, P

(ii)(iv) **Documentation of United States citizenship or other recognized/permitted immigration status as required under [State] law or, in the absence of [State] law, applicable federal law**
Reciprocity: **In lieu of providing evidence that the Applicant has completed the education, experience, and Examination requirements specified in provisions (A) through (C) of this Section 302, provide evidence acceptable to the Board that the Applicant is licensed and in Good Standing to practice Landscape Architecture under the laws of another State Jurisdiction.**

Completion of an Approved Education Program
Completion of experience under Supervision requirements established
Successful completion of the licensure Examination, as administered

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Section 302

This section sets forth the eligibility criteria for licensure, both initial licensure (section (A)) and licensure through transfer program (section (B)). CLARB elected to include the licensure eligibility criteria for both applicants under the same section for ease of reference. All persons previously licensed by another jurisdiction must proceed under subsection (B).

Section 302(A)(B)

This section recognizes the important need for reasonable mobility and portability of programs in times of increased scrutiny of regulatory systems and requirements.

The CLARB Certificate program can be used to provide most of the required information for Initial Licensure or reciprocal licensure. Licensure eligibility criteria have been vetted through this program, thus alleviating the need to undertake duplicate assessments. Program requirements are designed to meet the licensure eligibility criteria required by most member boards.

Section 302(B)

This section authorizes the Board to determine what examination is necessary to assess entry-level competence as part of the licensure application process. Under Article II section 214, the Board is already authorized to rely on outside private entities for certain services so long as they share the Board's public-protection mission.

This section also authorizes the Board to promulgate rules related to limits on examination attempts.

~~the Council of Landscape Architectural Registration Boards (CLARB) standards at that time.~~

~~Licensure Transfer / Licensure by Endorsement—To obtain a License to practice Landscape Architecture, an Applicant licensed in another jurisdiction must substantiate each item below to the Board's satisfaction:~~

~~Submission of a completed and signed application in the form determined by the Board;~~

~~Possession of good moral character as determined by the Board; and~~

~~Payment of all fees specified by the Board;~~

~~Documentation of United States citizenship or other recognized/permitted immigration status as required under [State] law or, in the absence of [State] law, applicable federal law;~~

~~Possession—when initially licensed as a Landscape Architect—of all qualifications necessary to have been eligible for licensure in this State at that time;~~

~~Demonstration that Applicant's professional licenses, in any State, are in Good Standing, or demonstration of Applicant's CLARB Certification.~~

B. Examinations and Examination Attempts

- i) Consistent with [Article II Section 214](#), the Board is authorized to use and rely on any Examination determined by the Board to assess necessary entry-level Competence. Such Examinations must be administered often enough to meet the Applicant population's needs, as determined by the Board.
- ii) The Board can limit the number of examination attempts by issuing a rule addressing such limits based on industry standards for high-stakes licensure Examination.

Section 303. Qualifications for Certificate of Authorization

- A. Business Entities organized to practice Landscape Architecture must obtain a Certificate of Authorization before doing business in [\[State Jurisdiction\]](#). No Business Entity may provide Landscape Architectural services, hold itself out to the public as providing Landscape Architectural services, or use a name including the terms *Landscape Architect*, *professional Landscape Architect*, or *registered Landscape Architect*, or confusingly similar terms, unless the Business Entity first obtains a Certificate of Authorization from the Board. To obtain a Certificate of Authorization a Business Entity must meet the following criteria:
 - (i) At least one Principal is designated as in Responsible Charge for the activities and decisions relating to the practice of Landscape Architecture, is licensed to practice Landscape Architecture by the Board, and is a regular employee of, and active participant in, the Business Entity.

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- (ii) Each Person engaged in the practice of Landscape Architecture is licensed to practice Landscape Architecture by the Board.
- (iii) Each separate office or place of business established in this **State Jurisdiction** by the Business Entity has a licensed Landscape Architect regularly supervising and responsible for the work done and activities conducted there.

This requirement does not apply to offices or places of business established to provide construction-administration services only.

- B. Business Entities shall apply to the Board for a Certificate of Authorization on a Board-prescribed form, providing Principals' names and addresses and other information the Board requires. The application must be accompanied by an application fee fixed by the Board, and must be renewed per the Board's renewal requirements.

The Applicant shall notify the Board in writing within 30 days of any change in the status of registered principals, the firm's name or address, or a branch office address or designated Licensee. If a Principal changes, the Applicant shall provide details of the change to the Board within 30 days after the effective change date.

- C. If the Board finds the Business Entity is in compliance with this section's requirements, it shall issue a Certificate of Authorization to such Business Entity designating the Business Entity as authorized to provide Landscape Architectural services.

- ~~D.~~ No Business Entity issued a Certificate of Authorization under this section is relieved of responsibility for the conduct or acts of its agents, employees or principals by reason of its compliance with this section, nor is any individual practicing Landscape Architecture relieved of responsibility and liability for services performed by reason of employment or relationship with such Business Entity. This section does not affect a Business Entity and its employees performing services solely for the benefit of the Business Entity, or a subsidiary or affiliated business entity. Nothing in this section exempts Business Entities from other applicable law.

~~E.D.~~

Section 304. Qualifications for Practice under Disaster Declaration

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Section 304

This section addresses the temporary practice privileges of licensees in other states to come into the state and practice for a limited time corresponding with a declared disaster. This language is consistent with the EMAC legislation that allows temporary practice under declared emergencies.

Disaster Declaration. Any Person licensed to practice Landscape Architecture in another State Jurisdiction or Province who provides services within the scope of their License and in response to a disaster declared by the governor or other appropriate authority of State Jurisdiction may, on prior written notice to the Board, provide such services in State Jurisdiction without a License issued by the Board for the duration of the declared emergency. Any practitioner providing services under this Section 304 submits to the Board's jurisdiction and is bound by State Jurisdiction law. The Board retains authority to remove, revoke, rescind, or restrict this disaster-declaration practice privilege without Hearing by majority vote of its members.

Section 305. Requirement of Continuing Competence.

The Board shall by regulation establish requirements for continuing Competence, including determination of acceptable Continuing Education program content. The Board shall issue regulations necessary to the stated objectives and purposes of Continuing Education and to enforce this Section 305 to ensure Licensees' continuing Competence.

Section 306. Requirements for Licensure Renewal.

- A. To maintain licensure, each Licensee shall renew such License when and in the manner established by the Board.
- B. To renew licensure, each Licensee shall provide documentation satisfactory to the Board of successful completion of at least 12 Continuing Education Contact Hours of an Approved Program of Continuing Education per year.
- C. To maintain licensure, each Business Entity shall renew its License when and in the manner established by the Board.

Section 307. Nonrenewal of Licensure; Requirements for Reinstatement of Expired License.

- A. Failure to renew a License by the designated renewal date as prescribed under applicable law, this Act, and its regulations will result in License expiration, which terminates authority to practice Landscape Architecture in State Jurisdiction.

Applicants for reinstatement of an expired License must substantiate by documentation satisfactory to the Board that Applicant meets the following criteria:

- i) When no more than 120 days have passed since the

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License expiration date, an Applicant for License reinstatement shall submit to the Board:

- (1) A written petition for License reinstatement addressed to the Board.
 - (2) A completed and signed application for License reinstatement.
 - (3) Documentation of successful completion of all applicable licensure-renewal requirements.
 - (4) A written and signed attestation by **the** Applicant that **the** Applicant has not practiced Landscape Architecture at any time during the period of License expiration.
 - (5) All applicable fees, including a late fee determined by the Board that does not exceed three times the Board's initial licensure application fee.
- ii) When more than 120 days have passed since the License expiration date, an Applicant for License reinstatement shall meet the requirements set forth in this Section 307(A)(i) and Section 302 of Article III of this Act. However, any application under this Section 307 is deemed an application for License reinstatement.
- B. The Board may impose additional reasonable License-reinstatement requirements necessary to fulfill its public-protection mission.
- C. The Board may also consider relevant extenuating circumstances submitted with any petition and application for License reinstatement in which Applicant demonstrates hardship, so long as the Board maintains its public-protection mission in considering the petition and application.

Section 30810. Inactive License.

The Board shall by regulation establish procedures for issuing an Inactive License to a Licensee in Good Standing, under which the Applicant is exempted from licensure renewal requirements, but is not authorized to engage in the practice of Landscape Architecture while inactive.

Reinstatement of an Inactive License to active status will occur under procedures established by the Board and include an application for License reinstatement, payment of a reinstatement fee not to exceed two (2) times the initial licensure fee, and an attestation by Applicant that Applicant has not practiced Landscape Architecture while inactive.

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Article IV Discipline.

Section 401. Grounds; Penalties; Reinstatement of License Following Board Discipline.

- A. The Board may refuse to issue or renew, or may suspend, revoke, reprimand, restrict or otherwise limit the License of, or fine, any Person ~~or Business Entity~~, whether or not licensed, under the ~~[State Jurisdiction]~~ Administrative Procedures Act or the procedures in Article IV, Section 402 of this Act, on one or more of the following grounds as determined by the Board:
- (i) Unprofessional conduct as determined by the Board.
 - (ii) Unethical conduct as determined by the Board.
 - (iii) Practice outside the scope of practice authorized under this Act or its regulations.
 - (iv) Conduct in violation of this Act or its regulations, including failure to cooperate with the Board's inspection or investigative processes within a reasonable time.
 - (v) Incapacity or impairment, for whatever reason, that prevents a Licensee from engaging in the practice of Landscape Architecture with reasonable skill, Competence, and safety to the public.
 - (vi) Adjudication resulting in a finding of mental incompetence by regularly constituted authorities.
 - (vii) Conviction of a Felony as defined under ~~[State Jurisdiction/Province]~~ or federal law.
 - (viii) Violation of any law, rule, or regulation of ~~[State Jurisdiction]~~, any other ~~State Jurisdiction~~, or the federal government, pertaining to any aspect of the practice of Landscape Architecture.
 - (ix) Misrepresentation of a fact by an Applicant or Licensee:
 - a) In securing or attempting to secure the issuance or renewal of a License.

Section 401

This section delineates the grounds for administrative discipline of respondents found to have violated the Act. CLARB has elected to specify the grounds to ensure adequate scope of authority for the Board to protect the public through enforcement proceedings.

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- b) In any statement regarding the **PersonLandscape Architect's** skills or value of any service/treatment provided, or to be provided.
- c) Using any false, fraudulent, or deceptive statement in connection with the practice of Landscape Architecture including, but not limited to, false or misleading advertising.
- (x) Licensee Fraud related to the practice of Landscape Architecture, including engaging in improper or fraudulent billing practices.
- (xi) Engaging in, or aiding and abetting any Person engaging in, the practice of Landscape Architecture without a License, or falsely using the title Landscape Architect, or a confusingly similar title.
- (xii) Failing to conform to accepted minimum standards of practice or failing to maintain a Landscape Architectural Business Entity at accepted minimum standards.
- (xiii) Attempting to use the License of another.
- (xiv) Failing to pay costs assessed in connection with a Board Adjudicatory Proceeding, or failing to comply with any stipulation or agreement involving probation or settlement of such Proceeding, or any order entered by the Board in such Proceeding.
- (xv) Conduct that violates the security of any Examination or Examination materials including, but not limited to:
- (a) Removing from the Examination setting any Examination material without appropriate authorization.
 - (b) Unauthorized reproduction by any means of any portion of the **actual** Examination.
 - (c) Aiding by any means the unauthorized reproduction of any portion of the **actual** Examination.
 - (d) Paying, or using professional or paid examination-takers, for the purpose of reconstructing any portion of the Examination.
 - (e) Obtaining Examination questions or other

Section 401(A)(xvi)

This section ensures that violations of examination agreements, including examination breaches and security protocols, constitute grounds for discipline. For the benefit of the public, and the integrity of licensure and examination processes, this authority is essential.

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- Examination material, except by appropriate authorization before, during, or after an Examination administration.
- (f) Using or purporting to use any Examination question or material that was improperly removed, or taken from, any Examination.
 - (g) Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered Examination.
 - (h) Communicating in any manner with any other examinee during the administration of an Examination.
 - (i) Copying answers from any other examinee or permitting one's answers to be copied by any other examinee.
 - (j) Examinee's possession during the administration of any Examination any books, equipment, notes, written or printed materials, or data of any kind, other than the Examination materials provided, or otherwise authorized to be in the examinee's possession during any Examination.
 - (k) Impersonating any examinee or having any Person take any Examination on the examinee's behalf.
- (xvii) Failure of a Licensee or Applicant to report to the Board any information required under Article VI of this Act.
 - (xviii) Having had any right, credential, or license to practice a profession in this or another State Jurisdiction subjected to adverse action or denial of right to practice. In such case, a certified copy of the record of the adverse action or denial of right to practice is conclusive evidence of such disciplinary action or denial.

B. The Board may defer discipline or other action regarding any impaired Licensee who enters into a binding agreement, in a form satisfactory to the Board, under which Licensee agrees not to practice Landscape Architecture and to enter into, and comply with, a Board-approved treatment and monitoring program in accordance with Board regulations.

This Section 310401(B) does not apply to any Licensee convicted of, or who pleads guilty or *nolo contendere* to, a Felony, or to Licensee Convictions in another State Jurisdiction or federal court relating to controlled substances or sexual

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misconduct.

- C. Subject to a Board order, any Person whose License to practice Landscape Architecture in [State Jurisdiction] is suspended or restricted under this Act (whether by formal agreement with or by action of the Board), has the right, at reasonable intervals, to petition the Board for License reinstatement. The petition must be in writing and in the form prescribed by the Board.

After investigation and Hearing, the Board may grant or deny the petition, or modify its original findings to reflect circumstances changed sufficiently to warrant granting or denying the petition or modifying the findings and order. The Board may require petitioner to pass one or more Examination(s) or complete Continuing Education in addition to that required for licensure renewal, or impose any other sanction, condition, or action appropriate for reentering into the practice of Landscape Architecture and public protection.

- D. The Board, after Consultation and concurrence with the [(County) District Attorney or [State Jurisdiction] Attorney General], may issue a cease- and-desist order to stop any Person from engaging in the unlawful practice of Landscape Architecture or from violating any statute, regulation, or Board order. The cease-and-desist order must state the reason for its issuance and explain the Person's right to request a Hearing under the [State Jurisdiction] Administrative Procedures Act. This provision does not bar criminal prosecutions by appropriate authorities for violations of this Act.

- E. Final Board decisions and orders after a Hearing are subject to judicial review under the [State Jurisdiction] Administrative Procedures Act, unless otherwise provided by law.

Section 402. Summary Suspension.

The Board may, without a Hearing, temporarily suspend a License for up to 60 days when the Board concludes a Landscape Architect violated any law or regulation the Board is authorized to enforce, and if continued practice by the Landscape Architect portends imminent risk of harm to the public (notwithstanding [State Jurisdiction]'s Administrative Procedures Act). The suspension takes effect on written notice to the Landscape Architect specifying the law or regulation allegedly violated. When the Board issues the suspension notice, it shall schedule and notify the Licensee of an Adjudicatory Proceeding to be held under the [State Jurisdiction] Administrative Procedures Act within [number] days after the notice is issued.

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Section 402

This section authorizes the Board to suspend a license immediately without a hearing under identified circumstances that create imminent harm to the public. Such respondents are provided with a hearing within an identified period of time under administrative procedures.

Article V. - Mandatory Reporting.

Section 501. Requirement to Report.

Any Applicant, Licensee or Person with knowledge of conduct by any Person that may be grounds for disciplinary action under this Act or its regulations, or of any unlicensed practice under this Act, shall report such conduct to the Board.

Section 5024. Reporting Other Licensed Professionals.

Any Applicant, Licensee or Person shall report to applicable licensing Boards conduct by a Licensee that is, or may be, grounds for disciplinary action under applicable law, if the conduct must by law be reported to such licensing boards.

Section 5035. Reporting by Courts.

The administrator of any court with jurisdiction shall report to the Board any court judgment or other determination that an Applicant for licensure by the Board or a Licensee is mentally ill, mentally incompetent, guilty of a Felony, guilty of violating federal or State Jurisdiction narcotics laws or controlled substances act, or guilty of crimes reasonably related to the practice of Landscape Architecture, or that appoints a guardian of Applicant or Licensee, or commits Applicant or Licensee under applicable law.

Section 5046. Self-Reporting by Applicant for Licensure and Licensee.

An Applicant for licensure by the Board or a Licensee shall self-report to the Board any personal conduct or action that requires a report be filed under Article IV of this Act.

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Section 5057. Reporting Deadlines; Forms.

All reports required by this Act must be submitted to the Board no later than 30 days after the reportable conduct or action occurs. The Board may provide forms for reports required by Article VI of this Act and may require that reports be submitted on the forms. The Board may issue regulations to ensure prompt and accurate reporting as required by Article VI of this Act.

Section 5068. Immunity for Reporters.

Any Person who in good faith submits a report required under Article VI of this Act, or who otherwise reports, provides information, or testifies in connection with alleged violations of this Act, is immune from liability or prosecution. Notwithstanding laws to the contrary, the identity of Persons submitting mandated reports is not disclosable, except as required in connection with an Adjudicatory Proceeding initiated by the Board or other proceeding in courts with jurisdiction.

Article VI Other.

Section 6701. Severability.

If any provision of this Act is declared unconstitutional or illegal, or the applicability of this Act to any Person or circumstance is held invalid by a court with jurisdiction, the constitutionality or legality of the Act's other provisions and the Act's application to other persons and circumstances, is not affected, and those provisions remain in full force and effect, without the invalid provision or application.

Section 6702. Effective Date.

This Act is effective on [date].

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Model Regulations

Council of Landscape Architectural Registration Boards

Updated: ~~Month, Year~~ December 2021

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PREFACE

Duly enacted statutes provide the basis for establishing a regulatory structure by legislatively creating and delegating authority to the regulatory board. Such statutes (practice act) establish the basis for and authority of the Board. The Board is also delegated with the authority to promulgate regulations/rules that are intended to provide specificity to the statutes using the expertise of the Board, generally populated with subject matter experts (licensees) and members of the public. (see *CLARB Model Law Article II, Sections 202, 203-212*)

For purposes of this document, the Council of Landscape Architectural Registration Board (CLARB) will use the term “regulations”. For the most part, rules and regulations are terms that can be used interchangeably. Duly promulgated regulations have the force of law and can be used as a basis for board action(s). This is why the process for proposing, discussing, seeking public comment and modifying proposed regulations must follow strict adherence to administrative procedures before becoming effective. Such administrative procedures can vary from jurisdiction to jurisdiction.

The CLARB Model Law authorizes the Board to promulgate regulations. While the CLARB Model Law represents a complete document, the Model Regulations are not intended to provide a complete set of regulations, but to provide guidance on where regulations are needed. The Model **Regulations** is a fluid document that will be subjected to regular review and, where necessary, change. Of course, CLARB Member Boards are encouraged to use this model as a resource when necessary to address or suggest proposed legislative language in both statutes and regulations.

INTRODUCTION

The purpose of adopting regulations is to safeguard the health, safety and welfare of the public by ensuring the proper performance of the duties of the Board and the regulation of its procedures, meetings, records, examinations and the conduct thereof. The adopted regulations may not be inconsistent with the constitution and laws of this jurisdiction. They must be approved by appropriate legislative authority of the jurisdiction. Regulations adopted by the Board shall be binding upon individuals licensed or recognized under the licensure act and on non-licensees found by the Board to be in violation of provisions of the licensure act and shall be applicable to firms that hold or should hold a Certificate of Authorization.

103.10 PURPOSE.

These regulations are promulgated by the Board of Landscape Architects under [cite statutes] for the purpose of protecting the public health, safety and welfare. These regulations contain the information necessary to become licensed as a Landscape Architect, or offer landscape architectural services as a Business Entity.

104.10 PRACTICE OF LANDSCAPE ARCHITECTURE.

The practice of Landscape Architecture is defined as any service where landscape architectural education, training, experience and the application of mathematical, physical and social science principles are applied in consultation, evaluation, planning, design (including, but not limited to, the

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preparation and filing of plans, drawings, specifications and other contract documents) and administration of contracts relative to projects principally directed at the functional and aesthetic use and preservation of land.

Services included in the licensed scope of Landscape Architecture include, but are not limited to the following:

- Investigation, selection and allocation of land and water resources for appropriate uses;
- Formulation of feasibility studies, and graphic and written criteria to govern the planning, design and management of land and water resources;
- Preparation, review and analysis of land use master plans, subdivision plans and preliminary plats;
- Determining the location and siting of improvements, including buildings and other features, as well as the access and environs for those improvements;
- Design of land forms and land form elements, storm water drainage, soil conservation and erosion control methods, pedestrian and vehicular circulation systems and related construction details;
- Consultation, planning, designing or responsible supervision in connection with the development of land areas for preservation and enhancement;
- Design of non-habitable structures for aesthetic and functional purposes, such as pools, walls and structures for outdoor living spaces, for public and private use;
- Determination of proper land use as it pertains to natural features; ground cover, use, nomenclature and arrangement of plant material adapted to soils and climate; naturalistic and aesthetic values; settings and approaches to structures and other improvements; and the development of outdoor space in accordance with ideals of human use and enjoyment;
- Design with a priority to ensure equal access to all public goods and services through the use of barrier-free design in compliance with the Americans with Disabilities Act (ADA);
- Consideration of the health, safety and welfare of the public. Public welfare is defined through: environmental sustainability; contribution to economic sustainability and benefits; promotes public health and well-being; builds communities; encourages landscape awareness/stewardship; offers aesthetic and creative experiences; and enables people and communities to function more effectively.

105.10 ACTIVITIES NOT SUBJECT TO THE ACT.

Effective regulation is targeted to address the specific risks of harm to consumers and not to restrict competition or be a barrier to incentives for innovation in products and services.

The activities to engage in the practice of Landscape Architecture shall not be construed to prevent or to affect the right of any individual licensed in related design profession practicing within their licensed scope. In addition, nothing shall be construed to prevent or affect the right of any individual to engage in any occupation related to growing, marketing and the design of landscaping material.

106.10 DEFINITIONS.

The [CLARB Model Law Section 106 Definitions] provides definitions applicable to the [CLARB Model

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Regulations].

213.10 POWERS AND DUTIES DELEGATED TO BOARD.

Authority is delegated to the Board by the [JurisdictionSTATE] legislature to effectively and efficiently regulate the profession of Landscape Architecture in the interest of public protection.

213.11 PROFESSIONAL PRACTICE.

Pursuant to [CLARB Model Law Section 213(C)(i)], the Board is authorized to establish and enforce minimum standards of practice and conduct for Landscape Architects and to provide Licensees and Clients with expectations regarding professional conduct.

A. Competence.

- (i) In engaging in the practice of Landscape Architecture, a Licensee shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by Landscape Architects of good standing, practicing in the same locality.
- (ii) In designing a project, a Landscape Architect shall abide by all applicable federal state, county, regional and municipal laws and regulations. While a Landscape Architect may rely on the advice of other professionals, (e.g., attorneys, engineers and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, a Landscape Architect shall not knowingly design a project in violation of such laws and regulations.
- (iii) A Landscape Architect shall undertake to perform professional services only when he or she, together with those whom the Landscape Architect may engage as consultants, is qualified by education, training and experience in the specific technical areas involved.
- (iv) No individual shall be permitted to engage in the practice of Landscape Architecture if, in the Board's judgment, such individual's professional competence is substantially impaired by physical or mental disabilities.

B. Conflict of Interest.

- (i) A Landscape Architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to by (such disclosure and agreement to be in writing) all interested parties.
- (ii) If a Landscape Architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with his or her performance of professional services, the Landscape Architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and, if the client or employer objects to such association or financial interest, the Landscape Architect will either terminate such association or interest or offer to give up the commission or employment.
- (iii) A Landscape Architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

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- (iv) When acting as the interpreter of construction contract documents and the judge of contract performance, a Landscape Architect shall render decisions impartially, favoring neither party to the contract.

C. Full Disclosure.

- (i) A Landscape Architect, making public statements on landscape architectural questions, shall disclose when he or she is being compensated for making such statements.
- (ii) A Landscape Architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.
- (iii) If, in the course of his or her work on a project, a Landscape Architect becomes aware of a decision taken by his or her employer or client, against such Landscape Architect's advice, which violates applicable federal, state, county, regional or municipal laws and regulations and which will, in the Landscape Architect's judgment, materially and adversely affect the health, safety or welfare of the public, the Landscape Architect shall:
 - i. report the decision to the applicable public official charged with the enforcement of the applicable laws and regulations;
 - ii. refuse to consent to the decision; and
 - iii. in circumstances where the Landscape Architect reasonably believes that other such decisions will be taken, notwithstanding his or her objections, terminate his or her services with respect to the project. In the case of a termination in accordance with this clause (3), the Landscape Architect shall have no liability to his or her client or employer on account of such termination.
- (iv) A Landscape Architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for a registration or renewal thereof.
- (v) A Landscape Architect shall not assist the application for a registration of an individual known by the Landscape Architect to be unqualified in respect to education, training, or experience or character.
- (vi) A Landscape Architect possessing knowledge of a violation of the provisions set forth in these rules by another Landscape Architect shall report such knowledge to the Board.

D. Compliance with Laws.

- (i) A Landscape Architect shall not, while engaging in the practice of Landscape Architecture, knowingly violate any state or federal criminal law.
- (ii) A Landscape Architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the Landscape Architect is interested.
- (iii) A Landscape Architect shall not solicit a contract from a governmental body on which a principal or officer of the licensee's organization serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of the appropriate public authority.
- (iv) A Landscape Architect shall not offer, directly or indirectly, to pay a commission or other

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consideration or to make a political contribution or other gift in order to secure work, except for payment made to an employment agency for its services.

- (v) A Landscape Architect shall comply with the registration laws and regulations governing his or her professional practice in any jurisdiction.
- (vi) Each Landscape Architect shall cooperate with the Board in its investigation of complaints or possible violations of the [Jurisdiction STATE] Statutes or Regulations of the Board.
This cooperation shall include responding timely to written communications from the Board, providing any information or documents requested within 30 days of the date on which the communication was mailed, and appearing before the Board or its designee upon request.
- (vii) Landscape Architect shall not violate any order of the Board.

E. Professional Conduct.

- (i) Each office in [Jurisdiction STATE] maintained for the preparation of drawings, specifications, reports or other professional landscape architectural work shall have a licensed Landscape Architect resident and regularly employed in that office having direct supervision of such work.
- (ii) A Landscape Architect shall not sign or seal drawings, specifications, reports or other professional work for which he or she does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the Landscape Architect's consultants, registered under this or another professional registration of [Jurisdiction STATE], the Landscape Architect may sign or seal that portion of the professional work if the Landscape Architect has reviewed such portion, has coordinated its preparation and intends to be responsible for its adequacy.
- (iii) A Landscape Architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the Landscape Architect is interested.
- (iv) A Landscape Architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.
- (v) In all professional reports, statements and testimony, each Landscape Architect shall be completely objective and truthful and include all relevant and pertinent information.
- (vi) Conviction of a felony or the revocation or suspension of a professional license by another jurisdiction, if for a cause the State of [STATE Jurisdiction] would constitute a violation of [STATE Jurisdiction] law or of these regulations, or both, shall constitute unprofessional conduct.

213.12 FEES FOR SERVICES.

[Insert schedule of fees, with cross-references to [CLARB Model Law Section 213(G)] permitting the Board to establish fees, or any fees set by statute. This list should identify all categories of fees, including those to be established from time to time by the Board, and it should require the Board to maintain and provide to all individuals upon request a current and complete list of its fees.]

213.13 OTHER POWERS AND DUTIES OF THE BOARD.

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

In addition to the statutes of [Jurisdiction STATE], other powers and duties of the Board shall include, but are not limited to, the following:

- A. All members of the Board, including the chairperson, are entitled to vote and to make or to second motions. A majority vote of those present is required to pass a motion. The chairperson shall vote as a member of the Board.
- B. The latest edition of Roberts Rules of Order, Revised shall govern the normal proceedings of the Board. Exceptions include hearings that may be disciplinary in nature.
- C. All applications and requests for which the Board has prescribed a form must be presented on these forms.
- D. A roster of all Licensees and firms holding a Certificate of Authorization will be updated annually and shall be accessible to the public.

213.14 SEALS.

Each licensed Landscape Architect shall procure a Seal, which shall contain the name of the Landscape Architect; his or her license number and the state or territory; and the words LANDSCAPE ARCHITECT—[Jurisdiction NAME OF STATE]. The Seal may be a rubber stamp, an embossed Seal, or a computer-generated Seal. After the Licensee's Seal has been applied to the original or record copy, the Licensee shall place the Licensee's signature and date across the Seal. This Seal shall comply in all respects, including size and format, which the specimen shown below:

[INSERT SPECIMEN SEAL IMPRINT]

- A. The Seal shall be imprinted on all technical submissions, as follows: On each design and each drawing; on the cover and index pages identifying each set of specifications; and on the cover page (and index, if applicable) of all other technical submissions. The original signature of the individual named on the Seal shall appear across the face of each original Seal imprint.

The Seal appearing on any technical submission shall be prima facie evidence that said technical submission was prepared by or under the direct supervision of the individual named on said Seal.

- B. All technical submissions prepared by a licensed Landscape Architect shall contain the following legend wherever the Landscape Architect's Seal appears: "The professional services of the Landscape Architect are undertaken for and are performed in the interest of [name of person employing Landscape Architect]. No contractual obligation is assumed by the Landscape Architect for the benefit of any other person involved in the project."
- C. Any Licensee may use a digital signature if the signature meets all of the following requirements: (1) Is unique to the person using it; (2) is able to be verified; (3) is under the sole control of the person using it; and (4) is linked to an electronic document bearing the digital signature in such a manner that the signature is invalidated if any data in the document is altered.

214.10 SOURCE OF DATA.

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

The Board may rely on the expertise of, and documentation and verified data gathered and stored by CLARB and other not-for-profit organizations as determined by the Board. This data shall include but is not limited to: CLARB Council Record; professional exam scores; verified educational transcripts; verified employment references; professional references; licensure history; disciplinary history; and other information gathered by third parties sharing the Board's public-protection mission.

The Board shall recognize all applicable Open Records Laws in [JurisdictionSTATE] for data as it shall pertain to Records of the Board.

302.10 QUALIFICATIONS FOR LICENSURE.

Pursuant to [CLARB Model Law Section 302] an applicant for licensure must substantiate each item listed in this referenced Section to the Board's satisfaction.

DRAFT

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

302.11 APPROVED EDUCATION PROGRAMS.

An Approved Education Program means a first professional degree in Landscape Architecture from a program which has been accredited by the Landscape Architectural Accreditation Board (LAAB) or the Canadian Society of Landscape Architects Accreditation Council (CSLAAC). In lieu of this degree, satisfaction of a (five)-years of combined education and experience credit may be substituted as follows:

R. 302.11 and R. 302.12

This section provides three options for Boards to choose from. Although CLARB recommends that Boards select option 1, CLARB understands not all Boards may be authorized to use dynamic incorporation (i.e., incorporating a periodically updated standard, with each new version of that standard being given the force of law automatically when an updated standard is published).

Option 2 will require Boards to adopt new regulations periodically as new versions of the CLARB uniform licensing standard are published. These new regulations would refer to the version of the CLARB Uniform Licensure Standard then in effect.

Option 3 would require Boards to adopt the content of the "Alternative Education" section of CLARB's Uniform Licensure Standard directly into regulations and update this periodically to reflect the text of the version currently in effect.



Education Equivalency	Maximum Education Credit	Additional Experience Credit Needed
Non-accredited B.L.A. or M.L.A.	4 years	1 year under the direct supervision of a Landscape Architect
NAAB-accredited B.Arch. or M.Arch.	4 years	1 year under the direct supervision of a Landscape Architect
ABET-accredited degree in Civil Engineering	4 years	1 year under the direct supervision of a Landscape Architect

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
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Any Bachelor's degree	2 years	3 years under the direct supervision of a Landscape Architect
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Other landscape architectural curriculum which has not been accredited by LAAB but has been evaluated and found to be of an equivalent standard, may be reviewed and accepted by the Board.

Select either option 1: Dynamic Incorporation

In lieu of a degree in landscape architecture accredited by LAAB, LAAC, or their international equivalent, as established by ICLARB Model Law Section 302(A)(ii), an Applicant shall meet the "Alternative Education" standards for qualification for licensure set forth in the CLARB Uniform Licensure Standard.

Or option 2: Static Incorporation by Reference

In lieu of a degree in landscape architecture accredited by LAAB, LAAC, or their international equivalent, as established by ICLARB Model Law Section 302(A)(i), an Applicant shall meet the "Alternative Education" standards for qualification for licensure set forth in the 2022 version of the CLARB Uniform Licensure Standard.

Or option 3: Direct Incorporation

In lieu of a degree in landscape architecture accredited by LAAB, LAAC, or their international equivalent, an applicant must obtain six (6) additional years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field or, if eligible, an applicant may earn credit toward the remaining years of experience in regulated practice through one of the following options:

- A. If an applicant holds a non-accredited degree or certificate in landscape architecture, then the applicant may be credited with one (1) year of experience for each year of schooling completed up to a maximum of four (4) years of credited experience. OR
- B. If an applicant holds any degree or certificate, then the applicant may be credited with six (6) months of experience for each one (1) year of schooling completed up to a maximum of two (2) years of credited experience.

~~302.12~~ EXPERIENCE SUPERVISION REQUIREMENTS.

302.12

Color Key for Changes:

- Green = Resolution #2 to align to the Uniform Standard
- Blue = Resolution #3 to promote DEI, align with principles, and clean up

The work experience required of each applicant shall should expose the applicant to all phases of work integral to the practice of Landscape Architecture, and shall be performed under the direct supervision of a Licensee. Landscape architectural work experience shall fall within the definition of "the practice of Landscape Architecture" under [CLARB Model Law Section 104] and amendments thereto.

Experience supervision shall be verified by references which are those individuals who should have personal knowledge of an applicant and who can issue judgments concerning an applicant's experience, ability, character or reputation. Relatives may not be used as references. No current Board member shall be used as a reference. Replies received from references regarding the qualifications of an applicant shall be placed in files that are considered nonpublic records. The source and character of the information will not be divulged except in special cases when required by law.

Select either option 1: Dynamic Incorporation

For purposes of [CLARB Model Law Section 302(A)(iii)], to be considered "experience in the regulated practice of landscape architecture," an applicant must gain experience in the practice domains set forth in the CLARB Uniform Licensure Standard.

Or option 2: Static Incorporation by Reference

For purposes of [CLARB Model Law Section 302(A)(iii)], to be considered "experience in the regulated practice of landscape architecture," an applicant must gain experience in the practice domains set forth in the 2022 version of the CLARB Uniform Licensure Standard.

Or option 3: Direct Incorporation

For purposes of [CLARB Model Law Section 302(A)(iii)], to be considered "experience in the regulated practice of landscape architecture," an applicant must gain experience in the following practice domains to ensure competency necessary to protect the public and the environment:

1. Project and Construction Management: includes pre-project management, project management, bidding, construction, and maintenance.
2. Inventory and Analysis: includes site inventory, physical analysis, and contextual analysis.
3. Design: includes stakeholder process, master planning, and site design.
4. Grading, Drainage, and Construction Documentation: includes site preparation plans, general plans and details, specialty plans, and specifications.

For purposes of assigning credit for an applicant's experience to satisfy the requirements under [CLARB Model Law Section 302(A)(ii) and CLARB Model Regulations 302.11], the Board shall evaluate an Applicant's experience according to the following standards:

Color Key for Changes:

- **Green = Resolution #2 to align to the Uniform Standard**
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- [INSERT EVALUATION CRITERION]
- [INSERT EVALUATION CRITERION]
- [INSERT EVALUATION CRITERION]

302.13 EXAMINATIONS.

Applicants shall substantiate successful completion of CLARB's examinations where the examination administration and grading were conducted in accordance with CLARB's standards in effect at the time. CLARB examination administration requirements will be enforced as listed, but not limited to:

- examinations are offered on dates set by CLARB;
- locations at which the examinations are given are designated by CLARB;
- language of the examination will be English;
- results will be released in accordance with established CLARB policy;
- there shall be no post-administration access to, or review of, examination questions;
- re-examination limits shall be imposed by CLARB as necessary for the integrity of each exam;
- any applicant's examination results may be rejected by the Board and permission to retake an examination may be withheld by the Board upon a report by the testing administrator of any possible violation by the applicant of the provisions of any candidate testing agreement regarding examination irregularities.

303.10 QUALIFICATIONS FOR CERTIFICATE OF AUTHORIZATION.

Pursuant to [CLARB Model Law Section 303] an applicant for a Certificate of Authorization must substantiate each item in this referenced Section to the Board's satisfaction.

305.10 REQUIREMENTS OF CONTINUING COMPETENCE.

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of Landscape Architects. Every Licensee shall meet the continuing professional competency requirements of these regulations for professional development as a condition for licensure renewal.

- Each Licensee shall have completed 12 (twelve) Continuing Education Contact Hours during the one-year period immediately preceding the renewal date established by the Board;
- Continuing Education Contact Hours shall be related to the practice of Landscape Architecture and address subjects in the protection of public Health/Safety/Welfare (HSW).
- Other activities may be accepted for Continuing Education credit upon approval by the Board;
- If Licensee is licensed to practice Landscape Architecture in another jurisdiction in which the Licensee resides, the Licensee may meet the Continuing Education requirements of the jurisdiction in which the Licensee resides. If such jurisdiction requires no Continuing Education, the Licensee shall meet the Continuing Education requirements of [STATE Jurisdiction];

Each jurisdiction within the CLARE membership will determine how it will evaluate experience based on that jurisdiction's unique circumstances and requirements.

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- E. Each dual Licensee shall earn at least {8} of the required Continuing Education credits for each renewal period in each profession;
- F. Excess Continuing Education Contact Hours may not be credited to a future calendar year;
- G. Each Licensee shall provide proof of satisfying the Continuing Education requirements as required by the Board. If the Licensee fails to furnish the information as required by the Board, the License shall not be renewed. If the Board does not approve of submitted Continuing Education, Licensee shall have a period of 120 days after notification to provide further information or additional Continuing Education.

305.11 APPROVED PROVIDERS OF CONTINUING EDUCATION.

The following providers of Continuing Education programs have been approved by the Board and courses provided by approved providers are acceptable for meeting the mandatory Continuing Education requirements for licensure renewal:

- Landscape Architects Continuing Education System (LA CES)
- American Society of Landscape Architects (ASLA)
- Council of Landscape Architect Registration Boards (CLARB)
- [State Jurisdiction/Provincial] Board name
- National Society of Professional Engineers (NSPE)
- American Institute of Architects (AIA)
- Agencies of the state or federal government offering training programs in landscape architecture
- Accredited colleges and universities offering training programs in landscape architecture

306.10 REQUIREMENTS FOR LICENSURE RENEWAL.

- A. Each Licensee shall renew the License by [DATE] each year. A written or electronic notice shall be issued by the Board to each Licensee no later than 30 days before this renewal date. An expired License shall be terminated if not renewed by the renewal date. A late fee may be charged for renewals up to 60 days past this renewal date. A reinstatement will be necessary for licenses 120 days past the renewal date.
- B. Each Business Entity shall renew its Certificate of Authorization by [DATE] each year. A written or electronic notice shall be issued by the Board to each Licensee not later than 30 days before this renewal date. An expired Certificate of Authorization shall be terminated if not renewed by the renewal date. A late fee may be charged for renewals up to 60 days past the renewal date. A reinstatement will be necessary for Certificates of Authorization 120 days past the renewal date.
- C. A Licensee or Business Entity shall not practice Landscape Architecture after the expiration date until the License or Certificate of Authorization has been renewed or reinstated.

307.10 NON RENEWAL OF LICENSURE; REQUIREMENTS FOR REINSTATEMENT OF EXPIRED LICENSE.

An individual may reinstate a terminated License from inactive, temporary or emeritus status, or a terminated status by obtaining all delinquent required Continuing Education. Upon completion of a

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reinstatement application and proof that the individual has complied with the requirements for obtaining Continuing Education, the individual shall meet the Board's other requirements for reinstatement before reinstatement shall be granted.

Reinstatement of a Certificate of Authorization shall occur upon completion of a reinstatement application and requirements stated therein.

310.10 LICENSE STATUSES.

A. The following License statuses shall apply:

- (i) Active status shall require successful renewal every 2 (two) years with the appropriate fee and verification of continuing competency requirements.
- (ii) Inactive status shall require successful renewal every 2 (two) years with the appropriate fee. No continuing competency verification is required. The individual shall have no pending disciplinary action before the Board. The individual shall not practice Landscape Architecture in [State Jurisdiction].
- (iii) Temporary status shall require a Disaster Declaration by the governor or other appropriate authority of [State Jurisdiction]. Services by a Landscape Architecture must be provided within the scope of their License, on prior written notice to the Board and only provided for the duration of the declared emergency. [CLARB Model Law Section 304]
- (iv) Emeritus status shall require the individual to be at least 60 years of age. The individual shall submit a one-time application, with no fee and no verification of continuing competency required. The individual shall have no disciplinary action before the Board. Any individual who chooses this license status may use that individual's professional title in conjunction with the word "emeritus". The individual shall not practice Landscape Architecture in [State Jurisdiction].

501.10 MANDATORY REPORTING.

Any Applicant, Licensee or Person with knowledge of conduct by any Person that may be grounds for disciplinary action under this Act or its regulations, or of any unlicensed practice under this Act, shall report such conduct to the Board on a form provided by the Board.

The form shall include but not be limited to information regarding the explanation of complaint, contact information of person making complaint, contact information of person who is the subject of complaint and other information as necessary for investigative purposes.

701.10 SEVERABILITY.

If any provision or application of these regulations is found to be invalid for any reason, such invalidity shall not affect other provisions or applications of these regulations which can be given effect without the invalid provision or application, and therefore, the provisions of these regulations are declared to be severable.

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CLARB

Uniform Licensure Standard for Landscape Architecture

FAQs for Members

What is CLARB's uniform standard?

CLARB's uniform standard, developed through its Rethink Regulation program, is a set of recommended uniform standards for licensure that landscape architectural licensure boards can adopt and implement to create common, consistent licensure requirements across jurisdictions. By utilizing this uniform standard, which incorporates requirements for education, experience and examination, licensure boards can reduce confusion and barriers to entry for candidates while creating consistency and defensibility, and encouraging mobility.

The Uniform Licensure Standard for Landscape Architecture Summary:

Education	Experience	Exam
LAAB/LAAC-accredited LA degree	2 Years	Pass the LARE
Education through practical experience only*	8 years	Pass the LARE

The Uniform Licensure Standard for Landscape Architecture Details:

Section 1: Qualifications for Licensure. To obtain a license to practice landscape architecture, an applicant must:

- A. **Education:** Either (i) hold a degree in landscape architecture accredited by the Landscape Architectural Accreditation Board (LAAB), Canadian Society of Landscape Architects Accreditation Council (LAAC), or their international equivalent; or (ii) satisfy the alternative education requirements set forth in Section (2); ***and***
- B. **Experience:** Have completed two (2) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field; ***and***
- C. **Examination:** Pass the licensure examination developed and administered by CLARB; ***or***
- D. **Reciprocity:** In lieu of providing evidence that the applicant has completed the education, experience, and examination requirements noted in provisions (A) through (C) of this Section (1), provide evidence acceptable to the Board that the applicant is licensed and in good standing to practice landscape architecture under the laws of another jurisdiction.

CLARB

Section 2: Alternative Education. In lieu of a degree in landscape architecture accredited by LAAB, LAAC, or their international equivalent, an applicant must obtain six (6) additional years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field or, if eligible, an applicant may earn credit toward the remaining years of experience in regulated practice through one of the following options:

- A. If an applicant holds a non-accredited degree or certificate in landscape architecture, then the applicant may be credited with one (1) year of experience for each year of schooling completed up to a maximum of four (4) years of credited experience, **OR**
- B. If an applicant holds any degree or certificate, then the applicant may be credited with six (6) months of experience for each one (1) year of schooling completed up to a maximum of two (2) years of credited experience.

Section 3: Experience in the Regulated Practice of Landscape Architecture.

- A. To be considered “experience in the regulated practice of landscape architecture,” an applicant must gain experience in the following practice domains as determined by the Landscape Architecture Job Task Analysis¹ to ensure competency necessary to protect the public and the environment:²
 - 1. Project and Construction Management: includes pre-project management, project management, bidding, construction, and maintenance;
 - 2. Inventory and Analysis: includes site inventory, physical analysis, and contextual analysis;
 - 3. Design: includes stakeholder process, master planning, and site design;
 - 4. Grading, Drainage, and Construction Documentation: includes site preparation plans, general plans and details, specialty plans, and specifications.
- B. All applicant’s experience in the regulated practice of landscape architecture should be performed under the supervision of a licensed landscape architect or a licensed professional in a related field.

¹ The Job Tasks Analysis is conducted every 5-7 years.

² Notwithstanding the standards set forth here, each jurisdiction within the CLARB membership will determine how it will evaluate experience based on its unique circumstances and requirements.

CLARB

Background/Development Questions:

Why is CLARB developing a uniform standard?

CLARB's Uniform Standard promotes and supports **defensible**, **consistent**, and **equitable** requirements for landscape architectural licensure.

Defensible requirements are **based on data, not from legislators** aligning the profession to others.

- Using data researched by the profession for the profession, CLARB members can confidently “own” the requirements and defend them when needed.
- Defensible inputs came from CLARB member information, CLARB Council Record holders and CELA member surveys, ASLA's Licensure Committee's recommendations, and comparisons to related design professions.
- The data, that the uniform standard is based on, includes jurisdictional education requirements, experience requirements, complaint and discipline data, and competency research.

With 80% of CLARB's member boards already having a clear alternative education path or the ability of the board to consider a combination of experience and education toward licensure requirements, it is expected the majority of members will not have difficulty with this transition.

Consistent requirements ensure there will be **no difference** in licensure requirements for initial or reciprocal applicants **across jurisdictions**.

- Eliminates confusion and discrepancy for candidates selecting which jurisdiction to become initially licensed in and being restricted in where they can get licensed.
- Removes “license shopping” option, allowing candidates to apply for licensure where they actually want to work or where they live.
- Reduces barriers to entry and creates a more mobile profession.

Equitable requirements across jurisdictions that provide boards with a **shared sense of responsibility and ownership over requirements**.

- Uniform standards, both initial and reciprocal, allow CLARB members to control how the future of this profession's regulation is designed.
- CLARB members directly interpret and implement the requirements in their jurisdictions. Why let legislators and lawmakers unfamiliar with the profession determine the standards for licensure?
- The uniform standard provides equitable pathways to licensure (and access to the profession)
- These are *your* uniform standards. Boards are encouraged to determine if the changes necessary to implement the standard are statutory or regulatory. CLARB's team is a resource to walk through your implementation of your uniform standards with you.

With major external factors driving change, if we do not work together to design the future of regulation- change will happen **to us**.

CLARB

How was CLARB's uniform standard developed?

Since 2017, CLARB has been working to rethink regulation by working with the membership and stakeholders to evaluate our licensing systems and processes and identify what may need to be done differently to best achieve our goal of public protection while eliminating unnecessary friction from the licensure process. A uniform standard was identified as the best approach for eliminating the confusion and lack of consistency and defensibility among licensure requirements.

The 2019 policy work group established the fundamental elements (validated by stakeholder research) that a defensible uniform standard should include:

- Inclusive Education Pathways
- Justifiable Experience Requirements
- Accessible Licensure Examination

Additionally, guiding principles were established to focus our work on tangible outcomes that build the case for the uniform standard.

- Achieve consistent licensure requirements across jurisdictions
- Improve the landscape architecture mobility model
- Provide for increased equity to promote diversity
- Increase defensibility of licensure requirements
- Ensures the health, safety and welfare of the public and the environment

In 2020 and 2021, CLARB's uniform standard was developed through research into years of experience and education (and alternative educational paths) required across CLARB's member boards, along with member feedback, comparisons in requirements of related design disciplines, and recommendations and inputs from ASLA and CELA.

Research included:

- [Recommendations](#) from ASLA on alternative educational paths / Inputs from CELA
- Requirements for related design disciplines (architecture and engineering)
- Correlations related to current member requirements
- Correlations related to years of experience (and education type) and demonstration of competency
- Input from the profession on when they felt competent to practice independently
- Feedback from member boards on uniform standard scenarios, experience requirements and model approaches

[View more detailed information about the background of the Uniform Standard project and the research CLARB conducted.](#)

[View the timeline of CLARB's rethink regulation program and uniform standard development here.](#)

CLARB

Who has provided input in the development of the uniform standard?

CLARB sought input from members, stakeholders and others in the regulatory or landscape architecture community throughout this process since 2017. More recently, the work group members who developed the uniform standard recommendation include:

- Chuck Smith, CLARB President-Elect, former North Carolina member board member
- Jon Milstead, CLARB Director-at-Large, Mississippi member board member
- Paul Kissinger, Florida member board member
- Carisa McMullen, Kansas member board member
- Shannon Himes, Ohio member board executive
- Tara Culham, British Columbia member board executive
- Elizabeth Hebron, ASLA National
- EJ Bolduc, ASLA Licensure Committee
- Galen Newman, CELA President
- David Myers, CELA President-Elect
- Maurice Brown, NCARB Council Relations AVP for Advocacy and External Engagement
- Joel Levy, NCARB Customer Relations Specialist

What are members voting on in April 2022?

Members will be voting on three resolutions in April 2022:

1. [Adoption of the CLARB Uniform Licensure Standard](#)
2. [Revisions to the CLARB Model Law and Regulations to align with the Uniform Licensure Standard](#)
3. [Revisions to the CLARB Model Law and Regulations to promote diversity, equity, and inclusion \(DEI\) in licensure standards and to align with CLARB's DEI principles.](#)

How does my Board vote?

In order to vote on the resolution, your Board must credential a board or staff member to vote on behalf of your board. Return your [Letter of Credential](#) to [Andrea Elkin](#) by April 19, 2022. **Your credentialed member must attend the Mid-Year Update on April 20, 2022, at 3 p.m. ET.** Your credentialed member will vote on behalf of your jurisdiction following a roll call.

Why are we proposing changes to the Model Law and Model Regulations?

The CLARB Board of Directors is proposing revisions to the Model Law and Regulations to align the qualifications for licensure with the Uniform Licensure Standard for Landscape Architecture. By having the Uniform Standard reflected in the Model Law and Regulations, it will help members adopt and implement the new standard as well as continue to increase uniformity and improve mobility within the profession.

In addition, the proposed changes will also be a step forward in advancing CLARB's diversity, equity, and inclusion initiatives as the document was evaluated for language that can add bias into evaluating candidates for licensure. By removing the subjectivity of character from the licensing process, licensure boards can help the profession to be more inclusive and place the application evaluation focus on protecting the public's health, safety, and welfare.

CLARB

What exactly is changing in the Model Law and Model Regulations and how is it different than the current versions?

Model Law Changes

Section 302. Qualifications for Licensure was heavily revised to reflect the Uniform Standard. The changes in Model Law center around the education and experience requirements. The education requirement is now LAAB, LAAC, or international equivalent **or** satisfy the alternative education requirements as determined by the Board.

The experience requirement is completed 2 years of experience under the direct supervision of a licensed landscape architect or a licensed professional in a related field as determined by the Board.

The reciprocity requirement is amended to require evidence acceptable to the Board that the Applicant is licensed and in Good Standing to practice under the laws of another jurisdiction.

The language, “Possession of good moral character” has been removed. Removing good moral character language is an important step to remove bias and subjectivity from the licensing process.

Model Regulations Changes

Section 302.10 Qualifications for Licensure was also heavily revised to reflect the Uniform Standard. The previous Approved Education Programs has been stricken and replaced with the accredited degree path **or** an Applicant shall meet the “Alternative Education” standards for licensure set forth in the CLARB Uniform Licensure Standard.

Similarly, the previous Experience Supervision Requirements section has been stricken and replaced with updated experience guidelines. The requirements now reflect the criteria in the CLARB Uniform Licensure Standard for Landscape Architecture.

The Uniform Standard allows for alternative pathways to licensure, including through experience only. How can we explain that this is not “watering down” the requirements for licensure?

While the Uniform Standard may not align exactly with the requirements in your jurisdiction, in our research of requirements across the United States and Canada, we found that all but two jurisdictions allow for some sort of alternative pathway, either in regulation/statute or through enabling authority to consider other pathways. Specifically, 52% of CLARB’s member boards allow for an experience-only pathway already. By adopting the Uniform Standard, CLARB member boards are taking a proactive approach to providing candidates with consistent, defensible licensure requirements that support mobility and diversity of the profession.

Implementation Questions:

How will the uniform standard impact my board and candidates?

The Uniform Standard promotes and supports defensible, consistent, and equitable requirements for landscape architectural licensure. Over time, we hope that the Uniform Standard will reduce confusion around getting licensed and the “licensure hopping” that candidates do, as well as increase defensibility or requirements to legislators, mobility for landscape architects and opportunities to increase diversity within the profession.

CLARB

In the short term, your jurisdiction will need to review your licensure requirements and possibly make changes to your statutes, regulations, or processes to align with the Uniform Standard. CLARB is here to help any jurisdictions that may need additional support to make these changes.

How will the uniform standard be implemented?

We realize that each jurisdiction has unique needs and may implement the Uniform Standard differently. CLARB's intent is that the requirements for landscape architecture licensure are consistent across jurisdictions. How each jurisdiction achieves this may be different.

To account for different ways of implementing the Uniform Standard, member boards will see three different approaches listed in the proposed [Model Regulations](#): Dynamic Incorporation, Static Incorporation by Reference, and Direct Incorporation. CLARB is here to help if you need additional support with figuring out the best approach for your jurisdiction.

When will my board be expected to implement the uniform standard if the Uniform Standard passes?

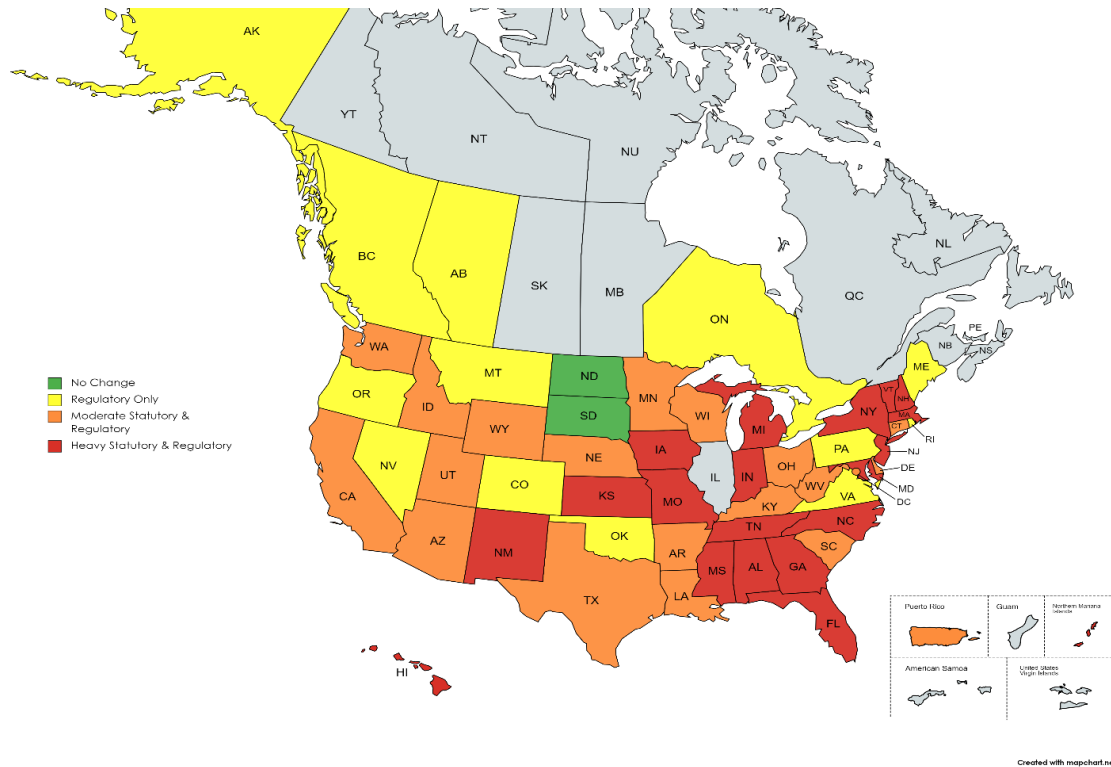
Approval of the Uniform Licensure Standard for Landscape Architecture creates a “best practice” or model standard for member boards to work toward. CLARB does not have a timeline requirement for boards to implement the Uniform Standard. CLARB will continue to work with boards and the necessary stakeholders to help implement the Uniform Standard in your jurisdiction at the time that is right for your board. We realize this is a marathon and not a sprint and will take time to get implementation in all our member boards.

Where do jurisdictions align with the Uniform Standard?

CLARB worked with Venable to analysis jurisdictional requirements against the Uniform Standard. The Venable analysis looked at three options for implementing the different aspects of the Uniform Standard: no change, regulatory change, or statutory and regulatory change. In order to provide consistency in the analysis, Venable used a conservative approach to their review of jurisdictional requirements.

This analysis allows CLARB to see what jurisdictions are going to require heavy statutory changes that will require additional time and resources due to needing approvals from the legislature and governor. An “effort map” was created to visualize the types of changes required. Jurisdictions with heavy statutory changes are in orange and red as statutory changes are a more robust process than regulatory changes.

CLARB



What if my board can't implement the uniform standard?

Approval of the Uniform Licensure Standard for Landscape Architecture just creates a “best practice” or model standard for member boards to work toward. While we want all members to strive for the implementing the Uniform Standard, we realize this will take time. CLARB will continue to work with boards and other necessary stakeholders to help implement the Uniform Standard in your jurisdiction at the time that is right for your board.

Opening up our statutes and/or regulations can open us up for other changes, why would we want to take that risk?

While it may seem like a risky move, making proactive, positive change can be seen as a win by legislators which is a good position to be in. With executive orders and sunset reviews your jurisdiction's statutes are likely coming under review anyway. It is best to be prepared and have a plan on updating your statutes vs leaving it up to the legislature or governor's office. The Uniform Standard is a good story to tell—you're making change to create consistency with other jurisdictions, increase access and mobility of the profession, and aligning with requirements that are based on data and research. This can be seen as a licensure reform “win” by the policy makers in your jurisdiction. CLARB will continue to work with boards and the necessary stakeholders to help implement the Uniform Standard in your jurisdiction at the time that is right for your board.

How can we justify to legislators reducing the number of years of experience required to get licensed without endangering the public?

The Uniform Standard was developed after thorough research, including looking at current licensure requirements and disciplinary data across the United States and Canada, candidate data at the time of

CLARB

licensure and surveying the profession. Across the data, two years of experience was sufficient for competent landscape architects to protect the health, safety, and wellbeing of the public. The Uniform Standard takes into account all the data and provides consistent paths to licensure across jurisdictions. Obtaining consistency in requirements (especially for the alternative paths) will reduce time and confusion to getting licensed and improve mobility. Administratively, it reduces barriers by not differentiating initial and reciprocal licenses.

How can we justify to legislators increasing the number of years of experience required to get licensed without creating more barriers to practice?

The Uniform Standard was developed after thorough research, including looking at current licensure requirements and disciplinary data across the United States and Canada, candidate data at the time of licensure and surveying the profession. Across the data, two years of experience was sufficient for competent landscape architects to protect the health, safety, and wellbeing of the public. While some candidates are competent with less experience, the research indicated that two years of experience is ideal for most candidates to be competent to practice at the time of licensure. Additionally, by the time candidates finish their education and exam requirements, they usually have at least two years of experience, so the requirement is not an impact to their time to licensure. By aligning with the Uniform Standard and obtaining consistency in requirements (especially for the alternative paths), your jurisdiction will reduce time and confusion to getting licensed and improve mobility. Administratively, it reduces barriers by not differentiating initial and reciprocal licenses.

General Questions:

Who should I contact if I have questions?

Any member of the Board (listed below), as well as CLARB staff, are available if you have questions.

CLARB Board Officers:

[Chuck Smith](#), President

[Cary Baird](#), Past President

[Carisa McMullen](#), President-Elect

[Joel Kurokawa](#), Treasurer

CLARB Staff:

[Veronica Meadows](#), Chief Strategy Officer

[Zach Druga](#), State Government Affairs and Advocacy Manager

[Andrea Elkin](#), PMO Manager

[Matt Miller](#), CEO

Texas Comparison to Proposed Uniform Standard

CLARB Uniform Standard	Current Texas Law or Rule	Required Changes
Canadian degree qualifies for licensure	Canadian degree or any other foreign degree must be evaluated for equivalency by ECE or other acceptable organization	Amend Rule 3.21(a)(1)
2 years of experience required	3,640 hours of experience required	No change allowed due to direction from Governor
Experience may be obtained under either an LA or a related licensed professional	An applicant may gain up to 1,820 hours under a registered architect or civil engineer, but at least 1,820 hours of experience must be under an LA	Amend Rule 3.191(b)
Only experience under an LA or related licensed professional is eligible for credit.	An applicant may receive half credit for on-site construction, maintenance, or installation procedures when the experience is not under the direct supervision of a registered professional, up to a maximum of 1,820 hours. An applicant may earn up to 1,820 hours for teaching on a full-time basis in an LAAB-accredited program in landscape architecture.	Since TBAE rules are more permissive, no rule changes are required to maintain eligibility of an individual who meets CLARB Uniform Licensure Standard
Reciprocity may be obtained if applicant is licensed in good standing in another jurisdiction	Allowed, but other jurisdiction’s licensing requirements must be substantially equivalent and must have LARE and 2 years post-licensure experience OR CLARB Certificate	Amend Rule 3.22(b)
Alternative education requirements allowed	Graduation from a board-approved LA program required	Amend 1052.154 of LA Act

Q. 1. For traditional pathway initial licensure applicants, does the state require the applicant to hold a degree in landscape architecture accredited by the LAAB, LAAC, or its international equivalent, as determined by the Board?

Regulatory changes required. Texas law does not expressly accept degrees accredited by LAAC. The Texas regulations require a LAAB-accredited degree or a degree from a “landscape architectural education program outside the United States where an evaluation by Education Credential Evaluators or another organization acceptable to the board has concluded” the degree is equivalent to a LAAB-accredited degree. 22 Tex. Admin. Code § 3.21(a)(1). However, the board may amend its regulations to expressly accept degrees accredited by LAAC because the statute grants the board authority to “adopt reasonable rules . . . to administer or enforce” the statute and define what landscape architecture

educational programs are “recognized and approved by the board.” Tex. Occupations Code §§ 1051.202, 1052.154.

Q. 2. For traditional pathway initial licensure applicants, does the state require the applicant to have completed two years of experience beyond their schooling?

No changes required. Texas requires 3,640 hours of experience. 22 Tex. Admin. Code § 3.191(a). Pursuant to direction from the Governor’s Office, Division of Regulatory Compliance, TBAE recently amended its rule to allow for experience to be gained in hourly increments rather than yearly increments. TBAE considers 3,640 hours of experience to be equivalent to 2 years of experience.

Q. 3. For alternative education pathway initial licensure applicants, does the state require the applicant to obtain a total of eight years of experience?

Statutory and regulatory changes required. Texas law does not authorize an education alternative option. The board does not have authority to amend its regulations to add an alternative education option because the statute requires an initial licensure applicant graduate from a “landscape architecture educational program recognized and approved by the board.” Tex. Occupations Code § 1052.154. Therefore, to effectuate this change would require amending the statute and regulations to add an education alternative option.

Q. 4. For alternative education pathway initial licensure applicants, does the state permit the applicant to obtain credit for holding a degree from a non- accredited landscape architecture program or for other post- secondary education?

Statutory and regulatory changes required. See answer to Q3.

Q. 5. For reciprocal licensure applicants, does the state allow proof of existing licensure in good standing (only) in lieu of the education, experience, and examination requirements?

Statutory and regulatory changes required. In lieu of the education, experience, and examination requirements, a reciprocal license applicant may demonstrate (1) the applicant has successfully completed the LARE and acquired at least two years of experience following registration in another jurisdiction; or (2) hold a “Council Certificate from CLARB that is in good standing.” 22 Tex. Admin. Code § 3.22(b). However, the board may amend its regulations to also grant reciprocity to an applicant who demonstrates they are licensed in another jurisdiction that has licensing or registration requirements substantially equivalent to Texas or has a reciprocity agreement with Texas. The statute grants the board authority to “adopt reasonable rules . . . to administer or enforce” the statute and “waive any prerequisite to obtaining a certificate of registration under this subtitle for an applicant who holds a license or certificate of registration issued by such other jurisdiction. Tex. Occupations Code §§ 1051.202, 1051.305.

**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: 069-21N
Respondent: Stephanie Comeaux
Location of Respondent: Houston, TX
Instrument: Report and Notice of Violation

Findings:

- Stephanie Comeaux (hereafter “Respondent”) is not and has never been registered as an architect in Texas.
- Respondent is the managing member of Archeccentric Concepts & Designs, LLC.
- Archeccentric Concepts & Designs, LLC is not registered with the Board as a firm which may lawfully be held out to the public as practicing or offering to engage in the practice of architecture. The firm does not now have and never has had an employment relationship or agreement of association with an architect to provide services on behalf of the firm.
- On December 18, 2018, while acting on behalf of Archeccentric Concepts & Designs, LLC, Respondent offered to provide services within the definition of the practice of architecture, including “architectural design” and “design development and construction drawings” to be “provided directly by ArchEccentric” for a townhome project located at W. 21st Street in Houston, Texas. Furthermore, the offer stated that additional work would be provided by “outside consultants” including “Drawing Review by a Texas State Licensed Architect.”
- Pursuant to this offer, on or about February 23, 2019, Respondent drew and then issued a set of architectural drawings for the townhome project. The architectural drawing was prepared directly by Respondent without any input, participation, or supervision by an architect prior to issuance.
- On or about January 13, 2021, Respondent utilized a profile on her LinkedIn profile to describe herself as an “Architectural Designer” for Design DCA.

Applicable Statutory Provisions and Rules:

- By issuing an architectural design proposal to a potential client that included an offer to provide “architectural design” on the project, Respondent violated Tex. Occ. Code §1051.701(a) and Board Rule 1.123(a).
- By independently preparing and issuing construction documents pursuant to an offer to provide architectural design, Respondent violated Tex. Occ. Code §1051.701(a).
- By utilizing the title “Architectural Designer” to describe herself on her LinkedIn webpage, Respondent violated Board Rule 1.123(a).

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$5,000**, and which Orders the Respondent to

cease and desist any and all violations of Occupations Code Chapter 1051 and Board rules, as set forth in the Report and Notice of Violation dated October 19, 2021.

**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: 135-21A
Respondent: Paul E. Martin
Location of Respondent: Houston, TX
Location of Project(s): Houston, TX
Instrument: Report and Notice of Violation

Findings:

- Paul E. Martin (hereafter “Respondent”) is registered as an architect in Texas with registration number 5595.
- From December 1, 2020 through June 27, 2021, Respondent’s architectural registration was delinquent. His architectural registration was reinstated and it became active on June 28, 2021.
- On or about December 12, 2020, Respondent issued and sealed architectural plans for a project identified as “9511 Westheimer” located in Houston, TX.
- At the time Respondent provided architectural services for this project, his registration was expired and he was not authorized to provide architectural services during this period.

Applicable Statutory Provisions and Rules:

- By using the title “architect” and providing architectural services and sealing plans for a residential remodel at a time when his certificate of registration was not in good standing, Respondent violated Tex. Occ. Code §§1051.351(a) and 1051.752(1) and 22 Tex. Admin. Code §§1.82(b), 1.123, and 1.148(c).

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1,000** as set forth in the Report and Notice of Violation dated November 30, 2021.

**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: 033-17N
Respondent: Elihu Perez aka Alex Perez
Location of Respondent: Houston, Texas
Instrument: Agreed Order

Findings of Fact and Conclusions of Law

- See attached proposed Agreed Order

Action Recommended by Executive Director:

- Enter the attached Agreed Order, including the findings of fact and conclusions of law, which imposes an administrative penalty of **\$10,000**, with a \$1,000 payment payable within 30 days, a second \$1,000 payment payable within one year from the date of the Order; and a third \$1,000 payment payable within two years from the date of the Order. The remaining \$7,000 would be deferred and subject to cancellation, provided that Respondent complies with the terms of the Order and does not violate the laws or rules of the Board for a five-year deferral period.

IN THE MATTER OF	§	BEFORE THE TEXAS BOARD
	§	
ELIHU PEREZ	§	OF
AKA ALEX PEREZ	§	
RESPONDENT	§	ARCHITECTURAL EXAMINERS

AGREED ORDER

On this day, the Texas Board of Architectural Examiners (hereafter “the Board”) considered the matter of Elihu Perez, aka Alex Perez, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Texas Occupations Code §§ 1051.701, 1051.703, 1051.752. Respondent waived notice and hearing and agreed to the entry of this Order approved by Julie Hildebrand, Executive Director, on November 8, 2021. Upon recommendation of its Executive Director, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order.

FINDINGS OF FACT

1. Prior to the institution of agency proceedings, notice of the matters specified below in the Findings of Fact was served on Respondent, and Respondent was given an opportunity to show compliance with all requirements of law.
2. Respondent waived noticed and hearing and agreed to the entry of this Order.
3. Respondent is not and never has been registered as an architect in the State of Texas.
4. Respondent is the owner and sole officer, director, or manager of *Extreme Design, LLC*.
- 5. *Extreme Design, LLC* is not registered● with the Board as a firm● which may practice on● offer to engage in the practice of architecture in the State of Texas.

7. On or about July 21, 2014, Respondent entered into a contract with a client to provide the design and blueprints for a project identified as "Nursing Home" to be located at 10931 Mayfield Road in Houston, Texas.
8. On or about September 12, 2014, pursuant to the contract described above, Respondent issued architectural plans and specifications for a project identified as "Nursing Home" located at 10931 Mayfield Road in Houston, Texas. The owner of the project intended to provide 24-hour custodial care to the future occupants of the completed building.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the disciplinary authority delegated to the Board in Texas Occupations Code Chapter 1051, Subchapters H, I, J, and O.
2. The Board may, after notice and hearing, impose an administrative penalty upon a person who is not registered to engage in the practice of architecture if it appears that that person is violating or has violated Texas Occupations Code Chapter 1051. See Tex. Occ. Code §§1051.401, 1051.451, 1051.501(b); 1051.503; 1051.504; 1051.751 and 22 Tex. Admin. Code §1.173.
3. Pursuant to Tex. Occ. Code 1051.701, a person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture, as defined in Tex. Occ. Code §1051.001(7)(A), (B), or (C) unless the person is registered as an architect.
4. Only an architect may prepare an architectural plan or specification for a new building or modification of an existing building intended for occupancy on a 24-hour basis by persons who are receiving custodial care from the proprietor or operator of the building. Tex. Occ. Code §1051.703.

5. Except as allowed under limited circumstances specified by Tex. Occ. Code §1051.606(a)(4), Respondent has been prohibited from practicing architecture in the State of Texas for all times pertinent to this Agreed Order. Respondent's business, *Extreme Designs, LLC*, has also been prohibited from engaging in the practice of architecture, offering architecture, and representing to the public that it is engaging in the practice of architecture for all times pertinent to this Agreed Order. Tex. Occ. Code §1051.701.
6. By entering into a contract with a client to provide "design and blueprints" on a project subject to Tex. Occ. Code §1051.703(a)(1), Respondent offered to engage in the practice of architecture in violation of Tex. Occ. Code §1051.701.
7. By preparing and issuing architectural plans for a building intended for occupancy on a 24-hour basis by persons receiving custodial care from the building's proprietor, Respondent engaged in the unregistered practice of architecture under Tex. Occ. Code §1051.701 and violated Tex. Occ. Code §1051.703(a)(1) and 22 Tex. Admin. Code §1.214.
8. The evidence received is sufficient cause pursuant to Tex. Occ. Code §1051.752(1) to take disciplinary action against Respondent.

ORDER OF THE BOARD

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

- (A) AN ADMINISTRATIVE PENALTY of Ten Thousand Dollars (\$10,000.00) is imposed upon RESPONDENT, One Thousand Dollars (\$1,000.00) of which is due and payable within 30 days after the effective date of this Order. A second payment of One Thousand Dollars (\$1,000.00) is due and payable within one (1) year of the effective date of this order. A third payment of One Thousand Dollars (\$1,000.00) is due and payable within

two (2) years of the effective date of this order. Payment of the remaining Seven Thousand Dollars (\$7,000.00) (“the Deferred Administrative Penalty”) shall be deferred for a period of five (5) years beginning on the effective date of this Order (“the Deferral Period”) or until Respondent violates the terms of this Order or otherwise violates the laws or administrative rules enforced by the Board, whichever occurs first. If Respondent does not violate the terms of this Order and does not violate the laws or rules enforced by the Board during the Deferral Period, the remaining Deferred Administrative Penalty is cancelled five (5) years after the effective date of this Order.

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

If, during the Deferral Period, the Respondent fails to comply with any of the terms and conditions of this Order or otherwise violates the laws or rules of the Board, the entire amount of the administrative penalty, including the Deferred Administrative Penalty, shall become payable and due immediately, and any failure to pay such debt shall be referred to the Attorney General’s office for collection. Respondent’s liability for this payment shall be separate and in addition to any disciplinary action and/or administrative penalty the Respondent may be subject to arising from subsequent violations under Texas Occupations Code §1051.752.

- (B) RESPONDENT SHALL NOT engage in or offer to engage in the practice of architecture as defined by Tex. Occ. Code Chapter 1051, unless and until Respondent becomes registered by the Board as an architect. This provision is not intended to prohibit

Respondent from acting within any exception set out in Tex. Occ. Code §§1051.601–1051.606, provided that Respondent complies with all limitations of the exception.

- (C) RESPONDENT SHALL NOT use any form of the word “architect” or “architecture” to describe Respondent or services provided by Respondent in the State of Texas unless and until Respondent becomes registered by the Board as an architect.
- (D) RESPONDENT SHALL NOT accept employment with, knowingly provide services for or on behalf of, or hold any ownership or managerial authority in, any firm, partnership, corporation, or association that represents to the public that the entity is engaged in the practice of architecture or is offering architectural services, or otherwise uses any form of the word “architect” or “architecture” in any manner in its name, unless any practice of architecture or performance of architectural service on behalf of the entity is performed by and through a duly registered architect and the entity is duly registered as a firm which may practice architecture in Texas.

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

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

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

DATED: November 12, 2021.

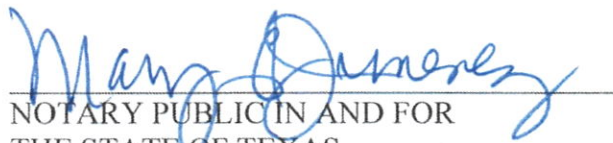


ELIHU PEREZ

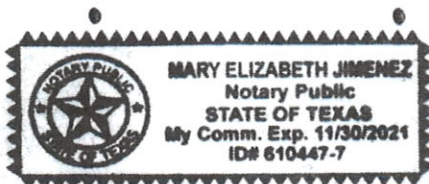
STATE OF TEXAS §
 §
COUNTY OF HARRIS §

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

SWORN TO AND SUBSCRIBED before me by Elihu Perez, on this the 12th day of November, 2021.



NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Architectural
Examiners hereby ratifies and adopts the Agreed Order that was signed on the _____ day of
_____, 20__, by Elihu Perez, Respondent, and said Order is final.

Effective this the _____ day of _____, 20__.

DEBRA DOCKERY, FAIA
Chair
TEXAS BOARD OF ARCHITECTURAL EXAMINERS

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION**

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

Case Number:	193-18N
SOAH Docket No.:	459-22-0211
Respondent:	Raul Saldivar
Location of Respondent:	San Antonio, TX
Instrument:	Order of the Board

Findings of Fact and Conclusions of Law

- See attached Order of the Board.

Action Recommended by Executive Director:

- The Executive Director recommends that the Board moves to accept the attached Order of the Board, which incorporates the Staff's Notice of Hearing, Formal Charges and Proposal for Decision issued by ALJ Robert H. Pemberton on December 9, 2021, imposes an administrative penalty in the sum of \$31,000, and Orders the Respondent to cease-and-desist from further violations of Chapter 1051 and Board Rules.

SOAH DOCKET NO. 459-22-0211
TBAE CASE NO. 193-18N

IN THE MATTER OF § BEFORE THE TEXAS BOARD OF
RAUL SALDIVAR § ARCHITECTURAL EXAMINERS

ORDER OF THE BOARD

TO: RAUL SALDIVAR (RESPONDENT)
AEDIFICIUM, LLC.
4047 Broadway St.
San Antonio, TX 78209

HONORABLE ROBERT H. PEMBERTON
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TX 78701

At the regularly scheduled public meeting on February 24, 2022, the Texas Board of Architectural Examiners (Board) considered the following items: (1) The Proposal for Decision (PFD) regarding the above cited matter; (2) Staff's recommendation that the Board adopt the PFD, and (3) Respondent's recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. No exceptions were filed by any party.

The Board, after review and due consideration of the PFD, Staff's recommendations, and Respondent's presentation during the open meeting, if any, adopts all of the findings of fact and conclusions of law of the ALJ, as well as the recommended administrative penalty of \$31,000,

contained in the PFD as if fully set out and separately stated herein. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

WHEREFORE, Respondent is ORDERED to pay an administrative penalty in the amount of \$31,000. Not later than the 30th day after the date this ORDER becomes final Respondent shall pay the administrative penalty. Furthermore, Respondent is ORDERED to cease and desist from any further violations of Tex. Occ. Code Chapter 1051 and/or Board Rules.

If Respondent fails to perfect an appeal or to pay the administrative penalty as required by law, Staff is directed to henceforth refer this matter to the Office of the Texas Attorney General for immediate commencement of collection and other enforcement activity.

Entered this the 24th day of February 2022.

DEBRA J. DOCKERY, FAIA
CHAIR
TEXAS BOARD OF ARCHITECTURAL EXAMINERS

ATTACHMENT: STAFF'S NOTICE OF HEARING, FORMAL CHARGES AND PROPOSAL FOR DECISION

FILED
459-22-0211
9/22/2021 11:22 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessie Harbin, CLERK

ACCEPTED
459-22-0211
9/22/2021 1:07 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessie Harbin, CLERK

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

In the Matter of

RAUL SALDIVAR

STAFF'S NOTICE OF HEARING

SOAH Docket No. [REDACTED]

Respondent: Raul Saldivar
AEDIFICIUM, LLC.
4047 Broadway Street
San Antonio, TX 78209

In accordance with Section 2001.051 et seq., Texas Government Code, you are hereby notified that a telephonic hearing will be held on October 11, 2021 at 9:00 o'clock a.m. before an Administrative Law Judge (ALJ) with the State Office of Administrative Hearings regarding the Formal Charges filed by the Texas Board of Architectural Examiners and attached and incorporated by reference as a part of this notice. The Administrative Law Judge will provide instructions on how to join the telephonic hearing.

The hearing is to be held under the legal authority and jurisdiction of the Administrative Procedures Act, Texas Government Code §2001 et seq; Title I Part VII Texas Administrative Code Chapter 155; Texas Occupations Code §1051.401 and §1051.451 through §1051.455; and Board Rules 1.231 and 1.232 at 22 Texas Administrative Code.

The particular sections of statutes and rules involved in determining the charges are stated in the attached Formal Charges in connection to the facts or conduct alleged.

You are requested to enter an appearance in this proceeding by filing a written answer or other responsive pleading with the State Office of Administrative Hearings, P.O. Box 13025, Austin, Texas, 78711-3025, with a copy to the Staff (General Counsel), Texas Board of Architectural Examiners, 505 E. Huntland Dr., Suite 350, Austin, Texas 78752). Continuances are set by the Administrative Law Judge.

You have the right to appear at this hearing and to have legal representation at the hearing at your own expense. **FAILURE TO APPEAR AT THE HEARING IN PERSON OR BY LEGAL REPRESENTATIVE, REGARDLESS OF WHETHER AN APPEARANCE HAS BEEN ENTERED, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT.**

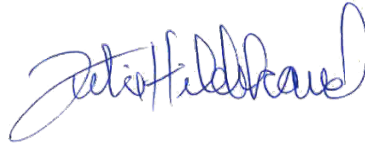
PARTIES THAT ARE NOT REPRESENTED BY AN ATTORNEY MAY OBTAIN INFORMATION REGARDING CONTESTED CASE HEARINGS ON THE PUBLIC

WEBSITE OF THE STATE OFFICE OF ADMINISTRATIVE HEARINGS AT www.soah.texas.gov, OR IN PRINTED FORMAT UPON REQUEST TO SOAH.

If it is determined that the Formal Charges are substantiated, then any prior disciplinary action that has been taken against your license will be considered when determining the appropriate sanction for these violation(s).

Issued, dated, and mailed this, the 22nd day of September 2021.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS



By:

Julie Hildebrand
Executive Director

CERTIFICATE OF SERVICE

I hereby certify that true and correct copy of the above and foregoing Notice of Hearing was sent to Respondent at the following addresses by certified mail, return receipt requested on this the 22nd day of September 2021:

Mr. Raul Saldivar
AEDIFICIUM, LLC.
4047 Broadway Street
San Antonio, TX 78209
CM/RRR#9214890194038349874234

Mr. Raul Saldivar
106 Conway Drive
San Antonio, TX 78209
CM/RRR#92148901940383000049874371

Mr. Raul Saldivar
400 Lantana View
Spring Branch, TX 78070
CM/RRR#9214890194038349874524

Mr. Raul Saldivar
c/o AEDIFICIUM, LLC.
9900 Spectrum Drive
Austin, TX 78717
CM/RRR#9214890194038349877167

Mr. Raul Saldivar
201 Cape Neddick
Cibolo, TX 78108
CM/RRR#9214890194038349877327



Lance Brenton, General Counsel
For the Texas Board of Architectural Examiners

FILED
459-22-0211
9/22/2021 11:22 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS,
Jessie Harbin, CLERK

ACCEPTED
459-22-0211
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STATE OFFICE OF
ADMINISTRATIVE HEARINGS
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In the Matter of

BEFORE THE TEXAS

RAUL SALDIVAR

BOARD OF ARCHITECTURAL

Respondent

EXAMINERS

FORMAL CHARGES

This is a disciplinary proceeding under Sections 1051.451 and 1051.455, Texas Occupations Code. Respondent, RAUL SALDIVAR, does not hold a registration with the Texas Board of Architectural Examiners.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent’s address of record and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about April 18, 2017, while acting on behalf of *Aedificium, LLC*, Respondent offered to engage in the practice of architecture, in that Respondent issued an agreement to a client for a construction project located at 424 8th Street in San Antonio, Texas that identified *Aedificium, LLC* as the “contractor” and “architect” for the project.

Furthermore, pursuant to the same project, Respondent put out a card using a business or professional title that used a form of the word "architect," in that Respondent provided the client with a business card that identified the Respondent as “Principal” of “Aedificium Architecture | Construction.”

The above action constitutes grounds for disciplinary action in accordance with Sections 1051.752(1) and/or 1051.801(a)(1)&(3) Texas Occupations Code and is a violation of 22 TEX. ADMIN. CODE 1.123(c).

CHARGE II.

On or about December 21, 2017, offered to engage in the practice of architecture, in that while utilizing the business title *Aedificium Architecture | Construction*, Respondent issued an “Architectural Design Proposal” to a client for services to be provided on a residential project located at 403 Prospect Hill Road in Lakehills, Texas. The proposal described services to be provided on the project as “architectural as-builts,” “preliminary architectural design services” and “architectural construction documents.” At the time of this use, Respondent was not registered as an architect.

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The above action constitutes grounds for disciplinary action in accordance with Sections 1051.701(a); 1051.752(1); and/or 1051.801(a)(1)&(3) Texas Occupations Code and is a violation of 22 TEX. ADMIN. CODE 1.123(c).

CHARGE III.

On or about January 15, 2018, pursuant to the Proposal described above, Respondent issued a set of architectural plans and specifications for the project located at 403 Prospect Hill Road in Lakehills, Texas. The plans were issued under the business title *Aedificium Architecture | Construction*. At the time that these construction documents were issued, Respondent was not registered as an architect.

The above action constitutes grounds for disciplinary action in accordance with Sections 1051.701(a); 1051.752(1) and/or 1051.801(a)(1) Texas Occupations Code and is a violation of 22 TEX. ADMIN. CODE §1.123(c).

NOTICE IS GIVEN that, the Board will rely on its rules relating to disciplinary sanctions, including 22 Tex. Admin. Code §§ 1.141, 1.177, and 1.232 which can be found at www.tbae.state.tx.us.

NOTICE IS GIVEN that staff will present evidence in support of the recommended administrative penalty of up to \$31,000, as well as the issuance of a cease and desist order, pursuant to the Architects' Practice Act, Chapter 1051, Texas Occupations Code and the Board's rules.

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website: <http://www.tbae.state.tx.us/LawsAndEnforcement/StatutesAndRules>.

Filed this the 21st day of September 2021.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS



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State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

December 9, 2021

Julie Hildebrand
Executive Director
Texas Board of Architectural Examiners
505 E. Huntland Dr., Suite 350
Austin, TX 78752

VIA EFLE TEXAS

RE: Docket No. 459-22-0211; Texas Board of Architectural Examiners v. Raul Saldivar

Dear Ms. Hildebrand:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 Tex. Admin. Code § 155.507, a SOAH rule which may be found at www.soah.texas.gov.

Sincerely,

Robert H. Pemberton
Administrative Law Judge

RP/tt
Enclosure

xc: Lance Brenton, General Counsel, Texas Board of Architectural Examiners, 333 Guadalupe II, Suite 350, Austin, TX 78701 – **VIA EFILE TEXAS**
Katherine Crain, Legal Assistant, Texas Board of Architectural Examiners, 333 Guadalupe II, Suite 350, Austin, TX 78701 (with 1 CD of Hearing on the Merits) – **VIA EFILE TEXAS & INTERAGENCY MAIL**
Raul Saldivar, AEDIFICIUM, LLC, 4047 Broadway St., San Antonio, TX 78209 – **VIA EFILE TEXAS**

TEXAS BOARD OF
ARCHITECTURAL EXAMINERS,

v.

RAUL SALDIVAR,
Applicant

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The staff (Staff) of the Texas Board of Architectural Examiners (Board) brought a disciplinary action seeking to impose \$31,000 in administrative penalties and a cease-and-desist order against Raul Saldivar (Respondent). As grounds for the discipline sought, Staff alleges that Respondent, without being duly registered as an architect in Texas or exempted from that requirement, engaged in the practice of architecture, offered to do so, and used the word “architect” or “architectural” in describing himself and his services. A contested-case hearing was held before the undersigned Administrative Law Judge (ALJ). The ALJ finds that Staff proved the violations alleged and recommends that the Board impose the remedies that Staff has requested.

I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY

Neither party contested notice or jurisdiction, so those matters are addressed in the findings of fact and conclusions of law without further discussion here.

The hearing convened via telephone on October 11, 2021, before ALJ Robert Pemberton of the State Office of Administrative Hearings (SOAH). Staff was represented by the Board’s General Counsel, Lance Brenton. Respondent appeared and represented himself. The record closed on that same day, at the hearing’s conclusion.

II. APPLICABLE LAW

As a general rule, a person may not engage in the “practice of architecture” in this state, or offer or attempt to engage in the “practice of architecture” here, unless the person is registered as an architect under a regime imposed by Chapter 1051 of the Texas Occupations Code and

administered by the Board.¹ To be registered as an architect, a person must (1) be a graduate of a recognized university or college of architecture approved by the Board; (2) have “satisfactory experience in architecture, in an office or offices of one or more legally practicing architects, as prescribed by Board rule”; and (3) pass an examination on architectural subjects and procedures prescribed by the Board.² The legislative purpose of this registration requirement is to “safeguard life, health, property, and the public welfare” and “protect the public against the irresponsible practice of architecture.”³

For these purposes, “practice of architecture” means, in relevant part:

a service or creative work applying the art and science of developing design concepts, planning for functional relationships and intended uses, and establishing the form, appearance, aesthetics, and construction details for the construction, enlargement, or alteration of a building or environs intended for human use or occupancy, the proper application of which requires education, training, and experience in those matters. The term includes:

- (A) establishing and documenting the form, aesthetics, materials, and construction technology for a building, group of buildings, or environs intended to be constructed or altered;
- (B) preparing, or supervising and controlling the preparation of, the architectural plans and specifications that include all integrated building systems and construction details, . . . ; [and]
- (C) observing the construction, modification, or alteration of work to evaluate conformance with architectural plans and specifications described in Paragraph (B) for any building, group of buildings, or environs requiring an architect[.]⁴

¹ Tex. Occ. Code § 1051.701(a).

² Tex. Occ. Code §§ 1051.704-.705; *see also* 22 Tex. Admin. Code §§ 1.21-.82 (implementing rules).

³ Tex. Occ. Code § 1051.0015.

⁴ Tex. Occ. Code §§ 1051.001(7)(A)-(C), .701(a). “Architectural plans and specifications” as used in Chapter 1051 include:

- (1) floor plans and details:
 - (A) depicting the design of:
 - (i) internal and external walls and floors, including simple foundations;
 - (ii) internal spaces of a building; and
 - (iii) vertical circulation systems, including accessibility ramps, stair systems, elevators, and escalators; and

The Legislature has limited the effect of this broad “practice of architecture” definition somewhat by providing certain exemptions from Chapter 1051 or its requirements. Among these, the Legislature in Section 1051.606 has exempted persons who prepare architectural plans and specifications for, or observe or supervise, (1) the alteration of a building that does not involve “a substantial structural or exitway change to the building”; or (2) the construction, enlargement, or alteration of various types of privately owned buildings that include single-family dwellings, certain multi-family dwellings, and commercial buildings not exceeding two stories in height or 20,000 square feet.⁵ However, the Section 1051.606 exemptions apply only to a person who “does not represent that the person is an architect or architectural designer, or use another business or professional title that uses a form of the word ‘architect.’”⁶

Speaking further to the use of the words “architect” or “architecture” is the Board’s rule at 22 Texas Administrative Code § 1.123. Rule 1.123 specifies that persons who “may use any form of the word ‘architect’ or ‘architecture’ in its name or to describe services it offers or

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- (B) implementing programming, regulatory, and accessibility requirements for a building;
 - (2) general cross-sections and detailed wall sections depicting building components from a hypothetical cut line through a building to include the building’s mechanical, electrical, plumbing, or structural systems;
 - (3) reflected ceiling plans and details depicting:
 - (A) the design of the location, materials, and connections of the ceiling to the structure; and
 - (B) the integration of the ceiling with electrical, mechanical, lighting, sprinkler, and other building systems;
 - (4) finish plans or schedules depicting surface materials on the interior and exterior of the building;
 - (5) interior and exterior elevations depicting the design of materials, locations, and relationships of components and surfaces;
 - (6) partition, door, window, lighting, hardware, and fixture schedules;
 - (7) manufacturer or fabricator drawings that are integrated into the construction documents; and
 - (8) specifications describing the nature, quality, and execution of materials for construction of the elements of the building depicted in the plans prepared by the architect.

Tex. Occ. Code § 1051.0016.

⁵ Tex. Occ. Code § 1051.606(a).

⁶ Tex. Occ. Code § 1051.606(a).

performs in Texas” consist solely of (1) architects duly registered in Texas and (2) business associations that employ at least one full-time architect and meet various supervisory conditions.⁷

Chapter 1051 makes it a misdemeanor criminal offense for a person who, in violation of Chapter 1051, “engages in the practice of architecture, or offers or attempts to engage in the practice or architecture,” or “advertises or puts out a sign, card, or drawing designating the person as an architect or architectural designer or uses another business or professional title that uses a form of the word ‘architect.’”⁸ A person who violates Chapter 1051 or a Board rule adopted thereunder is also made subject to Board disciplinary action, including administrative penalties that may be imposed even on violators who are not registered architects.⁹ The amount of an administrative penalty may not exceed \$5,000 per violation, although each day a violation occurs or continues is considered to be a separate violation.¹⁰ In determining the amount of a penalty, the Legislature has directed that the Board “shall consider”:

- (1) the seriousness of the conduct that is the ground for imposing the penalty, including:
 - (A) the nature, circumstances, extent, and gravity of any relevant act or omission; and
 - (B) the hazard or potential hazard created to the health or safety of the public;
- (2) the economic damage to property caused by the conduct;
- (3) the history of previous grounds for imposing a penalty on the person who engaged in the conduct;
- (4) the amount necessary to deter future conduct that is a ground for imposing a penalty;
- (5) efforts to correct the conduct that is a ground for imposing a penalty; and
- (6) any other matter that justice may require.¹¹

⁷ 22 Tex. Admin. Code § 1.123(a)-(c).

⁸ Tex. Occ. Code § 1051.801.

⁹ Tex. Occ. Code §§ 1051.451, .751(a)(3), .752(1).

¹⁰ Tex. Occ. Code § 1051.452(a).

¹¹ Tex. Occ. Code § 1051.452(b).

The Legislature has further directed that the Board by rule adopt an administrative penalty schedule,¹² which it has done at 22 Texas Administrative Code § 1.177. This schedule classifies violations into “minor,” “moderate,” and “major” categories, with penalty ranges up to, respectively, \$1,000, \$3,000, and \$5,000.¹³ In determining the specific amount to impose within a given penalty range, the Board is to consider, as relevant here, factors outlined in another Board rule, 22 Texas Administrative Code § 1.141(c), that substantially tracks the statutory factors listed above.¹⁴

Upon determining that a ground exists for imposing an administrative penalty, Staff is required to give the affected person notice of the alleged violation(s), recommended penalty, and their right to a hearing to contest the occurrence of the ground for imposing the penalty, the amount of the penalty, or both.¹⁵ If the person either requests a hearing or does not respond, the Board must refer the matter for a contested-case hearing before a SOAH ALJ.¹⁶

Additionally, “[i]f it appears to the board that a person who is not registered under this subtitle is violating or has violated this subtitle, a rule adopted under this subtitle, or another state statute or rule relating to the practice of architecture,” the Board, after providing to the person notice and the opportunity for a contested-case hearing, may issue a cease-and-desist order prohibiting the conduct described in the notice.¹⁷

In the hearing, Staff has the burden of proving the disciplinary grounds it alleges and its justifications for the penalty amount it seeks.¹⁸ The standard of proof is by a preponderance of the evidence.¹⁹

¹² Tex. Occ. Code § 1051.452(c).

¹³ 22 Tex. Admin. Code § 1.177.

¹⁴ 22 Tex. Admin. Code § 1.177(3); *see* 22 Tex. Admin. Code § 1.141(c). Rule 1.177(3) also cross-references 22 Tex. Admin. Code § 1.165(f), but that rule prescribes factors that are to guide the Board and Executive Director’s consideration of proposed settlement agreements.

¹⁵ Tex. Occ. Code § 1051.453.

¹⁶ Tex. Occ. Code §§ 1051.454-455.

¹⁷ Tex. Occ. Code §§ 1051.504.

¹⁸ 1 Tex. Admin. Code § 155.427; *see* Tex. Occ. Code § 1051.453(c)(3) (right to a hearing “on the occurrence of a ground for imposing the penalty, the amount of the penalty, or both”).

¹⁹ *See Granek v. Texas St. Bd. of Med. Examn’rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.).

III. EVIDENCE

Staff offered, and the ALJ admitted, nine documentary exhibits into evidence. Staff also presented the testimony of three witnesses, Board investigator Steve Ramirez and two former clients of Respondent whose allegations underlie Staff's present disciplinary action, Tanner Montgomery and Rene Bowling. Respondent did not offer any additional exhibits but testified in his own behalf.²⁰

A. Background

Many of the underlying material facts were undisputed. Respondent testified that he has worked in the field of design and building for two decades, starting at age 17 at an architecture firm where he was employed "for years" before eventually going out on his own. At relevant times, Respondent has done business under the name of "Aedificium, LLC" (Aedificium), a limited-liability corporation that he formed in May 2016, with himself as managing member, although the company's charter was forfeited under the Tax Code in late January 2018.²¹

Neither Respondent nor Aedificium has ever been registered with the Board.²² According to Respondent, after graduating high school (and still working at the architecture firm), he completed coursework in an architecture program at San Antonio Community College, including four or five design courses, architectural history, freehand drawing, and construction classes. At some point (the precise timing was unclear), Respondent filed an application with the Board to begin the process for taking the necessary examination and obtaining licensure and registration as an architect.²³ However, Respondent ultimately did not complete a degree program in architecture or otherwise pursue the route to becoming a registered architect. In his testimony, Respondent stated that the demands of marriage and family played a role in this decision, although he also professed to perceive that he did not need to become an architect in order to work in his field.

²⁰ The ALJ also took official notice of SOAH Order No. 1, which provided the dial-in information for the telephonic hearing.

²¹ Staff Ex. 9.

²² Staff Exs. 1 and 2.

²³ Staff Ex. 3.

While insisting that he had not represented himself to be a licensed architect, *per se*, Respondent admitted that he had, for a period of time, used “architecture,” “architect,” “architectural,” or derivative terms to describe the nature of services that he and Aedificium provided. This included branding for Aedificium—printed on business cards, correspondence, work product, and social-media advertisements—indicating that the firm provided “Architecture | Construction.”²⁴ Alongside such branding, Respondent had also held himself out to be the “principal” of Aedificium (so described), with the further representation of “Assoc. AIA”²⁵—denoting, as the parties agreed, that Respondent held an associate membership in the American Institute of Architects. According to Respondent, he had in fact obtained an associate membership in AIA through or by virtue of a licensed architect with whom he was working at the time, though he acknowledged that the membership had lapsed at some point. Although unclear whether this was the same architecture firm with whom he had originally been employed, Respondent recalled that he had held the membership in mid-2016 (which would roughly correspond to his formation of Aedificium in May 2016) or 2017.

Respondent further acknowledged that he had been so using “architect” and similar terms when committing the acts that are the immediate focus of this action. In April 2017, Aedificium—as both “The Architect” and “Contractor”—entered into an agreement with Mr. Montgomery’s realty-investment firm, Skyhawk Realty, LLC, to provide design and contractor services for a project at 424 8th Street in San Antonio,²⁶ one of several such projects for which Mr. Montgomery hired Respondent in 2017. In connection with their dealings, Respondent had provided Mr. Montgomery an Aedificium business card containing the above-described branding and representations that Respondent was the “principal” and an AIA associate member.²⁷ The pair’s business relationship would disintegrate later that year amid allegations by Mr. Montgomery that Respondent had performed shoddy work (*e.g.*, electrical outlets with no accompanying wiring, air ducts with no accompanying ductwork), misappropriated funds advanced to Respondent by Mr. Montgomery for work that Respondent was supposed to perform on their various projects, and committed fraud and theft. Professing the perception that civil remedies would likely not be cost-effective, Mr. Montgomery had pressed

²⁴ Staff Ex. 6 at Bates 27-31, 42-45; Staff Ex. 7 at 60, 66-69; Staff Ex. 8 at 76-77.

²⁵ Staff Ex. 6 at Bates 27, 29, 31; Staff Ex. 7 at 59-60, 67-68.

²⁶ Staff Ex. 6 at Bates 27, 29, 31; Staff Ex. 7 at 59-60, 67-68.

²⁷ Staff Ex. 7 at Bates 66-69.

criminal charges and, in January 2018, a complaint with the Board that Respondent had “falsely claim[ed] to be an member of AIA” and a “real architect” in order “to establish credibility and con people out of their money.”²⁸

Subsequently, in December 2017, Respondent and Aedificium prepared an “Architecture Design Proposal” offering to provide three phases of services—“as-built drawings” of the existing structure, “preliminary architecture design services,” and “architectural construction documents”—incident to a planned extensive renovation of a lake house owned by Ms. Bowling and her husband.²⁹ The Bowlings accepted the proposal, and Respondent thereafter provided them a “bid set” of at least four pages of architectural plans, all with the Aedificium “Architecture | Construction” branding.³⁰ According to Ms. Bowling, she and her husband subsequently parted ways with Respondent after a contractor with whom they had consulted questioned the adequacy and competence of Respondent’s work, contacted the Board, and learned that Respondent was (by then) under investigation.

As grounds for discipline in this case, Staff asserts that the foregoing conduct established seven violations of Chapter 1051 and/or Board rules: four counts of engaging in the practice of architecture without being registered or exempted, through Respondent’s issuance of the architectural plans and specifications for Ms. Bowling (with each of the four pages being considered a separate violation under the Board’s penalty schedule³¹); two counts of offering to engage in the practice of architecture without being registered or exempted, through the “Architecture Design Proposal” made to the Bowlings and also the agreement with Mr. Montgomery concerning the project at 424 8th Street in San Antonio; and one count of unauthorized use of the term “architect” or “architectural,” through the Aedificium business card provided to Mr. Montgomery.³² The first six violations would each be classified as a “major” violation under the Board’s penalty schedule, and thereby each subject to a penalty of up to \$5,000, while the unauthorized-use violation would be a “moderate” violation subject to a

²⁸ Staff Ex. 7 at Bates 64.

²⁹ Staff Ex. 6 at Bates 28-29.

³⁰ Staff Ex. 6 at Bates 42-45.

³¹ See 22 Tex. Admin. Code § 1.177(6)(A)-(B).

³² Staff Ex. 5 at Bates 18-19.

penalty up to \$3,000.³³ Staff seeks the maximum \$5,000 penalty for each of the six “major” violations (or \$30,000 total), plus \$1,000 for the “moderate” violation, yielding the \$31,000 total amount Staff seeks. Staff also prays for a cease-and-desist order.

As Respondent did not dispute the conduct establishing each of the alleged violations, the issues in dispute at the hearing centered on considerations informing the specific amounts of administrative penalties that should be imposed within the applicable ranges. The following summary of relevant evidence accordingly reflects that focus.

B. Mr. Montgomery’s Testimony

Mr. Montgomery attested that he had hired Respondent “100%” because he believed him to be an architect, with the requisite educational and licensing requirements satisfied and the capability to draw plans competently and in compliance with local land-use regulations. This perceived imprimatur of licensed architect, he added, had also impacted the degree of due diligence he had exercised before hiring Respondent, as it conveyed a sense of “trust” that he was dealing with a “true professional.” For the same reasons, Mr. Montgomery testified, he had expanded Respondent’s initial role as an architect on a single project into a broader design-build role on several others, perceiving that Respondent would bring a greater “professionalism” to his construction work than was often the norm in that industry, in his experience, as well as the benefit of having a single firm both drawing the building plans and implementing them.

This incorrect belief that Respondent was an architect had been deliberately induced by Respondent, Mr. Montgomery insisted. In addition to citing the references to “architecture” or “architect” in the Aedificium business card and in the agreement regarding the 8th Street project, Mr. Montgomery testified that Respondent had made “multiple” oral representations that he was an architect, including touting other projects on which he had supposedly worked in that capacity. (These claims also proved to be false, according to Mr. Montgomery, although he testified that he did not discover this until after their falling out.) Mr. Montgomery also recounted that Respondent had shared an anecdote about his being treated with great respect by virtue of his status as an architect while traveling in Mexico, explaining to Montgomery that architects were viewed on par with doctors there.

³³ Staff Ex. 5 at Bates 18-19.

Mr. Montgomery perceived that Respondent had used the business relationship he had induced as a vehicle for theft and fraud, with disastrous consequences for Mr. Montgomery. These included, according to Mr. Montgomery, over \$200,000 in “direct damages” from unusable plans that had to be redone, wasted or unaccounted-for building materials or funds that were intended for subcontractors, and costs of tearing down and rebuilding the 8th Street project due to code violations. Mr. Montgomery attested that Respondent had made “zero” attempt to repay any of these amounts or otherwise rectify the harm. On the contrary, he testified, Respondent had, upon their falling out, abruptly shut off his access to a shared computer drive the pair had been using in their dealings, depriving him of most of the documentation reflecting their dealings.

C. Ms. Bowling’s Testimony

Similar to Mr. Montgomery, Ms. Bowling testified that she would not have hired Respondent except for her belief that he was an architect. This belief, she attested, was founded on Respondent’s use of the Aedificium branding, his claim of associate membership in AIA, and the references to “architecture” and related words in the “Architecture Design Proposal” that she and her husband had accepted. She acknowledged, however, that her initial understanding of Respondent’s professional role had come from a mutual friend who had told her that Respondent was an architect. Ms. Bowling also granted that she had ultimately hired a design professional rather than an architect to prepare the plans for their project after parting ways with Respondent. She insisted, however, that this particular design professional was one used by several area homebuilders; he had an outstanding reputation; and she had confirmed the high quality of his work by visiting his projects, obtaining references, and consulting with homebuilders who had used him. In that regard, Ms. Bowling attested that Respondent’s perceived status as an architect had caused her not to be as careful in her due diligence before hiring him as she perhaps should have been.

According to Ms. Bowling, the plans prepared by Respondent proved to be unusable in the view of her contractor, necessitating that entirely new plans be drawn up. She claimed that she and her husband had paid Respondent \$7,000 for Respondent’s work, all for naught, and that this wrong turn had delayed their project for over one year and it was still not completed. In addition to these losses, Ms. Bowling spoke of suffering “humiliation” from her experience with Respondent.

After learning of the problems in Respondent's plans identified by her contractor, Ms. Bowling added, she had attempted to reach Respondent by phone and text, leaving messages, yet never reached or heard back from him, and she ultimately never communicated with him again, let alone received a refund or other redress. Concluding that civil remedies would be ineffective in recovering her family's money, Ms. Bowling continued, she had simply ascribed their losses to a "hard lesson learned."

D. Mr. Ramirez's Testimony

Mr. Ramirez recounted that after receiving Mr. Montgomery's complaint in December 2017, determining that neither Respondent nor Aedificium were registered with the Board, and finding probable cause to proceed with an investigation, he mailed Respondent a letter—dated January 31, 2018, although he indicated that it was sent around February 5—stating that the Board had received allegations that he had used the regulated title "architect" to describe himself on the Aedificium business card, his contract with Mr. Montgomery, and an Aedificium social-media site.³⁴ The letter advised that "Texas law prohibits the use of any form of the title 'architect' or 'architectural designer' by persons who are not registered with the Board," and that "Texas law also prohibits unregistered persons' offering or performing architectural services," and enclosed relevant statutes and regulations.³⁵ The letter requested a written response by March 2, 2018, "as to the circumstances surround the allegation that you have offered to practice architecture in Texas without being registered by the Board," adding that this request "is affording you an opportunity to provide an explanation and to show that you have complied with the requirements of the law."³⁶ The letter was addressed to the same address for Aedificium that had appeared on the business card given to Mr. Montgomery and the contract with him, which was also the same address used in correspondence with Ms. Bowling later that year—4047 Broadway Street in San Antonio.³⁷

It is undisputed that Respondent never provided a written response to the Board. In late February 2018, Mr. Ramirez attested, he mailed a copy of the same letter to what he had

³⁴ See Staff Ex. 4 at Bates 10.

³⁵ See Staff Ex. 4 at Bates 10.

³⁶ See Staff Ex. 4 at Bates 10.

³⁷ See Staff Ex. 4 at Bates 10; *compare* Staff Ex. 6 at Bates 27-28, 31; Staff Ex. 7 at Bates 48, 59-60, 67-68.

determined to be a residential address for Respondent. By the end of 2018, according to Mr. Ramirez, he had made five attempts to reach Respondent by mail, posted a copy of the letter on the door of what he believed to be Respondent's residence, sent Respondent two emails, and made two phone calls, none of which generated a response. In March 2019, after receiving a complaint concerning Respondent's work for Ms. Bowling, Mr. Ramirez renewed his efforts to reach Respondent, including using a new email address that he had found. At this juncture, Mr. Ramirez recounted, he received a voicemail from Respondent stating that he had received the email and would be pulling down any references in his advertisements to "architect" or similar wording. Respondent did not leave a phone number, however, and subsequent attempts by Mr. Ramirez to reach Respondent by phone or email were unsuccessful.

Following this exchange, Mr. Ramirez continued, he had periodically performed online searches to verify that Respondent had ceased using "architect" or related wording in describing his services. He acknowledged finding no indication online that Respondent had persisted in using such wording.

E. Respondent's Testimony

Respondent denied that he had represented to anyone that he was a licensed architect, had intended to mislead anyone into that belief, or intended to cause harm to others. Instead, he insisted, he had simply misunderstood or been unaware of the legal implications of using "architecture" or similar words to describe his services. Respondent further attested that once he had been alerted to his "mistake" by the Board, he had "immediately" removed any "architecture"-related references from his advertisements and other materials used to communicate to others. He also recalled having a phone conversation with Mr. Ramirez, not merely the exchange of voicemails that Ramirez described, and claimed to have understood that his issues with the Board were resolved at that juncture. However, Respondent also acknowledged that he had received the letter from Mr. Ramirez dated January 31, 2018, although he did not specify when.

Respondent also asserted that he had never previously had similar problems concerning his work during his twenty-year career, though he also suggested that a few "unhappy" clients were somewhat inevitable over such a long time span. He disputed a number of

Mr. Montgomery's assertions, including his testimony accusing Respondent of misrepresenting his roles in various other projects, and also suggested that permitting problems with the 8th Street project were attributable to Mr. Montgomery changing the scope of work. Respondent also denied knowing anything about Ms. Bowling's concerns with his work until he received the prefiled exhibits shortly before the hearing. According to Respondent, he had not heard from the Bowlings after providing them the bid set and had assumed they had simply opted not to proceed with their project for economic reasons. He further stated that he had provided the Bowlings a total of seven pages of plans, not just the four pages that were in evidence.

IV. ANALYSIS

Because the disciplinary grounds alleged by Staff were materially uncontested, it follows that the Board is authorized to issue an order that Respondent cease and desist violating Chapter 1051 and Board rules and also impose administrative penalties. The sole remaining issue to be addressed is the amount of such penalties to impose. The vast majority of the violations and also the potential penalties stem from the work Respondent performed for Ms. Bowling—five “major” violations, each punishable by penalty up to \$5,000, for a potential total of \$25,000. Weighing the relevant factors,³⁸ the ALJ concludes that \$25,000 in penalties for these violations is appropriate.

The evidence showed that Respondent induced Ms. Bowling to hire him based on an incorrect belief that he was a licensed architect, and that she would not have hired him otherwise. Although Respondent essentially pleaded ignorance or innocent mistake in his misuse of the term “architect” and “architecture,” the ALJ finds it more likely than not that Respondent's actions were deliberately calculated to cause Ms. Bowling to believe that he was a licensed architect.³⁹ Indeed, it is difficult to draw any conclusion from the Aedificium branding other than that Respondent was representing himself to be a licensed architect. And to the extent any doubts remained, Respondent extinguished them by representing himself also to be an associate member of AIA. Perhaps more critically, these representations admittedly continued even after Respondent's membership in AIA had lapsed. In sum, Respondent's professions of being oblivious to these legal requirements and the import and effect of using “architect” and “architecture” when eliciting Ms. Bowling's business are not credible.

³⁸ See Tex. Occ. Code § 1051.452(b); 22 Tex. Admin. Code §§ 1.141(c), 1.177(3).

³⁹ 22 Tex. Admin. Code § 1.141(c)(1) (seriousness of the conduct).

The evidence further showed that the hiring decision Respondent induced yielded unusable building plans for Ms. Bowling and her family, with attendant monetary loss, lengthy and disruptive delay in renovating her family's lake house, and emotional harm.⁴⁰ Also weighing in favor of the maximum penalties is the need to deter similar conduct in the future—whether by Respondent or anyone else⁴¹—and the practical reality that these administrative remedies are effectively the only viable ones that the law provides for Respondent's misconduct and the harm that it has caused.⁴²

Materially the same analysis also supports the additional \$6,000 in administrative penalties sought for the two violations arising from Respondent's work for Mr. Montgomery. As with Ms. Bowling, Respondent also induced Mr. Montgomery to hire him by deliberately conveying the incorrect impression that Respondent was a licensed architect, leading to significant damages.

In further support of these recommendations, the ALJ makes the following findings of fact and conclusions of law.

V. FINDINGS OF FACT

1. At relevant times, Raul Saldivar (Respondent) has done business through or under the name of Aedificium, LLC (Aedificium).
2. Neither Respondent individually, nor Aedificium, has ever been registered with the Texas Board of Architectural Examiners (Board).
3. On or about April 18, 2017, Respondent entered into a contract with Skyhawk Realty LLC (Skyhawk) whereby Respondent would serve as "The Architect" and "Contractor" for a building project located at 424 8th Street in San Antonio.
4. By entering into this contract with Skyhawk, Respondent offered to engage in the practice of architecture without being registered with the Board.
5. In connection with inducing this and other business transactions between Respondent and Skyhawk, Respondent provided to Skyhawk's principal, Tanner Montgomery, a business card reflecting that Aedificium was an "Architecture | Construction" firm, that

⁴⁰ 22 Tex. Admin. Code § 1.141(c)(1)-(2) (seriousness of the conduct, including the hazard or potential hazard to public health and safety, and economic damage or potential damage caused by the misconduct).

⁴¹ 22 Tex. Admin. Code § 1.141(c)(4) (sanction necessary to deter future misconduct).

⁴² 22 Tex. Admin. Code § 1.141(c)(6) ("any other matter that justice may require").

- Respondent was the firm's "principal," and that Respondent was an associate member of the American Institute of Architects (AIA).
6. In addition to the representations made through the Aedificium business card and in contracts, Respondent orally represented to Mr. Montgomery that he was an architect.
 7. On or about December 21, 2017, Respondent presented to Rene Bowling an "Architectural Design Proposal" offering to provide three phases of services—"as-built drawings" of the existing structure, "preliminary architecture design services," and "architectural construction documents"—incident to a planned renovation of a lake house owned by Ms. Bowling and her husband.
 8. By presenting this proposal, Respondent offered to engage in the practice of architecture without being registered with the Board.
 9. The "Architectural Design Proposal" bore Aedificium branding, reflecting (as with the business card) that the firm was an "Architecture | Construction" firm.
 10. In correspondence with Ms. Bowling, Respondent stated that he was the principal of Aedificium and an associate member of AIA. By the date of this correspondence, any membership Respondent had held in AIA had expired.
 11. Subsequently, Respondent issued a set of at least four pages of architectural plans and specifications for the lake house renovation.
 12. By issuing each of these pages of architectural plans and specifications, Respondent engaged in the practice of architecture without being registered with the Board.
 13. Respondent acted deliberately in falsely portraying himself to be a licensed architect.
 14. By falsely portraying himself to be a licensed architect, Respondent induced both Mr. Montgomery and Ms. Bowling into hiring him when they otherwise would not have done so.
 15. Both victims suffered economic harm which Respondent, to date, has done nothing to remedy.
 16. Ms. Bowling also suffered emotional harm due to Respondent's actions, as well as a delay of over one year in completing the renovations to her family's lake house, which were still not completed by time of hearing.
 17. Substantial penalties are warranted to deter similar conduct by Respondent or others in the future.
 18. As a practical matter, the administrative penalties Staff seeks will likely be the only viable remedies for Respondent's misconduct in relation to the two victims.
 - 19.. On September 21, 2021, the Board's Staff (Staff) referred this matter to the State Office of Administrative Hearings (SOAH) for hearing. On September 22, 2021, Staff sent

Respondent a Notice of Hearing that attached and cross-referenced a pleading of Formal Charges.

20. The notice of hearing advised that the hearing would be held by telephone. On September 28, 2021, Administrative Law Judge (ALJ) Robert Pemberton issued Order No. 1 prescribing dial-in information.
21. The notice of hearing and Order No. 1 contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short plain statement of the matters asserted.
22. The hearing was conducted by telephone on October 11, 2021, before ALJ Pemberton. Staff was represented by the Board's General Counsel, Lance Brenton. Respondent appeared and represented himself. The record closed on that same day, at the hearing's conclusion.

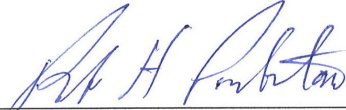
VI. CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter. Tex. Occ. Code ch. 1051.
2. SOAH has jurisdiction over all matters relating to the hearing in this case, including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law. Tex. Occ. Code §§ 1051.455, .504; Tex. Gov't Code ch. 2003.
3. Proper and timely notice of the hearing was provided. Tex. Occ. Code § 1051.455; Tex. Gov't Code ch. 2001.
4. Staff has the burden of proving the disciplinary grounds it alleges and its justifications for the amounts of administrative penalties it seeks. 1 Tex. Admin. Code § 155.427; *see* Tex. Occ. Code § 1051.453(c)(3).
5. A person generally may not engage in the "practice of architecture" in Texas, or offer to engage in the "practice of architecture" in Texas, unless the person is registered with the Board. Tex. Occ. Code § 1051.701(a); *see also id.* §§ 1051.001(7)(A)-(C) (defining "practice of architecture" for these purposes), .0016 (defining "architectural plans and specifications" as used in Chapter 1051).
6. The sole persons who may use any form of the word "architect" or "architecture" in their name or to describe services they offer or perform in Texas are architects duly registered in Texas and business associations that employ at least one full-time architect and meet certain supervisory conditions. 22 Tex. Admin. Code § 1.123.
7. Certain exceptions to Chapter 1051's requirements apply only to a person who does not represent that the person is an architect or architectural designer or use another business or professional title that uses a form of the word "architect." Tex. Occ. Code § 1051.606(a).

8. It is a misdemeanor criminal offense for a person who, in violation of Chapter 1051, engages in the practice of architecture; offers or attempts to engage in the practice of architecture; advertises or puts out a sign, card, or drawing designating the person as an architect or architectural designer; or uses another business or professional title that uses a form of the word “architect.” Tex. Occ. Code § 1051.801.
9. A person who violates Chapter 1051 or a Board rule adopted thereunder is subject to Board disciplinary action, including administrative penalties that may be imposed even on violators that are not registered architects. Tex. Occ. Code §§ 1051.451, .751(a)(3), .752(1).
10. If a person who is not registered under Chapter 1051 is violating or has violated the chapter or a Board rule adopted thereunder, the Board, following notice and opportunity for contested-case hearing, may issue a cease-and-desist order prohibiting the conduct described in the notice. Tex. Occ. Code § 1051.504.
11. Pursuant to Legislative mandate, the Board has adopted an administrative penalty schedule. Tex. Occ. Code § 1051.452(c); 22 Tex. Admin. Code § 1.177.
12. Through the conduct described in Findings of Fact Nos. 2-4 and 7-9, Respondent offered to engage in the practice of architecture without being registered with the Board, twice violating Chapter 1051. Tex. Occ. Code §§ 1051.701(a), .801(a)(1).
13. These violations are each classified as a “major” violation under the Board’s administrative penalty schedule, subject to a penalty up to \$5,000. 22 Tex. Admin. Code § 1.177.
14. Through the conduct described in Finding of Fact No. 5, Respondent made unauthorized use of the term “architect” or “architectural,” violating Chapter 1051 and Board rules. Tex. Occ. Code § 1051.801(a)(3); 22 Tex. Admin. Code § 1.123(c).
15. This violation is classified as a “moderate” violation under the Board’s administrative penalty schedule, subject to a penalty up to \$3,000. 22 Tex. Admin. Code § 1.177.
16. Through the conduct described in Findings of Fact Nos. 11-12, Respondent engaged in the practice of architecture without being registered with the Board, violating Chapter 1051. Tex. Occ. Code §§ 1051.701(a), .801(a)(1).
17. This conduct is classified as four “major” violations under the Board’s administrative penalty schedule, one for each page of the architectural plans and specifications Respondent prepared for Ms. Bowling. 22 Tex. Admin. Code § 1.177.
18. In determining the amount of administrative penalty to impose for each violation within the prescribed maximum range, the Board is to consider the factors listed in Board Rule 1.141(c). 22 Tex. Admin. Code §§ 1.141(c), 1.177(3); *see also* Tex. Occ. Code § 1051.452(b).

19. Based on these factors, the Board should impose an administrative penalty of \$5,000 for each of the six “major” violations and \$1,000 for the “moderate” violation, for a total of \$31,000. 22 Tex. Admin. Code §§ 1.141(c), 1.177(3); *see also* Tex. Occ. Code § 1051.452(b).
20. The Board should also issue an order that Respondent cease and desist from further violations of Chapter 1051 and Board rules. Tex. Occ. Code § 1051.504.

SIGNED December 9, 2021.



ROBERT H. PEMBERTON
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

**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: 026-22A
Respondent: Steffen Carl Staiger
Location of Respondent: Cedar Hill, TX
Location of Project(s): Austin, TX
Date of Complaint Received: October 1, 2021
Instrument: Report and Notice of Violation

Findings:

- Steffen Carl Staiger (hereafter “Respondent”) is registered as an architect in Texas with registration number 18259.
- On or about November 12, 2021, Nisha Ackerman registered her firm Atlas (dba Atlas Arch LLC) with the Texas Board of Architectural Examiners. Respondent produced a letter of Association acknowledging that on March 6, 2015, Respondent became the architect of record for Atlas Arch, LLC. The letter of agreement was signed by both parties.
- On April 22, 2021, Respondent issued construction documents for a project identified as “9609 Tree Bend Drive” in Austin, Texas. However, though the plans were issued pursuant to the agreement of association identified above, Respondent did not seal, sign, and date the plans as required.

Applicable Statutory Provisions and Rules:

- By failing to seal, sign, and date construction documents that were issued for regulatory approval and/or permitting, Respondent violated 22 Tex. Admin. Code §§1.101, 1.103, and 1.122.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1,000** as set forth in the Report and Notice of Violation dated December 13, 2021.

**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: 043-22A
Respondent: Richard D. Davis
Location of Respondent: Dallas, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Richard D. Davis (hereafter “Respondent”) is registered as an architect in Texas with registration number 6271.
- 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, 2020 through December 31, 2020.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$500** as set forth in the Report and Notice of Violation dated November 30, 2021.

**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: 160-211
Respondent: Pamella K. Parker
Location of Respondent: Montgomery, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Revised Report and Notice of Violation

Findings:

- Pamella K. Parker (hereafter “Respondent”) is a registered interior designer in Texas with registration number 6554.
- Based upon the results of a random continuing education audit, it was determined that Respondent falsely reported continuing education compliance to the Board for the audit period of January 1, 2020 through December 31, 2020.
- Subsequently, she completed supplemental CEPH pursuant to Board Rule 5.79.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Revised Report and Notice of Violation dated September 16, 2021.

**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: 042-22L
Respondent: Nathan Ryan Parrott
Location of Respondent: Dallas, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Nathan Ryan Parrott (hereafter "Respondent") is registered as a landscape architect in Texas with registration number 3237.
- 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, 2020 through December 31, 2020 but completed them prior to the renewal of his landscape architectural registration.

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required continuing education program hours during the audit period, Respondent violated Board Rule 3.69. The standard administrative penalty assessed for this violation is **\$500**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$500** as set forth in the Report and Notice of Violation dated November 15, 2021.

**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: 162-211
Respondent: Lisa Grochowski Pope
Location of Respondent: Farmers Branch, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Revised Report and Notice of Violation

Findings:

- Lisa Grochowski Pope (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 11160.
- Previously, on January 22, 2015, in TBAE Case Number 133-14I, the Board entered an administrative penalty in the amount of \$1,700 against Respondent based on findings of fact that she failed to complete her continuing education requirements for the 2012 audit period; falsely reported certified completion of her CE responsibilities; and failed to respond to two board inquiries.
- In the current matter, based upon the results of a random continuing education audit, it was determined that Respondent failed to complete her continuing education requirements for the audit period of January 1, 2020 through December 31, 2020.
- In addition to failing to complete the required continuing education hours within the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew her architectural registration.
- Subsequently, Respondent completed supplemental CEPH pursuant to Board Rule 5.79.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

- The standard penalty for a first-time violation of this rule is \$700. However, since Respondent has previously been subject to discipline for failure to comply with the continuing education requirements, she is subject to increased penalties under 22 Tex. Admin. Code §§5.187(5) and 5.242(k). Therefore, the Executive Director recommends that the Board enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1,400** as set forth in the Revised Report and Notice of Violation dated November 15, 2021.

**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: 029-22A
Respondent: Noah Riley
Location of Respondent: Los Angeles, CA
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Noah Riley (hereafter “Respondent”) is registered as an architect in Texas with registration number 23318.
- On September 16, 2021, Respondent was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of January 1, 2020 through December 31, 2020.
- On October 19, 2021, Respondent replied that he could not locate his continuing education certificates.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of January 1, 2020 through December 31, 2020, Respondent violated Board Rule 1.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated November 15, 2021.

**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: 053-22A
Respondent: Ashraf S. Shokry
Location of Respondent: Flower Mound, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Ashraf S. Shokry (hereafter “Respondent”) is a registered architect in Texas with registration number 26173.
- Based upon the results of a random continuing education audit, it was determined that Respondent falsely reported continuing education compliance to the Board for the audit period of January 1, 2020 through December 31, 2020.

Applicable Statutory Provisions and Rules:

- By indicating at the time of his online renewal that he was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board Rule 1.69. The Board’s standard assessment for providing false information is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated December 13, 2021.

Strategic Planning

Texas State Board of Architectural Examiners

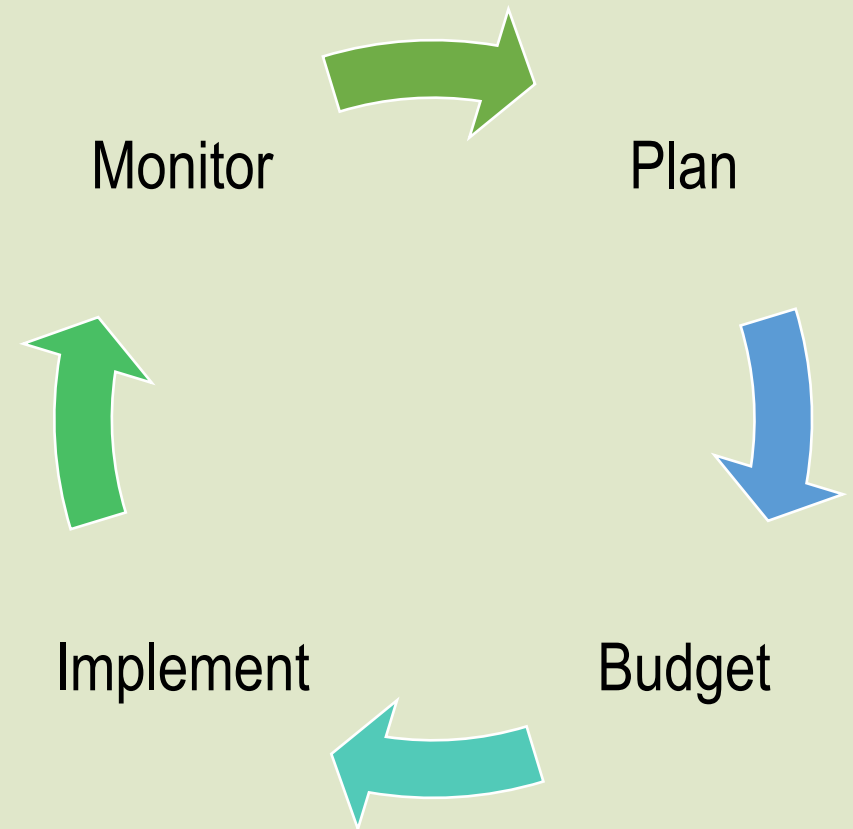
February 24, 2022

Introduction to the Strategic Plan

- As of 1991, all state agencies are required by law to participate in the state's comprehensive process of strategic planning.
- Although the process is primarily set up for appropriated agencies, we are required to submit a Strategic Plan to the Legislative Budget Board.
- We are required to plan for a five-year horizon (i.e., the second year of the biennium and the next two biennia).
- We must complete and submit a plan every two years; however, we can engage in planning on a continual basis and may adjust the plan internally to fit our individual needs.

Strategic Planning and Budgeting

- The Strategic Planning process enhances our decision-making by increasing our knowledge base, improving communication with stakeholders and identifying goals and the factors affecting our operations.
- It guides our budget preparation and establishes a basis for measuring success.
- It leads to priority-based resource allocation decisions.



Purposes of Strategic Planning

- To accommodate the future by identifying issues, opportunities, and problems.
- To provide a starting point for aligning resources in a rational manner to address the critical issues we are facing now and in the future.
- To make government more responsive to the needs of stakeholders by placing greater emphasis on benefits and results rather than on simple service efforts and workload.
- To bring focused issues to our attention for review and debate.
- To provide a context to link the budget process and other processes with priority issues and to improve accountability for the use of state resources.
- To establish a means of coordinating our policy concerns with implementation efforts and to build stakeholder partnerships.

Strategic Planning Template Overview

- TBAE Mission
- Agency Overview and Organizational Aspects (*Optional*)
- Current Year Activities (*Optional*)
- External/Internal Assessment Issues and Trends (*Optional*)
- Goals and Action Plan
- Redundancies and Impediments
- Budget Structure and Performance Measures
- Performance Measure Definitions
- Other – HUB Plan, Report on Customer Service, Agency Workforce Plan

Strategic Planning Process Timeline

- Board Member – Workshop – February 24, 2022
- Internal Assessment and Current Year Activities (Staff) – March 2022
- External Assessment (Stakeholder Engagement) – March and April 2022
- Additional Required Sections (Staff) – March and April 2022
- Budget Development (Staff and Committee) – May 2022
- Board Approval of Final Strategic Plan – May 26, 2022
- Board Approval of Final Budget – August 25, 2022
- Monitor Performance Measures – November Board Meeting Annually

Mission Development Guides

The mission succinctly identifies what we do, why and for whom. The mission should at a minimum answer the following four questions:

- Who are we as an organization and whom do we serve?
- What are the basic purposes for which we exist, and what basic problems are we established to address?
- What makes our purpose unique?
- Is our mission in harmony with our enabling statutes?

TBAE Mission

The mission of the Texas Board of Architectural Examiners is to serve the State of Texas by protecting and preserving the health, safety, and welfare of the Texans who live, work, and play in the built environment through the regulation of the practice of architecture, landscape architecture, and interior design.

External/Internal Assessment Guides

- The external/internal assessment is an evaluation of key factors that influence the board. It addresses economic, political, technological, demographic and social factors affecting the board.
- A complete assessment of such factors includes both historical and future perspectives with reviews of past performance and forecasts of trends in our environment.
- As part of the assessment process, we solicit comments and collect information from individuals and groups that have an interest in or are affected by board policies and programs.

External/Internal Assessment Questions

The external/internal assessment should answer, at a minimum, the following questions:

Customers - What are the demands and needs of our customers?

Customer Service - What is the public's perception of the quality of our services?

Environmental Scan - What major issues, conditions or problems in the external environment are relevant to the delivery of the board's services?

Current Strategic Plan - What progress has been made by the board toward achieving the objectives and desired outcomes described in the current strategic plan?

Remove Barriers - What current rules unnecessarily impede competition or create regulatory burdens?

Self-Assessment - How successful are internal processes for meeting the needs of the public and licensees?

Employee Engagement - What are our employees' attitudes toward our agency?

Board Input on Assessment

Goals and Performance Measures

- Licensing Goal
 - Number of Registrants by Type and Status
 - Average Time to Issue a Registration
 - Number of Examination Candidates
- Enforcement Goal
 - Number of Cases Opened by Staff and Public
 - Number of Cases Closed by Dismissal and Enforcement Action
 - Number of Enforcement Actions by Sanction Type
 - Number of Cases Closed through Voluntary Compliance
 - Amount of Administrative penalties assessed and the rate of collection of assessed administrative penalties
 - Number of Cases Opened that Allege HSW and Disposition
 - Average Time to Resolve a Complaint

Action Items

- TBAE is required to identify key action items necessary to ensure that each goal is accomplished.
- Any new issues or initiatives will be addressed by staff as an action item under the relevant goal.

Next Steps

Strategic Planning Process Timeline

- Board Member – Workshop – February 24, 2022
- Internal Assessment and Current Year Activities (Staff) – March 2022
- External Assessment (Stakeholder Engagement) – March and April 2022
- Additional Required Sections (Staff) – March and April 2022
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