

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda
The Centennial Towers
TBAE/TSBPA Board Room, Suite 370
505 E. Huntland Drive, Austin, Texas
Monday, June 5, 2023
10:00 a.m. – Conclusion

1. **Preliminary Matters**
 - A. Call to order Debra Dockery
 - B. Roll call Darren James
 - C. Excused and unexcused absences Debra Dockery
 - D. Determination of a quorum
 - E. Recognition of guests
 - F. Chair's opening remarks
 - G. Public comments
2. **Approval of February 23, 2023 Board Meeting Minutes (Action)** Debra Dockery
3. **Executive Director Report (Information)** Julie Hildebrand
 - A. Summary of Executive Accomplishments
 - B. Operating Budget/Scholarship Fund: Presentation on 2nd Quarter FY 2023 Expenditures/Revenues
 - C. State Auditor's Office (SAO) Audit Update
 - D. Legislative Update
4. **Proposed FY24 Operating Budget Discussion (Information)** 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. 065-23A	Alitavoli, Sobhan	Arch. #26096
Case No. 237-19I	Corker, William Chase	RID #8798
Case No. 094-22A	Gaertner, Michael Dennis Sr	Arch. #9342
Case No. 055-20N	Giraud, Victorious B.	Non-registrant
SOAH Docket No. 459-23-10249		
Case No. 149-20N	Huerta, David	Non-registrant
Case No. 026-23N	Nevarez, Alfonso Jr.	Non-registrant
Case No. 170-17N	Rhodes, John Thomas	Non-registrant
Case No. 074-22A	Wright, John Raoul	Arch. #6682
 - B. **Continuing Education Cases:**

Case No. 099-23L	Dambrink, Adam Alexander	L.A. #3374
Case No. 075-23A	DeMaria, Peter T.	Arch. #24742
Case No. 129-23A	Doherty, John Robert	Arch. #23959
Case No. 117-23A	Hilldinger, Douglas Clark	Arch. #16736
Case No. 131-23A	Hofmann, Thomas Kurt	Arch. #28058

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Case No. 082-23A	Hughes, Hance Day	Arch. #26458
Case No. 116-23I	Irwin, Susan Hutson	RID #10293
Case No. 086-23I	Jackson, Alana Colleen	RID #10336
Case No. 130-23I	Morrison, Michael Lynn	RID #9493
Case No. 147-23A	Richardson, Daniel William	Arch. #22847
Case No. 063-23A	Rivard, Nicolas Maeckle	Arch. #27930
Case No. 148-23A	Tajudin, Amat Kasim	Arch. #23135
Case No. 098-23L	Thomman, John Russell	L.A. #3317
Case No. 104-23A	Wang, Gary	Arch. #23210
Case No. 101-23L	Whittemore, Robert Michael	L.A. #3160

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

6. **Consideration of Rulemaking – Draft Amendments for Proposal (Action)** Lance Brenton
Draft amendments to 22 Tex. Admin. Code §§ 1.43, 1.44, 3.43, and 3.44, relating to the time period within which applicants must complete registration examinations and requests for extensions to the time period for completing the examination.
7. **NCARB FY23 Resolutions to Be Acted Upon at the 2023 Annual Business Meeting (Action)** Debra Dockery
8. **Reports on National Regulatory Boards and Board Member and Staff Committee Service (Information)** Debra Dockery
9. **Report on Conferences and Meetings (Information)** Debra Dockery
 - A. NCARB Regional Summit – March 3
 - B. ASLA Texas Conference – April 25
10. **Report on Upcoming Conferences and Meetings (Information)** Debra Dockery
NCARB Annual Business Meeting – June 15
11. **Board Member Comments/Future Agenda Items (Information)** Debra Dockery
12. **Upcoming Board Meetings (Information)** Debra Dockery
Thursday, August 17, 2023
Tuesday, November 14, 2023
13. **Adjournment** Debra Dockery

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10:00 a.m. – Conclusion

NOTE: *Items may not necessarily be considered in the order they appear on the agenda.*

- ◆ *The Chair of the Board will be present and preside over the meeting from the location identified in this agenda. The open portions of the meeting will be open to the public at that location. Note that some Board members may attend the meeting by videoconference call.*
- ◆ *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 aid 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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of February 23, 2023 Board Meeting
Centennial Building, 505 E. Huntland Dr., Ste. 350
Austin, TX 78752
10:00 a.m. until completion of business

AGENDA ITEMS	DESCRIPTIONS														
1A. Call to Order	Ms. Dockery called the meeting to order at 10:00 a.m.														
1B. Roll Call	<p>Mr. Bargainer called the roll.</p> <p><u>Present Board Members</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Debra Dockery</td> <td style="width: 50%;">Chair, Architect</td> </tr> <tr> <td>Tim Bargainer</td> <td>Vice-Chair, Landscape Architect</td> </tr> <tr> <td>Jennifer Walker</td> <td>Architect</td> </tr> <tr> <td>Rosa Salazar</td> <td>Registered Interior Designer Member</td> </tr> <tr> <td>Joyce Smith</td> <td>Public Member</td> </tr> <tr> <td>Fernando Trevino</td> <td>Public Member</td> </tr> <tr> <td>Vacant</td> <td>Public Member</td> </tr> </table>	Debra Dockery	Chair, Architect	Tim Bargainer	Vice-Chair, Landscape Architect	Jennifer Walker	Architect	Rosa Salazar	Registered Interior Designer Member	Joyce Smith	Public Member	Fernando Trevino	Public Member	Vacant	Public Member
Debra Dockery	Chair, Architect														
Tim Bargainer	Vice-Chair, Landscape Architect														
Jennifer Walker	Architect														
Rosa Salazar	Registered Interior Designer Member														
Joyce Smith	Public Member														
Fernando Trevino	Public Member														
Vacant	Public Member														
1C. Excused and Unexcused Absences	<p>Ms. Dockery called for a motion on the absences of Mr. James and Mr. Wetmore.</p> <p>A MOTION WAS MADE AND SECONDED (Walker/Smith) TO EXCUSE THE ABSENCE OF MR. JAMES AND MR. WETMORE.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p>														
1D. Determination of a Quorum	A quorum was present.														
1E. Recognition of Guests	Ms. Dockery acknowledged the following members of TBAE staff and guests in the audience: Becky Walker of the Texas Society of Architects; Julie Hildebrand, Executive Director; Lance Brenton, General Counsel; Glenda Best, Operations Manager; Dale Dornfeld, IT Manager; Pim Mayo, Assistant General Counsel; and Jessica Ramirez, Legal Assistant.														
1F. Chair's Opening Remarks	Ms. Dockery began the meeting by noting that, under normal circumstances, the board would hold officer elections and receive committee appointments at this, the first meeting of the calendar year. However, because three appointments were expiring, she decided to wait for appointments or reappointments before holding elections and making assignments.														

	<p>Additionally, Ms. Dockery noted current trends relevant to the regulatory environment, including an aging population of TBAE registrants and a reduction in the number of exam candidates (potentially due in part to NCARB moving to a new exam vendor). She emphasized the importance for the board to think strategically about these factors and how they might impact the board’s ability to protect the public health, safety, and welfare. Because of absences at the meeting, the board would delay addressing strategic planning until the next meeting.</p>
1G. Public Comments	None
2. Approval of November 17, 2022 Board Meeting Minutes	<p>A MOTION WAS MADE AND SECONDED (Salazar/Walker) TO APPROVE THE NOVEMBER 17, 2022, BOARD MEETING MINUTES.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p>
3. Executive Director Performance Review Committee Update	<p>Ms. Dockery asked committee chair Joyce Smith to provide an update on the work of the Executive Director Performance Review Committee.</p> <p>Ms. Smith noted that the committee met earlier in the day. The purpose of the meeting was to review and discuss the form used during the executive director’s annual performance review and make recommended changes. Ms. Smith noted that she was joined on the committee by Mr. Wetmore and Mr. Trevino.</p> <p>Ms. Smith provided the board with a copy of the executive director’s evaluation form that included the committee’s recommended changes. In explaining the committee’s recommendation, Ms. Smith noted two points that guided the committee’s consideration. First, that the board should not micromanage the executive director. Second, that the board should only rate the executive director on matters that it is able to observe.</p> <p>Based on these factors, Ms. Smith identified the following rating criteria that the committee recommended be removed from the evaluation form: “organizes workload and personnel for maximum efficiency,” “recruits and assigns best available personnel in terms of competence,” “conducts an effective staff evaluation and counseling program,” and “appropriately assigns tasks to subordinates.”</p> <p>Additionally, Ms. Smith shared the committee’s recommendation that Item 6d be amended to read: “Conducts workforce and succession planning.”</p> <p>Ms. Smith noted that these changes had been reduced to writing in the document that staff provided to the board members during the meeting.</p>

<p>C. Legislative Update – Legislative and Rule Committee Updates</p>	<p>Ms. Hildebrand noted that most of this line item was taken up by the agency insurance policy, which is paid in a single installment at the beginning of the year.</p> <p>Ms. Hildebrand referred the board to page 21 of the board materials and addressed the scholarship fund balance. She said the recent agency initiatives to increase use of the program had resulted in overall declines to the scholarship fund balance, after sustained growth over the past 7 years.</p> <p>Ms. Smith asked Ms. Hildebrand to identify the eligibility requirements for a scholarship.</p> <p>Ms. Hildebrand said the applicant must have spent at least \$500 on fees for successfully-passed examinations that have not been reimbursed, be a Texas resident, and attest to meeting financial eligibility requirements regarding income.</p> <p>Ms. Walker noted that the scholarship applies only to architect applicants. She asked whether there had ever been an effort to expand the program to landscape architect and RID applicants.</p> <p>Ms. Hildebrand said the agency occasionally received inquiries from landscape architect and RID applicants about the scholarship fund, but not often. She said any such expansion would require legislative action and that she was not aware of any past effort to do so.</p> <p>Ms. Smith asked whether the legislation for the scholarship fund was adopted when the Board’s jurisdiction was limited solely to architects.</p> <p>Ms. Dockery said no, the legislation was passed in response to an increase in the cost of the examination implemented by NCARB following complaints by registrants. Since the cost increase only applied to architect applicants, the legislation was limited to that group of individuals.</p> <p>Ms. Dockery asked Ms. Hildebrand to update the Board on legislative events.</p> <p>Ms. Hildebrand said the legislative committee would meet only as needed. Since it had been a quiet session, there was no need for the committee to meet.</p> <p>Ms. Hildebrand noted that the agency had had pre-session meetings with TxA and TSLA, which went well. The agency was also in contact with Donna Vining with TAID prior to the session.</p> <p>Ms. Hildebrand said that no bills had been filed to amend the Board’s enabling legislation. Ms. Hildebrand went on to brief the Board about</p>
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	<p>pending bills impacting state agencies generally, including those relating to rulemaking, human resources, information technology and cyber security, agency contracting, state employee pay raises, etc.</p>
<p>5. Enforcement Cases Review and possibly adopt ED’s recommendation in the following enforcement cases:</p> <p>5A. Registrant/Non-Registrant Cases:</p>	<p>Ms. Dockery asked Mr. Brenton to present the enforcement cases for board consideration.</p> <p>Fry, Lucas Stewart (#048-20N) Mr. Brenton directed the board to the written materials for the case beginning on page 22 of the board materials and provided a summary of the case as well as staff’s recommendation.</p> <p>A MOTION WAS MADE AND SECONDED (Bargainer/Trevino) TO ENTER THE ATTACHED AGREED ORDER, INCLUDING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW, WHICH IMPOSES AN ADMINISTRATIVE PENALTY OF \$5,000, PROHIBITS THE RESPONDENT FROM PRACTICING ARCHITECTURE OR USING 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 AND RETAINS RESPONDENT’S STATUS AS AN APPROVED CANDIDATE FOR THE ARCHITECT REGISTRATION EXAMINATION AND ARCHITECT REGISTRATION IN TEXAS.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> <p>Maltby, Randell L. (#072-22N) Mr. Brenton directed the board to the written materials for the case beginning on page 32 of the board materials and provided a summary of the case as well as staff’s recommendation.</p> <p>A MOTION WAS MADE AND SECONDED (Walker/Smith) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ADMINISTRATIVE PENALTY OF \$3,000 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 DECEMBER 28, 2022.</p> <p>Mr. Bargainer asked whether the Respondent was a contractor with design/build experience.</p> <p>Mr. Brenton responded that he was.</p> <p>Ms. Walker expressed surprised that the project had undergone TAS review without first being sealed by an architect.</p> <p>Mr. Trevino asked whether the county was happy with the building.</p>

<p>5B. Continuing Education Cases:</p>	<p>Mr. Brenton responded that the agency had no evidence indicating dissatisfaction with the building.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> <p>Mr. Brenton directed the board to written materials for the continuing education cases beginning on page 34 of the board materials, which contained summaries of the cases as well as staff’s recommendations.</p> <p>Ms. Dockery stated that, unless any board members needed to recuse themselves from any case, she would entertain a motion to accept staff’s recommendations for all the continuing education cases. There were no recusals.</p> <p>A MOTION WAS MADE AND SECONDED (Bargainer/Trevino) TO ACCEPT STAFF’S RECOMMENDATION FOR DISCIPLINE IN THE FOLLOWING CONTINUING EDUCATION CASES:</p> <p>Case No. 017-23I Acosta, Olga Lidia RID #10171 Case No. 090-22I Alford, Cassie Deanne RID #11595 Case No. 012-23A Andrews, Jr. Donald Allen Arch. #24304 Case No. 024-23A Bockhorn, Bruce Frederick Arch. #9292 Case No. 001-23I Cochran, John R. RID #689 Case No. 025-23A Dovolis, Dean James Arch. #14979 Case No. 062-23A Duffin, Devon James Arch. #28865 Case No. 060-23A Eckols, Donald E. Arch. #13288 Case No. 097-23A Hernandez, Oscar Arch. #26177 Case No. 222-22I Michels, Christine Petru RID #11172 Case No. 084-23L Smidt, Elizabeth A. L.A. #2184</p> <p>THE MOTION PASSED UNANIMOUSLY.</p>
<p>6. Reports on National Regulatory Boards and Board Member and Staff Committee Service <i>NCARB Rolling Clock Policy Update</i></p>	<p>Ms. Dockery provided an update from NCARB on its planned changes to the rolling clock policy. Ms. Dockery explained the five-year rolling clock policy that had been in place, as well as the new replacement NCARB policy. Under that policy, a passed exam division would remain valid throughout the delivery of the exam version under which it was taken, as well as the next exam version. Ms. Dockery addressed the history of the NCARB rolling clock policy and explained the justification for dropping the five-year requirement.</p> <p>Ms. Dockery noted that the five-year rolling clock policy had been adopted into board rules. Therefore, if the board wanted to implement this change in Texas, it would have to undertake rulemaking action. She voiced her support for the change in policy and suggested the proposed rule should reference the NCARB policy to identify how long a passed section would remain valid.</p>

Mr. Bargainer shared his support for the change in policy on the basis that it increased access to registration and made Texas a more attractive place to work.

Mr. Bargainer asked whether the board would propose rule changes for landscape architect applicants, who are also subject to a five-year rolling clock under board rules.

Ms. Dockery, Ms. Walker, and Ms. Smith expressed support for such action.

Mr. Brenton shared staff's recommendation that the board adopt changes to the rolling clock policy for both architect and landscape architect applicants. Mr. Brenton also briefed the board on how the board rules allowed registrants to request extensions to the rolling clock and whether those extensions would apply under a proposed rule.

Mr. Brenton also addressed the timeline for rulemaking and provided staff's plan for adopting the rule change as soon as possible, with a hopeful adoption date by early September.

Ms. Walker asked how long a version of the ARE examination is in effect.

Ms. Dockery responded it was about ten years.

Ms. Hildebrand noted the purpose of this agenda item was to inquire about whether the board intended to implement changes to the rolling clock rules and what those rules should look like. She summarized the conversation and said staff would work on proposed rules that eliminated the five-year rolling clock requirement and referenced the NCARB and CLARB policies to determine how long a passing score would remain valid.

Ms. Dockery reported on her attendance at the FARB Forum on Professional Regulation. She enjoyed the session on strategic planning and said it would be helpful as the board engaged in its own efforts on that topic.

Mr. Brenton also attended the FARB conference. A highlight for him was a presentation on real-life ethical breaches by regulatory board members. He said he was thankful that he hadn't had to deal with the scenarios described in the presentation.

Ms. Smith said she was on the NCARB credential committee, which had been interesting due to a few contested positions that would be voted upon at the national meeting.

<p>7. Report on Upcoming Conferences and Meetings</p> <p>A. NCARB Regional Summit – March 3</p> <p>B. ASLA Texas Conference – April 25</p> <p>C. NCARB Annual Business Meeting – June 15</p>	<p>Ms. Dockery invited the board members to report on conferences and meetings.</p> <p>Ms. Dockery said the NCARB Regional Meeting would be taking place beginning on March 3.</p> <p>Ms. Dockery previewed the NCARB Annual Meeting, which would include consideration of proposed changes to governance of the NCARB board, amongst other agenda items.</p>
<p>8. Board Member Comments/Future Agenda Items</p>	<p>Ms. Dockery asked if the board members had any comments or suggestions on future agenda items. No suggestions were received.</p>
<p>9. Upcoming Board Meeting</p>	<p>Ms. Dockery noted the following upcoming board meetings:</p> <p>Monday, June 5, 2023 Thursday, August 24, 2023 Tuesday, November 14, 2023</p>
<p>10. Adjournment</p>	<p>The meeting adjourned at 11:29 am.</p>

TBAE Staff Accomplishments: June 2023 Board Meeting

February

- IIDA Shift Presentation – Registration
- NCARB Rolling Clock Policy Update
- Online Staff Ethics Training
- ICOR Practice Overlap Steering Committee Meeting
- NCARB Governance Resolution Listening Session
- CLARB Leadership Development Workgroup Meeting
- NCARB Region 3 Conference Call
- CLARB Leadership Advisory Council Meeting
- Texas ASLA Legislative Day - Communications
- Board Meeting
- State of Texas Regulatory Executive and Licensing Sub-Team Meetings
- SAO Audit Continues

March

- CLARB Leadership Development Workgroup Meeting
- NCARB MBE Meeting and Regional Summit – Honolulu, HI
- Meeting with Representative Jared Patterson's Staff
- CLARB Leadership Advisory Council Meeting
- CLARB/ASLA Web Licensure Summit
- NCARB Licensure R&D Task Force Meeting – Tucson, AZ
- Prohibited Technologies Project – Information Security
- Information Security Forum 2023 – Information Security
- State of Texas Regulatory Executive and Licensing Sub-Team Meetings
- SAO Audit Continues – Status Meeting, In-Office Work Complete

April

- Meeting with CIDQ and Oklahoma
- Meeting with NCARB to Discuss Rolling Clock Updates
- All Staff Meeting and Potluck
- CLARB Mid-Year Update and Regional Meetings
- ARPL 2023 Legislative Update and New Tools
- NCARB Region 3 Conference Call
- Texas ASLA Presentation – Ft. Worth, TX – Investigations and Registration
- CLARB Leadership Advisory Council Meeting – Reston, VA
- State of Texas Regulatory Executive and Licensing Sub-Team Meetings
- SAO Audit Continues

May

- ICOR Practice Overlap Steering Committee Meeting
- Microsoft Azure Security Certification Training – Information Security
- CLARB Leadership Development Workgroup Meeting
- NCARB Licensing System Presentation
- NCARB Region 3 Conference Call
- ICOR CEO Membership Update
- State of Texas Regulatory Executive and Licensing Sub-Team Meetings
- SAO Draft Audit Report Received
- Adjournment of 88th Legislative Session

June

- NCARB Region 3 Conference Call
- CLARB Board of Directors Meeting
- Board Meeting
- Microsoft Azure Administrator Training – Information Security
- NCARB Annual Business Meeting – Tampa, FL
- ICOR Practice Overlap Steering Committee Meeting
- State of Texas Regulatory Executive and Licensing Sub-Team Meetings
- SAO Final Audit Report

July

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August

- NCARB Licensing Advisors' Summit – Kansas City – MO
- Board Meeting
- ICOR Practice Overlap Steering Committee Meeting

September

- CLARB Annual Meeting – Henderson, NV

October

- NCARB Licensure Research and Development Task Force Meeting – Detroit, MI

November

- Texas Society of Architects Annual Convention – Fort Worth, TX
- CIDQ Annual Meeting – Louisville, KY
- Board Meeting

December

- NCARB Committee Summit – Washington, DC

Applicants

New Registrants

Registrants (active)

The Rest

847

Fiscal Year to Date

+3 (844)

Year-over-Year

669

FYTD

-29 (698)

YOY

20323

As of month ended

+312 (20011)

YOY

A survey of the Registration Division's additional accomplishments and activities

By-examination applications received FYTD, by profession:

Architect:	303
RID:	71
LA:	64
<u>Subtotal:</u>	<u>438</u>

By-examination registrations issued FYTD, by profession:

Architect:	191
RID:	72
LA:	25
<u>Subtotal:</u>	<u>288</u>

Architects

Resident:	8749
<u>Nonresident:</u>	<u>5812</u>
Subtotal:	14561

1931

exam results received FYTD
1752 Arch | 0 RID | 179 LA

Reciprocal applications received FYTD, by profession:

Architect:	363
RID:	41
LA:	5
<u>Subtotal:</u>	<u>409</u>

Reciprocal registrations issued FYTD, by profession:

Architect:	344
RID:	7
LA:	30
<u>Subtotal:</u>	<u>381</u>

RIDs

Resident:	3672
<u>Nonresident:</u>	<u>293</u>
Subtotal:	3965

810

Continuing Education audits conducted FYTD

56

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:	1220
<u>Nonresident:</u>	<u>577</u>
Subtotal:	1797

51

scholarship applications approved FYTD

All registrants

Resident:	13641
<u>Nonresident:</u>	<u>6682</u>
Total:	20323

98

Certificates of Standing issued FYTD

Cases Opened	Cases Dismissed	Days to Investigate a Case	Cases Resolved by Legal (as of April 30, 2023) 57
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164 Fiscal Year to Date	+9 Year Over Year	67 Fiscal Year to Date	-23 Year Over Year	46 Recent 90 Day Avg	56 FY Avg to Date	18 Warning(s) by Executive Director	4 Voluntary Surrender(s)
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84 Case(s) referred to Legal Fiscal Year to Date	Dismissal details TDLR: 63 Other: 4* <small>*e.g. No evidence, not a violation, criminal history provisional registration, contract dispute</small>	Context Typical target: 105-400 (2022-23) SDSI avg. actual: 110 (2018)	35 Disciplinary Action(s) by Board	62 *Notice(s) of Violation	5 *Complaint(s) Filed at SOAH	0 *Informal Conference(s)
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*Matters are ongoing and not yet resolved

Customer Service	Newsletter	Employee Engagement	Contact volume (to front desk alone)
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32,989 Customers surveyed	1,618 Responses	85% Read at least half (2018)	21,000+ Recipients	463 Most recent score (2022)	443 Avg. score since 2016	2,650 Calls Fiscal Year to Date	606 Emails FY to Date
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93% Customer satisfaction (2022)	Disciplinary Actions Most-read topic (2018)	Strengths: Strategic Workplace Supervision	Weaknesses: Pay Benefits Development	Avg. monthly calls FYTD: 331	Avg. monthly emails FYTD: 76
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**Texas Board of Architectural Examiners
Actual 2023 Budget**

	FY2023 Budget	FY2023 As of 02/28/2023
Total Beginning Fund Balance		3,134,658.12
Revenues:		
Licenses & Fees	\$ 3,041,516	\$ 1,557,092
Business Registration Fees	\$ 157,913	\$ 71,820
Late Fee Payments	\$ 177,413	\$ 88,028
Other	\$ -	\$ 1,830
Interest	\$ 4,000	\$ 58,234
Convenience Fees	\$ 73,000	\$ 39,078
Draw on Fund Balance	\$ 76,111	\$ -
Total Revenues	\$ 3,529,953	\$ 1,816,082
Expenditures:		
Salaries and Wages	\$ 1,791,077	\$ 873,744
Payroll Related Costs	\$ 626,876	\$ 310,607
Professional Fees and Services	\$ 25,000	\$ 8,745
Professional Fees and Services - IT/IS	\$ 25,000	\$ 8,237
Board Travel	\$ 23,000	\$ 4,484
Staff Travel	\$ 21,000	\$ 13,893
Materials and Supplies	\$ 6,000	\$ 1,680
Materials and Supplies - Postal	\$ 10,000	\$ 3,466
Materials and Supplies - IT/IS	\$ 26,000	\$ 3,550
Communication and Utilities	\$ 65,000	\$ 22,978
Repairs and Maintenance	\$ 1,000	\$ -
Rentals and Leases - Equipment and Space	\$ 14,000	\$ 5,819
Rentals and Leases - Office Space	\$ 143,000	\$ 71,104
Printing and Reproduction	\$ 7,000	\$ 782
Membership Dues (Other)	\$ 16,000	\$ 13,709
Board/Staff Training and Conference Fees (Other)	\$ 25,000	\$ 4,571
Operating Expenditures (Other)	\$ 22,000	\$ 18,578
Convenience Fees	\$ 73,000	\$ 39,317
SWCAP Payment (Other)	\$ 100,000	\$ -
GR Payment (Other)	\$ 510,000	\$ -
Total Expenditures	\$ 3,529,953	\$ 1,405,264
Excess/ (Deficiency) of Rev over Exp.	-	410,818
Funding for 8 months		\$ 2,365,069
Excess Fund Balance		\$ 869,998
Total Fund Balance	\$ -	\$ 3,235,067

Administrative Penalties Collected	\$ 57,660.00
Transferred to Comptroller	(54,020.00)
Balance Pending Transfer	3,640.00

**Texas Board of Architectural Examiners
Fiscal Year 2023 Budget
Scholarship Fund**

	FY 2023	
	Actual	Sept 1, 2022 - Feb 28, 2023
ARE Grant Fund Beginning Balance	119,644.63	
Revenues:		
ARE Grant Licensing Fees	\$	6,264.33
Interest	\$	1,886.35
Untransferred	\$	(6,264.33)
Expenditures:		
ARE Grant Payments	\$	(29,500.00)
Trust Fees	\$	(92.96)
Fund Balance Ending	\$ 91,938.02	

Number of Scholarships Awarded **59**
Frequency per Fiscal Year-----September 30, January 31, and May 31



An Audit Report on

The Board of Architectural Examiners: A Self-directed, Semi-independent Agency

Lisa R. Collier, CPA, CFE, CIDA
State Auditor

The Board of Architectural Examiners' (Board) fiscal year 2022 annual financial report balances for revenues, expenditures, and changes in fund balances were supported by information in the Uniform Statewide Accounting System (USAS). However, the Board should strengthen processes and controls over financial reporting to ensure that misstatements do not occur.

In addition, the Board had adequate processes for reporting performance measures and for setting fee and penalty rates.

- [Background](#) | p. 3
- [Audit Objectives](#) | p. 8

This audit was conducted in accordance with Texas Government Code, Section 472.103.

MEDIUM

FINANCIAL REPORTING AND INFORMATION TECHNOLOGY

The Board should strengthen processes and controls for financial reporting and certain information technology systems.

[Chapter 1 | p. 4](#)

LOW

REQUIRED REPORTING, PERFORMANCE MEASURES, AND FEES AND PENALTIES

The Board had adequate processes and controls to accurately report the performance measure results. Additionally, the Board had a process for setting licensing fees to ensure adequate revenues.

[Chapter 2 | p. 6](#)

For more information about this audit, contact Audit Manager Becky Beachy or State Auditor Lisa Collier at 512-936-9500.

May 2023 | Report No. 23-031

Summary of Management Response

Auditors made recommendations to address the issues identified during this audit, provided at the end of Chapter 1 in this report. The Board agreed with the recommendations.

Ratings Definitions

Auditors used professional judgment and rated the audit findings identified in this report. The issue ratings identified for each chapter were determined based on the degree of risk or effect of the findings in relation to the audit objective(s).

PRIORITY: Issues identified present risks or effects that if not addressed could *critically affect* the audited entity's ability to effectively administer the program(s)/function(s) audited. Immediate action is required to address the noted concern(s) and reduce risks to the audited entity.

HIGH: Issues identified present risks or effects that if not addressed could *substantially affect* the audited entity's ability to effectively administer the program(s)/function(s) audited. Prompt action is essential to address the noted concern(s) and reduce risks to the audited entity.

MEDIUM: Issues identified present risks or effects that if not addressed could *moderately affect* the audited entity's ability to effectively administer the program(s)/function(s) audited. Action is needed to address the noted concern(s) and reduce risks to a more desirable level.

LOW: The audit identified strengths that support the audited entity's ability to administer the program(s)/function(s) audited or the issues identified do not present significant risks *or* effects that would negatively affect the audited entity's ability to effectively administer the program(s)/function(s) audited.

For more on methodology for issue ratings, see [Report Ratings](#) in Appendix 1.

Background Information

The Board of Architectural Examiners (Board) regulates the practice of architecture, landscape architecture, and interior design. The Board has a staff of 19 full-time equivalent positions and operates with a fiscal year 2022 budget of \$3.3 million. Staff is divided into three broad functional units: Registration, Enforcement, and Administration. Each division is responsible for executing particular operational aspects of the Board's statutory charge and mission.

The Board operates under the self-directed, semi-independent (SDSI) program established by the 77th Texas Legislature. The Board's participation in the SDSI program removes the agency from the appropriations process, ensures accountability to stakeholders, and requires the agency to operate as a business. SDSI agencies must adopt their own budgets and establish registration fees to cover all operational costs. Additionally, each agency submits an annual payment to the general revenue fund.



MEDIUM

Chapter 1 Financial Reporting and Information Technology

The Board should strengthen processes and controls over financial reporting.

The Board of Architectural Examiners' (Board) fiscal year 2022 annual financial report balances for revenues, expenditures, and changes in fund balances were supported by information in the Uniform Statewide Accounting System (USAS). However, the revenue information was misstated by \$40,926 due to an oversight in accounting for certain transfers.

The Board used four different systems to track its financial information: USAS, Centralized Accounting and Payroll/Personnel System (CAPPS), Texas Treasury Safekeeping Trust Company (TTSTC), and the Board's Licensing and Enforcement System (TBAsE). Each system tracks different financial information, and not all financial information is in any one system. As a result, transactions that occurred at the end of the accounting period were not captured in the annual financial report.

The Board performed reconciliations of its registration system (TBAsE) to TTSTC; however, it did not reconcile all four sets of financial information to each other. Because the four systems record transactions differently and there was no single general ledger control account, the Board could not identify outstanding items. By not having its financial information all in one place or processes to reconcile all information, the Board is at risk of misstated financial reports, incorrect information on the self-directed, semi-independent (SDSI) annual report, inaccurate budget analysis, or incorrect determination of fee and penalty rates.

The Board should strengthen processes and controls over certain information technology systems.

The Board had ensured that all users of the information systems used for financial reporting, including CAPPs, USAS, and TBAsE, were current employees. However, certain user assignments were inappropriate. These assignments did not properly restrict access to the databases based on user needs.

Recommendations

The Board should:

- Implement a means to reconcile all the financial information, such as a general ledger or other process, to ensure that all financial activity is accounted for properly.
- Implement a process to ensure that user access to information systems is based on duties performed.

Management's Response

Financial Reporting Recommendation: Management agrees with the recommendation. On May 19, 2023, the Executive Director implemented a means to reconcile all four sets of financial information to each other.

Information Technology Systems Recommendation: Management agrees with the recommendation. On May 17, 2023, the Executive Director implemented a process to ensure that user access to information systems is based on duties performed.

Chapter 2

LOW

Required Reporting, Performance Measures, and Fees and Penalties

The Board reported financial and performance information as required.

The Board submitted its fiscal year 2022 financial and performance measure reports to the appropriate parties as required by Texas Government Code, Section 472.104. The Board is required to submit certain financial and performance information annually, by November 1, and other information biennially, by the first day of the regular session of the Legislature. The Board combined the required reporting elements for its biennial report into the annual report and submitted the information to the appropriate parties.

The Board had adequate processes for reporting accurate performance measures.

The Board had adequate processes and controls to accurately report the performance measure results included in their annual report. (See text box for information about the selected performance measures.)

Number of Registrants. For fiscal year 2022, the Board reported 22,553 individual registrants and 3,630 business registrants.

Penalties Assessed and Collected. For fiscal year 2022 the Board reported \$130,200 in penalties assessed and \$63,850 in penalties collected, for a collection rate of 49 percent.

Reserve Fund Balances. The trend for the Reserve Fund Balance was reported accurately.

Selected Performance Measures

- **Number of Registrants** – The number of registered architects, landscape architects, registered interior designers, and businesses, categorized by active, inactive, and retired status.
- **Penalties Assessed and Collected** – The amount of all administrative penalties assessed and the rate of penalty collection during the reporting period.
- **Reserve Fund Balances** – Trend Reserve Fund Balance for the preceding five fiscal years.

Sources: *Agency Strategic Plan, Fiscal Years 2021 to 2025* and Texas Government Code, Section 472.104(b)(5)(m).

The Board had an adequate process for setting fee and penalty rates.

The Board had a process for setting licensing fees to ensure adequate revenues. The Board's budget process allowed it to determine whether changes were necessary and to make fee recommendations to the governing board. In addition, it had documented policies and procedures to establish its budgets, and its governing board approved those budgets for fiscal year 2022. The Board also transferred the \$510,000 annual payment required by Texas Government Code, Section 472.102(c), to maintain its status as an SDSI agency (see the [Background Information](#) section for more information on the SDSI program).

Penalties are determined by the results of the complaint investigation. Certain penalties, such as those for continuing education violations, are established by policy. Other penalties are determined based on the significance of the case presented to the investigators, are agreed to by all parties to the case, and are verified by the governing board.

The Board appropriately collected and transferred administrative penalties to the Office of the Comptroller of Public Accounts as required by Texas Government Code, Chapter 472. (See text box.) For fiscal year 2022, the Board assessed \$130,200 in administrative penalties and collected \$63,850. Of the \$63,850 in penalties collected, the Board transferred \$59,560 into the general revenue fund, leaving a balance of \$4,290 due to the State.¹

Required Payments to the State of Texas

472.102(c) – ...The Texas Board of Architectural Examiners shall annually remit \$510,000 to the general revenue fund.

472.110(d) – An agency shall remit all administrative penalties collected by the agency to the comptroller for deposit in the general revenue fund.

Source: Texas Government Code, Title 4, Chapter 472.

¹ This balance was the amount received in August 2022. The Board had previously transferred all balances to general revenue as required by Texas Government Code, Section 472.110. Therefore, this balance is a reasonable result due to timing.



Appendix 1

Objectives, Scope, and Methodology

Objectives

The objectives of this audit were to:

- Determine whether the Board of Architectural Examiners (Board) has processes and related controls to help ensure the accuracy and completeness of financial and performance data.
- Evaluate the Board's processes for setting fees and penalties.

Scope

The scope of this performance audit included a review of financial and performance data, applicable processes, and other supporting documentation for the period from September 1, 2021, through August 31, 2022. The work included a review of the automated systems that support those processes.

The scope also included a review of significant internal control components related to the Board's revenue collection, penalties assessed and collected, and accuracy and completeness of related data.

The following members of the State Auditor's staff performed the audit:



- Jules Hunter, CPA, CIA (Project Manager)
- Pamela A. Bradley, CPA, CFE (Assistant Project Manager)
- Charlotte Carpenter, CPA
- Lance Cofield
- Sarah Puerto, CIA, CFE (Quality Control Reviewer)
- Becky Beachy, CIA, CGAP (Audit Manager)

Methodology

We conducted this performance audit from January 2023 through May 2023 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. In addition, during the audit, matters not required to be reported in accordance with *Government Auditing Standards* were communicated to Board management for consideration.

Addressing the Audit Objectives

During the audit, we performed the following:

- Interviewed Board management and staff to gain an understanding of financial and performance data; fee and penalty assessments; and required reports.
- Identified the relevant criteria:
 - Board policies and procedures.
 - Texas Government Code, Chapter 472.
 - Texas Occupations Code, Chapters 1051, 1052, and 1053.
 - Texas Administrative Code, Title 22, Part 1, and Title 1, Part 10, Chapter 202.
- Compared and traced the information in the annual financial report and the financial information included in the self-directed, semi-independent (SDSI) annual report to the Board's underlying books and records.
- Reviewed supporting documentation related to the general controls and application controls over the Board's network, the Uniform Statewide Accounting System (USAS), the Centralized Accounting and Payroll/Personnel System (CAPPS), and the Board's Licensing and Enforcement System (TBAsE).

- Tested whether the Board submitted the required information in the annual report for SDSI agencies to the Office of the Governor and the Legislature, and whether the report included the required information.
- Analyzed and tested the Board’s compliance with its fund balance policy to determine whether the fund balance was reported accurately.
- For the selected performance measures, Number of Registrants and the Penalties Assessed and Collected, reviewed the queries and re-calculated the data to determine whether the information reported was accurate.
- Evaluated the Board’s processes for setting licensing fee and penalty rates by reviewing the Board’s policies and procedures, Board meeting minutes, and the Board’s annual budget.
- Analyzed license fees collected to determine whether the Board recorded the revenues in accordance with its established fee schedule.
- Tested a non-random sample of the 6 largest administrative penalties out of 42 administrative penalties assessed in fiscal year 2022 for compliance with policy, approval by the governing board, collection, and transfer to the State as required. The sample items were selected to obtain coverage and were not representative of the population; therefore, it would not be appropriate to project the test results to the population.

Data Reliability and Completeness

Auditors determined that all data sets were sufficiently reliable and complete for purposes of this audit by (1) observing the Board staff extract requested data populations, (2) reviewing data queries and report parameters, (3) analyzing the populations, and (4) testing selected general controls over the information systems. The following fiscal year data sets were used:

- **USAS.** Revenues, expenditures, and cash in treasury.
- **CAPPS.** Expenditures.
- **TBAse.** Individual and business registrant data, including licensing fees paid and refunded; administrative enforcement penalties; and enforcement case notes.

Report Ratings

In determining the ratings of audit findings, auditors considered factors such as financial impact; potential failure to meet program/function objectives; noncompliance with state statute(s), rules, regulations, and other requirements or criteria; and the inadequacy of the design and/or operating effectiveness of internal controls. In addition, evidence of potential fraud, waste, or abuse; significant control environment issues; and little to no corrective action for issues previously identified could increase the ratings for audit findings. Auditors also identified and considered other factors when appropriate.



Copies of this report have been distributed to the following:

Legislative Audit Committee

The Honorable Dan Patrick, Lieutenant Governor, Joint Chair

The Honorable Dade Phelan, Speaker of the House, Joint Chair

The Honorable Joan Huffman, Senate Finance Committee

The Honorable Robert Nichols, Member, Texas Senate

The Honorable Greg Bonnen, House Appropriations Committee

The Honorable Morgan Meyer, House Ways and Means Committee

Office of the Governor

The Honorable Greg Abbott, Governor

Board of Architectural Examiners

Members of the Board of Architectural Examiners

Ms. Julie Hildebrand, Executive Director



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**Texas Board of Architectural Examiners
Proposed FY 2024 Budget**

	FY2023 Budget	FY2023 Expected As of 08/31/2023	FY2024 Proposed Budget
Revenues:			
Licenses & Fees	\$ 3,041,516	\$ 3,109,000	\$ 3,109,000
Business Registration Fees	\$ 157,913	\$ 160,000	\$ 160,000
Late Fee Payments	\$ 177,413	\$ 176,000	\$ 176,000
Other	\$ -	\$ 1,830	\$ -
Interest	\$ 4,000	\$ 58,234	\$ 20,000
Convenience Fees	\$ 73,000	\$ 79,000	\$ 79,000
Draw on Fund Balance	\$ 76,111	\$ -	\$ 74,000
Total Revenues	\$ 3,529,953	\$ 3,584,064	\$ 3,618,000
Expenditures:			
Salaries and Wages	\$ 1,791,077	\$ 1,750,000	\$ 1,895,000
Payroll Related Costs	\$ 626,876	\$ 605,000	\$ 663,000
Professional Fees and Services	\$ 25,000	\$ 20,000	\$ 25,000
Professional Fees and Services - IT/IS	\$ 25,000	\$ 25,000	\$ 27,000
Board Travel	\$ 23,000	\$ 10,000	\$ 20,000
Staff Travel	\$ 21,000	\$ 21,000	\$ 25,000
Materials and Supplies	\$ 6,000	\$ 6,000	\$ 7,000
Materials and Supplies - Postal	\$ 10,000	\$ 10,000	\$ 11,000
Materials and Supplies - IT/IS	\$ 26,000	\$ 26,000	\$ 26,000
Communication and Utilities	\$ 65,000	\$ 65,000	\$ 68,000
Repairs and Maintenance	\$ 1,000	\$ 1,000	\$ 1,000
Rentals and Leases - Equipment and Space	\$ 14,000	\$ 14,000	\$ 15,000
Rentals and Leases - Office Space	\$ 143,000	\$ 143,000	\$ 147,000
Printing and Reproduction	\$ 7,000	\$ 8,000	\$ 10,000
Membership Dues (Other)	\$ 16,000	\$ 16,000	\$ 16,000
Board/Staff Training and Conference Fees (Other)	\$ 25,000	\$ 25,000	\$ 25,000
Operating Expenditures (Other)	\$ 22,000	\$ 22,000	\$ 23,000
Convenience Fees	\$ 73,000	\$ 79,000	\$ 79,000
SWCAP Payment (Other)	\$ 100,000	\$ 25,000	\$ 25,000
GR Payment (Other)	\$ 510,000	\$ 510,000	\$ 510,000
Total Expenditures	\$ 3,529,953	\$ 3,381,000	\$ 3,618,000
Excess/ (Deficiency) of Rev over Exp.	-	203,064	-

**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: 065-23A
Respondent: Sobhan Alitavoli
Location of Respondent: Houston, TX
Instrument: Report and Notice of Violation

Findings:

- Sobhan Alitavoli (hereafter “Respondent”) is registered as an architect in the State of Texas and has been assigned TBAE registration number 26096.
- At all times relevant to this matter, Respondent was associated with Anderson Canyon, LLC, which is registered as an architectural firm and has been assigned TBAE registration number BR 4600.
- On or about November 19, 2020, Respondent issued architectural drawings for the project *11 Alexandra Way Circle* in Richmond, TX. However, Respondent failed to seal the drawings or indicate on the drawings that they could not be used for regulatory approval, permitting or construction. Subsequently, the drawings were submitted to the Lakes of Williams Ranch Homeowners’ Association for design standard review.
- On or about June 30, 2021, Respondent issued a “Permit Set” of architectural drawings for the project *Luxury One Apartments* in Houston, TX. However, Respondent failed to seal the drawings or indicate on the drawings that they could not be used for regulatory approval, permitting or construction. Subsequently, the drawings were submitted to ACI Consulting Architects for Texas Accessibility Standards review by a Registered Accessibility Specialist.

Applicable Statutory Provisions and Rules:

- By issuing architectural drawings for the project *11 Alexandra Way Circle* but failing to seal the drawings or indicate the drawings were not for regulatory approval, permitting or construction, Respondent violated 22 Tex. Admin. Code §§ 1.101 and/or 1.103(a).
- By issuing architectural drawings for the project *Luxury One Apartments* but failing to seal the drawings or indicate the drawings were not for regulatory approval, permitting, or construction, Respondent violated 22 Tex. Admin. Code §§ 1.101 and/or 1.103(a).

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$2,000** as set forth in the Report and Notice of Violation dated April 6, 2023.

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

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

Case Number: 237-19I
Respondent: William Chase Corker
Location of Respondent: Dallas, TX
Instrument: Revised Report and Notice of Violation

Findings:

- William Chase Corker (hereafter “Respondent”) is registered as a registered interior designer in the State of Texas and has been assigned TBAE registration number 8798. Respondent is not and has never been registered as an architect in the State of Texas.
- At all times relevant to this matter, Respondent was the principal and owner of Corker Designs, which is not and has never been registered as a firm that may be lawfully held out to the public as offering or providing architectural services in Texas.
- On or about November 21, 2016, Respondent issued a proposal for the design of a remodel and new garage for a residential project located on Kirkwood Drive in Dallas, Texas (“Project”).
- Prior to contracting with the Respondent, the Project owner reviewed the webpage advertisement for Corker Designs. Based on representations made on the website that Corker Designs was a full-service boutique architecture firm and that Respondent had over 35 years of architectural experience, the Project owner contracted with Respondent for services on the Project.
- On or about July 27, 2017, Respondent issued a set of drawings for the Project. The drawings were issued to the Project owner and/or the City of Dallas and were used for the purposes of regulatory approval. However, Respondent failed to seal the drawings or indicate on the drawings that they were not for regulatory approval, permitting or construction.
- On or about September 7, 2021, and October 1, 2021, Respondent represented to the public that he was engaged in the practice of architecture or was offering architectural services, in that Respondent utilized a website that indicated his firm provided “complete architectural services” and “amazing architectural design.”

Applicable Statutory Provisions and Rules:

- By utilizing the words “a full-service boutique architecture firm” and “complete architectural services” on his website to describe services offered by Respondent through his business, Corker Designs, Respondent violated 22 Tex. Admin. Code § 1.123(c).
- By failing to seal plans issued on July 27, 2017, or indicate that they were not for regulatory approval, permitting, or construction, Respondent violated 22 Tex. Admin. Code §§ 5.111 and/or 5.113.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$5,000** as set forth in the Revised Report and Notice of Violation dated April 18, 2023.

**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: 094-22A
Respondent: Michael Dennis Gaertner, Sr.
Location of Respondent: Galveston, TX
Instrument: Report and Notice of Violation

Findings:

- Michael Dennis Gaertner, Sr. (hereafter “Respondent”) is registered as an architect in the State of Texas and has been assigned TBAE registration number 9342.
- On or about May 24, 2021, Respondent entered into a contract to prepare architectural drawings for a renovation to a residence at 4601 Ave. O in Galveston, TX. At that time, the client paid Respondent \$1,500 for services.
- On or about October 22, 2021, after a period of design development, Respondent met with the client to review preliminary floor and electrical plans. At that time, Respondent and the client made handwritten notes and revisions to the preliminary plans and Respondent told the client he would incorporate the revisions and issue construction documents within two weeks.
- On or about November 10, 2021, the client contracted Respondent and asked for a status update on the production of plans. The Respondent stated that the plans were almost complete and that he expected to deliver the plans the next week.
- Subsequently, despite numerous attempts by the client to contact Respondent, Respondent failed to deliver construction drawings and failed to provide any response or explanation whatsoever to the client’s repeated inquiries about the status of the project, including a December 18, 2021 request to “provide whatever drawings you have so we can just move on” and a January 10, 2022 request to “mail the construction drawings you have completed.”
- On or about March 28, 2022, the Board notified Respondent of the receipt of a complaint in this matter and requested that the Respondent file a response to the allegations. Respondent failed to respond to the inquiry until July 11, 2022, outside of the 30-day period required under 22 Tex. Admin. Code § 1.171.
- Following his initial response, the Board contacted Respondent on or about July 29, 2022, to request further information regarding the allegations. Respondent failed to file any response to this inquiry, despite many follow-up requests to do so.

Applicable Statutory Provisions and Rules:

- By failing to reasonably respond to his client’s communications and failing to deliver contracted services or provide an explanation of his failure to provide services, Respondent engaged in conduct which provided evidence of an inability or unwillingness to apply the principles or skills to generally expected of a reasonable prudent architect under the same or similar circumstances and conditions, in violation of 22 Tex. Admin. Code. § 1.142(c).

- By failing to respond to a Board inquiry within thirty (30) days after the date he received the inquiry, Respondent violated 22 Tex. Admin. Code § 1.171.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$11,000** as set forth in the Report and Notice of Violation dated March 2, 2023.

**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:	055-20N
SOAH Docket No.:	459-23-10249
Respondent:	Victorious B. Giraud
Location of Respondent:	Elgin, TX
Instrument:	Order of the Board

Findings of Fact and Conclusions of Law

- See attached Order of the Board.

Action Recommended by Executive Director:

- Enter the attached Order of the Board, which incorporates the Staff's Notice of Hearing, Formal Charges and Order No. 2 of Amended Default Dismissal issued by ALJ Katerina DeAngelo on April 12, 2023, imposes an administrative penalty in the sum of **\$23,000**, and orders the Respondent to cease and desist from engaging in any conduct that violates Texas Occupations Code, Chapter 1051 or 22 Texas Administrative Code Chapter 1.

served on all parties and Respondent was given an opportunity to file a motion to set aside the default not later than 15 days from the date of the Order signed on April 12, 2023. No motion to set aside the default was filed by Respondent. The Board finds that it is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Board, after review and due consideration of the Order and Respondent's presentation during the open meeting, if any, adopts the proposed findings of fact and conclusions of law as stated in the Notice of Hearing and Formal Charges, which are attached hereto and incorporated by reference for all purposes. Additionally, the Board adopts the recommended penalty identified in the Notice of Hearing and Formal Charges.

NOW, THEREFORE IT IS ORDERED THAT RESPONDENT SHALL cease and desist from engaging in any conduct that violates Texas Occupations Code, Chapter 1051 or 22 Texas Administrative Code Chapter 1. RESPONDENT SHALL NOT engage in or offer to engage in the practice of architecture as defined by Texas Occupations Code, Chapter 1051, unless and until Respondent becomes registered by the Board as an architect. This Order does not 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 exceptions.

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.

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 SHALL pay to the Board an administrative penalty in the amount of Twenty-Three Thousand Dollars (\$23,000). The administrative penalty must be postmarked or delivered to the Board’s office within thirty (30) days after the date on which this Order becomes final.

Entered this the 5th day of June 2023.

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

Attachments: Order No. 2 – Order of Default Dismissal; SOAH letter dated April 28, 2023–
stating no request for rehearing filed; Staff’s Notice of Hearing and Formal Charges

FILED
459-23-10249
1/19/2023 1:33 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK
ACCEPTED
459-23-10249
1/19/2023 3:50:50 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH Docket No. 459-23-10249

Texas Board of Architectural Examiners,
Petitioner

§
§
§
§
§
§
§

STATE OFFICE

v.

OF

Victorious B. Giraud,
Respondent

ADMINISTRATIVE HEARINGS

NOTICE OF HEARING

In accordance with Section 2001.051 et seq., Texas Government Code, you are hereby notified that a **videoconference hearing** will be held on April 12, 2023 at 9:00 a.m. central time before an Administrative Law Judge (ALJ) with the State Office of Administrative Hearings (SOAH) regarding the Formal Charges filed by the Texas Board of Architectural Examiners and attached and incorporated by reference as a part of this notice.

In the Order Scheduling Hearing on the Merits dated January 18, 2023, the Administrative Law Judge provided instructions on how to join the hearing. The hearing will be held remotely via Zoom videoconference. 1 Tex. Admin. Code §155.405(c). The audio portion of the hearing will be recorded, and it will be the official record of the proceeding. Attend the hearing in one of these ways:

- Join by computer or smart device:
Go to <https://soah-texas.zoomgov.com> and enter the following:
Meeting ID: 160 092 6437
Video Passcode: TBAE1249
- Join by telephone (audio only):
Call +1 669 254 5252, and then enter the following:
Meeting ID: 160 092 6437
Telephone Passcode: 66187178

The hearing is to be held under the legal authority and jurisdiction of the Administrative Procedures Act, Texas Government Code § 2001 et seq; SOAH Procedural Rules, Texas Administrative Code Chapter 155; Architects’ Registration Law, Texas Occupations Code §§ 1051.401, 1051.451-1051.455; and Rules and Regulations of the Board, 22 Tex. Admin. Code §§ 1.231 and 1.232.

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 Pim S. Mayo, Assistant General Counsel (pim.mayo@tbae.texas.gov). 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.**

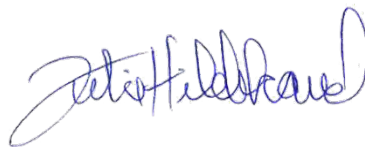
PARTIES THAT ARE NOT REPRESENTED BY AN ATTORNEY MAY OBTAIN INFORMATION REGARDING CONTESTED CASE HEARINGS ON THE PUBLIC WEBSITE OF THE STATE OFFICE OF ADMINISTRATIVE HEARINGS AT www.soah.texas.gov, OR IN PRINTED FORMAT UPON REQUEST TO SOAH.

Additional information on the SOAH website includes a [Guide for Self-Represented Litigants](#), instructions for [Electronic Filing at SOAH](#), and a form to [Request Service by Email](#).

If it is determined that the Formal Charges are substantiated, then any prior disciplinary action that has been taken against you will be considered when determining the appropriate sanction for these violations.

Issued, dated, and mailed this, the 19th day of January 2023.

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 and Formal Charges were sent on January 19, 2023:

Mr. Victorious B. Giraud
211 Webberwood Way
Elgin, TX 78621-5258
CM/RRR# 9214 8901 9403 8301 6465 41

Mr. Victorious B. Giraud
211 Webberwood Way South
Elgin, TX 78621
CM/RRR#9214 8901 9403 8300 0001 6473 19

Mr. Victorious B. Giraud
via eFile to: victgiraud48@gmail.com
via email to: victgir@aol.com

State Office of Administrative Hearings
via eFile



Jessica Ramirez
Legal Assistant

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jessica Ramirez on behalf of Pim Mayo
Bar No. 24071127
jessica.ramirez@tbae.texas.gov
Envelope ID: 71946522
Status as of 1/19/2023 3:52 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jessica Ramirez		jessica.ramirez@tbae.texas.gov	1/19/2023 1:33:01 PM	SENT
Victorious B. Giraud		victgiraud48@gmail.com	1/19/2023 1:33:01 PM	SENT
Pim S. Mayo		pim.mayo@tbae.texas.gov	1/19/2023 1:33:01 PM	SENT

SOAH Docket No. 459-23-10249

Texas Board of Architectural Examiners,	§	
<i>Petitioner</i>	§	STATE OFFICE
	§	
v.	§	OF
	§	
Victorious B. Giraud,	§	ADMINISTRATIVE HEARINGS
<i>Respondent</i>	§	

FORMAL CHARGES

This is a disciplinary proceeding under Tex. Occ. Code §§ 1051.451 and 1051.455. Respondent, VICTOROUS B. GIRAUD, is not and has never been registered as an architect in the State of Texas.

On or about October 21, 2008, the Board issued a Warning to Respondent in TBAE Case No. 121-07N based on findings that Respondent improperly used the terms “architect,” “architectural designer,” and “architectural services.” The written warning notified Respondent that any future violation would merit more significant disciplinary action.

Written notice of the facts and conduct alleged to warrant disciplinary action in the current matter 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 prior to commencement of this proceeding.

CHARGE I.

On or about September 18, 2019, while acting under the assumed name “Turnkey Properties,” Respondent engaged in the unauthorized practice of architecture, in that Respondent prepared and issued architectural plans for a project known as *C & R LLC Project*, located at 2502 East 14th Street in Austin, Texas, while improperly using the term “architectural” to describe Respondent or services offered by Respondent. The plans include the statements, “Project Management & Architectural & Engineering Services” and “Project Management Architectural & Engineering Services.”

The above conduct constitutes grounds for disciplinary action in accordance with Tex. Occ. Code § 1051.752 and is a violation of Tex. Occ. Code § 1051.701(a), Tex. Occ. Code § 1051.801 and/or 22 Tex. Admin. Code § 1.123.

CHARGE II.

On or about September 18, 2019, Respondent engaged in the prohibited use of an architect’s seal, a similar seal, or a replica of the seal, in that Respondent issued six pages of architectural plans for

a project known as *C & R LLC Project*, located at 2502 East 14th Street in Austin, Texas, on which Respondent affixed a seal that shared identical or similar design elements compared with the Texas architect's seal adopted under 22 Tex. Admin. Code § 1.102. The similar design elements used by Respondent include, but are not limited to: a five-pointed star bordered by two concentric circles; all-capital text inserted between the concentric circles, divided into sections by two smaller five-sided stars; Respondent's name inserted in the place normally reserved for the name of a registered architect; and a five-digit number inserted in the place normally reserved for an architect's four-or five-digit registration number.

The above conduct constitutes grounds for disciplinary action in accordance with Tex. Occ. Code § 1051.752 and is a violation of Tex. Occ. Code §§ 1051.702(b) and/or 22 Tex. Admin. Code § 1.104(c).

NOTICE IS GIVEN that Petitioner will rely on its rules relating to disciplinary sanctions, including 22 Tex. Admin. Code §§ 1.141, 1.177, and 1.232.

NOTICE IS GIVEN that Petitioner will present evidence in support of the recommended administrative penalty of \$23,000 and issuance of a cease and desist order, pursuant to Texas Occupations Code Chapter 1051 and Board rules.

NOTICE IS GIVEN that all statutes and rules cited in these Formal Charges are incorporated as part of this pleading and can be found at <http://www.tbae.texas.gov/statutes-rules/>.

Filed this January 18, 2023.

Respectfully submitted,



Pim S. Mayo
Assistant General Counsel
Texas Board of Architectural Examiners
State Bar No. 24071127
505 E. Huntland Dr., Ste. 350
Austin, TX 78711
(512) 305-9040
pim.mayo@tbae.texas.gov

FILED
459-23-10249
4/12/2023 1:40 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

ACCEPTED
459-23-10249
4/12/2023 1:43:36 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

SOAH Docket No. 459-23-10249

Suffix: TBAE

BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS

TEXAS BOARD OF ARCHITECTURAL EXAMINERS,
PETITIONER
v.
VICTOROUS B. GIRAUD,
RESPONDENT

AMENDED DEFAULT DISMISSAL ORDER

The undersigned Administrative Law Judge (ALJ) convened the hearing on the merits in this case at its appointed time of 9:00 a.m. on April 12, 2023. Lance Brenton, General Counsel for the Texas Board of Architectural Examiners (Board),¹ appeared on behalf of the Board. Respondent Victorious B. Giraud did not appear and was not represented at the hearing. The Board moved for default dismissal. After admitting Board's Exhibit 1, 2, 4, 5, 6, and 7 and taking official notice of SOAH Order Scheduling Hearing on the Merits, the ALJ determined that

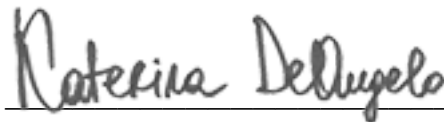
¹ This order amends the previous Default Dismissal Order, which incorrectly stated that Mr. Brenton was General Counsel for the Texas Real Estate Commission.

Respondent had been given proper notice of the hearing and failed to appear and **GRANTED** Board's motion under 1 Texas Administrative Code section 155.501(d)(1).²

Due to Respondent's failure to appear, this matter may be dismissed from the docket of the State Office of Administrative Hearings and returned to the Board for informal disposition on a default basis in accordance with Texas Government Code section 2001.056. It is therefore **ORDERED** that this case is **DISMISSED** pursuant to 1 Texas Administrative Code section 155.501(d)(1). **Respondent may file a motion to set aside the default no later than 15 days from the date of this order.** Such a motion must show good cause for reopening the hearing. If Respondent does not file a timely motion to set aside, or if the ALJ finds that a motion should be denied, SOAH will conclude its involvement in the cases and surrender its jurisdiction over the case.

Signed APRIL 12, 2023.

ALJ Signature:



Katerina DeAngelo,

Presiding Administrative Law Judge

² 1 Tex. Admin. Code § 155.501(b). The ALJ only reviewed the adequacy of the notice and not the sufficiency of Staff's factual allegations.

Automated Certificate of eService

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Envelope ID: 74573366

Filing Code Description: Default Dismissal Order

Filing Description: CORRECTED AMENDED DEFAULT DISMISSAL ORDER

Status as of 4/12/2023 1:44 PM CST

Associated Case Party: Texas Board of Architectural Examiners

Name	BarNumber	Email	TimestampSubmitted	Status
Jessica Ramirez		jessica.ramirez@tbae.texas.gov	4/12/2023 1:40:48 PM	SENT
Lance Brenton		lance.brenton@tbae.texas.gov	4/12/2023 1:40:48 PM	SENT

Associated Case Party: VictoriousB. Giraud

Name	BarNumber	Email	TimestampSubmitted	Status
Victorious B. Giraud		victgiraud48@gmail.com	4/12/2023 1:40:48 PM	SENT

April 28, 2023

Lance Brenton

VIA EFILE TEXAS

Victorious Giraud

VIA EFILE TEXAS

RE: Docket Number 459-23-10249.TBAE; Texas Board of Architectural Examiners No. TBAE Case No. 055-20N; *Texas Board of Architectural Examiners v. Victorious B. Giraud*

Dear Parties:

Please be advised that the time period to file a motion to set aside the default order that was issued in the above-referenced hearing has expired and no set aside motion was filed. *See* 1 Tex. Admin. Code § 155.501. Therefore, the State Office of Administrative Hearings has concluded its involvement in the matter, and the case is remanded to the referring agency.

CC: Service List

**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: 149-20N
Respondent: David Huerta
Location of Respondent: Katy, TX
Instrument: Revised Report and Notice of Violation

Findings:

- David Huerta (hereafter “Respondent”) is not and has never been registered as an architect in Texas.
- At all times relevant to this matter, Respondent was the owner of *HS Partners*, which was previously granted architectural business registration number BR226.
- On or about July 10, 2015, the architect previously associated with *HS Partners* terminated his association with the company. At that time, N.A., a registered architect in Texas, became associated with *HS Partners* to provide architectural services on behalf of the firm.
- On or about June 18, 2019, while acting on behalf of *HS Partners*, Respondent offered to engage in the practice of architecture, in that Respondent issued a statement of services to a client under which *HS Partners* would provide construction documents for *Baytown – Office Warehouse*, an 11,600 square foot office warehouse owned by the City of Baytown to be located at 1106 Park Street in Baytown, Texas. Pursuant to this document, *HS Partners* would provide numerous “Architect Services,” including the issuance of “Architectural Construction Documents” such as a site plan, floor plan, and interior elevations. The estimated cost of this project was \$800,000.
- On or about July 23, 2019, while acting on behalf of *HS Partners*, Respondent offered to engage in the practice of architecture, in that Respondent issued a statement of services to a client under which *HS Partners* would provide construction documents for the project *Breathing Center of Houston*, to be located at 6108 South Rice Avenue in Houston, Texas. Pursuant to this document, *HS Partners* would provide numerous “Architect Services,” including the issuance of “Architectural Construction Documents” such as a site plan, floor plan, and interior elevations.
- On or about August 16, 2019, Respondent engaged in the practice of architecture, in that Respondent issued architectural plans for the project *Breathing Center of Houston* pursuant to the previous offer to provide architectural services. Though the project was issued under *HS Partners* title block, architect N.A. was not notified of the existence of the project and in no way participated in the preparation of plans for the project. Furthermore, the architectural plans were not developed under the supervision and control of, or sealed by, any other architect.
- On or about November 5, 2019, Respondent engaged in the practice of architecture, in that Respondent issued architectural plans for the project *Baytown – Office Warehouse* pursuant to the previous offer to provide architectural services. Though the project was issued under *HS Partners* title block, architect N.A. was not notified of

the existence of the project and in no way participated in the preparation of plans for the project. Furthermore, the architectural plans were not developed under supervision and control of, or sealed by, any other architect.

- On or about March 6, 2020, Respondent utilized a profile on the website LinkedIn.com which improperly used the term 'architectural' to describe services offered by Respondent in Texas, in that Respondent's profile stated, "with 20 years of Architectural build-out experience, I have perfected the craft of commercial and residential design."
- On or about October 5, 2020, architect N.A. notified the Board that he was no longer associated with *HS Partners*. At that time, the Board changed the registration status of the company from "active" to "inactive" and notified Respondent via email that he was required to associate with another architect and provide the name of the architect associated with the company within thirty (30) days or cease to offer architectural services through his company, *HS Partners*.

Applicable Statutory Provisions and Rules:

- By independently preparing and issuing architectural plans for a building that was required to be designed by an architect pursuant to Tex. Occ. Code § 1051.703(a)(2), Respondent engaged in unregistered practice of architecture under Tex. Occ. Code § 1051.701 and violated Tex. Occ. Code § 1051.703(a)(2).
- By preparing and issuing architectural plans – outside of the supervision and control of the architect who was associated with this firm – for the projects *Baytown – Office Warehouse* and *Breathing Center of Houston* pursuant to offers to provide architectural services, Respondent engaged in the unregistered practice of architecture in violation of Tex. Occ. Code § 1051.701(a) and violated 22 Tex. Admin. Code § 1.123(b).
- By utilizing a LinkedIn.com profile which improperly used the term "architectural" to describe services offered by Respondent, Respondent violated 22 Tex. Admin. Code § 1.123(c).

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$8,000** 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 Revised Report and Notice of Violation dated February 7, 2023.

**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: 026-23N
Respondent: Alfonso Nevarez, Jr.
Location of Respondent: El Paso, TX
Instrument: Report and Notice of Violation

Findings:

- Alfonso Nevarez, Jr. (hereafter “Respondent”) is not and has never been registered as an architect in Texas.
- Previously, on or about June 30, 2021, the Board issued a Warning to Respondent in TBAE Case No. 070-21N based on findings that Respondent improperly used the term(s) “architect” and “architectural design” to describe himself and the services he provides. The written warning notified Respondent that any future violation would merit more significant disciplinary action.
- On or about November 2, 2022, Respondent utilized a Facebook.com profile which improperly used the term “architect” to describe Respondent, in that profile identified Respondent as an “architect.”

Applicable Statutory Provisions and Rules:

- By improperly using the term “architect” to describe himself, Respondent violated 22 Tex. Admin. Code § 1.123.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1,000** 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 January 4, 2023.

**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: 170-17N
Respondent: John Thomas Rhodes
Location of Respondent: College Station, TX
Instrument: Agreed Order

Findings:

- 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**, orders the Respondent to cease and desist any and all violations of Texas Occupations Code Chapter 1051 and Board rules, orders the Respondent to ensure that his firm complies with Board rules relating to an architect's responsibility and supervision over the practice of architecture by a registered firm, and allows the Respondent to retain his status as an approved candidate for the Architect Registration Examination and architect registration in Texas, provided Respondent does not engage in subsequent violations of the Agreed Order or the Board's laws and rules.

BEFORE THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS

In the Matter of	§	AGREED
JOHN THOMAS RHODES,	§	ELIGIBILITY ORDER
Candidate for Registration by	§	
Examination	§	Case No. 170-17N

On this day the Texas Board of Architectural Examiners (hereafter “the Board”) considered the above-styled matter at a regularly scheduled meeting.

Information received by the Board produced evidence that John Thomas Rhodes (Respondent) is subject to disciplinary action for violations of Texas Occupations Code, Chapter 1051, and Texas Administrative Code, Title 22, Part 1, Chapter 1. Respondent waived notice and hearing and agreed to the entry of this Order approved by Julie Hildebrand, Executive Director, on April 13, 2023, subject to ratification by the Board. Upon the recommendation of its Executive Director, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order:

FINDINGS OF FACT

1. Prior to the institution of agency proceedings, notice of the matters specified in the Findings of Fact was served on Respondent, and Respondent was given an opportunity to respond, including the opportunity to show compliance with the law.
2. Respondent waived notice and hearing and agreed to the entry of this Order.
3. On or about December 27, 2010, Respondent submitted an Application for Architectural Registration in Texas. Pursuant to this application, Respondent is an approved candidate for registration by examination, although Respondent has not completed the examination.

4. Respondent is not, and has never been, registered to engage in the practice of architecture in Texas.
5. On or about February 1, 2007, the Articles of Incorporation for *R.A.I. Designs, Inc.* were filed with the Texas Secretary of State. In the Articles of Incorporation, Respondent is identified as the sole Director for *R.A.I. Designs, Inc.*
6. On or about February 2, 2014, *R.A.I. Designs, Inc.* registered with the Board to offer architectural services by and through Harry Bostic, Texas architectural registration number 6256. *R.A.I. Designs, Inc.* has been assigned architectural business registration BR 669, which expires May 31, 2023.
7. On or about April 5, 2016, *R.A.I. Designs, Inc.* issued an offer to engage in the practice of architecture in the form of a “Commercial Construction Design Agreement” for a project identified as *Greater New Hope Baptist Church* in Navasota, Texas. According to the proposal, *R.A.I. Designs, Inc.* would provide “comprehensive professional architectural services” and “full Architectural Construction Document Production.” The signature page identifies Respondent as “President R.A.I. Designs, Inc.”
8. Subsequently, on or about January 7, 2018, while acting on behalf of *R.A.I. Designs, Inc.* Respondent prepared and issued architectural plans and specifications for the project *Greater New Hope Baptist Church*, pursuant to his firm’s previous offer to provide comprehensive professional architectural services. The plans were not prepared under the supervision and control of Mr. Bostic.
9. On or about December 1, 2016, *R.A.I. Designs, Inc.* issued an offer to engage in the practice of architecture, in the form of a “Commercial Construction Design Agreement” for a

project identified as *New Beginnings Church* in Bryan, Texas. According to the proposal, *R.A.I. Designs, Inc.* would provide “comprehensive professional architectural services” and “full Architectural Construction Document Production ...” The signature page identifies Respondent as “President R.A.I. Designs, Inc.”

10. Subsequently, on or about February 23, 2017, while acting on behalf of *R.A.I. Designs, Inc.*, Respondent prepared and issued architectural plans and specifications for the project *New Beginnings Church*, pursuant to his firm’s previous offer to provide comprehensive professional architectural services. The plans were not prepared under the supervision and control of Mr. Bostic.
11. On or about February 23, 2017, Respondent engaged in the prohibited use of an architect’s seal when he affixed Mr. Bostic’s seal to the architectural plans and specifications for *New Beginnings Church*. Mr. Bostic did not exercise supervision and control of the preparation of plans for the project and did not consent to the use of his architectural seal on the plans.
12. On or about February 23, 2017, Respondent utilized a website for his firm, *R.A.I. Designs, Inc.*, which improperly used the term “architect” to describe Respondent, specifically “John’s path to becoming an architect was as direct as they come. When he was 7 years old, he announced to his father that he wanted to be the best architect in the world. The die was cast, and Jeff eventually made his dream come true.”
13. On or about August 3, 2022, Respondent utilized a website for *J.Q. Development Group, LLC*, which improperly used the term “architect” to describe Respondent, specifically “John is an architect, real estate developer & real estate investor with over 10 years of experience.”

CONCLUSIONS OF LAW

1. The Texas Board of Architectural Examiners has authority and jurisdiction over this case and the Respondent. 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 the person has violated Texas Occupations Code, Chapter 1051. *See* Tex. Occ. Code §§ 1051.401, 1051.451, 1051.501, 1051.503, 1051.504, 1051.701, 1051.751, 1051.752 and 22 Tex. Admin. Code § 1.173.
2. As an applicant for registration, Respondent may be subject to Board sanctions for any violation of the practice or title restrictions of the Texas Occupations Code, Chapter 1051. Such sanctions may include the imposition of an administrative penalty or denial of registration. 22 Tex. Admin. Code § 1.151(c).
3. A person who is not registered by the Board as an architect may not offer, engage in, or attempt to engage in, the practice of architecture, as defined in Tex. Occ. Code §§ 1051.001(7)(A), (B), or (C). Tex. Occ. Code § 1051.701.
4. Notwithstanding Tex. Occ. Code § 1051.701, a person who is not registered by the Board as an architect may prepare architectural plans and specifications for certain projects pursuant to exemptions under Tex. Occ. Code § 1051.606. However, the projects *Greater New Hope Baptist Church* and *New Beginnings Church* are not subject to any exemption under Tex. Occ. Code § 1051.606.
5. A firm may engage in the practice of architecture, represent to the public that the entity is engaged in the practice of architecture or is offering architectural services, or use the word "architect" or "architecture" in any manner in its name only if any practice of architecture

- or architectural service performed on behalf of the entity is performed by or through a person registered as an architect under Chapter 1051 of the Texas Occupations Code. Tex. Occ. Code § 1051.701(b).
6. A person who is not registered as an architect, whether acting independently or on behalf of the person's firm, commits an offense in violation of Texas Occupations Code, Chapter 1051, if the person: engages in the practice of architecture, or offers or attempts to engage in the practice of architecture; prepares architectural plans or specifications for and observes or supervises the construction, enlargement, or alteration of a building for another person; 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." Tex. Occ. Code § 1051.801.
 7. Under Tex. Occ. Code § 1051.702, no person may use or attempt to use an architect's seal, a similar seal, or a replica of the seal, unless the use is by or through an architect.
 8. Only architects and businesses registered by the Board may use any form of the words "architect" or "architecture" to describe themselves or to describe the services they offer or perform in Texas. 22 Tex. Admin. Code §§ 1.123(a), (b).
 9. By preparing and issuing architectural plans – outside of the supervision and control of the architect who was associated with his firm – for the non-exempt projects *Greater New Hope Baptist Church* and *New Beginnings Church* pursuant to offers to provide architectural services, Respondent engaged in the unregistered practice of architecture in violation of Tex. Occ. Code § 1051.701(a).

10. By affixing a copy of an architect's seal to architectural plans and specifications without the knowledge or consent of the architect, Respondent violated Tex. Occ. Code § 1051.702(b) and 22 Tex. Admin. Code § 1.104(c).
11. By improperly using the term "architect" on the website for *R.A.I. Designs, Inc.* to describe Respondent, Respondent violated 22 Tex. Admin. Code § 1.123(c).
12. By improperly using the term "architect" on the website for *J.Q. Development Group, LLC* to describe Respondent, Respondent violated 22 Tex. Admin. Code § 1.123(c).

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to the approval of the Texas Board of Architectural Examiners, that Respondent shall pay an administrative penalty in the amount of Ten Thousand Dollars (\$10,000). The administrative penalty shall be paid in fifty (50) monthly payments of \$200 each. The first payment is due within thirty (30) days following the date this Order becomes final. Thereafter, the Respondent shall pay \$200 on the 15th day of every month until the administrative penalty has been paid in full. Failure to timely pay the administrative penalty shall be considered a violation of this ORDER, subject to a penalty of up to and including denial, suspension, or revocation of Respondent's architectural registration, as applicable. Respondent shall pay the administrative penalty regardless of whether Respondent continues to seek registration as an architect in Texas.

It is further ORDERED that RESPONDENT SHALL cease and desist any and all violations of the Texas Occupations Code Chapter 1051 and Board rules.

It is further ORDERED that RESPONDENT SHALL ensure that, for his firm *R.A.I. Designs, Inc.*, or any other firm owned by Respondent and registered by the Board to offer or provide architectural services in Texas, any practice of architecture or architectural service performed on behalf of the firm is performed by or through a person registered as an architect. Furthermore, it is ORDERED that RESPONDENT SHALL ensure that any and all architectural plans issued by such firm shall be produced by or under the supervision and control of an architect and sealed, signed, and dated by the architect in accordance with the laws and rules of the Board.

It is further AGREED and ORDERED, that Respondent shall retain his status as an approved candidate for the Architect Registration Examination. Provided that the Respondent does not engage in violations of this Order or the Board's laws or rules occurring after the date of entry of this Order, neither the violations of law addressed in this Agreed Order, nor any other violation of law relating to the unauthorized practice of architecture occurring prior to the entry of this order, shall be used by the Board as a ground for denial of Respondent's registration as an architect. However, if Respondent is found to have violated this Order or the laws or rules governing the practice of architecture based on conduct occurring after the date of this Order, the violations addressed by this Order and any other prior act may be considered in any action to deny architectural registration to the Respondent. Under all circumstances, Respondent shall be required to comply with the payment schedule of this Order and satisfy all generally applicable licensure eligibility requirements prior to becoming registered as an architect.

Upon approval by the Board, the Chair of the Texas Board of Architectural Examiners is authorized to sign this Agreed Final Order on behalf of the Board.

John Thomas Rhodes (Agreed Eligibility Order)

Case No. 170-17N

April 13, 2023

Page 8 of 9

I, John Thomas Rhodes, understand that I have the right to legal counsel prior to signing this Agreed Eligibility 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, including possible denial or revocation of my registration to practice architecture in the State of Texas, as a consequence of my noncompliance.

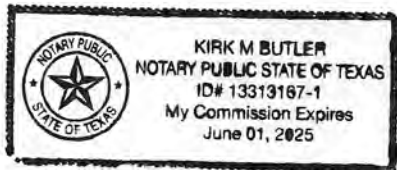
Signature: *John Thomas Rhodes*
JOHN THOMAS RHODES

Date: 5/11/23

STATE OF Texas §
COUNTY OF Brewster §

SWORN TO AND SUBSCRIBED before me, the undersigned Notary Public, on the 11th day of May, 2023 by John Thomas Rhodes.

By: *Kirk M Butler*
NOTARY PUBLIC STATE OF Texas



John Thomas Rhodes (Agreed Eligibility Order)
Case No. 170-17N
April 13, 2023
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WHEREFORE, PREMISES CONSIDERED, the Texas Board of Architectural Examiners hereby ratifies and adopts the Agreed Order that was signed on the 11th day of May 2023, by John Thomas Rhodes, Respondent, and said Order is final.

Effective this the 5th day of June 2023.

**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: 074-22A
Respondent: John Raoul Wright
Location of Respondent: Corpus Christi, TX
Instrument: Revised Report and Notice of Violation

Findings:

- John Raoul Wright (hereafter “Respondent”) is registered as an architect in the State of Texas and has been assigned TBAE registration number 6682.
- On or about February 1, 2021, Randell Maltby (hereafter “Maltby”), a person who is not registered as an architect in Texas, prepared architectural plans for a project identified as *Kenedy County Justice of the Peace Office Building* to be located in Kenedy County, Texas.
- On or about August 24, 2021 Maltby presented a proposal for services and the architectural plans dated February 2, 2021 for the *Kenedy County Justice of the Peace Office Building* to the Kenedy County Commissioner’s Court. At that time, Maltby notified the commissioners that the plans were complete but that an architect had not yet placed his stamp of approval on the plans. The anticipated construction cost of the project was presented as \$2,180,507.83.
- On or about September 30, 2021, Maltby Builders, Inc., a corporation for which Maltby served as Vice-President, entered into a limited architectural service proposal with Respondent to perform limited architectural services for the *Kenedy County Justice of the Peace Office Building* project. According to the agreement, Respondent would procure the services of a registered accessibility specialist, seal existing construction documents after thorough review and approval, visit the construction site as needed, and provide professional services that may be required by Kenedy County.
- On or about October 18, 2021, Maltby Builders, Inc, entered into a contract with Kenedy County to provide design-build services for the *Kenedy County Justice of the Peace Office Building* project. The execution of this contract occurred following the acceptance by Kennedy County of a proposal by Maltby Builders Inc., to “furnish all the materials and perform all the labor necessary for the completion of Kenedy County J P Office Building Per Plans by Randy Maltby dated February 1, 2021 . . . with deletions and changes noted.” Later in the proposal, Maltby Builders Inc. stated, “We have not received the final . . . architectural plans.”
- According to a Kenedy County official, Kenedy County “was always of the opinion that the architect who was hired in September 2021 would do the architectural work required for the construction of the Kenedy County JP Building” and that “Kenedy County, on October 18, 2021, understood that the sealed architectural plans were necessary and Kenedy County and Maltby were expecting to receive the final and sealed architectural plans.”

- On or about January 26, 2022, Respondent contacted TBAE seeking input regarding the legality of sealing the documents prepared by Maltby. Based on information provided by TBAE, Respondent determined that he would not seal the documents prepared by Maltby, and to this date has not sealed the documents.
- On or about March 22, 2022, Respondent confirmed in writing that he did not prepare or supervise the preparation of the plans that were presented and used for the construction of the project.
- Construction of *Kenedy County Justice of the Peace Office Building* project proceeded based on the plans initially developed by Maltby in February 2021, with only slight modifications developed during accessibility review.

Applicable Statutory Provisions and Rules:

- By offering and agreeing to seal existing construction documents drawn by Randell Maltby, even though those documents were not prepared under Respondent's supervision and control, Respondent aided and abetted Mr. Maltby in practicing architecture, in that Kenedy County awarded the project to Mr. Maltby based on an understanding that Respondent would seal the plans. Respondent's action resulted in the construction of a building based on architectural plans that were not prepared under the supervision and control of an architect, in violation of Tex. Occ. Code § 1051.703(a)(2).

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$3,000** as set forth in the Revised Report and Notice of Violation dated February 7, 2023.

**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: 099-23L
Respondent: Adam Alexander Dambrink
Location of Respondent: San Antonio, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Adam Alexander Dambrink (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 3374.
- On November 15, 2022, 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, 2021 through December 31, 2021.
- On December 15, 2022, Respondent replied that he could not produce a full detailed record of Respondent’s continuing education activities for the audit period. Respondent was able to provide acceptable documentation for the completion of only 4 hours of continuing education.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of continuing education activities for the audit period of January 1, 2021 through December 31, 2021, Respondent violated 22 Tex. Admin. Code § 3.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is \$100 per hour of deficiency.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$800** as set forth in the Report and Notice of Violation dated February 21, 2023.

**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:	075-23A
Respondent:	Peter T. DeMaria
Location of Respondent:	Austin, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Peter T. DeMaria (hereafter “Respondent”) is registered as an architect in Texas with registration number 24742.
- On October 17, 2022, 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, 2021 through December 31, 2021.
- Subsequently, Respondent replied that he could not produce a full detailed record of Respondent’s continuing education activities for the audit period. Respondent was able to provide acceptable documentation for the completion of only 10 hours of continuing education.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of continuing education activities for the audit period of January 1, 2021 through December 31, 2021, Respondent violated 22 Tex. Admin. Code § 1.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is \$100 per hour of deficiency.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$200** as set forth in the Report and Notice of Violation dated February 21, 2023.

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

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

Case Number: 129-23A
Respondent: John Robert Doherty
Location of Respondent: Glenside, PA
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- John Robert Doherty (hereafter “Respondent”) is registered as an architect in Texas with registration number 23959.
- On February 15, 2023, 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, 2022 through December 31, 2022.
- On February 16, 2023, Respondent replied that he could not produce a detailed record of Respondent’s continuing education activities for the audit period.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of continuing education activities for the audit period of January 1, 2022 through December 31, 2022, Respondent violated 22 Tex. Admin. Code § 1.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is \$100 per hour of deficiency.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1,200** as set forth in the Report and Notice of Violation dated March 28, 2023.

**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: 117-23A
Respondent: Douglas Clark Hildinger
Location of Respondent: Dallas, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Douglas Clark Hildinger (hereafter “Respondent”) is registered as an architect in Texas with registration number 16736.
- Previously, on May 15, 2014, the Board issued an Order to Respondent in TBAE Case No. 083-14A based on findings that he failed to maintain a detailed record of his continuing education activities. Under the terms of the Order, Respondent was ordered to pay an administrative penalty of \$500.
- In the current matter, based upon the results of a continuing education audit, it was determined that Respondent failed to complete qualifying continuing education during the audit period of January 1, 2021 through December 31, 2021.

Applicable Statutory Provisions and Rules:

- By failing to timely complete 12 hours of qualifying continuing education credit hours during each calendar year, Respondent violated 22 Tex. Admin. Code § 1.69. The standard administrative penalty assessed for this violation is \$100 per hour of deficiency.

Action Recommended by Executive Director:

- The standard penalty for a first-time violation of these rules is \$1,200. However, since Respondent has previously been subject to discipline for failure to comply with continuing education requirements, he is subject to increase penalties under 22 Tex. Admin. Code §§ 1.177(5) and 1.232(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 **\$2,000** as set forth in the Report and Notice of Violation dated March 28, 2023.

**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:	131-23A
Respondent:	Thomas Kurt Hofmann
Location of Respondent:	Bartonville, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Revised Report and Notice of Violation

Findings:

- Thomas Kurt Hofmann (hereafter “Respondent”) is registered as an architect in Texas with registration number 28058.
- Based upon the results of a continuing education audit, it was determined that Respondent completed only 7 hours of qualifying continuing education credit during the audit period of January 1, 2021 through December 31, 2021.

Applicable Statutory Provisions and Rules:

- By failing to timely complete 12 hours of qualifying continuing education credit hours during each calendar year, Respondent violated 22 Tex. Admin. Code § 1.69. The standard administrative penalty assessed for this violation is \$100 per hour of deficiency.

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 Revised Report and Notice of Violation dated May 4, 2023.

**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: 082-23A
Respondent: Hance Day Hughes
Location of Respondent: Baton Rouge, LA
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Hance Day Hughes (hereafter “Respondent”) is registered as an architect in Texas with registration number 26458.
- Based upon the results of a continuing education audit, it was determined that Respondent completed only 9 hours of qualifying continuing education credit during the audit period of January 1, 2021 through December 31, 2021.
- In addition to failing to complete the required continuing education hours within the continuing education period, Respondent falsely certified compliance with continuing education requirements when he had not completed sufficient continuing education to make this certification.

Applicable Statutory Provisions and Rules:

- By failing to timely complete 12 hours of qualifying continuing education credit hours during each calendar year, Respondent violated 22 Tex. Admin. Code § 1.69. The standard administrative penalty assessed for this violation is \$100 per hour of deficiency.
- By falsely certifying compliance with compliance with continuing education requirements at the time of Respondent’s registration renewal, Respondent provided the Board with false information in violation of 22 Tex. Admin. Code § 1.69. The Board’s standard assessment for falsely certifying is **\$500**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$800** as set forth in the Report and Notice of Violation dated January 24, 2023.

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

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

Case Number:	116-23I
Respondent:	Susan Hutson Irwin
Location of Respondent:	Denton, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Susan Hutson Irwin (hereafter “Respondent”) is registered as a registered interior designer in Texas with registration number 10293.
- On September 15, 2022, Respondent was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of January 1, 2021 through December 31, 2021.
- Subsequently, Respondent replied that she could not produce a full detailed record of Respondent’s continuing education activities for the audit period. Respondent was able to provide acceptable documentation for the completion of only 1 hour of continuing education.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of continuing education activities for the audit period of January 1, 2021 through December 31, 2021, Respondent violated 22 Tex. Admin. Code § 5.79. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is \$100 per hour of deficiency.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1,100** as set forth in the Report and Notice of Violation dated March 28, 2023.

**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: 086-23I
Respondent: Alana Colleen Jackson
Location of Respondent: Dallas, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Alana Colleen Jackson (hereafter “Respondent”) is registered as a registered interior designer in Texas with registration number 10336.
- Previously, on December 1, 2016, the Board issued an Order to Respondent in TBAE Case No. 106-16I based on findings that she failed to timely complete continuing education requirements, falsely certified compliance with continuing education requirements, and failed to respond to Board inquiries. Under the terms of the Order, Respondent was ordered to pay an administrative penalty of \$1,700.
- In the current matter, on September 15, 2022, Respondent was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of January 1, 2021 through December 31, 2021.
- On October 15, 2022, Respondent replied that she could not produce a full detailed record of Respondent’s continuing education activities for the audit period. Respondent was able to provide acceptable documentation for the completion of only 10 hours of continuing education.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of continuing education activities for the audit period of January 1, 2021 through December 31, 2021, Respondent violated 22 Tex. Admin. Code § 5.79. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is \$100 per hour of deficiency.

Action Recommended by Executive Director:

- The standard penalty for a first-time violation of these rules is \$200. However, since the Respondent has previously been subject to discipline for failure to comply with the continuing education requirements, she is subject to increase 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 **\$400** as set forth in the Report and Notice of Violation dated January 24, 2023.

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

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

Case Number: 130-231
Respondent: Michael Lynn Morrison
Location of Respondent: San Antonio, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Michael Lynn Morrison (hereafter “Respondent”) is registered as a registered interior designer in Texas with registration number 9493.
- Based upon the results of a continuing education audit, it was determined that Respondent completed only 2 hours of qualifying continuing education credit during the audit period of January 1, 2021 through December 31, 2021.
- In addition to failing to complete the required continuing education hours within the continuing education period, Respondent falsely certified compliance with continuing education requirements when he had not completed sufficient continuing education to make this certification.

Applicable Statutory Provisions and Rules:

- By failing to timely complete 12 hours of qualifying continuing education credit hours during each calendar year, Respondent violated 22 Tex. Admin. Code § 5.79. The standard administrative penalty assessed for this violation is \$100 per hour of deficiency.
- By falsely certifying compliance with compliance with continuing education requirements at the time of his registration renewal, Respondent provided the Board with false information in violation of 22 Tex. Admin. Code § 5.79. The Board’s standard assessment for falsely certifying is **\$500**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1,500** as set forth in the Report and Notice of Violation dated March 28, 2023.

**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: 147-23A
Respondent: Daniel William Richardson
Location of Respondent: Phoenix, AZ
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Daniel William Richardson (hereafter “Respondent”) is registered as an architect in Texas with registration number 22847.
- On May 16, 2022, 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, 2021 through December 31, 2021.
- Subsequently, Respondent replied that he could not produce a detailed record of Respondent’s continuing education activities for the audit period.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of continuing education activities for the audit period of January 1, 2021 through December 31, 2021, Respondent violated 22 Tex. Admin. Code § 1.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is \$100 per hour of deficiency.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1,200** as set forth in the Report and Notice of Violation dated April 28, 2023.

**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:	063-23A
Respondent:	Nicolas Maeckle Rivard
Location of Respondent:	San Antonio, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Revised Report and Notice of Violation

Findings:

- Nicolas Maeckle Rivard (hereafter “Respondent”) is registered as an architect in Texas with registration number 27930.
- Based upon the results of a continuing education audit, it was determined that Respondent completed only 4 hours of qualifying continuing education credit during the audit period of January 1, 2021 through December 31, 2021.

Applicable Statutory Provisions and Rules:

- By failing to timely complete 12 hours of qualifying continuing education credit hours during each calendar year, Respondent violated 22 Tex. Admin. Code § 1.69. The standard administrative penalty assessed for this violation is \$100 per hour of deficiency.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$800** as set forth in the Revised Report and Notice of Violation dated February 7, 2023.

**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: 148-23A
Respondent: Amat Kasim Tajudin
Location of Respondent: Irvine, CA
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Amat Kasim Tajudin (hereafter “Respondent”) is registered as an architect in Texas with registration number 23135.
- On January 17, 2023, 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, 2021 through December 31, 2021.
- Subsequently, Respondent replied that he could not produce a detailed record of Respondent’s continuing education activities for the audit period.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of continuing education activities for the audit period of January 1, 2021 through December 31, 2021, Respondent violated 22 Tex. Admin. Code § 1.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is \$100 per hour of deficiency.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1,200** as set forth in the Report and Notice of Violation dated April 28, 2023.

**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:	098-23L
Respondent:	John Russell Thomman
Location of Respondent:	Austin, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- John Russell Thomman (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 3317.
- Based upon the results of a continuing education audit, it was determined that Respondent completed only 9 hours of qualifying continuing education credit during the audit period of January 1, 2021 through December 31, 2021.

Applicable Statutory Provisions and Rules:

- By failing to timely complete 12 hours of qualifying continuing education credit hours during each calendar year, Respondent violated 22 Tex. Admin. Code § 3.69. The standard administrative penalty assessed for this violation is \$100 per hour of deficiency.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$300** as set forth in the Report and Notice of Violation dated February 21, 2023.

**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: 104-23A
Respondent: Gary Wang
Location of Respondent: Austin, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Gary Wang (hereafter “Respondent”) is registered as an architect in Texas with registration number 23210.
- On October 17, 2022, 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, 2021 through December 31, 2021.
- Subsequently, Respondent replied that he could not produce a full detailed record of Respondent’s continuing education activities for the audit period. Respondent was able to provide acceptable documentation for the completion of only 5 hours of continuing education.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of continuing education activities for the audit period of January 1, 2021 through December 31, 2021, Respondent violated 22 Tex. Admin. Code § 1.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is \$100 per hour of deficiency.

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 February 21, 2023.

**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:	101-23L
Respondent:	Robert Michael Whittemore
Location of Respondent:	Nashville, TN
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Robert Michael Whittemore (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 3160.
- Based upon the results of a continuing education audit, it was determined that Respondent completed only 4 hours of qualifying continuing education credit during the audit period] of January 1, 2021 through December 31, 2021.

Applicable Statutory Provisions and Rules:

- By failing to timely complete 12 hours of qualifying continuing education credit hours during each calendar year, Respondent violated 22 Tex. Admin. Code § 3.69. The standard administrative penalty assessed for this violation is \$100 per hour of deficiency.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$800** as set forth in the Report and Notice of Violation dated February 21, 2023.

Draft Amendments to 22 Tex. Admin. Code §§ 1.43, 1.44, 3.43, and 3.44

Relating to the Five-Year Rolling Clock Policy

Background

Recently, the NCARB Board of Directors retired the rolling clock policy. The rolling clock policy placed a five-year expiration date on passed divisions of the Architect Registration Examination. In part, this decision was based on NCARB's conclusion that the five-year rolling clock was too restrictive. According to NCARB, most current exam items were developed under ARE 4.0 and simply restructured under ARE 5.0 content areas. Therefore, NCARB has concluded that preserving these scores will not impact exam validity.

In place of the rolling clock, NCARB has adopted a new score validity policy, which bases the validity of passed ARE divisions on exam versions (such as ARE 4.0, ARE 5.0, etc.) rather than a set time frame. Under this policy, a passed exam division will remain valid throughout the delivery of the exam version under which it was taken, as well as the next exam version. For example, previously-expired ARE 4.0 divisions will be reinstated and considered current throughout delivery of ARE 5.0 and may be used by candidates to establish credit for ARE 5.0. Likewise, ARE 5.0 divisions will remain valid throughout the delivery of ARE 5.0, and future credits based on passed ARE 5.0 divisions will remain valid throughout the delivery of ARE 6.0.

Note that NCARB has eliminated the procedure for candidates to request an extension to the testing period for life events such as health issues, the birth or adoption of a child, or active-duty military service. This is in part based on the drastically expanded testing window for candidates, given the expected 10-year lifespan of a version of the ARE.

Current TBAE Rules

Current Board rules include a five-year rolling clock policy for architect candidates. The five-year rolling clock has been adopted for landscape architect candidates as well, even though CLARB does not have a five-year rolling clock policy for LARE examinees. Therefore, to implement the change in NCARB policy and maintain consistency within the rules for architects and landscape architects, rulemaking action is required to remove the rolling clock policy from Chapters 1 and 3 of the Board rules. Additionally, the Board's current rules include procedures for architects and landscape architects to request extensions to the testing period for certain life events.¹

¹ The five-year rolling clock was previously in effect in Board rules for registered interior designers. However, as part of the implementation of the change in licensing requirements for registered interior designers under SB 1932 (85th Leg. R.S. 2017), the Board amended that rule to require RID applicants to schedule and pass all sections of the NCIDQ within the time period required by CIDQ. Incidentally, the CIDQ requirement is for an examinee to pass all sections within 10 examination administrations, which is equivalent to five years.

The amended rule for RIDs is largely similar to the draft rules for architects and landscape architects, except that it maintains the former process for requesting extensions to the testing period. Because that process is more aligned with CIDQ's required testing window, staff is not recommending changes to the RID rules at this time.

Draft Amendments

The draft amendments encompass the following rules:

- Rules 1.43 and 3.43
 - *Replace the Five-Year Rolling Clock* – The draft rules replace the five-year rolling clock requirement with a requirement that architect and landscape architect candidates schedule and pass all sections of the examination within the time period required by NCARB and CLARB, respectively.
 - *Retain and Amend the Procedure to Request an Extension* – For a candidate who has successfully passed a section of the examination that has expired under NCARB or CLARB requirements, the draft rules would retain a procedure for the candidate to request an extended period of validity if the candidate gave birth to or adopted a child, developed a serious medical condition, or commenced active-duty service as a member of the military. Though NCARB has eliminated this procedure, staff recommends that it be retained in Texas for individuals who experience a qualifying life event late in the testing period.
 - The existing policy would be amended slightly by limiting eligibility to events occurring within the 12 months immediately preceding the date of expiration.
 - Additionally, requests for extension would need to be submitted within six months of the expiration.
 - The extension for a serious medical condition would be limited in time to a maximum of six months, and only if the condition reasonably prevented the person from preparing for or taking the examination.
- Rules 1.44 and 3.44
 - *Replace Rolling Clock for Exam Transfers* – The draft rules would implement a repeal of the five-year rolling clock for the transfer of exam scores from one state to another, and replace it with a requirement that the candidate must pass all sections of the examination within the time period required by NCARB or CLARB, as applicable

Staff Recommendation

Move to approve the proposed amendments to 22 Tex. Admin. Code §§ 1.43, 1.44, 3.43, and 3.44 for publication in the Texas register, with authority for the General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the Texas Register.

Attached you will find the following supporting documents:

- Copies of all rules proposed for amendment, with underline and strikethrough formatting indicating all changes

- An excerpt from NCARB's ARE Guidelines
- The NCARB announcement of rolling clock policy changes
- An excerpt from CLARB's LARE Orientation document

RULE §1.43 Reexamination

(a) In order to qualify for registration by examination, a Candidate must schedule and pass all sections of the Architect Registration Examination (ARE) within the time period required by NCARB.

~~[(a) A Candidate's passing grade for any section of the examination is valid for five (5) years. Each Candidate must pass all sections of the examination within five (5) years after the date the Candidate passes a section of the examination. A Candidate who does not pass all sections of the examination within five (5) years after passing a section of the examination will forfeit credit for the section of the examination passed and must pass that section of the examination again.]~~

(b) If a Candidate has successfully passed a section of the examination that has expired under NCARB requirements, the Candidate may request an extended period of validity for that section of the examination if, within one year prior to the date the section became expired:

(1) The Candidate gave birth to, or adopted a child;

(2) The Candidate developed a serious medical condition; or

(3) The Candidate commenced active duty service as a member of the United States military.

~~[(b) The Board may grant extensions to the 5-year period for completion of the examination if the Candidate is unable to pass all sections of the examination within that period for the following reasons:~~

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

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

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

(c) If a Candidate gave birth to or adopted a child, the Candidate may receive an extended period of validity of up to six months for an expired examination section.

~~(c) A Candidate may receive an extension of up to 6 months for the birth or adoption of a child by filing a written application with the Board together with any corroborating evidence immediately after the Candidate learns of the impending adoption or birth. A Candidate may receive an extension for the period of the serious medical condition or for the period of active duty military service by filing a written application with the Board together with corroborating evidence immediately after the Candidate learns of the medical condition or the commencement of active duty military service. A Candidate shall immediately notify the Board in writing when the medical condition is resolved or active duty military service ends.]~~

(d) If a Candidate developed a serious medical condition, the Candidate may receive an extended period of validity of up to six months for an expired examination section if the serious medical condition reasonably prevented the Candidate from preparing for or taking the examination.

(e) If a Candidate commenced active duty service as a member of the United States military, the Candidate may receive an extended period of validity for an expired examination section equal to the length of time the Candidate was on active duty.

(f) Any request for an extension under this section must be received within six months of the expiration of the exam section and must be approved by the Board.

RULE §1.44 Transfer of Passing Scores

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

(b) If a Candidate's examination score is transferred from another member board and accepted by the Board, the Candidate must pass all sections of the examination within the time period required by NCARB, as described by §1.43 of this chapter (relating to Reexamination)~~[no later than five (5) years from the date the first examination section was passed. If the Candidate does not pass all sections of the examination within five (5) years after passing a section of the examination, the Candidate will forfeit credit for the section of the examination passed and must pass that section of the examination again]~~.

RULE §3.43 Reexamination

(a) In order to qualify for registration by examination, a Candidate must schedule and pass all sections of the Landscape Architect Registration Examination (LARE) within the time period required by CLARB.

~~[(a) A Candidate's passing grade for any section of the examination is valid for five (5) years. Each Candidate must pass all sections of the examination within five (5) years after the date the Candidate passes a section of the examination. A Candidate who does not pass all sections of the examination within five (5) years after passing a section of the examination will forfeit credit for the section of the examination passed and must pass that section of the examination again.]~~

(b) If a Candidate has successfully passed a section of the examination that has expired under CLARB requirements, the Candidate may request an extended period of validity for that section of the examination if, within one year prior to the date the section became expired:

(1) The Candidate gave birth to, or adopted a child;

(2) The Candidate developed a serious medical condition; or

(3) The Candidate commenced active duty service as a member of the United States military.

~~[(b) The Board may grant extensions to the 5-year period for completion of the examination if the Candidate is unable to pass all sections of the examination within that period for the following reasons:~~

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

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

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

(c) If a Candidate gave birth to or adopted a child, the Candidate may receive an extended period of validity of up to six months for an expired examination section.

~~[(c) Candidate may receive an extension of up to 6 months for the birth or adoption of a child by filing a written application with the Board together with any corroborating evidence immediately after the Candidate learns of the impending adoption or birth. A Candidate may receive an extension for the period of the serious medical condition or for the period of active duty military service by filing a written application with the Board together with corroborating evidence immediately after the Candidate learns of the medical condition or the commencement of active duty military service. A Candidate shall immediately notify the Board in writing when the medical condition is resolved or active duty military service ends.]~~

(d) If a Candidate developed a serious medical condition, the Candidate may receive an extended period of validity of up to six months for an expired examination section if the serious medical condition reasonably prevented the Candidate from preparing for or taking the examination.

(e) If a Candidate commenced active duty service as a member of the United States military, the Candidate may receive an extended period of validity for an expired examination section equal to the length of time the Candidate was on active duty.

(f) Any request for an extension under this section must be received within six months of the expiration of the exam section and must be approved by the Board.

RULE §3.44 Transfer of Passing Scores

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

(b) If a Candidate's examination score is transferred from another member board and accepted by the Board, the Candidate must pass all sections of the examination within the time period required by CLARB, as described by §3.43 of this chapter (relating to Reexamination) ~~[no later than five (5) years from the date the first examination section was passed. If the Candidate does not pass all sections of the examination within five (5) years after passing a section of the examination, the Candidate will forfeit credit for the section of the examination passed and must pass that section of the examination again].~~

Architect Registration Examination[®]

GUIDELINES

Score Validity Policy

To ensure confidence in each exam score used by a jurisdictional licensing board for the purpose of granting an initial license to practice architecture, NCARB has established a score validity policy that defines the period during which any ARE division will remain valid.

Passed ARE divisions are valid throughout the delivery of the version of the exam under which they were taken and are used to establish appropriate credits under the next version of the exam. Once you have passed all divisions of the ARE, you are considered ARE complete, and your division scores are no longer subject to the score validity policy.

EXAMPLES OF THE SCORE VALIDITY POLICY

Below are two examples of how the score validity policy impacts candidates' scores.

- Example 1: A candidate passes an ARE 5.0 division. That divisional score is valid for the duration of ARE 5.0's delivery. If the candidate does not complete the entire ARE before ARE 5.0 ends, their passed ARE 5.0 division(s) will be used to provide credit toward the corresponding divisions in the next version of the exam (e.g., ARE 6.0).
- Example 2: A candidate passed one division of ARE 4.0, which provided credit toward one division of ARE 5.0. The candidate has since passed three additional divisions in ARE 5.0. If the candidate does not complete the ARE before ARE 5.0 ends:
 - The ARE 4.0 divisional score will no longer be valid, and the ARE 5.0 credit earned from this administration will expire.
 - The three ARE 5.0 divisions passed will be used to provide appropriate credit in the next version of the exam (e.g., ARE 6.0).

JURISDICTIONAL ROLLING CLOCK REQUIREMENTS

While NCARB has retired the rolling clock policy, some jurisdictions have a similar policy written into their statutes and/or rules. If you are seeking licensure in a jurisdiction that has a rolling clock requirement, you are subject to your jurisdiction's rolling clock unless that jurisdiction amends that policy. To find out which jurisdictions still maintain a rolling clock-type policy, visit [NCARB's website](#).

If your jurisdiction has a rolling clock requirement, you can request an extension to that rolling clock for the birth or adoption of a child, serious medical conditions, active military service, natural disasters, or other like causes. To be considered for a rolling clock extension, you must submit your request directly to NCARB. Any request, including appropriate back-up documentation and a completed [Rolling Clock Extension Request Form](#), must be received by NCARB before the passing score for your division expires.

Confidential Until February 21, 2023

The information in this Special Edition Fast Facts is confidential until February 21, 2023, when NCARB will announce the information to examination candidates. Member Boards are being provided advance notice so that they can prepare for any questions they might receive.

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[New Score Validity Policy Details](#)

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The Rolling Clock Policy Will Be Retired on April 30, 2023

After careful review and consideration, NCARB's Board of Directors unanimously decided to retire the rolling clock policy, which placed a five-year expiration date on passed divisions of the Architect Registration Examination (ARE®). The rolling clock policy will be replaced with a new score validity policy, which bases the validity of passed ARE divisions on exam versions (such as ARE 4.0, ARE 5.0, etc.) rather than a set time frame. NCARB will reinstate previously expired divisions of ARE 4.0 for candidates who are seeking licensure in jurisdictions that do not have a rolling clock-type requirement.

New Score Validity Policy Details

Under the score validity policy, a passed exam division would remain valid throughout the delivery of the exam version under which it was taken, as well as the next exam version. This means that passed exam divisions:

- Would be valid throughout the delivery of the version of the exam under which they were taken, AND
- Would be used to establish appropriate credits under the next version of the exam

Passed divisions would expire after two versions of the exam. For example: Passed ARE 5.0 divisions would remain valid throughout the delivery of ARE 5.0, and would be used to establish credits for the next version of the exam. ARE 5.0 divisions would expire with the retirement of the next version of the exam if a candidate has not completed their examination.

Due to the nature of the new score validity policy, which is not time-bound but instead version-bound, NCARB will not offer extensions to the new score validity policy. However, NCARB will continue supporting extensions to the rolling clock for candidates who are seeking licensure in jurisdictions with a rolling clock-type requirement.

The new policy assures licensing boards that exam scores remain relevant, and that candidates demonstrate competency in the content found in the current or most recent version of the exam, which are similar.

Why the Rolling Clock Was Retired

As part of NCARB's efforts to remove barriers for all candidates, the Board of Directors has been conducting a review of all exam-related policies. The rolling clock policy had been raised as a potential impediment with unconscious bias regarding the diversity, equity, and inclusion (DEI) of all candidates. Concerns were raised by several focus groups and survey respondents, including those participating in NCARB and NOMA's joint *Baseline on Belonging* study.

NCARB data collected from exam candidates' records confirmed that the rolling clock policy was far more likely to impact the validity of exam scores for women and people of color—both being groups that already encounter lower exam success rates.

Additionally, analysis of exam item banks showed that the existing rolling clock policy was unnecessarily restrictive, given that most current exam items were developed under ARE 4.0 and were simply restructured under ARE 5.0 content areas. The new score validity policy would be equally as effective in protecting exam validity and is based on the substance of the exam content.

This change to the rolling clock policy is also seen as being responsive to a number of legislative efforts around the U.S. to streamline the licensure process. Revising this policy does not impact the basic rigor designed to ensure all candidates demonstrate the necessary competency to practice in a manner that protects the public's health, safety, and welfare.

How This Impacts Your Board

If your board does not have its own rolling clock requirement, you do not need to take any action at this time, and the change will not impact the work of your board.

If your board does have its own rolling clock requirement, NCARB's Council Relations team has begun reaching out to discuss next steps to retire your policy. We encourage all boards to eliminate rolling clock-type requirements in favor of the more equitable score validity policy. We will work with you to address challenges regarding time required to change the policy and the effort that may include legislative review. NCARB is committed to supporting each jurisdiction's elimination of rolling clock-type requirements.

To assist boards that do have a rolling clock requirement while they work to adjust requirements, NCARB will continue to manage rolling clock-type information within the candidate management system. Your NCARB Record transmittals will not change.

Key Messages for Candidates

As you communicate with exam candidates, keep the following key messages in mind:

Previously expired ARE 4.0 divisions will be reinstated on May 1, 2023.

ARE 4.0 divisions will be used to establish credit toward the appropriate ARE 5.0 divisions. Candidates with reinstated ARE 4.0 divisions can use the [ARE 5.0 Transition Calculator](#) to better understand how divisions transferred from ARE 4.0 to ARE 5.0. Note: No ARE 5.0 division scores have expired yet due to extensions granted because of COVID-19 test closures and other testing impediments.

Exam divisions will no longer expire in a set period of time.

Exam validity is now based on versions of the exam rather than on a set time frame. Credit from ARE 4.0 divisions will remain valid until ARE 5.0 retires, and credit from ARE 5.0 divisions will remain valid until the next version of the exam (i.e., ARE 6.0) retires.

The new score validity policy is more equitable, while still protecting the legitimacy of the exam.

The new policy will remove unnecessary barriers for all candidates

Exam divisions taken in ARE 3.1 or previous versions of the exam will remain expired.

Because the practice of architecture and the content covered by the exam does evolve over time, the score validity policy is necessary to ensure that candidates becoming licensed are competent in the current practice of architecture.

NCARB will only offer refunds for currently scheduled divisions that would be a retake of a reinstated division or for seat credits that are no longer necessary due to reinstated divisions.

NCARB will not offer refunds for candidates who retook a division of the ARE that had expired, even if that division is now considered valid under the score validity policy.

While NCARB has retired the rolling clock policy, some jurisdictions have a similar policy written into their laws and rules.

These jurisdictions may still require candidates to pass all divisions of the exam within a certain time window. In these jurisdictions, candidates may still need to retake divisions of the exam that the jurisdiction considers expired, even if NCARB deems the candidate ARE-complete.

NCARB will provide at least 18 months' notice prior to retiring a version of the exam.

NCARB does not have an anticipated timeline for launching the next version of the exam, but will provide candidates with sufficient notice to complete testing before any passed divisions expire.

Communication Timeline

February

- NCARB announces the upcoming policy change to Member Boards
- NCARB's Council Relations team begins working directly with boards that have their own rolling clock requirement to determine next steps.

February 21

- NCARB publicly announces the policy change.
- NCARB begins communicating with candidates based on their individual circumstances.

Late March/Early April

- NCARB hosts a live webinar for candidates on the policy change.

April 30:

- The new score validity policy goes into effect.
- NCARB publishes updated *ARE 5.0 Guidelines* reflecting the new policy.

2023

Changes to the L.A.R.E. coming in December 2023. Click [HERE](#) to learn more.

L.A.R.E. Orientation

Understanding the Landscape Architect Registration Examination



CLARB

The Council of Landscape Architectural Registration Boards
www.CLARB.org
01/2022



Validity of Scores

CLARB employs statistical and psychometric analyses to evaluate the validity of L.A.R.E. examination response data and scores. CLARB utilizes these reliable scientific methods to determine whether L.A.R.E. scores should be delayed, withheld, invalidated, canceled or investigated further. If CLARB has a reasonable basis to question the validity of the test response data or examination result for any Section of the L.A.R.E., whether identified through the use of statistical analysis, psychometric analysis or any other reliable scientific method or source of information, CLARB reserves the right, in its sole discretion, to delay, withhold, cancel and invalidate L.A.R.E. scores, without any requirement to demonstrate that a candidate violated the terms of the Candidate Agreement. If CLARB withholds, cancels or invalidates your L.A.R.E. score, your score will be classified as “indeterminate.”

A classification of indeterminate may result from a violation of the Candidate Agreement by you or another candidate, an irregularity in the administration of the L.A.R.E., a statistical anomaly identified in your L.A.R.E. test response data or any other reasonable basis to question the test score’s validity.

CLARB may classify your L.A.R.E. score as indeterminate based solely on a statistical anomaly identified in your test response data or any other reliable information. CLARB is not required to conduct an investigation to classify your L.A.R.E. score as indeterminate if there is a reasonable basis to question the test score’s validity.

If your L.A.R.E. score is classified as indeterminate, you will be advised of the options for retaking the examination, if you are permitted by CLARB to retake the examination. You will not be entitled to a refund of your L.A.R.E. registration fee if CLARB classifies your score as indeterminate. CLARB will advise you whether you will be required to pay the additional registration fee for retaking the examination, in CLARB’s sole discretion. If CLARB classifies your score as indeterminate because of your violation of the Candidate Agreement, in addition to delaying, withholding and canceling your score, CLARB may take additional actions against you as provided in the L.A.R.E. Candidate Agreement. Scores classified as indeterminate do not appear on your record; rather, an annotation indicates that the scores were classified as indeterminate. Scores classified as indeterminate will not be reported to any third party after they are classified as such by CLARB. Any third party that has received a prior report of a L.A.R.E. score that is later classified as indeterminate will be notified of CLARB’s classification of the score as indeterminate.

Completing the L.A.R.E.

If a candidate fails any section of the exam, he/she needs to retake that section in future administration(s) in an attempt to obtain a passing score. A candidate may usually retake a section of the exam as many times as necessary in order to achieve a passing score; however, some jurisdictions limit the number of retakes, so this information should be verified with the registration board in the jurisdiction where you are seeking initial licensure.

Resolutions to be Acted Upon

2023 NCARB Annual Business Meeting

This packet includes an overview of this year's resolutions, the resolution language with statements of support, and additional supporting documents in appendices as needed.



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Resolutions to be Acted Upon

2023 NCARB Annual Business Meeting

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FY23 RESOLUTION OVERVIEW


At the April Board of Directors Meeting, the Board reviewed the proposed resolutions and determined which resolutions will be on the June Annual Business Meeting agenda. There will be two webinars prior to ABM to ask questions to the resolution advocates:

- Thursday, May 18, 2023, 3 p.m. ET | [Register](#)
- Thursday, June 1, 2023, 3 p.m. ET | [Register](#)

This packet includes five resolutions (plus related supporting documentation as appropriate).

Resolution 2023-01: NCARB Model Law and Regulations Amendment – Responsible Control

The Mississippi State Board of Architecture is recommending that the definition of responsible control be updated to address concerns of the Mississippi Board regarding clarity and specificity of responsible control language as amended in June 2022. Opinions from NCARB's Board of Directors and Legal Counsel are available in Appendices A and B.

Strategic Plan Objective:  Future-Focused Research and Development

Resolution 2023-02: Omnibus Sunset of Education Policy Resolutions

This resolution is part of a multi-year effort to review and sunset resolutions passed by the membership that no longer align with how NCARB operates today. This batch of resolutions focuses specifically on education policies that were passed between 1960-1999. Appendix C includes the list of resolutions.

Strategic Plan Objectives:  Stakeholder Systems, Tools, and Resources

Resolution 2023-03: Omnibus Sunset of Resolutions in Conflict With Current Council Policies

This resolution is part of a multi-year effort to review and sunset resolutions passed by the membership that no longer align with how NCARB operates today. This batch of resolutions focuses specifically on finance, the NCARB Certificate, processes, experience, continuing education, and records policies that were passed between 1960-1979. Appendix D includes the list of resolutions.

Strategic Plan Objective:  Stakeholder Systems, Tools, and Resources

Resolution 2023-04: NCARB Model Rules of Conduct Amendment – Ethics Updates

The FY22 Ethics Work Group is recommending that the *NCARB Model Rules of Conduct* be updated to reflect modern practice and expectations regarding ethical conduct. The resolution proposes language be added to the *Model Rules of Conduct* to address acceptance of payments or gifts that may impact judgement, as well as fraudulent or illegal conduct.

Strategic Plan Objective:  Stakeholder Systems, Tools, and Resources

Resolution 2023-05: Amendment and Restatement of the NCARB Bylaws - Governance

The FY23 Governance Work Group is recommending that the *NCARB Bylaws* be updated to adopt a new governance structure for the Council to be reflective of modern governance best practices and incorporate diversity, equity, and inclusion in the Council's access to leadership roles and leadership structure.

Strategic Plan Objective:  Future-Focused Research and Development



Strategic Plan Objective:  Future-Focused Research and Development

RESOLUTION 2023-01

This resolution is opposed by the NCARB Board of Directors 14-0.

TITLE: NCARB *Model Law and Regulations* Amendment – Responsible Control

SUBMITTED BY: Mississippi State Board of Architecture

WHEREAS, the definition of “Responsible Control” in Section 103 Definitions of the *NCARB Model Law and Regulations* was amended in June 2022 upon recommendation of the Responsible Charge Task Force; and

WHEREAS, the Mississippi State Board of Architecture, upon research and review, has concerns that the current definition lacks clarity and specificity, which could hinder enforcement efforts and create confusion for licensees; and

WHEREAS, the *NCARB Model Law and Regulations* may only be changed by an absolute majority vote of the Council Member Boards (28 votes), with such change becoming effective at the time specified in this resolution.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that Regulation R401.1 Architect Seal of the *NCARB Model Law and Regulations* be amended to read as follows:

- "1. An Architect may seal and sign Technical Submissions only if the Technical Submissions were:
 - a. Prepared by the Architect;
 - b. Prepared by individuals under the Architect’s Responsible Control;^[Footnote]
 - c. Prepared by another Architect if the sealing and signing Architect has reviewed the other Architect’s work and either has coordinated the preparation of the work or has integrated the work into their own Technical Submissions; or
 - d. Prepared by another Architect licensed in any Jurisdiction and holding a current and valid NCARB Certificate if the sealing and signing Architect has reviewed the other Architect’s work and has integrated the work into their own Technical Submissions.
2. An Architect may include in Technical Submissions and may seal and sign Prototypical Building documents prepared by an Architect licensed in any Jurisdiction. The Architect shall modify the Prototypical Building documents to comply with the requirements of (Jurisdiction).
3. An Architect may also seal and sign drawings, specifications, or other work that is not required to be sealed by this Act.
4. An Architect who has sealed and signed Technical Submissions integrating the work of another Architect into the Architect’s own work shall maintain and make available to the Board adequate and complete records demonstrating the nature and extent of the Architect’s review of and integration of the other Architect’s work into their own Technical Submissions. Following such sealing and signing, these records shall comply with the provisions of Section 403 of Law.



^[Footnote]R401.1 For enforcement purposes some Jurisdictions may wish to add clarifying language noting that Responsible Control shall require:

- Direct contact between the client and the Architect or the Architect's employee so long as the Architect has the right to control and direct the employee in the material details of how the work is to be performed; and
- Involvement in the preparation of Technical Submissions prior to their completion; and
- Review, or review and correction, of final Technical Submissions. Mere review of work prepared by others outside of the Architect's employ does not constitute the exercise of Responsible Control.
- Jurisdictions including the additional criteria above may choose to modify or delete the other provisions of this regulation accordingly."

FURTHER RESOLVED, that following the approval of the resolution by an absolute majority of the Council Member Boards, such resolution will become effective July 1, 2023.

FINANCIAL IMPACT:

- No financial impact.

SPONSOR'S STATEMENT OF SUPPORT:

The Mississippi State Board of Architecture (hereinafter "Board") has carefully considered the revised definition of "Responsible Control" proposed by the Responsible Charge Task Force and adopted by the Council Member Boards in FY22. Although the Board greatly appreciates the work of the Responsible Charge Task Force and has no intention of proposing a change to the definition of "Responsible Control" in the *NCARB Model Law*, the Board feels that it is appropriate to propose additional criteria to further define "Responsible Control" in the *NCARB Model Regulations*.

The Board has concerns that the current definition lacks clarity and specificity, which could hinder enforcement efforts and render licensees uncertain as to whether they are practicing in compliance with the laws and regulations. Terms such as "oversee," "delegate," and "integrate" are ambiguous and subject to a variety of interpretations. For this reason, the Board proposes the addition of optional clarifying language to Regulation R401.1 Architect Seal by reference as a footnote to confirm that Responsible Control shall require:

- Direct contact between the client and the Architect or the Architect's employee so long as the Architect has the right to control and direct the employee in the material details of how the work is to be performed; and
- Involvement in the preparation of Technical Submissions prior to their completion; and
- Review, or review and correction, of final Technical Submissions. Mere review of work prepared by others outside of the Architect's employ does not constitute the exercise of Responsible Control.

Several NCARB jurisdictions, including Louisiana, Mississippi, Missouri, and Tennessee, include some or all of these criteria in their regulations, and they are found in the *Model Rules* of the National Council of Examiners for Engineering and Surveying (Rule 240.20 Seal on Documents).

The Board believes that inclusion of these criteria will result in a more robust definition of what constitutes Responsible Control that will lead to better protection of the health, safety, and welfare of the public.



ADVOCATES

Mississippi State Board of Architecture

STATEMENT OF OPPOSITION:

The Board of Directors has carefully reviewed Resolution 2023-01, gathered feedback from NCARB membership, and consulted with NCARB legal counsel. On the basis of these discussions, the Board of Directors unanimously opposes the proposed changes to the *NCARB Model Law and Regulations*' definition of "Responsible Control."

Based on a review from NCARB's legal counsel, the proposed footnote would create several problems for users of *NCARB's Model Law and Regulations* and should be rejected. These items are outlined in full in Appendices A and B of this packet. Below is a summary of the key concerns:


- The current definition of "responsible control" was approved by NCARB's membership just last year and was the culmination of several years of effort from NCARB's Model Law and Responsible Charge Task Forces. These groups conducted in-depth research and analysis to put forward a standardized recommendation for use by licensing boards. Adjusting the definition at this point would be a disservice to their work and reduce the flexibility of the document.
- Additionally, the proposal only updates one reference to responsible control in the document, thus creating multiple concepts of responsible control within the document and creating contradictions and imbalances between the language within the *Model Law* and the *Model Regulations*.
- The proposed changes do not align with the practices of the majority of NCARB's membership, contradicting efforts to standardize best practices in regulatory language. It would also signal approval of varying requirements by jurisdiction, which contradicts NCARB's overarching objective of unifying licensure standards.

To ensure the continuity of NCARB's efforts to create modern, flexible resources for licensing boards, as well as efforts to encourage universal adoption of regulatory best practices, the NCARB Board of Directors recommends rejecting Resolution 2023-01.

RESOURCES:

- [Appendix A: Mississippi Board's Proposed 2023 Resolution: Memorandum from the NCARB Board of Directors](#)
- [Appendix B: Legal Analysis: Memorandum from Venable Law Firm](#)
- [NCARB Model Law and Regulations](#)



Strategic Plan Objective:  Stakeholder Systems, Tools, and Resources

RESOLUTION 2023-02

This resolution is supported by the NCARB Board of Directors 14-0.

TITLE: Omnibus Sunset of Education Policy Resolutions

SUBMITTED BY: Council Board of Directors

WHEREAS, the Board of Directors requested a review of resolutions passed by the membership to determine if there are any that no longer align to current NCARB policies and are appropriate to sunset; and

WHEREAS, the Policy Advisory Committee has reviewed a batch of resolutions dating from 1960 to 1999 related to NCARB's education policies and recommended rescinding several of these because they either conflict with current policies or are unnecessary based on existing official documents; and

WHEREAS, resolutions of substantive matters that NCARB's membership have passed by resolution may only be changed by an absolute majority vote of the Council Member Boards (28 votes), with such change becoming effective at the time specified in this Resolution.

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that all policies and resolutions related to the Council's education requirements that are not detailed in current official NCARB documents, including, without limitation, the *Education Guidelines* and *Certification Guidelines* hereby are rescinded and otherwise deemed inactive. Without limiting the generality of this resolution, this resolution expressly rescinds the following resolutions, the full texts of which are attached hereto as Appendix C:

- Resolution 1999-15: No Sunset for Broadly Experienced Architect Alternative
- Resolution 1996-07: Sunsetting Alternate Education Route
- Resolution 1994-02: Sunsetting EESA For All But Foreign-Educated and Broadly Experienced Applicants
- Resolution 1983-01: Certification For Applicants Without Degree Who Meet Existing Standards
- Resolution 1983-05: To Accept Alternate Education in Lieu of an Accredited Degree
- Resolution 1980-13: Preparation of State Versions of Appendices "A" and "B"
- Resolution 1980-14: Requirement of Bachelor's Degree for Certification
- Resolution 1979-03: All Conferences to Establish Meetings with their Educational Communities
- Resolution 1978-25: Task Force to Define the Areas of Study Fundamental to the Practice of Architecture
- Resolution 1969-7: Proposal to Grant the Title "Intern-Architect" or Other Title as May be Determined by the NCARB Board of Directors to Graduates of Accredited Architectural Schools and to Establish a Defined Internship Program and Record
- Resolution 1965: Foreign Education

FURTHERED RESOLVED, that upon the approval of the foregoing resolution by an absolute majority of the Council Member Boards, such resolution will become effective immediately.

**FINANCIAL IMPACT:**

- No financial impact.

SPONSORS' STATEMENT OF SUPPORT:

The Policy Advisory Committee is continuing a multi-year research project to identify historical policy or position-related resolutions that may no longer align with current Council practice or philosophy.

Today, the *NCARB Bylaws* specifically give the NCARB Board of Directors authority to issue rules and policies respecting education requirements, including requirements for certification and alternative paths.

NCARB currently has many active education-related policy resolutions, several of which are in conflict with each other. Additionally, NCARB's active education requirements as established by NCARB membership are detailed in the *Education Guidelines* and *Certification Guidelines*, and some of the above policy resolutions either conflict with NCARB's current active requirements or are redundant—putting NCARB at risk of being in conflict in the future if these policy resolutions remain active. To provide clear direction going forward, the Policy Advisory Committee recommends this resolution be passed so that it is clear that all active policies governing education are located in *Education Guidelines*, *Certification Guidelines*, and/or other currently applicable Board policies.

ADVOCATES:

- **Policy Advisory Committee**
 - Chair: Jennifer R. Arbuckle, NCARB, AIA, LEED AP
 - Linda Alfson Schemmel, AIA, NCARB
 - Emily Cronbaugh, Wyoming Member Board Executive
 - James Devine, NCARB, AIA, LEED AP, North Dakota Member Board Member
 - Leslie Hanska, Oklahoma Member Board Executive
 - Miguel A. Rodriguez, FAIA, NCARB, NOMA, Florida Member Board Member
 - Tara Rothwell, AIA, NCARB, LEED AP, New Mexico Member Board Member
 - Edward W. Tucker, FAIA, NCARB, West Virginia Member Board Member

RESOURCES:

- [Appendix C: NCARB Education Policy Resolutions to Sunset: 1960-1999](#)



Strategic Plan Objective:  Stakeholder Systems, Tools, and Resources

RESOLUTION 2023-03

This resolution is supported by the NCARB Board of Directors 14-0.

TITLE: Omnibus Sunset of Resolutions in Conflict with Current Council Policies

SUBMITTED BY: Council Board of Directors

WHEREAS, the Board of Directors requested a review of resolutions passed by the membership to determine if there are any that no longer align to current NCARB policies and are appropriate to sunset; and

WHEREAS, the Policy Advisory Committee has reviewed a batch of resolutions dating from 1960-1979 related to NCARB's financial, records/process, experience, certification, and continuing education policies; and recommended rescinding several of these because they either conflict with current policies or are unnecessary based on existing official documents; and

WHEREAS, resolutions of substantive matters that NCARB's membership have passed by resolution may only be changed by an absolute majority vote of the Council Member Boards (28 votes), with such change becoming effective at the time specified in this Resolution.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the National Council of Architectural Registration Boards sunsets the following resolutions, the full texts of which are attached hereto as Appendix D:

- Resolution 1979-01: Architect Development Verification Program (ADVP)
- Resolution 1979-04: Meeting Facilities Accessible to and Usable by the Handicapped
- Resolution 1978-07: IDP Resolution
- Resolution 1977-07: Continuing Professional Development
- Resolution 1977-08: Intern-Architect Development Program (IDP)
- Resolution 1976-09: Continuation of Inter-Architect Development Pilot Program
- Resolution 1975-06: Approval Procedures for NCARB Budget
- Resolution 1973-14: Continuing Education Program
- Resolution 1972-01: Blue Cover Certificate
- Resolution 1971-02: Board Resolution to Eliminate Issuance of Wallet Cards
- Resolution 1971-12: Resolution on Contents of Certificate Record
- Resolution 1971-16: Additional Registration and/or Certification Requirements
- Resolution 1970-01: Updating and Transmittal of Council Documents to Member Boards
- Resolution 1969-01: Continuing Improvements of NCARB Services
- Resolution 1969-04: Issuing Emeritus Certificates to Retired Past Presidents of NCARB
- Resolution 1967-02: Fee for Annual Review of Certificate Record
- Resolution 1964: Report and Recommendations of the Committee on U.S. Citizenship



- Resolution 1964: Review and Approval of Applications
- Resolution 1964: Report and Resolution to the Board of Directors of the NCARB
- Motion 1961: Violations in Council Records

FURTHERED RESOLVED, that upon the approval of the foregoing resolution by a majority of the Council Member Boards, such resolution will become effective immediately.

FINANCIAL IMPACTS:

- While there is no financial impact to sunset these resolutions, there may be a *negative* financial impact should certain resolutions (such as Resolution 1973-14) not be sunset.

SPONSORS' STATEMENT OF SUPPORT:

The Policy Advisory Committee is continuing a multi-year research project to identify historical policy or position-related resolutions that may no longer align with current Council practice or philosophy.

This year, the committee has reviewed resolutions dating from 1960 to 1979 that have been categorized as financial, records/process, experience, certification, or continuing education policies. Additional resolutions to clean up NCARB policies are expected over the next several years as the Council works to develop a more user-friendly resolution archive.

ADVOCATES:

- **Policy Advisory Committee**
 - Chair: Jennifer R. Arbuckle, NCARB, AIA, LEED AP
 - Linda Alfson Schemmel, AIA, NCARB
 - Emily Cronbaugh, Wyoming Member Board Executive
 - James Devine, NCARB, AIA, LEED AP, North Dakota Member Board Member
 - Leslie Hanska, Oklahoma Member Board Executive
 - Miguel A. Rodriguez, FAIA, NCARB, NOMA, Florida Member Board Member
 - Tara Rothwell, AIA, NCARB, LEED AP, New Mexico Member Board Member
 - Edward W. Tucker, FAIA, NCARB, West Virginia Member Board Member

RESOURCES:

- [Appendix D: NCARB Policy Resolutions to Sunset: 1960-1979, Part 1](#)



Strategic Plan Objective:  Stakeholder Systems, Tools, and Resources

RESOLUTION 2023-04

This resolution is supported by the NCARB Board of Directors 14-0.

TITLE: NCARB *Model Rules of Conduct* Amendment – Ethics Updates

SUBMITTED BY: Council Board of Directors

WHEREAS, the Board of Directors charged the FY22 Ethics Work Group to compare NCARB’s ethics-related policies to best practices demonstrated by other organizations and professions; and

WHEREAS, the FY22 Ethics Work Group, upon such evaluation, has recommended that certain clarifications and updates be made to the *Model Rules of Conduct* are appropriate based on the importance of ethical behavior, as expressed by NCARB Member Boards and the Board of Directors; and

WHEREAS, the *NCARB Model Rules of Conduct* may only be changed by an absolute majority vote of the Council Member Boards (28 votes), with such change becoming effective at the time specified in this resolution; and

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that Rule 2 of the *Model Rules of Conduct* be revised to insert the following language as a new subsection immediately following Rule 2.5:

“2.6 An architect serving in a public capacity, whether paid or voluntary, shall not accept payments or gifts that are intended to influence the architect’s professional judgment.”

FURTHER RESOLVED, that Rules 4.3, 4.4, and 4.5 of the *Model Rules of Conduct* be renumbered as Rules 4.4, 4.5, and 4.6, respectively;

FURTHER RESOLVED, that a new Rule 4.3 be added, which will provide the following:

“4.3 An architect shall not counsel or assist a client in conduct that the architect knows, or reasonably should know, is fraudulent or illegal.”

FURTHER RESOLVED, that a new Rule 6 comprising the following language be inserted into the *Model Rules of Conduct* immediately following Rule 5:

RULE 6 FURTHER OBLIGATIONS TO THE PROFESSION AND THE PUBLIC

6.1 An architect serving as an AXP Supervisor for a candidate for licensure shall reasonably assist the candidate in proper and timely documentation in accordance with that program.”

FURTHER RESOLVED, that upon the approval of the changes by an absolute majority vote of the Council Member Boards, such changes will become effective July 1, 2023.

FINANCIAL IMPACT:

- No financial impact.



SPONSORS' STATEMENT OF SUPPORT:

In FY22, President Alfred Vidaurri continued a multi-year emphasis on ethics in the profession of architecture and the Council's operations by assembling the Ethics Work Group. While the work group reviewed ethics in education, continuing education, and the practice of other professions, the changes recommended here are limited to the Council's *Model Rules of Conduct*.

Proposed Rule 2.6: **"An architect serving in a public capacity, whether paid or voluntary, shall not accept payments or gifts that are intended to influence the architect's professional judgment."**

While the existing sections of Rule 2 address a variety of situations that are conflicts of interest, they are primarily limited to relationships with the client or contractor. The existing rule does not explicitly address bribery, nor further interests of the public. The proposed addition of 2.6 clearly states that the architect will not accept payment to influence the architect's professional judgment. This provides an additional layer of protection to the public, for example when an architect is testifying in public hearings, serving on public boards, or in any role of advocacy regardless of client involvement.

Proposed Rule 4.3 **"An architect shall not counsel or assist a client in conduct that the architect knows, or reasonably should know, is fraudulent or illegal."**

The proposed addition of Rule 4.3 makes explicit the architect's moral obligation to the public and the rule of law. This aligns with the *AIA Code of Ethics and Professional Conduct* section 2.106. The Ethics Work Group found that this provision in the *AIA Code* was applicable to licensees broadly, and absent from the *Model Rules*.

The structure of the current rules is topical, and the proposed rules 6.1 did not fit within the existing headings, thus a new Rule 6 is proposed to include "Further Obligations to the Profession and the Public."

Proposed Rule 6.1: **"An architect serving as an AXP Supervisor for a candidate for licensure shall reasonably assist the candidate in proper and timely documentation in accordance with that program."**

While the guiding principles at the beginning of the *Model Rules* explicitly mention the inclusion of several rules for AXP supervisors to support AXP candidates, there is actually only one corresponding rule, which addresses only inappropriate relationships and the supervisor's objectivity (Rule 2.5). There are no rules related to the supervisor's active support of a licensure candidate in completing AXP or achieving licensure.

From the guiding principles, page 5:

"Architects who act as Architectural Experience Program (AXP) Supervisors of candidates for licensure play a critical role in the protection of the public and a central role in the training of future license holders. NCARB and the jurisdictional licensing boards rely on AXP Supervisors to both confirm that the expected experience has been gained and to serve as the primary "quality assurance" guarantor regarding the efficacy of the candidate's experience. Accordingly, these *Model Rules of Conduct* **include several provisions intended to protect the integrity of the experience verification process and other elements of the qualifications reporting system that jurisdictional licensing boards rely on when making licensure decisions.**" (emphasis added)

The text of proposed Rule 6.1 adds a corresponding Rule implied by this principle and mirrors the language of the *AIA Code* Rule 5.201.



These additions ensure the *Model Rules of Conduct* remain up-to-date and reflect many of the current ethical conflicts architects may face in their day-to-day work.


ADVOCATES:

- **FY22 Ethics Work Group**
 - Chair: Jorge Calderón López, AIA, Esq., Puerto Rico Member Board Member
 - Larry W. Bishop, NCARB, Mississippi Member Board Member
 - Ann M. Borys, Ph.D., AIA
 - Robert (Bob) A. Boynton, FAIA
 - Philip H. Cerrone III, AIA, NCARB, Connecticut Member Board Member
 - Paul D. Edmeades, RA, AIA, NCARB, Maryland Member Board Member
 - M. Bradley Gaskins, AIA, CASp, NCARB, Oklahoma Member Board Member
 - Elizabeth A. Glasgow, AIA, NCARB, Oklahoma Member Board Member
 - Mary McClenaghan, AIA, NCARB, Pennsylvania Member Board Member
 - Susan B. McClymonds, FAIA, CSI, CSS, SCIP, NCARB
 - David C. Schulz, AIA, PP, AUA, New Jersey Member Board Member
 - R. K. Stewart, FAIA, NCARB, Hon. FRAIC, Hon. JIA

RESOURCES:

- [NCARB Model Rules of Conduct](#)



Strategic Plan Objective:  Future-Focused Research and Development

RESOLUTION 2023-05

This resolution is supported by the NCARB Board of Directors 14-0.

TITLE: Amendment and Restatement of the *NCARB Bylaws* - Governance

SUBMITTED BY: Council Board of Directors

WHEREAS, the Council Board of Directors has charged the Governance Work Group with assessing the current NCARB governance structure and identifying opportunities to evolve in alignment with best governance practices and with an eye to diversity, equity, and inclusion; and

WHEREAS, the Governance Work Group has recommended after careful consideration that it is advisable to amend and restate the *NCARB Bylaws* to adopt a new governance structure for the Council; and

WHEREAS, the *NCARB Bylaws* may only be changed by a two-thirds majority (37) vote of the Council Member Boards,

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the *NCARB Bylaws* are hereby amended and restated in the form attached hereto in Appendix E; and

FURTHER RESOLVED, that the Council staff be authorized to correct article and section designations, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the intent of the delegates; and

FURTHER RESOLVED, that such amended and restated *Bylaws* will become effective as of the adjournment of the 2023 Annual Business Meeting.

FINANCIAL IMPACT:

- This resolution will have a minimal financial impact. An estimated \$80,000 over a two year period to account for an extra Board of Director member travel to Board, committee, and other major meetings of the Council.

SPONSORS' STATEMENT OF SUPPORT:

This year, the Board of Directors undertook a study to assess the current NCARB governance structure to identify opportunities to evolve in alignment with best governance practices and to encourage diversity, equity, and inclusion (DEI) on the Board and within the volunteer culture. The Board of Directors has taken all membership feedback under advisement to develop a final 2023 resolution proposal to amend and restate the *NCARB Bylaws*.

Resolution 2023-05: Amended and Restated Bylaws offers exciting opportunities to add new perspectives to the NCARB Board of Directors, reduce the timeline to Board leadership, and remove some of the qualification impediments from the current *Bylaws*. This resolution incorporates the original recommendations from the 2021 Diversity Collaborative (subsequently established as the DEI Committee) to reduce the number of officer positions from six to four and add two At-Large positions. The highlights from the resolution's proposed changes include:



- Opportunity to provide the Board with new perspectives by establishing At-Large Director positions.
- The addition of volunteer experience as a valid qualification for At-Large Director positions.
- The timeline to Board leadership is reduced by eliminating two officer positions.
- Removal of the requirement for Member Board service to have occurred within one year of nomination to the Board removes an impediment to individuals whose Member Boards mandate short tenures or to those who are no longer on their Member Boards, but aspire to serve on the Board.

Overview of Proposed Changes

All six Regional Director positions are retained with no adjustments to the regional map; two at-large director positions are added; two officer positions are eliminated (merge Secretary/Treasurer and eliminate Second Vice President). Member Board experience is required for all Board positions except At-Large Directors; At-Large Directors qualify either with experience as a Member Board Member or as an NCARB volunteer for at least two years. There will be no Nominating Committee; candidates will self-nominate for all positions, with volunteer leaders encouraged to recruit eligible individuals from various backgrounds. The Secretary/Treasurer candidate(s) must serve at least two years on the Board; and then the elected Secretary/Treasurer will automatically move up to Vice President, President, and Immediate Past President. A transition plan will calibrate moving to the new model over three years commencing with the 2024 Annual Business Meeting (ABM). These changes will increase the pool of qualified applicants, streamline the leadership timeline, and enable the opportunity for greater flexibility in paths to Bovard participation and greater diversity—from multiple perspectives—in Board composition.

Benefits:

- Increase the pool of qualified applicants by removing the one-year window for Member Board service and adding a path to the Board separate from regional nomination.
- Streamline the leadership timeline by removing two officer positions.
- Enable greater candidate flexibility and diversity.
- Timeline for Changes to Board Positions:
- Add two At-Large Director positions, elected at 2024 ABM.
- Merge Secretary and Treasurer positions, effective at the close of the 2024 ABM, with the incumbent Secretary to continue as new Secretary/Treasurer.
- Eliminate Second Vice President position, effective at the close of the 2026 ABM.
- All other existing positions would remain as-is (i.e., six Regional Directors, Public Director, MBE Director).
- You can review the complete transition plan in Appendix F.

At-Large Directors:

- Must have served two years on a Member Board or as an NCARB volunteer (at any time).
- Do not need to be architects.
- Would self-nominate.

Changes to Elections:

- Merged Secretary/Treasurer would automatically succeed to the Vice President position.
- Membership would elect two at-large directors from the available candidates.



- Election for at-large director positions will use plurality voting—meaning the person(s) with the most votes will win, even if they do not have 50 percent of the vote. This voting method will minimize the need for additional rounds of voting.
- All other elections remain as-is.

Other Changes:

- Clarification that all officers must have Member Board experience.
- Removal of requirement that Member Board service for Regional, MBE, and Public Directors must have been within one year of nomination. Now candidates must have at least two years of experience on a Member Board, but there is no time limit on when that service occurs.
- Secretary/Treasurer position will require two years of experience on the Board of Directors in the most recent five years, effective 2027.
- **NO** Nominating Committee—Credentials Committee will review qualifications for all available candidates; others within the organization will recruit multiple candidates for open At-Large Director positions; and all candidacies will self-declare.
- Changes would go into effect through a multi-year transition plan, detailed in the resolution appendices. The transition is expected to be completed at the 2026 Annual Business Meeting.

What's Staying the Same:

- Regional Directors
- Requirement for all architect Board members (Directors and Officers) to have an NCARB Certificate (will be reviewed in FY24)
- Regional (and At-Large) Directors will be eligible to serve a maximum of two consecutive one-year terms, with the option to return to the Board later.
- Candidates for Secretary/Treasurer, Public Director, and At-Large Directors will be able to declare at the Annual Business meeting by the deadline determined by the Credentials Committee (current practice is to file no later than the close of the first business session during ABM)

Based on feedback from the Board of Directors, First Vice President/President-elect Jon Baker indicated his commitment to continue discussion regarding the feasibility of more governance adjustments in the coming years.

Background

This resolution was informed by efforts begun in 2019 by the then-Diversity Collaborative (now DEI Committee), which identified member concerns about the Council's current governance model, including the structured regional governance path as the perceived only path to Board service, lengthy timelines from initial Board service through the Presidency/Past Presidency that disincentivized opportunities to serve, and under-representation by demographically diverse individuals in comparison to those diversities in communities served by NCARB.

The Diversity Collaborative submitted two resolutions for Board consideration in 2021. One resolution was passed by the membership reducing the timeline on the leadership path by one year by adjusting the maximum tenure of regional directors from three consecutive terms to two. The second resolution proposed eliminating the Second Vice President position, merging the Secretary and Treasurer positions, and adding two At-Large positions. The Board of Directors tabled this second proposed resolution, requesting time to engage consultants with expertise in governance and diversity/equity/inclusion and further engage the membership regarding possible new governance models.



NCARB consultants facilitated 10 listening sessions in summer 2021 with Member Board Members from underrepresented groups to seek additional insights regarding the path to NCARB leadership. These sessions identified perceived cultural and actual impediments to their interest in serving on the NCARB Board of Directors. Then-President Alfred Vidaurri Jr., NCARB, NOMA, FAIA, initiated Board and key volunteer training on pursuing a more diverse, equitable, and inclusive community of leaders and issued a mid-year status report titled [Discernment Regarding NCARB Culture, DEI, and Governance](#) in spring 2022.

In 2022, President Bayliss Ward, NCARB, AIA, appointed a Governance Work Group and a governance expert to develop and socialize with NCARB membership possible governance frameworks that would encourage DEI on the Board by eliminating unnecessary impediments or unconscious bias along the leadership path. Three frameworks were posited, and NCARB members provided feedback through numerous engagement sessions conducted from October 2022 through March 2023. Member feedback sessions included: six Zoom listening sessions; meetings with the Regional Leadership and DEI Committees; a breakout session with Member Board Chairs at the Member Board Chairs/Member Board Executives Leadership Summit; a Regional Summit plenary followed by visits from the Governance Work Group with each region; correspondence submitted by several Member Boards, Member Board Members, and regions; and robust participation by a large segment of Member Board Members in a governance survey in March 2023.

Resolution 2023-05 incorporates the original proposal from the DEI Collaborative and goes further by adding a new leadership path and removing some longstanding restrictions.

ADVOCATES:

- **FY23 Board of Directors**
 - Bayliss Ward, NCARB, AIA; President/Chair of the Board
 - Jon Alan Baker, FAIA, NCARB, LEED AP; First Vice President/President-elect
 - Kenneth R. Van Tine, AIA, NCARB, LEED AP; Second Vice President
 - Edward T. Marley, NCARB, AIA, LEED AP; Treasurer
 - John Patrick Rademacher, AIA, NCARB; Secretary
 - Alfred Vidaurri Jr., NCARB, NOMA, FAIA; Past President
 - Janet L. Hansen, NCARB, LEED AP; Director, Region 1
 - George H. Miller, FAIA; Director, Region 2
 - Richard H. McNeel, NCARB, AIA, LEED AP; Director, Region 3
 - Margaret (Meg) S. Parsons, FAIA, NCARB, LEED AP BD+C, ALEP; Director, Region 4
 - Lenora A. Isom, RA, NCARB; Director, Region 5
 - Sylvia Kwan, FAIA, LEED AP; Director, Region 6
 - Gary R. Ey, CDT; Public Director
 - Cathe M. Evans, Member Board Executive Director



- **FY23 Governance Work Group**
 - Jennifer R. Arbuckle, NCARB, AIA, LEED AP, Region 1 Chair, Former Chair – DEI Collaborative
 - Jon Alan Baker, FAIA, NCARB, LEED AP, NCARB First Vice President/President-elect
 - Cathy Morrison, AIA, LEED AP BD+C, NCARB, Region 3 Secretary/Treasurer
 - Coffee Polk, AIA, NCARB, FY23 Exam Committee Member, Former Re-Think Tank Member
 - Alfred Vidaurri Jr., NCARB, NOMA, FAIA, NCARB Immediate Past President

RESOURCES

- [Appendix E: Proposed NCARB Bylaws Updates](#)
- [Appendix F: Proposed Transition Model](#)



Appendix A:

Mississippi Board's Proposed 2023 Resolution:
Memorandum from the NCARB Board of Directors

MEMORANDUM

To: NCARB **Membership**

From: **NCARB Board of Directors**

Date: **May 8, 2023**

Re: Mississippi Board's Proposed Resolution

The Mississippi Board has proposed a resolution for the 2023 Annual Business Meeting to amend the *Model Regulations* to include a footnote recommending that jurisdictions consider, for enforcement purposes, additional criteria surrounding what it means for an architect to exercise "Responsible Control" over a project.

A comprehensive memorandum from our legal counsel, Venable LLP, is attached for your review. As explained below, the Venable opinion leads us to conclude that this proposed modification is misplaced within the Model Regulations and, if adopted, would cause confusion. Moreover, just last year, the Model Law Task Force suggested, and the membership adopted, the current definition of "Responsible Control" to replace the previous definition of "responsible charge." We are concerned that the current proposal is a disservice to those efforts and to NCARB's larger objectives of promoting standardization across our Member Boards' laws and regulations. Therefore, **we** request that **the** membership **consider** voting against the resolution.

Summary of the Resolution

The resolution would add a footnote to Regulation 401.1 suggesting that jurisdictions consider adopting certain additional criteria defining what it means to exercise "responsible control." The Mississippi Board believes this would improve oversight and enforcement when overseeing work under an architect's Responsible Control.

If technical submissions are prepared by non-architects or licensed architects, alike, then the amendment would suggest that jurisdictions consider work "prepared by individuals under the Architect's Responsible Control" to require all three of the following:

1. Direct contact between the client and the Architect or the Architect's employee so long as the Architect has the right to

control and direct the employee in the material details of how the work is to be performed; and

2. Involvement in the preparation of Technical Submissions prior to their completion; and
3. Review, or review and correction, of final Technical Submissions. Mere review of work prepared by others outside of the Architect's employ does not constitute control.

The *Model Law and Regulations* as adopted last year specified that an architect could sign and seal documents if the work was done under the Responsible Control of the signing architect. The proposal suggests significant limitations on the flexible concept of Responsible Control adopted last year with the inclusions of these the three new criteria.

Reasons to Recommend Against the Resolution

Based on the substantive changes, the Venable analysis along with the recent history of the Model Law Task Force work leads to five principal reasons why the resolution proposed by Mississippi should be rejected:

1. The Model Law Task Force spent several years updating the NCARB *Model Law and Regulations* to "modernize the document and provide a more relevant, useful tool for its members." As part of its review, the scope of the definition of "responsible control" (previously "responsible charge") was updated to provide greater flexibility to accommodate the continuously evolving practice of architecture. These changes would be a step backwards because they hamper, not embrace, flexibility.
2. The proposed changes appear to be out of step with what most jurisdictions do. Each jurisdiction makes its own rules, but the *Model Law and Regulations* are designed to provide legislators and regulators with what NCARB's membership believes to be best practices for regulation. The changes proposed would significantly alter what was approved just last year with no material benefits to show for the effort.
3. The proposal makes changes to the Architect Seal regulation without changing the statutory definition of responsible control. Dividing the concept of "responsible control" between NCARB's *Model Law* and its *Model Regulations* is unhelpful for users, be they fellow member boards, state legislatures, or policy makers.

4. Responsible control comes up in the *Model Law* both in the section on sealing and in the section on unauthorized practice. Specifically, if someone is under the responsible control of an architect they are not engaged in the practice of architecture (which would be unauthorized if done by a non-architect). By imposing these additional requirements in the signing section but not changing the definition of responsible control, there would be an imbalance in the statute that would allow non-architects to engage in certain activity if under the responsible control of an architect, but still produce work that could not be signed and sealed by an architect.
5. Because the additional language is framed as optional—to be adopted by jurisdictions at their choosing based on their own enforcement frameworks—its inclusion in NCARB’s model documents would amount to NCARB-sanctioned variation between jurisdictions. This directly conflicts with one of NCARB’s overarching objectives to promote unity and standardization of licensing frameworks among member boards.



Appendix B:

Legal Analysis: Memorandum from
Venable Law Firm

CONFIDENTIAL: SUBJECT TO ATTORNEY-CLIENT PRIVILEGE

memorandum

TO	<i>National Council of Architectural Registration Boards</i>	DATE	April 11, 2023
FROM	Ronald M. Jacobs Cristina I. Vessels Brian M. Melnyk	EMAIL	RMJacobs@Venable.com
		PHONE	202.344.8215
RE	Legal Analysis of the March 2023 Mississippi Member Board Resolution		

I. Introduction and Executive Summary

You asked for a legal analysis of the resolution the Mississippi Board of Architects plans to introduce at the 2023 Annual Business Meeting to further define “Responsible Control” in the NCARB *Model Law and Regulations* (the “Resolution”). The Resolution is the third iteration of the proposed amendment to this term and reverts to the Mississippi Board’s original proposal from December 2022.

In short, the Resolution proposes to add a footnote to Regulation 401.1 (Architect Seal) to specify additional criteria that member boards may *choose* to adopt regarding when an architect may sign and seal a document. The expanded explanation for the term would suggest that jurisdictions consider certain additional details “for enforcement purposes” when overseeing work under an Architect’s Responsible Control.

Although some jurisdictions may already have a similar augmented Responsible Control standard in their laws or rules, the amendment may result in several negative consequences. Specifically, the augmented Responsible Control standard would be contrary to the changes made to the *Model Law* in 2022 that broadened the scope of Responsible Control to add flexibility to how modern architects practice when working with others (both architects and non-architects). It would weaken the carefully thought-out definition of Responsible Control by placing material limitations on the scope of the term in the regulatory section related to sealing documents. In addition, the placement of the additional language in a regulatory footnote, as well as the vagueness of the “framing” language, may lead to unnecessary confusion among the member boards and harm NCARB’s efforts to standardize licensing requirements among all U.S. jurisdictions.

This memorandum provides background on the current Responsible Control definition, explains the scope and possible consequences of the Resolution if it is adopted, and presents suggestions to revise the Resolution to mitigate negative consequences.



II. Background on the Definition of Responsible Control

At NCARB's 2022 Annual Business Meeting, member boards voted 53 to 1 to replace the definition of "Responsible Charge" with a definition of Responsible Control in of the *Model Law and Regulations*.¹

Responsible Charge meant: "The control over and detailed professional knowledge of the development and execution of the project, including Technical Submissions, as is ordinarily exercised by an Architect applying the required professional standard of care."

Responsible Control now means: "Responsibility for exercising the ultimate authority over, and possessing the knowledge and ability to oversee, delegate, and integrate the design and technical decisions related to the preparation of the project's instruments of service and the project's implementation in conformance with the standard of care."²

The *Model Law* uses the term Responsible Control (and previously used Responsible Charge) in two distinct, yet related areas. Article V, Section 401(2) requires Technical Submissions to be stamped by an architect who has Responsible Control for the project. The implementing regulations specify that an architect may seal documents if "[p]repared by individuals under the Architect's Responsible Control." Model Regulation 401.1(1)(b). In addition, Article I, Section 104(5) of the *Model Law* excludes from the practice of architecture work done by an unlicensed individual that would otherwise constitute the practice of architecture as long as it is done under the supervision of a licensed architect such that the licensed architect exercises Responsible Control for the project. Thus, an architect can seal documents prepared by others under the architect's Responsible Control and such individuals are not engaged in the unauthorized practice of architecture if they are under the architect's Responsible Control.

III. Summary of the Mississippi Member Board's Proposed Resolution

In its current form,³ the Resolution would add a footnote to R401.1 (Architect Seal) in the *Model Regulations* to recommend additional criteria regarding Responsible Control. Specifically, the footnote would state that jurisdictions may consider a stricter definition of Responsible Control that requires:

¹ NCARB, *Press Release: Summary Report of Vote on Resolutions at NCARB's 2022 Annual Business Meeting* (June 4, 2022), <https://www.ncarb.org/press/summary-report-of-vote-resolutions-ncarb-s-2022-annual-business-meeting>.

² NCARB *Model Law and Regulations* § 103(16) (June 2022), <https://www.ncarb.org/sites/default/files/LegislativeGuidelines.pdf>.

³ Attached hereto as Exhibit A.



1. Direct contact between the client and the Architect or the Architect's employee so long as the Architect has the right to control and direct the employee in the material details of how the work is to be performed; and
2. Involvement in the preparation of Technical Submissions prior to their completion; and
3. Review, or review and correction, of final Technical Submissions. Mere review of work prepared by others outside of the Architect's employ does not constitute the exercise of Responsible Control.

The Mississippi Board posits that some jurisdictions may choose to adopt the footnote, or otherwise incorporate the recommendations into those jurisdictions' existing regulations, based on the enforcement standards of each such jurisdiction. The Mississippi Board states the definition of Responsible Control "lacks clarity and specificity," which could hinder enforcement efforts and render licensees uncertain as to whether they are practicing in compliance with the laws and regulations. The Mississippi Board expresses concern that the "[t]erms such as 'oversee,' 'delegate,' and 'integrate' are ambiguous and subject to a variety of interpretations."

IV. Legal Analysis and Effects of Adopting the Resolution

The Resolution, if adopted, would suggest states impose stricter requirements for overseeing the work of those under the "Architect's Responsible Control" in the jurisdictions that chose to adopt them. The three additional criteria were not found in the older definition of Responsible Charge and are not in the current definition of Responsible Control. These changes may or may not be in line with current practice in various jurisdictions. Whether these requirements should be set forth as the aspirational goal of the *Model Law* is a policy judgment for the Members and should not be included in NCARB's model documents.

In addition, member boards should consider:

1. **The placement of the additional Responsible Control criteria in a footnote to R.401.1 complicates how regulated parties understand the term.** The additional criteria surrounding Responsible Control is currently placed in a footnote to Model Regulation 401.1, which governs the use of an Architect Seal and lists requirements for Technical Submissions. This placement unnecessarily divides the concept of Responsible Control since other references to this term appear in other sections.
2. **The additional Responsible Control criteria would be inappropriate to include in a regulatory footnote.** Furthermore, the footnote's attachment to the Architect Seal regulation is not germane; if its text were to be included as a footnote, it would be more appropriate to attach the footnote to the statutory definition of

Responsible Control. The *Model Law and Regulations* should be a simple resource for member boards and state legislatures, not a confusing map that forces policy makers to search for piecemeal provisions in a lengthy document. The more difficult the *Model Law and Regulations* are to interpret, the less likely state policy makers will look to these paired documents for guidance.

3. **Because the additional Responsible Control language is framed as optional, the Resolution, if adopted, may encourage variation among the NCARB jurisdictions, which is counter to NCARB's overarching goal of standardization.** The primary purpose of publishing the *Model Law and Regulations* is to encourage jurisdictions to adopt standardized licensing laws and regulations. Standardization has numerous benefits, including, for example, protecting the public's health, safety, and welfare by ensuring architects satisfy rigorous educational, experience, and examination requirements that demonstrate an architect's competence to practice. Standardization also encourages reciprocal licensure to allow architects to move more freely from jurisdiction to jurisdiction, thereby reducing barriers to an individual's ability to pursue the right to make a living in their desired location.

Offering a buffet of options to various jurisdictions through the *Model Law and Regulations* generally runs counter to these goals and would inevitably lead to, effectively, NCARB-sanctioned variation among jurisdictions. Of course, variation already exists, and universal adoption of the exact same statutes and regulations is impractical. Moreover, some jurisdictions already apply concepts like the Responsible Control standards proposed in the Resolution, either formally in statutes or regulations, informally through guidance and practices, or in case law. Thus, adoption of the proposed language may be consistent with some jurisdictions' current procedures. Even so, the overarching principle for uniformity would be undermined by NCARB's adoption of this change.

4. **The new recommendations for sealing technical submissions do not change the exemptions from the unauthorized practice of architecture.** The Responsible Control definition is used primarily to define when an Architect may seal a document. But, as noted above, it also is used to exempt non-licensed individuals acting under the Responsible Control of an Architect from unlawfully engaging in the unauthorized practice of architecture. The optional new requirements for sealing are more restrictive than the current definition of Responsible Control. As such, the exemption is now broader than the sealing requirements, meaning someone could engage in activities that would otherwise be regulated as the practice of architecture, and an Architect could still not be allowed to use their work in a document to be sealed.



V. Proposed Revisions to the Resolution and Related Recommendations

Should NCARB choose not to formally oppose the Resolution, NCARB should consider proposing certain edits to the Resolution to mitigate the negative consequences identified above.

Specifically, to address the placement concerns addressed above, NCARB may propose attaching the footnote to the statutory definition of Responsible Control in section 103 of the *Model Law*. This alternative has the benefit of consolidating the Responsible Control concept into a single place in the *Model Law and Regulations*. Member boards and state legislatures would not need to reference multiple areas of the *Model Law and Regulations* when determining whether the adoption of the supplemental language is consistent with their respective regulatory practices.

Furthermore, to clarify the purpose of the proposed footnote and resolve inconsistencies while still accommodating minor nuances existing among the NCARB jurisdictions, we recommend that the Resolution be clear that, if a jurisdiction decides to adopt the supplemental language, it should incorporate the new language in a new supplemental *regulatory* definition in R103. Although the footnote explaining the language should be attached to the statutory definition for ease of reference, the statutory definition itself should not be modified if a jurisdiction decides to take this approach. Also, the footnote should not encourage jurisdictions to further modify or delete other provisions of the regulatory definition, which would lead to more unpredictable variation among the jurisdictions.

This approach is preferable because the *Model Law* is the bedrock of NCARB's standardization efforts. Once codified, statutes are harder to amend than regulations, so it should be a priority to encourage adoption of NCARB's most preferred language in the statutes, with as little (to no) variation as possible. Regulations, on the other hand, are a better vehicle to incorporate jurisdictional nuances and evolving architecture practices because they are more easily amended.

With these recommendations in mind, should NCARB decide to move ahead with this proposal, it would be advisable to change the text of the Resolution as follows:

RESOLVED, that the following footnote be added to the definition for "Responsible Charge" in paragraph 16 of Section 103 of the *NCARB Model Law and Regulations*:

[Footnote] ~~For enforcement purposes some Jurisdictions may wish to add clarifying language noting that Responsible Control shall require:~~ To reflect jurisdictional-specific enforcement practices and standards governing the preparation of technical plans, project development and implementation, and



the use of the Architect Seal, a Jurisdiction may add the following supplemental definition to R103 of the *NCARB Model Law and Regulations*:

X) **Responsible Control** – The definition of Responsible Control in Section 103(16) requires:

- a. Direct contact between the client and the Architect or the Architect’s employee so long as the Architect has the right to control and direct the employee in the material details of how the work is to be performed; and
- b. Involvement in the preparation of Technical Submissions prior to their completion; and
- c. Review, or review and correction, of final Technical Submissions. Mere review of work prepared by others outside of the Architect’s employ does not constitute the exercise of Responsible Control.

~~Jurisdictions including the additional criteria above may choose to modify or delete the other provisions of this regulation accordingly.~~

* * * * *

If you have any questions or would like further information on any of the issues raised here, please do not hesitate to let us know.



Appendix C:

NCARB Education Policy Resolutions to Sunset:
1960-1999

Appendix C

NCARB Education Policy Resolutions to Sunset: 1960-1999

Project Background

In FY19, Board discussions unveiled a resolution from 2000 that dictated an NCARB position on an issue/policy that, in 2020, no longer aligned with current practice or philosophy. Evaluation of the resolution was assigned to a task force for review and discussion, but led the Board to question the status of other resolutions that dictated official NCARB policy or position. Policies or positions implemented by membership vote remain active unless the membership takes a follow-up action to sunset it, provides a deadline, or includes information granting authority of future adjustments to another party in the resolution.

NCARB staff began a research project to evaluate the status of all historical NCARB resolutions, and the Policy Advisory Committee (PAC) has been asked to make recommendations to the NCARB Board of Directors on whether the resolutions should remain NCARB policy or sunset.

The resolutions are being reviewed by category, and the first set of policies were sunset in FY21. This year, the PAC conducted a holistic review of active education-related policy resolutions, including those from 1960-1999.

Additional resolutions from more categories and decades will be reviewed over the next several years as NCARB cleans up its resolution database.

Resolutions Recommended for Sunset as part of Resolution 2023-02:

Resolution 1999-15: No Sunset for Broadly Experienced Architect Alternative

“RESOLVED, that, notwithstanding Resolution 96-7 which, among other things, ended, effective July 1, 2000, the broadly experienced architect alternative to the degree requirement, a broadly experienced architect, without an accredited degree, whose qualifications are described in *NCARB Education Standard*, shall continue to be eligible for Council certification.”

Rationale: This resolution continues the alternative paths for architects without a NAAB-accredited degree. It also was intended to maintain the two-year window around NAAB accreditation when evaluating degrees (established in 1996-07, below). Sunsetting this resolution has no impact on current requirements since those are embedded in the NCARB Certification Requirements, which also require a resolution to update. However, sunsetting this resolution ensures that NCARB will not be in conflict with past policy resolutions should membership ever desire to update the education requirements.

Resolution 1996-07: Sunsetting Alternate Education Route

“RESOLVED, that, effective July 1, 2000, all applicants for Council certification, except applicants with a degree in the field of architecture granted by an academic institution outside the United States and Canada, must hold a professional degree in architecture where the degree program has been accredited by the National Architectural Accrediting Board (NAAB) not later than two years after graduation.”

Rationale: This resolution was intended to sunset the education alternative routes, while also establishing a two-year window for NAAB accreditation. However, this resolution seems to be in conflict with Resolution 1999-15, although both are still active. NCARB does offer alternative programs for individuals with backgrounds not included in this resolution. Sunsetting this resolution has no impact on current requirements since those are embedded in the NCARB Certification Requirements, which also require a resolution to update. Sunsetting this resolution ensures that NCARB will not be in conflict with past policy resolutions should membership ever desire to update the education requirements.

Resolution 1994-02: Sunsetting EESA For All But Foreign-Educated and Broadly Experienced Applicants

“RESOLVED, that effective July 1, 2000, all applicants for Council certification, except broadly experienced architects and foreign-educated applicants, must hold a professional degree in architecture where the degree program has been accredited by the National Architectural Accrediting Board not later than two years after the degree was received. The foregoing requirement shall not apply to persons seeking reinstatement of a certificate or to foreign-educated applicants who may continue to satisfy the education requirements through the Education Evaluation Services for Architects (EESA) process. Foreign-educated applicants shall mean persons holding a professional degree in architecture from an institution in a country (other than in the United States or Canada) whose regulating authority recognizes the degree. Broadly experienced architects are those applicants whose qualifications are described in Section II, Sub-section 5 of the NCARB Circular of Information No. 3.”

Rationale: NCARB does offer the alternative paths mentioned in this resolution. However, NCARB does still allow the EESA option. Sunsetting this resolution has no impact on current requirements since those are embedded in the NCARB Certification Requirements, which also require a resolution to update. Sunsetting this resolution ensures that NCARB will not be in conflict with past policy resolutions should membership ever desire to update the education requirements.

Resolution 1983-01: Certification For Applicants Without Degree Who Meet Existing Standards

“RESOLVED, that, notwithstanding Resolution 14 of the 1980 Annual Meeting and Resolution 3 of the 1981 Annual Meeting, applicants for Council certification who, on or before July 1, 1984, have at least 5 years of education credits in accordance with Appendix “A” to Circular of Information No. 1, released July 1983, shall be deemed to have met the educational requirements for certification.”

Rationale: This resolution updated the Circular of Information, and would have been modified by following resolutions in 1984. However, this resolution is still listed in the active resolutions index document from 2002; sunseting it would clarify that it is no longer active.

Resolution 1983-05: To Accept Alternate Education in Lieu of an Accredited Degree

“RESOLVED, that, notwithstanding Resolution 14 of the 1980 Annual Meeting and Resolution 3 of the 1981 Annual Meeting, applicants for Council certification, after July 1, 1984, without an accredited degree but meeting all other Council criteria, whose education is deemed by the Education Evaluation Committee to meet the Education Criteria adopted by the Council, shall be granted certification.”

Rationale: NCARB’s current Education Alternative pathways fulfill this requirement. Sunseting this resolution has no impact on current requirements since those are embedded in the NCARB Certification Requirements, which also require a resolution to update. Sunseting this resolution ensures that NCARB will not be in conflict with past policy resolutions should membership ever desire to update the education requirements.

Resolution 1980-13: Preparation of State Versions of Appendices “A” and “B”

“RESOLVED, That the Council Board of Directors be directed to prepare a modified version of Appendix “A” and Appendix “B” appropriate for adoption by Member Boards as their regulations describing requirements for registration, and that all Member Boards be encouraged to adopt such regulations as soon as feasible.”

Rationale: This resolution has two parts: 1) Updates to Appendix A and B, which were completed at the time, and those appendices were later incorporated into programmatic guidelines and/or retired. These appendices included suggested education, experience, and examination requirements. 2) Encouraging adoption of NCARB’s national standards. Sunseting this resolution has no impact on current NCARB requirements, but does ensure that Member Boards may maintain their current individual requirements for regulation of the profession within their jurisdiction.

Resolution 1980-14: Requirement of Bachelor's Degree for Certification

“RESOLVED, That every applicant for Council Certification who has not been registered for the practice of architecture by a Member Board by July 1, 1984, must hold a professional degree in architecture from an NAAB accredited program and that Appendices “A” and “B” be adjusted accordingly.”

Rationale: Adjustments were made by later resolutions to allow for additional options, but this policy did go into effect as the preferred education requirement for certification in 1984. Sunsetting this resolution has no impact on current requirements since those are embedded in the NCARB Certification Requirements, which also require a resolution to update. Sunsetting this resolution ensures that NCARB will not be in conflict with past policy resolutions should membership ever desire to update the education requirements.

Resolution 1979-03: All Conferences to Establish Meetings with their Educational Communities

“WHEREAS, The acceptance of a degree from an accredited school of architecture is a major consideration by Member Boards in the registration process, and thereby affects the health, safety and welfare of the public, and

WHEREAS, Through a lack of communication and understanding, a loss of confidence in the grading process had developed among the Member Boards, the Southern Conference initiated a continuing dialogue with Board members, ACSA and NAAB, and

WHEREAS, These meetings have restored confidence in the accrediting process, understanding of mutual problems and established closer ties among the Member Boards and the schools of architecture in the Southern Conference; now, therefore, be it

RESOLVED, That all Regions of NCARB make every effort to initiate similar meetings to improve communications with their educational community, to better understand the accrediting process, and to produce thereby the best possible architectural graduates to better serve the public.”

Rationale: Currently, about half of NCARB’s regions are not in compliance with this resolution (Regions 3, 4, 5, and 6 regularly hold a similar conference). Forcing regions to hold a similar conference could have a significant financial and administrative impact on regions that are not currently choosing to do so. Sunsetting this resolution ensures that regions can continue to engage with educators in their region in the way that suits their needs best.

Resolution 1978-25: Task Force to Define the Areas of Study Fundamental to the Practice of Architecture

“WHEREAS, The functional necessities of state registration boards require continual assurance that the national accreditation process includes among its principle concerns that satisfactory exposure and proficiency are required in areas of study fundamental to the practice of architecture, and

WHEREAS, Current NAAB accreditation processes do not provide such continual assurances, and

WHEREAS, There is sufficient reason to believe that such areas of study can be defined and that reasonable measures of satisfactory exposure and proficiency in such areas can be determined; now, therefore, be it

RESOLVED, That a task force of Member Board Members, educators, and representatives of NAAB be created by NCARB and charged with the responsibility of seeking a method of providing the assurance indicated above.”

Rationale: This resolution created a task force that no longer exists; the task force completed its work at the time and a recommendation was made that the 1979 Annual Meeting, resulting in future work. Now, NCARB is included in the accreditation process in a variety of ways, including with members on NAAB visiting teams. Sunsetting this resolution provides clarity that the work of the task force was completed at the time.

RESOLUTION 1969-7: Proposal to Grant the Title "Intern-Architect" or Other Title as May be Determined by the NCARB Board of Directors to Graduates of Accredited Architectural Schools and to Establish a Defined Internship Program and Record

This proposal includes:

- A. The granting (award) of a first-level professional recognition to the graduate of an accredited architectural school at the time of his receipt of his first professional degree. This recognition shall be called "Intern-Architect" and shall be awarded by the state registration board of his residency through the use of NCARB guidelines, the details of which are to be developed this coming year and presented at next year's Annual Convention for approval and implementation. It is not anticipated that this recognition will cause a statutory change in registration laws but can be accomplished by a change in each Member Board's rules and regulations. The procedures for award of this recognition should be according to a uniform NCARB procedure stated in its Circular of Information. This recognition in no way grants any degree of state registration but rather is a professional recognition of achievement in the ladder leading to professional registration.

- B. The establishment of an Internship Program of three years' duration that permits the flexibility of different kinds of experience for two years and requires one year of experience in a registered architect's office who is in private practice. This Internship Program would include the issuing, by the state registration board of his residency at the beginning of his internship and through the offices of NCARB, of an "Internship Architect Record" for the recording and verification of his experience by each of his employers. The details and structure of this procedure for implementation are to be studied this coming year by NCARB, the Member Boards and in cooperation with ALA. and reported to the next Annual Convention.

Rationale: This resolution has two parts: 1) Establishing the title "intern-architect" for graduates of NAAB-accredited programs (which NCARB is not in compliance with), and 2) Creating the experience program (which NCARB is in compliance with). Current jurisdictional requirements would not allow many of NCARB's members to enact part 1; NCARB's current policy is to encourage jurisdictions to determine their own titling per their laws and rules. Sunsetting this resolution has no impact on current requirements since those are embedded in official NCARB documents, which also require a resolution to update. Sunsetting this resolution ensures that NCARB will not be in conflict with past policy resolutions should membership ever desire to update the education requirements.

Resolution 1965: Foreign Education

"Proposal 1. That the Admissions Office of Accredited Schools of Architecture be requested to evaluate each applicant with a foreign school education in relation to its own standards.

- a. U. S. schools do this now for such candidates that want to continue or complete their education. A system of measurement is now in operation.
- b. The work to provide this evaluation would entail a cost to the school that should be borne by the applicant.
- c. A report direct from the Admissions Department to NCARB indicating full equality or partial credit in years of accomplishment will establish the individual applicants that will fit into the educational measurements in Circular of Information, No. 3-62.
- d. It is further recommended that one school in each of the same U. S. regions be enlisted to perform this service.

Proposal 2. That foreign practical training be recorded in the same manner required for applicants as indicated in Circular of Information, No. 3-62, including interpretations of 1964. That costs of translation of all records, references, etc., be borne by the applicant."

Rationale: Much of the purpose of this resolution is still in place through the EESA program. Sunsetting this resolution has no impact on current requirements since those are embedded in the NCARB Certification Requirements, which also require a resolution to update. Sunsetting this resolution ensures that NCARB will not be in conflict with past policy resolutions should membership ever desire to update the education requirements.



Appendix D:

NCARB Policy Resolutions to Sunset:
1960-1979, Part 1

Appendix D

NCARB Policy Resolutions to Sunset: 1960-1979, Part 1

Project Background

In FY19, Board discussions unveiled a resolution from 2000 that dictated an NCARB position on an issue/policy that, in 2020, no longer aligned with current practice or philosophy. Evaluation of the resolution was assigned to a task force for review and discussion, but led the Board to question the status of other resolutions that dictated official NCARB policy or position. Policies or positions implemented by membership vote remain active unless the membership takes a follow-up action to sunset it, provides a deadline, or includes information granting authority of future adjustments to another party in the resolution.

NCARB staff began a research project to evaluate the status of all historical NCARB resolutions, and the Policy Advisory Committee (PAC) has been asked to make recommendations to the NCARB Board of Directors on whether the resolutions should remain NCARB policy or sunset.

The resolutions are being reviewed by category, and the first set of policies were sunset in FY21. This year, the PAC reviewed additional resolutions from 1960-1979 in the following areas:

- Financial
- Records/Processes
- Experience
- Certification
- Continuing Education

Additional resolutions from more categories and decades will be reviewed over the next several years as NCARB cleans up its resolution database.

Resolutions Recommended for Sunset as part of Resolution 2023-03:

Resolution 1979-01: Architect Development Verification Program (ADVP)

“RESOLVED, That the ADVP Committee be charged to continue the study and development of an appropriate on-line system to be made available to Member Boards on their request. It is to be clearly understood that the ADVP is being developed in order to be prepared for those jurisdictions who adopt continuing education legislation and not as a mandatory license maintenance or NCARB maintenance program.”

Rationale: The ADVP Committee continued by this resolution has since evolved into the Continuing Education Subcommittee, which fulfills the role established by this resolution. The online system for continuing education was developed and still exists to this day. The Policy Advisory Committee

recommends revoking this policy resolution not to change NCARB's stance, but to give the organization freedom to update its services should the need arise in the future.

Resolution 1979-04: Meeting Facilities Accessible to and Usable by the Handicapped

“WHEREAS, The practice and profession of architecture is rapidly changing in today's society, and
WHEREAS, The dynamics of social relationships directly impact on the personal, social and vocational independence of all citizens, and

WHEREAS, The policies of such professional organizations as NCARB can have an impact on these relationships; now, therefore, be it

RESOLVED, That it be the policy of NCARB to hold future meetings and conferences wherever practicable only at those meeting facilities that are accessible and usable by all persons.”

Rationale: This resolution was passed prior to the Americans with Disabilities Act. While NCARB still supports accessibility in our choice of meeting locations, modern legislation and buildings codes mean this resolution can be retired. Additionally, NCARB's meeting planning staff's internal policy ensures that NCARB confirms hotel accessibility when establishing new contracts.

Resolution 1978-07: IDP Resolution

“WHEREAS, The 1977 Annual Meeting approved the development of the Intern-Architect Development Program (IDP) and instructed the Council Board to make IDP available to Member Boards requesting the same, and

WHEREAS, By Resolution Number 6, this meeting has adopted Appendix 'B' covering the specific training requirements of IDP, and NCARB has prepared model Member Board regulations based on Appendix 'B'; now, therefore, be it

RESOLVED, That all Member Boards are encouraged to adopt the IDP criteria for training by enacting the model IDP regulations recommended by NCARB, in forms appropriate to the Member Board's rules and regulations, and are further encouraged to begin the implementation of IDP as quickly as possible.”

Rationale: This resolution is a companion to Resolution 1978-06 (a resolution that updated NCARB's official documents), which laid out the requirements for the IDP. While Resolution 1978-06 was replaced by later resolutions that updated the requirements of the experience program, Resolution 1978-07 remained an active policy resolution. This resolution encourages all Member Boards to adopt NCARB's experience program. Today, most boards require, and all accept, NCARB's experience program to satisfy at least some part of their experience requirement. While the language “in forms appropriate to the Member Board's rules and regulations” leaves room for boards to maintain their own requirements, the general mandate regarding Member Board requirements is not in line with NCARB's current approach.

The Policy Advisory Committee recommends sunsetting this resolution to ensure that Member Boards remain in full control of the regulation of the profession within their jurisdiction.

Resolution 1977-07: Continuing Professional Development

“RESOLVED, That the concept of the Architect Development Verification Program be approved and that the NCARB Board of Directors be authorized to continue development of this program.”

Rationale: This resolution enabled NCARB to continue considering the development of a continuing education program, and was later modified by resolutions 1978-26 and 1979-01. While this resolution aligns with NCARB’s current stance regarding continuing education services, recommendations regarding continuing education are made by the Education Committee and Continuing Education Subcommittee, and sunsetting this resolution ensures that more modern policies and recommendations from those committees take precedence.

Resolution 1977-08: Intern-Architect Development Program (IDP)

“WHEREAS, The Intern-Architect Development Program will provide the Intern-Architect with a level of advice, guidance and resources that, heretofore, have been unavailable at any level; now, therefore, be it

RESOLVED, That the report of the IDP Committee including the Circular of Information No. XI, be approved; and be it further

RESOLVED, That this Annual Meeting recommend the adoption of the “Training Experience Requirements” by all NCARB Member Boards and that the NCARB Board of Directors be instructed to make available the Intern-Architect Development Program in the States of California, Iowa, New Jersey, Texas and Virginia as of January 1, 1978, and in other States when so requested.”

Rationale: Similar to Resolution 1978-07, this resolution encourages the adoption of a national experience program. It also requires NCARB to launch the Intern-Architect Development Program in four states and to make the program available to all Member Boards upon request. While NCARB has completed the action items listed in this resolution, which would typically indicate the resolution is completed, Resolution 1977-08 was included on the 2002 list of active resolutions. The Policy Advisory Committee recommends sunsetting the resolution for clarity.

Resolution 1976-09: Continuation of Inter-Architect Development Pilot Program

“RESOLVED, That the IDP Pilot Program be continued through May, 1977 for the purposes of studying all aspects of an internship program, to report the findings, and to evaluate the implications of implementing the IDP Program in all jurisdictions.”

Rationale: Similar to Resolution 1977-08, the items in this resolution have been carried out in the time frame specified, so the resolution could be considered completed. The IDP Pilot Program was continued through May 1977, and was formalized by Resolution 1977-08 at the 1977 Annual Business Meeting. However, this resolution was included on the 2002 list of active resolutions, so the most straightforward action is to sunset it for clarity.

Resolution 1975-06: Approval Procedures for NCARB Budget

“WHEREAS, Legislative bodies in a number of jurisdictions in the areas served by NCARB are requesting budget information from the Examining Boards; now, therefore, be it

RESOLVED, That the NCARB Board of Directors shall annually publish all examination costs.”

Rationale: NCARB’s current Treasurer’s report provides information on all examination costs, and the organization’s financial statements are included in the Pre-Annual Business Briefing and Annual Report every year. Additionally, the Treasurer is required by the *NCARB Bylaws* to provide a financial report to membership at the Annual Business Meeting. Together, these current requirements and operating procedures make this resolution unnecessary and redundant.

Resolution 1973-14: Continuing Education Program

“WHEREAS, an increasing number of States are requiring professional licensing boards to require proof of continuing professional development and,

WHEREAS, the most reasonable solution to this requirement appears to be through the vehicle of continuing education and,

WHEREAS, the problems of evaluating and coordinating all the various continuing education programs are nationwide,

THEREFORE, BE IT RESOLVED, that NCARB setup the necessary organization to study and evaluate continuing educational programs and make this information available to Member Boards.”

Rationale: The purpose of this resolution was for NCARB to work with AIA to create an organization to verify the quality of continuing education courses, an action NCARB never followed through on. Creating such an organization would require significant funds and bandwidth, and might impact NCARB’s other ongoing work. The Policy Advisory Committee recommends sunsetting this resolution to ensure that NCARB does not need to establish such an organization.

Resolution 1972-01: Blue Cover Certificate

“WHEREAS, The Blue Cover Certificate should be a basis for reciprocity between States,

BE IT RESOLVED, that the name of any Member Board which does not accept the Blue Cover Certificate for reciprocity shall be circulated to the Chairman of each NCARB Region.”

Rationale: All Member Boards accept the NCARB Certificate for reciprocity, although some do have additional requirements. NCARB shares reciprocal licensure requirements for all states through the Licensing Requirements Tool on the NCARB website. While NCARB is in compliance, this resolution is unnecessary and uses out-of-date language.

Note: NCARB still uses the “Blue Cover” terminology internally, but does not use this language externally. Some boards may have “Blue Cover” language embedded in their laws and/or rules.

Resolution 1971-02: Board Resolution to Eliminate Issuance of Wallet Cards

“WHEREAS, the current trend among professional societies, fraternal groups and other similar organizations, is to eliminate the issuance of a wallet card, and,

WHEREAS, the continued issuance of a wallet card will become more time-consuming and costly to furnish, and,

WHEREAS, the issuance of a renewal or wallet card was established at the 1961 Annual Meeting, and reference to same has been deleted in all subsequent editions of the Council By-laws, and,

WHEREAS, The Council office will have the facility to issue a wallet card to any individual member upon his specific request,

Now **THEREFORE, BE IT RESOLVED**, that the general annual issuance of a renewal, or wallet card be discontinued.”

Rationale: Per the resolution, NCARB stopped offering Certificate holders “wallet cards” with each annual renewal. While highly unlikely, if NCARB ever wanted to resume doing wallet cards, the organization would need to pass a resolution to allow it due to this policy. Sunsetting this resolution enables NCARB to make that decision without a resolution vote.

Resolution 1971-12: Resolution on Contents of Certificate Record

“WHEREAS, NCARB transmittal of Council Certifications is a major activity requiring considerable administrative effort and financial expense, and

WHEREAS, these transmittals consists of many pages of letters and other material, requiring reproduction, assembly, mailing expenses, review by the receiving boards and filing space,

THEREFORE, BE IT RESOLVED, that the Mid-Central States Conference recommends to the Board of the National Council of Architectural Registration Boards that it immediately review the contents of Council Certificate transmittals for the purpose of eliminating all unnecessary letters or reference material, said information being available to Member Boards on request, thereby effecting the saving of sizeable financial costs and administrative effort.”

Rationale: The main purpose of this resolution was to save on printing and paper costs when sharing transmittals with licensing boards, a process that is now completed electronically. NCARB does work to streamline the information that is included in transmittals for the ease of our Member Boards, while still providing additional information upon request as necessary. Recommendations for improving the transmittal process are made by the Member Board Executives Committee, and any documentation not included in a Record transmittal can be requested by the Member Board; sunseting this resolution ensures that their recommended policies are not in conflict with any past policies.

Resolution 1971-16: Additional Registration and/or Certification Requirements.

“**WHEREAS**, Certification by NCARB is the desirable vehicle for professional mobility throughout the United States, now

THEREFORE BE IT RESOLVED, that if any jurisdiction desires additional requirements for registration and/or Certification, and for continued registration and/or Certification beyond those currently required by the NCARB, those additional requirements be submitted to the NCARB Board for consideration and appropriate action and where legally possible the action of the NCARB be adopted by the various jurisdictions.”

Rationale: This resolution is not on the list of active resolutions published in 2002; however, no resolution explicitly replaced or retired it. The content is similar to Resolution 1974-01 regarding Member Board Requirements, which was retired by Resolution 1984-15. NCARB does, to the best of its ability, record jurisdictional licensure requirements, including those beyond NCARB’s recommended standard. However, those requirements are not submitted to the Board, and NCARB does not consider changes to its national requirements based on changes at the jurisdictional level. The policy outlined in this resolution is out of date and should be sunset.

Resolution 1970-01: Updating and Transmittal of Council Documents to Member Boards

“**WHEREAS**, the several State Boards take seriously their charge from the people to protect the public health, safety, and welfare; and

WHEREAS, these Boards vary slightly and properly attach a great deal of importance to Blue Cover transmittals; and

WHEREAS, the actual value of the Blue Cover as a useful tool for the Boards would be greatly increased if the record were truly current;

THEREFORE BE IT RESOLVED, that an annual report form be completed by each certificate holder and filed with the Council office every year; and further, that the Council office be instructed not to forward Blue Covers until the certificate holders have brought them up to date and the information contained in the current report form has been verified, and too, that the NCARB be instructed to develop the necessary implementation procedures within the coming year.”

Rationale: NCARB’s current renewal procedure meets the requirements of this resolution—architect Record holders complete an annual renewal form with the required information. However, if NCARB ever wanted to adjust our renewal process, the organization would require a resolution to do so because of this policy. Sunsetting this policy enables NCARB to update renewal processes as necessary in the future.

Resolution 1969-01: Continuing Improvements of NCARB Services

“**WHEREAS**, we recognize the continuing and ever-expanding need for interstate mobility by and for architects and realize that the founders of NCARB were advanced thinkers, who planned well and have created a well-functioning system to attain this mobility, and

WHEREAS, the success of this system is founded on voluntary cooperation between the states,

THEREFORE, BE IT RESOLVED that this convention does commend to its leadership and its Board of Directors that the energies of NCARB be directed toward the continuing improvement of our services to the end that they will become so desirable as to be universally accepted voluntarily by the several states.”

Rationale: This resolution does not establish any standards to measure success, making it difficult to tell if the organization is in compliance or not. However, NCARB continuously works to improve its programs and services, and works with its Member Boards to encourage universal adoption of national standards. The policy outlined in this resolution is unnecessary, and should be sunset.

Resolution 1969-04: Issuing Emeritus Certificates to Retired Past Presidents of NCARB

“**WHEREAS**, this convention recognizes the services rendered by the 30 past presidents of the National Council of Architectural Registration Boards; and

WHEREAS, several of these past presidents have reached the age of 70 years and have retired from active practice of architecture;

NOW, THEREFORE, BE IT RESOLVED that all living National past presidents identified as retired and having reached the age of 70 years shall be titled and recognized this date as National Council of Architectural Registration Boards Certificate Holders Emeritus. New Emeritus Certificates shall be presented to each of the living past presidents meeting the recited qualifications by the respective regional conference in which area the individual resides. Such presentation shall be made with appropriate ceremony. Names and Emeritus Certificate numbers of these past presidents shall be published in all future annual convention reports as long as each shall live.”

Rationale: NCARB doesn’t issue emeritus Certificates anymore. NCARB also does not publish the names and Certificate numbers of all its past presidents in the Annual Report. However, most of our living past presidents do hold the NCARB Certificate, and past presidents are not charged a renewal fee. It is unclear if this resolution only applies to past presidents existing at the time of the resolution and going back, or if it also applies to future past presidents. Regardless, the Policy Advisory Committee recommends sunsetting this resolution in compliance with current Council policies.

Resolution 1967-02: Fee for Annual Review of Certificate Record

"**WHEREAS**, the NCARB now conducts an annual review of each certificate holder's professional practice for which an annual fee of \$10 is charged, and

WHEREAS, this fee represents an expense to the certificate holder which is not commensurate with the service received and in fact constitutes a subsidy, and

WHEREAS, the expanding service of the NCARB does not presently justify this subsidy,

THEREFORE, BE IT RESOLVED that the Western Conference of Architectural Registration Boards recommends to the National Council that studies be instituted to break the charges more into line with the services rendered."

Rationale: This study was conducted, and the results were voted on as part of Resolution 1969-05B. This resolution seems complete; however, it was included on a 2002 list of active resolutions. The Policy Advisory Committee recommends sunsetting it for clarity.

Resolution 1964: Report and Recommendations of the Committee on U.S. Citizenship

“This committee recommends to the Council that the citizenship pre-requisite clause be stricken from the NCARB regulations and urges its resolution at this meeting and if approved, that the decision become effective immediately.

In addition, this committee also recommends that NCARB institute the mechanics for evaluating records of both citizen- and noncitizen-applicants with training and education abroad in order to add another dimension to the ways NCARB can be of service to the profession.”

Rationale: Citizenship is not a requirement for NCARB certification at present, and NCARB offers alternative paths to certification for foreign architects. The requirements for NCARB certification are outlined in the *NCARB Certification Guidelines*. Active policies outside of the *Guidelines* could cause future confusion and difficulty, which is why the Policy Advisory Committee recommend sunsetting this resolution.

Resolution 1964: Review and Approval of Applications

“WHEREAS, it is of utmost importance that the processing of applications for NCARB certificates be brought to a current status as rapidly as possible, and

WHEREAS, the number of applications to be procured is increasing and will continue to grow,

NOW THEREFORE, it is the consensus of this Convention that the processing of all applications must be accelerated in every reasonable manner. To achieve this end, the National Council and its administrative staff is requested to further simplify and streamline the mechanics of review and approval of all such applications wherever possible.”

Rationale: This resolution is vague in terms of how to document compliance. NCARB staff make every effort to review Record and Certificate applications as quickly as possible, while streamlining and expediting transmittals as much as is appropriate. While the Policy Advisory Committee supports the end goal of this resolution, its existence is unnecessary.

Resolution 1964: REPORT AND RESOLUTION TO THE BOARD OF DIRECTORS OF THE NCARB

“WHEREAS, The National Council of Architectural Registration Boards was established to facilitate the interstate registration of qualified professionals and;

WHEREAS, The varied and exacting laws and procedures of the several States, established by their Legislatures and their Boards for the regulation and registration of architects, have led the National Council to adopt policies which have proven themselves in recent years to be too cumbersome to accomplish expeditiously the intended objective and;

WHEREAS, The National Council Board of Directors has recognized a conflict of interest between maintaining high standards and expediting procedures, and its President has appointed a special committee to study this problem,

WHEREAS, This committee on Policies and Procedures has studied, corresponded and met in Washington, D. C. on 7 February, 1964, to consider solutions for these problems and;

WHEREAS, This committee concentrated on the policies which have created most delays, and on the question, "To whom NCARB Certificates are to be issued and continued in force";

NOW THEREFORE, The following recommendations are herewith respectfully submitted for the Council Board's consideration.

1. That all Member Boards be urged to avoid, and to eliminate, if now in effect, the practice of requiring a National Council Certificate, for registration from all out-of-State candidates, as the only basis of reciprocal registration.

NOTE: Such a requirement is probably illegal in most jurisdictions, and violates the voluntary character of NCARB. A Council Record may well be required as a presentation of fact, but a Certificate includes a Recommendation based on standards which may be higher than the State's and hence discriminatory.

2. That an Accelerated Procedure for Certification may be used by the Council Office if the applicant can establish the following qualifications:
 - a. Thirty-five (35) years of age or more
 - b. Citizenship in the United States.
 - c. Current registration in good standing
 - d. Ten or more consecutive years of registration and bona fide active practice, as a principal, prior to application; or four or more consecutive years of bona fide active practice as a principal, and registration based on the NCARB written examination. A principal is defined as an architect who, in fact, is legally, morally, and financially responsible, i.e. a general partner, an officer (of a corporation), or a sole proprietor of an organization concerned primarily with the practice of architecture.
 - e. Favorable recommendations for certification and verification of these facts from three or more architects, two of whom are (and we are leaving out "NCARB certified architects") currently serving as members of Member Boards, provided that no such sponsor is associated with the applicant in the practice of architecture.
3. That reciprocal application transmittal forms for this accelerated procedure be signaled by an appropriate label or other suitable device, conspicuously displayed on the front cover.
4. That qualified applicants for this Accelerated Procedure be guaranteed priority in processing and immediate attention by the Council Office and by Member Boards and;

5. That qualified applicants now in process be automatically processed under the Accelerated Procedure for Certification without additional fee.
6.
 - a. That required notarization of forms be deleted from Council procedures and;
 - b. That States requiring notarization be encouraged to conform to this policy.
7. That the Council Office in its Periodic Review of Council Certificates, henceforth, accept:
 - a. Statements from the Architect, covering the entire period subject to review, without further verification.
 - b. Confirmation of current registration, in good standing, from the Member Board, in the applicant's state of original registration and, where different, from the state in which applicant's main office is located. Nothing herein contained is intended to require an applicant to maintain registration, in his state of original certification provided the applicant can establish:
 - i. Positive residence in state where applicant's main office is located.
 - ii. An UNQUESTIONED record in the state of original registration.
8. That no reciprocal application be delayed by the Council Office because of an incomplete Periodic Review of a Council Certificate.

NOTE: The committee felt recommendations 7 & 8 were so important that it directed the Council Staff to implement this action immediately.

9. That a policy statement be adopted and added to future issues of the Circular of Information to read as follows: Pursuant to Article II of the Constitution, the object of the Council shall be:
 1. To promote high standards of architectural practice;
 2. To foster the enactment of Uniform laws pertaining to the practice of architecture;
 3. To equalize and improve the standards for examination of applicants for state registration;
 4. To compile, maintain and transmit professional records to Member Boards for registered architects desiring this service and;
 5. To certify records and recommend registration, for architects who meet the standards of this Council for interstate registration.
10. That the Council Office not duplicate the compilation of Information as to the education, training, and experience of an applicant, when this required Documentation for a Council Record is available, by facsimile copy, from the files of a Member Board.
11. That the Council Board, through appropriate and the most expeditious means, encourage all Member Boards to use forms with the same format and requesting the same basic information as the Council Record.

12. That the Council Board urge Member Boards to avoid inquires for confirmation of information already available to them in a Council Record.
13. That, henceforth, the signature of only one Council Secretary be required for Form No. 107-61 whether or not the previously involved Secretaries are still living and available for actual signatures.

NOTE: The Committee felt that this recommendation could have immediate effect to expedite transmittals of reciprocal applications that are presently, or would in the future be, delayed by requiring the actual signature of all living secretaries who had opined the various stages of certification of Periodic Reviews. The Committee, therefore, authorized the Council Offices to put this recommended change into effect immediately.

14.
 - a. That certificate holders who retire from active practice and request that their certificate be placed in an inactive status, be subsequently allowed to reinstate said certificates by paying a reinstatement fee, but without paying the annual renewal fees in arrears at the time of re-instatement and that such certificates be termed "Inactive."
 - b. That the certificates of those architects who do not complete the required renewals and who have not requested an inactive status shall be termed "Lapsed" and shall pay fees in arrears plus a reinstatement fee.

WHEREAS, These recommendations have been influenced and shaped by the recommendations of all members of this committee and by other members of the Board who made helpful and constructive suggestions and;

WHEREAS, It is this committee's desire to express its gratitude for these valued services and to implement these recommendations;

NOW THEREFORE BE IT RESOLVED; (a) That this report and resolution be accepted and adopted as a basis for policy; (b) That the Committee on Documents be instructed as to its purpose and timing for formal adoption and publication; and (c) That the Committee on Documents re-study and revise all Council Documents affected by this resolution."

Rationale: There are a lot of different policies set out in this resolution; NCARB is not in compliance with the majority of them. Many of these policies would have been updated by later resolutions or be changes to NCARB's official documents, such as the *Certification Guidelines*. While this resolution is not included on the list of active NCARB Resolutions from 2002, sunseting it would be the clearest course of action.

Motion 1961: Violations in Council Records

“I would like to propose a motion on this subject, that the Council offices be directed to furnish the fullest information on such cases* to the State Board where the application is being submitted. Then it would be up to that Board as to whether they want to receive this man who has either misrepresented himself or has violated the law in other states.”

* Per prior discussion, “such cases” refers to NCARB Records where the applicant has a noted violation/disciplinary action

Rationale: NCARB’s current procedures for documenting disciplinary actions and reciprocal licensure applications meet the requirements of this resolution. While it is unlikely that NCARB would ever stop providing this information, a resolution would be required in order to update these processes. Sunsetting this resolution ensures that modern processes and policies take precedence.

Appendix E:

Resolution 2023-05: Amended and Restated *NCARB Bylaws*

Note: Changes are noted in red, language to be struck is noted with a strike out, language to be inserted is underlined. The rationale for the proposed amendments are provided in the Supporting Statements column.

(Adopted June 23, 1979, Cambridge, MA. Amended June 27, 1981, Maui, HI; June 26, 1982, Minneapolis, MN; June 25, 1983, Philadelphia, PA; June 30, 1984, Portland, OR; June 29, 1985, San Antonio, TX; June 28, 1986, Atlanta, GA; June 27, 1987, Seattle, WA; June 29, 1988, Chicago, IL; June 28, 1989, Boston, MA; June 30, 1990, Washington, DC; June 29, 1991, Denver, CO; June 27, 1992, San Francisco, CA; June 26, 1993, Kansas City, MO; June 25, 1994, Dearborn, MI; June 24, 1995, New Orleans, LA; June 29, 1996, Baltimore, MD; June 28, 1997, Minneapolis, MN; June 27, 1998, San Diego, CA; June 26, 1999, Charleston, SC; June 17, 2000, Chicago, IL; June 23, 2001, Seattle, WA; June 29, 2002, Boston, MA; June 28, 2003, San Antonio, TX; June 26, 2004, Portland, OR; June 25, 2005, Miami, FL; June 24, 2006, Cincinnati, OH; June 23, 2007, Denver, CO; June 28, 2008, Pittsburgh, PA; June 26, 2010, San Francisco, CA; June 25, 2011, Washington, DC; June 23, 2012, Minneapolis, MN; June 22, 2013, San Diego, CA; June 21, 2014, Philadelphia, PA; June 20, 2015, New Orleans, LA; June 18, 2016, Seattle, WA.; June 30, 2018, Detroit, MI; May 14, 2021, Special Vote; June 26, 2021, Los Angeles, CA; June 4, 2022, Austin, TX; [June 17, 2023, Tampa, FL.](#))

NCARB BYLAWS

Consideration of amendments based on discussions to date.

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
ARTICLE I— NAME	The name of this organization shall be the National Council of Architectural Registration Boards.	<i>(no changes to Article I)</i>
ARTICLE II— DEFINITIONS	<p>The following terms shall have the following meanings when used in these Bylaws:</p> <p>A. “Advisory Committee” shall mean any committee not having and exercising the authority of the Board of Directors;</p> <p><u>B.</u> <u>“At-Large Director” shall mean a Director who meets the qualifications of an At-Large Director and is not an Elected Officer, Regional Director, Member Board Executive Director, or Public Director;</u></p> <p><u>BC.</u> “Board Committee” shall mean a committee which is comprised solely of two or more Directors and shall have and exercise the authority of the Board of Directors, to the extent authorized by the Board of Directors and permitted by law;</p> <p><u>CD.</u> “Board of Directors” shall mean the Board of Directors of the National Council of Architectural Registration Boards;</p> <p><u>DE.</u> “Committee” shall mean a Board Committee or an Advisory Committee;</p> <p><u>EF.</u> “Council” shall mean the National Council of Architectural Registration Boards;</p>	<p>Article II, (New B): Adding a definition for the proposed position of “At-Large Director” for the Board of Directors.</p> <p>2023 Governance Survey:</p> <ul style="list-style-type: none"> 65.9% voted to retain Regional Director positions on the Board of Directors and add two At-Large positions.

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>FG. “Council Record” shall mean a record of the education, training, examination, practice, and character of an individual member of the architectural profession;</p> <p>GH. “Delegate” shall mean any member of a Member Board in attendance at an Annual Business Meeting or any special meeting of the Council as a representative of such Member Board;</p> <p>HI. “Director” shall mean a member of the Board of Directors;</p> <p>IJ. “Elected Officer” shall mean any of the President/Chair of the Board, the First Vice-President/President-Elect, the Second Vice-President, the Treasurer, and the Secretary <u>those Elected Officers set forth in Article VIII, Section 1 of these Bylaws;</u></p> <p>JK. “Examination” shall mean the Architect Registration Examination® prepared by the Council;</p> <p>KL. “Executive Director” shall mean a person holding such title at a Member Board or having a comparable position as the primary administrator responsible for overseeing the activities of the Member Board;</p> <p>LM. “Jurisdiction” shall mean any political subdivision of the United States, including any State, commonwealth, territory, dependency, and the District of Columbia, which has a law regulating the practice of architecture;</p> <p>MN. “Member Board” is a member of the Council in good standing and shall mean the body legally authorized by a Jurisdiction to certify that an applicant for Registration as an architect is qualified;</p> <p>O. “Member Board Executive Director” shall mean the individual serving as the Member Board Executive Director (as that term is described in Article VII of these Bylaws) on the Board of Directors;</p> <p>P. <u>“NCARB Volunteer” shall mean an individual serving in a voluntary capacity on an Advisory Committee or other group established and appointed by the Board as outlined in Article XII;</u></p>	<p>Article II, (New J, formerly I): The current version of the “Elected Officer” definition is duplicative to language that exists in Article VIII, Section 1. This proposed edit eliminates the duplicative reference, by substituting the definition with a cross-reference.</p> <p>Article II, (New O): The current version of the Bylaws is missing a definition for the Member Board Executive Director position on the Board of Directors. This edit corrects that oversight.</p> <p>Article II, (New P): Adds a definition of an NCARB Volunteer to make clear what type of volunteer service qualifies to be an At-Large Director.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>NQ. “Public Director” shall mean the individual serving as the Public Director (as that term is described in Article VII of these Bylaws) on the Board of Directors;</p> <p>OR. “Public Member” shall mean a member of a Member Board who does not hold or have a license in a discipline regulated by such Member Board or in a related design profession;</p> <p>PS. “Regional Chair” shall mean the chairperson of a Region, as such term is described in Article VI of these Bylaws;</p> <p>QT. “Regional Director” shall mean a Director who was nominated to serve on the Board of Directors by a Region;</p> <p>RU. “Registration” shall mean licensure as an architect by the body legally authorized by a Jurisdiction to grant such licensure;</p> <p>SV. “Remote Meeting” shall mean any Annual Business Meeting or any Special Meeting held by telephone or video conference technology or other electronic communications technology that allows all participants to hear and participate in the proceedings and to vote, pose questions, and make comments;</p> <p>FW. “Voting Delegate” shall mean a Delegate who is authorized to vote on behalf of a Member Board, as evidenced by a letter of credentials provided by the applicable Member Board.</p>	
<p>ARTICLE III - PURPOSE</p>	<p>The purpose of the Council shall be to work together as a council of Member Boards to safeguard the health, safety, and welfare of the public and to assist Member Boards in carrying out their duties. Pursuant thereto, the Council shall develop and recommend standards to be required of an applicant for architectural Registration; develop and recommend standards regulating the practice of architecture; provide a process for certifying to Member Boards the qualifications of an architect for Registration; and represent the interests of Member Boards before public and private agencies, provided that the Council shall not purport to represent the interest of a specific Member Board without that Member Board’s approval.</p>	<p><i>(no changes to Article III)</i></p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
<p>ARTICLE IV – MEMBERSHIP</p>	<p>SECTION 1. <u>Members</u>. The membership of the Council shall be the Member Boards. Membership in the Council shall be attained through acceptance by the Board of Directors. Application shall be made upon forms furnished by the Council. Every Member Board shall annually provide the Council with the names and addresses of its members, a copy of its law relating to the Registration and practice of architecture, a copy of its rules or regulations administering such law, and a roster of all persons registered by the Member Board, and shall pay the annual membership dues. All Member Boards shall have equal rights.</p> <p>SECTION 2. <u>Removal</u>. If, after written notification from the Board of Directors, a Member Board shall:</p> <ul style="list-style-type: none"> A. fail to pay its dues or other financial obligations to the Council or to its Region, or B. refuse Registration or otherwise fail to register architects holding the Council Certificate for the reason that such architects are not the residents of the Member Board’s jurisdiction, or C. fail to administer the Architect Registration Examination prepared by the Council to all its applicants (other than applicants of whom it does not require a written examination) for Registration, then the Board of Directors may recommend to the Council that such Member Board be removed from membership in the Council. Following such recommendation, the Council may determine by the affirmative vote of not less than two-thirds of all Member Boards to remove such Member Board or, with respect to non-payment of dues or other financial obligations, waive or modify the Member Board’s obligation to pay such amounts due to the Council. <p>SECTION 3. <u>Reinstatement</u>. A Jurisdiction that has been removed from membership in the Council for reasons of non-payment of dues or other financial obligations shall be automatically reinstated as a Member Board:</p> <ul style="list-style-type: none"> A. following payment of all financial obligations of membership had the Jurisdiction not been removed (or such lesser amount approved, by a vote of two-thirds of all Member Boards), 	<p><i>(no changes to Article IV)</i></p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>B. upon being in compliance with all other membership requirements of Article IV, Sections 1 and 2; A Member Board that was removed from the Council for reasons other than failure to pay dues or other financial obligations shall only be reinstated upon the affirmative vote of two-thirds of all Member Boards.</p>	
<p>ARTICLE V - MEETINGS</p>	<p>SECTION 1. <u>Annual Business Meeting</u>. The Council shall hold an Annual Business Meeting at a time and place as determined by the Board of Directors. Notice of all Annual Business Meetings shall be sent to the chair or equivalent presiding officer and to the Member Board Executive of each Member Board not less than 90 days prior to each such meeting.</p> <p>SECTION 2. <u>Special Meetings</u>. Special business meetings of the Council may be called by the President/Chair of the Board, with the approval of the Board of Directors, or by a majority of the Member Boards. The Bylaws provisions which govern notice for, and the procedures and conduct of business of, the Annual Business Meeting shall apply to Special Meetings.</p> <p>SECTION 3. <u>Remote Meetings</u>. The Annual Business Meeting and any Special Meetings may be held as a Remote Meeting. The Bylaws provisions which govern calling and providing notice for, and the procedures and conduct of business of, the Annual Business Meeting or special meetings, as applicable, shall apply to Remote Meetings. Holding a Remote Meeting does not preclude allowing participants to gather in a designated location during such meeting.</p> <p>SECTION 4. <u>Delegates and Credentials</u>. Each Member Board shall be entitled to be represented at Annual Business Meetings and special meetings of the Council by one or more official dDelegates who shall be members of that Member Board.</p> <p>Notwithstanding a Member Board's total number of Delegates, each Member Board shall be represented at each Annual Business Meeting and special meeting of the Council by one Voting Delegate, who shall be entitled to cast the vote of its Member Board and who shall be identified as the Voting Delegate by a letter of credentials from the applicable Member Board. A Member Board may change its Voting</p>	<p>Article V, Section 2: Simplifying existing position titles.</p> <p>Article V, Section 4: Correcting capitalization.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>Delegate from time to time by issuing a subsequent letter of credentials to the Council. Each Voting Delegate shall have an equal vote on all matters on which all Member Boards are entitled to vote.</p> <p>SECTION 5. <u>Quorum</u>. A quorum for the transaction of business at the Annual Business Meeting of the Council shall be Voting Delegates representing a majority of the Member Boards.</p> <p>SECTION 6. <u>Resolutions and Other Motions</u>. Resolutions are the substantive matters placed on the agenda for a meeting of the Council in accordance with this Section. All resolutions to be considered at any meeting of the Council, except those submitted by the Board of Directors, those submitted by Select Committees and those of the laudatory type, shall be submitted to the Regional Leadership Committee not later than 75 days prior to the day at the Annual Business Meeting at which the resolution is to be considered. The Regional Leadership Committee shall review each resolution submitted by Regions and Member Boards for conformity with the Council Bylaws and may recommend to the author of any resolution such changes as are deemed advisable for the purpose of clarity and to avoid duplication. All resolutions shall, insofar as practicable without altering or confusing the intent of the resolution, avoid invective or argument; but the proponent of a resolution may, when submitting the resolution to the Regional Leadership Committee, include a brief summary of the argument in support of the resolution, which summary shall be published with the publication of the resolution. The Council shall distribute all resolutions, except laudatory resolutions, to the Member Boards not less than 30 days prior to the meeting at which the resolution is to be considered. If the Board of Directors discloses its position to the Council, the vote of the Board of Directors shall be disclosed at the same time.</p> <p>Only Member Boards, Regions, Select Committees, and the Board of Directors may offer resolutions to be presented at any meeting of the Council, or amendments to resolutions so presented. All other motions permitted under Robert’s Rules of Order Newly Revised may be made by any Delegate or Director.</p>	

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
ARTICLE VI— REGIONS	<p>SECTION 1. <u>Purpose</u>. In order to foster closer communication between Member Boards and the Council, as well as among Member Boards, and further to foster the development of future leaders and assist the Council in achieving its stated purpose, six geographical Regions comprising, in the aggregate, all the Member Boards are hereby established. Each Member Board shall be required to be a member of its Region.</p> <p>SECTION 2. <u>Membership</u>. The membership of the Regions is established as follows:</p> <p>REGION 1—New England Conference: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.</p> <p>REGION 2—Middle-Atlantic Conference: Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia.</p> <p>REGION 3—Southern Conference: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Texas, Virgin Islands.</p> <p>REGION 4—Mid-Central Conference: Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin.</p> <p>REGION 5—Central States Conference: Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Wyoming.</p> <p>REGION 6—Western Conference: Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Nevada, New Mexico, Northern Mariana Islands, Oregon, Utah, Washington.</p>	(no changes to Article VI)

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
<p>ARTICLE VII — THE BOARD OF DIRECTORS</p>	<p>SECTION 1. <u>Membership</u>. The Board of Directors shall be comprised of the Elected Officers of the Council, one Regional Director from each Region, <u>two At-Large Directors</u>, the immediate Past President, one Member Board Executive Director, and one Public Director.</p> <p>SECTION 2. <u>Qualifications and Limitations</u>. The qualifications for serving as a Director shall be as set forth in this Article VII, Section 2, and no entity responsible for nominating any Director shall impose any qualification not set forth herein.</p> <p>A. A candidate for election to any Director position shall, at the time such person is nominated:</p> <ul style="list-style-type: none"> (i) be a citizen of the United States; (ii) have served at least two (2) years as a member of a Member Board <u>(and in the case of a candidate for Public Director, this service must have been as a consumer or public member)</u>; or, in the case of a candidate for the position of Member Board Executive Director, have served at least two (2) years as an Executive Director; <u>or, in the case of a candidate for an At-Large Director position, have served at least two (2) years as a member of a Member Board or as an NCARB Volunteer; and</u> 	<p>Article VII, Section 1: The recommended governance structure is four Elected Officers (which includes the immediate Past President), six Regional Directors, a Member Board Executive Director, a Public Director, and two At-Large Directors. This structure recognizes best governance practices, is responsive to member concerns by eliminating impediments and reducing timelines to service on the Board of Directors and leaves existing regional governance intact.</p> <p>Article VII, Section 2(A)(ii): Relocated language from former item “D”, below, to this item A, part (ii).</p> <p>Retains Member Board experience requirement for officers, Regional, Public and MBE Directors.</p> <p>Proposed: At-Large Directors may have two-years of experience on a Member Board or as an NCARB volunteer.</p> <p>Allowing service on an NCARB Committee or other Board-appointed group, as a pathway for At-Large directors, broadens the candidate pool and opens opportunities for new perspectives.</p> <p>Note: The highest member survey results, below, support Member Board experience requirement for officers only.</p> <p>Governance Survey:</p> <ul style="list-style-type: none"> • 78.6% supported the survey option requiring every officer to have Member Board Experience. • 75% supported status quo—that all members must have Member Board experience.

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	<p>(iii) be a current member of a Member Board; be a past member of a Member Board whose service as a member ended no more than one year before nomination; be an officer of a Region; be an incumbent Director; or, in the case of a candidate for the Member Board Executive Director, be a current Executive Director; and,</p> <p>(iviii) in the case of candidates who are architects, hold an active NCARB Certificate.</p> <p>B. With respect to candidates for a Regional Director position, all qualifications relating to current or past membership in a Member Board or Region must be within the Region from which the candidate is nominated.</p> <p>C. If a Member Board regulates professions in addition to the profession of architecture, the candidate will qualify as a member or former member of a Member Board only if the candidate is or was an architect-member or a public member of the architect section of the Member Board.</p> <p>D.—A candidate for election as the Public Director shall be at the time of nomination a public or consumer member on a Member Board, or have served in such position no more than one (1) year prior to the time of nomination to the Board of Directors.</p> <p><u>D. A candidate for election as the Secretary/Treasurer shall have served at least two years on the Board of Directors during the five years prior to election as Secretary/Treasurer.</u></p>	<p>Article VII, Section 2(A)(former iii): Eliminating this provision removes current restrictions for service by members whose terms on a jurisdictional board or other qualifying service may have expired beyond this period. This also eliminates the need to list these other pathways to leadership.</p> <p>Article VII, Section 2(A)(iii): The Board of Directors would like to further study the impact the NCARB Certificate requirement before recommending a change to this sub-section. The governance survey did not suggest a clear consensus on this topic.</p> <p>2023 Governance Survey:</p> <ul style="list-style-type: none"> • 72.3% vote for no change—every architect Board member must hold a Certificate. • 71% voted for every officer, who is an architect, holds an NCARB Certificate. • 65.7% supported every officer holding a Certificate. <p>Article VII, Section 2(former D): First part of (former D) moved language pertaining to “public or consumer member” to Section 2(A)(ii), above. The final part of (former D) is also being deleted to remove reference to “no more than one year before nomination” as also deleted in Section 2(A) (former iii), above.</p> <p>Article VII, Section 2, (new D): Secretary/Treasurer required to serve on the Board of Directors for two of the past five years to be relatively current on issues.</p>

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	<p><u>E.</u> An individual shall qualify to serve as the Vice President during the one-year period immediately following their term as Secretary/Treasurer.</p> <p><u>F.E.</u> An individual shall qualify to serve as the President/Chair of the Board during the one-year period immediately following their term as First Vice President/President-Elect.</p> <p><u>G.F.</u> An individual shall qualify to serve as the Immediate Past President during the one-year period immediately following their term as President/Chair of the Board.</p> <p>SECTION 3. <u>Terms of Office and Election.</u> The term of office of a Director shall be one year (from the adjournment of the Annual Business Meeting at which they are elected to serve <u>or succeed to office</u> or, in the case of President/Chair of the Board and Immediate Past President, succeeds to office, until the adjournment of the next Annual Business Meeting or and until their successor is duly elected and <u>/or</u> succeeds to office). No person shall serve more than two terms in succession as a Regional Director or <u>At-Large Director</u> or three terms in succession as a Member Board Executive Director or Public Director; provided, however, that service as an Elected Officer and Immediate Past President <u>or service filling a mid-term vacancy</u> shall not count against such limits.</p> <p>No incumbent shall serve for more than one term in any Elected Officer position or as Immediate Past President; provided, however, that an Elected Officer shall be eligible <u>for reelection to serve</u> for the full term of office if, during the <u>period term</u> immediately prior thereto, such Elected Officer had succeeded to the such office to fill a vacancy.</p>	<p>Article VII, Section 2, (new E): Proposed automatic ascension from the Secretary/Treasurer position ensures a four-year period of leadership continuity. This supports the Council’s multi-year initiatives.</p> <p>Governance Survey:</p> <ul style="list-style-type: none"> • 59.8% support automatic advancement from the Secretary/Treasurer (elected) position to the Vice President, President, and Past President positions. <p>Article VII, Section 2 (new F) & (new G): Simplifying existing position titles.</p> <p>Article VII, Section 3: This section has been updated to account for the addition of At-Large Directors, to conform to new terminology for the Elected Officers, and to make other clean-up edits.</p>

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	<p>SECTION 4. <u>Removal.</u></p> <p>A. A Director may be removed with cause by a majority vote of the Member Boards at a meeting where a quorum is present, with the meeting notice stating that the purpose, or one of the purposes, of the meeting is the removal of the director.</p> <p>B. <u>A</u> Director may be removed with cause by the affirmative vote of two-thirds (2/3) of the Board of Directors.</p> <p>SECTION 5. <u>Nomination and Election of Directors.</u></p> <p>A. Directors shall be nominated as set forth below in this Section 5 of this Article VII. Notwithstanding the various methods of nomination set forth below, all Directors must be elected by a majority vote of the Member Boards at a meeting at which a quorum is present; <u>except for (1) the At-Large Directors, who may be elected by a plurality vote, and (2) the Vice President, President, and Immediate Past President, who shall succeed to such roles as a result of qualifying for the applicable position in accordance with Article VII, Sections 2(E), (F), or (G).</u></p> <p>B. Each Region shall select its nominee for Regional Director at a Region meeting. The nominations will be announced by the several Regions prior to and/or at the Annual Business Meeting of the Council.</p> <p>C. Any person qualified to serve as an Elected Officer/Secretary/Treasurer or, in the event of an election for Vice President resulting from a qualifying vacancy, the Vice President (other than President/Chair of the Board) may be nominated by declaring their candidacy at the Annual Business Meeting by the time determined by the Credentials Committee.</p> <p>D. The candidate for Member Board Executive Director shall be nominated by majority vote of the Member Board Executive community comprised of the Executive Director of each Member Board. The nomination will be announced by the community prior to and/or at the Annual Business Meeting of the Council.</p>	<p>Article VII, Section 5(A): These edits conform with changes made to Article VII, Section 2(new E), (new F) & (new G). Additionally, these edits clarify that a plurality vote will be used for the election of At-Large Directors. In other words, if there are more than two candidates for a single seat, the candidate with the most votes will win, even if it's not a majority of the votes. This model minimizes the risk that multiple rounds of voting will be needed.</p> <p>Governance Survey:</p> <ul style="list-style-type: none"> • 79.4% support having a pool of candidates for member vote for open At-Large seats. <p>Article VII, Section 5(C): This language recognizes the proposed merged role of Secretary/Treasurer and that this is the only officer position that is to be elected on a regular basis. There may be situations where a Vice President must also be elected, and in such cases the same procedure would apply.</p>

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	<p>E. Any person qualified to serve as the Public Director may be nominated by declaring their candidacy at the Annual Business Meeting by the time determined by the Credentials Committee.</p> <p><u>F. Any person qualified to serve as an At-Large Director may be nominated by declaring their candidacy at the Annual Business Meeting by the time determined by the Credentials Committee.</u></p> <p>SECTION 6. <u>Vacancies.</u></p> <p>A. Vacancies in the office of any Regional Director or Member Board Executive Director shall be filled by an appointee nominated by the Region or the Member Board Executive community respectively and appointed by the Board of Directors to hold office from the time of such appointment until the adjournment of the next Annual Business Meeting.</p> <p><u>B. Vacancies in the office of the Public Director, and Elected Officers other than First Vice President/President-Elect and President/Chair of the Board the Secretary/Treasurer, or an At-Large Director shall be filled by an appointee designated by the Board of Directors to hold office from the time of such appointment until the adjournment of the next Annual Business Meeting.</u></p> <p><u>C. Any such appointee under Sections 6(A) or 6(B) of this Article VII shall meet all qualifications applicable to the vacant Director position, as determined by the Credentials Committee.</u></p> <p><u>BD. A vacancy in the office of President/Chair of the Board shall be filled by the First-Vice President/President-Elect, who shall serve <u>as President for</u> the remainder of the term as President/Chair of the Board and the following term during which they would have succeeded to the office if not for the vacancy.</u></p>	<p>Article VII, Section 5(new F): Defines nominating and election processes for At-Large positions. Aligns to the process for Secretary/Treasurer and Public Director.</p> <p>Article VII, Section 6, (new B, formerly part of 6(A)): As previously written, this section pertained to the Public Director, Secretary, Treasurer, and the Second Vice President. (“<i>Elected Officers other than the First Vice President...and... President</i>” – now deleted.) New language adds the At-Large Director position and merges the Secretary/Treasurer positions for this section.</p> <p>Article VII, Section 6, (new C, formerly part of (A)): Referencing above sections due to splitting former Section 6 (A) into Sections 6 (A), (B), and (C).</p> <p>Article VII, Section 6, (new D, formerly (B)): Changes in this section simplify the existing position titles in addition to the following:</p>

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	<p>CE. A vacancy in the office of First-Vice President/President-Elect shall be filled by the Second-Vice-President,Secretary/Treasurer. If the vacancy was the result of the Vice President's departure from the Board, then the Secretary/Treasurer who shall hold such the office of First-Vice President/President-Elect until the adjournment of the next Annual Business Meeting, at which Annual Business Meeting the Member Boards shall elect both a First-Vice President/President-Elect and a Secretary/TreasurerPresident/Chair of the Board, each of whom shall be subject to the qualifications applicable to candidates for Secretary/TreasurerFirst Vice President/President-Elect. If the vacancy in the office of Vice President is due to the departure of the President and the Vice President becoming President, then the Secretary/Treasurer shall serve as Vice President for the remainder of the term and the following term during which they would have succeeded to the office if not for the vacancy.</p> <p>DE. A vacancy in the office of Immediate Past President shall remain vacant.</p> <p>EG. Any Regional Director who moves their principal residence to a place outside the Region from which they were nominated shall be deemed to have vacated the office of Regional Director, and any Director who ceases to be eligible as provided in this Article VII, Section 2 shall be deemed to have vacated their directorship.</p> <p>SECTION 7. <u>Duties.</u> The affairs of the Council shall be managed under the authority and direction of the Board of Directors, who shall act by majority vote of the Directors present at a meeting at which there is a quorum, except as otherwise expressly required by these Bylaws or applicable law. It shall exercise all authority, right, and power granted to it by the laws of the State of Iowa and shall perform all duties required by the said laws and by these Bylaws, and, in accordance therewith, it shall not delegate any of the authority, rights, or power or any of the duties imposed on it by these Bylaws or otherwise, unless such delegation is specifically provided for in these Bylaws. All Directors shall serve without</p>	<p>Article VII, Section 6, (new E, formerly (C)): If the Vice President position becomes vacant because of the Vice President's death, resignation, or removal, then the Secretary/Treasurer becomes Vice President for the remainder of the term and then ascends to the presidency at the start of the next term. As a result, there would be openings in both the Vice President and the Secretary/Treasurer positions at the start of the next term, causing those positions to need to be filled.</p> <p>If the Vice President role becomes vacant because the Presidency has become vacant and the Vice President steps in to fill that vacancy and the Secretary/Treasurer fills the now vacated Vice President position, then the Secretary/Treasurer and Vice President will hold their new roles for the remainder of that term plus the full next term in which they would have ascended had there not been a vacancy in the Presidency.</p> <p>Article VII, Section 7: Simplifying existing position titles.</p>

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	<p>compensation; provided, however, that nothing herein shall prohibit the Board of Directors from providing reasonable allowances from time to time to the President/Chair of the Board and to the First Vice President/President-Elect. Any such allowances shall be included in budget reports furnished to the Member Boards.</p> <p>SECTION 8. <u>Meetings of the Board</u>. The Board of Directors may meet in any manner allowed by applicable law in regular or special meetings in order to transact business. Unless finances of the Council will not permit, the Board of Directors shall hold a regular meeting immediately prior to the opening of the Annual Business Meeting and a regular meeting immediately following the adjournment of the Annual Business Meeting of the Council. Special meetings may be held upon call of the President/Chair of the Board or the Executive Committee and shall be held upon written request of the majority of the Board of Directors. All Directors shall be given due notice in writing of the time and place of all meetings, although notice of any meeting may be waived in writing by any Director. A majority of the membership of the Board of Directors shall constitute a quorum for the transaction of business.</p>	<p>Article VII, Section 8: Simplifying existing position titles.</p>
<p>ARTICLE VIII— OFFICERS</p>	<p>SECTION 1. <u>Elected Officers</u>. The Elected Officers of the Council shall be the President/Chair of the Board, the First Vice President/President-Elect, the Immediate Past President, the Second Vice President, the Treasurer, and the Secretary/<u>Treasurer</u>.</p> <p>SECTION 2. <u>President/Chair of the Board</u>. The President/Chair of the Board shall be the senior Elected Officer of the Council and shall:</p> <p>A. preside at all meetings of the Board of Directors, the Executive Committee of the Board of Directors, and the Annual Business Meeting;</p>	<p>Article VIII, Section 1: Simplifying position titles, eliminating the Second Vice President position, merging the Secretary and Treasurer positions, adding the Immediate Past President position within the list of Elected Officers.</p> <p>2023 Governance Survey:</p> <ul style="list-style-type: none"> • 78.6% voted in favor of reducing officer positions from six to four, eliminating the second vice president position and combining the secretary/treasurer positions. <p>Article VIII, Section 2 (B through E): Simplifying existing position titles.</p>

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	<p>B. present to the Council at the Annual Business Meeting a report of activities during the President/Chair of the Board's term of office;</p> <p>C. develop charges for all committees that will serve during their term as President/Chair of the Board and, following approval of the charges by the Board of Directors, oversee the work of all Committees;</p> <p>D. select all members <u>and chairs</u> of Committees to serve during their term of office as President/Chair of the Board subject to the terms of Article XII, Section 5;</p> <p>E. have the power to make appointments to any unfilled or vacant Committee membership during their term as President/Chair of the Board, subject to the approval of the Board of Directors, <u>subject to the terms of Article XII</u>;</p> <p>F. represent the Board of Directors and its policies to all external and internal constituents including to the Chief Executive Officer; and</p> <p>G. perform such other duties and powers as the Board of Directors may from time to time decide.</p> <p>SECTION 3. First Vice President/President-Elect and Second Vice President. The First Vice President/President-Elect and the Second Vice President, in order, shall, in the absence of the President/Chair of the Board, exercise the duties of and possess all the powers of the President/Chair of the Board. In addition, the First Vice President/President-Elect shall:</p> <p>A. develop the Committee charges to be completed during their term of office as President/Chair of the Board, subject to the approval of the Board of Directors;</p> <p>B. select the Cchair of all Committees to serve during their term as President/Chair of the Board, subject to the approval of the Board of Directors, <u>subject to the terms of Article XII</u>; and</p> <p>C. select all members of Committees to serve during their term of office as President/Chair of the Board, subject to the approval of the Board of Directors, <u>subject to the terms of Article XII</u>.</p>	<p>“and chairs” added for consistency with Article XII</p> <p>Adds cross-reference.</p> <p>Article VIII, Section 3: Simplifying existing position titles and eliminating the Second Vice President position.</p> <p>Adds carveout for those Committee chairs who are designated in the Bylaws.</p> <p>Adds carveout for those Committee chairs who are designated in the Bylaws.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>SECTION 4. Secretary/Treasurer. The Secretary/Treasurer shall:</p> <ul style="list-style-type: none"> A. oversee the financial affairs of the Council and be the primary liaison of the Board of Directors with the person designated by the Chief Executive Officer as the chief financial officer of the Council; B. report to the Board of Directors and at the Annual Business Meeting on financial matters of the Council; and B. report to the Board of Directors and at the Annual Business Meeting on financial matters of the Council; and <p>C. perform such duties and have such powers additional to the foregoing as the Board of Directors may designate.</p> <p>SECTION 5. Secretary. The Secretary shall:</p> <ul style="list-style-type: none"> AC. record or cause to be recorded all votes, consents, and the proceedings of all meetings of the Council and of the Board of Directors; and BD. perform such duties <u>and have such powers</u> as the Board of Directors may designate. <p>Records of the Council meetings shall be open at all reasonable times to the inspection of any Member Board.</p> <p>In the absence of the Secretary/Treasurer from any meeting of the Council or from any meeting of the Board of Directors, a temporary Secretary/Treasurer designated by the person presiding at the meeting shall perform the <u>secretarial</u> duties of the Secretary/Treasurer.</p> <p>SECTION 65. <u>Chief Executive Officer</u>. The Chief Executive Officer shall be the senior appointed officer of the Council. Such person shall be appointed by and shall serve at the pleasure of the Board of Directors, and shall have such compensation and benefits as shall be established from time to time by the Board of Directors. The Chief Executive Officer shall have general charge of the management and administration of the Council's affairs, the implementation of policies established from time to time by the Board of Directors and such other duties and powers as the</p>	<p>Article VIII, Section 4: Merging the Secretary and Treasurer positions necessitates a merger of Sections 4 and 5 in this Article VIII.</p> <p>Article VIII, Section 4(former C): Eliminate duplicate language caused by the merger of Sections 4 and 5. Language now exists only in (new D), below.</p> <p>Article VIII, former Section 5: Merging the Secretary and Treasurer positions eliminates Section 5 heading.</p> <p>Article VIII, (former Section 5(B), now (new Section 4(D)): Edits to match the language from the original C in Section 4, above (now deleted.)</p> <p>Insertion of the word “secretarial” clarifies that the stand-in would fill the secretarial role at a meeting but would not take over treasurer duties.</p> <p>Article VIII, former Section 6, now Sections 5: Renumbered due to the merger of Sections 4 and 5, above.</p>

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	<p>Board of Directors may from time to time determine, subject always to the ultimate authority of the Board of Directors under applicable law and these Bylaws.</p> <p>SECTION 76. <u>Bonding</u>. The Council’s Chief Executive Officer and those in general charge of the Council’s financial matters shall be bonded in an amount of not less than \$500,000. The Chief Executive Officer may decide to have others bonded in the Council. The cost of such bond shall be paid from funds of the Council.</p>	<p>Article VIII, former Section 7, now Section 6: Renumbered due to the merger of Sections 4 and 5, above.</p>
<p>ARTICLE IX— COUNCIL SERVICES TO MEMBERS OF THE ARCHITECTURAL PROFESSION</p>	<p>SECTION 1. <u>Council Record</u>. The Council shall, upon request of individual members of the architectural profession, secure, authenticate, and record factual data of an applicant’s education, training, examination, practice, and character for purposes of establishing a Council Record. Upon request of the applicant, this Council Record will be forwarded to any Member Board or to any foreign Registration authority with whom the Council has an agreement for mutual reciprocity.</p> <p>SECTION 2. <u>Council Certification</u>. Council Certification shall be given to an Architect holding a Council Record verifying that the Architect has complied with the Council standards of education, training, examination, Registration, and character. In addition to this verification, the Certification shall carry the recommendation of the Council that Registration be granted the Architect without further examination of credentials. For applicants registered as Architects in countries where formal agreements with the Council exist, the standards and procedures for Certification will be in accordance with such written agreements or as otherwise established by the Council. Architects certified by the Council shall have a Certificate incorporated in their Council Record.</p> <p>SECTION 3. <u>Annual Renewal</u>. Council Certification shall be in effect for a period of one year. Renewal of the Council Certification shall be predicated upon the submission of an annual fee and an annual report containing such information as the Council deems appropriate. The Council Certification shall lapse if the annual fee and report are not received by the Council within such grace period as the Board of Directors may establish. A lapsed Council Certification may be reactivated by paying delinquent renewal fees, furnishing delinquent annual reports, and paying such fee for reinstatement as the Board of Directors may establish from time to time.</p>	<p><i>(no changes to Article IX)</i></p>

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	<p>SECTION 4. <u>Revocation of Certification</u>. The Council shall revoke an Architect's Council Certification if:</p> <ul style="list-style-type: none"> A. a Member Board has revoked (without limitation as to time) the Architect's Registration for a cause other than nonpayment of renewal fees or failure to file information with the Member Board; or B. facts are subsequently revealed which show that the Architect was actually ineligible for Council Certification at the time of Council Certification. <p>In addition, the Council may revoke an Architect's Council Certification if:</p> <ul style="list-style-type: none"> C. a Member Board or a court makes a finding, not reversed on appeal, that the Architect has, in the conduct of their architectural practice, violated the law or has engaged in conduct involving wanton disregard for the rights of others; or D. the Architect has surrendered or allowed to their Registration to lapse with the Member Board in connection with disciplinary action pending or threatened; or E. a Member Board has denied the Architect registration for a cause other than the failure to comply with the educational, experience, age, citizenship, or other technical qualifications for registration in such jurisdiction; or F. the Architect has willfully misstated a material fact in a formal submission to the Council. <p>The Council may reinstate a Certification previously revoked, if the cause of the revocation has been removed, corrected, or otherwise remedied.</p> <p>In order to assist the Council in carrying out its responsibilities under this Section, each Member Board shall (unless prohibited by applicable law) report to the Council the occurrence of any event that qualifies an Architect for revocation of their Council Certification, as described herein.</p>	

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
<p>ARTICLE X— COUNCIL SERVICES TO MEMBER BOARDS</p>	<p>SECTION 1. <u>Architect Registration Examination</u>. The Council shall prepare an Examination for use by Member Boards. The Board of Directors shall issue, from time to time, rules respecting the administration and grading of Examinations, which shall include, among other things, the schedule of charges for the use of the Examinations, the date or dates on which Examinations may be administered, safeguards to prevent improper disclosure of information respecting the Examinations, and such other matters respecting the administration and grading of Examinations as the Board of Directors deems appropriate. Every Member Board using the Examination shall comply strictly with the rules issued by the Board of Directors, unless the Board of Directors agrees to waive any of the rules in a particular case. If any Member Board refuses to comply with the rules applicable to its use of the Examination or, after so agreeing, fails to comply with such rules, the Board of Directors may withhold the Examinations from such Member Board until it is satisfied that such Member Board will comply with such rules thereafter. Any Member Board which refuses Registration to architects holding the Council Certification for the reason that the Member Board has requirements or procedures for grading the Examination which are different from the requirements or procedures established by the Council shall be denied the use of the Examinations until such policy of refusing Registration is revoked; but the Board of Directors may, with sufficient cause, waive the denial of the use of the Examinations.</p> <p>SECTION 2. <u>Architectural Experience Program</u>. The Council shall prepare a structured experience program for use by Member Boards. The Board of Directors shall issue, from time to time, updates to program rules and opportunities to remain relevant with experiences and competencies necessary for the current practice of architecture.</p> <p>SECTION 3. <u>Additional Services</u>. Additional services may be offered as determined by the Board of Directors from time to time.</p> <p>SECTION 4. <u>Forms and Documents</u>. In order to ensure uniformity in the reporting of an applicant's education, experience, Registration (if applicable), and other necessary supporting data for determining eligibility for the Examination, Council Certification, or reciprocal Registration, the Council shall study</p>	<p><i>(no changes to Article X)</i></p>

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	<p>and prepare forms, documents, and/or systems appropriate for use by both the Council and Member Boards.</p> <p>SECTION 5. <u>Research</u>. The Council, through work of committees, shall engage in research pertinent to all matters relating to legal Registration of architects.</p> <p>SECTION 6. <u>International Relations</u>. The Council shall engage in the exploration and formulation of agreements with foreign countries to allow architects to practice in countries other than their own.</p>	
<p>ARTICLE XI— FINANCES, FUNDS, ACCOUNTING, INVESTMENTS AND RECORDS OF THE COUNCIL</p>	<p>SECTION 1. <u>Dues and Fees</u>.</p> <ul style="list-style-type: none"> A. Annual membership dues may be changed for any period, by resolution adopted at an Annual Business Meeting with implementation of any increase to take place not less than three years after such resolution is adopted. B. The fees to be charged for services to members of the architectural profession shall be established, from time to time, by an affirmative vote of not less than two-thirds of the Board of Directors present and voting. <p>SECTION 2. <u>Operating Fund</u>.</p> <ul style="list-style-type: none"> A. All membership dues and all fees and other revenues received from any of the activities of the Council shall be placed in the operating fund of the Council. The operating fund shall be administered by the Council's chief financial officer. B. As soon as feasible following the Annual Business Meeting, the Board of Directors shall adopt a general budget which shall show the anticipated income and expenditures for the current year. C. No, Director, Committee, or employee of the Council shall have the right, authority, or power to expend any money of the Council, to incur any liability for and in its behalf, or to make any commitment which will or may be deemed to bind the Council in any expense or financial liability, unless such expenditure, liability, or commitment has been properly incorporated into the budget, and the Board of Directors has made an appropriation to pay the same. D. The Fiscal Year of the Council shall be from July 1 of one year to June 30 of the next succeeding year. 	<p><i>(no changes to Article XI)</i></p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>SECTION 3. <u>Securities and Investments</u>. In accordance with the Board of Directors’ policies and directions by the Board of Directors to the Chief Executive Officer, the Council’s chief financial officer shall have charge of the investment of all funds of the Council not held in its operating fund. In accordance with such policies and such directions, such chief financial officer may sell, purchase, transfer, and convey securities and exercise all rights, by proxy or by participation, of the Council with respect to such securities, or may authorize such purchases, sales, transfers, conveyances, and the exercise of any or all of said rights.</p> <p>SECTION 4. <u>Liabilities of Officers, Directors, and Employees</u>. No Director, officer, or employee of the Council shall be personally liable for any decrease of the capital, surplus, income, balance, or reserve of any fund or account resulting from their acts performed in good faith and within the scope of their authority.</p> <p>SECTION 5. <u>Disclosure of Records</u>. Upon written request made with reasonable specificity, a Member Board shall have the right to receive from the Council with reasonable promptness copies of any Council record it may reasonably request, but excluding:</p> <ul style="list-style-type: none"> A. information barred from disclosure by an applicable statute; B. trade secrets; C. information disclosed to the Council in reliance upon its continued non-disclosure; D. information that, if released, would give an inappropriate advantage to a competitor or bidder with respect to a request for proposals issued or about to be issued by the Council; E. personnel information, the disclosure of which would constitute an unwarranted invasion of personal privacy; F. attorney-client communications and attorney work-product materials; G. transcripts and personal information respecting Certificate applicants or holders without the permission of such applicant or holder; 	

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>H. contents and results of examinations except to the extent disclosure is provided for in the contract between the Council and the Member Board together with data, methodologies, practices, plans, proposals, records of committee deliberations and other records relating to the content, administration, scoring or security of examinations; and</p> <p>I. information arising from investigatory cases.</p> <p>Any of the excluded records that the Council has already distributed publicly shall, notwithstanding the preceding sentence, be available to any Member Board.</p> <p>To the extent permitted by applicable law, Council records furnished to a Member Board shall not be distributed by the Member Board other than to members of such Member Board. The Council may charge the Member Board only reasonable costs to comply with the request. Such charges shall be itemized by the Council in an invoice to the Member Board.</p>	
<p>ARTICLE XII— COMMITTEES</p>	<p>SECTION 1. <u>Board Committees</u>. The Board of Directors may, by the affirmative vote of a majority of the Directors then in office or as otherwise set forth in these Bylaws, create one or more Board Committees. Board Committees, to the extent provided in the applicable authorizing action of the Board of Directors or these Bylaws, shall have and exercise the authority of the Board of Directors in the management of the Council. A Board Committee may not, however:</p> <ul style="list-style-type: none"> A. authorize distributions; B. approve or recommend to members dissolution, merger, or the sale, pledge, or transfer of all or substantially all of the Council's assets; C. elect, appoint, or remove Directors or fill vacancies on the Board of Directors or on any Board Committees; or D. adopt, amend, or repeal the Council's Articles of Incorporation or Bylaws. <p>The designation of, and the delegation of authority to, a Board Committee shall not operate to relieve the Board of Directors, or any individual Director, of any responsibility imposed upon them by law.</p>	

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>SECTION 2. <u>Executive Committee of the Board of Directors</u>. The Executive Committee of the Board of Directors shall be a Board Committee and shall comprise the President/Chair of the Board, the First Vice President/President-Elect, the Second Vice President, the <u>Secretary</u>/Treasurer, the Secretary, and the Immediate Past President. The Executive Committee shall:</p> <ul style="list-style-type: none"> A. act for the Board of Directors between meetings only as directed by the Board of Directors; B. prior to the start of the new fiscal year of the Council, review the budget for the next fiscal year for presentation to the Board of Directors; and C. periodically review the budget, investments, financial policies, and financial positions of the Council and make recommendations concerning the same to the Board of Directors for appropriate action. <p>SECTION 3. <u>Audit Committee</u>. The Audit Committee, appointed in the same manner and with the same term as all other Committees, shall be a Board Committee and shall consist of the <u>Secretary</u>/Treasurer, who shall serve as the chair of the Committee, up to one additional Executive Committee member, and from one to three additional members of the Board of Directors who are not members of the Executive Committee. The Audit Committee shall report to the Board of Directors and shall be responsible for overseeing the Council's financial controls and auditing, including receiving the annual audit and considering the items of internal accounting control that arise from the audit, from personnel changes, and from the implementation of changes in policies that affect internal financial controls. The Audit Committee shall annually select and engage an independent auditor of the Council's financial records.</p> <p>SECTION 4. <u>Advisory Committees</u>. Advisory Committees may be created by affirmative vote of a majority of the Directors present at a meeting at which there is a quorum or as set forth in these Bylaws. The Board of Directors may delegate to any of the Elected Officers or the Immediate Past President the authority to supervise the work of any of the Advisory Committees.</p>	<p>Article XII, Section 2: Simplifying existing position titles, eliminating the role of the Second Vice President, and merging the roles of Secretary and Treasurer.</p> <p>Article XII, Section 3: Merges the roles of Secretary and Treasurer.</p> <p>Article XII, Section 4: The Immediate Past President was incorporated into the definition of Elected Officers in Article VIII, Section 1, above.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>SECTION 5. <u>Committee Membership</u>. In accordance with Article VIII, Section 2, the President/Chair of the Board shall select the members <u>and the chair</u> of all Committees subject to approval by the Board of Directors, <u>except as otherwise set forth in these Bylaws</u>. Except as otherwise specifically provided in these Bylaws, the President/Chair of the Board shall select the Chair of each Committee. The terms of all Committee appointments shall be for one year, during the President/Chair of the Board's term in such capacity, except as otherwise approved by the Board of Directors <u>or as set forth in these Bylaws</u>. Any unfilled or vacant Board Committee positions shall be filled in accordance with the regular procedures for appointment. The Board of Directors may at any time, by the affirmative vote of a majority of the Directors then in office, discontinue a Board Committee or Advisory Committee other than those established by these Bylaws (which may only be discontinued by amendment of these Bylaws), and make any changes in a Committee's membership without regard to the terms of appointment of the Committee members, <u>other than with respect to those Committees established by these Bylaws (which may only be discontinued or have its membership structure changed by amendment of these Bylaws)</u>.</p>	<p>Article XII, Section 5: Simplifying existing position titles. Also adds carveout for committees with special chair designations or membership structures and combines two sentences for clarity.</p> <p>Clarifying language</p> <p>Language moved below for clarity.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>SECTION 6. <u>Reports of Committees</u>. Each Committee shall report in writing annually to the Board of Directors, at least 60 days prior to the date of the Annual Business Meeting and shall make interim reports to the Board of Directors as directed.</p> <p>SECTION 7. <u>General Procedure of Committees</u>. Every Committee shall perform in accordance with these Bylaws and with the directions of the Board of Directors. The provisions of these Bylaws that govern Board of Directors' meetings, action without meetings, notice and waiver of notice, and quorum and voting requirements of the Board of Directors shall apply to meetings and action of the Committees and their members as well. With the approval of the Board of Directors, every Committee may call and hold meetings and meet with other organizations or their representatives; provided that an Advisory Committee may not take any action to bind the Board of Directors or otherwise exercise any powers or authority of the Board of Directors, and no Committee may take any actions prohibited under Article XII, Section 1 of these Bylaws.</p> <p>SECTION 8. <u>Advisory Committees</u>. The following Advisory Committees are hereby established and may from time to time make recommendations to the Board of Directors for consideration, subject to the terms of these Bylaws and applicable law:</p> <ul style="list-style-type: none"> A. Education Committee: The Education Committee shall assess and recommend updates to the Board of Directors with respect to the Council's education and continuing education policies for use by Member Boards and the Council's relationship with the National Architectural Accrediting Board. B. Experience Committee: The Experience Committee shall assess and recommend updates to the Board of Directors with respect to the Architectural Experience Program for use by Member Boards. C. Examination Committee: The Examination Committee shall assess and recommend updates to the Board of Directors with respect to the Examination for use by Member Boards. 	

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>D. Policy Advisory Committee: The Policy Advisory Committee shall review proposed resolutions and special publications, as directed by the Board of Directors, for their impact on and consistency with Council policies and programs and make recommendations on such matters to the Board of Directors.</p> <p>E. Professional Conduct Committee: The Professional Conduct Committee shall oversee the development, application, assessment, and adjudication of Council policies and practices relating to the professional conduct of Council Record holders and others using Council services.</p> <p>F. Member Board Executives Committee: The Member Board Executives Committee shall consider issues of concern to the jurisdictions and Member Board Executives.</p> <p>G. Regional Leadership Committee: The Regional Leadership Committee shall discharge its responsibilities as described in Article V, Section 56, and consider issues of concern to the Regions. The membership of the Committee shall be the Regional Chairs of each of the Regions, any person designated by the Region as the chief administrative officer of the Region, and the First-Vice President/President-Elect who shall serve as chair of the Committee.</p> <p>H. Credentials Committee: The Credentials Committee shall oversee <u>be responsible for</u> the nomination and election process for positions on the Board of Directors, verify candidate qualifications for office, examine and verify Voting Delegate credentials, report to the membership regarding quorum at the Annual Business Meeting, and tabulate and report election results to the President/Chair of the Board. Members of the Credentials Committee shall be sitting Member Board Members and/or Member Board Executives.</p>	<p>Article XII, Section 8(G): Correcting erroneous reference and conforming terminology to defined term.</p> <p>Simplifying existing position titles.</p> <p>Article XII, Section 8(H): Clarifies the role of the Credentials Committee to be responsible for the application process in addition to the election process and verification of qualifications. Nominations occur as specified in Article VII, Section 5.</p> <p>Simplifying existing position titles.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>I. Diversity, Equity, and Inclusion Committee: The Diversity, Equity, and Inclusion (DEI) Committee explores and recommends strategies to improve the diversity, equity, and inclusive culture of NCARB to ensure that the organization represents the population it serves.</p> <p>J. Other: Committees, task forces, and work groups may be established from time to time by the President/Chair of the Board with the approval of the Board of Directors.</p> <p>SECTION 9. <u>Select Committees</u>. Whenever the Council establishes by resolution a Committee, a majority of whose members are, in accordance with such resolution, to be selected by a procedure other than those set out in Section 5 of Article XII, such a Committee shall be deemed a Select Committee and shall have, in addition to the duties and powers set out in the resolution, the right, to offer resolutions to be voted on at the Annual Business Meeting on subjects germane to the work of such Select Committee, provided such resolutions are included in the annual report of such Select Committee submitted to the Board of Directors in accordance with Section 6 of this Article XII. Such annual report of a Select Committee shall be distributed to the membership not later than 30 days prior to the Annual Business Meeting without revision by the Board of Directors. A Select Committee may be a Board Committee or an Advisory Committee, provided that the procedures and authority applicable to such Select Committee are consistent with those of a Board Committee or Advisory Committee, as applicable.</p>	<p>Article XII, Section 8(J): Simplifying existing position titles.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
<p>ARTICLE XIII— INDEMNIFICATION</p>	<p>In addition to such further indemnification as may be authorized by the Board of Directors from time to time consistent with applicable law, to the fullest extent permitted by law, including without limitation Section 504 of the Iowa Code known as the Revised Iowa Nonprofit Council Act (“RINCA”) and after the Council’s Board of Directors makes the determination that the standards of Section 504.852 of RINCA (or successor provisions) have been met for the specific proceeding at issue, any present or former Director or employee determined by Board of Directors to be an executive employee, or member of a Committee, or the estate or personal representative of any such person, made a party to any action, suit or other proceeding, civil or criminal, by reason of the fact that such person is or was serving the Council as such, or serving at the Council’s request in any other entity or with respect to the Council’s employee benefit plan, shall be indemnified by the Council against thereasonable expenses, including without limitation amounts paid by way of judgment, fine or penalty and reasonable defense costs including attorney’s fees incurred in connection with the defense of such proceeding whether or not such defense shall be successful in whole or in part, or in connection with any appeal therein, or any settlement of any such proceeding on terms approved by the Board of Directors. Such indemnification shall not be deemed exclusive of any other rights to which such persons may be entitled. Any other present or former employee or agent of the Council may also be indemnified with the approval of the Board of Directors. Expenses incurred of the character described above may, with the approval of the Board of Directors, be advanced to any person entitled to indemnity upon satisfaction of the requirements of Section 504.854 (or successor provisions) of RINCA. The Council shall have the power to purchase and maintain insurance on behalf of any person described above, or any other employee, volunteer or agent of the Council, against liability asserted against or incurred by such person on account of their status as such, whether or not the Council would have the power to indemnify or advance expenses to such persons.</p>	<p><i>(no changes to Article XIII)</i></p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
ARTICLE XIV— AMENDMENTS	These Bylaws may be amended at any special meeting or Annual Business Meeting of the Council by resolution submitted to the Member Boards not less than 30 days prior to the meeting at which the resolution is to be considered. An affirmative vote by not less than twothirds of the Member Boards shall be required to secure adoption of any amendment to these Bylaws.	<i>(no changes to Article XIV)</i>
<u>ARTICLE XV— TRANSITION</u>	<p><u>SECTION 1. Transition Plan. The following governance provisions shall apply for the respective time periods set forth below. Except as modified below, these Bylaws shall be in full effect during the transition periods identified below. For purposes of this Article XV, “ABM” shall refer to the Annual Business Meeting of the Council taking place in the corresponding year.</u></p> <p><u>SECTION 2. 2023-2024 Term.</u></p> <p><u>A. Elected Officers.</u></p> <p><u>(i) The Elected Officers shall include the following positions: Secretary; Treasurer; Second Vice President; First Vice President/President-Elect (to be known as Vice President); President/Chair of the Board (to be known as President); and Immediate Past President.</u></p> <p><u>(ii) The Elected Officers shall be those persons elected or succeeding to office as set forth in those Bylaws in effect during the 2023 ABM. The Second Vice President, Treasurer, and Secretary shall, respectively, exercise such duties and have such authority and responsibility as set forth in those Bylaws in effect during the 2023 ABM.</u></p> <p><u>B. Elected Officer Vacancies. In the event of a vacancy in:</u></p> <p><u>(i) The office of President, the Vice President shall fill such vacancy for the remainder of the term and the following term.</u></p> <p><u>(ii) The office of Vice President, the Second Vice President shall fill such vacancy for the remainder of the term and the following term.</u></p> <p><u>(iii) The office of Second Vice President, the Treasurer shall fill such vacancy for the remainder of the term and the following term.</u></p>	<p>Article XV: This section is the transition plan for shifting to the new proposed governance structure. The plan covers the period 2023 through 2027.</p> <p>No changes will apply to the 2023 elections process.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p><u>(iv) The office of Treasurer, the Secretary shall fill such vacancy for the remainder of the term (without vacating the office of Secretary). Such person shall be considered the Treasurer for purposes of Elected Officer succession for the following term.</u></p> <p><u>(v) The office of Secretary, the Board shall appoint an individual to fill such vacancy for the remainder of the term.</u></p> <p><u>(vi) The office of Immediate Past President, such office shall remain vacant for the remainder of the term.</u></p> <p><u>C. At-Large Directors. There will be no At-Large Directors.</u></p> <p><u>SECTION 3. 2024 ABM Election / 2024 – 2025 Term.</u></p> <p><u>A. Elected Officers.</u></p> <p><u>(i) The Elected Officers shall include the following positions: Secretary/Treasurer; Second Vice President; Vice President; President; and Immediate Past President.</u></p> <p><u>(ii) The Elected Officers shall be the following persons, except as may be modified by any vacancies arising during the previous term:</u></p> <ul style="list-style-type: none"> <u>• Secretary/Treasurer: That person who served as Secretary during the previous term (except in the event of a vacancy in the office of Secretary or Treasurer during the 2023-2024 term, in which case the Secretary/Treasurer shall be elected as set forth in Article VII, Section 5, of these Bylaws).</u> <u>• Second Vice President: That person who served as Treasurer during the previous term.</u> <u>• Vice President: That person who served as Second Vice President during the previous term.</u> <u>• President: That person who served as Vice President during the previous term.</u> <u>• Immediate Past President: That person who served as President during the previous term.</u> 	

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p><u>(iii) The Second Vice President shall, in the absence of the President and Vice President, exercise the duties of and possess all the powers of the President.</u></p> <p><u>B. Elected Officer Vacancies. In the event of a vacancy in:</u></p> <p><u>(i) The office of President, the Vice President shall fill such vacancy for the remainder of the term and the following term.</u></p> <p><u>(ii) The office of Vice President, the Second Vice President shall fill such vacancy for the remainder of the term and the following term.</u></p> <p><u>(iii) The office of Second Vice President, the Secretary/Treasurer shall fill such vacancy for the remainder of the term and the following term.</u></p> <p><u>(iv) The office of Secretary/Treasurer, the Board shall appoint an individual to fill such vacancy for the remainder of the term.</u></p> <p><u>(v) The office of Immediate Past President, such office shall remain vacant for the remainder of the term.</u></p> <p><u>C. At-Large Directors. There shall be two At-Large Directors. The At-Large Directors shall be elected as set forth in Article VII, Section 5, of these Bylaws.</u></p> <p><u>SECTION 4. 2025 ABM Election / 2025-2026 Term.</u></p> <p><u>A. Elected Officers.</u></p> <p><u>(i) The Elected Officers shall include the following positions: Secretary/Treasurer; Second Vice President; Vice President; President; and Immediate Past President.</u></p>	

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>(ii) <u>In the event that a Secretary/Treasurer was elected for the 2024-2025 term due to a prior vacancy in the position of Secretary or Treasurer, then such person shall remain Secretary/Treasurer during this 2025-2026 term and there shall be no Second Vice President. Such person shall then become Vice President during the 2026-2027 term, and a new Secretary/Treasurer will be elected at the 2026 ABM in accordance with these Bylaws¹.</u></p> <p>(iii) <u>The Elected Officers shall be the following persons, except as may be modified by any vacancies arising during the previous term:</u></p> <ul style="list-style-type: none"> • <u>Secretary/Treasurer: That person elected as set forth in Article VII, Section 5, of these Bylaws.</u> • <u>Second Vice President: That person who served as Secretary/Treasurer during the previous term.</u> • <u>Vice President: That person who served as Second Vice President during the previous term.</u> • <u>President: That person who served as Vice President during the previous term.</u> • <u>Immediate Past President: That person who served as President during the previous term.</u> <p>(iv) <u>The Second Vice President shall, in the absence of the President and Vice President, exercise the duties of and possess all the powers of the President.</u></p>	

¹ A new Secretary/Treasurer is supposed to be elected at the 2025 ABM and serve two terms. However, if there is a vacancy in the Secretary or Treasurer position during the 2023-2024 term and a new Secretary/Treasurer is elected in 2024 for the 2024-2025 term, then that person could remain as Secretary/Treasurer during 2025-2026 and the Second Vice President position could disappear a year earlier than planned.

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p><u>B. Elected Officer Vacancies. In the event of a vacancy in:</u></p> <ul style="list-style-type: none"> <u>(i) The office of President, the Vice President shall fill such vacancy for the remainder of the term and the following term.</u> <u>(ii) The office of Vice President, the Second Vice President (or if there is no Second Vice President, then the Secretary/Treasurer) shall fill such vacancy for the remainder of the term and the following term.</u> <u>(iii) The office of Second Vice President, such office shall remain vacant for the remainder of the term.</u> <u>(iv) The office of Secretary/Treasurer, the Board shall appoint an individual to fill such vacancy for the remainder of the term.</u> <u>(v) The office of Immediate Past President, such office shall remain vacant for the remainder of the term.</u> <p><u>SECTION 5. 2026 ABM Election / 2026-2027 Term.</u></p> <p><u>A. Elected Officers.</u></p> <ul style="list-style-type: none"> <u>(i) The Elected Officers shall include those positions as set forth in Article VIII, Section 1, of these Bylaws.</u> <u>(ii) The Elected Officers shall be the following persons, except as may be modified by any vacancies arising during the previous term:</u> <ul style="list-style-type: none"> <u>• Secretary/Treasurer: That person who served as Secretary/Treasurer during the 2025-2026 term; except if there were (a) no election for Secretary/Treasurer at the 2025 ABM or (b) a vacancy in the position of Secretary/Treasurer during the 2025-2026 term, then the Secretary/Treasurer shall be elected as set forth in Article VII, Section 5, of these Bylaws.</u> <u>• Vice President: That person who served as Second Vice President during the previous term.</u> 	

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<ul style="list-style-type: none"> • <u>President: That person who served as Vice President during the previous term.</u> • <u>Immediate Past President: That person who served as President during the previous term.</u> <p><u>B. Elected Officer Vacancies. In the event of a vacancy, the vacancy shall be filled as set forth in Article VII, Section 6, of these Bylaws.</u></p> <p><u>Section 6. 2027 ABM Election / 2027-2028 Term. The Elected Officer and all other Director positions shall be as set forth in Article VIII, Section 1, and Article VII, Section 1, respectively, of these Bylaws and shall be filled as set forth in Article VII, Section 5, of these Bylaws. All vacancies shall be filled as set forth in Article VII, Section 6, of these Bylaws.</u></p> <p><u>Section 7. Transition Termination. This Article XV shall be automatically removed from these Bylaws upon the adjournment of the 2027 ABM.</u></p>	



Appendix F:

Proposed Transition Model

2023-2024 BOARD OF DIRECTORS

(ELECTED AT THE 2023 NCARB ANNUAL BUSINESS MEETING)

There will be no changes for the Board of Directors for FY24. The elections at the 2023 Annual Business Meeting will proceed as normal. The current Board includes:

- 14 positions
- Six officers, six regional directors, MBE director, public director.
- Elections Notes:
 - First Vice President, Second Vice President, Treasurer, and Secretary will all be elected.
 - New regional directors will be elected to a first term in 2023 for Regions 1, 3, and 6 as Janet Hansen, Richard McNeel, and Sylvia Kwan complete their final terms as regional directors.
 - Directors for Regions 2, 4 and 5 (George Miller, Meg Parsons, and Lenora Isom) are eligible for election to a second term.
 - A new public director will be elected as current Public Director Gary Ey is completing his third and final term in FY23.
 - Cathe Evans is eligible for election to a third term as MBE director.

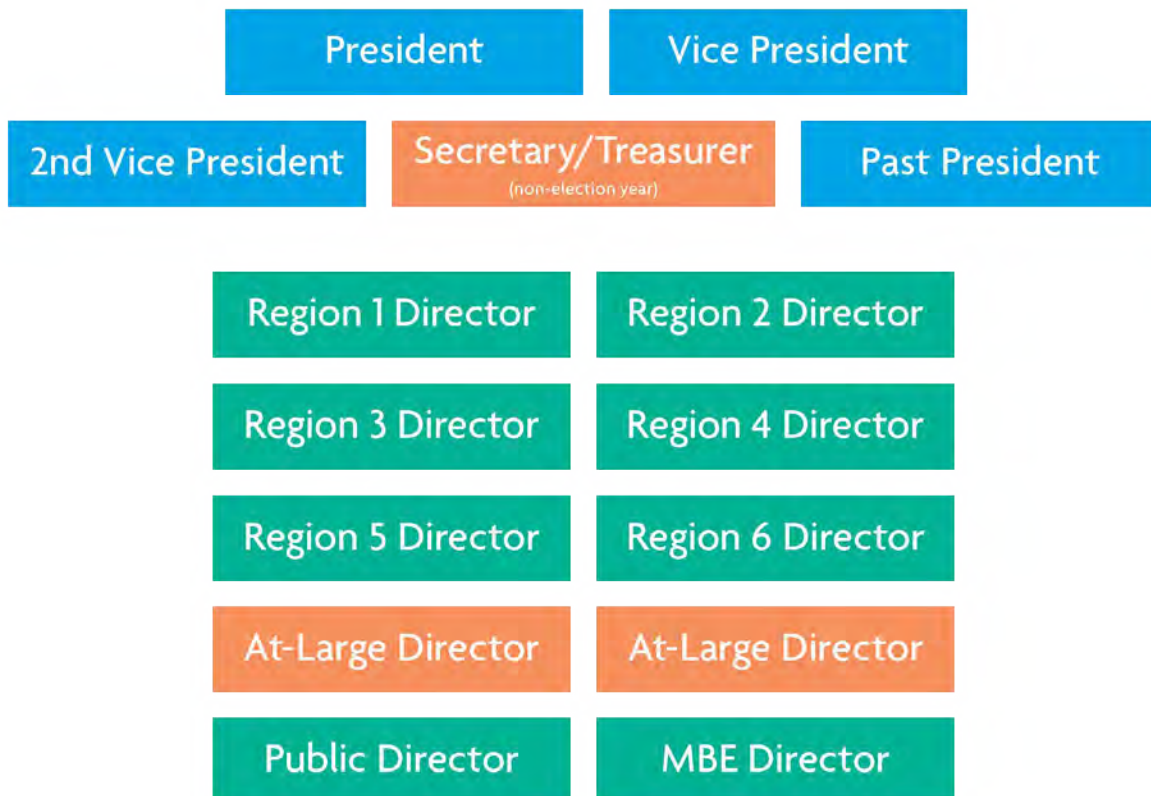


KEY: ■ Officer ■ Director Positions
■ New Bylaws ■ Position Removed

2024-2025 BOARD OF DIRECTORS

(ELECTED AT THE 2024 NCARB ANNUAL BUSINESS MEETING)

- The FY25 Board of Directors will be the first to reflect some of the changes in the resolution. To implement these, changes to the election process will start at the 2024 Annual Business Meeting.
- What's different?
 - One less officer position—the secretary/treasurer position merges in this year.
 - Two at-large director positions begin (the Board size increases temporarily to 15 people).
- 15 positions
 - Five officers, six regional directors, two at-large directors, MBE director, public director.
- Elections
 - There will be no officer elections in 2024.
 - ◇ The secretary elected in 2023 will serve in the newly merged secretary/treasurer role.
 - ◇ All other officer positions will automatically advance to the next role in 2024.
 - 2023 treasurer to second vice president.
 - 2023 second vice president to newly titled vice president position.
 - 2023 vice president to newly title president position.
 - 2023 president to immediate past president.
 - Two at-large directors will be elected to the first of two potential one-year terms.
 - ◇ The Credentials Committee will release a call for applications for these new positions.
 - A new MBE director will be elected as Cathe Evans completes her third term.

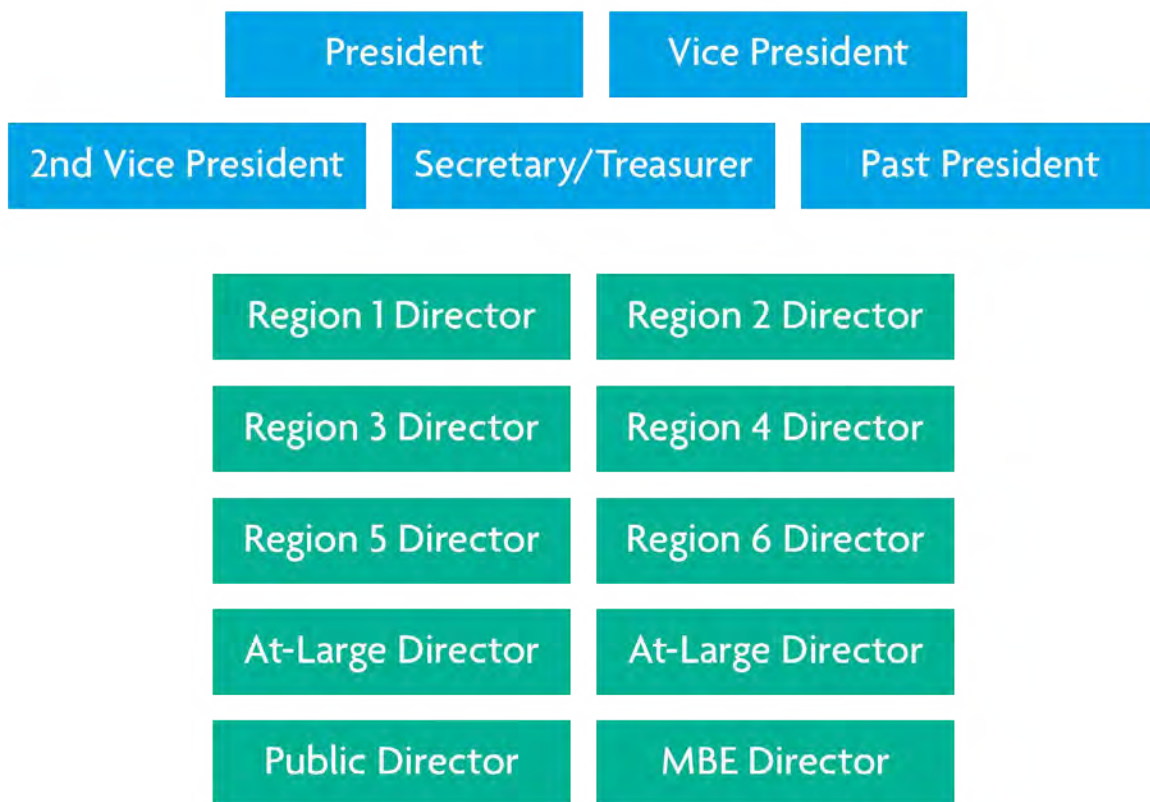


KEY: ■ Officer ■ Director Positions
■ New Bylaws ■ Position Removed

2025-2026 BOARD OF DIRECTORS

(ELECTED AT THE 2025 NCARB ANNUAL BUSINESS MEETING)

- What's different?
 - Election for the first secretary/treasurer in the merged role.
- 15 positions
 - Five officers, six regional directors, two at-large directors, MBE director, public director.
- Elections
 - An election for secretary/treasurer will be held.
 - Eligible regional, at-large, MBE, and public director positions will be elected to serve additional one-year terms, and new directors will be elected for any positions not eligible for re-election.



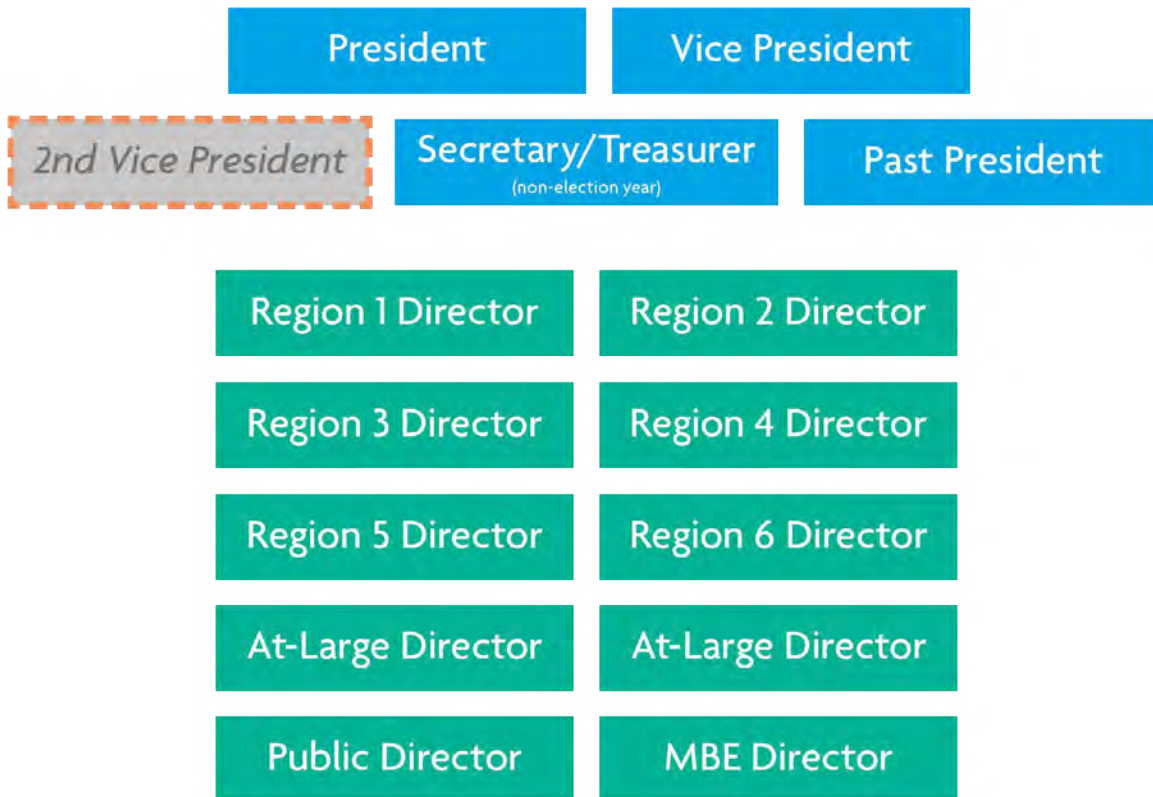
KEY:

- Officer
- Director Positions
- New Bylaws
- Position Removed

2026-2027 BOARD OF DIRECTORS

(ELECTED AT THE 2026 NCARB ANNUAL BUSINESS MEETING)

- What's different?
 - The Board of Directors returns to 14 positions.
 - The second vice president position is eliminated.
 - No election for secretary/treasurer in this year.
 - ◇ The secretary/treasurer elected in 2025 will hold for one year rather than advancing to the eliminated second vice president position.
- 14 positions
 - Four officers, six regional directors, two at-large directors, MBE director, public director.
- Elections
 - Eligible regional, at-large, MBE, and public director positions will be elected to serve additional one-year terms, and new directors will be elected for any positions not eligible for re-election.



KEY: ■ Officer ■ Director Positions
■ New Bylaws ■ Position Removed

2027-2028 BOARD OF DIRECTORS

(ELECTED AT THE 2027 NCARB ANNUAL BUSINESS MEETING)

- What's different?
 - Full implementation of the new governance structure this year.
- 14 positions
 - Four officers, six regional directors, two at-large directors, MBE director, public director.
- Elections
 - An election for Secretary/Treasurer will be held.
 - Eligible regional, at-large, MBE, and public director positions will be elected to serve additional one-year terms, and new directors will be elected for any positions not eligible for re-election.
 - Transition is complete and Article XV of the *Bylaws* is sunset.



KEY: ■ Officer ■ Director Positions
■ New Bylaws ■ Position Removed