

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda

Holiday Inn

6000 Middle Fiskville Road, Elm Room

Austin, Texas

Thursday, August 17, 2023

10:00 a.m. – Conclusion

1. **Preliminary Matters**
 - A. Call to order
 - B. Roll call
 - C. Excused and unexcused absences
 - D. Determination of a quorum
 - E. Recognition of guests
 - F. Chair's opening remarks
 - G. Public comments
 2. **Approval of June 5, 2023 Board Meeting Minutes (Action)**
 3. **Executive Director Report (Information)**
 4. **FY24 Proposed Budget (Action)**
 5. **Consideration of Proposed Amendments for Adoption (Action)**
 6. **Enforcement Cases (Action)**
- Debra Dockery
Darren James
Debra Dockery
- Debra Dockery
- Julie Hildebrand
- Julie Hildebrand
- Lance Brenton
- Lance Brenton
- Consideration of proposed 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.
- Review and possibly adopt ED's recommendation in the following enforcement cases:**
- A. Registrant/Non-Registrant Cases:**
- | | | |
|------------------------------|-------------------------|----------------|
| Case No. 058-20N | Clay, Bruce Willis | Non-registrant |
| SOAH Docket No. 459-23-14579 | | |
| Case No. 112-21N | Prieto, Jose Luis | Non-registrant |
| Case No. 146-20N | Ramon, Esteban A. | Non-registrant |
| SOAH Docket No. 459-23-11664 | | |
| Case Nos. 039-23A/ 095-23A | Sargenti, Robert J. Jr. | Arch. #17184 |
| Case No. 124-23A | Strombom, Dean Howard | Arch. #10447 |
- B. Continuing Education:**

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Case No. 020-23I	Alford, Gordon B.	RID #5650
Case No. 150-23A	Chow, Chi-Chung	Arch. #7553
Case No. 169-23L	Drummond, Clare	LA #3652
Case No. 132-23I	Efrussy, Jasmine Jacobs	RID #10104
Case No. 171-23I	Holub, Alyssa Jayne	RID #10483
Case No. 178-23L	Maskooki, Nicole	LA #3573
Case No. 177-23A	Morris, Bryan David	Arch. #25707
Case No. 174-23L	Oliver, Bruce A.	LA #3133
Case No. 145-23A	Palis, Douglas Wayne	Arch. #14031
Case No. 144-23L	Rahn, Steven Michael	LA #1600
Case No. 170-23I	Teegarden, Sydney	RID #10765
Case No. 172-23L	Tipton, Albert C. III	LA #2712

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

7. **Discussion of Issues Relating to Compliance with Continuing Education Requirements and Associated Disciplinary Actions** (*Information*) Lance Brenton
8. **Tim Bargainer 2023 CLARB Leadership Elections & Voting Member** Debra Dockery
9. **Discussion of Board Member and Executive Director Succession Planning** Debra Dockery
10. **Executive Director Annual Performance Evaluation** (*Action*) Debra Dockery
 - A. Report on findings based upon performance evaluation.
 - B. Consider and possibly act upon any personnel action that may be proposed by the Board.

The Board may meet in closed session pursuant to TEX. GOV'T CODE ANN. §551.074 to confer on personnel matters.

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10:00 a.m. – Conclusion

- | | |
|--|---------------|
| 11. Approval of the Proposed 2024 Board Meeting Dates <i>(Action)</i>
Thursday, February 22, 2024
Thursday, May 23, 2024
Thursday, August 22, 2024
Thursday, November 21, 2024 | Debra Dockery |
| 12. Reports on National Regulatory Boards and Board Member and Staff Committee Service <i>(Information)</i> | Debra Dockery |
| 13. Report on Conferences and Meetings <i>(Information)</i>
A. NCARB Annual Business Meeting – June 15-17
B. ASID Texas Chapter’s Celebrating Design Texas 2023 – Aug 2 | Debra Dockery |
| 14. Report on Upcoming Conferences and Meetings <i>(Information)</i>
A. 2023 LRGV-AIA Conference – Sep. 8 - 9
B. CLARB Annual Meeting – Sep. 20 - 22
C. TxA Annual Conference & Expo – Nov. 2 - 4
D. CIDQ Annual Business Meeting – Nov. 10 -11 | Debra Dockery |
| 15. Board Member Comments/Future Agenda Items <i>(Information)</i> | Debra Dockery |
| 16. Upcoming Board Meeting <i>(Information)</i>
Tuesday, November 14, 2023 | Debra Dockery |
| 17. Adjournment | Debra Dockery |

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 June 5, 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>Tim 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> <p>One public member position on the Board is vacant.</p>	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 excused absence of Darren James, Secretary-Treasurer, and Bob Wetmore.</p> <p>A MOTION WAS MADE AND SECONDED (Smith/Walker) TO EXCUSE THE ABSENCES OF DARREN JAMES AND BOB 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: Julie Hildebrand, Executive Director; Lance Brenton, General Counsel; Dale Dornfeld, IT Manager; Pim Mayo, Assistant General Counsel; Jessica Ramirez, Legal Assistant; and Juan Flores, Texas Highway Patrol.														
1F. Chair’s Opening Remarks	<p>Ms. Dockery opened the meeting by stating that agenda items requiring votes will be addressed at the beginning of the meeting, as Ms. Smith will be leaving early.</p> <p>Ms. Dockery referred to her opening remarks at the previous Board meeting, in which she noted a reduction in the number of exams taken,</p>														

	<p>particularly amongst architect candidates. At that time, she suggested this could be associated with NCARB switching exam providers.</p> <p>Ms. Dockery updated the Board on this matter. She learned at a recent presentation from NCARB staff that the new exam provider does not charge a fee for postponing a scheduled exam. As a result, exam postponements have increased dramatically, thereby leading to fewer exams being completed. Ms. Dockery compared the experience of an examination candidate to that of a design professional – the design is never quite done, nor is the preparation for the exam.</p> <p>However, Ms. Dockery noted the importance for candidates to complete the exam. Given demographic changes due to an aging profession and growing population, she said Texas needs qualified, accountable professionals to design safe buildings in which the public can live, work, and play. She shared her hope that exam candidates will receive the message that they are needed.</p>
1G. Public Comments	No public comments were offered.
2. Approval of February 23, 2023, Board Meeting Minutes	<p>A MOTION WAS MADE AND SECONDED (Walker/Bargainer) TO APPROVE THE FEBRUARY 23, 2023, BOARD MEETING MINUTES.</p> <p>THE MOTION PASSED UNANIMOUSLY.</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>Alitavoli, Sobhan (#065-23A) Mr. Brenton directed the Board to the written materials for the case beginning on page 33 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 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.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> <p>Corker, William Chase (#237-19I)</p>

	<p>Mr. Brenton directed the Board to the written materials for the case beginning on page 34 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 ADMINISTRATIVE PENALTY OF \$5,000 AS SET FORTH IN THE REVISED REPORT AND NOTICE OF VIOLATION DATED APRIL 18, 2023.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> <p>Gaertner, Michael Dennis, Sr. (#094-22A) Mr. Brenton directed the Board to the written materials for the case beginning on page 36 and provided a summary of the case as well as staff's recommendation.</p> <p>A MOTION WAS MADE AND SECONDED (Bargainer/Walker) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTY OF \$11,000 AS SET FORTH IN THE REPORT AND NOTICE OF VIOLATION DATED MARCH 2, 2023.</p> <p>Mr. Bargainer noted there are two penalties for a failure to timely respond to the investigation – one for a late response for \$1,000, and another for a failure to respond at all to a second inquiry, for \$5,000. He asked whether the Respondent had made any subsequent contact with TBAE.</p> <p>Mr. Brenton responded that the only other communication was Respondent returning the signed Notice of Violation.</p> <p>Ms. Dockery asked whether the Respondent explained why he did not respond to the client.</p> <p>Mr. Brenton said the Respondent did not provide an explanation.</p> <p>Ms. Smith asked whether Mr. Brenton is concerned that the Respondent will not pay the penalty.</p> <p>Mr. Brenton noted that the Respondent had agreed to pay and will be subject to suspension or revocation if he does not.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> <p>Giraud, Victorious (#055-20N) Mr. Brenton directed the Board to the written materials for the case beginning on page 28 and provided a summary of the case as well as staff's recommendation.</p>
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A MOTION WAS MADE AND SECONDED (Walker/Smith) TO ENTER THE ATTACHED ORDER OF THE BOARD, WHICH INCORPORATES 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.

THE MOTION PASSED UNANIMOUSLY.

Huerta, David (#149-20N)

Mr. Brenton directed the Board to the written materials for the case beginning on page 52 and provided a summary of the case as well as staff's recommendation.

A MOTION WAS MADE AND SECONDED (Bargainer/Walker) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND 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.

Ms. Smith asked if Mr. Huerta is licensed in any other state.

Mr. Brenton said he does not believe Mr. Huerta is registered in any other state.

Ms. Smith asked if a separate action was opened against the firm, or against any other partner in the firm.

Mr. Brenton responded that no action has been opened against the firm, as it is a closely held firm. He said that he hopes the penalty against the Respondent will be a sufficient deterrent against repeated conduct. He also noted a preference from staff's perspective to pursue actions against individuals rather than firms, because a firm could be disbanded and replaced with a new firm not subject to a previous disciplinary action. Additionally, Mr. Brenton noted there is a partner in the firm with the Respondent, but that the case is stronger against the Respondent as the practitioner who issued the plans in question.

THE MOTION PASSED UNANIMOUSLY.

Nevarez, Alfonso, Jr. (#026-23N)

	<p>Mr. Brenton directed the Board to the written materials for the case beginning on page 56 and provided a summary of the case as well as staff's recommendation.</p> <p>A MOTION WAS MADE AND SECONDED (Smith/Trevino) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND 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.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> <p>Rhodes, John Thomas (#170-17N)</p> <p>Mr. Brenton directed the Board to the written materials for the case beginning on page 55 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 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.</p> <p>Mr. Bargainer asked whether the firm or the associated architect HB had been the subject of an investigation. Ms. Walker also had questions about HB's role in the firm's activities.</p> <p>Mr. Brenton responded that the firm is closely held by the Respondent and for that reason the focus has been on the Respondent. He said the agency is unable to recommend a violation against HB but expressed general concern about the practices at the firm. He said he is hopeful that this action will result in greater attention to responsibilities by all involved with the firm.</p> <p>Ms. Dockery said it feels generous to allow the Respondent to move forward with examination. She said she hopes he has learned his lesson.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p>
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<p>5B. Continuing Education Cases:</p>	<p>Wright, John Raoul (#074-22A)</p> <p>Mr. Brenton directed the Board to the written materials for the case beginning on page 65 and provided a summary of the case as well as staff’s recommendation.</p> <p>A MOTION WAS MADE AND SECONDED (Bargainer/Smith) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTY OF \$3,000, AS SET FORTH IN THE REVISED REPORT AND NOTICE OF VIOLATION DATED FEBRUARY 7, 2023.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> <p>Mr. Brenton directed the Board to written materials for the continuing education cases beginning on page 67 of the board materials, which contain 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. 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 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</p> <p>Ms. Smith noted that many of the cases involve individuals who failed to maintain documentation of continuing education (CE), while others involve a failure to complete CE. She asked whether the latter are required to complete make-up CE or if only an administrative penalty is required.</p>
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	<p>Mr. Brenton responded that make-up is not required; the penalty is intended to provide sufficient motivation for Respondents to complete CE in the future. He also noted repeat offenders are subject to larger penalties.</p> <p>Ms. Smith said she had concerns about that. She said the reason for taking CE is to keep up with the rules and she is concerned about the impact on public health, safety, and welfare. She said she would like to address this question at a future meeting.</p> <p>Ms. Dockery said the issue will be included on the next Board meeting agenda.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p>
<p>6. Consideration of Rulemaking – Draft Amendments for Proposal</p> <p>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.</p>	<p>Mr. Brenton referred to the Board materials for this agenda item beginning on page 82. He summarized those materials, provided staff’s recommendation, and invited any questions or comments from the Board.</p> <p>A MOTION WAS MADE AND SECONDED (Bargainer/Walker) 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.</p> <p>Ms. Walker noted that the draft rule preserves an existing procedure for examinees to request an extension to the exam period based on the occurrence of certain qualifying events. She asked how that would be handled, since an extension could result in an examination remaining valid for TBAE purposes when it is not considered valid by the national council.</p> <p>Mr. Brenton acknowledged that this situation would depend on the circumstances presented. But, he suggested the appropriate solution could be to use the national council’s conversion chart from test “A” to test “B,” and the conversion chart from test “B” to test “C,” to determine a fair conversion from test “A” to test “C.”</p> <p>THE MOTION PASSED UNANIMOUSLY.</p>

<p>7. NCARB FY 2023 Resolutions to be Acted Upon at the 2023 Annual Business Meeting</p>	<p>Ms. Dockery directed the Board to the report on NCARB resolutions beginning on page 97 of the Board materials. She provided a summary of each resolution as described in the Board materials and invited the Board’s input on how she should vote as the Board’s delegate at the upcoming NCARB meeting.</p> <p>The Board engaged in extended discussion regarding Resolution 2023-01. Ms. Dockery summarized her role on the committee which developed the responsible control definition in question, and the reasons why Mississippi is attempting to adopt a footnote to that definition in the resolution. She noted that the NCARB Board of Directors voted 14-0 “not in favor” of the resolution. That vote was based on determinations that the current definition is sufficient, that Mississippi’s proposal is inconsistent with current practices, and that the resolution is redundant because the term is further defined and placed into context by other provisions in model law. Ms. Dockery requested the Board’s input on the resolution.</p> <p>Ms. Smith asked why it is significant for Mississippi to address this at the NCARB level rather than within their own rules.</p> <p>Ms. Dockery noted that model law is meant to provide guidance to individual jurisdictions, but it is not mandatory for those jurisdictions to adopt model law. She agreed that individual states could address this matter within their own rules, if they determine it is necessary.</p> <p>Ms. Smith said she is opposed to the resolution, in agreement with the NCARB Board of Directors.</p> <p>Mr. Bargainer asked for Ms. Dockery’s opinion on whether the proposed resolution is a quality amendment or necessary, and why.</p> <p>Ms. Dockery responded that the amendment is not necessary. She said the current rule is appropriately specific and consistent with current practices, particularly in regard to whether “direct contact between the client and the architect” is required, as mandated under the Mississippi proposal. She expressed her concern that if “direct contact between the client and the architect” is incorporated into the rule it would also have to be defined. She said she believes that Mississippi meant “owner” when it used the term “client,” but she noted her client is often someone other than an owner, whether it is an engineer, a landscape architect, or some other person. She also expressed concern that the resolution might be interpreted to require “over the shoulder” supervision, which is not the current standard, especially with large firms that practice internationally.</p> <p>After the discussion, Ms. Dockery said she planned to oppose the resolution, and the Board expressed their support for that position.</p>
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	<p>Ms. Dockery provided a short summary of resolutions 2023-02 through 2023-04 and said she planned to vote in favor of each.</p> <p>The Board engaged in extended discussion regarding Resolution 2023-05, which addresses the governance of the NCARB Board of Directors. Ms. Dockery provided background information on the make-up of the Board and the path to becoming a director. Ms. Dockery also discussed how this effort to address governance issues had proceeded and various proposals that were put forth regarding membership on the Board of Directors. Those alternatives included nomination to the Board via committee, eliminating regional director positions, combining regions, decreasing or combining the number of officer positions, and increasing the number of at-large positions.</p> <p>Ms. Dockery summarized the resolution, which would combine the secretary-treasurer positions, eliminate the second-vice president position, retain the six regional director positions, and create two at-large positions. Additionally, Ms. Dockery summarized the proposed amendment to the resolution put forth by Louisiana, which would create four at-large positions rather than two.</p> <p>Ms. Dockery expressed her position that at-large directors should be appointed based on expertise or need. However, she said that the membership had expressed a preference to retain regional representation.</p> <p>Ms. Hildebrand noted that best practices in Board governance support the appointment of directors based on expertise and need.</p> <p>Mr. Bargainer asked how the Louisiana proposal to add four at large directors would be an improvement over the addition of two.</p> <p>Ms. Dockery responded that, with more at-large positions being selected from outside of the regional track, there could be a higher chance of an individual with specifically needed expertise being elected to the Board.</p> <p>Ms. Salazar emphasized that whatever qualifications or areas of expertise are needed, they should be clearly defined. Otherwise, she is concerned that the selection process would be an exercise in box-checking. She asked whether the relevant qualifications and expertise have been defined.</p> <p>Ms. Dockery responded that those needs would likely evolve, if not from year-to-year, then every few years based on the issues that NCARB is dealing with at the time.</p>
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	<p>Ms. Smith said she feels that the resolution is a fair compromise. She emphasized the need for expertise to be properly and timely placed on the Board of Directors. She expressed doubt whether this would happen if the traditional track of regional leadership through election to the Board of Directors is maintained, given the length of that path.</p> <p>Mr. Bargainer asked Ms. Dockery for her position on the resolution.</p> <p>Ms. Dockery said she is inclined to support the Louisiana amendment. If it fails, she said she would be “ok” with the resolution as currently drafted.</p> <p>Ms. Smith, Ms. Walker, and Mr. Bargainer expressed their agreement with this position.</p> <p>On Ms. Salazar’s point, Ms. Hildebrand suggested TBAE could also encourage NCARB to be active and purposeful in identifying and communicating specific areas of needed expertise, so that state Boards and other stakeholders could refer appropriate candidates to the credentials committee for consideration.</p> <p>Ms. Salazar said this has been an interesting conversation. She noted it is an important time in the industry. With issues of practice overlap at the forefront, it will be important for effort and thought to be applied toward positive change.</p> <p>Ms. Dockery thanked the Board for their contributions. She said it is impossible to know what would happen on the floor, but that the Board’s input will be helpful in deciding how to vote.</p> <p>A MOTION WAS MADE AND SECONDED (Smith/Walker) TO SELECT DEBRA DOCKERY AS THE BOARD’S VOTING DELEGATE TO THE 2023 NCARB ANNUAL MEETING.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> <p>Ms. Dockery called a recess at 11:30 a.m.</p>
<p>3. Executive Director’s Report</p> <p>A. Summary of Executive Accomplishments</p>	<p>The Board reconvened at 11:41 a.m. Ms. Smith departed the meeting during recess.</p> <p>Ms. Dockery invited Ms. Hildebrand to deliver the Executive Director’s report.</p> <p>Ms. Hildebrand discussed the summary of staff accomplishments as described on page 13 of the board materials and referred the Board to those materials as a supplement to her verbal presentation.</p>

<p>B. Operating Budget/Scholarship Fund: Presentation on 2nd Quarter FY 2023 Expenditures and Revenues</p>	<p>Ms. Hildebrand directed the Board to the report on agency trends beginning on page 15 of the board materials and provided a summary of the information.</p> <p>Ms. Hildebrand referred the Board to the FY 2023 budget on page 17 of the board materials and provided an update on the current state of the agency's finances and budgetary line items.</p> <p>Ms. Hildebrand referred the Board to page 18 of the board materials and addressed the scholarship fund balance.</p>
<p>C. State Auditor's Office (SAO) Audit Update</p>	<p>Ms. Hildebrand referred the Board to the 2023 Audit Report on page 19 of the Board materials. Ms. Hildebrand summarized the audit process and the State Auditor's findings and recommendations, the agency response, and her plans for addressing the minor issues identified in the report. Overall, Ms. Hildebrand said she is very satisfied with TBAE's performance.</p> <p>Mr. Bargainer asked whether the agency needs any additional resources to address the findings in the report.</p> <p>Ms. Hildebrand responded that additional resources are not necessary. Rather, the audit is an opportunity to learn and incorporate lessons into the agency's processes.</p> <p>Ms. Dockery said she is pleased with the results of the audit relating to administrative penalties in comparison to previous audits.</p> <p>Ms. Hildebrand agreed and said, with respect to protecting the public and doing so in a reasonable way, this is the most important finding in the report.</p>
<p>D. Legislative Update</p>	<p>Ms. Hildebrand provided a brief report on the legislative session as it related to TBAE. She noted it had been a quiet session, with only one bill impacting TBAE specifically. She summarized and identified bills impacting state agencies generally, on topics such as human resources, information technology, military service members, and open government. Ms. Hildebrand also addressed the sunset bill, which would delay the TBAE sunset process until 2023. She said the bill had been adopted by the legislature and is on the governor's desk.</p>

<p>4. Proposed FY 2024 Operating Budget Discussion</p>	<p>Ms. Hildebrand referred the Board to the early draft for the FY 2024 budget on page 32. She provided an analysis of her early estimates of budget line items for FY 2024 and compared those projections to the observed budget for FY 2023.</p> <p>Ms. Hildebrand said the final proposed budget will be brought before the Board at the August Board meeting.</p>
<p>8. Reports on National Regulatory Boards and Board Member and Staff Committee Service</p>	<p>Ms. Dockery invited the Board members to discuss their service with national regulatory board committees. Ms. Dockery said she has been reappointed to the NCARB Portfolio Review Committee.</p> <p>Ms. Hildebrand said she has been reappointed to the NCARB Licensure Research and Development Task Force, which is working with the Competency Task Force. Those task forces will combine to determine what the level of competency should be and how it should be tested. She said this is very much in the research and development phase currently.</p> <p>Ms. Hildebrand was also appointed to the ICOR Steering Committee, a collaboration between the national councils of design professions.</p> <p>Ms. Salazar said she is on an ICOR subcommittee exploring overlap between the design professions. She said it is interesting work and she is thankful for the opportunity to serve on the subcommittee. She said the focus now is to learn from various professions about their scopes of practice and how they might overlap with one another. She emphasized the goal of the project is to gather information and protect the public health, safety, and welfare.</p>
<p>9. Report on Conferences and Meetings A. NCARB Regional Summit – March 3 B. ASLA Texas Conference – April 25</p>	<p>Ms. Dockery invited the Board members to report on conferences and meetings.</p> <p>Ms. Dockery reported on the NCARB Regional Meeting. She said it was very well attended and the focus of the meeting was on the governance issues that were addressed earlier in the TBAE meeting.</p> <p>Ms. Hildebrand said staff had presented at the ASLA meeting.</p> <p>Mr. Bargainer said he attended staff’s presentation, which was great and well-attended.</p>
<p>10. Report on Upcoming Conferences and Meetings A. NCARB Annual Business Meeting – June 15</p>	<p>The Board addressed the upcoming NCARB Annual Meeting during its consideration of Agenda Item 7.</p>

<p>11. Board Member Comments/Future Agenda Items</p>	<p>Ms. Dockery noted Ms. Smith’s earlier comment about CE compliance and said that matter will be addressed at the next Board meeting.</p> <p>Ms. Bargainer noted his previous request for more discussions on strategy and said he wants to keep that in the conversation. He understands it is complicated in the present, but it would be beneficial to discuss strategic items and pull the Board out of the weeds a little bit.</p>
<p>12. Upcoming Board Meetings</p>	<p>The upcoming Board meetings are:</p> <p>Thursday, August 17, 2023; and Tuesday, November 14, 2023</p>
<p>13. Adjournment</p>	<p>The meeting adjourned at 12:24 p.m.</p>

APPROVED BY THE BOARD:

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

TBAE Staff Accomplishments: August 2023 Board Meeting

June

- SAO Final Audit Report
- NCARB Region 3 Conference Call
- CLARB Board of Directors Meeting
- Board Meeting
- Microsoft Azure Administrator Training – Information Security
- Society for Human Resource Management Annual HR Conference – Operations
- NCARB Annual Business Meeting – Tampa, FL
- CLARB/ASLA Web Licensure Summit Presentation with Texas ASLA
- ICOR Practice Overlap Steering Committee Meeting
- Town Hall – CIDQ Board Governance
- NCARB Accommodation Process Q&A
- CLARB Leadership Advisory Council Meeting
- State of Texas Regulatory Executive and Licensing Sub-Team Meetings

July

- LBJ Governor’s Center for Management Development Program – Finance
- LA Licensure: Working Together to Strengthen the Profession
- LBJ Governor’s Center for Management Development Senior Program – General Counsel
- Microsoft Azure Network Training – Information Security
- OAG Public Information Legislative Update – Legal
- State of Texas Regulatory Executive and Licensing Sub-Team Meetings

August

- NCARB Licensing Advisors’ Summit – Kansas City - Registration
- Celebrating Design Texas – Glenn
- Board Meeting
- CLARB Regional Meeting
- ICOR Practice Overlap Steering Committee Meeting
- State of Texas Regulatory Executive and Licensing Sub-Team Meetings

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
- OAG Open Government Conference – Legal

December

- NCARB Committee Summit – Washington, DC

**Texas Board of Architectural Examiners
Actual 2023 Budget**

				FY2023 Budget	FY2023 As of 05/31/2023
Total Beginning Fund Balance					3,134,658.12
Revenues:					
	Licenses & Fees		\$ 3,041,516	\$ 2,299,773	
	Business Registration Fees		\$ 157,913	\$ 115,380	
	Late Fee Payments		\$ 177,413	\$ 129,380	
	Other		\$ -	\$ 2,565	
	Interest		\$ 4,000	\$ 101,565	
	Convenience Fees		\$ 73,000	\$ 58,027	
	Draw on Fund Balance		\$ 76,111	\$ -	
Total Revenues				\$ 3,529,953	\$ 2,706,690
Expenditures:					
	Salaries and Wages		\$ 1,791,077	\$ 1,311,647	
	Payroll Related Costs		\$ 626,876	\$ 465,372	
	Professional Fees and Services		\$ 25,000	\$ 9,224	
	Professional Fees and Services - IT/IS		\$ 25,000	\$ 11,112	
	Board Travel		\$ 23,000	\$ 5,366	
	Staff Travel		\$ 21,000	\$ 16,892	
	Materials and Supplies		\$ 6,000	\$ 4,154	
	Materials and Supplies - Postal		\$ 10,000	\$ 6,466	
	Materials and Supplies - IT/IS		\$ 26,000	\$ 18,216	
	Communication and Utilities		\$ 65,000	\$ 31,761	
	Repairs and Maintenance		\$ 1,000	\$ -	
	Rentals and Leases - Equipment and Space		\$ 14,000	\$ 10,292	
	Rentals and Leases - Office Space		\$ 143,000	\$ 106,656	
	Printing and Reproduction		\$ 7,000	\$ 2,970	
	Membership Dues (Other)		\$ 16,000	\$ 15,249	
	Board/Staff Training and Conference Fees (Other)		\$ 25,000	\$ 9,587	
	Operating Expenditures (Other)		\$ 22,000	\$ 20,717	
	Convenience Fees		\$ 73,000	\$ 58,323	
	SWCAP Payment (Other)		\$ 100,000	\$ -	
	GR Payment (Other)		\$ 510,000	\$ -	
Total Expenditures				\$ 3,529,953	\$ 2,104,004
Excess/ (Deficiency) of Rev over Exp.				-	602,686
Funding for 8 months					\$ 2,365,069
Excess Fund Balance					\$ 869,998
Total Fund Balance				\$ -	\$ 3,235,067
Administrative Penalties Collected					\$ 69,895.00
Transferred to Comptroller					(54,020.00)
Balance Pending Transfer					15,875.00

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

	FY 2023	
	Actual 2022 - May 31, 2023	Sept 1, 2023
ARE Grant Fund Beginning Balance	119,644.63	
Revenues:		
ARE Grant Licensing Fees	\$	19,458.33
Interest	\$	3,007.51
Untransferred	\$	(19,458.33)
Expenditures:		
ARE Grant Payments	\$	(29,500.00)
Trust Fees	\$	(136.68)
Fund Balance Ending	\$ 93,015.46	

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

Applicants		New Registrants		Registrants (active)		The Rest
1004 Fiscal Year to Date	-51 (1055) Year-over-Year	853 FYTD	-22 (875) YOY	20413 As of month ended	+324 (20089) YOY	A survey of the Registration Division's additional accomplishments and activities

By-examination applications received FYTD, by profession:

Architect:	382
RID:	24
LA:	81
Subtotal:	487

By-examination registrations issued FYTD, by profession:

Architect:	239
RID:	86
LA:	34
Subtotal:	359

Architects

Resident:	8782
<u>Nonresident:</u>	<u>5867</u>
Subtotal:	14649

2720

exam results received FYTD
2413 Arch | 0 RID | 307 LA

Reciprocal applications received FYTD, by profession:

Architect:	464
RID:	5
LA:	48
Subtotal:	517

Reciprocal registrations issued FYTD, by profession:

Architect:	441
RID:	9
LA:	44
Subtotal:	494

RIDs

Resident:	3659
<u>Nonresident:</u>	<u>299</u>
Subtotal:	3958

1004

Continuing Education audits conducted FYTD

67

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:	1218
<u>Nonresident:</u>	<u>588</u>
Subtotal:	1806

64

scholarship applications approved FYTD

All registrants

Resident:	13659
<u>Nonresident:</u>	<u>6754</u>
Total:	20413

138

Certificates of Standing issued FYTD

Cases Opened		Cases Dismissed		Days to Investigate a Case		Cases Resolved by Legal (as of June 30, 2023) 93	
198 Fiscal Year to Date	-15 Year Over Year	84 Fiscal Year to Date	-35 Year Over Year	51 Recent 90 Day Avg	56 FY Avg to Date	31 Warning(s) by Executive Director	4 Voluntary Surrender(s)
102 Case(s) referred to Legal Fiscal Year to Date		Dismissal details TDLR: 79 Other: 5* <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)		58 Disciplinary Action(s) by Board	73 *Notice(s) of Violation
						6 *Complaint(s) Filed at SOAH	0 *Informal Conference(s)

*Matters are ongoing and not yet resolved

Customer Service		Newsletter		Employee Engagement		Contact volume (to front desk alone)	
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	3,227 Calls Fiscal Year to Date	800 Emails FY to Date
93% Customer satisfaction (2022)		Disciplinary Actions Most-read topic (2018)		Strengths: Strategic Workplace Supervision	Weaknesses: Pay Benefits Development	Avg. monthly calls FYTD: 323	Avg. monthly emails FYTD: 80

**Texas Board of Architectural Examiners
Actual 2023 Budget**

	FY2023 Budget	FY2023 Expected As of 08/31/2023	FY2024 Proposed Budget
Revenues:			
Licenses & Fees	\$ 3,041,516	\$ 3,142,818	\$ 3,140,000
Business Registration Fees	\$ 157,913	\$ 160,000	\$ 160,000
Late Fee Payments	\$ 177,413	\$ 176,000	\$ 175,000
Other	\$ -	\$ 1,830	\$ -
Interest	\$ 4,000	\$ 101,565	\$ 50,000
Convenience Fees	\$ 73,000	\$ 79,000	\$ 79,000
Draw on Fund Balance	\$ 76,111	\$ -	
Total Revenues	\$ 3,529,953	\$ 3,661,213	\$ 3,604,000
Expenditures:			
Salaries and Wages	\$ 1,791,077	\$ 1,805,892	\$ 1,883,000
Payroll Related Costs	\$ 626,876	\$ 632,000	\$ 659,000
Professional Fees and Services	\$ 25,000	\$ 25,000	\$ 30,000
Professional Fees and Services - IT/IS	\$ 25,000	\$ 25,000	\$ 20,000
Board Travel	\$ 23,000	\$ 10,000	\$ 20,000
Staff Travel	\$ 21,000	\$ 21,000	\$ 26,000
Materials and Supplies	\$ 6,000	\$ 6,000	\$ 8,000
Materials and Supplies - Postal	\$ 10,000	\$ 10,000	\$ 11,000
Materials and Supplies - IT/IS	\$ 26,000	\$ 26,000	\$ 25,000
Communication and Utilities	\$ 65,000	\$ 60,000	\$ 60,000
Repairs and Maintenance	\$ 1,000	\$ 4,000	\$ 3,000
Rentals and Leases - Equipment and Space	\$ 14,000	\$ 12,000	\$ 14,000
Rentals and Leases - Office Space	\$ 143,000	\$ 143,000	\$ 148,000
Printing and Reproduction	\$ 7,000	\$ 7,000	\$ 7,000
Membership Dues (Other)	\$ 16,000	\$ 16,000	\$ 17,000
Board/Staff Training and Conference Fees (Other)	\$ 25,000	\$ 25,000	\$ 36,000
Operating Expenditures (Other)	\$ 22,000	\$ 22,000	\$ 23,000
Convenience Fees	\$ 73,000	\$ 79,000	\$ 79,000
SWCAP Payment (Other)	\$ 100,000	\$ -	\$ 25,000
GR Payment (Other)	\$ 510,000	\$ 510,000	\$ 510,000
Total Expenditures	\$ 3,529,953	\$ 3,438,892	\$ 3,604,000
Excess/ (Deficiency) of Rev over Exp.	-	222,321	-

Consideration of Proposed Amendments for Adoption – 22 Tex. Admin. Code §§ 1.43, 1.44, 3.43, and 3.44

Relating to the Five-Year Rolling Clock Policy

Summary

To implement the retirement of NCARB’s rolling clock policy, the Board proposed amendments to §§ 1.43, 1.44, 3.43, and 3.44 at the June Board meeting. Those amendments were published in the June 23, 2023, edition of Texas Register, and no comments have been received. Staff recommends that the Board adopt the proposed amendments.

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

Proposed Amendments

The proposed amendments encompass the following rules:

- Rules 1.43 and 3.43
 - *Replace the Five-Year Rolling Clock* – The proposed 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 proposed 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 proposed 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.

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 proposed 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.

Staff Recommendation

Approve the proposed amendments to 22 Tex. Admin. Code §§ 1.43, 1.44, 3.43, and 3.44 for final adoption.

Attached you will find the following supporting documents:

- Copies of all proposed rules, 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 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 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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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.

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

This document is an internal document relating to a contested 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 contested case.

Case Number:	058-20N
SOAH Docket No.:	459-23-14579
Respondent:	Bruce Willis Clay
Location of Respondent:	Richmond, 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 Default Dismissal issued by ALJ Andrew Lutostanski on June 28, 2023, imposes an administrative penalty in the sum of **\$40,000**, 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.

SOAH DOCKET NO. 459-23-14579
TBAE CASE NO. 058-20N

IN THE MATTER OF	§	BEFORE THE TEXAS BOARD OF
	§	
	§	
BRUCE WILLIS CLAY	§	ARCHITECTURAL EXAMINERS

ORDER OF THE BOARD

TO: BRUCE WILLIS CLAY,
RESPONDENT
914 COLONY COURT
RICHMOND, TX 77406

HONORABLE ANDREW LUTOSTANSKI
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TX 78701

At the regularly scheduled public meeting on August 17, 2023, the Texas Board of Architectural Examiners (Board) heard the above-styled case, based on the Respondent's failure to appear at a previously scheduled hearing at the State Office of Administrative Hearings (SOAH).

The Board finds that notice of the facts or conduct alleged to warrant disciplinary action in this matter was provided to the Respondent in the form of a Notice of Hearing and Formal Charges, attached and incorporated herein. The Board finds that the matter was originally scheduled for a videoconference hearing on June 28, 2023. The Board finds that after proper and timely notice was given, a videoconference hearing was held in this matter before ALJ Andrew Lutostanski on June 28, 2023. The Respondent failed to appear at the hearing, and on June 28, 2023, the ALJ entered an Order of Default Dismissal (Order), which is attached and incorporated by reference as a part of this Order. The Board adopts the Order and all findings therein. The Order was properly 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 June 28, 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 Forty Thousand Dollars (\$40,000). 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 17th day of August 2023.

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

Attachments: Order No. 2 – Order of Default Dismissal; SOAH letter dated July 14, 2023 – stating no motion to set aside the default order was filed; Notice of Hearing and Formal Charges

CC: Bruce Willis Clay
5723 Ashbury Trails Court
Sugar Land, TX 77479

Bruce Willis Clay
Clay Associates
7322 Southwest Fwy, Ste. 1888
Houston, TX 77074

Bruce Willis Clay
Clay Associates
1519 Palisade Green
Katy, TX 77493

FILED
459-23-14579
6/28/2023 1:33 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

ACCEPTED
459-23-14579
6/28/2023 1:48:11 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

SOAH Docket No. 459-23-14579

Suffix: TBAE

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS,
PETITIONER
V.
BRUCE WILLIS CLAY,
RESPONDENT**

DEFAULT DISMISSAL ORDER

1. **Default.** On June 28, 2023, a hearing was held. Attorney Pim S. Mayo appeared for Staff for the Board. Mr. Clay did not appear. Staff's Exhibits 1-8 were admitted into evidence. After establishing that notice was proper, Staff's motion for default was **GRANTED**.

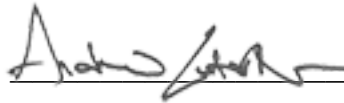
2. **Exhibits.** Staff must e-file its admitted Exhibits 1-8 by June 30, 2023.

3. **Dismissal.** Mr. Clay has the opportunity to have the default set aside by filing an adequate motion no later than 15 days after the issuance of this order.

More information about motions to set aside a default is available in 1 Texas Administrative Code § 155.501.¹ If a motion to set aside is timely filed, the judge will rule on the motion. 1 Tex. Admin. Code § 155.501(e)(2). In the absence of a timely motion to set aside a default, the case will be remanded to the referring agency for informal disposition on a default basis in accordance with Texas Government Code § 2001.056. 1 Tex. Admin. Code § 155.501(e)(3).

Signed June 28, 2023.

ALJ Signature(s):



Andrew Lutostanski,

Presiding Administrative Law Judge

¹ Rule 155.501(h) includes requirements for motions to set aside a default:

(1) A motion to set aside default under this section shall set forth the grounds for reinstatement or rehearing and must be supported by affidavit of the movant or their attorney that:

- (A) the party had no notice of the hearing;
- (B) the party had no notice of the consequences for failure to appear; or
- (C) although the party had notice, its failure to appear was not intentional or the result of conscious indifference, but due to reasonable mistake or accident that can be supported by adequate proof; and
- (D) a statement of whether the motion is opposed, and if the motion is opposed, a list of dates and times for a hearing on the motion that are agreeable to both parties.

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.

Envelope ID: 77051634

Filing Code Description: Default Dismissal Order

Filing Description: DEFAULT DISMISSAL ORDER

Status as of 6/28/2023 1:49 PM CST

Associated Case Party: Texas Board of Architectural Examiners

Name	BarNumber	Email	TimestampSubmitted	Status
Jessica Ramirez		jessica.ramirez@tbae.texas.gov	6/28/2023 1:33:19 PM	SENT
Pim Mayo		pim.mayo@tbae.texas.gov	6/28/2023 1:33:19 PM	SENT

Associated Case Party: BruceWillisClay

Name	BarNumber	Email	TimestampSubmitted	Status
Bruce WillisClay		clayassoc1@gmail.com	6/28/2023 1:33:19 PM	SENT

State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

July 14, 2023

Pim Mayo

VIA EFILE TEXAS

Bruce Willis Clay

VIA EFILE TEXAS

RE: Docket Number 459-23-14579.TBAE; Texas Board of Architectural Examiners No. TBAE Case No. 058-20N; Texas Board of Architectural Examiners v. Bruce Willis Clay

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

FILED
459-23-14579
3/20/2023 11:31 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

ACCEPTED
459-23-14579
3/20/2023 11:35:32 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

SOAH Docket No. 459-23-14579

Texas Board of Architectural Examiners,
Petitioner

§
§
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§
§

STATE OFFICE

v.

OF

Bruce Willis Clay,
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 June 28, 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 March 17, 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: 161 069 2616
Video Passcode: TBA579
- Join by telephone (audio only):
Call +1 669 254 5252, and then enter the following:
Meeting ID: 161 069 2616
Telephone Passcode: 746739

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.

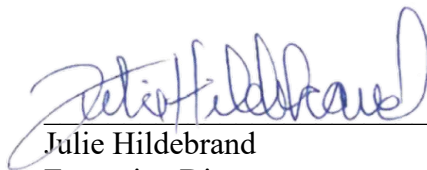
Additional information on the SOAH website includes a [Guide for Self-Represented Litigants](#), instructions for [Electronic Filing at SOAH](#), and a form to [Request Service by Email](#).

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 20th day of March 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 March 20, 2023:

Mr. Bruce Willis Clay
914 Colony Court
Richmond, TX 77406
CM/RRR# 9214 8901 9403 8307 7047 02
also sent via USPS First Class Mail

Mr. Bruce Willis Clay
5723 Ashbury Trails Court
Sugar Land, TX 77479
CM/RRR#9214 8901 9403 8307 7050 51
also sent via USPS First Class Mail

Mr. Bruce Willis Clay
Clay Associates
7322 Southwest Fwy, Ste. 1888
Houston, TX 77074
CM/RRR# 9214 8901 9403 8307 7056 24
also sent via USPS First Class Mail

Mr. Bruce Willis Clay
Clay Associates
1519 Palisade Green
Katy, TX 77493
CM/RRR# 9214 8901 9403 8307 7059 76
also sent via USPS First Class Mail

Mr. Bruce Willis Clay
via eFile to: clayassoc1@gmail.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: 73807164
Filing Code Description: Notice of Hearing
Filing Description: Staff's Notice of Hearing
Status as of 3/20/2023 11:36 AM CST

Associated Case Party: Texas Board of Architectural Examiners

Name	BarNumber	Email	TimestampSubmitted	Status
Jessica Ramirez		jessica.ramirez@tbae.texas.gov	3/20/2023 11:31:36 AM	SENT
Pim Mayo		pim.mayo@tbae.texas.gov	3/20/2023 11:31:36 AM	SENT

Associated Case Party: BruceWillisClay

Name	BarNumber	Email	TimestampSubmitted	Status
Bruce WillisClay		clayassoc1@gmail.com	3/20/2023 11:31:36 AM	SENT

FILED
459-23-14579
3/15/2023 3:12 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

ACCEPTED
459-23-14579
3/15/2023 3:23:46 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET No. 459-23-14579

SOAH Docket No. 459-23-_____

Texas Board of Architectural Examiners, <i>Petitioner</i>	§	
	§	STATE OFFICE
	§	
v.	§	OF
	§	
Bruce Willis Clay, <i>Respondent</i>	§	ADMINISTRATIVE HEARINGS
	§	

FORMAL CHARGES

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

Written notice of the facts and conduct alleged to warrant disciplinary action was sent to Respondent at Respondent’s address of record, and Respondent was given an opportunity to respond, including the opportunity to show compliance with the law prior to commencement of this proceeding.

CHARGE I.

On or about January 4, 2017, while acting under the assumed name Clay Associates, Respondent offered to engage in the unregistered practice of architecture, in the form of a “Proposal for Consideration” for the project *Mt. Mariah Missionary Baptist Church*, therein described as a “7,000 Square Foot Church Building at FM 2218 (B.F. Terry Blvd.) and Town Center Blvd.” in Rosenberg, Texas. According to the proposal, Respondent would provide “Architectural ... Design Services” and “Architectural Plans: landscaping plans for building floor plans, elevations and sections exterior and interior, building notes and specifications” for the project.

Subsequently, on or about February 25, 2017, Respondent engaged in the unregistered practice of architecture, in that Respondent prepared ten (10) pages of architectural plans for the *Mt. Mariah Missionary Baptist Church* in Rosenberg, Texas.

The above actions constitute 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(1)-(2) and/or 22 Tex. Admin. Code § 1.123(c).

NOTICE IS GIVEN that Petitioner will rely on its laws and rules relating to disciplinary sanctions, Texas Occupations Code, Chapter 1051, and Texas Administrative Code, Title 22, Part 1, Chapter 1.

NOTICE IS GIVEN that Petitioner will present evidence in support of the recommended administrative penalty of \$40,000 and issuance of a cease and desist order, pursuant to Texas Occupations Code Chapter 1051 and Board rules, specifically 22 Tex. Admin. Code §§ 1.141, 1.173, 1.177, and 1.232.

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 March 15, 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

**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: 112-21N
Respondent: Jose Luis Prieto
Location of Respondent: Mission, TX
Instrument: Revised Report and Notice of Violation

Findings:

- Jose Luis Prieto (hereafter “Respondent”) is not and has never been registered as an architect in the State of Texas.
- On or about December 1, 2020, while utilizing the professional title, “ARCH. JOSE LUIS PRIETO,” Respondent prepared and issued architectural plans for a project identified as *Richardson Spanish SDA Church* located in Richardson, Texas. The architectural plans were not prepared under the supervision and control of an architect.
- On or about June 2, 2021, Respondent utilized a LinkedIn profile which improperly used the term “architectural designer” to describe Respondent and/or services offered by Respondent in Texas.
- On or about June 2, 2021, Respondent utilized a Facebook profile which improperly used the terms “architect” and “architectural designer” to describe Respondent and/or services offered by Respondent in Texas.
- On or about June 2, 2021, Respondent utilized a website advertisement through wixsite.com that improperly used the term “architect” to describe Respondent and/or services offered by Respondent in Texas.

Applicable Statutory Provisions and Rules:

- By preparing and issuing architectural plans and specifications for *Richardson Spanish SDA Church*, a non-exempt building, while improperly using an abbreviation for the professional title “architect” to describe Respondent, specifically “ARCH. JOSE LUIS PRIETO,” Respondent engaged in the unregistered practice of architecture in violation of Tex. Occ. Code § 1051.701(a).
- By improperly utilizing the title “architect” and the terms “architectural” and “architectural designer” to describe Respondent and/or describe services offered by Respondent in Texas, 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 **\$5,000** and which Orders the Respondent to cease and desist any and all violations of Texas Occupations Code, Chapter 1051 and Board rules, as set forth in the Revised Report and Notice of Violation dated May 2, 2023.

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

This document is an internal document relating to a contested 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 contested case.

Case Number:	146-20N
SOAH Docket No.:	459-23-11664
Respondent:	Esteban A. Ramon
Location of Respondent:	Kingwood, 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 Default Dismissal issued by ALJ Steve Rivas on May 15, 2023, imposes an administrative penalty in the sum of **\$48,000**, 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.

SOAH DOCKET NO. 459-23-11664
TBAE CASE NO. 146-20N

IN THE MATTER OF	§	BEFORE THE TEXAS BOARD OF
	§	
	§	
ESTEBAN A. RAMON	§	ARCHITECTURAL EXAMINERS

ORDER OF THE BOARD

TO: ESTEBAN A. RAMON,
RESPONDENT
27600 KINGS MANOR DRIVE NORTH,
APT. 1722
KINGWOOD, TX 77339-2664

ESTEBAN A. RAMON
1414 STONEHOLLOW DRIVE, STE.
KINGWOOD, TX 77339-2169

HONORABLE STEVE RIVAS
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TX 78701

At the regularly scheduled public meeting on August 17, 2023, the Texas Board of Architectural Examiners (Board) heard the above-styled case, based on the Respondent's failure to appear at a previously scheduled hearing at the State Office of Administrative Hearings (SOAH).

The Board finds that notice of the facts or conduct alleged to warrant disciplinary action in this matter was provided to the Respondent in the form of a Notice of Hearing and Formal Charges, attached and incorporated herein. The Board finds that the matter was originally scheduled for a videoconference hearing on May 11, 2023. The Board finds that after proper and timely notice was given, a videoconference hearing was held in this matter before ALJ Steve Rivas on May 11, 2023.

The Respondent failed to appear at the hearing, and on May 15, 2023, the ALJ entered an Order of Default Dismissal (Order), which is attached and incorporated by reference as a part of this Order. The Board adopts the Order and all findings therein. The Order was properly 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 May 15, 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 Forty-Eight Thousand Dollars (\$48,000). 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 17th day of August 2023.

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

Attachments: Order No. 2 – Order of Default Dismissal; SOAH letter dated May 31, 2023 – stating no motion to set aside the default order was filed; Notice of Hearing and Formal Charges

**BEFORE THE STATE OFFICE OF
ADMINISTRATIVE HEARINGS**

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS,
PETITIONER**

v.

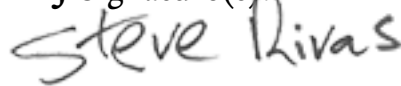
**ESTEBAN A. RAMON,
RESPONDENT**

DEFAULT DISMISSAL ORDER

On May 11, 2023, the undersigned Administrative Law Judge convened a hearing on the merits in the above-referenced matter. Staff for Petitioner Texas Board of Architectural Examiners (Board) appeared through attorney Pim Mayo. Respondent Esteban Ramon did not appear personally or through counsel. As such, it is **ordered** that this matter be dismissed from the docket of the State Office of Administrative Hearings and remanded to the Board.

Signed May 15, 2023.

ALJ Signature(s):



Steve Rivas,
Presiding Administrative Law Judge

State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

FILED
459-23-11664
5/31/2023 8:06 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

May 31, 2023

Pim Mayo

VIA EFILE TEXAS

Esteban A. Ramon
27600 Kings Manor Drive North
Apt # 1722
Kingwood, Texas 77339-2169

ACCEPTED
459-23-11664
5/31/2023 8:07:38 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

VIA EFILE TEXAS

**RE: Docket Number 459-23-11664.TBAE; Texas Board of
Architectural Examiners No. TBAE Case No. 146-20N; Texas
Board of Architectural Examiners v. Esteban A. Ramon**

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

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.

Envelope ID: 76129569

Filing Code Description: Letter of Remand after Default Dismissal Order

Filing Description: LETTER OF REMAND AFTER DISMISSAL ORDER

Status as of 5/31/2023 8:08 AM CST

Associated Case Party: Texas Board of Architectural Examiners

Name	BarNumber	Email	TimestampSubmitted	Status
Jessica Ramirez		jessica.ramirez@tbae.texas.gov	5/31/2023 8:06:46 AM	SENT
Pim S.Mayo		pim.mayo@tbae.texas.gov	5/31/2023 8:06:46 AM	SENT

Associated Case Party: EstebanA.Ramon

Name	BarNumber	Email	TimestampSubmitted	Status
Esteban A.Ramon		eramon8833@gmail.com	5/31/2023 8:06:46 AM	SENT

FILED
459-23-11664
2/17/2023 1:11 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
April Bermea , CLERK

ACCEPTED
459-23-11664
2/17/2023 1:18:42 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
April Bermea , CLERK

SOAH Docket No. 459-23-11664

Texas Board of Architectural Examiners, <i>Petitioner</i>	§	STATE OFFICE
	§	
v.	§	OF
	§	
Esteban A. Ramon, <i>Respondent</i>	§	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 May 11, 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 February 16, 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: 161 035 9942
Video Passcode: TBA664
- Join by telephone (audio only):
Call +1 669 254 5252, and then enter the following:
Meeting ID: 161 035 9942
Telephone Passcode: 148824

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 17^h day of February 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 February 17, 2023:

Mr. Esteban A. Ramon
27600 Kings Manor Drive North, Apt. 1722
Kingwood, TX 77339-2169
CM/RRR# 9214 8901 9403 8304 6232 28

Mr. Esteban A. Ramon
1414 Stonehollow Drive, Suite #1
Kingwood, TX 77339-2664
CM/RRR# 9214 8901 9403 8304 6259 25

Mr. Esteban A. Ramon
via eFile to: eramon8833@gmail.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: 72878441
Status as of 2/17/2023 1:23 PM CST

Associated Case Party: Texas Board of Architectural Examiners

Name	BarNumber	Email	TimestampSubmitted	Status
Jessica Ramirez		jessica.ramirez@tbae.texas.gov	2/17/2023 1:11:14 PM	SENT
Pim S.Mayo		pim.mayo@tbae.texas.gov	2/17/2023 1:11:14 PM	SENT

Associated Case Party: EstebanA.Ramon

Name	BarNumber	Email	TimestampSubmitted	Status
Esteban A.Ramon		eramon8833@gmail.com	2/17/2023 1:11:14 PM	SENT

SOAH DOCKET No. 459-23-11664

FILED
459-23-11664
2/7/2023 2:02 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

ACCEPTED
459-23-11664
2/7/2023 3:22:28 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH Docket No. 459-23-_____

Texas Board of Architectural Examiners,	§	
<i>Petitioner</i>	§	STATE OFFICE
	§	
v.	§	OF
	§	
Esteban A. Ramon,	§	ADMINISTRATIVE HEARINGS
<i>Respondent</i>	§	

FORMAL CHARGES

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

On or about October 5, 2010, the Board issued a Cautionary Notice to Respondent in TBAE Case No. 008-11N based on findings that Respondent improperly used the term “architectural,” in the title of his business, “Architectural CAD and Design Services” The written warning notified Respondent that any future violation could result in formal 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 May 8, 2015, Respondent engaged in the unregistered practice of architecture, in that Respondent prepared 6 pages of architectural plans for the project, *TA Business Ventures New Apartment Complex*, located at 701 N. Frazier Street in Conroe, Texas, which is a multifamily dwelling that exceeds a height of two stories.

The above actions constitute grounds for disciplinary action in accordance with Tex. Occ. Code § 1051.752 and is a violation of Tex. Occ. Code § 1051.701(a) and/or Tex. Occ. Code § 1051.801 (1)&(2).

CHARGE II.

On or about October 5, 2020, while acting on behalf of Space Design Solutions, Respondent utilized a Houzz.com profile which improperly used the term “architectural” to describe Respondent’s firm and/or describe services offered by Respondent’s firm in Texas, in that the profile identified Respondent’s firm as providing “Architectural Design” and “Architectural Drawings.”

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

CHARGE III.

On or about December 20, 2022 while acting on behalf of Space Design Solutions, Respondent utilized a Houzz.com profile which improperly used the term “architect” to describe Respondent’s firm and/or describe services offered by Respondent’s firm in Texas, in that the profile identified Respondent’s firm as belonging within the category, “Architects.”

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

CHARGE IV.

On or about September 23, 2020, October 2, 2020, and December 20, 2022, Respondent utilized a LinkedIn profile which improperly used the term “architectural” to describe Respondent and/or describe services offered by Respondent in Texas, in that the profile described Respondent as “an architectural design professional.”

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

CHARGE V.

On or about December 20, 2022, while acting on behalf of Space Design Solutions LLC, Respondent utilized a website located at <https://spacedesignsolutio.wixsite.com/architectural>, which improperly used the terms “architect” and “architectural” to describe Respondent’s firm and/or describe services offered by Respondent’s firm in Texas, in that the profile describes Respondent’s firm as providing “Architectural Design” and “Architectural Drafting” and identifies Respondent’s firm as an “Architectural Designer” and “Affordable Architect in Houston.”

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


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 \$48,000 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 February 7, 2023.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Pim S. Mayo", written over a horizontal line.

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

**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 Numbers: 039-23A and 095-23A
Respondent: Robert J. Sargenti, Jr.
Location of Respondent: Paramus, NJ
Nature of Violation: Violation of Architectural Barriers Act (TDLR)
Instrument: Report and Notice of Violation

Findings:

- Robert J. Sargenti, Jr. (hereafter “Respondent”) is registered as an architect in Texas with registration number 17184.
- Previous History:
 - On May 16, 2012, in TBAE Case No. 196-12A, the Board issued a Written Warning to Respondent based on findings that Respondent failed to timely submit documents to the Texas Department of Licensing and Regulation (TDLR) for accessibility review. The written warning notified Respondent that any future violation would merit more significant disciplinary action.
- On or about June 2, 2021, Respondent issued architectural plans and specifications for *Target – Fort Worth Central* located in Fort Worth, Texas, a nonexempt project which is subject to the requirements of Tex. Gov’t Code § 469.101. However, Respondent did not submit the plans for accessibility review until August 5, 2021.
- On or about June 23, 2021, Respondent issued architectural plans and specifications for *Target Waxahachie* in Fort Worth, Texas, a nonexempt project which is subject to the requirements of Tex. Gov’t Code § 469.101. However, Respondent did not submit the plans for accessibility review until August 5, 2021.

Applicable Statutory Provisions and Rules:

- A design professional with overall responsibility for the design of a nonexempt building or facility shall submit construction documents to a registered accessibility specialist no later than 20 days after issuance. Tex. Gov’t Code §§ 469.101 and 469.102.
- By failing to submit plans and specifications for two projects for accessibility review no later than 20th day after issuance, Respondent violated Tex. Occ. Code § 1051.752(2) and 22 Tex. Admin. Code § 1.170.

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 May 16, 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: 124-23A
Respondent: Dean Howard Strombom
Location of Respondent: Houston, TX
Nature of Violation: Violation of Architectural Barriers Act (TDLR)
Instrument: Report and Notice of Violation

Findings:

- Dean Howard Strombom (hereafter “Respondent”) is registered as an architect in Texas with registration number 10447.
- Previous History:
 - On February 15, 2018, in TBAE Case No. 095-18A, the Board issued a Written Warning to the Respondent based on findings that the Respondent failed to timely submit plans to the Texas Department of Licensing and Regulation (TDLR) for accessibility review. The written warning notified Respondent that any future violation would merit more significant disciplinary action.
- On or about April 25, 2022, Respondent issued architectural plans and specifications for *2 Houston Center Coffee Shop* in Houston, Texas, a nonexempt project which is subject to the requirements of Tex. Gov’t Code § 469.101. However, Respondent did not submit the plans for accessibility review until June 10, 2022.

Applicable Statutory Provisions and Rules:

- A design professional with overall responsibility for the design of a nonexempt building or facility shall submit construction documents to a registered accessibility specialist no later than 20 days after issuance. Tex. Gov’t Code §§ 469.101 and 469.102.
- By failing to submit plans and specifications on a project for accessibility review no later than the 20th day after issuance, Respondent violated Tex. Occ. Code § 1051.752(2) and 22 Tex. Admin. Code § 1.170.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1,000** as set forth in the Report and Notice of Violation dated May 16, 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: 020-23I
Respondent: Gordon B. Alford
Location of Respondent: Fort Worth, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Gordon B. Alford (hereafter “Respondent”) is registered as a registered interior designer in Texas with registration number 5650.
- Previously, on June 22, 2021, the Board issued an Order to Respondent in TBAE Case No. 159-20I based on findings that he failed to timely complete continuing education requirements and falsely certified compliance with continuing education requirements. Under the terms of the Order, Respondent was ordered to pay an administrative penalty of \$1,200.
- 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 the 2021 calendar year, Respondent violated 22 Tex. Admin. Code § 5.79. 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 the continuing education requirements, he is subject to increased penalties under 22 Tex. Admin. Code §§ 5.187(5) and 5.242(k). Therefore, the Executive Director recommends that the Board enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$2,000** as set forth in the Report and Notice of Violation dated November 8, 2022.

**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: 150-23A
Respondent: Chi-Chung T. Chow
Location of Respondent: Sugar Land, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Chi-Chung T. Chow (hereafter “Respondent”) is registered as an architect in Texas with registration number 7553.
- 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.
- 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.
- Respondent failed to respond to two written requests for information during the course of staff’s audit of Respondent’s continuing education activities.

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 continuing education requirements at the time of his 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.
- By failing to respond to two written requests for information within 30 days of staff’s requests, Respondent violated 22 Tex. Admin. Code § 1.171. Each violation is subject to a standard administrative penalty of \$250 totaling \$500.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$2,200** 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: 169-23L
Respondent: Clare Drummond
Location of Respondent: Austin, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Clare Drummond (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 3652.
- Based upon the results of a continuing education audit, it was determined that Respondent completed only 6 hours of qualifying continuing education credit during the audit period of January 1, 2022 through December 31, 2022.

Applicable Statutory Provisions and Rules:

- By failing to timely complete 12 hours of qualifying continuing education credit hours during the 2022 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 **\$600** as set forth in the Report and Notice of Violation dated May 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: 132-23I
Respondent: Jasmine Jacobs Efrussy
Location of Respondent: Dallas, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Jasmine Jacobs Efrussy (hereafter “Respondent”) is registered as a registered interior designer in Texas with registration number 10104.
- 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.
- 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 she had not completed sufficient continuing education to make this certification.
- Respondent failed to respond to two written requests for information during the course of staff’s audit of Respondent’s continuing education activities.

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 continuing education requirements at the time of her 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.
- By failing to respond to two written requests for information within 30 days of staff’s requests, Respondent violated 22 Tex. Admin. Code § 5.181. Each violation is subject to a standard administrative penalty of \$250 totaling \$500.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$2,200** 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: 171-231
Respondent: Alyssa Jayne Holub
Location of Respondent: Houston, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Alyssa Jayne Holub (hereafter “Respondent”) is registered as a registered interior designer in Texas with registration number 10483.
- On March 15, 2023, 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, 2022 through December 31, 2022.
- On March 21, 2023, Respondent replied that she 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 § 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 **\$1,200** as set forth in the Report and Notice of Violation dated May 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: 178-23L
Respondent: Nicole Maskooki
Location of Respondent: Millcreek, UT
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Nicole Maskooki (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 3573.
- Based upon the results of a continuing education audit, it was determined that Respondent completed only 8 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 the 2021 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 **\$400** as set forth in the Report and Notice of Violation dated June 22, 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:	177-23A
Respondent:	Bryan David Morris
Location of Respondent:	Tempe, AZ
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Bryan David Morris (hereafter “Respondent”) is registered as an architect in Texas with registration number 25707.
- Based upon the results of a continuing education audit, it was determined that Respondent completed only 8 hours of qualifying continuing education credit during the audit period of January 1, 2022 through December 31, 2022.

Applicable Statutory Provisions and Rules:

- By failing to timely complete 12 hours of qualifying continuing education credit hours during the 2022 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 **\$400** as set forth in the Report and Notice of Violation dated June 22, 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:	174-23L
Respondent:	Bruce A. Oliver
Location of Respondent:	Austin, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Bruce A. Oliver (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 3133.
- 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, 2022 through December 31, 2022.

Applicable Statutory Provisions and Rules:

- By failing to timely complete 12 hours of qualifying continuing education credit hours during the 2022 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 May 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: 145-23A
Respondent: Douglas Wayne Palis
Location of Respondent: Dallas, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Douglas Wayne Palis (hereafter “Respondent”) is registered as an architect in Texas with registration number 14031.
- Previously, on August 16, 2017, the Board issued an Order to Respondent in TBAE Case No. 208-17A based on findings that he failed to timely complete continuing education requirements. 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 the 2021 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 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 increased 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 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:	144-23L
Respondent:	Steven Michael Rahn
Location of Respondent:	Dallas, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Steven Michael Rahn (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 1600.
- 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 the 2021 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 **\$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: 170-23I
Respondent: Sydney Teegarden
Location of Respondent: Dallas, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Sydney Teegarden (hereafter “Respondent”) is registered as a registered interior designer in Texas with registration number 10765.
- 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, 2022 through December 31, 2022.
- 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 she 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 continuing education requirements at the time of her 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 **\$1,300** as set forth in the Report and Notice of Violation dated May 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: 172-23L
Respondent: Albert C. Tipton III
Location of Respondent: Oklahoma City, OK
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Albert C. Tipton III (hereafter "Respondent") is registered as a landscape architect in Texas with registration number 2712.
- 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, 2022 through December 31, 2022.

Applicable Statutory Provisions and Rules:

- By failing to timely complete 12 hours of qualifying continuing education credit hours during the 2022 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 May 24, 2023.

Policy Title	Executive Director Succession Plan	Policy Number	EA-017
Originally Issued		Revisions:	
Approved By	The Texas Board of Architectural Examiners		
Responsible Division	Human Resources		
Primary Policy Custodian	Manager of Operations		

Purpose

The Texas Board of Architectural Examiners Board members are responsible for hiring an executive director. The selection of an executive director is a crucial responsibility that demands a thorough and transparent process, ensuring that the right candidate is selected to lead the agency toward its strategic objectives. The purpose of this policy is to provide step-by-step guidance to the Board in the recruitment, selection and hiring of an executive director. Adherence to this policy will help to ensure compliance with state and federal law relating to recruitment, open meetings, and equal employment opportunity.

References and Related Resources or Statutory Authority

The TBAE adheres to the state recruitment rules, regulations and legislative laws outlined in the following:

[Texas Occupations Code Article 1; Subchapter C](#)

[Texas Human Resources Management Statutes Inventory](#)

[A Report on Executive Compensation at State Agencies \(texas.gov\)](#)

[Texas State Auditor’s Office – Summary of Report 22-706](#)

The Position Classification Plan does not apply to the chief executive of a state agency:

[Texas State Auditor’s Office – Exempt Positions](#)

Scope

This policy governs all stages of the Executive Director hiring process, from developing the job description to onboarding the selected candidate. It follows a model in which agency staff develops

draft documents, and the Board considers and approves final documents and makes decisions at board meetings, either in open or closed sessions, as applicable.

Interim Succession Policy

If the Executive Director vacates the position on short notice (90 days or fewer) the Board authorizes the Chair to implement the following Interim Succession Plan:

- The Chair convenes a meeting of the Executive Director and/or managerial staff to implement this plan.
- In consultation with the Executive Director and/or the continuity of operations policy, the Chair may designate a Deputy Executive Director or Acting Executive Director (in the event of the Executive Director's immediate departure).
- The Deputy Executive Director:
 - Receives training and transfer of knowledge from the Executive Director;
 - Obtains necessary outside training;
 - Is included as a serious candidate in the Executive Director search;
 - Develops a contingency plan to fill their current position if selected as the Executive Director; and
 - Assumes the Acting Executive Director position immediately following the Executive Director's departure.
- The Acting Executive Director:
 - Obtains necessary training;
 - Shall have the full authority as the Executive Director for day-to-day decision-making and operations; and
 - Consults with the Chair regarding public policy issues or positions, non-routine financial matters, or proposed new projects.
- The Board may consider a bonus or salary adjustment for staff appointed as Deputy Executive Director or Acting Executive Director, based on duration of the assignment and available resources.
- As soon as is practicable, the Board implements the following policy and procedures for Executive Director Recruitment and Placement

Policy for Executive Director Recruitment and Placement

The following Executive Director Succession Plan and Procedures shall govern the selection of a permanent Executive Director.

Transition to New Executive Director

Board Responsibility: Upon notification of an impending departure of the Executive Director, the Board may meet with the Executive Director to discuss his/her recommendations regarding the job description, future needs, and suitability of current staff for the position. The Board may direct the Executive Director to begin transferring knowledge to staff to ensure an effective transition. As part of the transition, the Board may appoint a Deputy Executive Director. The Board may consider a bonus or salary adjustment for staff appointed as Deputy Executive Director, based on the duration of the assignment and available resources. If the agency employs a qualified candidate or candidates for the position, the Board may consider listing the position internally. Human resources staff shall advise the

Board on how to proceed with an internal listing. If the Board lists the position internally, the Board may adapt the processes identified in this Policy, as appropriate.

Developing the Job Description and Other Preliminary Documents

Staff Responsibility: Agency staff reviews the existing job description for the Executive Director position and makes relevant changes to ensure current suitability and compliance with Equal Employment Opportunity (EEO) guidelines. This description shall outline the role's responsibilities, qualifications, desired skills, and any specific criteria necessary for the successful candidate.

Board Approval: The drafted job description is presented to the Board for review and approval during a board meeting. The Board considers whether the job description aligns with the agency's strategic goals. Board members may provide input and suggest modifications before granting final approval.

Budget Verification

Staff Responsibility: Agency staff verifies the availability of budgetary resources to cover the Executive Director's salary and any associated hiring costs. Staff also provides an estimate of any expected costs to the agency relating to the search for an Executive Director, an increased number of Board meetings, and training or onboarding of the Executive Director. The budget verification must be aligned with the agency's financial guidelines and constraints. Staff may recommend adoption of a revised budget for the fiscal year, if necessary.

Board Approval: Budgetary information is presented to the Board for approval. The Board may consider revising the agency budget to provide additional funding for salaries, Board travel, staff or Board training, or other costs relating to the selection and onboarding of an Executive Director.

Vacancy Announcement and Posting

Staff Responsibility: Agency staff drafts the vacancy announcement, identifying minimum and preferred qualifications based on the job description and highlighting specific experience, knowledge, skills, or abilities based on current needs of the agency. Staff ensures that the posting complies with all relevant regulations, policies, and laws. Staff advises the Board on the minimum requirements for posting a job, as well as the cost, suitability, and past experiences of using various job posting services such as Indeed, Glassdoor, and/or LinkedIn.

Board Approval: The drafted vacancy announcement is presented to the Board for review, consideration, and approval during a board meeting before posting. Regarding the required and preferred qualifications identified in the posting, the Board shall consider the strategic goals of the agency as well as challenges the Executive Director is expected to face. The Board directs staff on whether to post the announcement on services other than the state of Texas posting service.

Drafting and Approving Interview Questions

Staff Responsibility: With consideration toward the Board's strategic guidance, the approved job description, legal requirements, and best practices, agency staff develops interview questions that will assess candidates' qualifications and leadership abilities.

Board Approval: The draft interview questions are presented to the Board for review and approval during a board meeting. Board members may suggest edits or changes to ensure a comprehensive evaluation of the candidates and their alignment with the mission, strategic goals, and current challenges of the agency.

Evaluating Applicants' Compliance with Minimum Qualifications, Selecting Candidates for Interviews

Staff Responsibility: Agency staff reviews all received applications to ensure applicants meet the minimum qualifications stated in the job description. Staff emphasizes to the Board and involved staff members the importance of confidentiality, given that some applicants may prefer to keep their interest in the job private from current employers. Staff presents all qualified applications to the Board according to the approved timeline. Staff may provide applications that are considered “not qualified” at the direction of the Board. Additionally, staff compiles data for each applicant regarding minimum and preferred qualifications into the Applicant Qualifications Table for Board consideration. Staff requests that each Board member identify his or her top five candidates for interview in advance of the Board meeting. Staff compiles each Board member’s preferences into a table and provides the table to the Board at the Board meeting.

Board Approval: Board members review the applications prior to a Board meeting, discuss the pool at a Board meeting, and select 3-5 candidates for interviews. If the number of qualified candidates exceeds the Board’s number, the Board may choose to conduct further application screening or pre-preliminary telephone interviews. Note that any such interviews must abide by open meeting requirements, by first convening in open meeting then moving into closed session, with the Chair (at a minimum) in attendance at the Board’s offices.

Scheduling Interviews and Preparing Documents

Staff Responsibility: Staff develops a plan for convening the Board for interviews in an efficient manner that is responsive to Board members’ preferences for in-person or remote attendance. Staff coordinates with selected candidates to schedule interviews and prepares necessary documents and materials for the interview process.

Board Oversight: Board members cooperate with staff to develop an interview schedule and provide expectations regarding materials needed for the interview process.

Conducting Interviews and Selecting a Candidate

Staff Responsibility: Staff does not participate in the interview process but is on call to offer any assistance or guidance to the Board.

Board Responsibility: The Board uses the approved interview questions to assess candidates during face-to-face interviews or video conferences in closed sessions. The Board may ask follow-up questions to clarify or obtain additional responses to the approved questions. Each candidate is evaluated after their interview; comparative deliberation follows the completion of all interviews. The Board collaboratively evaluates each candidate based on their qualifications, skills, experience, interview responses, and alignment with the agency's strategic needs and goals. Each Board member preserves any notes taken during the interview process. The Board does not take any vote or final action during closed session. After the Board finishes its deliberations, it enters an open meeting. At this time, the Board considers a

motion to select a candidate, as well as one or more alternates in the event the selected candidate does not accept the position. The Board also approves a starting date and compensation. The Board may consider delegating authority for the Chair to engage in salary or starting date negotiations with the selected candidate, as necessary.

Conducting Background Checks and Hiring the Executive Director

Staff Responsibility: Agency staff conducts a background check for the selected candidate to ensure compliance with legal and ethical standards. Negative background results require consultation with counsel and the Chair (conviction of a crime is not necessarily a cause for rejection). If appropriate, agency staff extends an official offer to the selected candidate, detailing terms of employment. If necessary, and only if such authority has been delegated, agency staff coordinates with the Chair to negotiate the starting date and salary with the selected candidate.

Board Oversight: The Board is informed of any developments in the hiring process by email or phone, as appropriate.

Onboarding the New Executive Director

Staff Responsibility: Agency staff oversees the onboarding process for the selected candidate, including orientation, necessary training, and introduction to the agency's culture and policies. Staff introduces the Executive Director to key stakeholders, by written announcements, telephone calls, or in-person meetings, as appropriate.

Board Involvement: The Board may participate in the onboarding process to welcome the new Executive Director and provide necessary support and guidance. The Chair meets with the Executive Director in-person or remotely within the first 30-60 days. At that meeting, the Chair welcomes the Executive Director to the agency and communicates expectations for the Executive Director's performance and communications with the Board.

Procedures - Executive Director Recruitment and Placement

The following procedures are presented as a model plan for the recruitment and placement of an Executive Director. The intention is to execute this plan across three Board meetings, which should align with the first three phases presented below. Such meetings might be regularly scheduled or specially-convened. The agency may deviate from the procedures depending on the specific circumstances presented, such as scheduling difficulties or the need for an expedited process. However, under all circumstances, the agency shall comply with legal requirements relating to open meetings, employment, and any other law.

PHASE I: Review and Revise Job Description; Verify Budget, and Prepare Vacancy Announcement

Staff Responsibility:	Board Responsibility:

<ul style="list-style-type: none"> • Contacts the Chair to determine whether a special meeting of the Board is necessary. If so, staff contacts Board members to schedule the meeting and publishes notice of the meeting in the Texas register. • Develops a draft timeline to fill the vacancy based on this policy. • Reviews the existing job description and makes recommended changes, as appropriate. • Prepares the draft Personnel Action Form for the Chair’s signature. • Provides the following for Board review: <ul style="list-style-type: none"> ○ Draft timeline; ○ Current job description; ○ Draft job description with tracked changes; ○ Position description template; ○ Current salary information and proposed salary range; ○ Draft vacancy announcement, including minimum and preferred qualifications; ○ Draft Applicant Qualifications Table; and ○ A copy of this policy. • Develops a draft certified agenda for the Board in the event a closed session is required. • Assists the Board in recording changes to the draft documents and provides final versions to Board members after the Board meeting. • Retains the signed, certified agenda, if applicable. 	<ul style="list-style-type: none"> • If desired, the Board meets with the current Executive Director to discuss his/her recommendations and related considerations. The Board may direct the Executive Director to begin transferring knowledge to staff to ensure an effective transition. • Reviews, considers, and approves the draft job description, proposed salary range and other budgetary needs, draft vacancy announcement, draft Applicant Qualifications Table, and Personnel Action Form, with or without changes. • Approves a timeline, including the date of posting the vacancy announcement, closing date, and schedule of Board meetings for selection of candidates and interviews. The closing date shall allow sufficient time for staff and the Board to review applications prior to the second Board meeting. • Designates job posting services or professional organizations to advertise the position. • The Board Chair signs the approved job description and Personnel Action Form. • The Board Chair amends and signs the draft certified agenda, if necessary.
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PHASE II: Posting of Vacancy Announcement, Selecting for Interviews, Interview Preparation

Posting of Vacancy Announcement	
Staff Responsibility:	Board Responsibility:

<ul style="list-style-type: none"> • Posts the vacancy announcement with the Texas Workforce Commission (WorkinTexas.com) and CAPPs Recruit for a minimum of 10 days. • At the Board’s direction, posts job internally for 5 days prior to posting externally. • Posts to additional sites if directed by the Board. 	<ul style="list-style-type: none"> • Receives status updates and other information upon request.
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Application

Staff Responsibility:	Board Responsibility:
<ul style="list-style-type: none"> • Receives completed State of Texas Applications for Employment. May be received in person, via email, USPS mail, fax, or CAPPs Recruit. • Compiles application EEO data for reporting purposes. 	<ul style="list-style-type: none"> • Receives status updates and other information upon request.

Selecting for Interviews, Developing Interview Questions

Staff Responsibility:	Board Responsibility:
<ul style="list-style-type: none"> • Screens each application for minimum qualifications and preferred qualifications. • Enters data regarding minimum and preferred qualifications into the approved Applicant Qualifications Table. • Flags those applications claiming a Veterans Preference under Government Code Chapter 657. • Sorts applications by “Qualified” “Not Qualified” and “Needs Additional Review”. • Provides all “Qualified” applications to the Board, along with the Applicant Qualifications Table, according to the approved timeline. Staff may provide copies of “Not Qualified” applications at the direction of the Board. • Requests each Board member to identify by email his or her top five candidates for interview prior to the Board meeting. • Collects and compiles Board member preferences for candidates to interview into a table. This table is provided to the Board at, but not prior to, the Board meeting. • Develops and provides draft interview questions 	<ul style="list-style-type: none"> • Board members review all applications prior to second Board meeting. May confer with staff regarding reasons for “Qualified” or “Not Qualified” status. • By email to staff only, each Board member identifies his or her top five candidates for interview prior to the Board meeting. • At the second Board meeting, the Board meets in open meeting, then announces it will go into closed session to consider personnel matters under Government Code Sec. 551.074. • The Board decides on the number of candidates to interview and selects three to five candidates. If a qualifying application has been received, the Board must interview at least one person qualified for a veteran’s employment preference under Government Code Chapter 657. • If the application pool is not acceptable to the Board, the Board may direct that the posting process be restarted and modified as necessary, including revision of the vacancy announcement, salary range, and posting locations. • Reviews and approves interview questions, with or without changes. • The Chair amends (as needed) and signs the draft

<p>for Board review, consideration, and approval.¹</p> <ul style="list-style-type: none"> • Publishes notice of the second meeting in the Texas register. • Develops a draft certified agenda for the closed session. • Provides a copy of this policy to the Board. • Assists the Board in recording changes to the draft interview questions. Reviews any revised interview questions to ensure compliance with EEO guidelines (at Board meeting). • Retains the signed, certified agenda for the closed session. 	<p>certified agenda for the closed session.</p>
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PHASE III: Interviews and Selection

PHASE III: Interviews and Selection	
Staff Responsibility:	Board Responsibility:
<ul style="list-style-type: none"> • Schedules interviews with candidates and the Board. • Provides the Board with an interview schedule. • Provides copies of approved interview questions to the Board along with relevant materials provided by applicants. • Provides a copy of this policy to the Board. • Maintains all documentation related to the selection process. Documents may be subject to open records requests. • Publishes notice of the third meeting in the Texas Register. • Develops a draft certified agenda for the closed session. • Retains the signed, certified agenda for the closed 	<ul style="list-style-type: none"> • The Board meets in open meeting, then announces it will go into closed session to consider personnel matters under Government Code Sec. 551.074. • Conducts interviews in closed session based on the timeline scheduled for each interview session. • Records candidates' responses during the interviews on forms provided by staff. The Board asks all candidates the same interview questions. The Board may ask follow-up questions. • After all interviews are completed, the Board collectively deliberates in closed session. The Board considers the applicants' qualifications and experience, as well as performance in the interview. • The Board considers any Veterans Preference applicable under Government Code Chapter 657.² • The Board returns to open session. Upon motion,

¹ Interview questions may be developed and approved during Phase 1, depending on Board preference.

² An individual who qualifies for a veteran's employment preference is entitled to appointment to a state agency over other applicants for the same position who do not have a greater qualification.

<p>session.</p>	<p>second, and adoption, the Board selects a candidate for employment as the Executive Director. The motion should include a start date and compensation, with the offer being contingent on a successful background and criminal history check. The Board also selects one or more alternates contingent upon the refusal of the position by the selected candidate.</p> <ul style="list-style-type: none"> • The Board may consider delegating authority for the Chair to engage in salary or starting date negotiations with the selected candidate, as necessary. • Returns completed interview forms to staff. • Provides guidance to staff regarding the communication and introduction of the new Executive Director to staff and various stakeholders. • The Chair amends (as needed) and signs the draft certified agenda for the closed session.
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PHASE IV: Background Check, Offer, Hiring, Onboarding

<p>Background Check, Offer & Communications</p>	
<p>Staff Responsibility:</p>	<p>Board Responsibility:</p>
<ul style="list-style-type: none"> • Verifies work history and education. • Conducts criminal history check. If clear, proceed with the offer. • Following verbal offer by the Chair, sends a written offer to the selected candidate and receives written acceptance of the offer. • Prepares Personnel Action Form (PAF) for the Chair’s signature. • Sends notification letters to candidates who were interviewed but not selected. • Communicates the selection of the new Executive Director to various stakeholders and leaders of state government. 	<ul style="list-style-type: none"> • If the selected candidate(s) decline the offered position or are ineligible, the Board may decide to offer the position to a person that has already been interviewed, interview additional applicants from the current pool or re-initiate the recruitment process. • The Chair notifies selected candidate with a verbal offer contingent on a background check and written and accepted offer letter.
<p>Completing the Hiring Process</p>	
<p>Staff Responsibility:</p>	<p>Board Responsibility:</p>
<ul style="list-style-type: none"> • Staff encourages the Executive Director to review and complete necessary paperwork before the 	<ul style="list-style-type: none"> • The board receives status updates and other information upon request.

<p>first employment day.</p> <ul style="list-style-type: none"> • The Executive Director completes paperwork per agency policy and the law. • Provides the Executive Director with an Identification/access badge. • The Executive Director completes mandatory EEO & Ethics Training. • Payroll documents are sent to Payroll for processing. • Close out hiring process; hiring documents are filed in the Executive Director’s Official Personnel Folder. 	
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Executive Director Onboarding

Staff Responsibility:	Board Responsibility:
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<ul style="list-style-type: none"> • Staff sets up office equipment for the Executive Director. • Staff develops a briefing format focusing on agency mission & future vision. • The Executive Director provides staff with a bio and photo to post on website. • On the first day, management staff provides the following to the Executive Director: <ul style="list-style-type: none"> ○ Clear and comprehensive reports on the state of their respective departments, identifying both strengths and challenges ahead; ○ Fact sheets on “hot issues” that require the ED’s attention within the first 90 days; ○ Operating budgets for the previous and current fiscal years and any draft or proposed budgets that have been developed for the next fiscal year; ○ The strategic plan; ○ List of key stakeholders and agency leaders with name, title, phone number and email address; ○ Bios of direct reports; ○ The organization chart; ○ Staff and Board member contact information; ○ Employee handbook; and 	<ul style="list-style-type: none"> • The Chair meets with the Executive Director one-on-one within the first 30-60 days. The Chair: <ul style="list-style-type: none"> ○ Reviews the job description with the Executive Director. The job description is signed by the Chair and Executive Director and placed in the official personnel folder; ○ Sets expectations and priorities for Executive Director; ○ Communicates performance evaluation protocol and initial performance goals for the Executive Director over the initial evaluation period; ○ Establishes Board support and feedback; and ○ Communicates ongoing Board/ED communication expectations. • During the first six weeks, Board members conduct one-on-one meetings in- person or by phone with the Executive Director to discuss the transition into the organization and hear any pending issues or needs.
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<ul style="list-style-type: none"> ○ List of acronyms. ● The Executive Director and staff shall develop and/or discuss: <ul style="list-style-type: none"> ○ List of recurring meetings; ○ 12-month agency event calendar; ○ Initial projects, roles, and responsibilities; ○ Introduction to agency policies and procedure manuals; ○ Explain the performance review; procedure and provide the Executive Director with a copy of the performance review documents; and ○ Website review of Board photos and bios. ● Staff orders nameplate and business cards for the Executive Director. ● Staff is proactive in asking the Executive Director what is needed during the transition into the agency. ● The Executive Director may dictate the style/format of staff briefings. Management staff meets with the Executive Director to brief the agency on strategic initiatives; vital systems, laws, and procedures. 	
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Review Cycle

Policies and procedures are reviewed every two years or updated as required to ensure they reflect current information and requirements. Policies and procedures are reviewed in consultation with staff, management, and agency regulatory bodies to ensure they accommodate and are reflective of the needs of our registrants, oversight agencies, and best practice guidelines.