

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda

TBAE Board Room

505 E. Huntland Drive, Suite 370

Austin, Texas

Tuesday, November 14, 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
- Darren James
Tim Bargainer
Darren James

2. Approval of August 17, 2023 Board Meeting Minutes (Action) Darren James

3. Executive Director Report (Information) Julie Hildebrand

- A. Summary of Executive Accomplishments
- B. Operating Budget/Scholarship Fund: Presentation on 4th Quarter FY 2022 Expenditures/Revenues

4. Annual Report – FY23 (Trend Analysis) (Information) Glenn Garry

5. Enforcement Cases (Action) Lance Brenton

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

A. Registrant/Non-Registrant Cases:

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| Case No. 181-23A | Cheung, Siu-Hong | Arch. #16996 |
| Case No. 173-20N | Frausto, David | Non-Registrant |
| Case No. 054-20N, (SOAH Docket No. 459-23-17628) | Little, James A. | Non-Registrant |
| Case No. 146-23N | N Engineering Group, LLC | Non-Registrant |
| Case No. 184-23A | Peters, Alvin Gary | Arch. #15199 |

B. Continuing Education Cases:

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| Case No. 024-24A | Brown, Thomas H. Jr. | Arh. #28184 |
| Case No. 232-23A | Jallali, Hamid Cyrus | Arch. #10962 |
| Case No. 195-23I | Jung, Lindsay Carolyn | RID #11481 |
| Case No. 194-23L | Nikolai, Paul Michael | LA #2491 |

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

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| <p>6. Draft Amendments for Proposal (<i>Action</i>) Consideration of draft amendments to Board Rules 1.29, 3.29, and 5.39, relating to the implementation of Senate Bill 422 (88th R.S.) and the temporary registration of qualifying military service members.</p> | <p>Lance Brenton</p> |
| <p>7. Resolution Honoring Debra J. Dockery, FAIA (<i>Action</i>)</p> | <p>Darren James</p> |
| <p>8. Board Officers Election (<i>Action</i>)</p> | <p>Darren James</p> |
| <p>9. Reports on National Regulatory Boards and Board Member and Staff Committee Service (<i>Information</i>)</p> | <p>Darren James</p> |
| <p>10. Report on Conferences and Meetings (<i>Information</i>) A. CLARB Annual Meeting – Sep 20-22 B. TxA Annual Conference & Expo – Nov 2-4 C. CIDQ Annual Delegates Meeting – Nov 10-11</p> | <p>Darren James</p> |
| <p>11. Report on Upcoming Conferences and Meetings (<i>Information</i>) A. NCARB Regional Summit – Mar 1-2 B. ASLA Texas Conference – Apr 25-27 C. NCARB Annual Business Meeting – Jun 13-14</p> | <p>Darren James</p> |
| <p>12. Agency Succession Plan (<i>Action</i>)</p> | <p>Julie Hildebrand</p> |
| <p><i>The Board may meet in closed session pursuant to TEX. GOV'T CODE ANN. §551.074 to confer on personnel matters.</i></p> | |
| <p>13. Development of TBAE Strategic Framework (<i>Information</i>)</p> | <p>Darren James</p> |
| <p>14. Board Member Comments/Future Agenda Items (<i>Information</i>)</p> | <p>Darren James</p> |

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15. Upcoming Board Meetings *(Information)*

Darren James

Thursday, February 22, 2024

Thursday, May 23, 2024

Thursday, August 22, 2024

Thursday, November 21, 2024

16. Adjournment

Darren James

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

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| 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 |

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| | <p>The Board joined Ms. Dockery in recognizing Mr. James.</p> <p>Ms. Dockery noted that this is her last Board meeting as Chair, and probably as a Board member. She said it has been an honor to serve on the Board and that it has made her a better architect. She said it has been an eventful twelve and half years. In March of 2011, she was serving on the government affairs committee of the Texas Society of Architects when then-TBAE Chair Alfred Vidaurri and TxA President Dan Hart, along with their counterparts in the engineering profession, were crafting language for a legislative bill that would end years of litigation between the two Boards. She said it was her job to bring consensus among the government affairs committee. Then, in April, she received a call that she had been appointed to TBAE. With humor, Ms. Dockery related that the experience was very much “out of the frying pan, and into the fire” and found herself asking what the governor had gotten her into.</p> <p>Ms. Dockery discussed the highlights and accomplishments during her time on the Board. This included her service on the three-member committee that would determine the protocols and review the applications for status as an exempt engineer; two very contentious SOAH mediations; the selection of Ms. Hildebrand as executive director (what she considers perhaps the most significant achievement or accomplishment during her term); Mr. Brenton’s guidance through the fallout from the North Carolina Dental Board case; the agency’s response to the pandemic (which included meeting virtually for the first time); and hosting the NCARB Annual Conference in Austin.</p> <p>Ms. Dockery lauded those accomplishments, but said with a new Chair and new members joining the Board, it is an opportune time to reevaluate Board operations: Is the Board agenda the right format? Are there committees that we no longer need, or new committees that should be formed? Are there issues or focus areas that need to rise to the top? There are many opportunities.</p> <p>Ms. Dockery said it is with some sadness that she ends her second term. She said it was wonderful to serve with her fellow Board members and the fantastic staff and to meet family members of both. She said the citizens of Texas have been very well served by the Board and staff. She will also miss the people she met through NCARB service. Ms. Dockery said she would always be available to assist the Board, and volunteers specifically to help with the onboarding of new Board members, particularly as it relates to service with NCARB. In closing, Ms. Dockery said she appreciates the opportunity to have served as chair.</p> <p>The Board and staff shared their appreciation of Ms. Dockery and her service.</p> |
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| 1G. Public Comments | No public comments were offered. |
| 2. Approval of June 5, 2023, Board Meeting Minutes | <p>A MOTION WAS MADE AND SECONDED (Walker/James) TO APPROVE THE JUNE 5, 2023, BOARD MEETING MINUTES.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> <p>Subsequently, during the discussion of Agenda Item 4, an error was identified in the minutes, as follows:</p> <p>Ms. Smith asked whether the Board would encounter additional expenses due to the sunset process, and whether those expenses are reflected in the budget.</p> <p>Ms. Hildebrand asked for clarification because the agency’s sunset review has been legislatively delayed until 2033.</p> <p>Ms. Smith noted that the minutes that were presented and approved earlier in the meeting indicated that sunset has been delayed until 2023.</p> <p>Ms. Hildebrand asked Mr. Brenton to review the issue and provide any needed remedy.</p> <p>Mr. Brenton confirmed the error and provided a recommended motion to the Board.</p> <p>A MOTION WAS MADE AND SECONDED (James/Salazar) TO REVISE THE MINUTES FOR THE JUNE 5TH BOARD MEETING TO CORRECT THE ENTRY UNDER AGENDA ITEM 3 TO REFELCT THE SUNSET PROCESS HAS BEEN DELAYED UNTIL 2033, RATHER THAN 2023.</p> <p>THE MOTION PASSED UNANIMOUSLY</p> |

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| <p>3. Executive Director Report</p> <p>A. Summary of Executive Accomplishments</p> <p>B. Operating Budget/Scholarship Fund: Presentation on 3rd Quarter Fiscal Year 2023 Expenditures and Revenues</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 18 of the board materials and referred the Board to those materials as a supplement to her verbal presentation.</p> <p>Ms. Hildebrand directed the Board to the report on agency trends beginning on page 22 of the board materials and provided a summary of the information.</p> <p>Ms. Hildebrand referred the Board to the FY 23 budget on page 20 of the board materials and provided an update of the current state of the agency’s finances and budgetary line items.</p> <p>Ms. Hildebrand referred the Board to page 21 of the board materials and addressed the scholarship fund balance.</p> |
| <p>4. FY24 Proposed Budget</p> | <p>Ms. Hildebrand directed the Board to the FY 2024 proposed budget on page 24 of the Board materials. She summarized the budget, her line-item projections for the fiscal year, and how she arrived at those projections.</p> <p>A MOTION WAS MADE AND SECONDED (Bargainer/Walker) TO APPROVE THE FISCAL YEAR 2024 OPERATING BUDGET AS PRESENTED.</p> <p>Mr. Bargainer asked Ms. Hildebrand to explain the increase in convenience fees over the budgeted amount in FY 2023.</p> <p>Ms. Hildebrand said her estimate for convenience fees in the coming fiscal year is equal to the projected actual collections for FY 2023. Since the collected amount projects to be larger than what was budgeted for FY 2023, the line item for FY 2024 has been increased.</p> <p>Ms. Salazar asked for a reminder about what the convenience fees are.</p> <p>Ms. Hildebrand said this is a pass-through charge that TBAE collects on behalf of the state as a fee for online payments. Ms. Hildebrand said theoretically the amount collected and the amount expended should be the same, but in practice will differ in any given fiscal year due to timing discrepancies about when the fees are collected and when they are ultimately passed on to the state.</p> <p>Ms. Dockery asked whether the Board should budget for additional positions in the salaries and wages line item, given the continued growth in registration numbers.</p> |

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| | <p>Ms. Hildebrand responded that she does not believe this is presently necessary, due in part to the experience and expertise of current staff. However, she noted that staff could leave the department due to retirement, which could necessitate hiring additional staff over and above current levels.</p> <p>Ms. James asked whether retirements can be expected in the following year.</p> <p>Ms. Hildebrand responded that several individuals will be eligible for retirement in the coming year. She said she would address this in more detail under the agenda item for succession planning.</p> <p>Ms. Dockery asked for an update on the current fund balance level.</p> <p>Ms. Hildebrand responded that the Board has approximately one year of agency funding in the fund balance.</p> <p>THE MOTION PASSED UNANIMOUSLY</p> |
| <p>5. Consideration of Proposed Amendments for Adoption</p> <p>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.</p> | <p>Mr. Brenton referred the Board to page 25 for the summary and associated Board materials for this rulemaking action. 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/Trevino) TO APPROVE THE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE §§ 1.43, 1.44, 3.43, and 3.44 FOR FINAL ADOPTION.</p> <p>Ms. Dockery asked whether the Governor’s office reviewed the proposed rules.</p> <p>Mr. Brenton responded that the proposed rules and preambles were submitted to and approved by the Governor’s office prior to publication in the Texas register.</p> <p>THE MOTION PASSED UNANIMOUSLY</p> |

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| <p>6. Enforcement Cases Review and possibly adopt ED’s recommendation in the following enforcement cases:</p> <p>6A. Registrant/Non-Registrant Cases:</p> | <p>Ms. Dockery asked Mr. Brenton to present the enforcement cases for Board consideration.</p> <p>Clay, Bruce Willis (Case #058-20N SOAH Docket #459-23-14579) Mr. Brenton directed the Board to the written materials for the case beginning on page 40 and provided a summary of the case as well as staff’s recommendation.</p> <p>A MOTION WAS MADE AND SECONDED (James/Bargainer) TO 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.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> <p>Prieto, Jose Luis (Case #112-21N) Mr. Brenton directed the Board to the written materials for the case beginning on page 54 and provided a summary of the case as well as staff’s recommendation.</p> <p>A MOTION WAS MADE AND SECONDED (Walker/Bargainer) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND 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 REPORT AND NOTICE OF VIOLATION DATED MAY 2, 2023.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> <p>Ramon, Esteban A. (Case #146-20N, SOAH Docket #459-23-11664) 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/James) TO 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</p> |
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| | <p>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.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> <p>Sargenti, Robert J. Jr. (Case #039-23A and Case #095-23A) Mr. Brenton directed the Board to the written materials for the case beginning on page 69 and provided a summary of the case as well as staff’s recommendation.</p> <p>A MOTION WAS MADE AND SECONDED (Trevino/Bargainer) 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 MAY 16, 2023.</p> <p>Mr. Bargainer noted that the Respondent is located out-of-state and represents a corporate client providing services on multiple projects for that client within the state. He asked how staff arrived at the recommendation of discipline of \$1,000, given that the Respondent was previously subject to a warning.</p> <p>Mr. Brenton responded that the agency has a standard operating procedure for accessibility cases. For the first violation, the Respondent is eligible for a warning. If another violation occurs after the initial warning is issued, then a disciplinary order will be entered for \$1,000 per violation, which is specifically required under the Board’s rules. If a violation occurs following the first order, a second order will be entered, which should include an increased penalty of up to \$5,000 and mandatory attendance at the TDLR Accessibility Academy.</p> <p>Ms. Dockery noted that the Respondent did ultimately submit drawings, though the submission occurred after the deadline.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> <p>Strombom, Dean Howard (Case #124-23A) Mr. Brenton directed the Board to the written materials for the case beginning on page 70 and provided a summary of the case as well as staff’s recommendation.</p> <p>A MOTION WAS MADE AND SECONDED (Walker/Smith) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ADMINISTRATIVE PENALTY OF \$1,000 AND WHICH ORDERS THE RESPONDENT TO CEASE AND DESIST ANY AND ALL VIOLATIONS OF OCCUPATIONS CODE CHAPTER 1051 AND BOARD RULES, AS</p> |
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| <p>6B. Continuing Education Cases:</p> | <p>SET FORTH IN THE REPORT AND NOTICE OF VIOLATION DATED MAY 16, 2023.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> <p>Mr. Brenton directed the Board to summaries for the continuing education cases beginning on page 71 of the board materials, which include staff's recommendations.</p> <p>Ms. Dockery stated that, unless any Board members need to recuse themselves from any case, she will 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/Smith) TO ACCEPT STAFF'S RECOMMENDATION FOR DISCIPLINE IN THE FOLLOWING CONTINUING EDUCATION CASES:</p> <p>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</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> |
| <p>7. Discussion of Issues Relating to Compliance with Continuing Education Requirements and Associated Disciplinary Actions</p> | <p>Ms. Dockery noted that this topic was placed on the agenda due to a comment provided at the June Board meeting by Ms. Smith. At that time, Ms. Smith noted that, when the Board takes enforcement action for a violation of continuing education (CE) requirements, an administrative penalty is entered, but there is no requirement for the Respondent to make up missing hours. Ms. Smith questioned whether that is something the Board should consider.</p> <p>Mr. Brenton presented information to the Board in response to Ms. Smith's inquiry. Mr. Brenton discussed how TBAE addresses a failure to complete CE requirements, recent changes to the CE program and the impact so far, current CE disciplinary practices, and comparisons to sister agencies and previous TBAE practices. Mr. Brenton identified a number of alternatives</p> |

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| | <p>that the Board could consider to increase CE compliance amongst individuals who are found to be deficient after a CE audit.</p> <p>Mr. Bargainer suggested the Board should consider a response that would not increase the cost or demand on the agency.</p> <p>Mr. Brenton provided a recommendation that, if the Board preferred to act on this issue, a low cost response could be to encourage compliance by reducing the administrative penalty for respondents who fail an audit but agree to complete make-up CE. Mr. Brenton suggested this could be a reduction of 50% of the penalty for failing to timely complete CE. Based on previous agency experience in providing a similar opportunity, he suggested this could result in approximately 75% of respondents in CE cases completing make-up CE prior to the Board taking disciplinary action.</p> <p>Ms. Dockery said the goal is for registrants to stay current and to encourage CE. With that in mind, she expressed a preference to offer a carrot in the form of a reduced penalty for completing CE. However, she said the Board should not reduce the \$500 penalty for falsely certifying CE compliance at renewal.</p> <p>Ms. Smith asked whether registrants send in a copy of their CE log or other proof of CE compliance at the time of renewal.</p> <p>Mr. Brenton responded that registrants are required to certify compliance at the time of renewal but are not required to provide proof of compliance at the time of renewal.</p> <p>Ms. Smith asked whether it would help to require the submission of proof of compliance at renewal.</p> <p>Mr. Bargainer responded that some states do require the submission of CE logs at the time of renewal. He said that those states tend to require the completion of CE over a two- or three-year period, as opposed to annually. However, he said one of those states had recently adopted the Texas method of only requiring proof of compliance if the registrant is audited, with the goal of decreasing demand on that board's staff. Mr. Bargainer said he is concerned about the use of resources if the Board requires all registrants to submit proof of compliance at the time of renewal.</p> <p>Ms. Hildebrand said, if the Board adopted a program in which all registrants are required to submit CE at the time of renewal, the most-likely solution would be to utilize an outside service to track CE. She said this would be expensive – one available service would cost about four to five dollars per registrant per year, to be paid directly by the registrant.</p> |
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| | <p>Ms. Smith noted that TBAE registrants are required to complete 12 hours of CE. She compared this to her licensing agency, the Texas State Board of Public Accountancy, which requires a minimum of 20 hours per year and 120 every three years. She suggested it would not be unreasonable to require registrants to list completed courses at the time of renewal. She also suggested that staff might not necessarily review the submissions at the time of renewal but would have the information available if the registrant was audited. Ms. Smith said identifying the claimed CE at the time of renewal would encourage completion of CE and emphasized the importance for registrants to comply with CE requirements.</p> <p>Mr. James expressed concern that this would result in an increased strain on staff resources.</p> <p>Ms. Hildebrand noted that, if registrants were prevented from renewing their registration due to failing to upload proof of completion at the time of renewal, it could result in additional need for disciplinary action due to practicing without a registration. She confirmed that this requirement would increase demand on staff resources.</p> <p>Ms. Walker said she preferred to incentivize completion of make-up CE through a reduction in administrative penalties.</p> <p>Mr. Trevino asked whether CE providers are required to submit classes to the Board for approval.</p> <p>Mr. Brenton said the Board does not pre-approve CE courses.</p> <p>Ms. Smith asked whether the agency discloses the amount of administrative penalties for violating CE requirements in the agency's written reminders to registrants to complete CE.</p> <p>Mr. Brenton responded that the reminders say a penalty could be imposed for violating CE requirements, but they do not identify the specific amount. He said this is a good idea and can be incorporated into the reminders.</p> <p>Ms. Smith said that could be helpful to incentivize registrants to complete CE and thanked Mr. Brenton for the work he put into the presentation.</p> |
| <p>8. Tim Bargainer 2023 CLARB Leadership Elections & Voting Member</p> | <p>Ms. Dockery said she would need a motion to designate Tim Bargainer as the voting member at the CLARB 2023 Annual Meeting.</p> <p>A MOTION WAS MADE AND SECONDED (James/Walker) TO DESIGNATE TIM BARGAINER AS THE VOTING MEMBER AT THE CLARB 2023 ANNUAL MEETING.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> |

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| <p>9. Discussion of Board Member and Executive Director Succession Planning</p> | <p>Ms. Hildebrand began by addressing the impending change in the Board’s chair position. She noted that the chair is appointed by the governor and in the past has been a relatively long appointment. As a result, the agency relies a great deal on the chair and benefits from continuity. However, when a change occurs, it can be a big disruption.</p> <p>Ms. Hildebrand invited the Board to strategically discuss succession planning and offered questions to guide the conversation: What does the future look like? What impact will we have? We have talked about the need for more strategic planning, what does that look like? What are our expectations for the new chair? Regarding new appointees, what does onboarding look like?</p> <p>Mr. James noted that the Board has heavily relied upon Ms. Dockery and joked that the Board might not even be aware of all that she does. He said the Board sees the results, but it would be helpful to have an outline or list of her tasks and responsibilities, so the Board has a baseline moving forward. Mr. James said Ms. Dockery is the only Chair he has known. She’s been excellent and he wants to make sure there isn’t a drop-off.</p> <p>Ms. Dockery said it was only in the past week that she learned this would likely be her last meeting. As such, she has not prepared any such documentation for the next chair but would be willing to do so.</p> <p>Ms. Hildebrand noted that the agency has a very brief position description for the chair, which would be a good place to start. Ms. Hildebrand said she is preparing an action item check-list. She also noted the governor’s office is willing to work with the agency on the timing of the chair appointment. On that point, Ms. Hildebrand had provided input to the governor’s office that it would be helpful to have the new chair in place prior to the appointment of new Board members. That way, Ms. Dockery could still potentially be on the Board to overlap and help train the new chair.</p> <p>Mr. Bargainer asked for a best guess on how many new Board members will be appointed.</p> <p>Ms. Hildebrand said that the terms for Ms. Salazar and Ms. Smith are up but both have expressed interest in reappointment. Ms. Hildebrand said she is hopeful they will be reappointed. Ms. Hildebrand said two positions are vacant – the positions previously held by Mr. Wetmore and Ms. Taylor. So, given Ms. Dockery’s departure, there will be at least three new Board members, perhaps up to five.</p> <p>Ms. Dockery said she would add to the Board chair job description as needed but said she doesn’t want to insert too much because this is an opportunity to really look at what the Board does, how’s it’s done, focusing on the emergent issues that the Board will be facing. Ms. Dockery</p> |
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| | <p>emphasized the importance for Board members to be involved with the national organizations: NCARB, CLARB, and CIDQ. As the third largest state, Ms. Dockery said it is vital for Texas to have a forceful voice. Additionally, Ms. Dockery said she supports the focus on strategic planning, especially as it relates to responding to an aging registrant population.</p> <p>Mr. Bargainer asked about the timing of the appointment and onboarding of new Board members.</p> <p>Ms. Hildebrand said she expects new Board members to be appointed together at the same time, likely before the November Board meeting. As for the chair, she hopes that the appointment will be made as soon as possible, to help in the transition.</p> <p>Mr. Bargainer asked whether the Board should have an off-cycle meeting, given the work that needs to be done to train and onboard the new chair and three to five new Board members. He said this could be an opportunity to discuss current and foreseeable issues to be addressed by the Board through strategic planning. He suggested Ms. Dockery could participate in the meeting as well.</p> <p>Ms. Hildebrand responded that staff engages new Board members in a training and orientation process prior to their first Board meeting, but said the Board could have an additional meeting, as discussed by Mr. Bargainer.</p> <p>Ms. Dockery recalled that when she had orientation as a new Board member, Chase Bearden, a Board member at the time, took her to lunch to welcome her to the Board and identify issues that the Board was facing at that time. She said it was a very special gesture that she would be willing to repeat for new Board members if it is helpful.</p> <p>Ms. Hildebrand asked whether a Board-involved onboarding of new Board members would occur in conjunction with the regularly-scheduled Board meeting. For example, a two-day meeting with a first-day session consisting of introductory and training information and a second day dedicated to regular business. Alternatively, the Board could have a separate meeting dedicated to orientation, but that would require additional travel time from the Board members.</p> <p>Mr. Bargainer said having back-to-back days, with general information on the first day and regular business on the second, with casual interaction or team-building, would be helpful.</p> <p>Ms. Hildebrand then asked the Board for input on how strategic planning should occur in the future.</p> |
|--|---|

| | |
|--|---|
| | <p>Mr. Bargainer asked what the required strategic planning process is for a government agency. He then suggested the Board could build upon that to consider current issues and foreseeable issues or trends, and then as a group discuss how those matters will impact Texas and how they can be interjected into the Board’s strategy.</p> <p>Ms. Hildebrand said the required strategic plan is due every two years, with the next deadline in June. As part of that process, the agency conducts a customer service survey in January, which is then discussed at the February Board meeting along with any strategic planning that is needed for the June report.</p> <p>Ms. Dockery noted the required strategic plan is operational; it is not necessarily aspirational. She suggested additional Board attention could be devoted to the consideration of trends and how the Board messages what it does. For example, it is not merely about licensing professionals, but the protection of the public from incompetent practice.</p> <p>Mr. James said the Board needs to be ready to address artificial intelligence, which will impact the profession. He asked, how will that be regulated?</p> <p>Ms. Dockery then asked Ms. Hildebrand to address executive director succession.</p> <p>Ms. Hildebrand referred the Board to the draft Executive Director Succession Plan beginning on page 83 of the board materials and provided a summary of the plan.</p> <p>Ms. Dockery said it was important to consider previous experience in filling the executive director position. She said the most recent appointment was difficult, as it included a sudden resignation, a difficult process in appointing an interim executive director, and a stressful hiring process for both staff and the Board. So, she appreciates the consideration and development of this plan.</p> <p>Ms. Dockery asked whether the Board would be required to provide a public posting of the position if the Board preferred to fill the position from current staff.</p> <p>Ms. Hildebrand responded that an internal posting would be available to staff only. She also said the Board could use a stepped process, in which the Board posts the job on an internal basis first and then conducts interviews to determine whether a qualified candidate was available. If not, the Board could then post the job publicly.</p> |
|--|---|

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|---|---|
| | <p>Mr. James suggested the policy should be revised to clarify which staff members would be responsible for completing various tasks under the policy.</p> <p>Ms. Smith asked whether an outside candidate would be eligible for the interim executive director position or would that be limited to agency staff.</p> <p>Ms. Hildebrand responded that, if the Board sought to appoint an outside candidate, the Board would have to go through the full outside hiring process. If the Board sought to appoint an internal candidate, then that person would keep their current role, but be designated as the acting executive director, along with a salary adjustment, until such time that a permanent ED was appointed.</p> <p>Ms. Smith asked what the expected timeline would be from the beginning of the process to the hiring date.</p> <p>Ms. Hildebrand responded that the policy was meant to be implemented over the course of three Board meetings, but that those meetings might not necessarily be regularly scheduled; it would be up to the Board to consider the situation and schedule accordingly.</p> <p>A MOTION WAS MADE AND SECONDED (Smith/Bargainer) TO APPROVE THE EXECUTIVE DIRECTOR SUCCESSION PLAN.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> |
| <p>10. Executive Director Annual Performance Evaluation</p> <p>A. Report on findings based upon performance evaluation.</p> <p>B. Consider and possibly act upon any personnel action that may be proposed by the Board.</p> | <p>The Board took a break at 11:36 a.m. and reconvened at 11:53 a.m.</p> <p>Ms. Dockery stated the Board would enter into executive session to discuss personnel matters under the authority of Tex. Govt. Code §551.074. The executive session convened at 11:53 a.m.</p> <p>The Board reconvened in open session at 12:17 p.m. Ms. Dockery noted that no final action, decision, or vote regarding any matter was considered or discussed during the executive session.</p> <p>Ms. Dockery said the Board does not feel there is a better executive director than Ms. Hildebrand. The Board is thankful for Ms. Hildebrand and hopes that she will continue in the position for some time going forward.</p> <p>The Board identified three items for Ms. Hildebrand to focus on during the next year. First, to continue the focus on succession planning. Second, to begin the strategic discussions in a more aspirational manner – what is the agency facing in the future? The Board would like this to be a part of every Board meeting. Third, to look at the growth and training of staff, given the number of employees who are or will be eligible for retirement. The Board</p> |

| | |
|--|--|
| | <p>is encouraged that Ms. Hildebrand had already included funding for increased training in the budget.</p> <p>Mr. Bargainer emphasized the need for succession planning and training, comparing the agency staff to a national championship team, but one that is full of seniors. He said it is time to build the bench.</p> <p>A MOTION WAS MADE AND SECONDED (James/Bargainer) TO INCREASE THE EXECUTIVE DIRECTOR’S SALARY BY 9%.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> <p>Ms. Dockery said the Board could not thank Ms. Hildebrand enough for all that she does. She said the Board recognizes that, as the executive director of a smaller agency, it is not necessarily lesser duties. In fact, it is probably more, because she is required to do a little in everybody’s department. The Board realizes the amount of effort that Ms. Hildebrand puts into the agency.</p> |
| <p>11. Approval of the Proposed 2024 Board Meeting Dates</p> | <p>Ms. Dockery identified the following proposed 2024 board meeting dates:</p> <p>Thursday, February 22 Thursday, May 23 Thursday, August 22 Thursday, November 21</p> <p>A MOTION WAS MADE AND SECONDED (Bargainer/Walker) TO APPROVE THE DESIGNATED MEETING DATES.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> |
| <p>12. Reports on National Regulatory Boards and Board Member and Staff Committee Service</p> | <p>Ms. Dockery invited the Board members to provide updates on their service with national regulatory board committees.</p> <p>Mr. Brenton said the NCARB Credentials Committee has met twice and is awaiting responses to a survey it issued.</p> <p>Mr. James is on the Education Committee, which has just scheduled its first meeting.</p> <p>Ms. Smith said she is pleased to be serving on the NCARB Credentials Committee with Mr. Brenton.</p> <p>Ms. Salazar said she will be attending a follow-up meeting for the ICOR discussion on task overlap.</p> <p>Ms. Dockery said it is wonderful to see so many Board members involved.</p> |

| | |
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| <p>13. Report on Conferences and Meetings A. NCARB Annual Business Meeting – June 15-17 B. ASID Texas Chapter: Celebrating Design Texas 2023 – Aug 2</p> | <p>Ms. Dockery invited the Board members to report on conferences and meetings.</p> <p>Ms. Dockery summarized the events at the NCARB annual meeting. She said the governance proposal had been resolved with the addition of two at-large positions to the NCARB Board of Directors, with some promises to continue the discussion. She said she would be monitoring the transition.</p> |
| <p>14. Report on Upcoming Conferences and Meetings 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</p> | <p>Mr. Bargainer said he would attend the CLARB Annual Meeting.</p> <p>Ms. Dockery noted the TxA Annual Conference is a good opportunity for architects to complete their CE before the end of the year.</p> |
| <p>15. Board Member Comments/Future Agenda Items</p> | <p>Ms. Dockery asked if the Board members had any comments or suggestions on future agenda items. No suggestions were received.</p> |
| <p>16. Upcoming Board Meeting</p> | <p>The next meeting is scheduled for Tuesday, November 14.</p> |
| <p>17. Adjournment</p> | <p>The meeting adjourned at 12:59 p.m.</p> |

APPROVED BY THE BOARD:

Darren James
Chair
TEXAS BOARD OF ARCHITECTURAL EXAMINERS

TBAE Staff Accomplishments: November 2023 Board Meeting

August

- NCARB Licensing Advisors' Summit – Kansas City – Registration
- Celebrating Design Texas – Glenn
- NCARB Credentials Committee Meetings – Lance
- Board Meeting
- NCARB Council Hour
- CLARB Regional Meeting
- SQL Server Database Administrator Training – IT
- CIDQ Board Structure Town Hall
- ICOR Practice Overlap Steering Committee Meeting
- State of Texas Regulatory Executive and Licensing Sub-Team Meetings

September

- Administrative Law Seminar – Legal
- AIA-LRGV Conference – Enforcement and Registration
- Microsoft Azure Fundamentals Training – IT
- NCARB Licensure Process R&D Task Force Meeting
- Texas State University Interior Design – Enforcement
- DIR Information Security Officer Summit – IS
- Workers Comp Claim Coordinator's Training – HR
- NCARB Region 3 Meeting
- NCARB Credentials Committee Meeting – Lance
- CLARB Annual Meeting – Henderson, NV
- State of Texas Regulatory Executive and Licensing Sub-Team Meetings

October

- FEMA Training – HR
- NCARB Licensure R&D Task Force Meeting – Detroit, MI
- Del Mar Community College – Registration
- State of Texas Wellness Coordinator Conference – HR
- NCARB Credentials Committee Meeting – Lance
- NCARB Additional Pathways to Initial Licensure: Interim Guidance
- State of Texas Regulatory Executive and Licensing Sub-Team Meetings

November

- Texas Society of Architects Annual Convention – Fort Worth, TX
- E-Records Conference – IT and Legal
- ARPL 2023 Legislative Recap & 2024 Outlook
- El Paso Texas Tech and Community College – Registration and Enforcement
- CIDQ Annual Meeting – Louisville, KY



- UT-Arlington – Registration and Enforcement
- Board Meeting
- OAG Open Government Conference – Legal



- ICOR Practice Overlap Steering Committee Meeting #1
- NCARB Futures Symposium – Washington, DC
- NCARB Committee Summit – Washington, DC
- ICOR Practice Overlap Steering Committee Meeting #2



-



- Board Meeting
- NCARB Member Board Executive Workshop – Savannah, GA



- NCARB Regional Summit – Savannah, GA

| Applicants | | New Registrants | | Registrants (active) | | The Rest |
|-----------------------------------|----------------------------------|-------------------|-----------------------|-----------------------------------|----------------------------|---|
| 102 Fiscal Year to Date | +8 (94) Year-over-Year | 88 FYTD | -5 (93) YOY | 20492 As of month ended | +310 (20182) YOY | A survey of the Registration Division's additional accomplishments and activities |

By-examination applications received FYTD, by profession:

| | |
|------------------|-----------|
| Architect: | 51 |
| RID: | 6 |
| LA: | 5 |
| Subtotal: | 62 |

By-examination registrations issued FYTD, by profession:

| | |
|------------------|-----------|
| Architect: | 26 |
| RID: | 10 |
| LA: | 6 |
| Subtotal: | 42 |

Architects

| | |
|---------------------|--------------|
| Resident: | 8814 |
| <u>Nonresident:</u> | <u>5915</u> |
| Subtotal: | 14729 |

379

exam results received FYTD
238 Arch | 0 RID | 141 LA

Reciprocal applications received FYTD, by profession:

| | |
|------------------|-----------|
| Architect: | 35 |
| RID: | 3 |
| LA: | 2 |
| Subtotal: | 40 |

Reciprocal registrations issued FYTD, by profession:

| | |
|------------------|-----------|
| Architect: | 42 |
| RID: | 1 |
| LA: | 3 |
| Subtotal: | 46 |

RIDs

| | |
|---------------------|-------------|
| Resident: | 3649 |
| <u>Nonresident:</u> | <u>300</u> |
| Subtotal: | 3949 |

104

Continuing Education audits conducted FYTD

6

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: | 1216 |
| <u>Nonresident:</u> | <u>598</u> |
| Subtotal: | 1814 |

1

scholarship applications approved FYTD

All registrants

| | |
|---------------------|--------------|
| Resident: | 13679 |
| <u>Nonresident:</u> | <u>6813</u> |
| Total: | 20492 |

17

Certificates of Standing issued FYTD

| Cases Opened | | Cases Dismissed | | Days to Investigate a Case | | Cases Resolved by Legal (as of September 30, 2023) | |
|--|----------------|--|----------------|---|----------------|---|-------------------------|
| 30 | +5 | 9 | +8 | 54 | 54 | 1 | 1 |
| Fiscal Year to Date | Year Over Year | Fiscal Year to Date | Year Over Year | October 11, 2023 | FY Avg to Date | Warning(s) by Executive Director | Voluntary Surrender(s) |
| 21 | | Dismissal details | | Context | | 0 | 2 |
| Case(s) referred to Legal Fiscal Year to Date | | TDLR: 9 Other: 0 *e.g. No evidence, not a violation. | | Typical target: 105-400 (2022-23) SDSI avg. actual: 110 (2018) | | Disciplinary Action(s) by Board | *Notice(s) of Violation |
| | | | | | | 0 | 0 |
| | | | | | | *Complaint(s) Filed at SOAH | *Informal Conference(s) |

*Matters are ongoing and not yet resolved

| Customer Service | | Newsletter | | Employee Engagement | | Contact volume (to front desk alone) | |
|------------------------------|-----------|---------------------------|------------|---------------------------------|--------------------------|---|---------------------------|
| 32,989 | 1,618 | 85% | 21,000+ | 463 | 443 | 265 | 85 |
| Customers surveyed | Responses | Read at least half (2018) | Recipients | Most recent score (2022) | Avg. score since 2016 | Calls Fiscal Year to Date | Emails FY to Date |
| 93% | | "Disciplinary Actions" | | Strengths: | Weaknesses: | Avg. monthly calls FYTD: | Avg. monthly emails FYTD: |
| Customer satisfaction (2022) | | Most-read topic (2018) | | Strategic Workplace Supervision | Pay Benefits Development | 265 | 8 |

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

| | | FY2023 Budget | FY2023 As of 08/31/2023 |
|--|--|---------------------|----------------------------|
| Total Beginning Fund Balance | | | 3,134,658.12 |
| Revenues: | | | |
| | Licenses & Fees | \$ 3,041,516 | \$ 3,196,683 |
| | Business Registration Fees | \$ 157,913 | \$ 163,420 |
| | Late Fee Payments | \$ 177,413 | \$ 169,780 |
| | Other | \$ - | \$ 3,550 |
| | Interest | \$ 4,000 | \$ 148,299 |
| | Convenience Fees | \$ 73,000 | \$ 80,854 |
| | Draw on Fund Balance | \$ 76,111 | \$ - |
| Total Revenues | | \$ 3,529,953 | \$ 3,762,586 |
| Expenditures: | | | |
| | Salaries and Wages | \$ 1,791,077 | \$ 1,822,197 |
| | Payroll Related Costs | \$ 626,876 | \$ 626,445 |
| | Professional Fees and Services | \$ 25,000 | \$ 61,608 |
| | Professional Fees and Services - IT/IS | \$ 25,000 | \$ 14,081 |
| | Board Travel | \$ 23,000 | \$ 7,470 |
| | Staff Travel | \$ 21,000 | \$ 23,197 |
| | Materials and Supplies | \$ 6,000 | \$ 4,660 |
| | Materials and Supplies - Postal | \$ 10,000 | \$ 10,069 |
| | Materials and Supplies - IT/IS | \$ 26,000 | \$ 25,617 |
| | Communication and Utilities | \$ 65,000 | \$ 43,712 |
| | Repairs and Maintenance | \$ 1,000 | \$ 3,870 |
| | Rentals and Leases - Equipment and Space | \$ 14,000 | \$ 13,348 |
| | Rentals and Leases - Office Space | \$ 143,000 | \$ 142,560 |
| | Printing and Reproduction | \$ 7,000 | \$ 3,283 |
| | Membership Dues (Other) | \$ 16,000 | \$ 16,249 |
| | Board/Staff Training and Conference Fees (Other) | \$ 25,000 | \$ 21,947 |
| | Operating Expenditures (Other) | \$ 22,000 | \$ 21,171 |
| | Convenience Fees | \$ 73,000 | \$ 80,755 |
| | SWCAP Payment (Other) | \$ 100,000 | \$ - |
| | GR Payment (Other) | \$ 510,000 | \$ 510,000 |
| Total Expenditures | | \$ 3,529,953 | \$ 3,452,237 |
| Excess/ (Deficiency) of Rev over Exp. | | - | 310,349 |
| | | | |
| Funding for 8 months | | | \$ 2,365,069 |
| Excess Fund Balance | | | \$ 869,998 |
| Total Fund Balance | | \$ - | \$ 3,235,067 |
| FY 22 Balance Pending Transfers | | | \$ 4,290.00 |
| Administrative Penalties Collected | | | \$ 102,870.00 |
| Transferred to Comptroller | | | \$ (106,450.00) |
| FY 23 Balance Pending Transfer | | | \$ 710.00 |

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

| | FY 2023 Actual Sept 1, 2022 - Aug 31, 2023 |
|---|--|
| ARE Grant Fund Beginning Balance | 119,644.63 |
| Revenues: | |
| FY22 Transferred in FY23 | 4,398.00 |
| ARE Grant Licensing Fees | \$ 25,905.00 |
| Interest | \$ 4,404.07 |
| FY23 Pending Transfer | \$ (309.00) |
| | |
| Expenditures: | |
| ARE Grant Payments | \$ (36,500.00) |
| Trust Fees | \$ (182.33) |
| | |
| Fund Balance Ending | \$ 117,360.37 |

Number of Scholarships Awarded

73

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

ANNUAL REPORT ON TRENDS: 2023



For the past several years, TBAE staff have compiled and presented annual trends and data to the Board during its autumn meeting. Once again, we are pleased this year to do the same, with an eye toward succinctness and ease of understanding. And as always, it is the agency's intention to provide this report not only to the Board, but to the agency's stakeholders, interested parties, and to the people who live, work, and play in the built environment of Texas.

As a result, you will find clear and simple representations of agency performance and

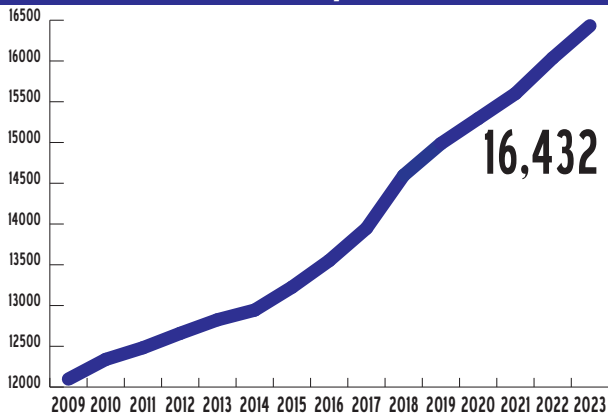
noteworthy trends, organized into color-coded groupings by broad topic. Content accented in blue touches on registration and licensing. Red content touches on enforcement-related topics. Finally, green content regards the agency's financial and administrative operations.

The graphical representations in this report are crafted to illuminate agency trends concisely and simply. We hope you find this report enlightening and useful, and as always, we're available to answer questions. Be well and stay safe, this year and every year.

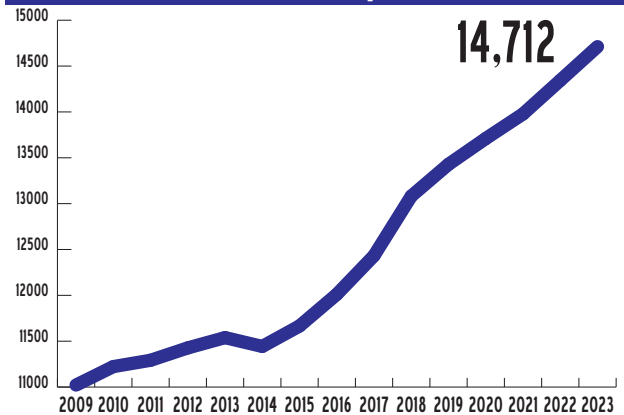
Architect registrants

The healthy trendline for Texas Architects continues. Inactive registrations are decreasing, possibly due to more professionals becoming Active amid a healthy economy, while Emeritus registrants are increasing likely due to an aging population.

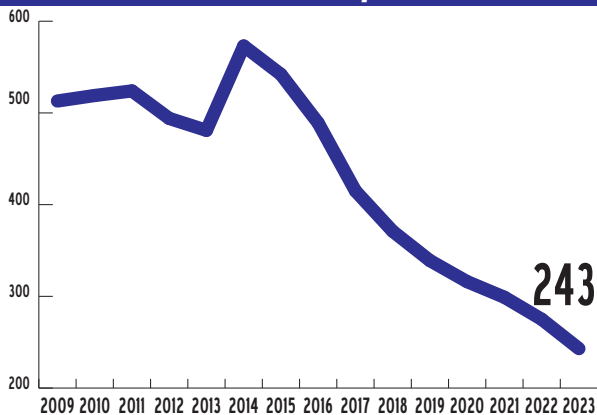
All Architects by Fiscal Year



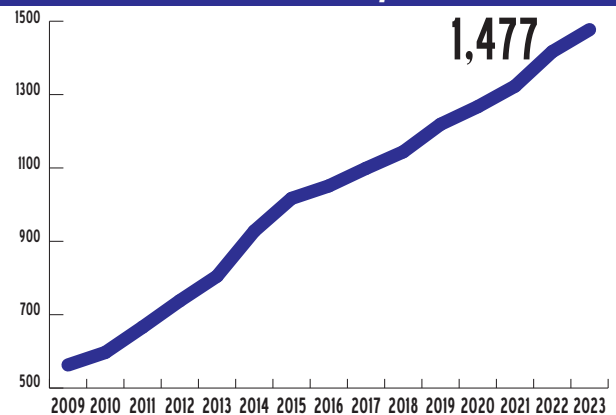
Active Architects by Fiscal Year



Inactive Architects by Fiscal Year



Emeritus Architects by Fiscal Year

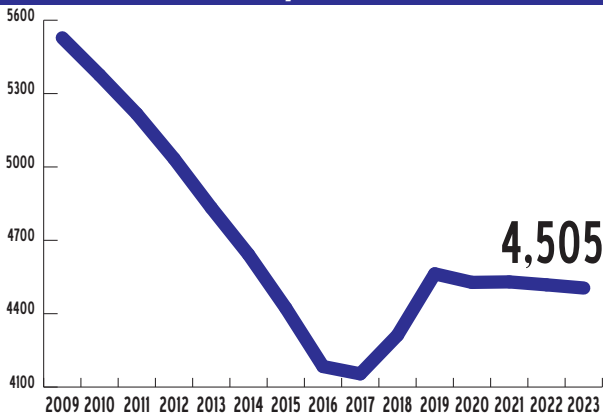


Data for the graphs above come from the agency's in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.

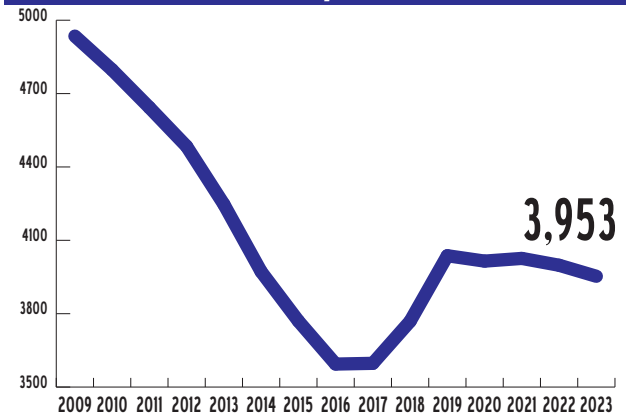
RID registrants

Texas RID registrant counts have leveled off in recent years, following a long decline. Inactive registrations are decreasing, possibly due to more professionals becoming Active amid a healthy economy, while Emeritus registrants are increasing likely due to an aging population.

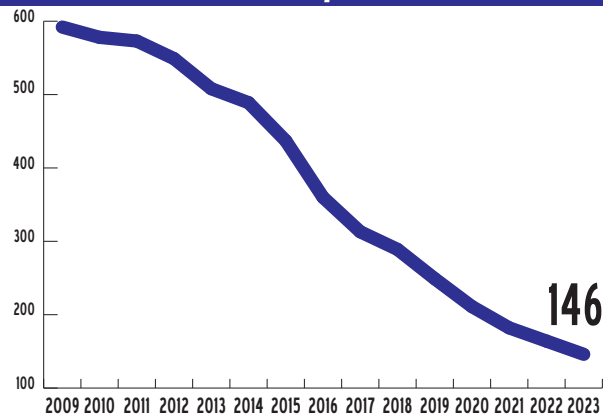
All RIDs by Fiscal Year



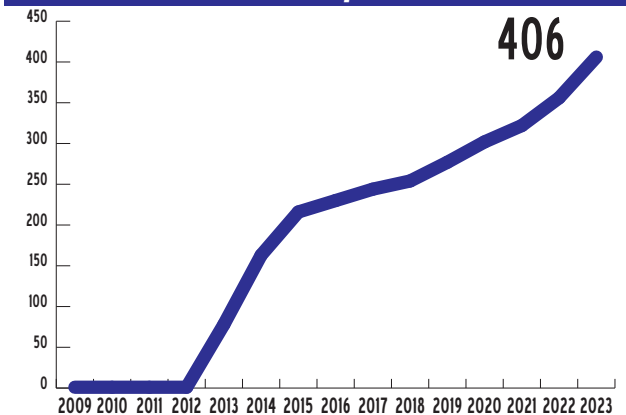
Active RIDs by Fiscal Year



Inactive RIDs by Fiscal Year



Emeritus RIDs by Fiscal Year

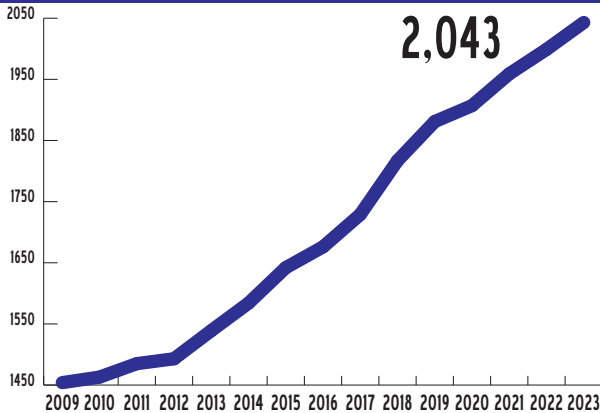


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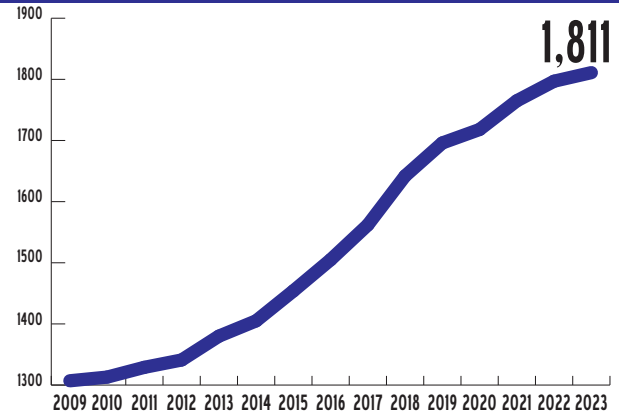
Landscape architect registrants

Landscape Architect registrant counts have increased every year in recent years. Inactive registrations are decreasing, possibly due to more professionals becoming Active amid a healthy economy, while Emeritus registrants are increasing likely due to an aging population.

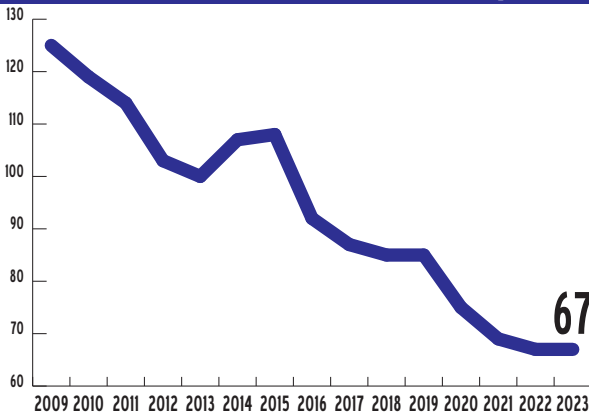
All Landscape Architects by FY



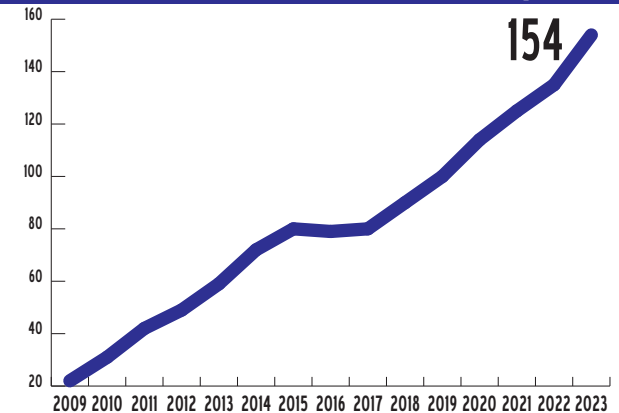
Active Landscape Architects by FY



Inactive Landscape Architects by FY



Emeritus Landscape Architects by FY

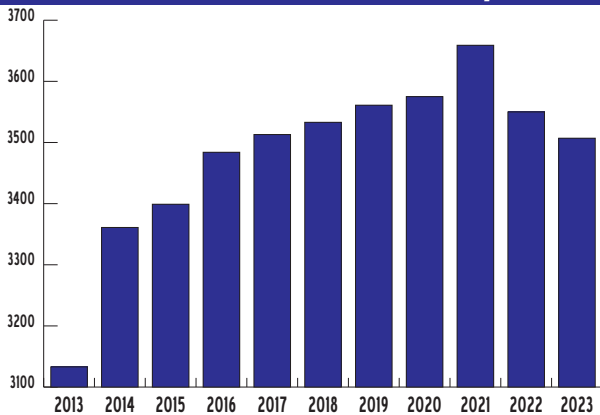


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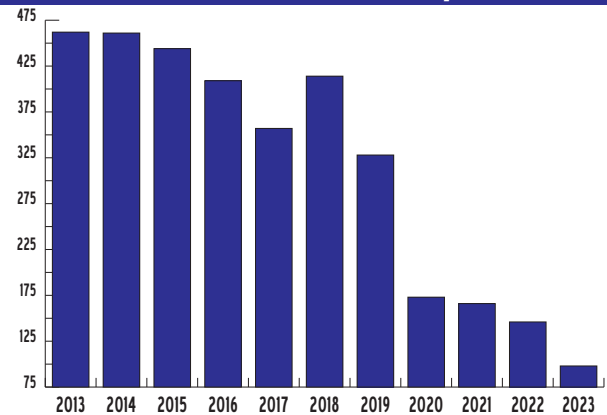
Exam Candidates

You will notice RID Candidate counts dropping over time, which is a natural consequence of the 2017 change in the RID registration law. That change will have an unknown effect on how many ultimately become registered after exam passage.

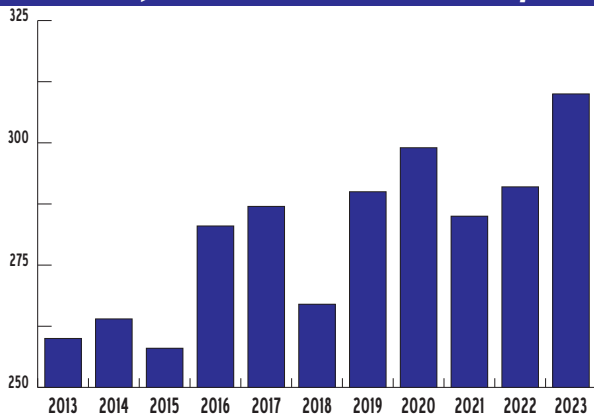
Architect exam candidates by FY



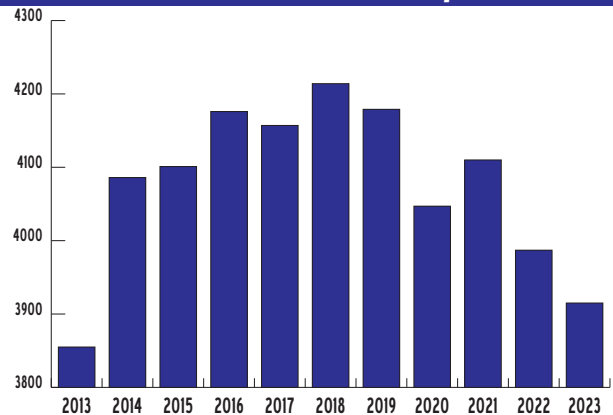
RID exam candidates by FY



Landscape Architect exam cand. by FY



All exam candidates by FY

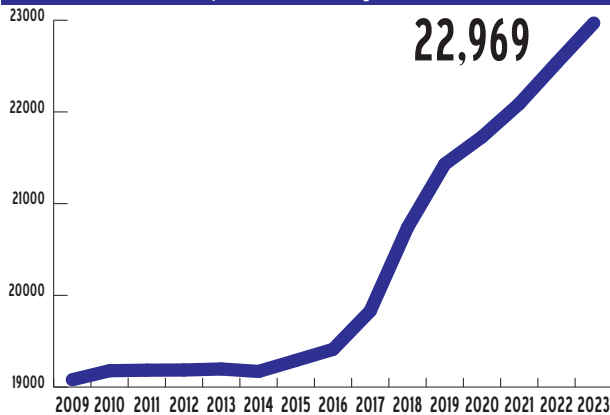


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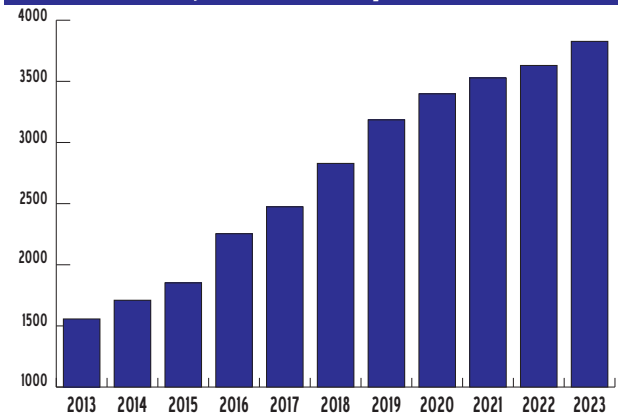
Licensing odds & ends

Generally, the data indicate health in the professions we regulate.

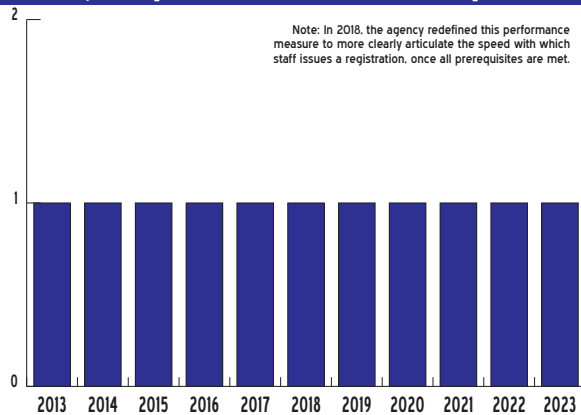
Total Registrants by Fiscal Year



Firm registrations by Fiscal Year



Avg. days to issue a license by FY

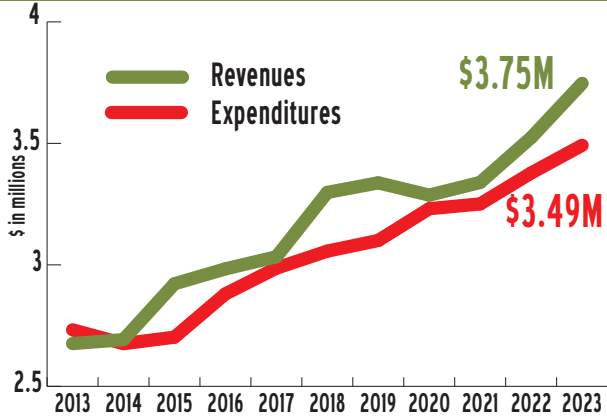


Note: In 2018, the agency redefined this performance measure to more clearly articulate the speed with which staff issues a registration, once all prerequisites are met.

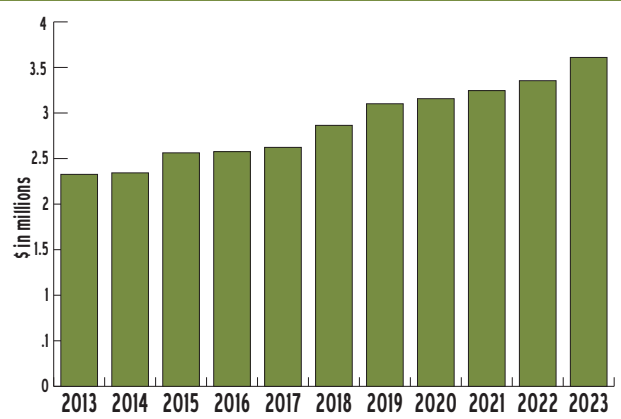
Data for the graphs on this page come from various agency sources. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.

Staffing, Finance, Administration

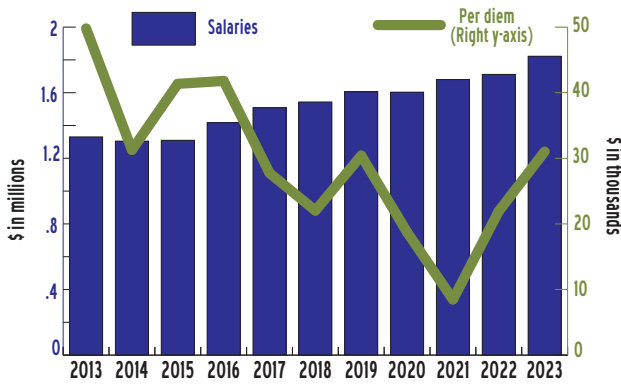
Revenues and expenditures by FY



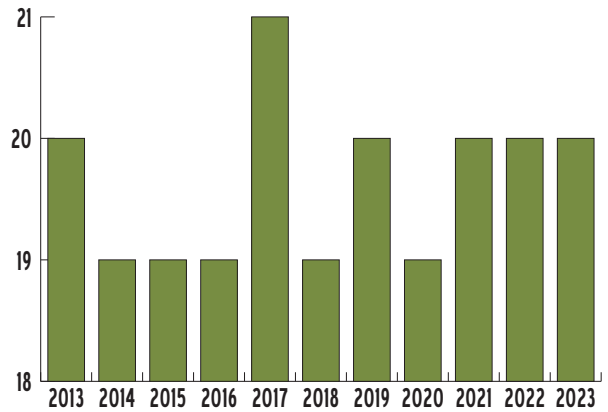
Fund balance by Fiscal Year



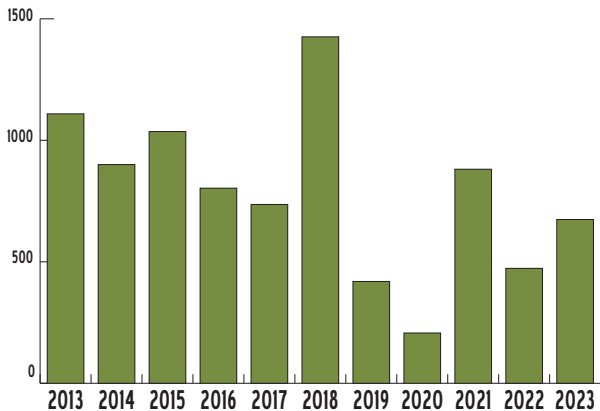
Salaries and per diem by FY



Full-time employees by FY



Communications impressions by FY

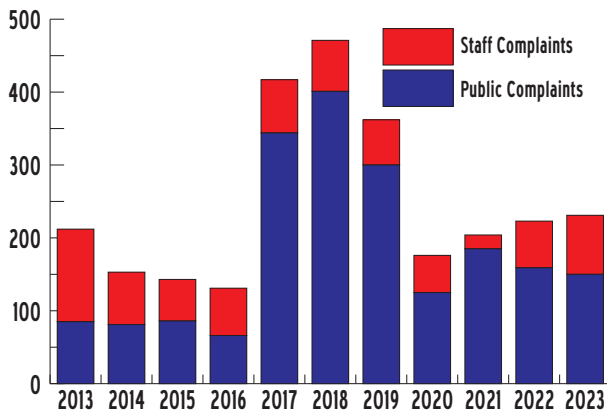


Data for the graphs on this page come from multiple agency sources. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.

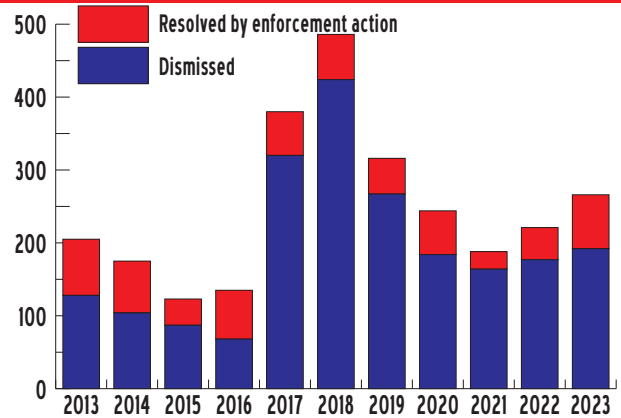
Investigations and Enforcement

Note that Continuing Education audits and SOAH hearings were paused during the worst of the pandemic. Both have rebounded since then.

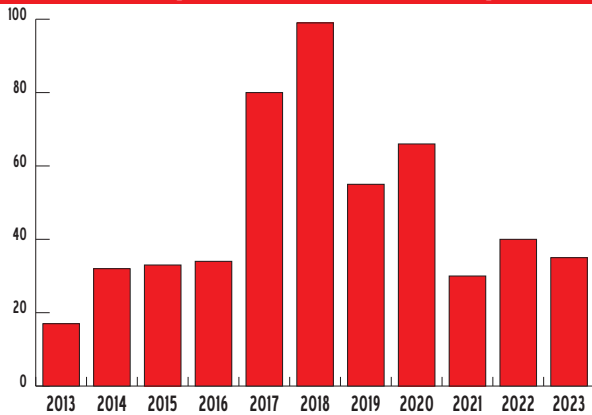
Complaints from the public/staff



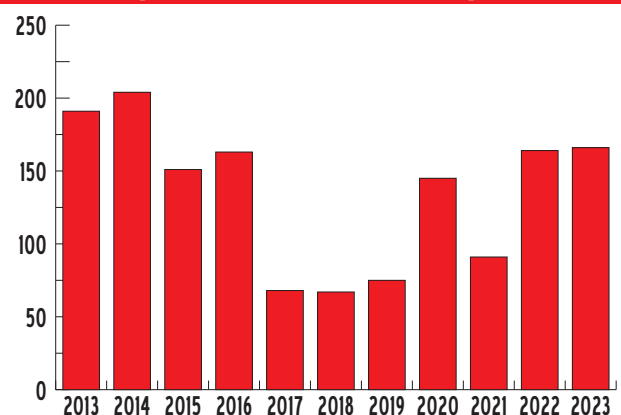
Cases Dismissed/Acted Upon



Voluntary compliance cases by FY



Days to case resolution by FY

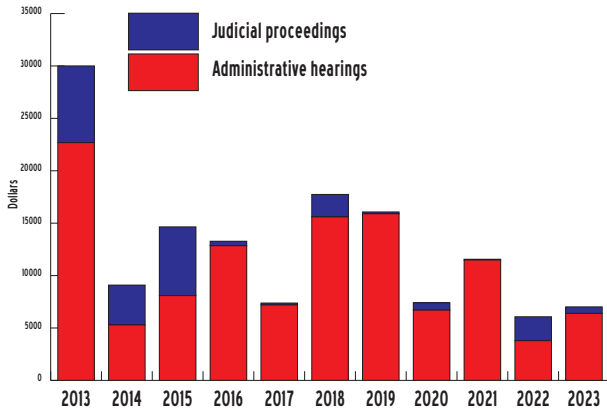


Data for the graphs above come from the agency's in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.

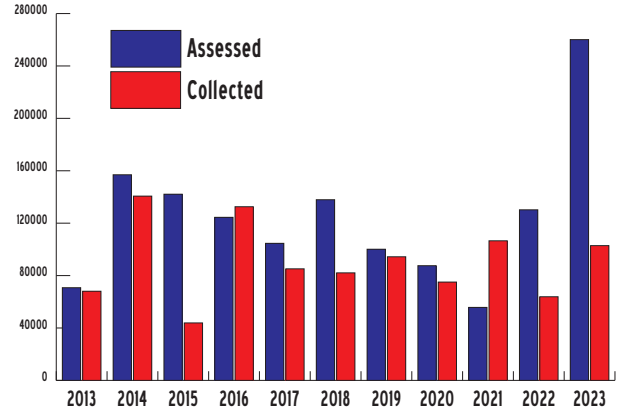
Investigations and Enforcement

Since FY 2014, all administrative penalties go to the State’s general revenue fund. Administrative penalties are not necessarily collected during the fiscal year in which they are assessed.

Litigation costs by Fiscal Year



Administrative penalties by FY in \$



Data for the graphs above come from the agency’s in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.



TEXAS Board of
Architectural Examiners
 Architects • Landscape Architects • Registered Interior Designers

505 E. Huntland Drive, Suite 350, Austin, Texas 78752
 Tel: 512-305-9000
 Fax: 512-305-8900
customerservice@tbae.texas.gov

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

This is an internal document summarizing disciplinary action to be considered by the Texas Board of Architectural Examiners (“the Board”). This document is prepared to inform, advise, and assist the Board in addressing this matter.

Case Number: 181-23A
Respondent: Siu-Hong Cheung
Location of Respondent: Houston, TX
Instrument: Report and Notice of Violation

Findings:

- Siu-Hong Cheung (hereafter “Respondent”) is registered as an architect in the State of Texas and has been assigned TBAE registration number 16996.
- On or about December 20, 2022, Luis Diaz prepared and issued construction documents for the *HomeSteady Assisted Living - Assisted Living Facility* project located at 1103 Spring Meadow Lane in Spring, Texas 77373. Subsequently, the construction documents were submitted to the Harris County Engineering Department for permitting or regulatory approval on or about February 15, 2023. Respondent did not participate in the drawing or design process at any time prior to the date the documents were initially submitted for permitting or regulatory approval.
- On or about May 6, 2023, Respondent affixed his architectural seal to construction documents for the project *HomeSteady Assisted Living - Assisted Living Facility*. Subsequently, the plans were submitted to the Harris County Engineering Department for the purpose of regulatory approval. The plans that were sealed by Respondent were largely identical to those that had been previously issued and submitted for permitting in February 2023, prior to Respondent’s involvement in the project.
- On or about July 25, 2023, the Board received a response from Respondent through his attorney. Respondent acknowledges he received the construction documents from Diaz. Respondent states he reviewed the plans, suggested changes, and discussed his review with Diaz prior to affixing his seal and signature to the documents.

Applicable Statutory Provisions and Rules:

- By affixing his architectural seal to the documents and submitting the documents to the Harris County Engineering Department, Respondent violated Tex. Occ. Code § 1051.752(1) and 22 Tex. Admin. Code § 1.104(a).

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$5,000**, as set forth in the Report and Notice of Violation dated September 13, 2023.

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

This is an internal document summarizing disciplinary action to be considered by the Texas Board of Architectural Examiners (“the Board”). This document is prepared to inform, advise, and assist the Board in addressing this matter.

Case Number: 173-20N
Respondent: David Frausto
Location of Respondent: San Antonio, TX
Instrument: Third Revised Report and Notice of Violation

Findings:

- David Frausto (hereafter “Respondent”) is not and has never been registered as an architect in the State of Texas.
- At the time of the events relevant to this Notice of Violation, Respondent and Texas registered architect F.C. had a preexisting business relationship in which F.C. would, as needed, supervise the production of architectural plans produced by Respondent and/or Respondent’s firm and seal and issue those plans for permitting, regulatory approval, and construction. As a result of that relationship, Respondent had access to a digital copy of F.C.’s architectural seal.
- On four occasions, Respondent engaged in the prohibited use of an architectural seal, in that Respondent, while acting on behalf of his firm *Frausto Designs*, issued architectural plans with the architectural seal of F.C. The seal included F.C.’s name, registration number, and signature. However, F.C. did not consent to the use of his seal on the architectural drawings, was unaware of the existence of the projects, and in no way participated in the preparation of drawings for the projects.
- The four projects are detailed as follows:
 - architectural drawings issued on or about September 19, 2018, for a project identified as *Chills 360* located in Austin, Texas;
 - architectural drawings issued on or about June 14, 2019, for a project identified as *Club Pilates* located in San Antonio, Texas;
 - architectural drawings issued on or about September 12, 2019, for a project identified as *Club Pilates* located in Helotes, Texas; and
 - architectural drawings issued on or about January 31, 2020, for a project identified as *Cowboys Pro Shop* located in Frisco, Texas.

Applicable Statutory Provisions and Rules:

- By issuing architectural drawings that were stamped with F.C.’s architectural seal without the knowledge or consent of the architect and by submitting the plans to a governmental entity for permitting purposes, Respondent violated Tex. Occ. Code § 1051.702(b) and 22 Tex. Admin. Code § 1.104(c).

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$15,000**, 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 Third Revised Report and Notice of Violation dated September 27, 2023.

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

This is an internal document relating to a contested case to be considered by the Texas Board of Architectural Examiners (“the Board”). This document is prepared to inform, advise, and assist the Board in addressing this contested case.

| | |
|--------------------------------|---------------------------|
| TBAE Case No.: | 054-20N |
| SOAH Docket No.: | 459-23-17628 |
| Respondent: | James A. Little |
| Location of Respondent: | Cambridge, MA |
| 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, SOAH Default Dismissal Order issued by ALJ Linda J. Burgess on August 9, 2023, and SOAH’s letter dated August 28, 2023. The Order imposes an administrative penalty in the sum of **\$10,000**, 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. 459-23-17628
TBAE CASE NO. 054-20N

| | | |
|------------------|---|---------------------------|
| IN THE MATTER OF | § | BEFORE THE TEXAS BOARD OF |
| | § | |
| | § | |
| JAMES A. LITTLE | § | ARCHITECTURAL EXAMINERS |

ORDER OF THE BOARD

TO: JAMES A. LITTLE,
RESPONDENT
COMPASS ROSE DESIGN GROUP
26 SHERMAN STREET, APT. 1
CAMBRIDGE, MA 02138

HONORABLE LINDA J. BURGESS
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TX 78701

At the regularly scheduled public meeting on November 14, 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 August 9, 2023. The Board finds that after proper and timely notice was given, a videoconference hearing was held in this matter before ALJ Linda J. Burgess on August 9, 2023. The Respondent failed to appear at the hearing, and on August 9, 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 August 9, 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 Ten Thousand Dollars (\$10,000). 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 14th day of November 2023.

DARREN L. JAMES, FAIA
CHAIR
TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Attachments: Default Dismissal Order signed August 9, 2023; SOAH letter dated August 28, 2023 – stating no motion to set aside the default order was filed; Notice of Hearing and Formal Charges filed April 24, 2023

CC: James A. Little
Compass Rose Design Group
607 Indian Run Dr.
Pflugerville, TX 78660

James A. Little
Compass Rose Design Group
2801 Wells Branch Parkway
Austin, TX 78728

James A. Little
Compass Rose Design Group
11947-B Sunhillow Bend
Austin, TX 78758

James A. Little
11821 Bittern Hollow
Austin, TX 78758

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS,
PETITIONER
V.
JAMES A. LITTLE,
RESPONDENT**

DEFAULT DISMISSAL ORDER

On August 9, 2023, the Administrative Law Judge (ALJ) convened a hearing on the merits in this matter as scheduled at the State Office of Administrative Hearings via Zoom videoconference. Attorney Pim Mayo appeared on behalf of the staff (Staff) of the Texas Board of Architectural Examiners. Staff's witnesses, Steve Ramirez, Investigator, and Robert Searls, Complainant, were also in the hearing room. James A. Little (Respondent) did not appear and was not represented at the hearing. Staff Exhibits 1 through 8 were admitted, and the ALJ took official notice of SOAH's file in this case, including specifically the April 25, 2023 Order Scheduling Hearing on the Merits which set the hearing by Zoom videoconference and provided instructions for participating in the hearing. Collectively, these

exhibits and order showed proof of adequate notice to Respondent.¹ Upon establishing adequate notice, Staff moved for a default dismissal. Staff's motion was **GRANTED**, and the factual allegations detailed in the Notice of Hearing and the documents incorporated within that notice are deemed admitted.²

Respondent may file a motion to set aside the default within 15 days of the date of this order.³ The motion must show good cause for resetting a hearing or show that the interests of justice require setting aside the default. If Respondent does not file a timely motion, or if the ALJ finds that a filed motion should be denied, the contested case will be remanded to the Board for informal disposition on a default basis in accordance with the Administrative Procedure Act.⁴

Signed August 9, 2023.

ALJ Signature:



Linda J. Burgess

Presiding Administrative Law Judge

¹ 1 Tex. Admin. Code § 155.501(b).

² 1 Tex. Admin. Code § 155.501(d)(1).

³ 1 Tex. Admin. Code § 155.501(e).

⁴ Tex. Gov't Code §§ 2001.056, .058(d-1).

FILED
459-23-17628
8/28/2023 9:29 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
April Bermea , CLERK

State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

August 28, 2023

Pim Mayo, Attorney for Petitioner
Texas Board of Architectural Examiners

VIA EFILE TEXAS

James A. Little, Respondent
26 Sherman Street, Apt 1
Cambridge, Massachusetts 02138

VIA EFILE TEXAS and VIA REGULAR MAIL

RE: SOAH Docket Number 459-23-17628; *Texas Board of Architectural Examiners v. James A. Little*

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

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Envelope ID: 78959972

Filing Code Description: Letter of Remand after Default Dismissal Order

Filing Description: LETTER OF REMAND AFTER DEFAULT DISMISSAL ORDER

Status as of 8/28/2023 9:33 AM CST

Associated Case Party: Texas Board of Architectural Examiners

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-----------------|-----------|--------------------------------|----------------------|--------|
| Jessica Ramirez | | jessica.ramirez@tbae.texas.gov | 8/28/2023 9:29:14 AM | SENT |
| Pim S.Mayo | | pim.mayo@tbae.texas.gov | 8/28/2023 9:29:14 AM | SENT |

Associated Case Party: JamesA.Little

| Name | BarNumber | Email | TimestampSubmitted | Status |
|----------------|-----------|--------------------|----------------------|--------|
| James A.Little | | crdg@sbcglobal.net | 8/28/2023 9:29:14 AM | SENT |

FILED
459-23-17628
4/26/2023 9:19 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

ACCEPTED
459-23-17628
4/26/2023 9:22:40 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

SOAH Docket No. 459-23-17628

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|---|---|-------------------------|
| Texas Board of Architectural Examiners, | § | |
| <i>Petitioner</i> | § | STATE OFFICE |
| | § | |
| v. | § | OF |
| | § | |
| James A. Little, | § | ADMINISTRATIVE HEARINGS |
| <i>Respondent</i> | § | |

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 August 9, 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 April 25, 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: 161 184 1589
Video Passcode: 762JAL
- Join by telephone (audio only):
Call +1 669 254 5252, and then enter the following:
Meeting ID: 161 184 1589
Telephone Passcode: 994553

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.**

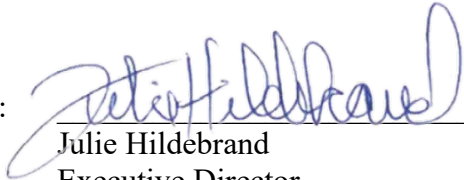
PARTIES THAT ARE NOT REPRESENTED BY AN ATTORNEY MAY OBTAIN INFORMATION REGARDING CONTESTED CASE HEARINGS ON THE PUBLIC WEBSITE OF THE STATE OFFICE OF ADMINISTRATIVE HEARINGS AT www.soah.texas.gov, OR IN PRINTED FORMAT UPON REQUEST TO SOAH.

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 26th day of April 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 April 26, 2023:

Mr. James A. Little
Compass Rose Design Group
26 Sherman Street, Apt. 1
Cambridge, MA 02138
CM/RRR# 9214 8901 9403 8312 3296 48
also sent via USPS First Class Mail

Mr. James A. Little
Compass Rose Design Group
607 Indian Run Dr.
Pflugerville, TX 78660
CM/RRR# 9214 8901 9403 8312 3299 14
also sent via USPS First Class Mail

Mr. James A. Little
Compass Rose Design Group
2801 Wells Branch Parkway
Austin, TX 78728
CM/RRR# 9214 8901 9403 8312 3297 92
also sent via USPS First Class Mail

Mr. James A. Little
Compass Rose Design Group
11947-B Sunhollow Bend
Austin, TX 78758
CM/RRR# 9214 8901 9403 8312 3300 02
also sent via USPS First Class Mail

Mr. James A. Little
11821 Bittern Hollow
Austin, TX 78758
CM/RRR# 9214 8901 9403 8312 3298 46
also sent via USPS First Class Mail

Mr. James A. Little
via eFile to: crdg@sbcglobal.net

State Office of Administrative Hearings
via eFile



Jessica Ramirez
Legal Assistant

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Jessica Ramirez on behalf of Pim Mayo
Bar No. 24071127
jessica.ramirez@tbae.texas.gov
Envelope ID: 75024623
Filing Code Description: Notice of Hearing
Filing Description: Staff's Notice of Hearing
Status as of 4/26/2023 9:23 AM CST

Associated Case Party: Texas Board of Architectural Examiners

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-----------------|-----------|--------------------------------|----------------------|--------|
| Pim S.Mayo | | pim.mayo@tbae.texas.gov | 4/26/2023 9:19:11 AM | SENT |
| Jessica Ramirez | | jessica.ramirez@tbae.texas.gov | 4/26/2023 9:19:11 AM | SENT |

Associated Case Party: JamesA.Little

| Name | BarNumber | Email | TimestampSubmitted | Status |
|----------------|-----------|--------------------|----------------------|--------|
| James A.Little | | crdg@sbcglobal.net | 4/26/2023 9:19:11 AM | SENT |

FILED
459-23-17628
4/26/2023 9:19 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

ACCEPTED
459-23-17628
4/26/2023 9:22:40 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

SOAH Docket No. 459-23-17628

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

FORMAL CHARGES

This is a disciplinary proceeding under Tex. Occ. Code §§ 1051.451 and 1051.455. Respondent, JAMES A. LITTLE, also known as Jim Little, is not and has never been registered as an architect in the State of Texas. Respondent offered and provided architectural services under the name *Compass Rose Design Group*, which is not and has never been registered with the Board as a firm which may practice or offer to engage in the practice of architecture 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 27, 2019, while acting on behalf of Compass Rose Design Group, Respondent offered to engage in the unregistered practice of architecture, in the form of a written contract to “design and develop new patio cover plans and construction documents” for his client, R.S. The agreement described services to be provided as “architectural services” and identified fees for an “architect.”

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), (b), Tex. Occ. Code §§ 1051.801(1), (3) and/or 22 Tex. Admin. Code § 1.123(c).

CHARGE II.

Subsequently, on or about February 25, 2019, Respondent engaged in the unregistered practice of architecture, in that Respondent established and documented the form and aesthetics for the intended alteration of a building by preparing and issuing three (3) pages of conceptual drawings for the project pursuant to the written contract identified in Charge I. At the time the Respondent delivered the drawings to R.S., he utilized a business title, “Jim Little, Compass Rose Design Group, Architecture Consulting Planning.”

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).

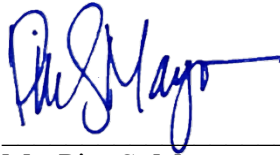
NOTICE IS GIVEN that Petitioner will rely on its laws and rules relating to disciplinary sanctions, Texas Occupations Code, Chapter 1051, and Texas Administrative Code, Title 22, Part 1, Chapter 1.

NOTICE IS GIVEN that Petitioner will present evidence in support of the recommended administrative penalty of \$10,000 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 April 24, 2023.

Respectfully submitted,



Ms. 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

Automated Certificate of eService

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Jessica Ramirez on behalf of Pim Mayo
Bar No. 24071127
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Filing Code Description: Notice of Hearing
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Status as of 4/26/2023 9:23 AM CST

Associated Case Party: JamesA.Little

| Name | BarNumber | Email | TimestampSubmitted | Status |
|----------------|-----------|--------------------|----------------------|--------|
| James A.Little | | crdg@sbcglobal.net | 4/26/2023 9:19:11 AM | SENT |

Associated Case Party: Texas Board of Architectural Examiners

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-----------------|-----------|--------------------------------|----------------------|--------|
| Pim S.Mayo | | pim.mayo@tbae.texas.gov | 4/26/2023 9:19:11 AM | SENT |
| Jessica Ramirez | | jessica.ramirez@tbae.texas.gov | 4/26/2023 9:19:11 AM | SENT |

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

This is an internal document summarizing disciplinary action to be considered by the Texas Board of Architectural Examiners (“the Board”). This document is prepared to inform, advise, and assist the Board in addressing this matter.

Case Number: 146-23N
Respondent: N Engineering Group, LLC
Location of Respondent: Cypress, TX
Instrument: Revised Report and Notice of Violation

Findings:

- Respondent is a corporation with a registered address in Austin, Texas. Christian Nicolalde, a/k/a Christian Nicolas, and Habib Othman are Respondent’s managing members. Respondent is not and has never been registered as a firm that may lawfully be held out to the public as offering or providing architectural services in Texas.
- In 2020, Mr. Nicolalde, while acting on behalf of N Architectural Group, Inc., offered to engage in the practice of architecture, in that he issued two separate “Proposal Services” [sic] to F.H. for a project identified as *Jones Rd. Retail Center* located at 11830 Jones Road in Houston, Texas. In the proposals, Respondent offered to provide “Architectural Designs.” When dealing with this project, he made other inappropriate representations to F.H., including oral representations that he was an architect and could provide architectural services and he also utilized an email signature block which improperly used the title “Design Architect” to describe himself.
- On or about February 26, 2021, the Board issued a Warning to Christian Nicolalde in TBAE Case No. 040-21N, which was based on a complaint submitted to the Board by a party unrelated to the *Jones Rd. Retail Center* project or client. The issuance of this warning was based on findings that Mr. Nicolalde improperly used the term “architectural,” specifically in the name of his firm, “N Architectural Group” and when offering and advertising services to the public, including offering “architectural design” and advertising as a “full service Architectural and Engineering firm” on a website and LinkedIn. The written warning notified Mr. Nicolalde that any future violation would merit more significant disciplinary action.
- On or about June 6, 2021, Mr. Nicolalde informed F.H. that he started a new company called N Engineering Group, LLC. At that time, Mr. Nicolalde, while acting on behalf of N Engineering Group, LLC, improperly used the term “architectural” to describe services offered by N Engineering Group, LLC in Texas through oral representations to F.H. Mr. Nicolalde did not inform F.H. that he was not an architect or that he had received a warning from the Board for improper use of the term “architectural” to describe services offered by Mr. Nicolalde and the firm N Architectural Group, Inc.
- On or about June 6, 2021, F.H. reviewed the website for N Engineering Group, which indicated that the firm offered services including “architectural services.”
- On or about June 8, 2021, Respondent entered into a “Contract Services” [sic] with F.H. for the project *Jones Rd., Condos Retail Center* located at 11803 Jones Rd. in Houston, Texas. F.H. paid \$7,750 pursuant to the agreement on or about June 8, 2021.

- Based on representations made by Respondent on its website, previous communications from Mr. Nicolalde that he was a licensed architect in connection with the project on Jones Road, and representations from Mr. Nicolalde while acting on behalf of Respondent, F.H. believed Respondent was licensed to provide architectural services in Texas.
- Subsequently, beginning on or about September 25, 2021, and on multiple dates thereafter, Respondent engaged in the practice of architecture, in that Respondent prepared and issued architectural plans for the project *Jones Rd., Condos Retail Center* pursuant to oral representations and online advertisements that the firm could provide architectural services.
- On or about November 22, 2022, Respondent utilized a website which improperly used the term “architectural services” to describe services offered by Respondent in Texas, including the statement, “Nengineering Group, LLC, was founded in 2020 by Mr. Habib Othman, PE, and Christian Nicolas to provide civil engineering and architectural services throughout the Texas Gulf Coast.”

Applicable Statutory Provisions and Rules:

- By preparing and issuing architectural plans for *Jones Rd., Condos Retail Center*, while improperly using the term “architectural” to describe services offered or provided by Respondent in Texas, Respondent violated Tex. Occ. Code § 1051.701(b).
- By improperly using the term “architectural” to 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 **\$3,000** 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 September 6, 2023.

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

This is an internal document summarizing disciplinary action to be considered by the Texas Board of Architectural Examiners (“the Board”). This document is prepared to inform, advise, and assist the Board in addressing this matter.

Case Number: 184-23A
Respondent: Alvin Gary Peters
Location of Respondent: Boerne, TX
Instrument: Report and Notice of Violation

Findings:

- Alvin Gary Peters (hereafter “Respondent”) is registered as an architect in Texas with registration number 15199.
- Previously, on March 24, 2005, the Executive Director 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 September 15, 2021, Respondent issued architectural plans and specifications for *Mallorca Salon Studio* in San Antonio, Texas, a nonexempt project which is subject to the requirements of Tex. Govt. Code § 469.101. However, Respondent did not submit the plans for accessibility review until November 10, 2021.

Applicable Statutory Provisions and Rules:

- A design professional with overall responsibility for the design of a nonexempt building or facility shall submit plans and specifications to a registered accessibility specialist no later than 20 days after issuance. Tex. Gov’t Code §§ 469.101-.102.
- By failing to submit the plans and specifications for accessibility review no later than the 20th day after issuance, Respondent violated Tex. Gov’t Code § 469.102(b) and 16 Tex. Admin. Code § 68.50, which provides grounds for disciplinary action pursuant to 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 August 30, 2023.

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

This is an internal document summarizing disciplinary action to be considered by the Texas Board of Architectural Examiners (“the Board”). This document is prepared to inform, advise, and assist the Board in addressing this matter.

Case Number: 024-24A
Respondent: Thomas H. Brown, Jr.
Location of Respondent: Orlando, FL
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Thomas H. Brown, Jr. (hereafter “Respondent”) is registered as an architect in Texas with registration number 28184.
- Based upon the results of a continuing education audit, it was determined that Respondent completed only four 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 audit period, Respondent falsely certified compliance with continuing education requirements when he had not completed sufficient continuing education to make this certification.
- Respondent claimed eight hours of supplemental continuing education that were completed after the audit period ended.

Applicable Statutory Provisions and Rules:

- By failing to timely complete 12 hours of qualifying continuing education credit hours during each calendar year, Respondent violated 22 Tex. Admin. Code § 1.69. The standard administrative penalty assessed for this violation is \$100 per hour of deficiency.
- By falsely certifying compliance with compliance with continuing education requirements at the time of 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.
- Respondent’s completion of supplemental continuing education has been considered as a mitigating factor in support of a reduced administrative penalty. 22 Tex. Admin. Code § 1.165(f)(6).

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$900** as set forth in the Report and Notice of Violation dated October 26, 2023.

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

This is an internal document summarizing disciplinary action to be considered by the Texas Board of Architectural Examiners (“the Board”). This document is prepared to inform, advise, and assist the Board in addressing this matter.

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|--------------------------------|---|
| Case Number: | 232-23A |
| Respondent: | Hamid Cyrus Jallali |
| Location of Respondent: | Irvine, CA |
| Nature of Violation: | Violation of Continuing Education Requirements |
| Instrument: | Report and Notice of Violation |

Findings:

- Hamid Cyrus Jallali (hereafter “Respondent”) is registered as an architect in Texas with registration number 10962.
- Based upon the results of a continuing education audit, it was determined that Respondent completed only eight hours of qualifying continuing education credit during the audit period of January 1, 2022 through December 31, 2022.
- Respondent claimed four hours of supplemental continuing education that were completed after the audit period ended.

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.
- Respondent’s completion of supplemental continuing education has been considered as a mitigating factor in support of a reduced administrative penalty. 22 Tex. Admin. Code § 1.165(f)(6).

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$200** as set forth in the Report and Notice of Violation dated October 12, 2023.

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

This is an internal document summarizing disciplinary action to be considered by the Texas Board of Architectural Examiners (“the Board”). This document is prepared to inform, advise and assist the Board in addressing this matter.

Case Number: 195-231
Respondent: Lindsay Carolyn Jung (Lamaison)
Location of Respondent: San Antonio, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Revised Report and Notice of Violation

Findings:

- Lindsay Carolyn Jung (hereafter “Respondent”) is registered as a registered interior designer in Texas with registration number 11481.
- Based upon the results of a continuing education audit, it was determined that Respondent completed only four hours of qualifying continuing education credit during the audit period of January 1, 2022 through December 31, 2022.
- Respondent claimed eight hours of supplemental continuing education that were completed after the audit period ended.

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 § 5.79. The standard administrative penalty assessed for this violation is \$100 per hour of deficiency.
- Respondent’s of completion of supplemental continuing education has been considered as a mitigating factor in support of a reduced administrative penalty. 22 Tex. Admin. Code § 5.175(f)(6).

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 Revised Report and Notice of Violation dated October 3, 2023.

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

This is an internal document summarizing disciplinary action to be considered by the Texas Board of Architectural Examiners (“the Board”). This document is prepared to inform, advise, and assist the Board in addressing this matter.

| | |
|--------------------------------|---|
| Case Number: | 194-23L |
| Respondent: | Paul Michael Nikolai |
| Location of Respondent: | Denver, CO |
| Nature of Violation: | Violation of Continuing Education Requirements |
| Instrument: | Revised Report and Notice of Violation |

Findings:

- Paul Michael Nikolai (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 2491.
- Based upon the results of a continuing education audit, it was determined that Respondent completed only nine hours of qualifying continuing education credit during the audit period of January 1, 2022 through December 31, 2022.
- Respondent claimed three hours of supplemental continuing education that were completed after the audit period ended.

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.
- Respondent’s completion of supplemental continuing education has been considered as a mitigating factor in support of a reduced administrative penalty. 22 Tex. Admin. Code § 3.165(f)(6).

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$150** as set forth in the Revised Report and Notice of Violation dated October 3, 2023.

Draft Amendments to Rules 1.29, 3.29, and 5.39

Relating to Temporary Registration of Military Service Members

Background

Recently, Senate Bill 422 was enacted, amending Chapter 55 of the Texas Occupations Code. Chapter 55 addresses various exceptions and amendments to licensing laws benefiting military service members, military veterans, and military spouses. SB 422 makes two changes in the law that must be implemented in the Board's rules.

First, the new law makes it easier for a military service member to engage in a business or occupation in Texas, extending provisions that previously applied only to military spouses. Under newly-amended Tex. Occ. Code §55.0041(a), a military service member may engage in a business or occupation for which a license is required without obtaining the applicable license if the military service member is currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to Texas requirements. A military service member seeking to practice under this provision is required to notify the licensing entity, submit proof of residency and military identification, and receive confirmation of qualification to practice from the state agency. *See* Tex. Occ. Code §55.0041(b). The law also authorizes state agencies to adopt rules to issue a temporary license to an individual who qualifies to practice their profession under §55.0041(a). *See* Tex. Occ. Code §55.0041(f). A license issued under that provision must expire not later than the third anniversary of the date the agency provided the confirmation and may not be renewed. A state agency may not charge a fee for the issuance of the license. A military service member subject to this law is required to comply with all other laws and regulations applicable to the business or occupation in this state. *See* Tex. Occ. Code §55.0041(c). SB 422 further amended §55.0041 by clarifying that a divorce or similar event does not impact a military spouse's authorization to practice an occupation under §55.0041. Finally, §55.041 was amended to require an agency to verify an applicant's qualifying out-of-state-licensure within 30 days of receiving an application under §55.0041.

Second, SB 422 amends Tex. Occ. Code §55.005, which is intended to provide an expedited license procedure for a military service member, military veteran, or military spouse that qualifies for a permanent license under Tex. Occ. Code §55.004. Previously, a state agency

was required by §55.005 to issue a license “as soon as practicable” upon the receipt of a qualifying application for licensure. SB 422 modifies this provision to require an agency to issue a license no later than 30 days after receiving a qualifying application.

Previously, the Board adopted Board Rules 1.29, 3.29, and 5.39 to implement the various provisions contained within Chapter 55. To implement SB 422, Staff has prepared amendments to these rules.

Draft Amendments

Draft amendments to Board Rules 1.29, 3.29, and 5.39, impacting the registration of architects, landscape architects, and registered interior designers, respectively, are attached. The amendments are summarized as follows:

- Subsection (b)
 - For qualifying military service members, military veterans, and military spouses, requires the Board to process an application for permanent registration and issue the registration within 30 days.
- Subsection (c)
 - Extends a previously-adopted temporary registration procedure to qualifying military service members. Previously, only qualifying military spouses could receive a temporary registration under the rules.
 - Requires the Board to verify an individual’s eligibility for temporary registration within 30 days of receipt of a qualifying application.
 - A military spouse’s temporary registration is not impacted by a divorce or similar event.
- Non-substantive housekeeping amendments:
 - Subsections 3.29(b)(2)(A) and 5.39(b)(2)(A)
 - Subsections 1.29(c)(7), 3.29(c)(7), and 5.39(c)(7)
 - Subsections 1.29(c)(8)(B), 3.29(c)(8)(B), and 5.39(c)(8)(B)

Staff Recommendation

Move to approve the draft amendments to 22 Tex. Admin. Code §§ 1.29, 3.29, and 5.39 for publication and proposal 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.

RULE §1.29 Registration of a Military Service Member, Military Veteran, or Military Spouse

(a) Definitions.

(1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section 437.001, Government Code, or similar military service of another state.

(2) "Armed forces of the United States" means the army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

(3) "Military service member" means a person who is on active duty.

(4) "Military spouse" means a person who is married to a military service member.

(5) "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.

(b) Architectural registration eligibility requirements for military service members, military veterans, and military spouses.

(1) Verified military service, training, or education will be credited toward the registration requirements, other than an examination requirement, of an Applicant who is a military service member or a military veteran.

(2) An Applicant who is a military service member, military veteran, or military spouse may be eligible for registration if the Applicant:

(A) Holds an active architectural registration issued by another jurisdiction that has licensing or registration requirements that are substantially equivalent to the requirements for registration in this state; or

(B) Held an active architectural registration in this state within the five years preceding the application.

(3) Not later than 30 days[As soon as practicable] after a military service member, military veteran, or military spouse files an application for registration, the Board shall process the application, and if the applicant qualifies for registration under this subsection, issue the registration.

(4) This subsection does not apply if the Applicant holds a restricted registration issued by another jurisdiction or has an unacceptable criminal history.

(c) Alternative temporary registration procedure for an individual who is a military service member or military spouse[spouses].

(1) An individual who is a military service member or[A] military spouse may qualify for a temporary architectural registration if the individual[spouse]:

(A) holds a current architectural license or registration in good standing in another jurisdiction that has licensing requirements substantially equivalent to the requirements for architectural registration in this state;

(B) notifies the Board in writing of the individual's[spouse's] intent to practice Architecture in this state;

(C) submits to the Board required information to demonstrate eligibility for temporary architectural registration; and

(D) receives a verification letter from the Board that:

(i) the Board has verified the individual's[spouse's] license or registration in the other jurisdiction; and

(ii) the individual[spouse] is issued a temporary architectural registration.

(2) The Board will review and evaluate the following criteria when determining whether another jurisdiction's licensing requirements are substantially equivalent to the requirements for an architectural registration in Texas:

(A) whether the other jurisdiction requires an applicant to pass the Architect Registration Examination (ARE);

(B) any experience qualifications required by the jurisdiction to obtain the license or registration; and

(C) any education credentials required by the jurisdiction to obtain the license or registration.

(3) The individual[military spouse] must submit the following information to the Board to demonstrate eligibility for temporary architectural registration:

(A) a written request for the Board to review the individual's[military spouse's] eligibility for temporary architectural registration;

(B) sufficient documentation to verify that the individual[military spouse] is currently licensed or registered in good standing in another jurisdiction and has no restrictions, pending enforcement actions, or unpaid fees or penalties relating to the license or registration;

(C) proof of residency in this state;

(D) a copy of the individual's military [spouse's] identification card; and

(E) proof the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is stationed at a military installation in Texas.

(4) Not later than the 30th day after the date an individual submits the information described by paragraph (3) of this subsection, the Board shall provide the verification described by paragraph (1)(D) of this subsection if the individual is eligible for a temporary registration under this subsection.

(5[4]) A temporary architectural registration issued under this subsection expires three years from the date of issuance or when the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is no longer stationed at a military installation in Texas, whichever occurs first. The registration may not be renewed.

(6) In the event of a divorce or similar event that affects an individual's status as a military spouse, the spouse's registration will continue in effect until the registration expires as described by paragraph (5) of this subsection.

(7[5]) Except as provided under this[the] subsection, an individual[a military spouse] who receives a temporary architectural registration under this subsection is subject to and shall comply with all applicable laws, rules, and standards governing the Practice of Architecture in this state.

(8[6]) A temporary architectural registration issued under this subsection may be revoked if the individual[military spouse]:

(A) fails to comply with paragraph (7[5]) of this subsection; or

(B) the individual's[military spouse's] license or registration required under paragraph (1)(A[a]) of this subsection expires or is suspended or revoked.

(9[7]) The Board shall not charge a fee for the issuance of a temporary architectural registration under this subsection.

RULE §3.29 Registration of a Military Service Member, Military Veteran, or Military Spouse

(a) Definitions.

(1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section 437.001, Government Code, or similar military service of another state.

(2) "Armed forces of the United States" means the army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

(3) "Military service member" means a person who is on active duty.

(4) "Military spouse" means a person who is married to a military service member.

(5) "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.

(b) Landscape architectural registration eligibility requirements for military service members, military veterans, and military spouses.

(1) Verified military service, training, or education will be credited toward the registration requirements, other than an examination requirement, of an Applicant who is a military service member or a military veteran.

(2) An Applicant who is a military service member, military veteran, or military spouse may be eligible for registration if the Applicant:

(A) Holds an active landscape architectural registration issued by another jurisdiction that has licensing or registration requirements that are substantially equivalent to the requirements for registration[the license] in this state; or

(B) Held an active landscape architectural registration in this state within the five years preceding the application.

(3) Not later than 30 days[As soon as practicable] after a military service member, military veteran, or military spouse files an application for registration, the Board shall process the application, and if the applicant qualifies for registration under this subsection, issue the registration.

(4) This subsection does not apply if the Applicant holds a restricted registration issued by another jurisdiction or has an unacceptable criminal history.

(c) Alternative temporary registration procedure for an individual who is a military service member or military spouse[spouses].

(1) An individual who is a military service member or[A] military spouse may qualify for a temporary landscape architectural registration if the individual[spouse]:

(A) holds a current landscape architectural license or registration in good standing in another jurisdiction that has licensing requirements substantially equivalent to the requirements for landscape architectural registration in this state;

(B) notifies the Board in writing of the individual's[spouse's] intent to practice Landscape Architecture in this state;

(C) submits to the Board required information to demonstrate eligibility for temporary landscape architectural registration; and

(D) receives a verification letter from the Board that:

(i) the Board has verified the individual's[spouse's] license or registration in the other jurisdiction; and

(ii) the individual[spouse] is issued a temporary landscape architectural registration.

(2) The Board will review and evaluate the following criteria when determining whether another jurisdiction's licensing requirements are substantially equivalent to the requirements for a landscape architectural registration in Texas:

(A) whether the other jurisdiction requires an applicant to pass the Landscape Architect Registration Examination (LARE);

(B) any experience qualifications required by the jurisdiction to obtain the license or registration; and

(C) any education credentials required by the jurisdiction to obtain the license or registration.

(3) The individual[military spouse] must submit the following information to the Board to demonstrate eligibility for temporary landscape architectural registration:

(A) a written request for the Board to review the individual's[military spouse's] eligibility for temporary landscape architectural registration;

(B) sufficient documentation to verify that the individual[military spouse] is currently licensed or registered in good standing in another jurisdiction and has no restrictions, pending enforcement actions, or unpaid fees or penalties relating to the license or registration;

(C) proof of residency in this state;

(D) a copy of the individual's military [spouse's]identification card; and

(E) proof the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is stationed at a military installation in Texas.

(4) Not later than the 30th day after the date an individual submits the information described by paragraph (3) of this subsection, the Board shall provide the verification described by paragraph (1)(D) of this subsection if the individual is eligible for a temporary registration under this subsection.

(5[4]) A temporary landscape architectural registration issued under this subsection expires three years from the date of issuance or when the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is no longer stationed at a military installation in Texas, whichever occurs first. The registration may not be renewed.

(6) In the event of a divorce or similar event that affects an individual's status as a military spouse, the spouse's registration will continue in effect until the registration expires as described by paragraph (5) of this subsection.

(7[5]) Except as provided under this[the] subsection, an individual[a military spouse] who receives a temporary landscape architectural registration under this subsection is subject to and shall comply with all applicable laws, rules, and standards governing the practice of Landscape Architecture in this state.

(8[6]) A temporary landscape architectural registration issued under this subsection may be revoked if the individual[military spouse]:

(A) fails to comply with paragraph (7[5]) of this subsection; or

(B) the individual's[military spouse's] license or registration required under paragraph (1)(A[a]) of this subsection expires or is suspended or revoked.

(9[7]) The Board shall not charge a fee for the issuance of a temporary landscape architectural registration under this subsection.

RULE §5.39 Registration of a Military Service Member, Military Veteran, or Military Spouse

(a) Definitions.

(1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section 437.001, Government Code, or similar military service of another state.

(2) "Armed forces of the United States" means the army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

(3) "Military service member" means a person who is on active duty.

(4) "Military spouse" means a person who is married to a military service member.

(5) "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.

(b) Interior design registration eligibility requirements for military service members, military veterans, and military spouses.

(1) Verified military service, training, or education will be credited toward the registration requirements, other than an examination requirement, of an Applicant who is a military service member or a military veteran.

(2) An Applicant who is a military service member, military veteran, or military spouse may be eligible for registration if the Applicant:

(A) Holds an active interior design registration issued by another jurisdiction that has licensing or registration requirements that are substantially equivalent to the requirements for registration[the license] in this state; or

(B) Held an active interior design registration in this state within the five years preceding the application.

(3) Not later than 30 days[As soon as practicable] after a military service member, military veteran, or military spouse files an application for registration, the Board shall process the application, and if the applicant qualifies for registration under this subsection, issue the registration.

(4) This subsection does not apply if the Applicant holds a restricted registration issued by another jurisdiction or has an unacceptable criminal history.

(c) Alternative temporary registration procedure for an individual who is a military service member or military spouse[spouses].

(1) An individual who is a military service member or[A] military spouse may qualify for a temporary Interior Design registration if the individual[spouse]:

(A) holds a current interior design license or registration in good standing in another jurisdiction that has licensing requirements substantially equivalent to the requirements for Interior Design registration in this state;

(B) notifies the Board in writing of the individual's[spouse's] intent to practice Interior Design in this state;

(C) submits to the Board required information to demonstrate eligibility for temporary Interior Design registration; and

(D) receives a verification letter from the Board that:

(i) the Board has verified the individual's[spouse's] license or registration in the other jurisdiction; and

(ii) the individual[spouse] is issued a temporary Interior Design registration.

(2) The Board will review and evaluate the following criteria when determining whether another jurisdiction's licensing requirements are substantially equivalent to the requirements for an Interior Design registration in Texas:

(A) whether the other jurisdiction requires an applicant to pass the Council for Interior Design Qualification (CIDQ) examination;

(B) any experience qualifications required by the jurisdiction to obtain the license or registration; and

(C) any education credentials required by the jurisdiction to obtain the license or registration.

(3) The individual[military spouse] must submit the following information to the Board to demonstrate eligibility for temporary Interior Design registration:

(A) a written request for the Board to review the individual's[military spouse's] eligibility for temporary Interior Design registration;

(B) sufficient documentation to verify that the individual[military spouse] is currently licensed or registered in good standing in another jurisdiction and has no restrictions, pending enforcement actions, or unpaid fees or penalties relating to the license or registration;

(C) proof of residency in this state;

(D) a copy of the individual's military [spouse's]identification card; and

(E) proof the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is stationed at a military installation in Texas.

(4) Not later than the 30th day after the date an individual submits the information described by paragraph (3) of this subsection, the Board shall provide the verification described by paragraph (1)(D) of this subsection if the individual is eligible for a temporary registration under this subsection.

(5[4]) A temporary Interior Design registration issued under this subsection expires three years from the date of issuance or when the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is no longer stationed at a military installation in Texas, whichever occurs first. The registration may not be renewed.

(6) In the event of a divorce or similar event that affects an individual's status as a military spouse, the spouse's registration will continue in effect until the registration expires as described by paragraph (5) of this subsection.

(7[5]) Except as provided under this[the] subsection, an individual[a military spouse] who receives a temporary Interior Design registration under this subsection is subject to and shall comply with all applicable laws, rules, and standards governing the practice of Interior Design in this state.

(8[6]) A temporary Interior Design registration issued under this subsection may be revoked if the individual[military spouse]:

(A) fails to comply with paragraph (7[5]) of this subsection; or

(B) the individual's[military spouse's] license or registration required under paragraph (1)(A[a]) of this subsection expires or is suspended or revoked.

(9[7]) The Board shall not charge a fee for the issuance of a temporary Interior Design registration under this subsection.

AN ACT

relating to the authority of certain military service members to engage in a business or occupation in this state.

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

SECTION 1. Section 55.004(d), Occupations Code, is amended to read as follows:

(d) A state agency that issues a license that has a residency requirement for license eligibility shall adopt rules regarding documentation necessary for an applicant who is a military service member or military spouse [~~applicant~~] to establish residency for purposes of this subsection, including by providing to the agency a copy of the permanent change of station order for the applicant or the applicant's spouse [~~military service member to whom the spouse is married~~].

SECTION 2. Section 55.0041, Occupations Code, is amended to read as follows:

Sec. 55.0041. RECOGNITION OF OUT-OF-STATE LICENSE OF MILITARY SERVICE MEMBERS AND MILITARY SPOUSES [~~SPOUSE~~]. (a) Notwithstanding any other law, a military service member or military spouse may engage in a business or occupation for which a license is required without obtaining the applicable license if the member or spouse is currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in

1 this state.

2 (b) Before engaging in the practice of the business or
3 occupation, the military service member or military spouse must:

4 (1) notify the applicable state agency of the member's
5 or spouse's intent to practice in this state;

6 (2) submit to the agency proof of the member's or
7 spouse's residency in this state in accordance with rules adopted
8 under Section 55.004(d) and a copy of the member's or spouse's
9 military identification card; and

10 (3) receive from the agency confirmation that:

11 (A) the agency has verified the member's or
12 spouse's license in the other jurisdiction; and

13 (B) the member or spouse is authorized to engage
14 in the business or occupation in accordance with this section.

15 (c) The military service member or military spouse shall
16 comply with all other laws and regulations applicable to the
17 business or occupation in this state.

18 (d) A military service member or military spouse may engage
19 in the business or occupation under the authority of this section
20 only for the period during which the military service member or,
21 with respect to a military spouse, the military service member to
22 whom the [~~military~~] spouse is married is stationed at a military
23 installation in this state but not to exceed three years from the
24 date the member or spouse receives the confirmation described by
25 Subsection (b)(3).

26 (d-1) Notwithstanding Subsection (d), in the event of a
27 divorce or similar event that affects a person's status as a

1 military spouse, the spouse may continue to engage in the business
2 or occupation under the authority of this section until the third
3 anniversary of the date the spouse received the confirmation
4 described by Subsection (b)(3).

5 (e) A state agency that issues a license shall adopt rules
6 to implement this section. The rules must establish a process for
7 the agency to:

8 (1) identify, with respect to each type of license
9 issued by the agency, the jurisdictions that have licensing
10 requirements that are substantially equivalent to the requirements
11 for the license in this state; and

12 (2) not later than the 30th day after the date a
13 military service member or military spouse submits the information
14 described by Subsections (b)(1) and (2), verify that the member or
15 [a military] spouse is licensed in good standing in a jurisdiction
16 described by Subdivision (1).

17 (f) In addition to the rules adopted under Subsection (e), a
18 state agency that issues a license may adopt rules to provide for
19 the issuance of a license to a military service member or military
20 spouse to whom the agency provides confirmation under Subsection
21 (b)(3). A license issued under this subsection must expire not
22 later than the third anniversary of the date the agency provided the
23 confirmation and may not be renewed. A state agency may not charge
24 a fee for the issuance of the license.

25 SECTION 3. Section 55.005(a), Occupations Code, is amended
26 to read as follows:

27 (a) A state agency that issues a license shall, not later

1 than the 30th day [~~as soon as practicable~~] after the date a military
2 service member, military veteran, or military spouse files an
3 application for a license:

4 (1) process the application; and

5 (2) issue the license to an applicant who qualifies
6 for the license under Section 55.004.

7 SECTION 4. Section 55.005(a), Occupations Code, as amended
8 by this Act, applies only to an application for a license submitted
9 on or after the effective date of this Act. An application
10 submitted before the effective date of this Act is governed by the
11 law in effect on the date the application was submitted, and the
12 former law is continued in effect for that purpose.

13 SECTION 5. Not later than December 1, 2023, a state agency
14 to which Section 55.0041, Occupations Code, as amended by this Act,
15 applies shall adopt rules to implement that section.

16 SECTION 6. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 422 passed the Senate on April 13, 2023, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 422 passed the House on May 24, 2023, by the following vote: Yeas 135, Nays 3, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

The TEXAS BOARD OF ARCHITECTURAL EXAMINERS



Be It Known That Debra Dockery, FAIA

Has distinguished herself by her many years of dedicated service to all the people who live, work, and play in the built environment of the State of Texas; and

WHEREAS, Ms. Dockery is a sixth-generation South Texan, hailing from the city of San Antonio in Bexar County; and

WHEREAS, Ms. Dockery graduated Texas A&M University with a bachelor's degree in Environmental Design and a master's degree in Architecture; and

WHEREAS, Ms. Dockery thereafter became licensed as an Architect in Washington in 1982 and, much more importantly, in Texas in 1987, bearing Texas Architectural Registration Number 11930; and

WHEREAS, Ms. Dockery has served as President of the San Antonio Chapter of the American Institute of Architects and as Vice President of the Texas Society of Architects; and

WHEREAS, Ms. Dockery was appointed by Governor Rick Perry in 2011 as a Member of the Texas Board of Architectural Examiners and subsequently served the people of Texas in several important Board roles, including as a member of the HB 2284 Review Committee and, in 2015, upon her appointment by Governor Greg Abbott as the first woman to serve as Chair of the Board; and

WHEREAS, Ms. Dockery has played an invaluable role not only in the protection of the public health, safety, and welfare both within and without the Lone Star State, but also via her deep and longstanding commitment to young people interested in a career in architecture and to emerging young professionals, and

WHEREAS, Ms. Dockery was inducted into the 2017 American Institute of Architects College of Fellows, an honor of which only three percent of AIA members can boast, now, therefore, be it

RESOLVED

That the Texas Board of Architectural Examiners, in formal meeting assembled this 14th day of November, 2023, does publicly acknowledge its appreciation of outstanding service to the state of Texas and have voted unanimously for this

RESOLUTION OF APPRECIATION

To Debra Dockery, FAIA, and have caused a copy of this Resolution to be included within the minutes of this Board.

Darren L. James, FAIA
Chair

Julie Hildebrand
Executive Director

TBAE Strategic Framework



Ongoing Anticipatory Learning (February annually and as needed) – Environmental Scan and Board/Staff Foresight Work to include background work for the Internal/External Assessment Issues and Trends in the Strategic Plan

Strategic Plan (May even years) – Mission, Philosophy/Values, Internal/External Assessment Issues and Trends, Strategic Goals, Action Plan, Redundancies and Impediments, and Objectives and Strategies with Performance Measures

Annual Work Plan with Special Initiatives (August annually) – Operational Goals, Special Initiatives, Strategies to hit the Goals, Tactics for our work, and Key Performance Indicators

Report on Progress and Feedback – Trends Analysis (November annually), Quarterly Progress Reports, Board Feedback and Guidance