



LICENSING NEWS

ARCHITECTURE ☆ INTERIOR DESIGN ☆ LANDSCAPE ARCHITECTURE

APRIL 2006, VOLUME XI, ISSUE 1



In July 2005 the Texas Board of Architectural Examiners requested that the Attorney General of the State of Texas clarify issues relevant to the practice of architecture and engineering.

The role of the Attorney General is to interpret laws and provide legal advice. The particular laws in question are the statutes which govern the practice of engineering and the practice of architecture, as well as previous Attorney General Opinion DM-161 which was issued in 1992. At issue is whether licensed professional engineers may practice all aspects of building design, including architecture. In short, the answer is no.

Attorney General Greg Abbott issued Opinion GA-0391 on January 10, 2006, which provides guidance to the Texas Board of Professional Engineers and the Texas Board of Architectural Examiners. Among the conclusions drawn by the Attorney General is that engineering and architecture are distinct professions but that overlap exists within the scope of the work performed by each group. The opinion directs the two boards to work together in the legislatively-mandated Joint Advisory Committee to address the issues of overlap. According to GA-0391, "DM-161 did not preclude engineers from preparing building plans and specifications but did not determine, as suggested by TBPE, that the entire scope of building design, including architecture, is an element of engineering."

It is clear from this opinion that the two boards must continue to collaborate through the process of a joint committee and "shall assist each agency in protecting the public rather than advancing the interests of either agency or the profession it regulates."

The opinion concludes that the legislature expects the Joint Advisory Committee to advise their boards and deal with the issues presented. Although the opinion did explicitly hold that the two professions are distinct and that architecture is not an element of engineering, it did not provide any indication regarding the manner in which the two professions are distinct under the law. The implication of the opinion is that the Joint Advisory Committee must draw those distinctions. Although we have our differences, we have an opportunity before us to begin building bridges between the two professions rather than focusing on divisions.

If we are thoughtful and circumspect, I believe that within the overlap between the professions we can find common ground rather than a battleground. I look forward to working with the leaders from both boards and professions to realize this goal.

Gordon E. Landreth, AIA
Chair

Joint Advisory Committee

The Joint Advisory Committee (JAC) on the Practices of Architecture, Engineering, and Landscape Architecture convened in an open meeting Tuesday, March 7, 2006, 1:30 pm at the Hobby Building in Austin. The JAC is composed of three members from the Texas Board of Architectural Examiners, three members from the Texas Board of Professional Engineers, and two public members appointed by the respective boards. It was agreed that the JAC would draft a joint statement in response to the issuance of the Texas Attorney General Opinion GA-0391, issued January 10, 2006.

There was much discussion between the members of both boards in drafting this statement in regards to how the Attorney General's opinion should be interpreted. The architectural members were willing to concede to modifications to a previous draft in order to reach an agreement but would have preferred to retain language that further clarified the distinction between the two professions.

The following joint statement was approved at the March 7 meeting. Further updates can be found at our Web site. To see the full text of the Opinion, go to oag.state.tx.us/opinions/ga/ga0391.pdf

Joint Advisory Committee Joint Statement

The Texas Board of Architectural Examiners (TBAE) and the Texas Board of Professional Engineers (TBPE) recognize that it is statutorily required and in the public interest to engage competent professionals in building design. To this end, both Boards have agreed to this public statement regarding the outcome of Attorney General Opinion GA-0391, regarding building design.

Attorney General Opinion GA-0391 held that architecture and engineering are regulated as distinct professions under the law in the State of Texas. It also recognized that there is a limited overlap of the two professions in the area of building design. TBPE and TBAE together recognize that while GA-0391 has not specified the services or work encompassed within the scope of the overlap, it has focused the discussion to issues of the education, experience, and training of each profession in providing a particular service or work.

Both Boards believe it is imperative that architects and engineers continue to work together through the Joint Advisory Process

to address and resolve issues of overlapping practice and to assist each other in investigations involving potential overlap issues. It is recognized that contradictory interpretations of the overlap by the Boards would work a disservice to the people of Texas, as well as each profession. Both Boards recognize that the Joint Advisory Committee will issue advisory opinions specifying the services and work which architects and engineers, respectively, are qualified to render and make recommendations to their respective Boards. Each Board pledges to refer all matters involving issues of the overlap to the Joint Advisory Committee.

We encourage the professional engineering and architectural communities to continue to work together and respect the competencies and capabilities of both professions.

Amendments and New Rules

The following is a summary of the rules revisions adopted by the TBAE since October 2004:

- TBAE eliminated duplicate rules that appeared in each chapter of the regulations, respectively, for the three professions regulated by TBAE. The rules were consolidated in a new chapter relating to the administration of the TBAE. The rules that were moved to the new chapter include the fee schedule, conduct and decorum at TBAE meetings, and other administrative matters. It is hoped that consolidating these rules will make the three chapters relating to the practice of the professions shorter and easier to use.
- TBAE amended Rule 3.42 relating to the administration of the Landscape Architectural Registration Examination. The amendment was adopted in response to new procedures adopted by the examination provider. Under the new procedures, an examinee may take a portion of the examination on a computer at a test center on one of a series of dates selected by the examinee. Prior to amendment, the rule required the administration of the entire examination by TBAE and did not envision the administration of the examination via computer.
- In January 2005, TBAE adopted guidelines (new rules 1.234, 3.234, and 5.244) to be followed by TBAE in imposing active or probated suspension of registration as a disciplinary action. The guidelines also establish the restrictions and supervision that may be imposed upon the professional practice of one whose registration has been suspended. The guidelines were created in response to a recommendation made by the Texas Sunset Commission.
- TBAE amended its five-year “rolling clock” deadline (rules 1.43, 3.43, and 5.53) for passing each section of a registration examination. As amended, candidates are required to pass all remaining sections of the examination within five years after passing one section of the examination. After five years, the passing score on a section of the examination becomes invalid and the candidate must take that section again in order to become registered.
- Amendments were made to TBAE’s annual renewal procedures to allow for communications between registrants and TBAE via email (rules 1.65, 3.65, and 5.75).
- In January 2006, TBAE amended its definitions of terms used in its Rules and Regulations. The amendments include revisions to the definition of the term “practice of architecture” to reflect the expanded definition of that term adopted by the Legislature. TBAE also adopted a definition for the term “regulatory approval” in order to clarify the requirements of the sealing rules.

To become more familiar with the rules and regulations that affect your practice, as well as other valuable information, visit TBAE’s Web site at www.tbae.state.tx.us.

TBAE Web Site Security for Online Transactions

TBAE has taken every precaution to ensure the security of our users when they make online payments. TBAE partners with the Texas Online system which has developed an encryption system that protects information sent to the TBAE site. The Texas Online system also transfers the payments. (Secure Web sites will have a padlock icon in the lower right of most screens to indicate that an encryption system is being used.) To further secure the site, TBAE uses “firewalls” to protect its internal networks against would-be hackers. In addition, only the individual who has used his or her unique login combination of user name and password can view the personal information. Private information will not be displayed on a public search. All registrants and examination candidates are assigned a login combination to access their accounts and pay any fees that are due. If you have not yet received your login combination in the mail, call the TBAE office at (512) 305-9000. Fax: (512) 305-8900, www.tbae.state.tx.us.

INSIGHT FROM THE EXECUTIVE DIRECTOR



TBAE continues to change and improve our services and I am very proud of our staff and their commitment to accomplish these changes.

PAYMENTS ONLINE

Our goal to provide online transactions through TBAE's Web site has finally been achieved. In December 2005 we received our first online payment and now registrants and candidates can make payments and update information on file with the board via our Web site. TBAE has joined the ranks of the "24/7" ecommerce and our registrants will have easy access to their profiles with the board at any time. TBAE currently absorbs the cost of online transactions. Online users are not charged a convenience fee to process payments online. The cost associated with each credit card transaction is \$7-\$8, while the cost for paying online by electronic check is less than \$1. Since TBAE is a cost-recovery agency, we encourage you to choose to pay online by electronic check if possible.

POCKET CARDS

Registrants should have already received a new permanent pocket card which displays TBAE's new logo. The new card does not indicate your registration period; if you require that information, you can print out a certificate from your account or verify the status of your registration on our Web site under the "Find a Design Professional" section.

RENEWAL NOTICES

All future renewal notices mailed to registrants will direct them to our Web site to pay online via credit card or check. If you prefer to mail your payment, please call us after you receive the written notice and we will send you a renewal form. We continue to transition our registrants to their birth month renewal dates; you will receive a written notice to pay the pro-rated fee prior to your current expiration date.

CUSTOMER SERVICE SURVEY

TBAE will be conducting a customer survey this spring to learn how we can improve our service even further. The survey will be on our Web site, sent to our list-serve subscribers, and mailed to a random sampling of registrants and candidates. If you want your voice heard, please visit our Web site or give us a call and we'll be happy to mail you a survey. I believe strongly that our value to the state lies in our service to you, so please let us know how we can improve.

A handwritten signature in black ink that reads "Cathy L. Hendricks". The signature is fluid and cursive, with a long horizontal line extending to the right.

Cathy L. Hendricks, ASID/IIDA
Executive Director

ENFORCEMENT

The following enforcement cases were decided at the October 2005 and January 2006 board meetings. Each case is based on the applicable rule in effect at the time of the violation. Individual rules may change between the time a violation occurs and the case is publicized. The rules provided on TBAE's Web site (www.tbae.state.tx.us) include the adoption and amendment date(s) for each rule.

Cases Involving Registrants

GORDON N. YEATTS, ARCHITECT

(SUGAR LAND, TX) Administrative penalty of \$700 for failing to submit project plans and specifications for accessibility review within the timeframe provided by Section 5(k) of the Texas Architectural Barriers Act.

CHARLES DAVIS WILSON, ARCHITECT

(HOUSTON, TX) Twenty-four month suspension of registration, with all of the suspension probated except for ninety (90) days. Respondent provided inadequate construction documents. Respondent agreed to reimburse the agency for costs.

Continuing Education Violations

The following registrants were found to be in violation of the Board's mandatory continuing education requirements set forth in the rules regulating the practice of architecture (Rule 1.69), landscape architecture (Rule 3.69), and interior design (Rule 5.79) and ordered to pay an administrative penalty of \$500.

Nelson Bishop, Landscape Architect (Austin, TX)

Michael K. Brooks, Landscape Architect (Austin, TX)

Lynda D. Burnside, Interior Designer (Houston, TX)

Debra Denise Coffey, Interior Designer (Plano, TX)

Linda G. Courtney, Interior Designer (Plano, TX)

Katherine K. DePerio, Interior Designer (Houston, TX)

Randy M. Egger, Interior Designer (Dallas, TX)

Leslie Keith Elkins, Architect (Houston, TX)

Elizabeth Ann Erdman, Interior Designer (Irving, TX)

Douglas Paul Horton, Interior Designer (Dallas, TX)

Mark Kaufman, Interior Designer (Houston, TX)

Margaret B. McKenney, Interior Designer (Plano, TX)

Julie Nalley Patton, Interior Designer (Sugar Land, TX)

Paula Sanders Rhodes, Architect (Austin, TX)

Lendon J. Schellhase, Interior Designer (Lubbock, TX)

Leticia M. Tapia, Interior Designer (Flower Mound, TX)

Eric Wuellner, Interior Designer (Stafford, TX)

Matt Karpenko, Architect (Dallas, TX) Administrative penalty of \$1,200 for violation of the Board's mandatory continuing education requirements set forth in the rules regulating the practice of architecture and for failing to make up the deficiency in continuing education credits within 180 days as prescribed by Board rules.

Cases Against Non-registrants

TBAE has ordered the following people to refrain from practicing architecture and to refrain from using a form of the title "architect" to describe themselves and/or their businesses in Texas. Administrative penalties are listed.

JAKE GIAMALVA (PLANTERSVILLE, TEXAS) – \$2,500 administrative penalty

FRANK ROMEL (CORPUS CHRISTI, TEXAS) – \$5,000 administrative penalty



FIDER Has New Name

FIDER (the Foundation for Interior Design Education Research) has changed its name to the Council for Interior Design Accreditation. This group sets standards for postsecondary interior design education and evaluates college and university interior design programs. As of July 2005 there were 145 FIDER-accredited professional programs throughout the U.S. and 13 in the state of Texas. See TBAE's Web site for a list of accredited professional programs in Texas.

New Registrants

In 2005, TBAE welcomed many new Texas registrants who passed their professional examinations: 234 completed the Architect Registration Examination, 92 completed the National Council for Interior Design Qualification Examination, and 36 completed the Landscape Architect Registration Examination. TBAE congratulates each of these individuals and wishes them success in their chosen profession. Refer to TBAE's Web site for a list of the newest registrants.

Rosters Available on TBAE Web Site

Thanks to TBAE's new Web site we can now provide an online roster of Texas-registered architects, interior designers, or landscape architects. You can download a list in an Excel spreadsheet or a plain text document in tab-delimited format. This electronic roster is updated monthly. See "Find a Design Professional" in the "Public Information" section of TBAE's Web site.

Certificates of Appreciation

On October 17, 2005, TBAE presented a certificate of resolution of commendation to Mr. Robert H. Green. Mr. Green was instrumental in the creation and enactment of the first Texas State Board of Landscape Architects and subsequently chaired that board. Mr. Green has the distinction of possessing landscape architect registration number two.

On January 23, 2006, TBAE presented a certificate of appreciation to Mr. R. Paul Davis for his contribution of time, talent, and professional expertise in assisting TBAE. We appreciate the time that Mr. Davis has given so generously.

Continuing Education Requirements Update

While there are many compelling reasons for obtaining continuing education, Texas law and TBAE's mission to *ensure a safe built environment for Texas* are the paramount reasons for requiring all individuals registered by the TBAE to acquire eight hours of professional continuing education related to health, safety, and welfare each year.

All registrants are required to maintain a log of their continuing education program hours (CEPH Log) and TBAE routinely audits a small percentage of registrants to ensure compliance with the continuing education requirements. Registrants who are audited will be required to submit their CEPH log and supporting documentation. The documentation may include National Council for Interior Design Qualification (NCIDQ), American Institute of Architects (AIA), or Council of Landscape Architectural Registration Boards (CLARB) transcripts (the registrant must circle or highlight activities on the transcript for which CEPH credit is

claimed), a course description, agenda, or certificate of completion issued by the provider which indicates attendance for the number of hours claimed for CEPH credit. Registrants who are disciplined by the board for failing to meet the continuing education requirements are listed with the other disciplinary actions in each newsletter.

Individuals who are registered to practice more than one of the professions regulated by TBAE and who complete continuing education activity that is directly related to more than one of the professions may claim credit for all of the professions to which it directly relates. However, these multi-profession registrants must maintain a separate detailed record of continuing education activities for each profession, including a CEPH log and supporting documentation.

A copy of the CEPH log is available on the TBAE Web site at www.tbae.state.tx.us. Click on "Registrants" and then "Continuing Education."

Scholarship Awards

Congratulations to the 26 recipients of the Architect Registration Examination Financial Assistance Fund (AREFAF) awards for 2005:

Matthew Ames, Austin
Evan Beattie, Dallas
John Benham, Houston
Edward Blanco, Houston
Jerry Caperton, Round Rock
James Cary, Bryan
Tai Min Chan, Sugar Land
Calvin Chen, Austin
Cindy D. Clemons, Katy
John Stephen Dean, Carrollton
Erin Dutcher, Austin

Christopher Fish, Rockwall
Sara Flowers, Schertz
William Hodge, Austin
Jason Wayne Kinnard, College Station
Jay Loudon, San Antonio
Jessica Morgan, Austin
Guillermo Moya, San Antonio
Polycarp Okore, Houston
Robert E. Perry, Richmond
Darren Paul Rouse, Waco
Clinton W. Schiver, Dallas
Jason Scott, San Antonio
John Daniel Stultz, Houston
Gregory Wang, Houston
Krista Whitson, Austin

The scholarship is a one-time reimbursement of \$500 for taking the Architect Registration Examination. The Texas Board of Architectural Examiners awards scholarships twice each year—December 31 and June 30. The deadline for submitting scholarship applications is two weeks prior to each award date. To learn more about the scholarship, visit tbae.state.tx.us/active/arefaf_intro.html.



TEXAS Board of Architectural Examiners

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CHANGE OF ADDRESS

Please make sure that we have your current address so we may mail your renewal notice to you in a timely fashion. You may update your own record by logging in to your online account on our Web site, www.tbae.state.tx.us. You can also mail, Email, or fax (512) 305-8900 the address change to TBAE. We send renewal reminders to registrants at the address on file with TBAE.

NEXT BOARD MEETING

The next board meeting is scheduled for May 15-16, 2006. It will be held in conference room 225, Tower 2 of the Hobby Building, 333 Guadalupe, Austin, Texas. The agenda for this meeting will be posted on TBAE's Web site on May 5, 2006. Other meetings scheduled for 2006 are August 14 and October 16-17.

It is the mission of the Texas Board of Architectural Examiners to ensure a safe built environment for Texas by regulating the professions of architecture, landscape architecture, and interior design.

EXECUTIVE DIRECTOR

Cathy L. Hendricks, ASID/IIDA

BOARD MEMBERS

Gordon E. Landreth, AIA—Chair, Architect Member,
Term ends 1/31/07
Alfred Vidaurri Jr., AIA—Vice-Chair, Architect Member,
Term ends 1/31/09
Rosemary A. Gammon—PAHM, Secretary-Treasurer
Public Member, Term ends 1/31/11
Kyle Garner—Public Member, Term ends 1/31/09
Janet Parnell—Public Member, Term ends 1/31/07
Peter L. Pfeiffer, FAIA—Architect Member,
Term ends 1/31/09
Diane Steinbrueck—Landscape Architect Member,
Term ends 1/31/07
Peggy Lewene (Lew) Vassberg, ASID/AAHID—
Interior Designer Member, Term ends 1/31/11
James S. Walker II, AIA—Architect Member,
Term ends 1/31/11

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