



LICENSING NEWS

ARCHITECTURE • INTERIOR DESIGN • LANDSCAPE ARCHITECTURE

OCTOBER 2015

CHAIRMAN'S COLUMN

Distilling eleven years of Board highlights

At the recent August 2015 TBAE Board meeting I recapped many of the memories I will take with me from my past eleven years of service. It was in 2004 that I began my service to the people of Texas as a Member of the Texas Board of Architectural Examiners (TBAE), and a few years later as its Vice-Chair and currently Chair. The agency and Board have come a long way in the past 11 years, and I would like to share just a few of the highlights that have taken place.

Depending on your perspective, perhaps the Board's greatest accomplishment was shepherding its stakeholders toward a resolution of the so-called "overlap" dispute among some representatives from the engineering and architecture professions. Decades in the making and years in the solving, the law is now much clearer regarding the issue and practitioners of both professions. Many told me that we would never find an acceptable solution to this complex and emotionally charged issue. Today I consider this one of the most significant accomplishments of our Texas Board and profession in the last decade.

On a more administrative topic, the Board has much to be proud of as well. Two of the main functions of the Board are to approve the agency's operating budget and to make and



Chairman Vidaurri and 2015 AIA President Elizabeth Chu Richter, FAIA at the NCARB national conference.

amend agency rules. One of those agency rules is what is called the "fee schedule," which determines the amount of your renewal fees (and other fees as well). By keeping a close eye on the budget and maximizing efficiency, the Board has not been obliged to raise renewal fees in eleven years. And for even more good news about renewal fees, be sure to read on from the agency's Executive Director.

Related to the agency's efficiency of operations and financial management, a more subtle change came about in 2013. For several years, TBAE has operated under the Self-Directed, Semi-Independent pilot program, or SDSI for short. Essentially, the agency operates as a business, instead of as a state agency requesting appropriated funds from the Legislature each odd-numbered year. This makes efficiency and performance as important for the agency as it is for your firm. And

Continued on page 3

A new look for your online account

In August, TBAE refreshed your online account with a new design and some important updates to the "back end" of the site. Your account is now more stable and secure, and your user "dashboard" has been updated as well. Finally, your TBAE dashboard and account interface will be more compliant with all your devices, not just your desktop or laptop.

Functionally, you'll still be able to log in and do all the maintenance and payments you've always done, from updating your contact information to renewing a license. But the look and feel of your account will be updated, while remaining highly intuitive and simple to use.

We expect the updates to be seamless and helpful, but if you do have any questions or require a little bit of help, feel free to always call us at 512-305-9000 and we'll be happy to assist.

Active-status renewals are now \$200 lower

Every now and then, the head of a Texas state agency like TBAE gets to deliver news that's certain to make a lot of its registrants happy. So it is my pleasure to inform you, if you don't already know, that the renewal fee for Active-status TBAE registrants is now \$200 less than it has been for several years. The same is true for first-time registrants as well, whether by examination or by reciprocity from another jurisdiction.

House Bill 7, which passed the Legislature and was signed into law by Governor Abbott in June, includes a provision repealing the so-called "professional fee" imposed years ago on the three professions overseen by TBAE and several other professions. That \$200 of each renewed or initial license formerly was split between the State of Texas' general revenue fund and the Foundation School Fund as direct and immediate pass-through. In other words, the agency passed through that fee immediately to the State, operating meanwhile on the remainder (essentially \$105 for in-state registrants and \$200 for nonresidents). The fee repeal, then, has no effect on the agency's finances—but a noticeable effect on the finances of any Active-status registrant starting with your first renewal after September 1 and all renewals for the foreseeable future.

Since Inactive and Emeritus registrants do not pay the \$200 professional fee, the repeal has no effect on them. And to be

clear, the law emphasizes that fees assessed prior to the September 1 effective date are to remain as they were originally assessed. Fees assessed to your account prior to September 1 will remain as originally calculated even if paid after the effective date of the legislation, though future renewals will not include the \$200 fee.

This agency is part of a program requiring me to run it as a business, meanwhile reporting frequently to various oversight agencies, the Governor, and the Legislature. We are careful and smart with agency revenues, and constantly on a search for efficiencies. That is one reason there have been no fee increases for more than a decade. We hope this most recent fee reduction is welcome news to you, and I commit to staying on the lookout for ways to operate efficiently, fairly, and transparently going forward.



Julie Hildebrand
Executive Director

Reminder about test-taking requirement for Texas RIDs

Texas Registered Interior Designers (RIDs) likely remember that in 2013 state law was changed to require that all RIDs who have not passed a national exam (the NCIDQ, the ARE, or the AID, which is a precursor to the NCIDQ) do so in order to renew their registration after September of 2017. The change was part of the "Sunset bill" resulting from the agency's periodic review by the Sunset Advisory Commission of Texas.

Those affected by the change in law might be curious to know whether anything changed during the 2015 legislative session. In the event, no legislation was filed to overturn the requirement, so it still is in effect.

Here's what the law continues to require for those who wish to keep their licenses as Registered Interior Designers in Texas:

Any Texas RID who has not passed one of the national examinations must do so in order to renew his or her registration on or after September 1, 2017. The designated national examinations include the NCIDQ exam, the Architectural Registration Examination, or the AID exam (which was replaced by the NCIDQ some time ago). If you have passed any of these examinations, the change in law will not affect your ability to register or renew your registration as an RID.

CHAIRMAN'S COLUMN *Continued from page 1*

two years ago, the “pilot program” portion of the name SDSI was removed, making the agency’s status permanent—so long as TBAE keeps performing well in the eyes of its many oversight agencies, that is.

It’s on a day-to-day basis, too, that the agency has made great strides during my time on the Board. During each Board meeting, I have been proud to lead my fellow Members in handling each enforcement case objectively and consistently in the context of other cases. Outreach and communications once seemed an afterthought, and now are robust and focused, with tracking and reporting mechanisms to gauge effectiveness. Perhaps of the most direct impact on the agency each day, I am proud to have helped choose Julie Hildebrand as TBAE’s new Executive Director.

One of the personal highlights of my service has been the opportunity to sign the license of each new architect, landscape

architect, and registered interior designer during my tenure. First as Vice-Chair, then as Chair, I am proud to have signed 5,048 licenses.

I leave behind an agency and Board that I believe is better today than ever before. I look forward to seeing great things from Mrs. Hildebrand, the agency, and the Board in the future, both as a former Board Chair and as a registrant.

Best wishes to all, and thank you for your years of support and encouragement. It has been a great honor to serve and represent you.



Alfred Vidaurri, Jr.
FAIA, AICP
Chairman



Your Board working through the agenda during its meeting in April.

REMINDER: Statement of Jurisdiction

A regulatory board like TBAE exists, in short, to do two fundamental things. First, to ensure that its registrants meet certain criteria to become licensed, and second to make certain that those registrants meet the ongoing requirements of licensure. One of those ongoing requirements is both important and not often discussed: the Statement of Jurisdiction. Since the requirement is a quiet but critical one, a refresher is a good idea.

Quite simply, the rule seeks to ensure that your client knows your work, as a registered design professional, falls under the jurisdiction of TBAE. In other words, the statement intends to alert your client to a benefit he or she may not know exists. Namely, if your practice runs afoul of Board rules or statutes, your client has recourse to submit a complaint to TBAE.

What, then, does the rule say specifically? As a TBAE registrant, you must provide a written Statement of Jurisdiction to each client. The Statement reads, “The Texas Board of Architectural Examiners has jurisdiction over complaints regarding the professional practices of persons registered as [architects/landscape architects/registered interior designers] in Texas.” Also required is the Board’s mailing address and phone number, which are: 333 Guadalupe Street, Suite 2-350, Austin, Texas 78701 and 512-305-9000.

If you draw up a written contract for services with your client, the Statement must appear in the contract. If you provide design services without a written contract (which we don’t recommend), you must either include the statement on each bill for design services provided to the client, or if your client visits your office, display the printed Statement on a sign prominently displayed in your office.

Keep your eyes on these issues

Here are some previews and snippets that may be of interest to you.

■ TBAE plans to launch its social media effort in coming weeks and months, so stay tuned for another way to remain updated on all the latest from your licensing board.

■ TBAE recently streamlined the renewal of your firm's business registration. Your business registration renewal is now quicker and simpler than ever before, though you can always reach us at 512-305-8530 if you have any questions.

■ The Board is pondering several possible rule amendments regarding using your professional seal, continuing

education violations, and more. [Visit our Web site and ensure you're signed up for the agency list-serve](#) to stay up on the latest.

■ In the past year, the National Council of Architectural Registration Boards (NCARB) has asked college architecture programs across the country to submit proposals for a concept they call the Integrated Path to Licensure, also known as "licensure upon graduation." Among Texas programs, only the University of Houston responded to NCARB in the affirmative. In the end, no Texas programs were chosen to be part of the inaugural group of participating schools. However, the Board looks forward to hearing about NCARB's findings on the concept of licensure upon graduation as the pilot programs are implemented at the selected schools.

Attention architectural candidates: Implementation of the IDP streamline

The nine-member Texas Board of Architectural Examiners has adopted an amendment conforming agency rules to the IDP Streamline released by the National Council of Architectural Registration Boards (NCARB) in 2014.

By unanimous vote, the Board eliminated the previously-required 1,860 elective hours, leaving the 3,740 required hours in core subjects.

NCARB began implementation of the streamline on July 1. For architectural candidates currently enrolled in IDP, simply follow the instructions from NCARB. Your candidacy for TBAE licensure will not change and no action is required by TBAE, so look to NCARB for guidance as needed.

For more information on the IDP Streamline, [read more from NCARB](#).

For the latest information about fingerprinting, visit:

www.TBAE.state.tx.us/PRINTS

A refresher course on unauthorized practice

PART 1: Case studies

Through the years, TBAE's enforcement program has continued to process cases touching on various types of unauthorized practice. It is time to inform Texas design professionals and other stakeholders about this type of violation in some depth, with an eye toward minimizing its occurrence in the future.

Some case studies of recent TBAE enforcement matters will provide a good foundation on which to build, and later we will explore some things design professionals and their clients will find useful to ensure that the right professional is selected to do the right design project.

Not long ago our Investigations division received a phone call from a local plans examiner, who reported some irregularities in a few sheets submitted for regulatory approval. The sharp-eyed plans examiner noticed that some sheets looked familiar, and then remembered that these were identical to some plans rejected previously for lack of an architectural seal (per city ordinance). The difference now was that the sheets were in fact sealed—except the seal looked suspicious, as if it were sloppily cut from another sheet and glued to the submitted sheet. The examiner alerted the architect whose seal appeared—fraudulently, it turns out—on the submitted plans, and the architect called us. In the end, the Board levied a \$16,000 administrative penalty against a nonregistrant who admitted to cutting-and-pasting an architectural seal to get regulatory approval, and without the knowledge of the architect.

In another recent instance, and omitting much of the rather dense fact pattern, a nonregistrant agreed to a \$40,000 penalty for placing a registered architect's seal on several sets of plans without the architect's knowledge or consent. In two other recent cases, TBAE registrants were penalized thousands of dollars for practicing while their licenses were delinquent. One final example: a nonregistrant was fined \$35,000 for repeatedly using the title, "architect," and offering to provide architectural services on non-exempt projects.

Those are just a few examples among many, but the trend is clear: unauthorized practice, particularly improper use of an architectural seal, is increasingly common of late. Since the Board has its eyes on this trend, the responsible thing for this agency to do is to inform our stakeholders about it. That is the purpose of Part 1 of this story, and now we can move on to Part 2, where we provide some useful tips and advice to help avoid trouble like this.

PART 2: What design professionals need to know about unauthorized practice

After seeing some actual incidents resulting in penalties for registrants and nonregistrants alike, let's talk about some specific actions and bits of wisdom to help you protect your professional reputation.

Keep control of your seal: This tip likely is easier said than done, but it's still worth the effort. The harder it is for anyone else to obtain and use your seal, the less likely it is you will have a problem. Be careful about who you give access to your seal, and of course only seal documents you prepared or over the preparation of which you had supervision and control. ("Supervision and control" are defined terms, and you can read more in [Rule 1.5 \(65\)](#), at the bottom of the page and continuing to another page. There are corresponding rules for Registered Interior Designers and Landscape Architects as well, in their respective rules.)

Don't let your license lapse: Your registration is due by the end of your birth month. Setting an annual reminder on your calendar is a simple way to ensure you don't inadvertently violate practice rules. For all three TBAE professions, a registrant is not allowed to practice his or her profession with an expired license. And remember: your local building official may be checking to ensure your registration is current and active. On [TBAE's Find a Design Professional search feature](#), if you miss your renewal deadline your record will be noted as delinquent, which may catch the attention of a client or a building official. Renewing on time—or at least as soon as you notice you're overdue—is the easiest way to avoid a building official placing a call to our Investigations division.

Keep your eyes and ears open: Be alert for calls or comments that may indicate something amiss with your project. If a contractor, a building official, or a client calls you to ask about a project you have no recollection of, that may be an indication that your seal has been used surreptitiously. Follow up immediately on that kind of a situation, and of course feel free to contact our Investigations division for assistance.



Tony Whitt
Continuing Education Coordinator

Everything you need to know about self-directed continuing education

Around the TBAE office in Austin, we try to put ourselves in the shoes of our registrants. That way, we have some idea of how well our stakeholders do (or don't) understand their obligations and our rules and regulations.

I handle continuing education for our 19,000 or so registrants. And it occurred to me that while the notion of "self-directed" continuing education hours is clear to us, it may not be so well understood by registrants like you. So I'd like to thoroughly demystify self-directed (also known as self-study) hours in this column, in question-and-answer format.

Q: What does "self-directed study" mean?

A: Self-directed study simply means continuing education (CE) hours earned outside of a structured classroom setting. If you are earning CE credits and not in a classroom or logged in to an online course, it's likely that you're earning self-directed hours. If you don't get a course completion certificate at the end of the class, it's a good bet that we will consider the course self-directed.

Q: How many of the 12 required hours can be self-directed?

A: Four hours each year can be self-directed.

Q: Do self-directed hours "carry forward" like structured/classroom hours?

A: Yes. If you earn more hours than you need in any given year, you are allowed to carry those extra hours forward to the next year—including self-directed hours.

Q: Can I use self-directed study to fulfill the requirements for sustainability and barrier-free study?

A: Yes, you can fulfill those requirements either in a classroom setting or via self-study.

Q: What are some ways to earn self-directed hours?

A: Earning self-study credits is extremely easy. In fact, you're earning credit right now just by reading this newsletter! Other ways to earn self-directed hours include reading agency rules or statutes, local building codes, or any other design-related journals or publications regarding health, safety, and welfare design issues.

Q: How do I document self-directed study?

A: Simply print out or photocopy the first and last pages of the material you're reading, sign and date it, and keep it in your file along with course completion certificates from classroom courses.

Q: What are some examples of self-study ideas, and where can I find them?

A: TBAE doesn't pre-certify providers of continuing education, whether classroom or self-study. We leave it to the professional judgment of the registrant to ensure that each credit does, in fact, cover health/safety/and welfare issues. While there is no official list of providers or courses, I have some general suggestions that might help. Design-related journals or periodicals are a great option, and easy to find. Our Web site is available from anywhere, and has great information—for free. A library is likely to have back-issues of design-related publications, and of course the Internet is a go-to resource. Reading the Texas Accessibility Standards online will qualify for your barrier-free credit, and studying for LEED certification will qualify for your sustainable credit.

As always, if you have any questions I'm just a call away at 512-305-8528.

Contact Tony Whitt directly about continuing education issues!

PHONE: 512-305-8528 • EMAIL: ce@tbae.state.tx.us

Reminder: Renewal notices by email only!

In the last issue of *Licensing News*, we made sure to inform you of a change coming up after this year: your renewal notices will arrive in your email inbox, and not the mailbox out by your curb. As you might imagine, the driver of this change is to ensure that the agency's expenditures don't outpace its available resources, and we thank you in advance for adapting to the change.

In order to make sure you receive your emailed renewal notice (or other important information), remember that you have the option to enter up to three separate email addresses on your account. That way, even if one renewal reminder gets caught up in a spam filter, your other addresses should receive it.

Disciplinary Action

The following cases were decided during TBAE Board meetings in May and August, 2015. Each case is based on the applicable rule in effect at the time of the violation, and was considered by Enforcement staff and the Board in light of its unique facts. Individual rules may have changed between the time a violation occurs and the time the case is publicized.

In order to ensure compliance with continuing education responsibilities, TBAE staff audits 10 percent of its registrants each year through a random selection process. All of the continuing education enforcement cases brought to the Board at the meetings stem from the random audit program. The cases reflect the most common violations: (1) failing to complete adequate continuing education hours during a program year, (2) failing to maintain continuing education records and verification of participation in CE activities for a period of five years, (3) falsely certifying, at the time of renewal, compliance with continuing education responsibilities, and/or (4) failing to respond to a request for information within 30 days. Each continuing education infraction is subject to a standard administrative penalty.

Registrant and Non-Registrant Cases

Anthony Amenta **\$500.00** Hartford, CT

Violation of TEX. OCC. CODE ANN. §§1051.351(a) & 1051.701(a)
Mr. Amenta is a TBAE registrant, and has renewed his inactive-status license timely each year for several years. Registrants are not permitted to practice architecture while their registration is on inactive status. The respondent practiced architecture on one project in Houston while on inactive status, after his request to his administrative staff to change his status to Active went unheeded. The respondent self-reported the error, was cooperative during the investigation, and has accepted responsibility for the violation.

Judy Blundell **\$10,000.00** Taylor, TX

Violation of TEX. OCC. CODE ANN. §1051.701(a)
Ms. Blundell is not and never has been a registrant. In 2014 the Board received an anonymous complaint, which initiated an investigation. The Board's investigation showed that the respondent engaged in the practice of architecture on a non-exempt project and referred to herself as "architect" on a submitted form.

Juan Giraldo **\$35,000.00** Houston, TX

Violation of TEX. OCC. CODE ANN. §§1051.701(a), 1051.701(b) and 22 TEX. ADMIN. CODE §§1.123 and 1.124
Mr. Giraldo is not and never has been a registrant, nor is the business he owns registered to engage in the practice of architecture. A Board investigation revealed usage on the respondent's business Web site of the terms "architecture" and other language only to be used by TBAE registrants. The site also claims that the respondent designed plans for several projects of a size and scope that would require plans to be prepared by a registered architect. The Board previously sent a warning letter to the respondent regarding similar issues. TBAE staff brought the case to the State Office of Administrative Hearings, wherein a judge ordered the respondent to pay an administrative penalty of \$35,000. The Board accepted this order during its May meeting.

Randy Harrison **\$5,000.00** Hutto, TX

Violation of TEX. OCC. CODE ANN. §1051.702(b)
Mr. Harrison is not and never has been registered with the Board. In the course of one project, the respondent affixed the seal of a registered architect to a drawing prepared by the respondent without the architect's knowledge or authorization. The respondent cooperated with the investigation, expressed remorse for his bad judgment, and is no longer working in the construction industry.

Dawn Moore **\$40,000.00** Austin, TX

Violation of TEX. OCC. CODE ANN. §1051.702(b)
Ms. Moore is not now and never has been registered by the Board, nor has her firm been registered to provide architectural services. In 2014, the Board was contacted by a plans examiner in Austin, and the Board initiated an investigation. In the course of its investigation, the Board learned that a registered architect's seal was altered and placed on construction documents for several projects in Austin, without the knowledge or consent of the registered architect. The respondent was cooperative and forthright during the investigation, and in addition to the administrative penalty, the Board issued an order prohibiting the respondent from practicing architecture, using any architectural title, or misusing an architectural seal.

James Calvin Walker **\$25,000.00** Brownsville, TX

Violation of 22 TEX. ADMIN. CODE §1.101(1) and 24-month probated suspension
Mr. Walker is a registered Texas architect. Respondent affixed his seal to 22 sheets of construction documents for a nonexempt project in McAllen, Texas. Those construction documents contained a number of defects and omissions, which the Board regards as insufficient for the purpose of construction. The Board contends that the respondent did not sufficiently integrate all components or systems of the building and its environs, and that his conduct deviated from the standards of conduct established by the Board.

Continued on next page

Continuing Education Cases

Lea Ann Burns **\$500.00**
Houston, TX

Failure to timely complete CE requirements within the program year

Martie Kay Huggins **\$500.00**
Georgetown, TX

Failure to timely complete CE requirements within the program year

Garrett Paul Martin **\$700.00**
Austin, TX

Falsely reporting completion of CE responsibilities in order to renew registration

Ellen Maureen Moriarty **\$500.00**
Carrollton, TX

Failure to timely complete CE requirements within the program year

Phillip R. Rivers **\$500.00**
Houston, TX

Failure to maintain adequate records of CE activities for a period of 5 years

Andrew P. Sheehan **\$1,200.00**
Houston, TX

Failure to timely complete CE requirements within the program year

Falsely reporting completion of CE responsibilities in order to renew registration

Joseph J. Sorci **\$500.00**
Orlando, FL

Failure to maintain adequate records of CE activities for a period of 5 years

Colin Lee Stanley **\$1,200.00**
Dallas, TX

Failure to maintain a detailed record of his continuing education for 5 years
Falsely reporting completion of CE responsibilities in order to renew registration

Scott Lee Stone **\$500.00**
Dallas, TX

Failure to maintain a detailed record of his continuing education for 5 years

Christina Beeney Wilburn **\$500.00**
Houston, TX

Failure to timely complete CE requirements within the program year

Wesley L. Wilkerson **\$700.00**
Baton Rouge, LA

Falsely reporting completion of CE responsibilities in order to renew registration



For the latest news and updates, visit:

www.tbae.state.tx.us



TEXAS Board of Architectural Examiners

Architects ■ Landscape Architects ■ Registered Interior Designers

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Registrants, please encourage your interns to sign up for the TBAE list serve for important news and updates.

Change of Address

Please make sure that we have your current mailing and email address so we may send 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 or fax **512.305.8900** the address change along with your signature. We will send renewal reminders to registrants at the e-mail address on file with TBAE, so be sure to keep your valid and unique email address updated.

Upcoming Board Meetings

- October 29, 2015
- February 25, 2016
- May 26, 2016
- August 17, 2016
- October 27, 2016

EXECUTIVE DIRECTOR

Julie Hildebrand

BOARD MEMBERS

Alfred Vidaurri, Jr., FAIA, AICP

Chair, Architect Member; Term ends 1/31/15

Debra Dockery, AIA

Vice-Chair, Architect Member; Term ends 1/31/17

Paula Ann Miller

Secretary-Treasurer, Public Member; Term ends 1/31/17

Chuck Anastos, AIA – Architect Member; Term ends 1/31/19

H.L. "Bert" Mijares, AIA – Architect Member; Term ends 1/31/15

Corbett "Chase" Bearden – Public Member; Term ends 1/31/15

Sonya B. Odell, FASID, AAHID, RID – Registered Interior Designer Member; Term ends 1/31/17

Chad Davis, RLA – Landscape Architect Member; Term ends 1/31/19

Davey Edwards, PLS, GISP – Public Member; Term ends 1/31/19

The mission of the Texas Board of Architectural Examiners is to protect the public health, safety, and welfare through the regulation of the practice of the professions of architecture, landscape architecture, and interior design.

www.tbae.state.tx.us