

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda
The Centennial Towers
TBAE/TSBPA Board Room, Suite 370
505 E. Huntland Drive, Austin, Texas
Thursday, August 22, 2024
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
Joyce Smith
Darren James

2. **Approval of May 23, 2024 Board Meeting Minutes (Action)** Darren James

3. **Executive Director Report (Information)** Lance Brenton
 - A. Summary of Executive Accomplishments
 - B. Income Statement/Scholarship Fund: Presentation on 3rd Quarter FY 2024 Expenditures/Revenues

4. **FY25 Proposed Budget and Review of Agency Policy EA-015 (Action)** Lance Brenton

5. **Consideration of Draft Amendments for Proposal (Action)** Pim Mayo

Consideration of proposed amendments to 22 Tex. Admin. Code §§ 1.41 and 3.41, relating to the experience requirement which architect and landscape architect applicants must complete before being authorized to sit for the licensing exam

6. **Enforcement Cases (Action)** Pim Mayo

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

 - A. Registrant/Non-Registrant Cases:**

Case No. 201-22N	Gilkeson, Tag	<i>Non-Registrant</i>
Case No. 142-24A	Shue, Gregory Todd	<i>Arch. #17837</i>
 - B. Continuing Education:**

Case No. 185-24A	Andras, James Elliott Sr.	<i>Arch. #30082</i>
Case No. 192-24A	Andras, Kristen R.	<i>Arch. #26932</i>
Case No. 163-24A	Edwards, Michael	<i>Arch. #20195</i>
Case No. 157-24I	Gibbs, Rebecca Anne	<i>RID #11310</i>
Case No. 188-24A	Hathaway, John George	<i>Arch. #19870</i>
Case No. 183-24I	Miller, Tracy Annette	<i>RID #9669</i>
Case No. 118-24A	Steer, Donald Allen	<i>Arch. #18140</i>
Case No. 184-24A	Tohill, John Anthony	<i>Arch. #12592</i>

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Case No. 220-221

Wallis, Melissa Noel

RID #11788

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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| 7. Designation of Voting Delegate for 2024 CLARB Annual Meeting | Darren James |
| 8. Resolutions Honoring Jackie Blackmore and Jack W. Stamps (Action) | Darren James |
| 9. Executive Director Annual Performance Evaluation (Action)
A. Report on findings based upon performance evaluation
B. Identify strategic goals for Executive Director
C. Consider and possibly act upon any personnel action that may be proposed by the Board | Darren James |

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

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| 10. Approval of the Proposed 2025 Board Meeting Dates (Action)
Thursday, February 20, 2025
Tuesday, June 10, 2025
Thursday, August 21, 2025
Thursday, November 20, 2025 | Darren James |
| 11. Reports on National Regulatory Boards and Board Member and Staff Committee Service (Information) | Darren James |
| 12. Report on Conferences and Meetings (Information)
AIA National Conference June 5-8
NCARB Annual Business Meeting – June 13-15
ASID Texas Chapter's Celebrating Design Texas 2024 – July 18-19 | Darren James |
| 13. Report on Upcoming Conferences and Meetings (Information)
2024 LRGV-AIA Conference – Sep. 6 - 8
CLARB/ASLA Licensure Summit and Annual Meeting – Sep. 16 - 21
TxA Annual Conference & Expo – Oct. 3 - 5
NCARB Chairs and Executives Leadership Summit – Oct. 18 -19
CIDQ Annual Business Meeting – Nov. 8 -9 | Darren James |

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| 14. Board Member Comments/Future Agenda Items <i>(Information)</i> | Darren James |
| 15. Upcoming Board Meeting <i>(Information)</i>
Thursday, November 21, 2024 | Darren James |
| 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

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

<p>3. Executive Director's Report</p>	<p>Mr. James invited Mr. Brenton to deliver the Executive Director's report.</p> <p>Mr. Brenton directed the Board to the Executive Director report that begins on page 22. Mr. Brenton said he and staff had been very busy, which shows in the work produced over the last three months. Mr. Brenton emphasized that TBAE staff has done a great job responding to unexpected challenges and staff absences.</p>
<p>3A. Summary of Executive Accomplishments</p>	<p>Mr. Brenton discussed the summary of staff accomplishments as described on pages 22-23 of the Board materials and referred the Board to those materials as a supplement to his verbal presentation.</p> <p>In particular, Mr. Brenton highlighted three major undertakings over the previous quarter. First, recent staffing changes, both expected and unexpected, include that Pim Mayo has been promoted to General Counsel, Jessica Ramirez has been promoted to Executive Assistant, and Hunter Varady was hired as the Information Security Officer replacing Julio Martinez, who took a position in the private sector.</p> <p>Second, Mr. Brenton highlighted the work that went into the NCARB realignment process. He reminded the Board that, going back to January, TBAE had been slotted for realignment into a new NCARB region. He noted that four Board members attended the NCARB Regional Summit and said the general view coming out of that meeting was that realignment would not be in TBAE's best interest. He highlighted the work that he and Mr. James had done to communicate TBAE's perspective on the realignment process and plan with NCARB staff, its leadership, and its membership. Mr. Brenton said it looked like these efforts will pay off, as the current resolution would allow Texas to remain in its region.</p> <p>Third, Mr. Brenton gave kudos to the TBAE Registration, Enforcement, and Communications Departments. Over the last three months, these teams have made many presentations to groups representing each of the Board's three professions. Mr. Brenton stated he is pleased with staff's efforts to interface with each of the professions and that later in the meeting he will be talking about goals for the public outreach program.</p> <p>Mr. Brenton directed the Board to the report on agency trends beginning on page 24 of the Board materials and provided a summary of the information.</p>
<p>3B. Operating Budget/Scholarship Fund: Presentation on Expenditures/Revenue through April 30, 2024</p>	<p>Mr. Brenton referred the Board to the FY24 Income Statement on page 26 of the Board materials and provided an update of the current state of the agency's finances and budgetary line items. He noted that the structure of this report had changed based on comments from Ms. Smith at the February meeting. From now on, the report will track the percentage of income earned or spent relative to the budget and include updated figures</p>

	<p>for the last completed month. Additionally, the title of this document has changed from “Actual Budget” to “Income Statement.”</p> <p>Mr. Brenton discussed “Registration Income,” which he considers to include (1) registration fees, (2) business registration fees, and (3) late fees. When looking at trend data for previous years, Mr. Brenton said that TBAE was on track for a 1.3% decrease in Registration Income this year. That would compare to an average 3.5% increase in Registration Income year-over-year for the past four years. He noted that this projection resulted from comparing Q2 income to year-end income for the past four years and applying that ratio to this year’s Q2 income. He noted that this was an early projection and that there could be a correction over the remaining fiscal year, but that it is on his radar.</p> <p>Regardless of whether the agency ends up with a decrease in Registration Income, Mr. Brenton was confident that overall income would be significantly higher than what was budgeted, due to unprecedented interest income.</p> <p>Mr. Bargainer asked for clarification on the “Other” item listed in Revenues, and Mr. Brenton clarified it includes fees for extra certificates.</p> <p>Mr. Brenton continued to discuss specific items on the Income Statement, including Salaries and Wages, Payroll Related Costs, and Staff Travel. He said he expects a budget surplus at the end of the fiscal year, though some individual line items may surpass budgeted amounts.</p> <p>For “Materials and Supplies – IT/IS,” Mr. Brenton noted there is an emergent expense that requires the Board’s consideration due to a server going down in the previous week. He noted that TBAE staff had planned to replace the servers in the next fiscal year, but that the situation requires immediate replacement. Mr. Brenton described the early efforts to gather information from the IT Department, colleagues with the accountancy Board, and a potential vendor. Based on the early analysis, he estimated the project could cost \$100,000, but emphasized that this figure could increase. Mr. Brenton asked for the Board’s approval to replace the agency’s servers in the current fiscal year. He noted his expectation that, even after the server project is paid for, he expects the agency to run a budget surplus for the year.</p> <p>A MOTION WAS MADE AND SECONDED (Bargainer/Walker) TO AUTHORIZE THE EXPENDITURE TO REPLACE AGENCY SERVERS AS REQUESTED BY THE EXECUTIVE DIRECTOR.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p>
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	<p>Mr. Brenton continued discussing specific items on the Income Statement, including “Rentals and Leases – Equipment and Space,” which is used for conference space and increases with increased public outreach, “Operating Expenditures (Other),” and the “SWCAP Payment (Other).”</p> <p>Mr. Trevino asked for clarification on the timing of revenue for licenses and fees – when are these paid and what impact does that have on projecting income for the year?</p> <p>Mr. Brenton responded that renewal fees due dates are based on birth month. However, the fees post 90 days before the due date, which introduces variance into the agency’s receipt of fees – one month might see higher or lower numbers of people paying early. This could be an explanation for the early projection of a 1.5% decrease in Registration Income – lower than average numbers of registrants renewing early.</p> <p>Mr. Hiles asked, if registrant numbers are seeing slowing growth, could that be due to retirements. Mr. Brenton said this could be a factor. He also noted that, if a registrant moves from active status to emeritus, the agency receives a much lower renewal fee.</p> <p>Mr. James commented that the previous Board Chair, Debra Dockery, would often remark on the importance of out-of-state registration numbers to TBAE’s financial condition. He said the agency should start tracking that more closely. Mr. Brenton agreed it would be helpful to pull together snapshots of relevant data to add to the trend analysis.</p> <p>Mr. Bargainer asked if TBAE benchmarks its licensure numbers to similar states.</p> <p>Mr. James suggested it would be helpful to compare Texas to California, Florida, and New York.</p> <p>Ms. Reed-Warden suggested it may be interesting to look at Tennessee as well.</p> <p>Mr. Brenton said he would work on that.</p> <p>Mr. Brenton referred the Board to page 27 of the board materials and addressed the scholarship fund balance.</p> <p>Ms. Salazar asked whether an applicant may apply for the scholarship multiple times and the timing of when the application is submitted in relation to taking the exam.</p>
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	<p>Mr. Brenton responded that the scholarship is a one-time \$500 reimbursement that is available once an applicant passes a section of the exam.</p>
<p>4. Draft FY25 Operating Budget Discussion</p>	<p>Mr. Brenton noted that the agency’s fund balance policy calls for a reduction of fees if the fund balance grows beyond 100% of yearly funding requirements. He said the agency is approaching that number. He shared his opinion that, if the Board is experiencing slowing growth in registrant numbers or a drop in “Registration Income,” it could be a dangerous time to reduce fees. With that in mind, his draft budget has been developed with a mind toward leveraging the agency’s strong financial position to set the agency up for strategic growth in the coming year and a smooth transition to slower growth.</p> <p>Mr. Brenton passed out a revised Draft 2025 Budget that includes the emergency “Materials and Supplies – IT/IS” expense and additional items to fund goals and objectives in the strategic plan.</p> <p>Mr. Brenton stated that his aim with the draft budget is to allow TBAE to maintain current services provided, while also directing increased funding to improvements in three particular areas in the strategic pan (page 33). Mr. Brenton noted the following goals in the strategic plan:</p> <p>First, “increasing public and professional awareness of TBAE’s mission, activities, and services,” which serves two purposes – ensuring voluntary compliance with the law and informing the public, including prospective registrants, of the requirements for registration.</p> <p>Second, to “review the current use of technology ... by the agency ... to improve operational efficiency, effectiveness, and customer service.”</p> <p>Third, “ensure that ... leadership succession planning [is] strong.”</p> <p>Mr. Brenton continued by stating these focus areas correlate to three items in the budget. First, this includes funding to continue building TBAE’s public outreach program. Mr. Brenton is encouraging staff to be more proactive in finding educational and professional audiences to host TBAE presentations. He said that this will help the regulated public to make the best decision for themselves on which professional path to take and increase the public’s understanding of TBAE’s laws and rules relating to unregistered practice.</p> <p>Second, funding to improve staff’s work from home capabilities. Mr. Brenton noted that TBAE’s initial move toward work from home was an emergent response to the pandemic. Over the intervening years, work from home has transitioned into an enduring workplace reality. However, TBAE is still operating with largely the same technology that it put into place on the fly in 2020. With the entry of a new ISO/help desk employee, Mr. Brenton</p>

	<p>would like to explore how the agency can increase efficiency in the work from home setting.</p> <p>Third, to ensure the continuity of staffing and relative positioning against our employment rivals in state government, funding a one-time merit bonus of 3%, in addition to the legislative mandate of a 5% salary increase. Mr. Brenton noted that TBAE is undergoing enormous organizational change. However, TBAE has been able to handle this change, not only because current employees have succeeded into new positions, but also because long term-employees who really know our business have been able to absorb additional work and change. He said TBAE must ensure its compensation program continues to provide success in employee retention.</p> <p>Mr. Brenton guided the Board through a discussion of the line items in the draft budget.</p> <p>Mr. Brenton asked if the Board had any questions about the draft budget.</p> <p>The Board did not have any questions.</p> <p>At this point in the meeting, Ms. Smith logged off the video conference and was absent for the remainder of the meeting.</p>
<p>5. Strategic Planning Workshop</p>	<p>Mr. Brenton referred the Board to the draft of the Agency Strategic Plan on page 29 of the Board materials as a supplement to his verbal presentation.</p> <p>Mr. Brenton began by explaining the introductory information on pages 31-32 is not required but serves as an opportunity to introduce the agency to those who may not be familiar with TBAE, such as the Governor’s office and state legislators, partly because the agency does not go through the appropriations process.</p> <p>Mr. Brenton referred the Board to the “External/Internal Assessment Issues and Trends” and addressed changes that had been made based on his research and feedback from the Board.</p> <p>Mr. Brenton highlighted alternative paths to practice, assurance of licensee competency, economic forecasts, and work from home as new trends that have been added to the strategic plan.</p> <p>Next, Mr. Brenton discussed the goals for the registration and enforcement departments and discussed how those goals had informed the draft budget.</p> <p>With regard to “Redundancies and Impediments,” Mr. Brenton referenced the discussions at the February meeting in which the Board considered whether the remittance of administrative penalties and the \$510,000</p>

payment to general revenue should be listed as impediments in the strategic plan. He noted the Board's general agreement at that time that remittance of administrative penalties should not be listed as an impediment. However, he said the Board had asked for him to look at whether sister agencies addressed the general revenue payment as an impediment. Mr. Brenton reviewed the strategic plans of the Accountancy and Engineering Boards, which are the most closely-related SDSI agencies, and neither of them had included the general revenue payment as an impediment.

Mr. Brenton also noted that non-SDSI agencies typically bring more licensure revenue than what is appropriated back to the agency by the legislature. For example, of the revenue collected by Texas Board of Nursing through licensure and other fees, only 77% comes back through appropriations. In comparison, TBAE's \$510,000 to general revenue is only about 15% of its total current revenue. Furthermore, because TBAE is nearing its maximum allowable fund balance under agency policy, there is not a strong argument for stating the \$510,000 payment is an impediment.

Mr. Brenton said, in a perfect world, TBAE's payment to general revenue would be more equal on a per registrant basis in comparison with our sister agencies. However, overall, Mr. Brenton shared his opinion that SDSI has been very good for the agency and its licensees, in that it has allowed TBAE to avoid fee increases for over 20 years, maintain a strong work force and deep bench for succession planning, and respond quickly to emergencies. He said he would want to avoid any chance that raising an issue about the general revenue payment could disrupt the program.

Ms. Read-Warden asked how many SDSI agencies are in existence.

Mr. Brenton responded that TBAE, TBPELS, and TSBPA are all under the same SDI statute. In addition, the Texas Real Estate Commission, the Texas Department of Banking, and two or three other agencies engaged in financial regulation are SDSI agencies under different statutes.

Mr. Bargainer asked why the legislature would want to take away SDSI and indicated it wouldn't make sense to him.

Mr. Brenton expressed his agreement. He noted that appropriated agencies see fee raises much, much more often than TBAE has. It would be rare for an agency to go over 20 years without raising fees. He said he is proud of the success that TBAE has had under the program and looks forward to future success.

Moving through the remainder of the strategic plan, Mr. Brenton summarized the Agency Workforce Plan on page 42, the Survey of Employee Engagement on page 48, the Report on Customer Service on

	<p>page 52, and the Certification of Compliance with Cybersecurity Training on page 61.</p> <p>Mr. Brenton asked the Board for feedback regarding the strategic plan.</p> <p>Ms. Read-Warden said this might not be an issue for the strategic plan, but asked how the Board will address alternative paths to practice over the next few years.</p> <p>Mr. James noted NCARB’s diligent work to study licensure competencies and alternative paths to practice and said he is hopeful that a national consensus will develop. He shared his preference to allow that process to play out and then consider the output and whether it should be implemented in Texas.</p> <p>Mr. Brenton noted this will likely be a complicated issue with opinions from around the spectrum. He said on one hand, you have professionals who might think, “I had to jump through all these hoops, the standard should not change.” On the other hand, firm owners and principals who would say, “We can’t find enough architects to hire, we need to give an opportunity to qualified individuals to get to licensure in a different route.” He noted that, in his past experience with rules changes going before the Governor’s office, those that are backed by a national standard seem to be more successful.</p> <p>A MOTION WAS MADE AND SECONDED (Bargainer/Read-Warden) TO APPROVE THE STRATEGIC PLAN AS PRESENTED.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p>
<p>6. Enforcement Cases</p> <p>6A. Registrant/Non-Registrant Cases:</p>	<p>Mr. James asked Ms. Mayo to present the enforcement cases for Board consideration.</p> <p>Tramonte, Jr., Jason Paul (#035-24A) Ms. Mayo directed the Board to the written materials for the case beginning on page 62 and provided a summary of the case as well as staff’s recommendation.</p> <p>A MOTION WAS MADE AND SECONDED (Bargainer/Trevino) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTY OF \$1,000 AND WHICH ORDERS THE RESPONDENT TO CEASE AND DESIST ANY AND ALL VIOLATIONS OF OCCUPATIONS CODE CHAPTER 1051 AND BOARD RULES, AS SET FORTH IN THE REPORT AND NOTICE OF VIOLATION DATED JANUARY 19, 2024.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p>

<p>6B. Continuing Education Cases:</p>	<p>Ms. Mayo directed the Board to written materials for the continuing education cases on pages 63-73, which contain summaries of the cases as well as staff’s recommendations.</p> <p>Mr. James stated that, unless any Board members need to recuse themselves from any case, he 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 (Walker/Hiles) TO ACCEPT STAFF’S RECOMMENDATION FOR DISCIPLINE IN THE FOLLOWING CONTINUING EDUCATION CASES:</p> <p style="padding-left: 40px;">Case No. 066-24L Anderson, III, Riley Dupree L.A. #3189 Case No. 100-24I Calderon, Maricela RID #12712 Case No. 102-24I Chapman, Kathryn Marie RID #12770 Case No. 114-24A Epstein, Mark Steven Arch. #29791 Case No. 084-24A Evans, Evan Uchenna Arch. #13797 Case No. 107-24I Hardy, Megan Jennifer RID #11459 Case No. 146-24A Kazmaier, Lauren Elise Arch. #25616 Case No. 008-23A Pinch, Morgan Lynn Arch. #27292 Case No. 115-24A Reisen, Nicholas Aleksandr Arch. #27353 Case No. 108-24A Riparip, Raymund Arch. #28614</p> <p>THE MOTION PASSED UNANIMOUSLY.</p>
<p>7. 2024 NCARB Annual Business Meeting</p> <p>7A. Discussion of NCARB Proposed Resolutions</p>	<p>Mr. James stated much of the Regional Summit was focused on Resolution 2024-07, pertaining to regional realignment. Mr. James summarized the history of the realignment process and the current proposal, which would avoid any changes to Texas’s Region 3. This resolution reduces the number of regions from six to five.</p> <p>Mr. Brenton added his view that the primary purpose of the realignment process is to increase the number of at-large directors on the NCARB Board by decreasing the number of regions, and therefore regional directors.</p> <p>Mr. James added that a consultant had been brought in by NCARB a few years ago, who said that a regional model for Board governance is outdated. Mr. James said he and many others disagreed, because the regional model encourages small group discussion of issues and the development of close, collaborative relationships amongst NCARB membership.</p> <p>Mr. James invited Mr. Hiles and Ms. Read-Warden to give their impressions of the Regional Summit and the discussions of the various NCARB resolutions.</p>

	<p>Mr. Hiles stated that another goal of the realignment process is to increase parity in the number of states in each region. Currently, a big disparity exists, ranging from six members in Region 1 to thirteen in Region 6. Mr. Hiles shared his opinion that the justifications offered for regional realignment at the Regional Summit was unconvincing and that NCARB’s surveys on the topic were flawed.</p> <p>Ms. Read-Warden said has not seen the business case for regional realignment. She got the impression that some wanted to disrupt the stronger regions and start over at a net zero.</p> <p>Mr. James asked Mr. Brenton to go through the resolutions. Mr. Brenton summarized the proposed resolutions and responded to any questions the Board had. He explained that the first two, Resolutions 2024-01 and 2024-02, sunset NCARB resolutions from 1960-1979 and pre-1960, respectively. Generally, he said Resolution of this type move forward without opposition.</p> <p>Mr. Brenton continued by explaining that Resolution 2024-03 is a Mutual Recognition Agreement with New Zealand and Australia. This would allow people from New Zealand and Australia to receive an NCARB Certificate. Those with an NCARB certification are eligible for a license in Texas. In turn, people with an NCARB certification would be able to practice in New Zealand and Australia. Mr. Brenton is not aware of any opposition to this resolution.</p> <p>Mr. Brenton encouraged discussion regarding Resolution 2024-04, which would allow an applicant to qualify for the ARE examination after completing high school. This is a change from requiring completion of college education prior to testing. He noted that, in Texas, statutes and/or rules require applicants to complete education plus six months of experience prior to testing.</p> <p>Mr. Bargainer expressed his support for the resolution because the candidate would still have to get education and experience. It does not matter to him the order in which this happens.</p> <p>Ms. Read-Warden wondered whether this resolution is aimed at people who are currently in school but don’t have a degree or is it really for people who have not started school yet.</p> <p>Mr. James said it is directed at both. It is believed that some examinees could benefit from taking the exams while they are in school. But some states do allow individuals to become registered without a NAAB-accredited degree – this resolution recognizes that path.</p> <p>Mr. Bargainer discussed alternative paths to licensure and how this resolution relates to that topic.</p>
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<p>7B. Designation of Voting and Alternate Delegates</p>	<p>Mr. James said there are committees in NCARB that are currently addressing competencies for practice and alternative paths to licensure and suggested this resolution could have been considered along with those topics as part a joint resolution.</p> <p>Ms. Read-Warden, Mr. Bargainer, and Ms. Walker expressed their agreement.</p> <p>Mr. Brenton discussed Resolution 2024-05, which would allow architects without an NCARB certificate to serve on the NCARB Board in a non-officer position.</p> <p>Resolution 2024-06 as described on page 77, amends the existing Mutual Recognition Agreement between NCARB, Mexico, and Canada. Mr. Brenton does not expect any opposition to the resolution.</p> <p>A MOTION WAS MADE AND SECONDED (Read-Warden/Bargainer) TO DESIGNATE DARREN JAMES, BOARD CHAIR, AS THE TEXAS VOTING DELEGATE TO THE NCARB 2024 ANNUAL BUSINESS MEETING.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p> <p>A MOTION WAS MADE AND SECONDED (Bargainer/Walker) TO DESIGNATE JUSTIN HILES AS THE TEXAS ALTERNATE VOTING DELEGATE TO THE NCARB 2024 ANNUAL BUSINESS MEETING.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p>
<p>8. Upcoming Executive Director Annual Performance Evaluation</p>	<p>Mr. Brenton referred the Board to the Executive Director Performance Evaluation form on page 159 of the Board materials. Mr. Brenton wanted to introduce the new Board members to the form and asked if any Board members had comments or recommended changes to the form.</p> <p>No comments were received.</p> <p>Mr. Brenton said Sabrina Jones will email the evaluation materials to the Board. Completed evaluation forms will be due in mid-to-late July.</p>
<p>9. Reports on National Regulatory Boards and Board Member and Staff Committee Service</p>	<p>Mr. James invited the Board members to provide updates on their service with national regulatory board committees.</p> <p>Ms. Salazar said she is still serving on the ICOR Practice Overlap Committee, which will hold a virtual meeting next week. Additionally, the committee will have an in-person meeting in July in Dallas between interior designers and architects to discuss practice overlap issues between the two professions.</p>

<p>10. Report on Conferences and Meetings</p> <p>10A. NCARB FY24 Regional Summit – March 1</p> <p>10B. Texas ASLA Conference – April 24</p>	<p>Mr. James invited the Board members to report on conferences and meetings.</p> <p>Mr. James said the NCARB Regional Summit was discussed already.</p> <p>Mr. James noted that Mr. Bargainer spoke at the ASLA Conference and received glowing reviews.</p> <p>Mr. Brenton agreed the presentation was excellent. Mr. James thanked Mr. Bargainer for representing himself, the profession, and the Board well.</p> <p>Mr. Brenton added there was a staff presentation by Jack Stamps and Glenn Garry at the Texas ASLA Conference. The presentation resulted in good discussion and participation from the audience.</p> <p>Mr. Bargainer and Mr. Brenton also attended a presentation on the outlook for the upcoming legislative session, which resulted in questions and allowed them an opportunity to discuss these issues from the agency perspective.</p> <p>Mr. Brenton concluded by stating it was a great conference.</p>
<p>11. Report on Upcoming Conferences and Meetings</p> <p>11A. NCARB Annual Business Meeting – June 13-15</p> <p>11B. CLARB Licensure Summit and Annual Meeting – Sept. 16-21</p> <p>11C. TxA Annual Conference – Oct. 3-5</p>	<p>Mr. James informed the Board of upcoming conferences, specifically:</p> <ul style="list-style-type: none"> - NCARB Annual Business Meeting – June 13-15 in Chicago; - CLARB Licensure Summit and Annual Meeting – Sept. 16-21 in Buffalo; and - TxA Annual Conference – Oct. 3-5 in Houston. <p>Mr. James added that the AIA conference is the week before NCARB in D.C.</p> <p>Mr. Bargainer said he is looking forward to the CLARB meeting in September.</p> <p>Mr. James said the TxA Annual conference would be held in Houston.</p> <p>Ms. Salazar added that the CIDQ Annual Meeting would be held in November in Chicago.</p>

12. Board Member Comments/Future Agenda Items	Mr. James asked if the Board members had any comments or suggestions on future agenda items. No suggestions were received.
13. Upcoming Board Meeting	Mr. James noted the following upcoming meetings of the Board: Thursday, August 22, 2024 Thursday, November 21, 2024
14. Adjournment	The meeting adjourned at 12:07 p.m.

APPROVED BY THE BOARD:

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

TBAE Staff Accomplishments: August 2024 Board Meeting

May

- New Information Security Officer Orientation
- ED and Board Member Orientation Meetings, Continued
- ED and Chair Orientation Meeting
- NCARB Welcome Call to ED
- FARB Regulatory Law and Innovation Seminar Planning Committee
- NCARB Credentials Committee Meeting
- Presentation to NCARB Council Hour on Election Procedures
- NCARB Region 3 Meeting
- ICOR Webinar on Practice Overlap
- Presentation to Texas A&M Landscape Architecture Program – Registration and Enforcement
- NCARB Forum on FY 2024 Resolutions
- Texas State Human Resources Association Meeting – HR
- CLEAR National Certified Investigator & Inspector Training, Specialized – Enforcement
- ICOR Webinar on Practice Overlap – ED and Enforcement
- Board Meeting
- Texas Interagency Networking Group Executive Meeting
- Completion of the Human Resource Management Certificate Program – HR
- State Wellness Coordinator Training – HR

June

- Newsletter Published
- Submission of Agency Strategic Plan
- CLARB/ASLA Summer Licensure Summit
- Procurement and Selection of Vendor for Agency Servers – ED, IT, and Accounting
- NCARB Annual Business Meeting
- NCARB Credentials Committee Meeting
- FARB Regulatory Law and Innovation Seminar Planning Committee
- Meeting to Discuss Potential Changes to Policy and Forms for Annual Employee Evaluations – ED and HR
- Public Information Act Legislative Update and New Procedures – Operations and Legal
- Registration Department Overview – Registration Manager and ED
- Meeting with Texas State Library and Archives Commission – Operations
- ISO Update and Security Plan Review
- Presentation to Gensler Dallas – Communications
- CAPPs Meeting – HR
- CIDQ Task Force Presentation on Changes to Model Law



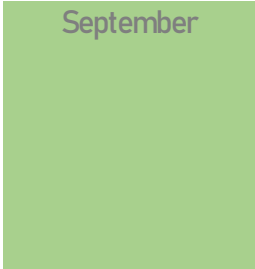
July

- Organization of Staff Presentations for FY 2025 – Communications and Registration
- New Legal Assistant Orientation
- Server Installation - IT and Vendor
- Texas Interagency Networking Group Executive Meeting
- Update on the Development of an Electronic Information Resources Accessibility Policy – ED, Communications, and IT
- Review and Amendment of Performance Evaluation Policy, Employee Handbook, and Associated Forms
- Management Team Meeting on Changes to Annual Evaluation Procedures
- NCARB Licensing Advisers Retreat Planning Committee - Registration
- ASID Celebrating Design Texas – Communications
- Employment Law Training – ED
- Meeting to Discuss Agency Data Classification and Security Plan – ED and IT
- Meeting with CLARB to Discuss Experience Requirement for LARE Registration – ED, Legal, and Registration
- State Office of Risk Management Symposium - HR
- NCARB Council Hour – Competency Standard for Architects



August

- Building Officials Association of Texas Annual Conference – Enforcement
- Texas Interagency Networking Group Executive Meeting
- Update on the Development of an Electronic Information Resources Accessibility Policy – ED, Communications, and IT
- CLARB Leadership Development Series
- NCARB Professional Conduct Committee Meeting
- Texas State Human Resources Association Meeting – HR
- Government Executive Briefing on Artificial Intelligence and Generative AI
- Board Meeting
- UT Law Conference: Essential Employment Law – Legal
- Staff Wide Training: Communication and Team-Building



September

- Presentation to AIA Lower Rio Grande Valley – Enforcement
- ASLA/CLARB Licensure Summit and CLARB Annual Meeting
- Presentation to UT Architecture and Landscape Architecture Programs – Registration and Enforcement
- Presentation to UT Arlington Architecture, Landscape Architecture, and Interior Design Programs – Registration and Enforcement
- ASLA/CLARB Licensure Summit and CLARB Annual Meeting

October

- TxA Annual Conference
- NCARB Chairs and Executives Leadership Summit
- Presentations to South Texas College and Texas Southmost College Architecture Programs – Registration and Enforcement
- Presentation to Delmar College Architecture Program – Registration and Enforcement

November

- CIDQ Annual Meeting
- NCARB Representatives Planned Attendance at TBAE Board Meeting

Applicants

New Registrants

Registrants (active)

The Rest

1,271

Fiscal Year to Date

+71 (1,189)

Year-over-Year

948

FYTD

+5 (943)

YOY

20,796

As of month ended

+336 (20,460)

YOY

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

By-examination applications received FYTD, by profession:

Architect:	521
RID:	89
LA:	76
<u>Subtotal:</u>	<u>686</u>

By-examination registrations issued FYTD, by profession:

Architect:	261
RID:	94
LA:	44
<u>Subtotal:</u>	<u>399</u>

Architects

Resident:	8,906
<u>Nonresident:</u>	<u>6,123</u>
Subtotal:	15,029

2,364

exam results received FYTD
2058 Arch | 0 RID | 306 LA

Reciprocal applications received FYTD, by profession:

Architect:	504
RID:	11
LA:	70
<u>Subtotal:</u>	<u>585</u>

Reciprocal registrations issued FYTD, by profession:

Architect:	481
RID:	8
LA:	60
<u>Subtotal:</u>	<u>549</u>

RIDs

Resident:	3,606
<u>Nonresident:</u>	<u>312</u>
Subtotal:	3,918

820

Continuing Education audits conducted FYTD

39

referred to Investigations FYTD

About this report: August 1, 2024

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:	1,228
<u>Nonresident:</u>	<u>621</u>
Subtotal:	1,849

22

scholarship applications approved FYTD

All registrants

Resident:	13,740
<u>Nonresident:</u>	<u>7056</u>
Total:	20,796

131

Certificates of Standing issued FYTD

Cases Opened		Cases Dismissed		Days to Investigate a Case		Cases Resolved <small>(as of July 31, 2024)</small>	
196 <small>Fiscal Year to Date</small>	-2 <small>Year-over-Year</small>	90 <small>FYTD</small>	+6 <small>YOY</small>	32 <small>July 2024</small>	57 <small>FY Average to Date</small>	28 <small>Warning(s) by Executive Director</small>	7 <small>Voluntary Surrender(s)</small>
103 <small>Case(s) referred to Legal</small>		Dismissal details TDLR: 89 *Other: 1 <small>*e.g. No evidence; not a violation.</small>		Context Typical target: 115-330 <small>(2018-19)</small> SDSI avg. actual: 110 <small>(2018)</small>		39 <small>Disciplinary Action(s) by Board</small>	57 <small>*Notice(s) of Violation</small>
						1 <small>*Complaint(s) Filed at SOAH</small>	0 <small>*Informal Conference(s)</small>

*Matters are ongoing and not yet resolved

Customer Service		Newsletter		Employee Engagement		Contact volume <small>(to front desk alone)</small>	
22,891 <small>Customers surveyed</small>	1,117 <small>Responses</small>	85% <small>Read at least half (2018)</small>	21,000+ <small>Recipients</small>	448 _{/500} <small>Most recent score (2024)</small>	419 <small>Avg. score since 2010</small>	3,054 <small>Calls Fiscal Year to Date</small>	1,048 <small>Emails (April)</small>
92% <small>Customer satisfaction (2024)</small>		“Disciplinary Actions” <small>Most-read topic (2018)</small>		Strengths: Strategic Workplace Supervision	Weaknesses: Pay Benefits Information Systems	Avg. monthly calls FYTD: 278	Avg. monthly emails FYTD: 95

**Texas Board of Architectural Examiners
2024 Income Statement**

	FY2024 Budget	FY2024 Income Statement Sept 1, 2023 - July 31, 2024
Total Beginning Fund Balance		3,492,280.18
Revenues:		
Licenses & Fees	\$ 3,140,000	\$ 2,862,459
Business Registration Fees	\$ 160,000	\$ 151,020
Late Fee Payments	\$ 175,000	\$ 155,064
Other	\$ -	\$ 3,815
Interest	\$ 50,000	\$ 174,887
Convenience Fees	\$ 79,000	\$ 74,698
Draw on Fund Balance		\$ -
Total Revenues	\$ 3,604,000	\$ 3,421,944
Expenditures:		
Salaries and Wages	\$ 1,883,000	\$ 1,681,105
Payroll Related Costs	\$ 659,000	\$ 548,140
Professional Fees and Services	\$ 30,000	\$ 12,505
Professional Fees and Services - IT/IS	\$ 20,000	\$ 12,413
Board Travel	\$ 20,000	\$ 16,942
Staff Travel	\$ 26,000	\$ 24,190
Materials and Supplies	\$ 8,000	\$ 9,286
Materials and Supplies - Postal	\$ 11,000	\$ 9,971
Materials and Supplies - IT/IS	\$ 25,000	\$ 81,733
Communication and Utilities	\$ 60,000	\$ 38,073
Repairs and Maintenance	\$ 3,000	\$ -
Rentals and Leases - Equipment and Space	\$ 14,000	\$ 12,832
Rentals and Leases - Office Space	\$ 148,000	\$ 142,996
Printing and Reproduction	\$ 7,000	\$ 7,251
Membership Dues (Other)	\$ 17,000	\$ 15,294
Board/Staff Training and Conference Fees (Other)	\$ 36,000	\$ 10,380
Operating Expenditures (Other)	\$ 23,000	\$ 26,712
Convenience Fees	\$ 79,000	\$ 67,450
SWCAP Payment (Other)	\$ 25,000	\$ -
GR Payment (Other)	\$ 510,000	\$ -
Total Expenditures	\$ 3,604,000	\$ 2,717,273
Excess/ (Deficiency) of Rev over Exp.	-	704,671

Total Fund Balance	\$ 4,196,951
<i>Funding for 8 months</i>	\$ 2,414,680
<i>Less Prorated Portion of GR Payment</i>	\$ 339,997
Excess Fund Balance	\$ 1,442,274

FY 23 Balance Pending Transfers	\$ 710.00
Administrative Penalties Collected	\$ 68,230.00
Transferred to Comptroller	\$ -
Balance Pending Transfer	\$ 68,940.00

**Texas Board of Architectural Examiners
Fiscal Year 2024 Income Statement
Scholarship Fund**

		FY 2024 Income Statement Sept 1, 2023 - July 31, 2024
ARE Grant Fund Beginning Balance		117,360.37
Revenues:		
FY23 Transferred in FY24		
ARE Grant Licensing Fees	\$	23,643.00
Interest	\$	5,000.34
FY24 Pending Transfer	\$	(2,238.00)
Expenditures:		
ARE Grant Payments	\$	(13,500.00)
Trust Fees	\$	(156.22)
Fund Balance Ending	\$	130,109.49

Number of Scholarships Awarded **27**
Frequency per Fiscal Year----September 30, January 31, and May 31

**Texas Board of Architectural Examiners
Proposed 2025 Budget**

	FY2024 Budget	FY2024 Expected Year End	FY2025 Proposed Budget
Total Beginning Fund Balance	3,492,280.18	3,492,280.18	
Revenues:			
Licenses & Fees	\$ 3,140,000	\$ 3,174,901	\$ 3,175,000
Business Registration Fees	\$ 160,000	\$ 167,109	\$ 170,000
Late Fee Payments	\$ 175,000	\$ 169,761	\$ 170,000
Other	\$ -	\$ 3,815	\$ -
Interest	\$ 50,000	\$ 190,786	\$ 134,000
Convenience Fees	\$ 79,000	\$ 82,553	\$ 83,000
Draw on Fund Balance			
Total Revenues	\$ 3,604,000	\$ 3,788,926	\$ 3,732,000
Expenditures:			
Salaries and Wages	\$ 1,883,000	\$ 1,822,139	\$ 1,920,000
Payroll Related Costs	\$ 659,000	\$ 596,739	\$ 670,000
Professional Fees and Services	\$ 30,000	\$ 17,505	\$ 30,000
Professional Fees and Services - IT/IS	\$ 20,000	\$ 14,613	\$ 35,000
Board Travel	\$ 20,000	\$ 19,442	\$ 30,000
Staff Travel	\$ 26,000	\$ 27,690	\$ 33,000
Materials and Supplies	\$ 8,000	\$ 12,686	\$ 12,500
Materials and Supplies - Postal	\$ 11,000	\$ 11,119	\$ 12,000
Materials and Supplies - IT/IS	\$ 25,000	\$ 164,509	\$ 48,505
Communication and Utilities	\$ 60,000	\$ 45,301	\$ 61,300
Repairs and Maintenance	\$ 3,000	-	\$ 3,000
Rentals and Leases - Equipment and Spa	\$ 14,000	\$ 13,413	\$ 15,000
Rentals and Leases - Office Space	\$ 148,000	\$ 146,800	\$ 151,204
Printing and Reproduction	\$ 7,000	\$ 7,501	\$ 7,500
Membership Dues (Other)	\$ 17,000	\$ 16,294	\$ 17,000
Board/Staff Training and Conference Fees	\$ 36,000	\$ 34,460	\$ 36,000
Operating Expenditures (Other)	\$ 23,000	\$ 26,822	\$ 24,000
Convenience Fees	\$ 79,000	\$ 82,553	\$ 83,000
SWCAP Payment (Other)	\$ 25,000		\$ 25,000
GR Payment (Other)	\$ 510,000	\$ 510,000	\$ 510,000
Total Expenditures	\$ 3,604,000	\$ 3,569,585	\$ 3,724,009
Excess/ (Deficiency) of Rev over Exp.	-	219,340	7,991

Total Fund Balance	\$ -	\$ 3,711,620	\$ -
<i>Funding for 8 months</i>		\$ 2,482,424	
<i>Funding for 12 months</i>		\$ 3,724,009	
<i>Excess Fund Balance</i>			

Policy Title:	Reserve Fund Balance	Policy Number	EA-015
Originally Issued	June 26, 2015 Reassigned from Finance Division	Revisions	<p>Aug 31, 2015 – This version supersedes the previous version dated January 2011</p> <p>Apr 26, 2016 – Added Disaster Recovery to the Reserve fund utilization</p> <p>May 26, 2016 – The Board approved the minimal balance of fund to be maintained at an amount equal to eight months of agency operations, which includes the SDSI payment in the Reserve Fund Balance.</p> <p>May 3, 2018 - May 3, 2018 – Amended Step and Step 3. Incorporated into Executive Administration as an Executive Director Policy & Procedure.</p> <p>May 4, 2021 – Reviewed</p> <p>October 20, 2022 – Exceeding Fund Balance</p>
Approved By:	Julie Hildebrand, Executive Director		
Responsible Department	Executive Administration		
Primary Policy Custodian	Executive Director		

Purpose

To establish a formal policy for the utilization of the Reserve Fund Balance, which are funds that are in excess of normal operating requirements. These funds are only to be used for special purposes, which will be recommended by the Executive Director and approved by the Board on a year by year basis. Disaster recovery, Capital projects, unfunded legislative mandates, retirees’ health insurance premiums, employee lump sum retirement payments, and oversight agency audits are examples of special purposes.

1. The minimal balance of the fund will be maintained at an amount equal to **eight** months of agency operations, which includes the SDSI payment. This level is set to mitigate any current and future risks (e.g., revenue shortfalls and unanticipated expenditures) and to ensure stable service levels and license fee rates despite any temporary revenue shortfalls or unpredicted one-time expenditures. The basis of this level is the predictability of the agency’s revenues and the low volatility of expenditures on the one hand and the agency’s moderate exposure to mandated outlays (e.g., unfunded legislative mandates, various required payroll related costs, and unbudgeted payments to oversight agencies, legal defense costs and settlements, and disaster recovery costs) on the other.

2. If the balance of the fund exceeds the minimal amount stated above, a draw on those funds may be made for normal budgeted operating expenses. This amount is to be requested in the proposed operating budget by the Executive Director, based on identified needs. The Board will address non-budgeted emergencies as they arise throughout the fiscal year and may grant additional spending authority. If the balance of the fund exceeds 12 months of agency operations, the Executive Director must offer recommendations for sustainable fee reductions. If the balance of the fund falls below the minimal amount stated above, any future budgets shall include a line item to address the shortfall with the goal of replenishing the fund balance to the minimal amount.
3. The Executive Director will determine and evaluate possible fiscal risks and monitor the Reserve Fund Balance. A report on the fund balance will be provided to the Board at least quarterly.
4. If the agency were to generate surplus revenues to fund items previously designated as being funded from the Reserve Fund, those items will be funded as normal operating expenses. The Reserve Fund would be unaffected for that year in that scenario.

Review Cycle

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

Draft Amendments to Rules 1.41 and 3.41

Relating to NCARB IDP Overhaul

Recently, NCARB adopted changes to its Model Law and Regulations that are intended to allow potential architects an earlier opportunity to begin taking the Architect Registration Examination (ARE). Due to statutory limitations, TBAE is unable to implement the exact policy adopted by NCARB. However, the Board may consider the adoption of an alternative policy to increase testing flexibility, as discussed below.

Background

At the NCARB Annual Meeting in June, NCARB membership adopted Resolution 2024-04, which modified NCARB's Model Law and Regulations (MLR)¹ regarding exam eligibility.

Previously, Section R301.3 of the MLR stated that, to qualify to begin taking the ARE, an applicant was required to demonstrate either 1) Graduation from an NAAB-accredited school or equivalent; or 2) Active enrollment in an NCARB-accepted Integrated Path to Licensure (IPAL) program in a NAAB-accredited school. However, this requirement was eliminated under the changes adopted by NCARB under Resolution 2024-04.

Now, the MLR grants an applicant eligibility to begin testing once the applicant has achieved 1) Graduation from a state or federally regulated high school; or 2) Completion of a state or federally recognized high school equivalency program. The MLR does not require the applicant to have completed any amount of architectural experience prior to beginning testing. Note that this change to the MLR only addresses eligibility to begin testing. It does not impact the eligibility requirement at licensure, which remains graduation from NAAB-accredited degree, completion of the Architectural Experience Program (AXP), and completion of all six sections of the ARE.

According to the sponsors' statement of support for the resolution, this policy is intended to increase flexibility for applicants and maximize the probability that applicants remain on the path to licensure. The sponsors found that applicants may have the experience and knowledge necessary to pass sections of the examination prior to degree completion. Furthermore, the sponsors found that NCARB's new practice examinations successfully simulate the exam experience and give applicants a cost-free indicator of their readiness to take individual divisions of the actual exams. Furthermore, the sponsors determined that the elimination of the five-year rolling clock policy provided further justification for allowing applicants to begin testing earlier, because the decision of whether to register for additional sections of the exam would be governed by readiness, rather than a five-year countdown from the date of first success.

As for landscape architecture, the model law and rules are provided by CLARB. The CLARB model laws and rules for landscape architects are similar to NCARB's MLR as it pertains to eligibility begin testing; while CLARB provides detailed recommendations for experience,

¹ The NCARB MLR is not binding upon this or any other state. Rather, this document serves as a guide containing draft statutory and regulatory language for use as a template by NCARB's Member Boards.

education, and examination at the *time of licensure*; it does not recommend minimum experience and educational requirements to begin testing.

CLARB staff have indicated their support for our Board eliminating minimum experience requirements prior to testing. According to data submitted by CLARB, jurisdictions that require experience prior to allowing an applicant to sit for the exam do not observe meaningfully better performance on the exam. Rather, these jurisdictions have marginally worse performance on Sections 2 and 3, marginally better performance on Section 1, and equivalent performance on Section 4.

Current TBAE Laws and Rules

Exam eligibility is addressed in the Board's enabling legislation. Under Tex. Occ. Code § 1051.705, a person may apply for the architectural examination if the person: 1) is a graduate of a recognized university or college of architecture approved by the Board; and 2) has satisfactory experience in architecture, in an office or offices of one or more legally practicing architects, as prescribed by Board rule.

Similarly, under Tex. Occ. Code §1052.154, a person may apply for the landscape architectural examination if the applicant: 1) is a graduate of a landscape architecture educational program recognized and approved by the Board; and 2) has satisfactory experience in landscape architecture as required by Board rule.

The Board rules have interpreted these statutes in Rules 1.41 (architects) and 3.41 (landscape architects). Under both rules, the Board had interpreted that applicants must have completed the relevant educational requirements prior to approval to take the examination. However, with respect to experience, the Board has interpreted the statute to allow an applicant to apply for the examination after completing only six months of the total of two years or 3,640 hours of experience required for registration as an architect or landscape architect, respectively.

This interpretation is based on the comparison between the statutes' very specific language requiring graduation prior to application, and the more subjective standard for experience, which is "satisfactory" as determined by board rule.

Therefore, the Board is unable to fully implement NCARB's new policy, which would allow applicants to begin testing with only a high school degree or equivalent. However, the Board does have more discretion in determining the appropriate level of experience that is required prior to testing. If the Board is in agreement with the NCARB sponsors that examinees should be given greater flexibility on examination timing, then you may consider reducing or eliminating the experience requirement prior to testing.

Draft Amendments

The draft amendments encompass the following rules:

- Rule 1.41
 - For architect applicants, the draft rule would eliminate the requirement that applicants complete six months of full-time experience working under the direct supervision of a licensed architect prior to being approved to take the exam.
 - The draft rule would retain the requirements that, prior to being approved to take the exam, an architect applicant must:
 - complete educational requirements for licensure;
 - enroll in Architectural Experience Program (AXP) by establishing a council record with NCARB; and
 - submit the required application materials to the Board.
 - The draft rule would not change the requirement that, prior to becoming registered, an architect applicant must complete the Architectural Experience Program (AXP).
- Rule 3.41
 - For landscape architect applicants, the draft rule would eliminate the requirement that applicants complete six months of full-time experience working under the direct supervision of a licensed landscape architect prior to being approved to take the exam.
 - The draft rule would retain the requirements that, prior to being approved to take the exam, a landscape architect applicant must:
 - complete the educational requirements for registration; and
 - submit the required application materials to the Board.
 - The draft rule would not change the requirement that, prior to becoming registered, a landscape architect applicant must complete at least 3,640 hours of experience in accordance with Rule 3.191.

Attached you will find the following supporting documents:

- Copies of draft amendments to Rules 1.41 and 3.41, with strikethrough formatting indicating all changes
- Supporting materials for NCARB Resolution 2024-04
- Data Provided by CLARB
- Copies of Rules 1.21, 3.21, and 3.191, for reference

Recommendation Motion

Move to approve the draft amendments to 22 Tex. Admin. Code §§ 1.41 and 3.41 for publication in the Texas register, with authority for the General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the Texas Register.

DRAFT AMENDMENTS

RULE §1.41 Requirements

- (a) Every Applicant for architectural registration by examination in Texas must successfully complete all sections of the Architect Registration Examination (ARE).
- (b) The Board may approve an Applicant to take the ARE only after the Applicant has completed the educational requirements for architectural registration by examination in Texas, ~~[has completed at least six (6) months of full-time experience working under the direct supervision of a licensed architect,]~~ has enrolled in the Architectural Experience Program (AXP) by establishing a council record with NCARB, and has submitted the required application materials.
- (c) An Applicant may take the ARE at any official ARE testing center but must satisfy all Texas registration requirements in order to obtain architectural registration by examination in Texas.
- (d) Each Candidate must achieve a passing score in each division of the ARE. Scores from individual divisions may not be averaged to achieve a passing score.
- (e) An examination fee may be refunded as follows:
- (1) The application fee paid to the Board is not refundable or transferable.
 - (2) The Board, on behalf of a Candidate, may request a refund of a portion of the examination fee paid to the national examination provider for scheduling all or a portion of the registration examination. A charge for refund processing may be withheld by the national examination provider. Refunds of examination fees are subject to the following conditions:
 - (A) A Candidate, because of extreme hardship, must have been precluded from scheduling or taking the examination or a portion of the examination. For purposes of this subsection, extreme hardship is defined as a serious illness or accident of the Candidate or a member of the Candidate's immediate family or the death of an immediate family member. Immediate family members include the spouse, child(ren), parent(s), and sibling(s) of the Candidate. Any other extreme hardship may be considered on a case-by-case basis.
 - (B) A written request for a refund based on extreme hardship must be submitted not later than thirty (30) days after the date the examination or portion of the examination was scheduled or intended to be scheduled. Documentation of the extreme hardship that precluded the applicant from scheduling or taking the examination must be submitted by the Candidate as follows:
 - (i) Illness: verification from a physician who treated the illness.
 - (ii) Accident: a copy of an official accident report.
 - (iii) Death: a copy of a death certificate or newspaper obituary.
 - (C) Approval of the request and refund of the fee or portion of the fee by the national examination provider.
 - (3) An examination fee may not be transferred to a subsequent examination.

DRAFT AMENDMENTS

RULE §3.41 Requirements

(a) Every Applicant for landscape architectural registration by examination in Texas must successfully complete all sections of the Landscape Architect Registration Examination (LARE).

(b) The Board may approve an Applicant to take the LARE only after the Applicant has completed the educational requirements for landscape architectural registration by examination in Texas [~~has completed at least six (6) months of full-time experience working under the direct supervision of a licensed landscape architect,~~] and has submitted the required application materials.

(c) An Applicant may take the LARE at any official LARE testing center but must satisfy all Texas registration requirements in order to obtain landscape architectural registration by examination in Texas.

(d) Each Candidate must achieve a passing score in each division of the LARE. Scores from individual divisions may not be averaged to achieve a passing score.

(e) An examination fee may not be refunded. A portion of an examination fee may be reapplied to a subsequent examination as follows:

(1) A Candidate, because of extreme hardship, must have been precluded from scheduling or taking the examination or a portion of the examination. For purposes of this subsection, extreme hardship is defined as a serious illness or accident of the Candidate or a member of the Candidate's immediate family or the death of an immediate family member. Immediate family members include the spouse, child(ren), parent(s), and sibling(s) of the Candidate. Any other extreme hardship may be considered on a case-by-case basis.

(2) A written request to reapply the examination fee based on extreme hardship must be submitted not later than thirty (30) days after the date of the scheduled examination or portion of the examination. Documentation of the extreme hardship that precluded the applicant from scheduling or taking the examination must be submitted by the Candidate as follows:

(A) Illness: verification from a physician who treated the illness.

(B) Accident: a copy of an official accident report.

(C) Death: a copy of a death certificate or newspaper obituary.

(3) The national examination provider must approve the request.



Strategic Plan Objective:  Program and Service Excellence

RESOLUTION 2024-04

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

TITLE: NCARB *Model Law and Regulations* Amendment – Examination Eligibility Updates

SUBMITTED BY: NCARB Board of Directors

WHEREAS, the Board of Directors charged the Examination Committee to review exam eligibility language in *NCARB Model Law and Regulations* and propose changes to the Board of Directors that address improved examination access; and

WHEREAS, the Examination Committee, upon such evaluation, has determined that some NCARB member jurisdictions already allow exam eligibility using high school graduation or its equivalent as the pre-requisite for exam registration; and

WHEREAS, the Examination Committee, upon such evaluation, has determined that certain updates to the *NCARB Model Law and Regulations* will provide policy advice to Council Member Boards desiring to remove impediments to exam access without compromising the licensure process, while maintaining the rigor of the licensure process; and

WHEREAS, the *NCARB Model Law and Regulations*, which provide recommendations and are non-binding with respect to Member Board policies and procedures or the governing law of any jurisdiction, may only be changed by an absolute majority vote of the Council Member Boards (28 votes), with such change becoming effective at the time specified in this resolution; and

WHEREAS, prior to implementing the changes to the *NCARB Model Law and Regulations*, the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that *NCARB Model Law and Regulations* be revised as indicated below:

R301.1 Education [*excerpt below, no change to this section*]

1. An Applicant shall complete an Approved Educational Program, or its equivalent as described herein, to obtain an initial License ...

R301.2 Experience [*excerpt below, no change to this section*]

An Applicant shall successfully complete the Approved Experience Program to obtain an initial License ...

R301.3 Examination [*excerpt below, recommended changes as noted*]

1. An Applicant shall pass the Approved Examination in accordance with the NCARB standards current at the time the Applicant took the Approved Examination to obtain an initial License....
2. To qualify for the Approved Examination, and without eliminating or modifying any requirements for obtaining initial Licensure, an Applicant shall present satisfactory evidence to the Board of that the Applicant has, at minimum, achieved one of the following:



- ~~(a) An architecture degree from an Approved Education Program; or~~
- ~~(b) Active enrollment in a NCARB-accepted Integrated Path to Architectural Licensure (IPAL) option within an Approved Educational Program.~~

(a) Graduation from a state or federally regulated high school; or

(b) Completion of a state or federally recognized high school equivalency program. ...”

FURTHER RESOLVED, that upon the approval of the changes by an absolute majority vote of the Council Member Boards, such changes will become effective July 1, 2024.

FINANCIAL IMPACT:

- No financial impact.

SPONSORS’ STATEMENT OF SUPPORT:

As part of NCARB’s ongoing efforts to maintain a model law that embraces practices that have been proven to be successful at removing unnecessary impediments along the path to licensure, the Examination Committee was tasked with reviewing *NCARB Model Law & Regulations* to propose changes that would improve exam access. It became apparent that the current model regulation language tying exam access to the completion of a post-secondary degree creates an unnecessary impediment for some candidates pursuing licensure who have valuable experience and knowledge before and/or without degree completion. Further, the current model does not recognize the addition of NCARB’s suite of full-length practice exams, which are administered and scored to simulate the actual exam experience. Utilization of these free practice exams acts as a cost-free indicator of readiness to take one or more divisions of the actual exams. The revision of NCARB’s exam validity policy to extend the recognition of passed exams to a longer time period positions candidates to pass the ARE in a manner that works with, rather than against, their professional and personal obligations. Thus, these changes, along with this proposed resolution, will maximize flexibility and maximize the prospects of keeping candidates on the path to licensure. The focus of this resolution is to focus on the exam as a means of measuring competence, not to impede access to the exam.

The Examination Committee began its work by noting the variety of exam eligibility requirements among NCARB jurisdictions. While many jurisdictions require completion of a NAAB-accredited program prior to opening exam eligibilities, others accept a combination of education and/or experience. Five NCARB member jurisdictions—Maine, Michigan, Nebraska, Tennessee, and Wisconsin—already allow licensure candidates to have completed only a high school degree or equivalent to gain exam eligibilities. No problems or issues were discovered when investigating this existing practice. It was also learned that the trend of removing unnecessary eligibility requirements is continuing as the state of California is in the process of updating their current rules to align with these proposed changes.

Over the past several years, NCARB has also monitored licensure candidates that have been participating in Integrated Path to Architectural Licensure (IPAL) programs. Licensure candidates in IPAL programs across several jurisdictions have demonstrated an ability to successfully test prior to completion of their degree. This proposed modification to model law would allow similar experienced candidates to begin their examination process if they did not have the opportunity to attend a university that offers an IPAL option.

It is important to reiterate that under these proposed changes, licensure candidates would still need to open an NCARB Record, agree to all examination policies and requirements, and request eligibilities through a Member Board. This allows NCARB and member jurisdictions to become aware of individuals interested in testing and allow them to be educated on the examination process and expectations; thus, avoiding unprepared individuals from testing when they are not truly ready. All candidates that are granted exam eligibilities receive guidance



from NCARB on how to prepare for the exam, they are informed of all examination policies, and they are encouraged to use NCARB's free practice exams and other resources to gauge their exam readiness.

Adjustment of the model law language to allow for exam access flexibility is a crucial step toward furthering NCARB's commitment to dismantling barriers that may create unintended inequities within its programs, policies, and systems, as described in *NCARB's Policy on Diversity and Inclusion* and other ongoing DEI initiatives. It is critical to note that a change to exam access in no way impacts the education, experience, or examination requirements for licensure. **This change to model law represents an increase in exam access** to licensure candidates that have the knowledge and ability to demonstrate success regardless of educational degree attainment.

Proposed Exam Access: Impact to Member Boards

The committee's recommendation to allow exam eligibility upon completion of high school or equivalent would streamline eligibility verification and create a more straightforward process for Member Boards and candidates in those jurisdictions that adopt this change. Currently, there is a noticeable percentage of candidates who initially apply for exam eligibilities in less-restrictive jurisdictions, then seek to switch their exam eligibilities to their desired jurisdiction upon completion of the education requirement. This change to model law serves as a recommendation of an approach that would lessen candidate burden and promote more immediate connections between the candidate and the jurisdiction in which they are truly interested in earning a license.

Proposed Exam Access: Empowering and Supporting Candidates

The committee agreed that being more inclusive about who is allowed to take the exam is best accomplished by eliminating unnecessary requirements to gain eligibility to test. The committee determined, after vigorous discussion, that **differences in how, when, and where candidates gain knowledge should not be a barrier to exam access**; what matters is that they have the necessary knowledge to successfully demonstrate competence on the exam. Recent exam data show that 95% of candidates finish an AXP experience area prior to taking the ARE division in that area, indicating that candidates value their work experience as part of their exam preparation. There is no expectation that candidates in the future would change their behavior as the examination requires knowledge of real-world situations to fully comprehend many of the questions being asked.

The Examination Committee believes that taking the exam prior to earning a post-secondary degree may be the right choice for some candidates:

- A candidate who worked in engineering, construction, or another building-related field after completing high school and is now interested in pursuing a career in architecture.
- A candidate who is working in the architecture profession and is unable to afford or attend higher education but can afford or allow time to take an exam division.
- A candidate with a two-year architectural degree from a community college who is prepared to start testing.
- A candidate who completed a four-year, architecture-related degree then worked in the architecture profession before enrolling in a NAAB-accredited graduate program, and is now ready to start testing prior to completing their NAAB-accredited degree.

NCARB's recent release of free, scored practice exams allows candidates to measure their exam readiness at no cost. Other existing exam resources on NCARB's website, along with the ARE 5.0 Community, licensing advisors, and AXP supervisors, provide candidates with additional guidance and support while maintaining the rigor and integrity of the exam. This empowers candidates to test when they are ready to be successful. Updating *NCARB Model Law and Regulations* to allow for greater access similarly gives candidates agency to determine their own exam readiness.



Proposed Exam Access: Benefits for the Profession

As noted in the October 2023 NCARB Statement Endorsing Multiple Paths to Licensure, **“Rethinking the licensure path as concurrent rather than sequential provides an option for those interested in reducing the time to licensure.”** In addition, the opportunity to take the exam, detached from an education requirement, is one way to “eliminate the ... fiscal impediment attached to a single path ...” Finally, earlier access to exam content, the testing preparation process, and the NCARB community of licensing advisors, AXP supervisors, and NCARB staff will help candidates better understand the appropriate actions of a licensed professional beyond the approach used in their current workplace.

Summary

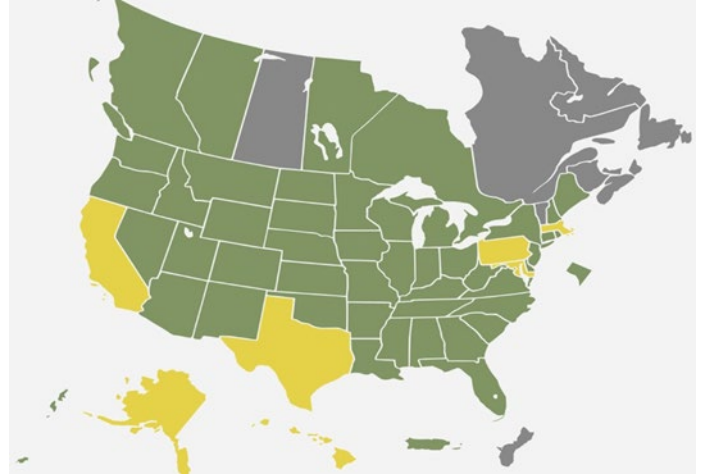
This change to *NCARB Model Law and Regulations* does not discount the traditional path to licensure that begins with a post-secondary degree, nor does it diminish the rigor and integrity of the exam or current experience requirement. Candidates will still be required to start their NCARB Record, follow all examination policies and procedures, and request eligibility through a member jurisdiction. All of these demonstrate a level of commitment to the profession. This change maintains jurisdictional control over licensing and only impacts exam eligibility access; there is no change to jurisdictional requirements to complete education, experience, and examination. Aligning exam eligibility rules with the “many paths/one goal” concept endorsed by NCARB’s Board of Directors will provide candidates with improved access to the exam, create a more equitable and inclusive path toward licensure, and maintain appropriate protection of public health, safety, and welfare.

EXAMINATION COMMITTEE:

- Chair: Coffee Polk, AIA, NCARB, LEED AP
- Pedro L. Alfaro, RA, SAP, CAAPPR, Puerto Rico Member Board Member
- Chuck Barlow, AIA, NCARB, Mississippi Member Board Member
- Celestia Carson, AIA, LEED AP, Utah Member Board Member
- Beth Chenette, Vermont Member Board Member
- Shannon L. DeFranza, AIAS, Assoc. AIA, NOMA
- Tiho Dimitrov, AIA
- Bobbi Jo Hepper Olson, NCARB, AIA, North Dakota Member Board Member
- J. Brent Lance, AIA, NCARB, LEED AP
- Richard H. McNeel, NCARB, AIA, LEED AP, IIDA, Mississippi Member Board Member
- Jessica O’Donnell, AIA, NCARB
- Anuya Sant, Assoc. AIA, Assoc. NOMA, CDT, CS, LEED AP BD+C, Fitwel
- Maurice Walters, AIA, LEED AP, District of Columbia Member Board Member
- Greg Wynn, AIA, NCARB
- Laura Zuniga, California Member Board Executive

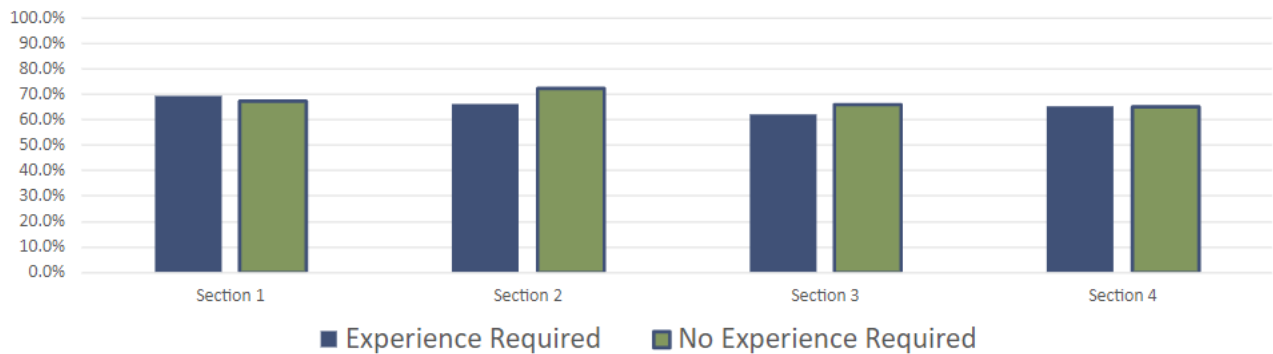
DATA FROM CLARB

- Texas is one of only 7 jurisdictions that require experience before testing.
- The national trend is to remove experience before testing.
- Provides more flexibility for candidates to test when they feel prepared.
- Requiring experience prior to testing increases the time to licensure.
- All applicants will still be required to complete education, experience and examination prior to applying for licensure.



Pass Rates by Board Exam Requirements

*2013-2019 Data



FOR INFORMATION ONLY – NO CHANGES

RULE §3.21 Registration by Examination

(a) In order to obtain landscape architectural registration by examination in Texas, an Applicant:

(1) shall have a professional degree from:

(A) a landscape architectural education program accredited by the Landscape Architectural Accreditation Board (LAAB),

(B) a landscape architectural education program that became accredited by LAAB not later than two years after the Applicant's graduation,

(C) a landscape architectural education program that was granted candidacy status by LAAB and became accredited by LAAB not later than three years after the Applicant's graduation, or

(D) a landscape architectural education program outside the United States where an evaluation by Education Credential Evaluators or another organization acceptable to the Board has concluded that the program is substantially equivalent to a doctorate, master's degree, or baccalaureate degree in landscape architecture from a program in the United States;

(2) shall successfully demonstrate that he/she has gained sufficient experience working directly under a licensed landscape architect or other experience approved by the Board in accordance with the Texas Table of Equivalentents for Experience in Landscape Architecture contained in §3.191 of this Chapter; and

(3) shall successfully complete the landscape architectural registration examination as more fully described in Subchapter C of this chapter.

(b) An Applicant who applies for landscape architectural registration by examination on or before August 31, 2011 and who commenced his/her landscape architectural education or experience prior to September 1, 1999, is subject to the rules and regulations relating to educational and experiential requirements as they existed on August 31, 1999. This subsection is repealed effective September 1, 2011.

(c) For purposes of this section, an Applicant shall be considered to have "commenced" his/her landscape architectural education upon enrollment in an acceptable landscape architectural education program. This subsection is repealed effective September 1, 2011.

(d) In accordance with federal law, the Board must verify proof of legal status in the United States. Each Applicant shall provide evidence of legal status by submitting a certified copy of a United States birth certificate or other documentation that satisfies the requirements of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. A list of acceptable documents may be obtained by contacting the Board's office.

FOR INFORMATION ONLY – NO CHANGES

RULE §1.21 Registration by Examination

(a) In order to obtain architectural registration by examination in Texas, an Applicant:

(1) shall have a professional degree from:

(A) an architectural education program accredited by the National Architectural Accreditation Board (NAAB),

(B) an architectural education program that became accredited by NAAB not later than two years after the Applicant's graduation,

(C) an architectural education program that was granted candidacy status by NAAB and became accredited by NAAB not later than three years after the Applicant's graduation, or

(D) an architectural education program outside the United States where an evaluation by NAAB or another organization acceptable to the Board has concluded that the program is substantially equivalent to an NAAB accredited professional program;

(2) shall successfully demonstrate completion of the Architectural Experience Program (AXP); and

(3) shall successfully complete the architectural registration examination as more fully described in Subchapter C.

(b) An Applicant who applies for architectural registration by examination on or before August 31, 2011 is not required to complete the Architectural Experience Program (AXP) if the Applicant successfully demonstrates that prior to January 1, 1984, he/she acquired at least eight (8) years of acceptable architectural experience or eight (8) years of a combination of acceptable education and experience. This subsection is repealed effective September 1, 2011.

(c) An Applicant who applies for architectural registration by examination on or before August 31, 2011 and who commenced his/her architectural education or experience prior to September 1, 1999, shall be subject to the rules and regulations relating to educational and experiential requirements as they existed on August 31, 1999. This subsection is repealed effective September 1, 2011.

(d) For purposes of this section, an Applicant shall be considered to have "commenced" his/her architectural education upon enrollment in an acceptable architectural education program. This subsection is repealed effective September 1, 2011.

(e) In accordance with federal law, the Board must verify proof of legal status in the United States. Each Applicant shall provide evidence of legal status by submitting a certified copy of a United States birth certificate or other documentation that satisfies the requirements of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. A list of acceptable documents may be obtained by contacting the Board's office.

FOR INFORMATION ONLY – NO CHANGES

RULE §3.191 Description of Experience Required for Registration by Examination

(a) Pursuant to §3.21 of this chapter, an applicant for landscape architectural registration by examination must successfully demonstrate that the Applicant has gained at least 3,640 hours of experience in accordance with the following table:

	DESCRIPTION OF EXPERIENCE	Portion of Credit Awarded	Maximum Credit Awarded
LA-1	Diversified experience directly related to landscape architecture as an employee working under the direct supervision of a registered landscape architect	full credit	no limit
LA-2	Diversified experience directly related to landscape architecture as an employee working under the direct supervision of a registered architect or civil engineer	full credit	1,820 hours
LA-3	Diversified experience in landscape architecture directly related to on-site construction, maintenance, or installation procedures when the experience is not under the direct supervision of a registered landscape architect, architect, or civil engineer	half credit	1,820 hours
LA-4	Teaching on a full-time basis in an LAAB-accredited program in landscape architecture	full credit	1,820 hours

(b) An Applicant must earn at least 1,820 hours of credit under the conditions described in category LA-1.

(c) In order to earn credit in category LA-4, an Applicant must teach subjects that are directly related to the practice of landscape architecture. An Applicant may earn 1,820 hours of credit under this section by teaching for twenty (20) semester credit hours or thirty (30) quarter credit hours.

(d) An Applicant may not earn credit for experience gained prior to the date the Applicant successfully earned a high school diploma or completed an established equivalent.

**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:	201-22N
Respondent:	Tag Gilkeson
Location of Respondent:	Carrollton, TX
Instrument:	Revised Report and Notice of Violation

Findings:

- Tag Gilkeson (hereafter “Respondent”) is not and has never been registered as an architect in the State of Texas.
- At all times relevant to this matter, Respondent was the principal and owner of Tag & Associates, LLC, which was not registered as a firm that may be lawfully held out to the public as offering or providing architectural services in Texas.
- On or about July 10, 2023, Respondent obtained a business registration for Tag & Associates, LLC as a result of this complaint.
- On or about April 17, 2019, the Board issued a Warning to Respondent in TBAE Case No. 201-19N based on findings that Respondent improperly used forms of the term “architect” to describe services he and/or his business provides. The written warning notified Respondent that any future violation would merit more significant disciplinary action.
- On or about July 6 and December 13, 2022, while acting on behalf of Tag & Associates, LLC, Respondent utilized online business profiles which improperly used the term “architectural” to describe Tag & Associates, LLC and/or services offered by Tag & Associates, LLC in Texas, in that the profiles indicated that Tag & Associates, LLC was an “Architectural Designer” or provided services including “architectural plans,” “architectural design,” and “architectural drawings.”

Applicable Statutory Provisions and Rules:

- By improperly using the term “architectural” to describe services offered by Respondent’s firm in Texas, Respondent violated Tex. Occ. Code § 1051.701(b) and 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 **\$1,000** 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 July 16, 2024.

**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:	142-24A
Respondent:	Gregory Todd Shue
Location of Respondent:	San Antonio, TX
Nature of Violation:	Violation of Elimination of Architectural Barriers Act
Instrument:	Report and Notice of Violation

Findings:

- Gregory Todd Shue (hereafter “Respondent”) is registered as an architect in Texas with registration number 17837.
- Previously, on November 26, 2019, 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 July 17, 2023, Respondent issued architectural plans and specifications for *Dr. Rojas* in Boerne, Texas, a nonexempt project which is subject to the requirements of Tex. Gov’t Code § 469.101. However, Respondent did not submit the plans for accessibility review until August 24, 2023.

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 plans and specifications on a project 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 provide grounds for disciplinary action pursuant to Tex. Occ. Code § 1051.752(2) and 22 Tex. Admin. Code § 1.170(a).

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 July 19, 2024.

**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:	185-24A
Respondent:	James Elliot Andras, Sr.
Location of Respondent:	Houston, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- James Elliot Andras, Sr. (hereafter “Respondent”) is registered as an architect in Texas with registration number 30082.
- Based upon the results of a continuing education audit, it was determined that Respondent could produce acceptable documentation for the completion of only four hours of qualifying continuing education credit during the audit period of January 1, 2023 through December 31, 2023.
- Respondent claimed eight hours of supplemental continuing education that were completed after the audit period ended.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of continuing education activities for the audit period of January 1, 2023 through December 31, 2023, Respondent violated 22 Tex. Admin. Code § 1.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is \$100 per hour of deficiency.
- 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 **\$400** as set forth in the Report and Notice of Violation dated July 29, 2024.

**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:	192-24A
Respondent:	Kristen R. Andras
Location of Respondent:	Houston, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Kristen R. Andras (hereafter “Respondent”) is registered as an architect in Texas with registration number 26932.
- Based upon the results of a continuing education audit, it was determined that Respondent could produce acceptable documentation for the completion of only nine hours of qualifying continuing education credit during the audit period of January 1, 2023 through December 31, 2023.
- Respondent claimed 3 hours of supplemental continuing education that were completed after the audit period ended.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of continuing education activities for the audit period of January 1, 2023 through December 31, 2023, Respondent violated 22 Tex. Admin. Code § 1.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is \$100 per hour of deficiency.
- 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 **\$150** as set forth in the Report and Notice of Violation dated July 29, 2024.

**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:	163-24A
Respondent:	Michael Edwards
Location of Respondent:	Austin, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Michael Edwards (hereafter “Respondent”) is registered as an architect in Texas with registration number 20195.
- Based upon the results of a continuing education audit, it was determined that Respondent could produce acceptable documentation for the completion of only nine hours of qualifying continuing education credit during the audit period of January 1, 2023 through December 31, 2023.
- Respondent claimed three hours of supplemental continuing education that were completed after the audit period ended.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of continuing education activities for the audit period of January 1, 2023 through December 31, 2023, Respondent violated 22 Tex. Admin. Code § 1.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is \$100 per hour of deficiency.
- 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 **\$150** as set forth in the Report and Notice of Violation dated July 18, 2024.

**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:	157-241
Respondent:	Rebecca Anne Gibbs
Location of Respondent:	Abilene, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Rebecca Anne Gibbs (hereafter “Respondent”) is registered as a registered interior designer in Texas with registration number 11310.
- 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, 2023 through December 31, 2023.
- When renewing their annual registration, Respondent falsely certified compliance with continuing education requirements when they 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 § 5.79. The standard administrative penalty assessed for this violation is \$100 per hour of deficiency.
- By falsely certifying compliance with continuing education requirements when renewing their annual registration, Respondent violated 22 Tex. Admin. Code § 5.79. The standard administrative penalty for this violation 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 § 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 **\$900** as set forth in the Report and Notice of Violation dated May 31, 2024.

**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:	188-24A
Respondent:	John George Hathaway
Location of Respondent:	Johnson City, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- John George Hathaway (hereafter “Respondent”) is registered as an architect in Texas with registration number 19870.
- Based upon the results of a continuing education audit, it was determined that Respondent could produce acceptable documentation for the completion of only ten hours of qualifying continuing education credit during the audit period of January 1, 2023 through December 31, 2023.
- Respondent claimed two hours of supplemental continuing education that were completed after the audit period ended.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of continuing education activities for the audit period of January 1, 2023 through December 31, 2023, Respondent violated 22 Tex. Admin. Code § 1.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is \$100 per hour of deficiency.
- 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 **\$100** as set forth in the Report and Notice of Violation dated July 29, 2024.

**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:	183-24I
Respondent:	Tracy Annette Miller
Location of Respondent:	Galveston, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Tracy Annette Miller (hereafter “Respondent”) is registered as a registered interior designer in Texas with registration number 9669.
- Based upon the results of a continuing education audit, it was determined that Respondent could produce acceptable documentation for the completion of only four hours of qualifying continuing education credit during the audit period of January 1, 2023 through December 31, 2023.
- Respondent claimed eight hours of supplemental continuing education that were completed after the audit period ended.
- Previously, on May 15, 2024, the Board issued an Order to Respondent in TBAE Case No. 082-14I based on findings that Respondent failed to maintain a detailed record of continuing education activities. Under the terms of the Order, Respondent was ordered to pay an administrative penalty of \$500.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of continuing education activities for the audit period of January 1, 2023 through December 31, 2023, Respondent violated 22 Tex. Admin. Code § 5.79. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is \$100 per hour of deficiency.
- 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 § 5.175(f)(6).

Action Recommended by Executive Director:

- The standard penalty for a first-time violation of these rules is \$800, or \$400 with supplemental continuing education. However, since Respondent has previously been subject to discipline for failure to comply with continuing education requirements, Respondent is subject to increased penalties under 22 Tex. Admin. Code §§ 5.187(5) and 5.242(k). Therefore, the Executive Director recommends that the Board enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1,000** as set forth in the Report and Notice of Violation dated July 19, 2024.

**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:	118-24A
Respondent:	Donald Allen Steer
Location of Respondent:	Fort Worth, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Donald Allen Steer (hereafter “Respondent”) is registered as an architect in Texas with registration number 18140.
- 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, 2023 through December 31, 2023.
- Respondent claimed three hours of supplemental continuing education that were completed after the audit period.

Applicable Statutory Provisions and Rules:

- By failing to timely complete 12 hours of qualifying continuing education credit hours during the audit period, 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 **\$150** as set forth in the Report and Notice of Violation dated July 18, 2024.

**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:	184-24A
Respondent:	John Anthony Tohill
Location of Respondent:	Houston, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- John Anthony Tohill (hereafter “Respondent”) is registered as an architect in Texas with registration number 12592.
- Based upon the results of a continuing education audit, it was determined that Respondent could produce acceptable documentation for the completion of only 8 hours of qualifying continuing education credit during the audit period of January 1, 2023 through December 31, 2023.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of continuing education activities for the audit period of January 1, 2023 through December 31, 2023, Respondent violated 22 Tex. Admin. Code § 1.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is \$100 per hour of deficiency.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$400** as set forth in the Report and Notice of Violation dated July 19, 2024.

**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:	220-221
Respondent:	Melissa Noel Wallis
Location of Respondent:	The Colony, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Melissa Noel Wallis (hereafter “Respondent”) is registered as a registered interior designer in Texas with registration number 11788.
- Based upon the results of a continuing education audit, it was determined that Respondent failed to complete qualifying continuing education during the audit period of January 1, 2020 through December 31, 2020.
- When renewing their annual registration, Respondent falsely certified compliance with continuing education requirements when they had not completed sufficient continuing education to make this certification.
- Respondent failed to respond to two written requests for information from Board staff during this continuing education audit.

Applicable Statutory Provisions and Rules:

- By failing to timely complete 12 hours of qualifying continuing education credit hours during the audit period, Respondent violated 22 Tex. Admin. Code § 5.79. The standard administrative penalty for this violation was \$500 in 2020.
- By falsely certifying compliance with continuing education requirements when renewing their annual registration, Respondent violated 22 Tex. Admin. Code § 5.79. The standard administrative penalty for this violation was \$700 in 2020.
- By failing to respond to two written requests for information from Board staff within 30 days, Respondent violated 22 Tex. Admin. Code § 5.181. Each violation is subject to a standard administrative penalty of \$250, totaling \$500.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1,700** as set forth in the Report and Notice of Violation dated August 29, 2022.

The TEXAS BOARD OF ARCHITECTURAL EXAMINERS



Be It Known That Jackie Blackmore

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. Blackmore is a native Texan, born in the City of San Antonio in Bexar County; and

WHEREAS, Ms. Blackmore subsequently grew up in the City of Austin, in Travis County; and

WHEREAS, Ms. Blackmore graduated from Lyndon Baines Johnson High School in Austin; and

WHEREAS, Ms. Blackmore began her dedicated career as a public servant to the State of Texas in 1990 at the Texas Real Estate Commission; and

WHEREAS, Ms. Blackmore joined the Texas Board of Architectural Examiners in 1996, the same year Dwayne "The Rock" Johnson began his professional wrestling career, and

WHEREAS, Ms. Blackmore's tenure at the Board has spanned 28 years, three TBAE office locations, three Executive Directors, untold thousands of phone conversations with prospective Texas design professionals, and dozens of Dwayne "The Rock" Johnson films; and

WHEREAS, Ms. Blackmore has participated in the review and approval of applications for the great majority of TBAE's current registrants, and is therefore widely known amongst our customers to be helpful, kind, and patient; and

WHEREAS, Ms. Blackmore is a dedicated public servant, an exceptional professional colleague, and a cherished friend who always can smell what The Rock is cookin', now, therefore, be it

RESOLVED

That the Texas Board of Architectural Examiners, in formal meeting assembled this 22nd day of August, 2024, does publicly acknowledge its appreciation of outstanding service to the state of Texas and have voted unanimously for this

RESOLUTION OF APPRECIATION

To Jackie Blackmore, and have caused a copy of this Resolution to be included within the minutes of this Board.

Darren L. James, FAIA
Chair

Rosa Salazar, RID, IIDA, ASID
Vice-Chair

The TEXAS BOARD OF ARCHITECTURAL EXAMINERS



Be It Known That Jack W. Stamps

Has distinguished himself by his 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, Mr. Stamps is a native Texan, born and raised in the City of San Antonio in Bexar County; and

WHEREAS, Mr. Stamps began his public service to the State of Texas in 1968 as a State Trooper and Narcotics Agent in Guadalupe County, Texas; and

WHEREAS, Mr. Stamps won election to the office of Constable, Bexar County Precinct Four for two terms, serving from 1980 to 1988 and graduated from the Federal Bureau of Investigation National Academy in Quantico, Virginia; and

WHEREAS, Mr. Stamps then served as Training Academy Manager for the Bexar County Sheriff's Office, as Investigator for the Office of the Attorney General, and as Chief Investigator at the State Board for Educator Certification, and

WHEREAS, Mr. Stamps joined the Texas Board of Architectural Examiners as Investigator in 2002, and was promoted to Managing investigator in 2005; and

WHEREAS, Mr. Stamps is a bona fide TBAE celebrity and icon, having educated Texas design professionals in rules and statutes while strapped into a Fender Stratocaster and having been featured in shirtless skateboard-riding photos published in *Licensing News*, and

WHEREAS, Mr. Stamps is known in the office to be a kind, gregarious, and beloved friend to all; and

WHEREAS, Mr. Stamps has served his community in the Church of Conscious Harmony, and

WHEREAS, Mr. Stamps plans to spend his retirement with his wife, Jackie, and his four children, eight grandchildren, and great grandchild, and will continue to play gigs with his band, The Cave Dwellers (est. 1966), now, therefore, be it

RESOLVED

That the Texas Board of Architectural Examiners, in formal meeting assembled this 22nd day of August, 2024, does publicly acknowledge its appreciation of outstanding service to the state of Texas and have voted unanimously for this

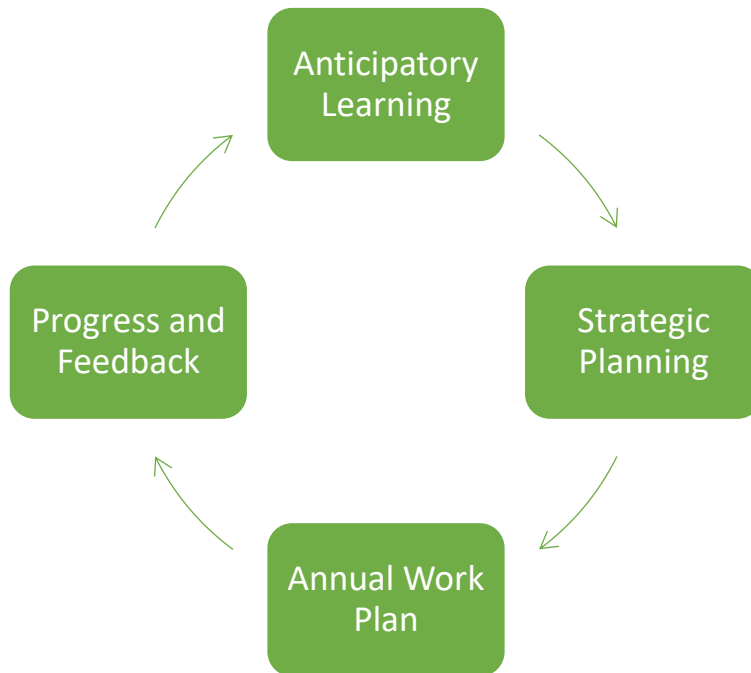
RESOLUTION OF APPRECIATION

To Jack W. Stamps, and have caused a copy of this Resolution to be included within the minutes of this Board.

Darren L. James, FAIA,
Chair

Rosa Salazar, RID, IIDA, ASID,
Vice-Chair

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