

Licensing News



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

ARCHITECTURE

INTERIOR DESIGN

LANDSCAPE
ARCHITECTURE

AUTUMN 2021

CHAIR'S COLUMN

Debra Dockery, FAIA
Chair



Calls to action

Not long after publishing the last issue of this newsletter, an extraordinary thing happened across North America. It went by various descriptions, but its official name was Winter Storm Uri. And the built environment of Texas was woefully unprepared to handle it.

We all lived through those days, so there's no great need to rehash the events, the consequences, the costs of the winter storm. Instead, I try to look back at the storm the same way I see so many unfortunate happenings lately: as a learning experience, a call to action, a wake up call. In short, the event and the circumstances around it require our immediate attention.

During a public meeting of the Texas Board of Architectural Examiners (TBAE) in February, I opened the proceedings with remarks about the recent winter storm, and how as a result of the storm, society will respond—particularly the design and construction sector. Building codes and standards could change. Product specifications and performance should improve. Best practices might be updated in light of events and lessons learned. Laws could change. All these downstream consequences as a result of a disaster.

It is not lost on me that TBAE's own enabling legislation resulted from a catastrophe. This Board was created by acts of the Texas House and Senate immediately following the tragic deaths of nearly 300 people, the vast majority of them children, in East Texas. (Reading about the New London School Explosion is worth the effort, for multiple reasons.)

That school explosion happened 84 years ago. But within just the last year or two, think not only of the winter storm, but of the historic heat wave in the Pacific Northwest. The Gulf hurricanes. The shootings, the terrorist acts. The collapse of a condominium tower in Surfside, Florida. All deserve our immediate attention. All deserve immediate action.

A tragedy unfolds, and elements of society react with changes to make the world safer. Often, what is changed are laws, rules, regulations—and all of those things are simply minimum standards. When those changes happen, it is incumbent upon us, as design professionals, as candidates for licensure, as building officials, to stay informed and up to date on every such regulatory change. That's the very point of continuing education, I would note; it's a regulation in place to help ensure we all stay up to date on safety regulations. Laws and standards and rules change, so it's up to design professionals to keep up with them. And it's up to this Board to enforce every regulation to protect the health, safety, and welfare of all those who work, live, and play in the State of Texas.

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and more...



INSIGHT FROM THE EXECUTIVE DIRECTOR

Julie Hildebrand
Executive Director

Coming soon: a new look and feel for the TBAE website

The TBAE Web site was born 23 years ago, the same year *Dawson's Creek* premiered, *Seinfeld* ended, *Titanic* won an Oscar, and the Dallas Cowboys were coached by Chan Gailey. In other words, it was a long time ago.

Since the launch of the TBAE site in 1998, we have uncovered evidence of at least one redesign—but since no current TBAE staff were on hand when that happened, it's unknown whether that was the only facelift or if perhaps there were others. But what we do know, for sure, is that later this year the site will be thoroughly overhauled to be fresh, more readable, easier to navigate, and generally improved in many respects. Broadly speaking, all the same content and resources you know and use will remain on the site, but with what we hope is a more intuitive layout and navigation scheme. And we'll be adding a section to the site that's specifically directed toward the very people who consume the design services that registrants like you offer.

(A note here that our site's content found on the *public* portions of the site will be refreshed as part of this project.

Pages found inside a user's account—that is, pages you see after logging into your account with Username and Password—will be overhauled in the future.)

We're still working on the site redesign, so we don't yet have a release date, but we're expecting the relaunch to take place perhaps this Fall. As with all comprehensive site overhauls, we're not expecting perfection in the first days and weeks—there surely will be an incorrect link here and a missing graphic there, but our goal and our commitment is to fix and finalize the site as soon and as comprehensively as possible. As an aside, I would point out how nerve-wracking it is for people with virtually no design expertise—such as me and the in-house team working on the new site—to overhaul a product that needs to look great and function properly... for thousands of *actual design professionals*.

Once the site is up and running, though, feel free to let us know what you think of the new site, make suggestions, etc. My philosophy is that our site is as much for you, our registrants and candidates, as it is for any other audience, and we want to make sure it works for everyone.

\$500 grant for ARE-takers. For free. For real. Read on!

Did you know that TBAE administers a special fund intended to defray part of the cost of taking the Architectural Registration Examination (ARE)? Under the program, which was created by the Texas Legislature in 2003 and is known as the Architectural Registration Examination Financial Assistance Fund or more simply the ARE Grant, eligible candidates for architectural registration may apply for a \$500 reimbursement of examination fees. Note that the Legislature has not authorized such a program for the interior design or landscape architectural registration examinations.

Here are the highlights of the program's eligibility requirements:

- Annual income less than \$65,000, any tax-filing status (recently raised to increase the number of eligible test-takers).
- Texas resident for the past 18 months.
- Must be a candidate in good standing or an architect who completed the ARE during the 12-month period immediately preceding the date of application
- Must have passed at least \$500 worth of ARE sections (currently, that means three sections).
- Must not be receiving reimbursement from employer for the full cost of the ARE.

[You can learn more about the scholarship program, find out whether you're eligible, and apply on the TBAE Web site.](#)

Continuing education rule changes might make things easier for you

If you pay any amount of attention to the Board's enforcement program, you'll know one thing for sure: of all the things people get in trouble for, continuing education (CE) is the most common. We write what we think are helpful, useful continuing education articles in nearly every issue of this newsletter, and we talk about CE in almost every presentation or class we give. Recently, the Board went even further to help every TBAE registrant comply with CE regulations. Read on to learn what changed and how it might just make compliance noticeably easier for you.

In February of 2021, the Board amended its CE rules. Here's a summary of the highest-profile change, and how it might help you out of a sticky continuing education situation.

The rule change is a solution for when you are about to renew your registration, but then realize you lack some number of CE hours for the previous calendar year. For instance, let's say you were born in October. You know that before you renew by the end of October, 2021 (your renewal deadline is the end of your birth month) you will need to certify that you completed 12 CE hours the previous calendar year—2020. So you check your records, your transcript, etc. and realize: Oh no—I only did nine hours in calendar year 2020! I can't go back in time, so what do I do now???

With the amended CE rule, it's a little bit like you CAN go back in time and apply CE credits to a previous calendar year that's already come and gone. If you ever realize after the fact that you're short some hours for the previous calendar year, simply follow these steps before renewing:

1. Do NOT renew your registration until you are compliant with CE requirements, as follows.
2. Complete qualifying CE credits to cover any deficiency for the previous calendar year.
3. IN ADDITION to covering the deficiency for the previous calendar year, complete the full 12-hour requirement for the current calendar year. Your total for the current and past calendar year now should be 24 CE hours.
4. Renew your registration and safely certify that you have completed the required hours.

Additional CE tips, tricks, and hints to make your life easier

- The basics, which haven't changed since 2012: Each calendar year, from January 1 through December 31, a registrant shall earn 12 hours of CE directly relating to health, safety, and welfare. One of them must be in accessibility/ADA/barrier-free, and one must be in sustainable or energy-efficient design.
- At least eight of your 12 hours each calendar year must be "structured" courses, also known as classroom courses. How can you tell whether a course is structured? A structured course may be delivered by direct, in-person contact or through distance learning methods, but it must result in the issuance of a certificate or other record of attendance by the provider. Note that some course providers work with transcript services (e.g. AIA, LACES, or IDCEC)

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For the latest news and updates, visit: www.tbae.texas.gov

Continuing education rule changes might make things easier for you

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and provide a certificate directly to the transcript service itself. It is acceptable to use a transcript as a record of attendance in lieu of a certificate. If you attend a virtual webinar or lunch and learn, please ask for a certificate of attendance

or e-mail from the sponsor verifying you were in attendance. An e-mail invitation or copy of your calendar will not count.

- Maintaining documentation of your CE activities is critical—keep those course completion certificates and/or transcripts updated and available for at least five years after the end of the calendar year for which credit is claimed.

Keep your contact information updated, and save yourself some trouble

TBAE staff keeps a watchful eye out for trouble whenever possible, both trouble for themselves and their fellow staff or trouble for our registrants, candidates, and other stakeholders. That's because trouble has a habit of spreading from one person to the next—from registrant to staffer or vice versa, for instance—and we've all got things we'd rather spend our time on than clearing up an unnecessary mess.

One bit of trouble we at TBAE headquarters have noticed lately: incorrect, incomplete, or outdated contact information for our registrants and candidates. As we noted in the last issue of *Licensing News* (on page 4), bad contact information is bad news for that registrant or candidate; Board rules require a registrant to notify the Board of a change in mailing address or email address within 30 days of the change.

So save yourself some trouble down the road, when for instance we try to contact you and learn that we've got an outdated mailing address or an email you used at your previous design firm, and ensure that your contact information is correct in our database. If you have a personal e-mail account (Yahoo, Gmail, Outlook, etc.), consider using it as your primary to prevent your company's firewall from blocking TBAE reminders.



DISCIPLINARY ACTIONS

The following cases were decided during TBAE Board meetings in November, 2020 and February, 2021. Each case is based on the applicable rule in effect at the time of the violation, and was considered by Enforcement staff and the Board in light of its unique facts.

In order to ensure compliance with continuing education (CE) responsibilities, TBAE staff selects a random sample of its registrants to be audited. All continuing education enforcement cases stem from the random audit program. The most common violations include:

(1) failing to complete adequate continuing education hours during a program year, (2) failing to maintain continuing education records and verification of participation in CE activities for a period of five years, (3) falsely certifying, at the time of renewal, compliance with continuing education responsibilities, and/or (4) failing to respond to a request for information within 30 days. Each continuing education infraction is subject to a standard administrative penalty.

Registrant/Non-Registrant Cases

Cano, Steve Allen \$1,000
Architect *Kingwood, TX*

Respondent failed to submit construction documents for accessibility review within 20 days of issuance, as required by Tex. Gov't Code § 469.102 and 22 Tex. Admin. Code 1.170.

Garza, Grace \$3,000
Non-registrant *League City, TX*

Respondent is not and has never been registered as an architect in Texas. By issuing a proposal to a potential client for "architectural services," "architectural drawings," and "architectural design services" for a residential property and then issuing architectural plans on the project, Respondent violated Tex. Occ. Code §1051.701(a) and 22 Tex. Admin. Code §1.123(c).

By utilizing the term "architectural" to describe her services on social media sites, Respondent violated 22 Tex. Admin. Code §1.123(c).

Jaber, Ammar \$3,000
Non-Registrant *Houston, TX*

Respondent is not and has never been registered as an architect in Texas. By issuing a professional services agreement to a potential client for "Architectural...professional design services" for a residential property and then issuing architectural plans on the project, Respondent violated Tex. Occ. Code §1051.701(a) and 22 Tex. Admin. Code §1.123(c).

Nguyen, Martin \$10,000*
Non-Registrant *Houston, TX*

*((\$5,000 will be deferred for five years and canceled if Respondent complies with all terms of the Agreed Order issued by the Board.)

Respondent is not and has never been registered as an architect in Texas. By utilizing the title "architect" while providing services on two projects, including preparing and issuing architectural plans and specifications and engaging in construction observation, Respondent violated Tex. Occ. Code §1051.701 and 22 Tex. Admin. Code §1.123(c).

Puhr, John J. \$3,000
Architect *Austin, TX*

Respondent issued an asbestos certification letter to a permitting office that created a misleading impression that compliance with Tex. Occ. Code §1954.259 had occurred. Additionally, Respondent disregarded compliance with Tex. Occ. Code §1954.259 and acted contrary to the requirements of that law in a manner that jeopardized the health, safety, or welfare of the public. These actions violated Tex. Occ. Code §1051.752(1),(5) and/or (6) and 22 Tex. Admin. Code §§ 1.143(b)(3) and/or 1.144(a)(3).

Vaci, John S. Reprimand
Architect *Birmingham, AL*

Respondent engaged an architect located and registered in Texas to provide drafting services for a restaurant project in Arkansas. Pursuant to that arrangement, Respondent provided the

drafting architect with access to a Dropbox location containing, in part, a blank drawing file that included Respondent's pre-signed architectural seals for 14 states, including Texas. At the time Respondent provided the drafting architect with access to this file, Respondent had not engaged the drafting architect to provide services on any project located in Texas and had no appropriate reason to provide the drafting architect with access to his signed Texas architectural seal. By providing the drafting architect with access to Respondent's signed Texas architectural seal, Respondent failed to be responsible and accountable for the care, custody, control, and use of his architectural seal and professional signature in violation of Tex. Occ. Code §1051.752(f) and 22 Tex. Admin. Code §1.146.

In 2020, the Colorado Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors entered a Stipulation and Final Agency Order in Case No. 2019-2314, relating to the factual circumstances described above. As a result of the Order, Respondent received a Letter of Admonition for failing to maintain proper control of his Colorado seal and was ordered to pay a fine and surcharge in the amount of \$575, which was paid by Respondent in full.

Under Tex. Occ. Code §1051.751 and 22 Tex. Admin. Code §1.165, the Board may issue a reprimand if it determines that a ground for discipline exists under Tex. Occ. Code §1051.752. The Board determined that the Respondent's payment of a fine under the Colorado disciplinary order constituted sufficient deterrent effect to support the issuance of a reprimand rather than an administrative penalty.

Continuing Education Cases

Bolullo, Mario \$1,700
Architect Houston, TX

Failure to timely complete CE requirements.

Falsely reporting completion of CE requirements in order to renew registration.

Failure to respond to two inquiries from the Board.

Cowart, Sharon Rhodes \$700
RID Keller, TX

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

Grassle, Robert C. \$2,000
Architect Houston, TX

Failure to timely complete CE requirements.

Falsely reporting completion of CE requirements in order to renew registration.

Failure to respond to one inquiry from the Board.

Note: Penalty increased because of a previous continuing education violation.

McHenry, Suzanne \$700
RID Dallas, TX

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

Valadez, Francisco \$1,000
Architect San Antonio, TX

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

Note: Penalty increased because of a previous continuing education violation.

Change of Address

Please make sure that we have your current mailing and email address so we may send your renewal notice to you in a timely fashion. You may update your own record by logging in to your online account on our Web site, www.tbae.texas.gov. You can also mail or fax 512.305.8900 the address change along with your signature. We will send renewal reminders to registrants at the e-mail address on file with TBAE, so be sure to keep your valid and unique email address updated.

Upcoming Board Meetings

- Tuesday, November 16, 2021
- Thursday, February 24, 2022
- Thursday, May 26, 2022
- Thursday, August 25, 2022
- Thursday, November 17, 2022

Executive Director

Julie Hildebrand

Board Members

Debra Dockery, FAIA

Chair, Architect Member; Term ends 1/31/23

Rosa G. Salazar, RID

Vice-Chair, Registered Interior Designer Member; Term ends 1/31/23

Fernando Trevino

Secretary-Treasurer, Public Member; Term ends 1/31/25

Robert Scott "Bob" Wetmore, AIA - Architect Member;

Term ends 1/31/27

Joyce Smith - Public Member; Term ends 1/31/23

Corbett "Chase" Bearden - Public Member; Term ends 1/31/21

Jennifer Walker, AIA - Architect Member; Term ends 1/31/21

Darren La Marr James, FAIA - Architect Member, Term ends 1/31/25

Tim A. Bargainer, PLA, ASLA, CLARB -

Landscape Architect Member, Term ends 1/31/25

The mission of the Texas Board of Architectural Examiners (TBAE) is to serve the State of Texas by protecting and preserving the health, safety, and welfare of the Texans who live, work, and play in the built environment through the regulation of the practice of architecture, landscape architecture, and interior design.

www.tbae.texas.gov



ATTESTATION OF SELF-DIRECTED CREDIT HOURS EARNED

TBAE newsletter, *Licensing News*

I certify that I read the _____ [Month/Season, Year as found on page one] issue of TBAE's *Licensing News* for one (1) hour CEPH credit on _____ [date].

This continuing education hour will count for self-directed Health/Safety/Welfare study for the calendar year in which it was earned. I understand that up to four continuing education hours of the required 12 per calendar year may be earned via self-study.

Your name

Date

Please keep this Certificate for your records, and submit it if you receive an audit letter from TBAE, along with all additional certificates for the specified calendar year.