

# TEXAS BOARD OF ARCHITECTURAL EXAMINERS

## Minutes of August 24, 2015 Board Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street

Tower III, Conference Room 102

Austin, TX 78701

9:00 a.m. until completion of business

### 1. Preliminary Matters

#### A. Call to Order

Chair called the meeting of the Texas Board of Architectural Examiners to order at 9:00 a.m.

#### B. Roll Call

Chuck Anastos called the roll

#### C. Excused and unexcused absences

Paula Ann Miller (Excused)

Chase Bearden (Excused)

#### Present

Alfred Vidaurri	Chair
Debra Dockery	Vice-Chair
Charles H. (Chuck) Anastos	Member
Bert Mijares, Jr.	Member
Sonya Odell	Member
Michael (Chad) Davis	Member
William (Davey) Edwards	Public Member

#### TBAE Staff Present

Julie Hildebrand	Executive Director
Lance Brenton	General Counsel
Glenn Garry	Communications Manager
Glenda Best	Director of Operations
Christine Brister	Staff Services Officer
Mary Helmcamp	Registration Manager
Mike Alvarado	Registration Manager
Kenneth Liles	Finance Manager
Jack Stamps	Managing Investigator
Dale Dornfeld	IT Manager
Katherine Crain	Legal Assistant
Julio Martinez	Network Specialist

#### D. Determination of a quorum

A quorum was present.

**E. Recognition of guests**

The Chair recognized the following guests: DeAnn Walker from Governor Abbott's office, Donna Vining, Executive Director for Texas Association for Interior Design, David Lancaster, Senior Advocate for Texas Society of Architects (in at 9:30), and Steven Schrom, Texas Legislative Services.

**F. Chair's Opening Remarks**

The Chair opened the meeting by stating that he was running out of opening remarks as his time as Chair was overdue. He never thought it would be as hard to get off a Board as it was to get on a Board. He said that it was just like yesterday when he came to Austin to join the Board over a decade ago. However, a decade ago, Google and Facebook were on the cutting edge. Lance Armstrong won the Tour de France and the cost of gas was just \$2.10. Gas is cheaper today than at the time he joined the Board. Another interesting fact was Martha Stewart was found guilty and sentenced to prison time.

Other amazing topics of interest in the last decade were as follows: the five legislative sessions; the Sunset reviews; the dispute with our colleagues, the engineers; the Institute of Justice and the lawsuit against the interior designers; a new Executive Director and a new General Counsel as well as becoming fully embedded in SDSI. He stated that he was truly going on the record as this is his last meeting.

**G. Public Comments**

None.

**2. Approval of Board Meeting Minutes (Action)**

The Chair put the draft minutes of the last Board meeting before the Board. A MOTION WAS MADE AND SECONDED (Edwards/Anastos) TO APPROVE THE MAY 7, 2015 BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

**3. Executive Director Report (Information)**

**A. Summary of Executive Accomplishments (Information)**

The Executive Director directed the Board to the report in the notebook and stated that her report will look similar to this in the future. It provides a summary of accomplishments, enforcement issues, detail and broad statistics and finally registration matters. She requested that the Board instruct her on other issues they may want addressed in the future. She said she would be working with Glenn Garry on her report to the Board as well as other annual and quarterly reports that are presented to the Board.

**B. Fiscal Year 2015 3<sup>rd</sup> Quarter Operating Budget (Information)**

The Executive Director requested the Board to focus on the FY2015 budget presented on page 20, specifically, columns 2 and 3. Column 3 represents

the final budget for Board approval. She stated that revenues were much higher than anticipated, roughly \$100,000 more than projected due to new applications and expenditure savings of approximately \$50,000 on the former Executive Director's salary.

**C. Board Approval of the Fiscal Year 2016 Operating Budget (Action)**

She then directed the Board to look at 2016 in terms of long range planning. She emphasized the fact that the agency has some significant mandates in the future that will affect the revenues of the agency. Also, this session that just passed will affect the expenditures of the agency. She said that staff looked at the historical trend analysis, previous revenues and licensing statistics to determine the economic projections and what resources the agency would need over the next several years. However, she admitted that at this point we don't know because we have not gone through the strategic planning stage yet. She said that the agency may have a better understanding of the situation next year. Furthermore, in order to shore up the state's pension fund, there was an increase from 6 percent to 9.5 percent. Along with that increase, employees' salaries must be increased by 2.5 percent and that the agency would have to come up with that expenditure itself. Also, there will be an increase because of increased expenditures on health insurance. Another source of increase comes from the State Office of Administrative Hearings (SOAH). They have changed their billing procedures to interagency contracts and they are now charging for two years in advance for their time. They are moving to a flat fee basis and TBAE will have to pay them whether the agency uses them or not in enforcement cases. SOAH will notify the agency of the amount that will need to be paid on the next biennium. Those were the biggest increases in expenditures.

Additionally, she summarized registration trends for the Board. She stated that the Board currently has 11,622 architects which is the highest amount of architects ever for this agency. Therefore, there has been an increase in architectural registrations and a two percent increase in landscape architects. Furthermore, she surmised that the legislative mandate for examination for the interior designers would impact 1800 licenses essentially decreasing the number of registered interior designers in 2017 and the Board will have to deal with that issue at that time. With that fact in mind, she reviewed the fund balance and determined that at the end of fiscal year 2015, the fund balance will be at 80 percent. When she benchmarked it with other agencies, she found that a level of at least 25 percent of the annual budget was typical. The Board has maintained that it wants to keep the fund balance at least at 50 percent. In other words, it appears that as soon as FY 2019 the Board will need to raise fees or do something else to increase revenue. The Board engaged in a general discussion regarding budgetary issues and the future of the fund balance.

A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO APPROVE THE BUDGET FOR 2016. THE MOTION PASSED UNANIMOUSLY.

**D. Policies and Procedures (Action)**

The Executive Director directed the Board to pages 14 and 21 of her report regarding the scholarship fund and the implementation of the repeal of the \$200 professional fee effective September 1, 2015. Furthermore, she directed the Board to page 22 of the report regarding policies and procedures. The first one is the reserve fund balance which is shown on page 23. Pages 24-26 are the old versions. She stated that she left the fund balance at 6 months. After 2019 or 2020, the Board should consider whether it be lowered or not.

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO APPROVE THE POLICIES AND PROCEDURES AS SUBMITTED.

Subsequently, a discussion ensued regarding the Board's desire to participate in a budget workshop prior to adopting the Board policy regarding TBAE budget development.

The Executive Director stated that the agency would normally start working on the Strategic Plan in January. However, she asked the Board if they would prefer to have a workshop in October to discuss the budget issues. Mr. Davis liked the idea. Ms. Hildebrand stated that for the Strategic Planning, there would be an actual meeting with stakeholders to get more people involved in the process. Mr. Anastos and Mr. Davis both agreed that this would be a good plan. Mr. Mijares stated that he thought it was important for the new board to be included in the budget discussions. After ample discussion amongst the Board regarding the policies and procedures, in particular, reference to the 6 month reserve fund, the 5 percent issue and a general Strategic Planning strategy, the Board took the vote on the motion.

The Chair called for a vote on the motion. THE MOTION DID NOT PASS.

Ms. Hildebrand stated that this Strategic Plan is different because it is not being developed just by staff. There will be an actual period where we seek stakeholders' input and then analyze that input. In addition, we will be doing an environmental scan and bringing that information to the management team to make proposals. Those proposals will be brought to a full board for review of all the information and to identify trends and resulting issues that would be part of the Strategic Plan. In other words, the agency is going to break down the process in order to get more people involved and approved by the full board.

A MOTION WAS MADE AND SECONDED (Anastos/Dockery) TO APPROVE THE STRATEGIC PLAN AS STATED. THE MOTION PASSED UNANIMOUSLY.

**F. Agency Goals and Objectives (*Information*)**

Ms. Hildebrand directed the Board's attention to her goals and objectives and stated that she has used this tool in the past and it was very useful to the Board. The Board would receive this information before the last meeting of the fiscal year. If there was a special goal, then we would include it. These are across the board and what you will see every year. They are fairly detailed and broken down by individual divisions and across the board goals. Ms. Hildebrand further noted that when she does performance evaluations for managers, these goals and objectives she would want to see to measure the agency's success.

A MOTION WAS MADE AND SECONDED (Davis/Edwards) TO ACCEPT THE GOALS AND OBJECTIVES FOR THE YEAR 2016. THE MOTION PASSED UNANIMOUSLY.

The Executive Director pointed out a few housekeeping items. Included in the notebook is a resolution for Mary Helmcamp, Registration Manager, who is retiring. Also, she wanted to introduce and welcome the new Registration Manager, Mike Alvarado. The Board welcomes and congratulates Mr. Alvarado on his new position. The Chair inquired as to whether Ms. Hildebrand would be filling Mr. Alvarado's former position and she stated in the affirmative. In addition, the Executive Director had mentioned last meeting that she would be sending out the Board materials to the members of the Board, but she has decided to have Glenda Best send the materials.

**Report on Conferences and Meetings (*Information*)**

**A. NCARB 2015 Annual Meeting – June 17-20**

Ms. Dockery and Ms. Hildebrand attended NCARB and Ms. Dockery presented her report on the conference. She stated that there was an election of officers at the meeting. Also, the workshops were informative and interactive and a lot of fun.

Ms. Hildebrand informed the Board that she had learned a lot at this meeting and had already started communicating with other Executive Directors across the United States. Mr. Vidaurri reported to the Board that they introduced their new Executive Director during the annual meeting. He commented that next year's meeting will be in June in Seattle, Washington.

**B. METROCON15 – Aug 13-14**

Ms. Hildebrand reported to the Board and stated that there were more people at the convention this year than last year and that TBAE's presentation went well. She got a lot of good feedback and met a lot of people. Furthermore, she attended several sessions during the conference that focused on health, safety and welfare and what Registered Interior Designers actually do in the industry. She said that the CLARB annual meeting is next which is scheduled for September 17-19 and the NCIDQ annual meeting is scheduled in Atlanta for November 13-14. She looks forward to attending both conferences.



**The Board took a break at 10:20 a.m. and reconvened at 10:33 a.m.**

**4. Proposed Rule for Adoption (Action)**

Amend Rule 7.10, pertaining to annual general fees, to implement a change in automated clearing house network (ACH) service charges by Texas.gov, and to implement House Bill 7 (84<sup>th</sup> Legislature), which repeals the \$200 professional fee previously imposed by statute.

The General Counsel explained to the Board that the rule was a draft rule which was approved for proposal in May. He directed the Board to page 47 of the notebook and explained that the rule had two components. One requirement would allow the Board to receive online payments through Texas.gov through ACH. Beginning on September 1, Texas.gov will assess a flat fee of \$1.00 for payments. That is the first component of the rule. Secondly, after the May Board meeting the Legislature passed HB7 which repealed the professional fee. Previously, the Board had the professional fee in the schedule. No comments were received, it is staff's recommendation that the Board adopt the rule.

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO APPROVE THE RULE CHANGE AS PROPOSED IN THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

**5. Adoption of a Rule Review Schedule (Action)**

The General Counsel explained that a state agency is required to review its rules every 4 years and determine whether the rules are still necessary. The last rule review was done in 2012; therefore, a new rules review must be done in 2016. Page 52 of the notebook presents the proposed schedule for rule review process. He recommends that the Board adopt the rule review schedule.

A MOTION WAS MADE AND SECONDED (Davis/Edwards) TO ACCEPT THE RULE SCHEDULE AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

**6. Enforcement Cases**

**Review and possibly adopt Executive Director's recommendation in the following enforcement cases:**

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

**Blundell, Judy (#137-1N)**

The General Counsel presented the case involving Judy Blundell. This was a case derived from a complaint received on June 17, 2014. TBAE received a telephone call about an article in the *Austin American Statesman* calling Respondent an architect. On that date, the Board received a form from the City of Taylor with her name – Judy Blundell and the word "architect" next to it. Mr. Brenton read the summary into the record. He explained that Ms. Blundell is not an architect and has never been an architect. In the beginning of the case, she claimed that she had been involved in the floor plans of the project. Based on the findings of the Board's investigation, Respondent violated TEX. OCC. CODE §1051.701. Respondent is willing to

accept an administrative penalty of \$10,000 which is \$5,000 for the title violation and \$5,000 for the illegal practice of architecture. The General Counsel stated that it is our recommendation to accept the proposed settlement.

A MOTION WAS MADE AND SECONDED (Mijares/Edwards) TO ACCEPT THE EXECUTIVE DIRECTOR'S RECOMMENDATION OF AN ADMINISTRATIVE PENALTY OF \$10,000 AND A CEASE AND DESIST ORDER. THE MOTION PASSED UNANIMOUSLY.

**Harrison, Randy (#035-15N)**

The General Counsel presented the second case to the Board members. He said that the Board looked at this case at the last meeting and had requested that he review the facts. He summarized the facts of the case for the Board and stated that at the previous board meeting, it was suggested that \$5,000 would be a better suited administrative penalty over the \$2,000 previously recommended.

A MOTION WAS MADE AND SECONDED (Davis/Odell) TO ACCEPT THE EXECUTIVE DIRECTOR'S RECOMMENDATION OF ADMINISTRATIVE PENALTY OF \$5,000 AND A CEASE AND DESIST ORDER. THE MOTION PASSED UNANIMOUSLY.

**Moore, Dawn (#088-14N)**

The General Counsel presented the case as a holdover from the last meeting. He read the highlights of the summary in the notebook. He stated that there was a great amount of historical data regarding precedent from the previous board meetings. He emphasized to the Board that the recommendation of an administrative penalty of \$40,000 would be the 5<sup>th</sup> largest penalty ever imposed by the Board and it would be the highest one collected on a case. In terms of looking at a case analysis, it is his recommendation that the agreed order be adopted by the Board and a \$40,000 penalty be imposed.

There was ample discussion amongst board members regarding the amount of the penalty to impose on the Respondent as well as whether the agency would be successful in prosecuting this case at SOAH.

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO APPROVE THE PROPOSED ENFORCEMENT ACTION AGAINST DAWN MOORE IN CASE NUMBER 088-14N WITH THE ADDITIONAL REQUIREMENTS THAT STAFF SEND OUT A NEWSLETTER DESCRIBING THIS PENALTY TO ALL STATE ARCHITECTS, REGISTERED INTERIOR DESIGNERS, BUILDING DESIGNERS, HOUSE DESIGNERS, EVERY DESIGN ORGANIZATION IN OUR DATABASE SO WE LET EVERYONE KNOW WHAT HAPPENS WHEN YOU TAKE A SEAL FRAUDULENTLY. THE MOTION PASSED UNANIMOUSLY.

The Executive Director offered the suggestion of sending out a press release regarding safeguarding your seal. Mr. Stamps also stated that he would be using this case in future presentations to various associations.

**James Calvin Walker (#075-11A)**

The General Counsel directed the Board to page 59. He stated that this case involves a registered architect, James Calvin Walker, Texas architectural registration number 5428. In the first half of 2011, the Board received a copy of set of construction documents from the City of McAllen for a project identified as "Mosaic Lofts." The project included architectural and engineering plans for an apartment complex of 6 buildings. The units were separated by walls rather than by open space and were, therefore, considered multi-family dwellings. The Respondent's architectural seal and signature were affixed to 22 sheets of construction documents. There were some issues with the plans. There was missing information regarding the height of slope of the roof and as a result there were issues with the building when it was constructed. The issues were that water entered the base of the walls.

This case went to mediation last year with Chuck Anastos, Debra Dockery, Davey Edwards and Board staff prior to my arrival and the Executive Director's arrival at the Board. The mediation was conducted at the State Office of Administrative Hearings and the Agreed Order is on page 67 and 71 of the package. The case to be heard by the Board was postponed until this meeting. The settlement was for a total of \$25,000 administrative penalty to be paid over a 5 year period. Respondent must pay \$15,000 of the penalty within 3 years with a probated suspension of his license for 24 months. Also, he will be required to submit a list of plans to the Board for a period of two years.

A MOTION WAS MADE AND SECONDED (Mijares/Davis) TO ACCEPT THE FINAL ORDER THAT IS CONTAINED IN THE PACKAGE AND ENTER THE ORDER WHICH INCLUDES A 24 MONTH PROBATIONARY PERIOD AS WELL AS AN ADMINISTRATIVE PENALTY OF \$25,000. THE MOTION PASSED UNANIMOUSLY.

**B. Continuing Education Cases**

The Chair read the seven cases of continuing education and stated that the Board would be hearing them as a whole. The General Counsel requested that the Board remove the case involving John James Speegle from the agenda. His case will be heard next meeting.

Mr. Mijares read each case name and number into the record as follows:

**Burns, Lea Ann (#083-15I)**

**Huggins, Martie Kay (#073-15I)**

**Martin, Garrett P. (#084-15A)**

**Moriarty, Ellen Maureen (#074-15A)**

**Stanley, Colin Lee (#070-15A)**

**Stone, Scott Lee (#050-14A)**



**Wilburn, Christina B. (#082-151)**

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO ADOPT THE EXECUTIVE DIRECTOR'S RECOMMENDED ADMINISTRATIVE PENALTIES IN THE PROPOSED AGREED SETTLEMENTS OF THE ABOVE-REFERENCED CASES INVOLVING CONTINUING EDUCATION VIOLATIONS. THE MOTION PASSED UNANIMOUSLY.

**7. Member Board Comment Period regarding the Experience Portfolio Documentation Method to NCARB's Interior Development Program (Action)**

The Chair suggested that Ms. Dockery present a summary of the proposed rule which is located on page 76 of the board package. She stated that this is another change under consideration for the IDP training hours. Right now the rules are reported on a 6 month basis and prior to 2014, any hours that they did not report under that 6 month rule, they lost. They did not get credit for those hours. This was done in order to get interns to stay on track. In 2014, this Board and others around the nation voted on expanding the reporting period to allow 50% credit for experience that was reported after 6 months but within 5 years. Other recent changes to the IDP, we went from 5600 hours to 3740, basically 2 years.

The proposed change for which NCARB is soliciting input would be for experience beyond the 5 years; the candidate would prepare documentation of that past experience that would include a work product example and submit that to the candidate's current supervisor. The rationale for this change is to facilitate licensure. The stated program needs to not be overly burdensome or expensive.

The Chair stated that this was a new proposal and that NCARB is seeking feedback only at this point. If NCARB gets positive feedback from its member states, it may be reviewed and voted upon sometime next year. There was ample discussion amongst board meetings regarding the IDP program and the changes that have been made thereto and the changes that they are currently considering.

**8. Approval of the Proposed 2016 Board Meeting Dates (Action)**

Thursday, February 25, 2016

Thursday, May 26, 2016

Thursday, August 25, 2016

Thursday, October 27, 2016

A MOTION WAS MADE AND SECONDED (Davis/Edwards) TO ACCEPT THE ABOVE-REFERENCED DATES FOR BOARD MEETINGS IN 2016. THE MOTION PASSED UNANIMOUSLY.

**9. Approval of Resolution Honoring: (Action)**

**Mary Helmcamp**

The Chair read the resolution as follows:

Be it known that

Mary B. Helmcamp

Has distinguished herself through her dedicated and conscious service as an employee of this Board for more than twenty years from March 1995 through August 2015, and

**Whereas**, Ms. Helmcamp has served in the Board's Registration Division supporting its Mission to ensure a safe built environment for Texas by regulating the professions of architecture, landscape architecture and interior design, and has served as the manager of the division since 1997;

**Whereas**, Under her supervision, the Board has granted approximately 12,390 registrations for architects, landscape architects and interior designers;

**Whereas**, Ms. Helmcamp has been responsible for the implementation of the computerization of the Architect Registration Examination and Landscape Architect Registration Examiners, the development of countless new programs related to the registration of all three professions, the integration of ever developing new technologies, the drafting of many new and revised Board rules, and has always given excellent customer service;

**Whereas**, Ms. Helmcamp has performed her job with professionalism and integrity and has made the registration process more accessible and responsive to the needs of the citizens of Texas;

**Whereas**, Ms. Helmcamp has made a significant contribution to the health, safety and welfare for all citizens of our State.

Now, Therefore, Be it Resolved, that the Texas Board of Architectural Examiners in Formal Meeting assembled this 24<sup>th</sup> Day of August, 2015, does publicly acknowledge its appreciate of outstanding board service and have voted unanimously for this

Resolution of Commendation to Mary B. Helmcamp, and have caused a copy of this Resolution to be included within the Minutes of this Board.

**William D. "Davey" Edwards**

The Chair read the resolution as follows:

Be it known that  
William D. "Davey" Edwards

Has distinguished himself through his dedicated and conscious service as a member of this Board from April 11, 2013 through August 24, 2015, having been appointed by Governor Rick Perry; and during his term having served as a member of the Rules Committee and

Whereas, Mr. Edwards is a Fighting Texas Aggie Class of '93 with a Bachelor's of Science degree in Biomedical Science, a Master's of Science degree in Geospatial Surveying Engineering from Texas A&M University at Corpus Christi, and is completing his Doctorate of Philosophy degree in Geoscience and Geospatial Sciences at the University of Texas at Dallas; and

Whereas, Mr. Edwards is a co-owner with his father of a 38-year old surveying company in Decatur, Texas; Edwards Surveying, L.L.C. and also owns a land consulting company called Cadastre Resolution Group and

Whereas, Mr. Edwards has served the public and further distinguished himself by serving on the executive committee for the Texas Society of Professional Surveyors (TSPS) since 2008 and as part president of TSPS and on the board of directors as director at large, as vice president, president and past president of the Fort Worth Chapter of TSPS; and

Whereas, Mr. Edwards was awarded the 2006 TSPS Young Surveyor of the Year and the 2007 TSPS Chapter President, and is a member of TSPS, the Oklahoma Society of Land Surveyors, and the National Society of Professional Surveyors; and

Whereas, Mr. Edwards created and taught several continuing education courses for TSPS including the two boundary retracement courses in Brady and Concan, Texas.

Now, Therefore, Be it Resolved, that the Texas Board of Architectural Examiners in Formal Meeting assembled this 24<sup>th</sup> Day of August, 2015, does publicly acknowledge its appreciation of outstanding board service and have voted unanimously for this

Resolution of Commendation to William D. "Davey" Edwards, and have caused a copy of this Resolution to be included within the Minutes of this Board.

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO ACCEPT THE RESOLUTIONS HONORING MARY B. HELMCAMP AND WILLIAM D. "DAVEY" EDWARDS INTO THE RECORD OF THE AUGUST 24, 2015 MINUTES. THE MOTION PASSED UNANIMOUSLY.

**10. Upcoming Board Meeting (*Information*)**

Thursday, October 29, 2015 – Full Board

The Executive Director stated that the Board members will get the plan for the Strategic Planning during the next board meeting.

**11. Chair's Closing Remarks**

I wanted to share a piece of exciting news with you. Ms. Dockery will be receiving an award for outstanding mentoring from the Texas Society of Architects at the convention. I think it is very fitting. Congratulations to Ms. Dockery.

It has been a wonderful 11 years. It has been an amazing journey and open some hard times in that last decade. I think this is the finale for myself.

**12. Adjournment**

A MOTION WAS MADE AND SECONDED (Mijares/Odell) TO ADJOURN THE MEETING AT 12:05 O'CLOCK P.M. THE MOTION PASSED UNANIMOUSLY.

Approved by the Board:

  
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DEBRA J. DOCKERY, AIA  
Vice-Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS