

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of the Rules Committee Meeting
August 24, 2015
The William P. Hobby, Jr. Building
333 Guadalupe Street, Tower III, Suite 102
Austin, TX 78701

1. Call to Order

The Chair called the meeting of the Rules Committee to order at 1:30 p.m.

2. Roll Call

The Chair called the roll and declared a quorum of the Committee was present.

Present Board Members:

Michael (Chad) Davis, Chair

Charles (Chuck) Anastos

Davey Edwards

Sonya Odell

Excused Absence:

None

TBAE Staff Present:

Julie Hildebrand, Executive Director

Lance Brenton, General Counsel

Jack Stamps, Managing Investigator

Glenn Garry, Communications Manager

Mary Helmcamp, Registration Manager

Mike Alvarado, Registration Manager

Glenda Best, Operations Manager

Katherine Crain, Legal Assistant

Public Members Present:

David Lancaster

3. Public Comment

None

4. Approval of minutes of the July 25, 2014 meeting of the Rules Committee

A MOTION WAS MADE AND SECONDED (Edwards/Odell) TO APPROVE THE MINUTES FROM THE JULY 25, 2014 RULES COMMITTEE MEETING. THE MOTION PASSED UNANIMOUSLY WITH CHUCK ANASTOS ABSTAINING FROM THE VOTE.

5. Registration of military service member, military veterans and expedited reciprocal registration of military spouses

The General Counsel explained that SB 807 and SB 1307 recently passed during the last legislative session. He provided the language with the changes on pages 7-11 and the summary of the change on page 5. Essentially, SB 807 waives license

and application fees for some registrants and applicants and SB 1307 modifies definitions of active duty. Also, it grants agencies the authority to establish alternative methods for licensure and extends expedited licenses to military veterans and spouses. The draft amendments cover four different rules in the package. Additionally, the agency must make a change to Rules 1.69, 3.69 and 5.79 to allow military personnel another 2 years to complete continuing education requirements. An amendment to rule 7.10 must be made as well in order to effect the fee schedule for these individuals.

A MOTION WAS MADE AND SECONDED (Anastos/Edwards) TO APPROVE THE DRAFT RULE CHANGES REGARDING THE MILITARY VETERANS AND MILIARY SPOUSES INCLUDING RULES 1.69, 3.69, 5.79 AND 7.1. THE MOTION PASSED UNANIMOUSLY.

6. Discuss possible changes to Rule 5.202 – NCIDQ Interior Design Experience Program

The General Counsel explained to the committee that under the present rules, a candidate may complete the IDEP which was administered by NCIDQ. NCIDQ has since eliminated the program; therefore, the rules are obsolete and must be modified to delete the reference.

A MOTION WAS MADE AND SECONDED (Anastos/Edwards) TO APPROVE THE MODIFICATION RULES 5.31 AND 5.202 TO ELIMINATE REFERENCE TO THE IDEP PROGRAM. THE MOTION PASSED UNANIMOUSLY.

7. Review Rule 1.52, relating to the Architectural Registration Examination Financial Assistance Fund and possibly amend Rule 7.10 to assess a fee upon architectural registration and renewal of architectural registration to provide funding for financial assistance to qualified applicants to cover the cost of the examination

The General Counsel said that the program was created in 1999 by the Legislature. Until 2003, a sum of \$10 was collected by the architects. Since 2003, the agency has not collected any funds from the architects. The agency has been operating off the proceeds of the \$10 balance fund ever since 2003. The AREFAF will be depleted in the next 5 years. This item was discussed at length by the Board members.

A MOTION WAS MADE AND SECONDED (Anastos/Edwards) TO RECOMMEND TO THE BOARD THAT THEY ENACT A \$1.00 FEE TO THE ANNUAL ARCHITECTURAL RENEWAL FEES ALONG WITH WHATEVER MONIES WILL BE REQUIRED OVER A PERIOD OF THE NEXT FEW YEARS AND THAT THE AGENCY NOT INITIATE THE FIRST FEE AT LEAST OR UNTIL AFTER SEPTEMBER 1, 2017. THE MOTION PASSED UNANIMOUSLY.

8. Amendments to Rule 7.7 requiring a request for rulemaking to be filed by a Texas resident (HB 763)

The General Counsel stated that HB 763 passed this last session and it deals with eligibility for rulemaking. As currently written, agency rule 7.7 does not address the eligibility to file such petitions.

A MOTION WAS MADE AND SECONDED (Edwards/Odell) TO ADOPT THE RULE AS SET FORTH. THE MOTION PASSED UNANIMOUSLY.

9. New Rule regarding tuition reimbursement (HB 3337)

The General Counsel stated that HB 3337 was effective as of September 1, 2015. Furthermore, the Legislature has provided some changes to provide greater oversight of tuition reimbursement. Mr. Brenton gave the background on the bill and the requirements for each agency and explained that the agency is required to adopt rules. The agency currently does not have any rules regarding this matter. A MOTION WAS MADE AND SECONDED (Anastos/Edwards) TO ADOPT NEW RULE 7.15 AS STATED. THE MOTION PASSED UNANIMOUSLY.

The Committee took a break at 2:25 p.m. and reconvened at 2:30 p.m.

10. Disciplinary issues relating to unauthorized use of architectural seals

The Board engaged in a lengthy discussion regarding whether to pass a rule or not and whether this rule conflicts with the statute. The Chair suggested that the committee take the proposed rule and redraft it. He stated that it may need to be reviewed more comprehensively and thought the rule should be tabled for discussion at another rules committee meeting.

A MOTION WAS MADE AND SECONDED (Anastos/Odell) TO TABLE THE DISCUSSION ON ITEM NUMBER 10 OF THE RULES COMMITTEE AGENDA. THE MOTION PASSED UNANIMOUSLY.

11. How to evaluate foreign landscape architect degrees

The General Counsel gave the background on the current rule and stated that the draft amendment was on pages 55 and 56. Furthermore, he stated that the changes are included in Board Rules 3.21 and 3.191 and gave a background of the rule.

A MOTION WAS MADE AND SECONDED (Edwards/Anastos) TO PROPOSE THIS RULE TO THE BOARD. THE MOTION PASSED UNANIMOUSLY.

12. Discussion:

A. Continuing Education Rule and Violations

The Committee discussed the "failure to maintain" rule at length. It was decided to have the General Counsel draft a modification to Board Rule 1.232 recommending a \$700 penalty for failure to maintain continuing education records with the caveat that the registrant must complete the continuing education hours.

B. The sanction of business entities

After the Committee's discussion on the matter, the General Counsel recommended that the Committee not pass a rule on this issue and not take action against a business unless the agency has statutory authority to do so. The Executive Director agreed with the General Counsel and stated that we would have to pierce the corporate veil and it is almost impossible to do.

**C. Statutory limitations of fines in Chapter 1051, Section 1.177,
Administrative Penalty Schedule**

The penalty schedule was discussed in general terms and the General Counsel discussed the agency's administrative penalties in comparison to other state agencies, and emphasized that administrative penalties are capped at \$5,000 per violation under the statute.

13. Adjourn

A MOTION WAS MADE AND SECONDED (Anastos/Edwards) TO ADJOURN THE MEETING AT 3:55 P.M. THE MOTION PASSED UNANIMOUSLY.

The Committee adjourned at 3:55 p.m.

Approved by the Rules Committee:



MICHAEL CHAD DAVIS
Chair