



**TEXAS Board of
Architectural Examiners**
Architects - Interior Designers - Landscape Architects

333 Guadalupe, SUITE 2-350 • AUSTIN, TX 78701-3942
P.O. Box 12337 • AUSTIN, TX 78711-2337
PH 512.305.9000 FAX 512.305.8900 www.tbae.state.tx.us

December 19, 2011

The Honorable John Carona
Chair, Senate Committee on Business and Commerce
Texas Senate
P.O. Box 12068
Austin, Texas 78711-2068

Dear Chairman Carona,

Thank you for your request for information regarding the Texas Board of Architectural Examiners (TBAE). As you know, we are a multiprofession agency regulating architects, registered interior designers, and landscape architects across Texas. That's roughly 19,000 design professionals (counting Active, Inactive, and Emeritus statuses) that TBAE oversees to ensure the health, safety, and welfare of the public. Regulation begins after a candidate fulfills the required "Three Es" (education, experience, and examination) needed for registration, and continues throughout the registrant's career via continuing education and professional practice requirements.

We feel a report like this for your committee will be of tremendous value to you and your constituents, as well as our own stakeholders from across the design professions in Texas.

As it happens, your request comes at a time when TBAE and our sister agency, the Texas Board of Professional Engineers, are witnesses to and participants in the ending of a longstanding dispute among a few members of the engineering and architectural professions, thanks to thoughtful legislation passed in 2011. More information about this historic development follows.



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

333 Guadalupe, SUITE 2-350 • AUSTIN, TX 78701-3942
P.O. Box 12337 • AUSTIN, TX 78711-2337
PH 512.305.9000 FAX 512.305.8900 www.tbae.state.tx.us

Should you have any questions, please don't hesitate to call or write at any time and we will get you any information you need.

Thank you again for the opportunity, and we look forward to seeing you and the Committee soon.

Regards,

A handwritten signature in black ink that reads "Cathy L. Hendricks". The signature is fluid and cursive, with a long horizontal line extending to the right.

Cathy L. Hendricks, RID
Executive Director

Attachment



Status of the implementation of last session's key legislation.

Shortly after the passage of [HB 2284](#), by far 2011's most important piece of legislation for the agency, TBAE reached out to its sister agency, the Texas Board of Professional Engineers (TBPE) to work closely together in implementing the new law. Both agencies were quick to recognize that collaboration was critical to communicate the new law and ensure its smooth implementation.

First, the agencies worked together to draft and release [a joint statement on the bill](#), laying out the new law's outlines and noting its clear benefits to members of the architecture and engineering professions.

Next, the two agencies crafted and issued a [helpful Frequently Asked Questions document](#) for stakeholders. Like all materials surrounding this new law, the FAQ was issued jointly by TBAE and TBPE.

After close collaboration, the two agencies agreed upon a smooth process for implementing the "excepted engineer" portion of the new law, and [issued a flowchart to lay out the process](#) for those interested in learning more.

As the September 1 start date neared, the two boards released [a set of instructions](#) for the application process, and shortly before the start date, [the application itself](#).

TBAE scheduled its [first meeting of the HB 2284 Review Committee](#) for October 21, 2011. During that meeting, the committee reviewed four applications for the "excepted engineer" list and ultimately approved two of them after deliberation. One of the remaining two applications was rejected. The Committee postponed consideration of the other until it gained additional information. That application is on the agenda for the next meeting. (All applicants are offered multiple types and levels of appeal, should they be interested.)

Not forgetting that HB 2284 calls for the formation of a Task Force to more fully determine specific lines of demarcation (and overlap) between the practices of architecture and engineering, the two agencies have remained in close contact to work out these details. At the time of this writing, a draft proposal is being circulated laying out Task Force membership, rules, and processes. Currently, it appears that the Task Force will have six members, including representatives from each board and representatives from each profession who are not members of the Boards. The agency looks forward to receiving the recommendations of the Task Force on drawing a clearer line of demarcation between the



two professions. However, TBAE's current priority is in evaluating and approving engineers for the excepted engineers' list.

The application window for the "excepted engineer" list closes on January 1, 2012. As of December 12, 2011, TBAE has received a total (including those already accepted or denied by the Committee) of 17 applications. The second Review Committee meeting is currently scheduled for February 3, 2012.

Issues of possible interest to the committee members that have occurred since the end of special session.

Perhaps the only 2011 bill aside from HB 2284 (above) to significantly impact the agency and its stakeholders was [SB 652](#), which moved up the Sunset Advisory Commission's review of TBAE, TBPE, and a handful of other agencies to the coming 83rd Texas Legislature. In the summer of 2011, TBAE staff compiled and submitted its [Self Evaluation Report to the Sunset Commission](#), and looks forward to working with Sunset Commission staff during its review in 2012.

Upcoming issues of possible interest to the committee members.

The agency was recently audited by the State Auditor's Office for agency operations in fiscal year 2010. The audit found that the agency correctly reported key financial statement balances for that year but failed to maintain records of a transfer between agency funds. Furthermore, the agency has and follows adequate process for setting administrative fees and penalties but has not fully documented processes for setting them. Agency processes for preparing its budget and reporting performance measures are not adequately documented or followed. The agency has implemented, or is currently in the process of implementing, all recommendations arising from the audit. The full report will be available on the State Auditor's Office Web site at www.sao.state.tx.us.