

**Architectural Barriers Advisory Committee Meeting
Registered Accessibility Specialist Licensing Statistics
December 16, 2019**

RAS	FY 2016	FY 2017	FY 2018	FY2019	FY2020	To Date
New Licenses Issued	33	52	38	122	7	4
Renewed Licenses Issued	437	416	431	439	64	29
Total Population	504	528	535	548	548	548

ARCHITECTURAL BARRIERS ADVISORY COMMITTEE

 DECEMBER 16TH, 2019

PERSONNEL UPDATES
STATISTICS AND TRENDS
REGISTERED ACCESSIBILITY SPECIALISTS EXAMINATIONS

 (AS OF OCTOBER 31ST, 2019)

2020	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	3	3	-	6	-	-	-	0	-	-	-	0	-	-	-	0	6
FAIL	5	0	-	5	-	-	-	0	-	-	-	0	-	-	-	0	5
TOTAL	8	3	-	11	-	-	-	0	-	-	-	0	-	-	-	0	11
RATE	37.5%	100%	0.0%	54.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	54.5%
2019	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	4	6	1	11	3	3	3	9	4	2	3	9	7	4	5	16	45
FAIL	6	7	7	20	3	3	2	8	4	3	7	14	2	5	2	9	51
TOTAL	10	13	8	31	6	6	5	17	8	5	10	23	9	9	9	27	98
RATE	40.0%	46.2%	12.5%	35.5%	50.0%	50.0%	60.0%	52.9%	50.0%	40.0%	30.0%	39.1%	77.8%	44.4%	55.6%	59.3%	45.9%
2018	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	4	6	7	17	3	3	1	7	3	2	2	7	0	6	2	8	39
FAIL	2	2	3	7	4	5	1	10	1	3	3	7	2	5	8	15	39
TOTAL	6	8	10	24	7	8	2	17	4	5	5	14	2	11	10	23	78
RATE	66.7%	75.0%	70.0%	70.8%	42.9%	37.5%	50.0%	41.2%	75.0%	40.0%	40.0%	50.0%	0.0%	54.5%	20.0%	34.8%	50.0%

**REGISTERED ACCESSIBILITY SPECIALISTS CONTINUING EDUCATION
(AS OF OCTOBER 31ST, 2019)**

FY 2020	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
COURSE APPROVAL ISSUED	0	0	-	0	-	-	-	0	-	-	-	0	-	-	-	0	0
TOTAL COURSES	39	40	-	40	-	-	-	0	-	-	-	0	-	-	-	0	40
CURRENTLY, THERE ARE 7 REGISTERED ACCESSIBILITY SPECIALISTS CONTINUING EDUCATION PROVIDERS																	
FY 2019	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
COURSE APPROVAL ISSUED	15	8	0	23	0	1	0	1	2	1	6	9	0	13	2	15	48
TOTAL COURSES	43	51	42	42	41	36	36	36	39	40	44	44	38	52	53	53	53
FY 2018	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
COURSE APPROVAL ISSUED	0	0	8	8	7	0	0	7	0	0	14	14	5	0	1	6	35
TOTAL COURSES	37	37	43	43	42	28	28	28	28	29	28	28	27	26	27	27	27

**AUDIT ACTIVITIES
(AS OF NOVEMBER 30TH, 2019)**

CONTINUING EDUCATION PROVIDER AUDITS																	
FY 2019 - 2020	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
REGISTERED ACCESSIBILITY SPECIALISTS	0	0	0	0	-	-	-	0	-	-	-	0	-	-	-	0	0
CONTINUING EDUCATION PROVIDER AUDITS																	
FY 2018 - 2019	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
REGISTERED ACCESSIBILITY SPECIALISTS	0	0	0	0	1	0	19	20	0	0	0	0	0	0	0	0	20

Texas Department of Licensing and Regulation
Regulatory Program Management Staff Report
Architectural Barriers Advisory Committee Meeting
December 16, 2019

Organizational Changes

- The Regulatory Program Management Director David Gonzales was recently promoted to Deputy Executive Director of Licensing Services on December 1st. David has been with TDLR for nearly 24 years starting with the Elimination of Architectural Barriers Program as a plan reviewer and working his way up.
- This created an opportunity for our own Business and Consumer Safety Manager Charlotte Melder to fill the position as Director of Regulatory Program Management. Charlotte has been with TDLR for 11 years and came to RPM Division from the Enforcement Division. Both have been instrumental with direct influence on the Elimination of Architectural Barriers program.

Public Outreach and Education

- Norman Kieke started the 3-day Accessibility Professionals Association (APA) Annual Conference with the “Rock Out with TAS” performance on January 30th in partnership with RAS Rob Roy Parnell and Jack Stamps with TBAE. The conference lasted until February 1st. On the 1st Marsha Godeaux taught a course called “TABS and how it works with the 2018 RAS procedures”. This new course was a step by step explanation of the ins and outs of TABS and any changes to the RAS procedures that resulted in the system.
- Marsha taught the TABS class again for those that could not attend the APA Conference on February 6th and 8th here at TDLR.
- Marsha and Norman went to the Building Professional Institute (BPI) booth for Houston, TX February 18-20. They taught the two 4-hour classes for understand and applying TAS as well as the 2-day Texas Accessibility Academy.
- The two-day Texas Accessibility Academy was presented again in Austin March 19-20, June 4-5, and August 13-14. Norman Kieke and Jamie Hill taught the class.
- Norman spent two days in Waco teaching the “What is a RAS” class on April 1-2 for the Texas State Technical College. He also taught a TAS and RAS informational class on April 4 for the College.
- Marsha attended two APA meetings in Schertz on April 12th and in Plano on August 9th to teach the “TABS and how it works with the 2018 RAS procedure” class.
- The National ADA symposium was held on June 17-18 where Charlotte Melder taught a collaborated class with the state of California about the law and rules behind the Architectural Barriers program.
- Norman attended training with Governor’s Center for Management Development in Austin for ideas on “high impact presentations”.
- Norman serves as TDLR Liaison for the Texas Governor’s Committee on People with Disabilities and attended (or was represented at) quarterly meetings in April, June, August,

and October 2019. The agency report includes updates on nine TDLR programs which specifically serve Texans with disabilities.

- Norman and Jamie attended the BPI on October 1-2 in Lubbock and again November 18-19 here in Austin to teach the Texas Accessibility Academy.
- Jamie taught a RAS recruiting class at Stephen F Austin in Nacogdoches on October 9th and at Houston Community College on October 18th. This class was an updated version of the “What is a RAS” course previously taught.

Projects

- The Texas Architectural Barriers System (TABS) became the active reporting system for AB projects registered on December 03, 2018. On June 24rd the legacy information was converted from the old HP3000 database into TABS. Currently, RPM is working with the Development team to correct any system glitches that have been found and create further enforcement and audit screens for the TDLR side of the program.
- Jamie and Norman are currently working on developing an additional class that has been requested regarding TDLR expectations for those who have newly become a RAS.

Statistics

FY 2019	DEC	JAN	FEB	2nd Qtr totals
Emails responses sent	997	1226	1100	3323

FY 2019	MARCH	APR	MAY	3RD Qtr totals
Emails responses sent	1290	1223	1099	3612

FY 2019	JUNE	JULY	AUG	4TH Qtr totals
Emails responses sent	1459	1981	1726	5166

FY 2019	1ST Qtr	2ND Qtr	3RD Qtr	4TH Qtr	TOTALS
Emails responses sent	2044	3323	3612	5166	14145

FY 2020	SEPT	OCT	NOV as of the 19th	1ST Qtr totals
Emails responses sent	1293	1567	886	3746

FY 2019	DEC	JAN	FEB	2ND Qtr totals
RAS Plan Reviews	1454	2179	1677	5310
RAS Inspections	1813	1636	1270	4719
AB Inspections	0	0	0	0
Variances & Appeals	12	7	8	27

FY 2019	MAR	APRIL	MAY	3RD Qtr totals
RAS Plan Reviews	2052	1871	2009	5932
RAS Inspections	1612	1745	1473	4830
AB Inspections	0	0	0	0
VariANCES & Appeals	16	20	12	48

FY 2019	JUNE	JULY	AUG	4TH Qtr totals
RAS Plan Reviews	1857	2053	1915	5825
RAS Inspections	1205	1358	1332	3895
AB Inspections	0	0	0	0
VariANCES & Appeals	4	20	30	54

FY 2019	1ST Qtr	2ND Qtr	3RD Qtr	4TH Qtr	TOTALS
RAS Plan Reviews	5457	5310	5932	5825	22524
RAS Inspections	4538	4719	4830	3895	17982
AB Inspections	1	0	0	0	1
VariANCES & Appeals	57	27	48	54	186

FY 2020	SEPT	OCT	NOV	1ST Qtr totals
RAS Plan Reviews	1915	1920		
RAS Inspections	1324	1473		
AB Inspections	0	0		
Variances & Appeals	14	10		

ARCHITECTURAL BARRIERS ADVISORY COMMITTEE

Enforcement Division Staff Report

December 16, 2019

Case Highlights

- **Starbucks Coffee Company** (EAB20190001146)
On January 14, 2019, a Default Order for the penalty amount of \$2,000.00 was issued in this case by the Executive Director. Respondent was alleged to have registered a project with the Department on September 1, 2014. The project was stated to have a completion date on or about July 30, 2017. As of the date of the Notice of Alleged Violation, October 1, 2018, Respondent had not obtained an inspection from a Registered Accessibility Specialist. Respondent filed a Motion for Rehearing with the Department on March 6, 2019. However, the motion was denied by operation of law as it was received more than 25 days after the January 14, 2019 entry of the Default Order. Respondent paid the penalty amount in full on April 30, 2019.
- **Huxley T.C. Smith** (EAB20180011163)
On March 4, 2019, an Agreed Order was entered against Huxley T. C. Smith, assessing an administrative penalty of \$2,250.00 and 8 hours of class instruction for performing a Texas Accessibility Standards (TAS) inspection in a negligent or incompetent manner. Mr. Smith's inspection of a facility on or about March 2, 2019 identified one violation. A subsequent inspection conducted by two different Registered Accessibility Specialists, employed by the Texas Dept. of Health and Human Services, found over 10 violations, including entries that were inaccessible according to the 2012 TAS standards and TAS violations in bathrooms. Mr. Smith remitted payment for the penalty in full on January 28, 2019.
- **JWK Holdings, Inc.** (EAB20190009499)
On May 20, 2019, an Agreed Order was entered against JWK Holdings, Inc. An administrative penalty of \$1,500.00 was agreed between the Department and Respondent for Respondent's failure to schedule an inspection with a Registered Accessibility Specialist before the first anniversary of the completion of a construction project. Respondent registered a project with the Department on February 12, 2016. Respondent stated in the registration that the project was to be completed in or about August 2016. As of the date of the Notice of Alleged Violation, April 5, 2019, no inspection had taken place. Full payment of the penalty was received by the Department on April 22, 2019.

- The Point Shopping Center, L.P. (EAB20190011803)**
 On July 1, 2019, an Agreed Order was entered against The Point Shopping Center, L.P. An administrative penalty of \$1,500.00 was agreed between the Department and Respondent for Respondent's failure to schedule an inspection with a Registered Accessibility Specialist before the first anniversary of the completion of a construction project. Respondent registered a project with the Department on November 18, 2014. Respondent stated in the registration that the project was to be completed in or about May 2015. As of the date of the Notice of Alleged Violation, May 22, 2019, no inspection had taken place. Full payment of the penalty was received by the Department on June 17, 2019.
- Legacy Woodbridge, L.L.C. (EAB20190015823)**
 On October 2, 2019, an Agreed Order was entered against Legacy Woodbridge, L.L.C. An administrative penalty of \$1,000.00 was agreed between the Department and Respondent for Respondent's failure to schedule an inspection with a Registered Accessibility Specialist before the first anniversary of the completion of a construction project. Respondent registered a project with the Department on August 22, 2016. Respondent stated in the registration that the project was to be completed in or about February 2017. As of the date of the Notice of Alleged Violation, August 16, 2019, no inspection had taken place. Full payment of the penalty was received by the Department on August 26, 2019.

Key Statistics

Shown below are key statistics for the Elimination of Architectural Barriers program and for all TDLR programs combined through October of Fiscal Year 2020.

<u>Statistic</u>	<u>EAB</u>	<u>TDLR</u>
• Number of cases opened:	64	1,931
• Number of cases resolved:	46	1,777
• Number of Final Orders:	11	272
• Total amount of penalties assessed:	\$11,850	\$485,031
• Total amount of penalties collected:	\$11,850	\$252,675

Shown below are key statistics for the Elimination of Architectural Barriers program and for all TDLR programs combined for Fiscal Year 2019.

<u>Statistic</u>	<u>EAB</u>	<u>TDLR</u>
• Number of cases opened:	204	10,902
• Number of cases resolved:	210	10,113
• Number of Final Orders:	81	1,887
• Total amount of penalties assessed:	\$105,500	\$3,394,345
• Total amount of penalties collected:	\$87,500	\$1,731,554

Shown below are key statistics for the Elimination of Architectural Barriers program and for all TDLR programs combined for Fiscal Year 2018.

<u>Statistic</u>	<u>EAB</u>	<u>TDLR</u>
• Number of cases opened:	136	10,585
• Number of cases resolved:	118	9,833
• Number of Final Orders:	41	2,037
• Total amount of penalties assessed:	\$61,750	\$3,209,055
• Total amount of penalties collected:	\$45,300	\$1,528,594