

LICENSING DIVISION

Staff Report for the Architectural Barriers Advisory Committee Meeting

June 7, 2023

Statistics

Registered Accessibility Specialists	TOTAL FY 2022	FY 2023 Sept 2022 – Mar 2023	% Change
New Licenses Issued	28	20	
Renewed Licenses Issued	470	274	
Total Population	543	532	-2.1%



Education and Examination Division

Staff Report for Architectural Barriers Advisory Committee

June 7th, 2023

Statistics

Registered Accessibility Specialist PSI Examinations

(As of April 30th, 2023)

FY2023	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	2	5	6	13	1	0	1	2	6	2	0	8	0	0	0	0	23
FAIL	4	6	2	12	1	0	3	4	2	1	0	3	0	0	0	0	19
TOTAL	6	11	8	25	2	0	4	6	8	3	0	11	0	0	0	0	42
RATE	33.3%	45.5%	75.0%	52.0%	50.0%	0.0%	25.0%	33.3%	75.0%	66.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	54.8%
FY2022	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	0	1	4	5	3	3	2	8	4	2	1	7	2	4	3	9	29
FAIL	3	4	1	8	1	1	1	3	2	1	5	8	2	2	0	4	23
TOTAL	3	5	5	13	4	4	3	11	6	3	6	15	4	6	3	13	52
RATE	0.0%	20.0%	80.0%	38.5%	75.0%	75.0%	66.7%	72.7%	66.7%	66.7%	16.7%	46.7%	50.0%	66.7%	100.0%	69.2%	55.8%

REGISTERED ACCESSIBILITY SPECIALISTS CONTINUING EDUCATION

(AS OF APRIL 30TH, 2023)

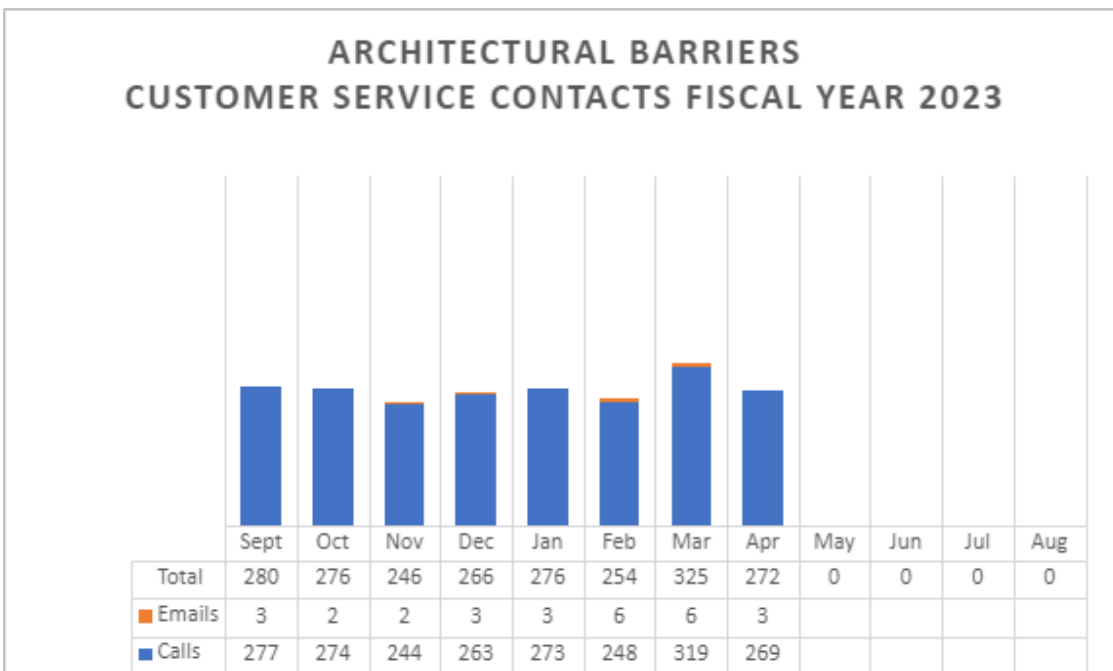
FY 2023	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
COURSE APPROVAL ISSUED	1	6	2	9	3	5	1	9	12	3	-	15	-	-	-	-	33
TOTAL COURSES	37	39	40	40	43	40	39	39	38	39	-	39	-	-	-	-	39
FY 2022	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
COURSE APPROVAL ISSUED	1	10	4	15	0	0	1	1	13	2	0	15	2	0	4	6	37
TOTAL COURSES	33	42	45	45	39	35	36	36	45	37	35	35	37	35	37	37	37

Customer Service Division

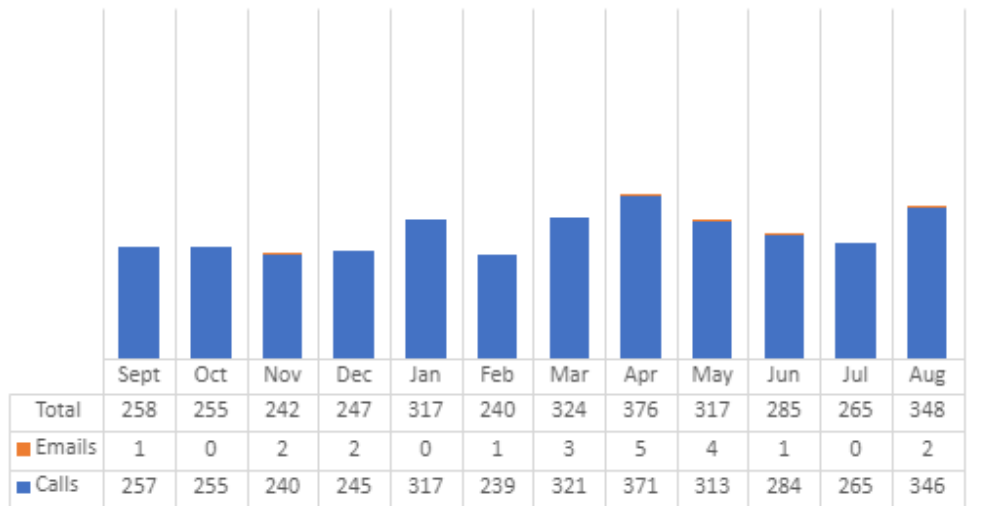
Staff Report for the Architectural Barriers Advisory Committee Meeting

June 7, 2023

Statistics



ARCHITECTURAL BARRIERS CUSTOMER SERVICE CONTACTS FISCAL YEAR 2022



Enforcement Division

Staff Report for the Architectural Barriers Advisory Committee Meeting

June 7, 2023

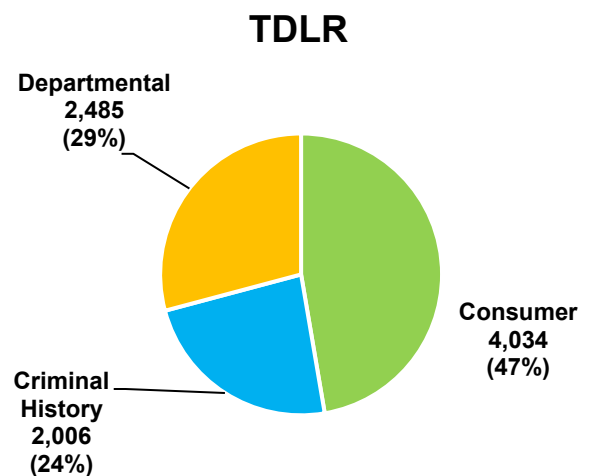
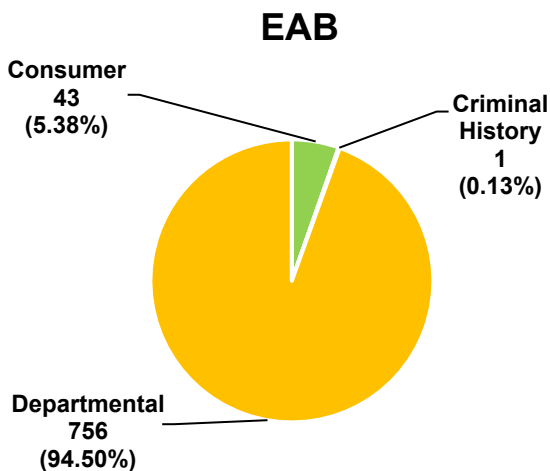
Statistics:

Shown below are the Complaints Received, Enforcement Performance Measures and Key Statistics for the Architectural Barriers program (EAB) and for all TDLR programs combined through April of Fiscal Year 2023:

Complaints Received by Source	EAB	TDLR
Consumer	69	9,122
Departmental	756	2,438
Criminal History	29	55,045
Total Complaints Received	854	66,605

Key Statistics	EAB	TDLR
Cases opened	800	8,525
Cases closed	593	7,481
Average time to close (days)	112.88	212.09
% of cases resolved within 6 months	88.20%	56.02%
% of cases resulting in disciplinary action	8.26%	10.17%
Cases Pending at end of April	340	7,588

Source of cases opened through April of Fiscal Year 2023



Case Outcomes	EAB	TDLR
Commission Orders	0	8
Default Orders	14	272
Agreed Orders	35	479
Penalties Assessed	\$78,000.00	\$1,735,325.00
Penalties Collected	\$50,000.00	\$767,096.00
Licenses Revoked (Disciplinary)	0	33
Licenses Suspended	0	2
Licenses Denied/Revoked (Criminal History)	0	79
Cease & Desist Orders	0	6
Informally Resolved	544	6,670

EAB Alleged Violations at Opening through April of Fiscal Year 2023

Alleged Violation:	Count
Owner no project inspection for TAS within 1-year	724
Owner violated TAS	69
Owner no plans for construction	2
Failed to pay dishonored check	1
RAS engaged in dishonesty or fraud	1
Owner failed to submit verification	1
Criminal history	1
Owner no plan review or project fees	1

EAB Violations Resulting in Disciplinary Action through April of Fiscal Year 2023

Violation:	Count
Owner no project inspection for TAS within 1-year	48
Owner violated TAS	1

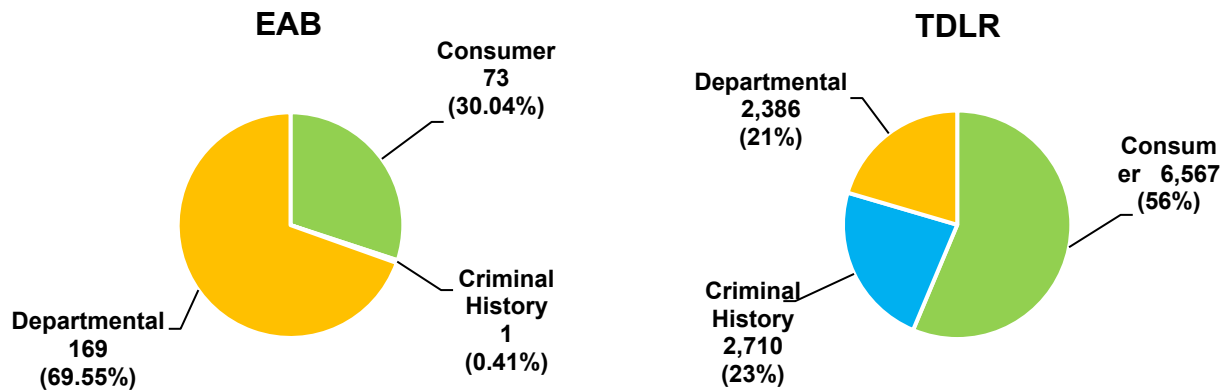
Statistics Fiscal Year 2022:

Shown below are the Complaints Received, Enforcement Performance Measures and Key Statistics for the Architectural Barriers program (EAB) program and for all TDLR programs combined for **Fiscal Year 2022:**

Complaints Received by Source	EAB	TDLR
Consumer complaints	103	14,098
Department initiated complaints	169	2,368
Criminal History Records reviewed for licensure	23	48,488
Total Complaints Received	8,766	64,954

Key Statistic	EAB	TDLR
Cases opened	243	11,663
Cases closed	209	11,754
Average time to close (days)	197.47	215.79
% of cases resolved within 6 months	62.20%	57.64%
% of cases resulting in disciplinary action	14.35%	10.81%
Cases pending at the end of Fiscal Year 2022	133	6,540

Source of Cases Opened Fiscal Year 2022



Case Outcomes	EAB	TDLR
Commission Orders	0	27
Default Orders	6	384
Agreed Orders	26	749
Penalties Assessed	\$42,000.00	\$2,588,310.00
Penalties Collected	\$29,500.00	\$1,322,419.50
Licenses Revoked (Disciplinary)	1	50
Licenses Suspended	0	4
Licenses Denied/Revoked (Criminal History)	0	182
Cease & Desist Orders	0	17
Informally Resolved	177	7,108

Top EAB Alleged Violations at Opening for Fiscal Year 2022

Alleged Violation:	Count
Owner did not have project inspected for TAS within 1-year	158
Owner violated TAS	67
RAS failed to comply with procedures	7
Owner did not have plans for construction	7
RAS performed in negligent manner	2
RAS failed to timely provide records	2
RAS failed to comply with Act, Rules, or TAS	1
Criminal history	1
Owner no plan review or project fees	1
Failed to pay dishonored check	1

EAB Violations Resulting in Disciplinary Action for Fiscal Year 2022

Violation	Count
Owner did not have project inspected for TAS within 1-year	27
RAS failed to comply with procedures	2
RAS failed to timely provide records	2
RAS engaged in dishonesty or fraud	1

Case Highlights:

- **Teledyne Instruments Inc, Case No. EAB20230005182**

On February 27, 2022, Executive Director Mike Arismendez Jr. signed an Agreed Order that finalized the settlement agreement between the Department and Respondent Teledyne Instruments Inc. This company accepted the Department's determination of violations of the law in Teledyne's failure to obtain a final inspection by a registered accessibility specialist for its project. Teledyne agreed to pay administrative penalty of \$1,500, which was paid in full.

- **Sun Life Insurance Co of Canada, Case No. EAB20230003791**

On March 2, 2023, Executive Director Mike Arismendez Jr. signed a Default Order against Respondent Sun Life Insurance Co. of Canada. The Order found the Respondent registered their project but did not complete the TAS inspection thus violating Elimination of Architectural Barriers Law and Rules. The company failed to timely sign and return the settlement agreement sent as part of the Notice of Alleged Violation, resulting in a Default Order entered against it. The penalty of \$2,000 was ordered and is in the collection process.

Regulatory Program Management

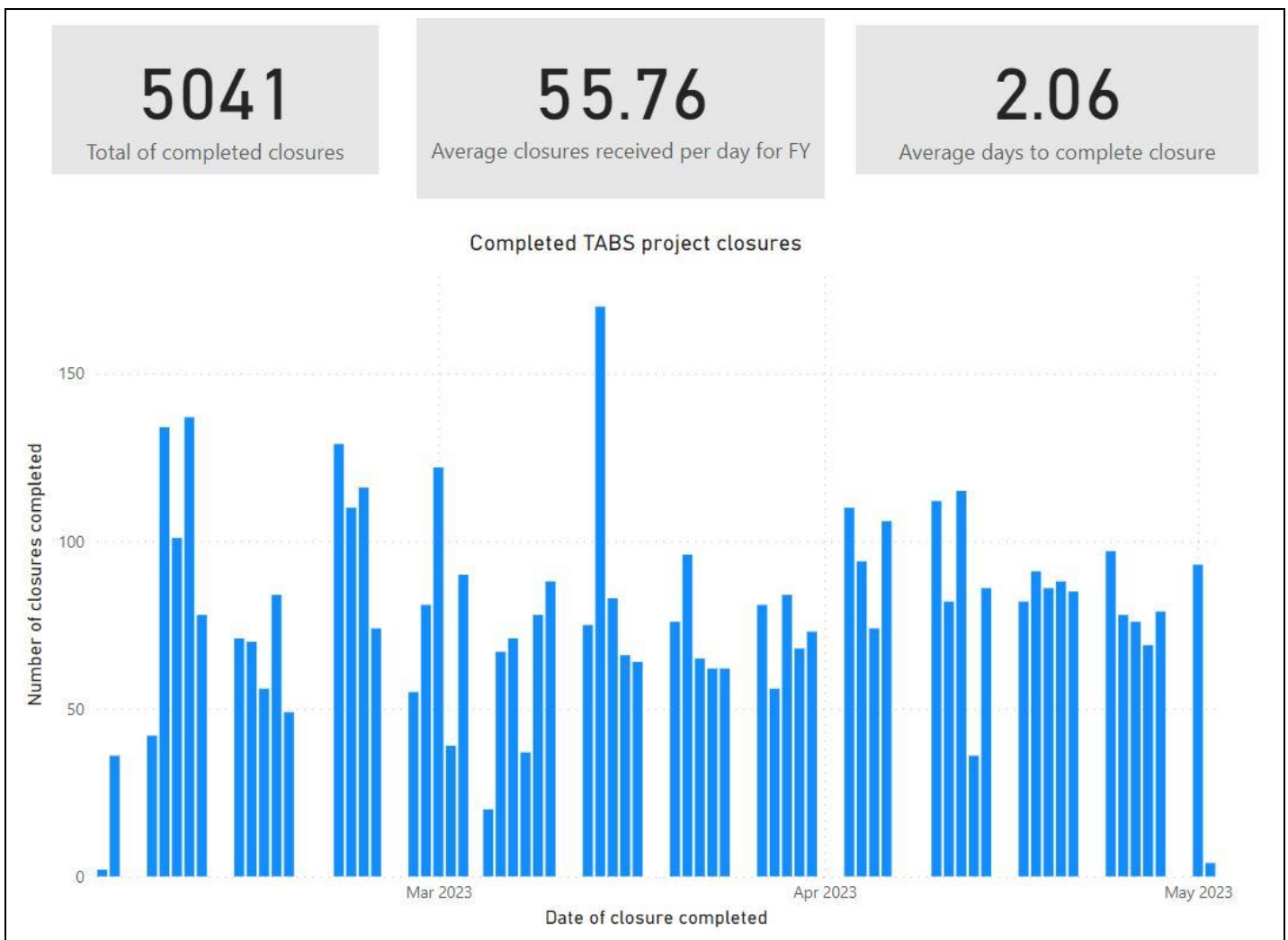
Staff Report for the Elimination of Architectural Barriers

June 7, 2023

Statistics

2023 FY (February 1, 2023 – April 30, 2023)

Number of projects registered in TABS	6,522	Techinfo email responses sent	5,779
Number of plan reviews completed	5,940	Notice of overdue inspection sent	1,777
Number of inspections completed	4,897	Failure to make corrections sent	925
Number of closures processed	5,041	Notice of overdue plan review & inspection sent	654
Number of variances processed	35		

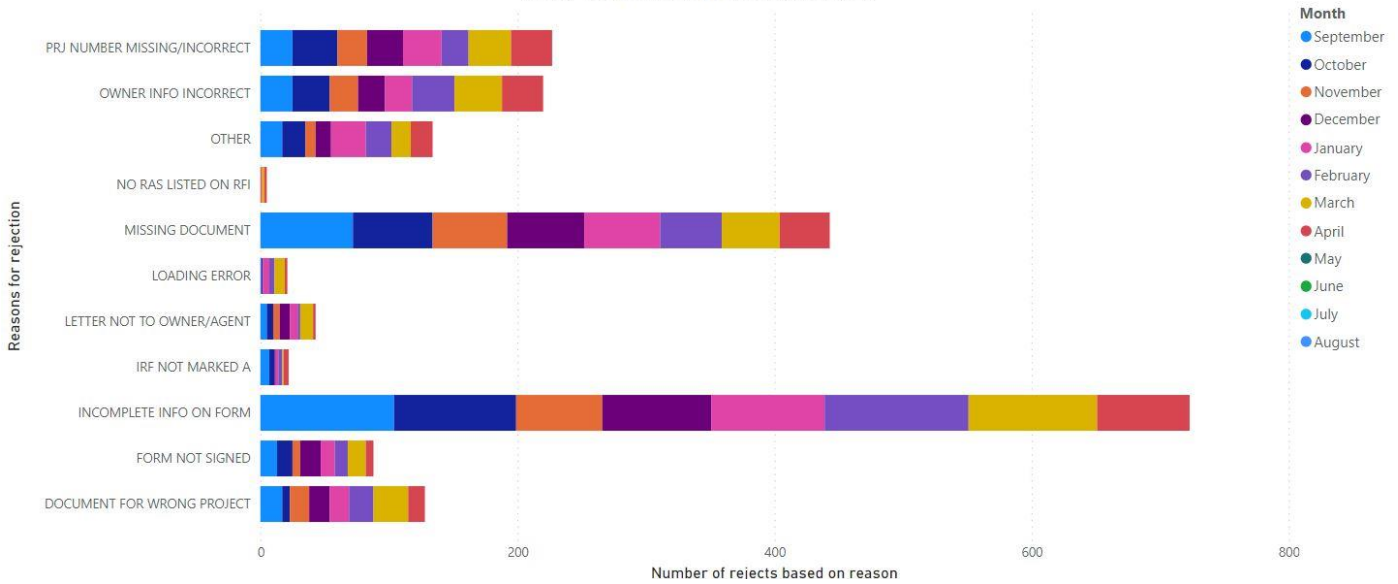


15.11%

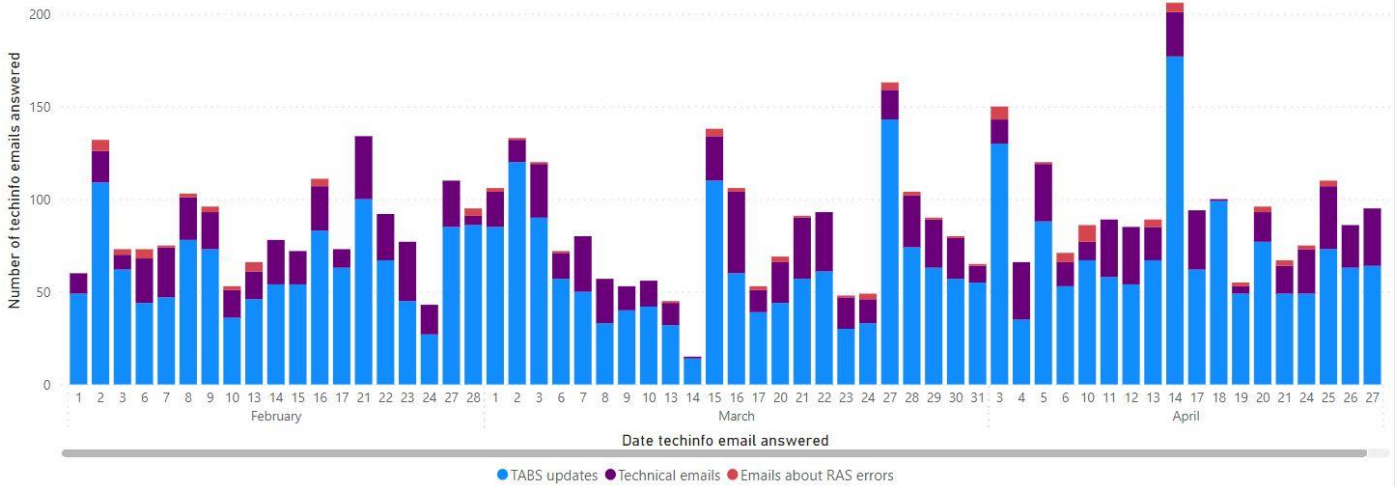
percent of closures rejected for FY



Total # of rejections by reason in fiscal year



Answered Technifo emails



Current Projects

The EAB team has been working with the advisory board technical workgroup and other stakeholder groups to review and research items and suggestions for the 2023 TAS update. The project was started publicly last year, and we hope to complete the process within this calendar year. We have been working with the enforcement division on pursuing compliance for overdue inspections as well as with our IT department to correct any conversion error items. In addition, the EAB team continues to work with our IT department in some development items within the Texas Architectural Barriers online System (TABs). Finally, we continue to work on verifying that all RAS files have been scanned in so that we can issue even more notices to owners regarding overdue plan reviews, inspections, and corrections.

Outreach

2023 FY (February 1, 2023 – April 30, 2023)

March 6 th through 8 th , 2023	BPI central – taught 3 courses (Applying TAS, Understanding TAS, 2-day Academy)
March 21 st through 23 rd , 2023	APA virtual 2-day Academy
April 11, 2023	Tenet health – taught course on upcoming Changes to Texas Government Code
May 12, 2023	APA quarterly training – taught 2 courses (Changes to Texas Government Code and Comparison of TAS and PROWAG)