

The TEXAS BOARD of ARCHITECTURAL EXAMINERS



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ARCHITECTURE
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Opinion Committee

September 6, 1991

The Honorable Dan Morales
Attorney General of Texas
Attn: Opinion Committee
P.O. Box 12548, Capitol Station
Austin, TX 78711-2548

CERTIFIED MAIL-RETURN
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ATTORNEY GENERAL OPINION REQUEST

General Morales, the Texas Board of Architectural Examiners respectfully asks your Opinion on a matter related to the effect H.B. 407 of the 71st Regular Session of the Texas Legislature will have on Article 249a, Vernon's Texas Civil Statutes.

Article 249a, Section 13, provides "PENALTY. (a) If any person or firm shall, for a fee or other direct compensation, pursue the practice of the profession of architecture in this State as herein defined, or shall engage in this State in the preparation of architectural plans and specifications for and the observation or supervision of construction, enlargement, or alteration of buildings for other persons than himself, herself, or themselves except as provided under Section 14 of this Act, or shall advertise, or put out any sign, card, or drawings in this State designating himself, herself, or themselves as an architect, architectural designer, or other title of profession or business using some form of the word 'Architect' without first having complied with the provisions of this Act, such person, or the members of such firms, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Two Hundred Fifty Dollars (\$250.00) and not more than One Thousand Dollars (\$1,000.00) for each offense; and each and every day of violation of this Act as above set forth shall constitute a separate offense."

Pursuant to H.B. 407 increasing the fine amounts for Class C misdemeanors to Five Hundred Dollars (\$500.00), may complaints filed under Article 249a, Texas Revised Civil Statutes Annotated, regarding non-registrant violations be tried in Justice Courts as Class C misdemeanors?

Thank you for your assistance in this matter.

A handwritten signature in black ink, appearing to read "Robert H. Norris".

ROBERT H. NORRIS, AIA, EXECUTIVE DIRECTOR