



MINUTES OF A MEETING OF THE
TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
Davy Crockett Tower
Nashville, Tennessee
Thursday, April 9, 2015

CALL TO ORDER

Richard Thompson, Chair, called the regular meeting of the Tennessee Board of Architectural and Engineering Examiners to order at 9:05 a.m. on April 9, 2015, at the Davy Crockett Tower in Nashville, Tennessee. A quorum was declared present.

The following **Board members** were present:

Susan Ballard	Registered Interior Designer
Hal Balthrop	Professional Engineer
Wilson Borden	Public Member
Robert Campbell, Jr.	Professional Engineer
Jerome Headley	Registered Architect
Philip Lim	Professional Engineer
Bill Lockwood	Registered Landscape Architect
Rick Thompson	Registered Architect
Frank Wagster	Registered Architect

The following **Associate Engineer members** were present:

Richard Bursi	Professional Engineer
Stephen King	Professional Engineer
Laura Reinbold	Professional Engineer

The following **Board staff** was present:

John Cothron	Executive Director
Anthony Glandorf	Legal Counsel
Wanda Phillips	Office Manager
Wanda Garner	Administrative Assistant

The following **guests** were present for part or all of the meeting:

Ashley Cates, American Institute of Architects of Tennessee (AIA-TN)
Candy Toler, Tennessee Society of Professional Engineers/American Council of Engineering
Companies of Tennessee (TSPE/ACEC-TN)
Kasey Anderson, TSPE/ACEC-TN
Nathan Ridley, American Society of Landscape Architects- Tennessee (ASLA-TN)

Don Baltimore, Tennessee Interior Design Coalition

Guests were introduced.

No changes/additions were made to the agenda.

CONSENT AGENDA (attached)

Motion was made by Mr. Lockwood and seconded to approve the minutes of the February 12, 2015 meeting. The motion passed unanimously.

Motion was made by Mr. Lockwood and seconded to approve the Complaints for Board Decision. The motion passed unanimously.

PROFESSIONAL SOCIETY REPORTS

Ashley Cates and Candy Toler expounded on legislation which is reported below in the Director's Report, and reported activities of AIA-TN and TSPE/ACEC-TN respectively. Ms. Toler introduced Kasey Anderson as the new Executive Director of TSPE/ACEC-TN, effective May 1, 2015. The Board expressed appreciation to Ms. Toler for her years of service to the engineering profession.

Nathan Ridley and Don Baltimore reported activities of ASLA-TN and TIDC respectively.

LEGAL CASE REPORT (presented by Anthony Glandorf) (attached)

1. *Case No. L15-AEL-RBS-2015001021* *Complaint #201500102*
Motion was made by Mr. Borden and seconded to close the case. The motion passed unanimously.

2. *Case No. L15-AEL-RBS-2015002041* *Complaint #20150204*
Motion was made by Mr. Headley and seconded to authorize a formal hearing with the authority to settle with a Consent Order for revocation of the respondent's license based on his license revocation by the Missouri Board. The motion passed unanimously.

DIRECTOR'S REPORT

1. Mr. Cothron reported his activities and those of his staff and Board members.
2. *Legislative Update* (attached)
 - a. Senate Bill (SB) 0081/House Bill (HB) 0071, which is an administration bill, has passed in the Senate and is recommended for passage in the House. This bill authorizes the Board to deny certain certificates of registration to persons with felony convictions; removes certain board notifications to governmental entities when revoking or suspending certificates of registration; and removes certain fees for engineer intern certifications or enrollment and for certain exams.

 - b. SB0095/HB0084 has passed in the House with an amendment excluding architectural and engineering services. This bill authorizes public institutions of

higher education and the department of general services to participate in, sponsor, conduct, or administer cooperative purchasing agreements with other states or local governments for the procurement of certain goods or services.

- c. SB0474/HB0787 has passed in the Senate, and is recommended for passage in the House, with an amendment allowing local governments to adopt sprinkler requirements for townhouses. The bill, as introduced, prohibits the requirement of fire sprinkler systems for townhouses by any local or statewide adopted building codes.
- d. SB0620/HB0628, which exempts local jurisdictions that have an established codes department from audit of its records and transactions by the state fire marshal and removes a provision of law stating that state building codes supersede all less stringent provisions of municipal ordinances, has been deferred to 2016. The Board voted to oppose this bill in February.
- e. SB0556/HB0678, which would phase out the professional privilege tax, has been recommended for further study.
- f. SB0978/HB0823 has passed in the Senate, and is recommended for passage in the House, with an amendment raising the threshold for public works projects that require a registered architect, registered engineer, or registered landscape architect to \$50,000.
- g. SB0836/HB0477 has passed in the Senate, but has been deferred for study in the House. This bill, as introduced, requires that edges of steps into certain public buildings constructed, purchased, or leased by the state or its political subdivisions after July 1, 2015, be marked with yellow paint to assist persons with vision impairment.

Section 7, Item 28 of the appropriations bill (SB1399/HB1374) earmarks \$350,000 for the Board's grants program.

- 3. *Complaint Data* was presented for informational purposes only. (attached)

ENGINEER COMMITTEE REPORT

The Engineer Committee, through Mr. Balthrop, reported on topics discussed. The minutes of the Engineer Committee meeting follow these minutes. Mr. Campbell requested that TSPE, ACEC-TN, and the American Society of Civil Engineers (ASCE) submit specific proposals on ways to improve the Principles and Practice of Engineering (PE) examinations.

JOINT LANDSCAPE ARCHITECT/ARCHITECT COMMITTEE REPORT

The Joint Landscape Architect/Architect Committee, through Mr. Thompson, reported on topics

discussed. The minutes of the Joint Landscape Architect/Architect Committee meeting follow these minutes.

PUBLICATIONS COMMITTEE REPORT

The Publications Committee, through Mr. King, reported that work continues on revisions to the *Reference Manual for Building Officials and Design Professionals*.

UNFINISHED BUSINESS

1. *Action Items* (attached)

The action items taken from the February meeting were reviewed and the required action had either been taken or is in process.

- a. Ms. Ballard reported that she will continue to work with AIA-TN to help establish a state fee schedule for interior designers.
- b. In light of a case (#L14-AEL-RBS-2014026091) in which a third party added, in the title block, that a respondent was a registered engineer, though he was not, Mr. Headley moved that legal counsel consider the following and report at the June meeting:
 - i. Is this falsifying the document?
 - ii. Did the third party commit forgery?
 - iii. Can the Board pursue legal action based on it being a threat to the public's "health, safety and welfare"? If it falls outside the Board's purview, who has the authority to discipline?
 - iv. Does it fit into a statutory or rule violation?

The motion was seconded and passed unanimously.

2. *Proposed Rule Changes* (attached)

- a. Motion was made by Mr. Wagster and seconded to approve
 - i. the Emergency Rule Filing Form which stays the effectiveness of current pending rules;
 - ii. the "Impact on Local Governments" statement; and
 - iii. the "Additional Information Required by Joint Government Operations Committee."

By roll call, the motion passed unanimously.

- b. Motion was made by Mr. Campbell and seconded to approve
 - i. the Proposed Rule(s) Filing Form;
 - ii. the Regulatory Flexibility Addendum;
 - iii. the "Impact on Local Governments" statement; and
 - iv. the "Additional Information Required by Joint Government Operations Committee."

By roll call, the motion passed unanimously.

- c. Motion was made by Mr. Borden and seconded to adopt
 - i. Proposed Rules – Military Applicant Rule;
 - ii. the Regulatory Flexibility Addendum;
 - iii. the “Impact on Local Governments” statement; and
 - iv. the “Additional Information Required by Joint Government Operations Committee.”

By roll call, the motion passed unanimously.

Break—10:32 to 10:55 a.m.

3. *Qualifications-Based Selection (QBS)*

Motion was made by Mr. Balthrop and seconded that the Law and Rules/Policies Committee be charged with reviewing the QBS FAQs as they relate to public school systems and that legal counsel provide an outline of issues for discussion prior to the June meeting. The motion passed unanimously.

NEW BUSINESS

1. *Officer Nominations*

The Nominations Committee, through Mr. Borden, recommended the following slate of officers for 2015-2016. The Board will vote for Board officers at the June meeting.

Chair – Robert Campbell
Vice Chair – Susan Ballard
Secretary – Frank Wagster

2. *Correspondence from Charles Ferguson re: Aerial Adventure Courses* (attached)

Motion was made by Mr. Lim and seconded to accept Mr. Wagster’s opinion in which he (Mr. Wagster) stated that “... the plans for the building/structure should be prepared by design professionals registered in the State of Tennessee. I find nothing in the Reference Manual or the Rules to the contrary.” The motion passed unanimously.

Motion was made by Mr. Campbell and seconded to reschedule the Law and Rules/Policies Committee and the Publications Committee meetings to the June meeting. The motion passed unanimously.

The Chair adjourned the meeting at 11:40 a.m.

Attachments

February Minutes
Complaints for Board Decision
Legal Report
Legislative Update
Complaint Data
Action Items

Emergency Rule Filing Form

Proposed Rule(s) Filing Form

Proposed Rules – Military Applicant Rule

Charles Ferguson's Letter w/attachments of 2/15/2015



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
ENGINEER COMMITTEE MEETING
Davy Crockett Tower- Conference Room 1B
Nashville, Tennessee
Wednesday, April 8, 2015

CALL TO ORDER

Hal Balthrop, P.E., Committee Chair, called the Engineer Committee meeting to order at 1:14 p.m. on April 8, 2015 in Room 1B of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Hal Balthrop, P.E.	Chair, Middle TN Member
Robert Campbell, P.E.	East TN Member
Philip Lim, P.E.	West TN Member
Ricky Bursi, P.E.	West TN Associate Member
Stephen King, P.E.	East TN Associate Member
Laura Reinbold, P.E.	Middle TN Associate Member

A quorum was present.

The following **Board staff** was present:

John Cothron	Executive Director
Ellery Richardson	Legal Counsel
Wanda Phillips	Administrative Manager

NEW BUSINESS

APPLICATIONS FOR DISCUSSION

- **JORDAN, Vincent Joseph (Comity)** The applicant's degree was deficient sixteen (16) credit hours in humanities/social sciences (general education) coursework. Following Board criteria, the committee granted five (5) credit hours for experience and one (1) credit hour for citizenship, leaving a deficiency of ten (10) credit hours. The committee

agreed to approve his registration with the caveat that the committee will discuss an updated approach toward humanities/social sciences deficiencies at the June committee meeting. Mr. Cothron was asked to contact Dr. John W. Smith for his recommendation regarding this subject and to research how other states handle such deficiencies.

- **SPRADLIN, Kollan Lee (Exam)** The application was previously approved by Mr. Lim. Mr. Balthrop, however, did not see enough engineering design experience. With updated information, Mr. Balthrop approved the applicant to sit for the exam.

CORRESPONDENCE FROM CHARLES FERGUSON RE: AERIAL ADVENTURE COURSES

Following discussion, the committee agreed to accept the recommendation of Mr. Wagster to require sealed plans for the structure in question.

SEALING SUBSURFACE UTILITY ENGINEERING SURVEY DOCUMENTS

Committee members determined that this question should be directed to the Board of Examiners for Land Surveyors.

UNFINISHED BUSINESS

CONFERENCE CALL WITH JOSEPH TOMASELLO, P.E. RE: INTERNATIONAL RESIDENTIAL CODE CERTIFICATION

The committee discussed, by conference call, International Residential Code (IRC) certifications with Mr. Tomasello and Thomas W. Smith, R.A. At the request of Mr. Balthrop, Messrs. Tomasello and Smith provided an overview of the issues of concern. Following discussion, Mr. Cothron was instructed to send a letter to Mr. Tomasello stating that a registrant of the Board cannot sign and seal a design that is not prepared under the responsible charge of the registrant, and citing the appropriate portions of Rule 0120-02-.08 Seals. Additionally, the letter should state that Tenn. Code Ann. § 62-2-102 exempts one-family and two-family dwellings from the requirement to have plans and specifications prepared by a registered architect or engineer, and that the committee welcomes further discussion of the issue. A copy of the letter should be sent to all the building officials referenced in Mr. Tomasello's original correspondence. Mr. Cothron was asked to distribute the letter to committee members for review prior to mailing the letter.

REVISIONS TO STANDARD OF CARE FOR FIRE SPRINKLER SYSTEM DESIGN RE: DELEGATED DESIGN OF FIRE SPRINKLER SYSTEMS

The committee endorsed the second version of the sprinkler shop drawings review policy with two changes:

- Replace the words “design decisions” with “engineering decisions” in the fifth sentence of the second paragraph.
- Replace the words “design responsibilities” with “engineering responsibilities” in the third sentence of the third paragraph.

The revised policy will be sent to the State Fire Marshal’s Office, sprinkler contractors, and engineering societies for comment.

DECOUPLING OF EXPERIENCE & EXAMINATION REQUIREMENTS FOR PE REGISTRATION

The committee discussed strategies for pursuing a law change to decouple the experience and examination requirements for PE registration. Mr. Balthrop noted that the Tennessee Society of Professional Engineers (TSPE) supports the concept of decoupling, while the American Council of Engineering Companies of Tennessee (ACEC-TN) opposes the concept but is open to further discussion. The main reason cited by ACEC-TN for opposing decoupling is that the exam needs to be less academic and more practice-based. The committee agreed to continue discussions with TSPE/ACEC-TN, possibly by appearing at meetings of the TSPE and ACEC-TN Board of Directors.

Adjourn. The Chair adjourned the meeting at 4:00 p.m.



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
JOINT ARCHITECT/LANDSCAPE ARCHITECT COMMITTEE MEETING
Davy Crockett Tower- Conference Room 1A
Nashville, Tennessee
Thursday, April 9, 2015

CALL TO ORDER

Rick Thompson, Architect Committee Chair, called the joint Architect/Landscape Architect Committee meeting to order at 8:00 a.m. on April 9, 2015, in Room 1A of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Robert Campbell, Jr., P.E.	East TN Engineer Member
Jerry Headley, R.A.	Middle TN Architect Member
Bill Lockwood, R.L.A.	Landscape Architect Member
Rick Thompson, R.A.	East TN Architect Member
Frank Wagster, R.A.	West TN Architect Member

A quorum was present.

The following **Board staff** was present:

Anthony Glandorf	Legal Counsel
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NEW BUSINESS

NEW APPLICATION FORMS FOR EARLY EXAM ELIGIBILITY CANDIDATES

By consensus, the committee approved the new application forms to be utilized by architect and landscape architect exam applicants who wish to sit for their respective examinations prior to completing the required experience.

REPORT ON NCARB REGIONAL SUMMIT

A written report on the NCARB Regional Summit was submitted (attached).

CORRESPONDENCE FROM CHARLES FERGUSON RE: AERIAL ADVENTURE COURSES

By consensus, the committee agreed with Mr. Wagster's conclusions regarding aerial adventure courses, that is, that the plans for the structure in question should be prepared by a design professional registered in Tennessee.

Adjourn. The Chair adjourned the meeting at 8:20 a.m.



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
NOMINATIONS COMMITTEE MEETING
Davy Crockett Tower- Conference Room 1A
Nashville, Tennessee
Thursday, April 9, 2015

CALL TO ORDER

Wilson Borden, Committee Chair, called the Nominations Committee meeting to order at 8:30 a.m. on April 9, 2015, in Room 1A of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Wilson Borden, Committee Chair
Susan Ballard, R.I.D.
Bill Lockwood, R.L.A.
Rick Thompson, R.A.

A quorum was present.

The following **Board staff** was present:

John Cothron, Executive Director
Anthony Glandorf, Legal Counsel

DISCUSS NOMINATIONS FOR BOARD OFFICERS

Following discussion, a motion was made by Mr. Lockwood and seconded to nominate the following slate of officers for fiscal year 2016:

Robert Campbell, P.E., Chair
Susan Ballard, R.I.D., Vice Chair
Frank Wagster, R.A., Secretary

The motion passed.

Adjourn. The Chair adjourned the meeting at 8:40 a.m.