

**Tennessee Board of Architectural and Engineering Examiners  
Board Meeting  
Lipscomb University  
Nashville, Tennessee**

October 23, 2009

**Board Members Present**

Hal Balthrop, Professional Engineer  
Bob Campbell, Professional Engineer  
Philip Lim, Professional Engineer  
Bill Lockwood, Registered Landscape Architect  
David Schuermann, Registered Architect  
Leslie Shankman-Cohn, Registered Interior Designer  
Richard Thompson, Registered Architect  
Brenda Wood, Public Member

**Board Member Absent**

James Hastings, Registered Architect

**Associate Board Members Present**

Dennis Henderson, Professional Engineer  
Alton Hethcoat, Professional Engineer  
Carlton Norris, Professional Engineer

**Staff Present**

Robert Herndon, Legal Counsel  
John Cothron, Executive Director  
Wanda Phillips, Administrative Manager  
Wanda Garner, Administrative Assistant

**Guests**

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

Don Baltimore, Tennessee Interior Design Coalition (TIDC)  
Candy Toler, Tennessee Society of Professional Engineers/American Council of  
Engineering Companies of Tennessee (TSPE/ACEC-TN)  
Connie Wallace, American Institute of Architects of Tennessee (AIA-TN)  
Nathan Ridley, American Society of Landscape Architects, Tennessee  
R.J. Hill, R.J. Hill Consulting  
Jim Pillow, Assistant Commissioner, State Fire Marshal's Office  
Marie Murphy, Department of Commerce and Insurance  
Paul Hartbarger, Department of Commerce and Insurance  
Andy King, Franklin Fire Department  
Carol Pedigo, American Institute of Architects, Middle Tennessee  
Galyon Northcutt, Tennessee Association of Professional Surveyors  
David Cartwright, Tennessee Structural Engineers Association

## CALL TO ORDER

Brenda Wood, vice chair, called the meeting to order at 9:25 a.m. Roll call determined that a quorum was present.

Alton Hethcoat was introduced as the newly appointed associate engineer member representing Middle Tennessee, replacing Raymond White.

Rick Thompson has been reappointed as the architect member representing East Tennessee.

No changes were made to the agenda.

## OPEN FORUM

Marie Murphy and Paul Hartbarger, from the Department of Commerce and Insurance, reported that the department has developed a system for electronically submitting design drawings for review by the State Fire Marshal's Office. The procedure is to "go live" on December 16, 2009. Webinars will be offered to educate those who will be using the electronic method for plans submittal.

Mr. Campbell arrived at 9:40.

## CONSENT AGENDA

*Approval of Minutes* (attached)

1. Mr. Lockwood, seconded by Ms. Shankman-Cohn, moved to accept the minutes of the August 20, 2009, meeting as written. The motion passed unanimously.
2. *Approval of the Staff Complaint Report* (attached)

Mr. Lim, seconded by Ms. Shankman-Cohn, moved to accept the Complaints for Board Decision as presented. The motion passed unanimously.

## PROFESSIONAL SOCIETY REPORTS

1. *Candy Toler*, TSPE/ACEC-TN, announced that
  - The State Building Commission is working on changes to the designer selection process;
  - Engineer's Day on the Hill and the Engineering Excellence Awards Banquet are scheduled for March 2, 2010, and
  - TSPE is sponsoring seminars in Knoxville, Nashville, and Memphis on December 2-4, 2009. Mr. Cothron and Board members will participate in sessions addressing revisions to the *Reference Manual for Building Officials and Design Professionals* and other topics.

2. *Don Baltimore, TIDC*, reported that TIDC is looking to the next legislative session and is taking into consideration suggestions which clarify the proposed Tennessee Interior Design Act.
3. *Nathan Ridley, ASLA-TN*, reported that the ASLA-TN Annual planning session is scheduled for November 14, 2009.
4. *David Cartwright, Tennessee Structural Engineers Association (TNSEA)*, reported that
  - TNSEA is exploring the advantages of a discipline-specific license for structural engineers;
  - TNSEA has scheduled a statewide conference in January 2010 to discuss issues; and
  - TNSEA has made no decision regarding support for the National Council of Examiners for Engineering and Surveying (NCEES) proposal to require additional education beyond a bachelor's degree for licensure.

## **DIRECTOR'S REPORT**

1. Mr. Cothron submitted the following report:
  - Bill Lockwood and I attended the Council of Landscape Architectural Registration Boards (CLARB) Annual Meeting in Seattle, WA on September 10-12.
  - I have been approved to attend the National Council of Architectural Registration Boards (NCARB) Member Board Executives Workshop in Arlington, VA (DC) on November 6-7. All expenses are paid by NCARB.
  - Leslie Shankman-Cohn and I have been approved to attend the National Council for Interior Design Qualification (NCIDQ) Annual Council of Delegates meeting in San Antonio, TX on November 13-14.
  - The 2009 edition of the *Reference Manual for Building Officials and Design Professionals* has been printed and distributed.
  - The rule changes approved at the February Board meeting will take effect on December 10, 2009.
  - We have been invited to speak at joint AIA-TN/TSPE/ACEC-TN seminars in Knoxville, Nashville and Memphis on December 2-4. We will be given two hours to address Reference Manual revisions and other topics.
2. *Licensing, Complaint, and Financial Data* (attached) were submitted for informational purposes.

## **OLD BUSINESS**

1. *Action Items* (attached)

Mr. Balthrop, Mr. Schuermann, Mr. Hastings, and Ms. Shankman-Cohn will meet in November to discuss a proposed meeting with the Contractors Board. Connie Wallace, AIA-TN, suggested that the Board should discuss legislative issues, design build, and construction management with the Contractors Board.

Required action had been taken on the remaining action items.

## NEW BUSINESS

1. *Council of Landscape Architectural Registration Boards (CLARB) Annual Meeting Report* (attached)

2. *2010 Meeting Dates* (attached)

Mr. Lockwood, seconded by Mr. Schuermann, moved to accept the schedule of meeting dates for 2010 as submitted. The motion passed unanimously. Mr. Henderson suggested that the Board invite the students from Union University and Christian Brothers University to the Meeting at the University of Memphis in October 2010.

3. *2010 Proposed Travel* (attached)

Mr. Schuermann, seconded by Mr. Thompson, moved to accept the proposed travel plan for 2010 as submitted. The motion passed unanimously.

4. *Application/Examination Deadline Dates* (attached)

Mr. Lim, seconded by Ms. Shankman-Cohn, moved to accept the proposed application/exam deadline dates with an amendment to change the Fall Fundamentals of Engineering exam application deadline for seniors from September 1<sup>st</sup> to August 15<sup>th</sup>. The motion passed unanimously. Mr. Cothron will send a communiqué to the appropriate schools.

5. *Topics for Presentation at AIA-TN/TSPE Seminars*

Mr. Cothron and Board members will take part in *AIA-TN/TSPE Seminars* (see *Professional Society Reports-Candy Toler*).

6. *Position Paper on Necessity of Travel* (attached)

Mr. Schuermann suggested submitting the adopted travel plan for 2010 with the Position Paper on Necessity of Travel.

7. *Committee Assignments*

Mr. Lockwood, seconded by Mr. Thompson, moved to accept the chair's committee assignments:

- Mr. Balthrop is to replace Mr. Lim on the Interior Design Committee.
- Mr. Hethcoat is assigned to the committees on which Raymond White had previously served: Engineer Committee and Law and Rules/Policies Committee.

The motion passed unanimously.

Mr. Campbell asked Committee chairs to remain the same.

## COMMITTEE REPORTS

The decisions of Board Committees regarding rule and policy changes are reflected in the report of the Law and Rules/Policies Committee. Refer to *Statutes and Rules for Discussion* (attached.)

*Interior Design Committee*

Mr. Herndon and Mr. Cothron submitted suggested changes to the proposed Interior Design Practice Act to Don Baltimore, TIDC.

In answer to questions regarding the education and experience required in the proposed Interior Design Practice Act, it was explained that the proposed bill will, as the National Council for Interior Design Qualification (NCIDQ) is doing, phase out the two-year degree route and require completion of the Interior Design Experience Program (IDEP) beginning January 1, 2014.

*Architect Committee*

The committee's decisions are integrated into the Law and Rules/Policies Committee report.

*Continuing Education Committee*

The committee made clear that one may acquire continuing education credit for preparing for the Leadership in Energy and Environmental Design (LEED) exam but not for taking and passing the exam. Also, one may claim credit, one time only, for preparation and presentation of an educational outreach activity.

*Licensure Outreach Committee*

The committee reviewed feedback from a Faculty Licensure Survey (attached).

The Board will meet with deans from Tennessee colleges and universities when it meets at the University of Memphis in October 2010.

Mr. Cothron was asked to send a letter to colleges and universities explaining the registration requirements of the Board.

*Law and Rules/Policies Committee*

1. The Landscape Architect Committee recommended that ASLA-TN introduce legislation to amend *Tennessee Code Annotated (TCA)* 62-2-801 and 62-2-802 to allow evaluation of non-accredited landscape architectural degrees — "...a graduate of a school of Landscape architecture with a professional degree curriculum approved by the board."
2. Architects, Engineers, and Landscape Architects recommended the deletion of Rule 0120-1-.03, which requires residency to take an examination.
3. Architects, Engineers, and Landscape Architects recommended that Mr. Cothron and Mr. Herndon develop rules for firms which include definitions of "principal" and "resident."
4. Architects, Engineers, and Landscape Architects recommended that the Law and Rules/Policies Committee put appropriate design and practice policies in the rules. (The committee will meet in December to determine which policies should be placed into rules.)
5. The Engineer Committee recommended that the last sentence in Rule 0120-1-.10(2) be changed to read, "Unless otherwise noted above, an applicant's engineering experience must be obtained after graduation with the qualifying degree and completed by the date of the examination."

6. Architects, Engineers, and Landscape Architects recommended that the Law and Rules/Policies Committee add TCA 62-2-601(Practice – Disclosure) to the civil penalty list (rule 0120-2-.09).
7. Architects, Engineers, and Landscape Architects recommended that the Law and Rules/Policies Committee include, in rule 0120-2-.09, a civil penalty of \$50-\$1000 for failure to comply with rule 0120-1-.27 (Mailing Addresses).
8. Pending further research the Law and Rules/Policies Committee deferred making a decision to add a civil penalty schedule to Chapter 0120-4 and to add a requirement to Rule 0120-4-.10 to maintain continuing education records and comply with audit requests.
9. The Continuing Education Committee recommended
  - a. allowing credit of up to four PDH's per biennium for education outreach activities;
  - b. further research by the Law and Rules/Policies Committee to determine whether to add that any registrant who fails to comply with the requirements of this rule may be deemed to have violated rule 0120-4-.10, and
  - c. to amend Rule 0120-5-.13(1) to state, "If a registrant resides in or has his or her principal place of business in a state or territory of the United States, or another country, that has established mandatory continuing education requirements for architects, engineers, landscape architects or interior designers, and that registrant has met the continuing education requirements of his or her home jurisdiction and is in good standing in that jurisdiction, then that registrant shall be deemed to have met the continuing education requirements of Tennessee. Documentation that the registrant is in good standing in his or her home jurisdiction must be provided at the Board's request."
10. The Law and Rules/Policies Committee recommended that Rule 0120-2-.08(6) be amended to state that the intent of the definition of responsible charge may be met if all provisions of the definition are met using remote electronic or communication means. Also amend to conform to the new NCARB model definition:

"Contributions of information (or predrawn detail items or detail units) that is incidental to and intended to be integrated into a registrant's technical submissions must be from trusted sources, be subject to appropriate review, and then be coordinated and integrated into the design by the registrant."
11. The Architects, Engineers, and Landscape Architects recommended that the Law and Rules/Policies Committee amend section 2E of "Seal Exemptions Clarification [TCA, Section 62-2-102(b)]", a Board policy, by changing "Reroofing" to read, "Roof Maintenance or Repair."

Mr. Schuermann, seconded by Ms. Shankman-Cohn, moved the creation of, deletion of, and/or emendations to the rules and policies of the Board as recommended by the committees and presented via the Law and Rules/Policies Committee report. The motion passed unanimously.

The Law and Rules/Policies Committee will review rules and policies for other changes (e.g., code references) and will study the “Drafting Firms and Specification Writers” policy.

#### *Engineer Committee*

A subcommittee composed of Mr. Balthrop, Mr. Henderson, and Mr. Hethcoat was created to discuss application form revisions and industrial exemptions.

Committee members review applications, whether the applicant is applying for registration by exam or comity, to see if he/she meets the minimum requirements for education and experience.

Many applicants for the Fundamentals of Engineering exam misunderstood the need to register with both this Board and with NCEES (online). To lessen this problem an earlier fall deadline date was set (see New Business #4) and staff will assure that a link to the NCEES website is included in the candidate’s approval letter.

The committee rejected the idea of licensing engineers by discipline.

The committee will not change its definition of supervised experience to match that of NCEES’s Model Law.

Based on current information the committee opposes NCEES’s proposal to require additional education beyond the bachelor’s degree for engineers. Mr. Lim, seconded by Mr. Balthrop, moved to oppose the master’s or equivalent requirement as currently proposed. The motion passed unanimously.

If an applicant completes all coursework for a bachelor’s degree in engineering, but is not awarded a degree until he or she passes the Fundamentals of Engineering exam, the applicant will be given credit for engineering experience obtained after completion of the coursework. If one has a bachelor’s degree in something other than engineering, but a master’s degree in engineering, then the applicant will be given credit for engineering experience obtained after the completion of the qualifying degree.

#### *Publications Committee*

Mr. Thompson was assigned to write an article for the newsletter about LEED. Ms. Wood is preparing an article about the Board from the public’s perspective. Mr. Cothron will ask Marie Murphy for an article about electronic plans submission.

The committee recommended continued printing of the newsletter, but to e-mail it to those for whom the Board has e-mail addresses. Mr. Cothron will research the possibility of including the law and rules in the *Reference Manual for Building Officials and Design Professionals*.

#### *Meeting with Lipscomb Students*

Approximately twenty students met with the Board. Discussion topics included ways to make the Fundamentals of Engineering test day go smoothly, strategies for effective job interviews, becoming a valued engineer/person, and the path to licensure.

*Landscape Architect Committee*

The committee's decisions were integrated into the Law and Rules/Policies Committee report.

The committee will learn the cost of establishing a CLARB (Council of Landscape Architectural Boards) Testing Center in Tennessee.

*Finance Committee*

The Fiscal Year 08-09 Preliminary Financial Report was reviewed. The committee did not recommend any fee changes at this time.

*Grants to Higher Education Committee*

Mr. Lim, seconded by Ms. Wood, moved to adopt the Allocation of Grant Funds for Fiscal Year 2009-2010 (attached). The motion passed unanimously.

The committee did not recommend that the Board request an increase in the grants appropriation at this time.

Break 11:45 a.m.-12:00 noon

Mr. Balthrop left the meeting at 12:30 p.m.

**LEGAL CASE REPORT** (presented by Robert Herndon) (attached)

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| 1. Case #L06-AEL-RBS-2006000741 | Complaint #200600074 |
| Case #L07-AEL-RBS-2007048481    | Complaint #200704848 |

Mr. Thompson, seconded by Mr. Lockwood, moved to dismiss the case and close the complaints. The motion passed unanimously.

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| 2. Case #L07-AEL-RBS-2007056821 | Complaint #200705682 |
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Mr. Schuermann, seconded by Mr. Lockwood, moved to accept the offer of surrender and close the case when the proper documents are received. The motion passed unanimously.

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| 3. Case #L08-AEL-RBS-2008016831 | Complaint #200801683 |
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Mr. Thompson, seconded by Mr. Lim, moved to approve the Agreed Order for processing. The motion passed unanimously.

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| 4. Case #L08-AEL-RBS-2008024191 | Complaint #200802419 |
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Mr. Lockwood, seconded by Ms. Shankman-Cohn, moved to dismiss the complaint for lack of grounds to discipline and close the case. The motion passed unanimously.

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| 5. Case #L09-AEL-RBS-2009000041 | Complaint #200900004 |
| Case #Lo9-AEL-RBL-2009000042    | Complaint #200900004 |

Mr. Schuermann, seconded by Mr. Lockwood, moved to dismiss the complaint and close the case. The motion passed unanimously.

6. *Case #L09-AEL-RBS-2009007641* *Complaint #200900764*  
*Case #L09-AEL-RBS-2009007642* *Complaint #200900764*  
*Case #L09-AEL-RBS-2009007643* *Complaint #200900764*  
Mr. Lockwood, seconded by Ms. Shankman-Cohn, moved to close the case. The motion passed unanimously.
7. *Case #L09-AEL-RBS-2009009401* *Complaint #200900840*  
Mr. Lim, seconded by Mr. Thompson, moved to dismiss the complaint and close the case. The motion passed unanimously.
8. *Case #L09-AEL-RBS-2009015951* *Complaint #200901595*  
Mr. Thompson, seconded by Mr. Schuermann, moved that an engineer member review the allegations. The motion passed unanimously.
9. *Case #L09-AEL-RBS-2009016591* *Complaint #200901659*  
Mr. Schuermann, seconded by Mr. Lockwood, moved that an architect member review the allegations to determine the extent, if any, of the respondent's practice on an expired license.
10. *Case #L09-AEL-RBS-2009016861* *Complaint #200901686*  
Mr. Lockwood, seconded by Mr. Schuermann, moved that an engineer member review the allegations to determine what, if any, ethical and/or conflict of interest violations may have been committed by the respondent. The motion passed unanimously.
11. *Case #L09-AEL-RBS-2009017371* *Complaint #200901737*  
Ms. Wood, seconded by Ms. Shankman-Cohn, moved that an engineer member review the allegations to determine competency. The motion passed unanimously.
12. *Case #L09-AEL-RBS-2009020911* *Complaint #200902091*  
Mr. Lockwood, seconded by Ms. Shankman-Cohn, moved that an architect member review the allegations to determine what, if any, violations may have been committed by the respondent and to what extent. The motion passed unanimously.
13. *Case #L09-AEL-RBS-2009020951* *Complaint #200902095*  
Mr. Thompson, seconded by Mr. Lockwood, moved to authorize a formal hearing (via an informal conference). The motion passed unanimously.
14. *Case #L09-AEL-RBS-2009019251* *Complaint #200901925*  
Mr. Lockwood, seconded by Mr. Schuermann, moved to issue a Letter of Caution. The motion passed unanimously.
15. *Case #L09-AEL-RBS-2009019341* *Complaint #200901934*  
*Case #L09-AEL-RBS-2009019342* *Complaint #200901934*  
Mr. Thompson, seconded by Mr. Lockwood, moved that an architect member review the allegations to determine what, if any, violations may have been committed by the respondent and to what extent. The motion passed unanimously.

The meeting adjourned at 12:45 p.m.

ATTACHMENTS

Minutes of the August 20, 2009 Meeting  
Complaints for Board Decision  
Licensing Data  
Complaint Data  
Financial Data  
Action Items  
CLARB Annual Meeting Report  
Proposed Calendar of Meetings (2010)  
Proposed Travel (2010)  
Application/Examination Deadlines (2010)  
Position Paper on Necessity of Travel  
Statutes and Rules for Discussion  
Faculty Licensure Survey results  
Allocation of Grant Funds (2009-2010)  
Legal Case Report