

Notice of August 12-13, 2015 meeting of the Board of Architectural and Engineering Examiners.
Posted to the Board of Architectural & Engineering Examiners' web site on August 4, 2015.



**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
500 JAMES ROBERTSON PARKWAY
DAVY CROCKETT TOWER
NASHVILLE, TENNESSEE 37243
Telephone: 615-741-3221 Fax: 615-532-9410
Program Website: <http://www.tn.gov/commerce/section/architects-engineers>**

AGENDA

**BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
NOTICE OF BOARD MEETING**

Davy Crockett Tower, Conference Room 1-A
500 James Robertson Parkway
Nashville, Tennessee 37243

Wednesday, August 12, 2015

9:00 A.M. ENGINEER COMMITTEE MEETING

CALL TO ORDER – Hal Balthrop, Chair

NEW BUSINESS

- Meeting with TDEC Representatives to Discuss Engineering Experience of TDEC Applicants
- Applications and Audits for Review, Discussion and Signature
- NCEES Annual Meeting Motions
- Observers for ABET Accreditation Visits
- Update on 2016 NCEES Southern Zone Meeting

UNFINISHED BUSINESS

- Licensing Agreements with Foreign Jurisdictions
- Decoupling of Experience and Examination Requirements for PE Registration
- General Education (Humanities/Social Sciences) Deficiencies
- Energy Service Companies and Engineering Registration Laws

The listed order of items and times on the agenda are subject to change, as the Board reserves the right to move to the next agenda items due to cancellations or deferrals.

Board meetings will be conducted by permitting participation of the Board members by electronic or other means of communication if necessary. Any member participation by electronic means shall be audible to the public at the location specified above. The Department of Commerce and Insurance is committed to principles of equal access. If you need assistance with attending this meeting due to a disability please contact the Department's ADA Coordinator at (615) 741-0481.

- Inclusion of Statement on Reference Forms Releasing References from Libel and Slander Claims

ADJOURNMENT

12:30 P.M.

ARCHITECT COMMITTEE MEETING

CALL TO ORDER – Rick Thompson, Chair

NEW BUSINESS

- Applications and Audits for Review, Discussion and Signature
- Discussion re: the IDP Experience Portfolio Documentation Method

ADJOURNMENT

1:00 P.M.

BOARD MEETING

CALL TO ORDER – Robert Campbell, Jr., Chair

- Roll Call
- Acknowledge Guests
- Announcements
- Review Agenda for Changes and/or Additions

CONSENT AGENDA – John Cothron, Executive Director

- Minutes from June 2015 Board Meeting
- Staff Complaint Report

PROFESSIONAL SOCIETY REPORTS

LEGAL CASE REPORT – Ellery Richardson

INFORMAL CONFERENCE (Case #2013005781)

DIRECTOR’S REPORT – John Cothron

- Complaint Data

ENGINEER COMMITTEE REPORT – Hal Balthrop

ARCHITECT COMMITTEE REPORT – Rick Thompson

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UNFINISHED BUSINESS – John Cothron

- Action Items
- Qualifications-Based Selection

NEW BUSINESS

- Review of Formal Hearing Procedures – Mark Green, Chief Counsel
- Committee Assignments – Robert Campbell, Jr.
- October Meeting Agenda
- 2016 Meeting Schedule
- Report on 2015 NCARB Annual Meeting
- Authorization of Travel and Speakers

ADJOURNMENT

Thursday, August 13, 2015

9:00 A.M.

FORMAL HEARING

Respondent: John H. Comperry
Docket No. 12.10-129982A

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Motions to be Presented at the 2015 NCEES Annual Meeting

Committee	Motion	Page	Motions on the Non-Consent Agenda	BOD position	Your Board's position
ACCA	1	4	Move that the Generic P.E. Licensure Plus Protected S.E. Title and Restricted S.E. Practice approach as defined under Charge 2 of the ACCA report be incorporated into the <i>Model Law</i> and <i>Model Rules</i> and that the appropriate committee or task force be charged to develop specific language for that purpose, including the Thresholds definition as described under Charge 2. Further, move that the language be presented to NCEES for approval before being charged to the UPLG Committee for final incorporation into the <i>Model Law</i> and <i>Model Rules</i> .	Endorses	SEL, NCSEA endorse; NSPE opposes
Future of Surveying Task Force	1	15	Move that NCEES fund and facilitate a meeting that includes representatives from organizations interested in the future of surveying. This group would consider and recommend additional outreach opportunities to promote the value of a surveying license. This information would be forwarded to a NCEES committee or task force for action as appropriate. Estimated financial impact: \$32,000.	Endorses	TN Surveyors Board endorses
	2	15	Move that the board of directors be authorized to implement the NCEES Professional Surveying Program of Distinction for a trial period of five award cycles, with the first award to be made prior to the 2017 annual meeting. The award structure will essentially conform to the recommendations of the Future of Surveying Task Force. Estimated financial impact: \$125,000 annually.	Endorses	TN Surveyors Board endorses
Board of Directors	1	40	Move to authorize the NCEES CEO to negotiate a contract for examinations and/or examination services between NCEES and the Egyptian Engineering Syndicate to offer the FE exam in Egypt at approved Pearson VUE test centers for graduates of non-EAC/ABET-accredited engineering programs based in Egypt.	Endorses	
Committee	Motion	Page	Motions on the Consent Agenda	BOD position	Your Board's position
ACCA	2	4	Move that a Special Committee on Bylaws be charged with proposing amendments at the 2016 annual meeting to amend the <i>Bylaws</i> to replace the Committee on Nominations with a Tellers Committee since the Committee on Nominations merely forwards nominations made by others and serves as tellers.	Endorses	
	3	4	Move that a Special Committee on Bylaws be charged with proposing amendments at the 2016 annual meeting to incorporate language into the <i>Bylaws</i> to create an International Affiliate Organization membership category that would allow membership for foreign partners that have been approved to offer NCEES exams or other groups as designated by NCEES.	Endorses	

Motions to be Presented at the 2015 NCEES Annual Meeting

Committee	Motion	Page	Motions on the Consent Agenda	BOD position	Your Board's position
ACCA	4	6	Amend Administrative Policy 4 to read as follows: Past examination booklets will not be made available except through NCEES. Exam items from past examinations <u>that are no longer in use</u> may be <u>included in sample exams and</u> sold to the general public through NCEES.	Endorses	
	5	6	Move that Professional Policy 5 and Position Statement 17, regarding Expedited Comity Licensure, be amended to include structural engineers and professional surveyors along with professional engineers.	Endorses	
	6	7	Move that PS 2, regarding Certification of Engineers, be amended to include surveyors.	Endorses	
	7	7	Move that the UPLG Committee be charged with moving the Grandfathering of Model Law Engineers and Model Law Structural Engineers provision in <i>Model Rules 260.20</i> to <i>Model Rules 210.20</i> . This proposed change is to also include Model Law Surveyors under the provision and to replace the word “grandfathering” with “continuance.”	Endorses	
	8	9	Move that Position Statement 35 be adopted relative to Future Education Requirements for Engineering Licensure. The proposed PS reflects the education standard defined in the Model Law Engineer 2020 and Model Law Structural Engineer 2020 definitions (as defined prior to removal from the <i>Model Law</i> and the <i>Model Rules</i>).	Endorses	
	9	10	Move that Administrative Policy 11 be revised to reflect current practice for the planning of annual meetings.	Endorses	
Education	1	16	Amends <i>Model Rules 240.30</i> Continuing Professional Competency to remove archaic language and allow modern delivery methods for CPC activities.	Endorses	
EPP	1	11	Move that EDP 11 be amended to require volunteers working on NCEES exams to hold an active license with an NCEES member board.	Endorses	
	2	11	Move that EDP 3, Engineering and Surveying Examinations and Formats, be amended to reflect the movement of the PS exam from a pencil-and-paper exam to CBT format.	Endorses	
	3	12	Move that EAP 2, Examination Schedules, be amended be amended to reflect the movement of the PS exam from a pencil-and-paper exam to CBT format.	Endorses	
	4	12	Move that EDP 13, Security of Examination Material, be amended to read, “No items or item banks developed in current use for NCEES examinations shall be used for any purpose outside of the NCEES examination program” (see ACCA Motion 4).	Endorses	

Motions to be Presented at the 2015 NCEES Annual Meeting

Committee	Motion	Page	Motions on the Consent Agenda	BOD position	Your Board's position
EPP	5	13	Move that EAP 6, Access to and Review of Examinations, be amended to expand the prohibition of post-administration review of any materials by examinees or their representatives.	Endorses	
	6	13	Move that EAP 4, Materials Permitted and not Permitted in Examination Room, be amended to broaden the language so that it allows for changing technologies that would violate NCEES standards and to eliminate listing particular devices.	Endorses	
	7	14	Move that EAP 8, Release and Use of Examination Results, be amended to broaden the language so that it allows for changing technologies that would violate NCEES standards and to eliminate listing particular devices.	Endorses	
Finance	1	1	Move that the adoption of the 2015–16 operating budget be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.	Endorses	
	2	1	Move that the adoption of the 2015–16 capital budget be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.	Endorses	
	3	1	Move that Financial Policy 7, Examination Charges, be amended to clarify that the Committee on Finance reviews examination fees. After that, any proposed modifications are brought before the Council for approval.	Endorses	
	4	2	Move that Financial Policy 7, Examination Charges, be amended to set the CBT PS exam charge at \$300.	Endorses	
Law Enforcement	1	3	Amend <i>Model Law</i> 120.60 F Board Powers to read as follows: “The board has the authority for citation and fining of persons engaged in the practice of engineering or surveying in this jurisdiction who are not licensed or authorized in this jurisdiction as provided by law. <u>This board authority applies to licensed, unlicensed, authorized, and unauthorized persons.</u> ”	Endorses	
UPLG	1	19	Move that <i>Model Law</i> 110.20 N be amended to change the definition of the term “or the equivalent” to state that it means to meet the NCEES Engineering Education Standard.	Endorses	

Motions to be Presented at the 2015 NCEES Annual Meeting

Committee	Motion	Page	Motions on the Consent Agenda	BOD position	Your Board's position
	2	19	Move that <i>Model Law 110.20 B4</i> be amended to make it easier to read and more consistent with the structure used in an earlier section.	Endorses	
	3	20	Move that <i>Model Law 110.20 O</i> be amended to point to the rules.	Endorses	
	4	21	Move that <i>Model Law 130.10 C</i> be amended to make the language parallel with that used in an earlier section.	Endorses	
	5	21	Move that <i>Model Law 130.30 B4</i> be amended to remove misplaced language.	Endorses	
	6	22	Move that <i>Model Rules 210.20 B</i> be amended to clarify that a bachelor's degree is required for Model Law Surveyor status.	Endorses	
	7	22	Move that <i>Model Rules 230.20</i> be amended to include experience descriptions for professional surveyors.	Endorses	
	8	24	Move that <i>Model Rules 230.50 B</i> be amended to make classification of surveyors language parallel to that used for engineers.	Endorses	
	9	25	Move that a new preface be added to the <i>Model Law</i> and that it be added to the <i>Model Rules</i> to explain the intent of the documents, how they fit with the NCEES vision and mission, how boards can use them, and that they are updated by member board vote at the annual meeting.	Endorses	
	10	26	Move that <i>Model Law 110.10 A</i> and <i>110.20 A5</i> be amended to make minor housekeeping changes.	Endorses	
	11	27	Move that <i>Model Law 120.50</i> and <i>Model Rules 220.10 D</i> be amended to move language regarding board meetings from the <i>Model Rules</i> to the <i>Model Law</i> .	Endorses	
	12	27	Move that <i>Model Law 120.60 J–M</i> , <i>Model Law 120.70</i> , and <i>Model Rules 220.10 H–I</i> be amended regarding board powers, receipts and disbursements, and organization of the board.	Endorses	
	13	28	Move that <i>Model Law 120.80 E</i> and <i>Model Rules 220.10 K</i> be amended to remove duplicative language.	Endorses	
	14	29	Move that <i>Model Law 120.90</i> and <i>Model Rules 220.10 L</i> be amended regarding publication of a roster.	Endorses	

Motions to be Presented at the 2015 NCEES Annual Meeting

Committee	Motion	Page	Motions on the Consent Agenda	BOD position	Your Board's position
	15	29	Move that <i>Model Law 130.10</i> be amended to delete a reference to the <i>Model Rules</i> .	Endorses	
	16	30	Move that <i>Model Law 130.30 A</i> be amended to allow for NCEES computer-based examinations and for state-specific examinations.	Endorses	
	17	30	Move that <i>Model Law 130.30 B</i> and <i>Model Rules 230.40 A</i> and <i>C</i> be amended to move detailed definitions of exams from the <i>Model Law</i> to the <i>Model Rules</i> .	Endorses	
	18	31	Move that <i>Model Law 130.30 C</i> and <i>Model Rules 230.40 H–M</i> be amended relative to examinations.	Endorses	
	19	33	Move that <i>Model Rules 230.40 G</i> be amended to change the title from “Study Information” to “Exam Preparation Materials,” to delete duplicative language, and to simplify and clarify the rule.	Endorses	
	20	33	Move that <i>Model Law 140.10 A</i> be amended to make the language broader for jurisdictions that have someone other than the chair (such as the executive director) sign the certificates of licensure.	Endorses	
	21	34	Move that <i>Model Law 140.20 B</i> be amended to state that it is within the authority of the board to require continuing professional competency (CPC) for renewal.	Endorses	
	22	34	Move that <i>Model Law 170.30 B</i> be amended to clarify that there is no “comity license.”	Endorses	
	23	34	Move that the appropriate committee be charged with considering whether the Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer designations as defined in <i>Model Rules 210.20</i> should be removed from the <i>Model Rules</i> and instead be included as a professional policy in the <i>NCEES Manual of Policy and Position Statements</i> .	Endorses	
	24	35	Move that <i>Model Rules 210.20 A</i> be amended to delete duplicative language.	Endorses	
	25	36	Move that <i>Model Rules 210.20 A</i> be amended to delete reference to a “cut score,” which is redundant and confusing.	Endorses	
	26	36	Move that <i>Model Rules 220.10 A–G</i> be amended to delete duplicative language and change the title of the rule to “Board Operations.”	Endorses	

Motions to be Presented at the 2015 NCEES Annual Meeting

Committee	Motion	Page	Motions on the Consent Agenda	BOD position	Your Board's position
	27	37	Move that <i>Model Rules 220.20</i> be amended to delete duplicative language.	Endorses	
	28	37	Move that <i>Model Rules 230.60 D–E</i> be amended to make minor housekeeping changes.	Endorses	
	29	38	Move that <i>Model Rules 240.10 B</i> be amended to refer back to the <i>Model Law</i> for a description of what is to be on a certificate.	Endorses	
	30	38	Move that <i>Model Rules 250.30 B</i> be amended to delete the sentence, “Action against the respondent may be brought in the name of the board or brought before the board in the name of the complainant versus the respondent,” to avoid confusion.	Endorses	
	31	39	Move that <i>Model Law 130.10 B</i> and <i>Model Rules 230.60 F</i> be amended to redefine licensure requirements for comity applicants based on proof of minimal competency. This would replace current language stating that a comity applicant’s credentials must be of a standard not lower than that in effect when the applicant’s original license was issued.	Endorses	

For full text of all motions refer to NCEES publication: *Motions to be Presented at the 2015 Annual Meeting*.

ACRONYMS:

ACCA = Advisory Committee on Council Activities
 CPC = Continuing Professional Competency
 EAP = Examination Administration Policy

EDP = Examination Development Policy
 EPP = Examination Policy and Procedures
 EPS = Examinations for Professional Surveyors

MBA = Member Board Administrators
 PS = Position Statement
 UPLG = Uniform Procedures and Legislative Guidelines

MOTIONS TO BE PRESENTED AT THE 2015 ANNUAL MEETING

Committee on Finances

Finance Motion 1

Move that the adoption of the 2015–16 operating budget as shown in Appendix B be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors' position

Endorses, consent agenda

Finance Motion 2

Move that the adoption of the 2015–16 capital budget as shown in Appendix C be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors' position

Endorses, consent agenda

Finance Motion 3

Move that Financial Policy 7 be amended as follows:

FP 7 Examination Charges

All examination charges shall be reviewed [annually by the Committee on Finances](#), and ~~approved annually by any proposed changes shall be brought before~~ the Council [for approval](#). The current exam prices are as follows:

<u>Examination</u>	<u>Price</u>	<u>Date</u> <u>Approved</u>	<u>Effective</u> <u>Administration Date</u>
Computer-based FE*	\$225	8/13	1/14
Computer-based FS*	\$225	8/13	1/14
PE**	\$250	8/11	4/13
PS**	\$250	8/11	4/13
Structural Lateral Forces component**	\$400	8/09	4/11
Structural Vertical Forces component**	\$400	8/09	4/11

For computer-based examinations, examinees are required to pay NCEES directly.

*Price includes exam development, scoring, and computer-based exam administration.

**Price includes exam development, scoring, shipping, and materials. Exam administration fees will remain separate for pencil-and-paper exams.

Rationale

The amendments are to clarify that the Committee on Finance reviews examination fees. After that, any proposed modifications are brought before the Council for approval.

Board of directors' position

Endorses, consent agenda

Finance Motion 4

Move that Financial Policy 7 be amended as follows:

FP 7 Examination Charges

All examination charges shall be reviewed and approved annually by the Council. The current exam prices are as follows:

<u>Examination</u>	<u>Price</u>	<u>Date Approved</u>	<u>Effective Administration Date</u>
Computer-based FE*	\$225	8/13	1/14
Computer-based FS*	\$225	8/13	1/14
PE**	\$250	8/11	4/13
PS**	\$250	8/11	4/13
<u>Computer-based PS*</u>	<u>\$300</u>	<u>8/15</u>	<u>10/16</u>
Structural Lateral Forces component**	\$400	8/09	4/11
Structural Vertical Forces component**	\$400	8/09	4/11

For computer-based examinations, examinees are required to pay NCEES directly.

*Price includes exam development, scoring, and computer-based exam administration.

**Price includes exam development, scoring, shipping, and materials. Exam administration fees will remain separate for pencil-and-paper exams.

Rationale

At its February 2015 meeting, the board of directors approved administering the PS exam via CBT beginning October 1, 2016. After discussing expenses incurred, the reserve impact, the length of the exam, and exam volumes, the Finance Committee recommends that the CBT PS exam charge be set at \$300.

Board of directors' position

Endorses, consent agenda

Committee on Law Enforcement

Law Enforcement Motion 1

Move that *Model Law* 120.60 F be amended as follows:

Model Law 120.60 Board Powers

F. The board has the authority for citation and fining of persons engaged in the practice of engineering or surveying in this jurisdiction ~~who are not licensed or authorized in this jurisdiction~~ as provided by law.
[This board authority applies to licensed, unlicensed, authorized, and unauthorized persons.](#)

Rationale

Model Law 150.10 B states that “any licensee or intern that violates a provision of this Act or any rule or regulation of the board may be assessed a fine in an amount determined by the board of not more than *[insert amount]* dollars for each offense.” However, *Model Law* 120.60 provides only for the citation and fining of unlicensed individuals; it does not speak to licensees or interns. This amendment is to make it clear that the board has the authority to fine those individuals as well.

Board of directors’ position

Endorses, consent agenda

Advisory Committee on Council Activities

ACCA Motion 1

Move that the Generic P.E. Licensure Plus Protected S.E. Title and Restricted S.E. Practice approach as defined under Charge 2 of the ACCA report be incorporated into the *Model Law* and *Model Rules* and that the appropriate committee or task force be charged to develop specific language for that purpose, including the Thresholds definition as described under Charge 2. Further, move that the language be presented to NCEES for approval before being charged to the UPLG Committee for final incorporation into the *Model Law* and *Model Rules*.

Rationale

This approach not only protects the S.E. title but also regulates the practice of structural engineering, and thus better safeguards the health, safety, and welfare of the public relative to structures with an elevated level of threat. While it is essentially discipline-specific licensure for one segment of the engineering profession, it still maintains a connection with generic licensure, and the provisions can be embedded in the statutes and rules of most jurisdictions.

ACCA also recommends that the approach include both variations described in its report: the P.E. Plus S.E. and the S.E. Only. If an individual is content to restrict his or her practice to only structural engineering, he or she should not be required to take both the PE and SE exams and maintain both licenses.

Board of directors' position

Endorses, non-consent agenda

ACCA Motion 2

Move that a Special Committee on Bylaws be charged with proposing amendments at the 2016 annual meeting to remove *Bylaws* 7.12, Committee on Nominations, to bring *Bylaws* Article 11, Elections, in compliance with the current process for electing national officers and to make *Bylaws* provisions for a Tellers Committee to be formed for contested elections as described under Charge 5 of the ACCA report.

Rationale

ACCA concluded that the Committee on Nominations exists to forward nominations made by others and to serve as tellers at the annual meeting, if needed. It felt that the committee could be eliminated as a standing committee and that the *Bylaws* could be modified to allow for the president to appoint a Tellers Committee if and when needed (e.g., counting the votes of the Council to decide a contested election). ACCA recommends that the Tellers Committee empaneled by the president should consist of a past NCEES treasurer and the current secretary-treasurer from each zone, with provisions that no one would be eligible to serve as a teller for an election in which he or she is a candidate.

Board of directors' position

Endorses, consent agenda

ACCA Motion 3

Move that a Special Committee on Bylaws be charged with proposing amendments at the 2016 annual meeting to incorporate the following language into the *Bylaws*.

Section 3.xx. International Affiliate Organization. An International Affiliate Organization of NCEES shall be a legally constituted entity having a collateral and supportive position with the licensure of engineers and surveyors. International Affiliate Organizations are entitled to representation at Council meetings but do not have voting privileges. On approval of the presiding officer, they may be granted the privilege of the floor. Acceptance of any International Affiliate Organization shall be by majority vote of the Council. International Affiliate Organizations shall pay dues as set forth in the *Bylaws*.

Section 3.xx. International Affiliate Member. An international affiliate member of NCEES shall be a person who is a member of an International Affiliate Organization. Such person shall not have the right to serve on standing committees.

Section 3.05 Representatives. A representative shall be a member of [an International Affiliate or a Participating Organization](#) designated to represent ~~it~~ [his or her respective organization](#) at meetings of the Council.

Section 6.01 Annual Business Meetings. The Annual Business Meeting of the Council shall be held at the time and place selected by the Board of Directors.

Notice of the Annual Business Meeting shall be ~~mailed sent~~ to each Member Board, member, associate member, [International Affiliate Organization](#), and ~~participating~~ [Organization](#) not less than four weeks prior to each meeting.

The Board of Directors shall prepare a consent agenda for each Annual Business Meeting. Individual motions may be removed from the consent agenda upon request by any Member Board.

ARTICLE 10. MEMBERSHIP FEES.

Section 10.01 Fees. Annual fees of Member Boards, ~~as well as dues for participating organizations~~, are due on January 1 for the ensuing calendar year. The fee schedule for Member Boards shall be based on the number of licensees of record as of December 31 of the preceding calendar year.

Section 10.011 Fee Schedule. The annual membership fees for Member Boards shall be determined by the Council in accordance with the financial policy.

Section 10.012 Inactive Status. Any Member Board in arrears in membership fees 90 days prior to the Annual Business Meeting shall be placed in an inactive status by the Board of Directors. Member Boards in an inactive status shall not be entitled to vote. Individual members of Member Boards may not hold office or serve on committees. Representatives of boards in inactive status may attend meetings of the Council and may have the privilege of the floor. To be reinstated to an active status and to all the rights and privileges pertaining thereto, an inactive Member Board shall pay all fees and assessments in arrears plus those that have accrued during such inactive status period.

Section 10.013 Dues. [Annual dues for International Affiliate Organizations and Participating Organizations are due on January 1 for the ensuing calendar year.](#)

~~**Section 10.0134 Participating Organizations Obligations Dues Schedule.**~~ [Payments for The annual membership dues of by participating organizations International Affiliate Organizations and Participating Organizations shall be paid](#) in accordance with a schedule established annually by the Board of Directors.

Rationale

ACCA recognized the increased importance of developing and maintaining relationships with international organizations that are advancing licensure in the engineering and surveying professions. Currently, the NCEES *Bylaws* precludes these organizations from NCEES membership. Therefore, creating this new member category is required to allow formal affiliation of international organizations with NCEES.

This change will allow foreign partners that have been approved to offer NCEES examinations to have formal affiliation with NCEES. ACCA recommends that all new agreements with foreign partners that will offer NCEES examinations stipulate that those partners become International Affiliate Organization members of NCEES. The Council may also choose to approve membership as an International Affiliate Organization for other international stakeholder groups engaged in the engineering or surveying professions.

Board of directors' position

Endorses, consent agenda

ACCA Motion 4

Move that Administrative Policy 4 be amended as follows:

AP 4 Past Examinations

~~Past examination booklets will not be made available except through NCEES.~~ Exam items from past examinations that are no longer in use may be included in sample exams and sold to the general public through NCEES.

Rationale

The proposed revision is intended to clarify how items from examinations that are no longer in use may be shared with the general public by NCEES.

Board of directors' position

Endorses, consent agenda

ACCA Motion 5

Move that Professional Policy 5 and Position Statement 17 be amended as follows:

PP 5 Expedited Comity Licensure

NCEES promotes expedited comity licensure by all member boards for any professional engineer, structural engineer, or professional surveyor with a current Council Record who has been determined by NCEES to be a Model Law Engineer, Model Law Structural Engineer, or Model Law Surveyor, respectively.

PS 17 Expedited Comity Licensure

In order to facilitate the mobility of qualified professionals ~~engineers~~ among jurisdictions, NCEES supports and promotes expedited comity licensure by all member boards for any professional engineer, structural engineer, or professional surveyor with a current Council Record who has been determined by NCEES to be a Model Law Engineer, Model Law Structural Engineer, or Model Law Surveyor, respectively.

NCEES supports and promotes the adoption of procedures by all jurisdictions to facilitate and achieve comity licensure of professionals who have been designated by NCEES to be Model Law Engineers, Model Law Structural Engineers, or Model Law Surveyors. NCEES also supports and promotes that this comity licensure be approved in any jurisdiction within one week of receipt of ~~a both the~~ completed application and the Council Record as well as the passing of any required jurisdiction-specific exams, provided that the jurisdiction statutes do not prohibit such expedited comity licensure.

NCEES is committed to working with individual member boards to maximize the full applicability and acceptance of the Council Records program for engineers and surveyors in all jurisdictions.

Rationale

The proposed revisions are to provide consistency with *Model Rules 230.60 F*, Expedited Comity Licensure, which includes structural engineers and professional surveyors along with professional engineers. The proposed revisions to PP 5 and PS 17 are to include Model Law Structural Engineer and Model Law Surveyor along with Model Law Engineer with respect to these provisions for expedited comity licensure.

Board of directors' position

Endorses, consent agenda

ACCA Motion 6

Move that Position Statement 2 be amended as follows:

PS 2 Certification of Engineers and Surveyors

NCEES does not oppose those programs wherein professional organizations and societies recognize or certify their members for any purpose, provided such certification does not imply legal licensure. NCEES opposes certification by any organization or society wherein the purpose of such certification is to substitute for legal licensure as established by the statutes of the various jurisdictions.

Rationale

The proposed revision is intended to add surveyors to this position statement regarding certification programs. Surveyors as well as engineers have various certification programs (e.g., Certified Federal Surveyor), and this revision will include them in this provision regarding certification programs.

Board of directors' position

Endorses, consent agenda

ACCA Motion 7

Move that the UPLG Committee be charged with incorporating the following changes into *Model Rules 210.20 B* and with deleting *Model Rules 260.20*.

Model Rules 210.20 Definitions

B. The following definitions are included in the *Model Rules* only:

1. Model Law Engineer—The term “Model Law Engineer” refers to an individual who has obtained licensure as a professional engineer in at least one jurisdiction as the result of satisfying the following conditions:
 - a. Earns one of the following:
 - (1) A bachelor’s degree in engineering from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET)
 - (2) A master’s degree in engineering from a program accredited by the Engineering Accreditation Commission of ABET (EAC/M-ABET)
 - b. Passes the NCEES Fundamentals of Engineering (FE) examination and an NCEES Principles and Practice of Engineering (PE) examination using the NCEES cut score
 - c. Meets one of the following experience requirements:
 - (1) Completes 4 years of acceptable engineering experience after confirmation of a bachelor of science degree in an engineering program accredited by EAC/ABET
 - (2) Completes 3 years of acceptable engineering experience after confirmation of a bachelor of science degree in engineering from an EAC/ABET-accredited engineering program and holds a master’s degree in engineering
 - (3) Completes 3 years of acceptable engineering experience after confirmation of a master’s degree in engineering from an EAC/M-ABET-accredited engineering program
 - (4) Completes 2 years of acceptable engineering experience and has an earned doctoral degree in engineering from an institution that offers EAC/ABET-accredited programs
 - d. Has a record clear of disciplinary action
~~To maintain~~ For Model Law Engineer status [to continue after such has been designated by NCEES](#), the individual must ~~maintain a record clear of disciplinary action pursuant to NCEES Model Law, Section 150.10~~ [meet the requirements provided in B4 below](#).
2. Model Law Surveyor—The term “Model Law Surveyor” refers to an individual who has obtained licensure as a professional surveyor in at least one jurisdiction as the result of satisfying the following conditions:
 - a. Graduates from an EAC/ABET-accredited Surveying Engineering Group program, a Surveying and Geomatics Group program accredited by the Applied Science Accreditation Commission of ABET, Inc. (ASAC/ABET), or a Surveying and Geomatics Group program accredited by the Engineering Technology Accreditation Commission of ABET, Inc. (ETAC/ABET)
 - b. Passes the NCEES Fundamentals of Surveying (FS) examination and the NCEES Principles and Practice of Surveying (PS) examination using the NCEES cut score

- c. Completes 4 years of acceptable surveying experience after confirmation of a bachelor of science degree in a surveying/geomatics program accredited by ASAC/ABET, EAC/ABET, or ETAC/ABET, which may include up to 1 year of experience for a graduate with a surveying/geomatics degree
 - d. Has a record clear of disciplinary action
- The jurisdiction may also require a Model Law Surveyor to pass its state-specific examination for surveyors. ~~To maintain~~ For Model Law Surveyor status to continue after such has been designated by NCEES, the individual must ~~maintain a record clear of disciplinary action pursuant to NCEES Model Law, Section 150.10~~ meet the requirements provided in B4 below.
- 3. Model Law Structural Engineer—The term “Model Law Structural Engineer” refers to an individual who has obtained licensure in at least one jurisdiction as the result of satisfying the following conditions:
 - a. Earns one of the following:
 - (1) A bachelor’s degree in engineering from a program accredited by EAC/ABET
 - (2) A master’s degree in engineering from a program accredited by EAC/M-ABET
 - b. Passes a minimum of 18 semester (27 quarter) hours of structural analysis and design courses. At least 9 of the semester (14 quarter) hours must be structural design courses.
 - c. Passes the NCEES FE examination
 - d. Passes one of the following:
 - (1) 16 hours of NCEES structural examinations, 8 hours of which were from the SE II taken prior to January 1, 2011
 - (2) 16-hour state-written structural examinations taken prior to 2004
 - (3) NCEES SE II plus 8-hour state-written structural examinations taken prior to January 1, 2011
 - (4) NCEES 16-hour Structural Engineering (SE) examination taken after January 1, 2011
 - e. Meets one of the following experience requirements:
 - (1) Completes 4 years of acceptable structural engineering experience after confirmation of a bachelor of science degree in an engineering program accredited by EAC/ABET
 - (2) Completes 3 years of acceptable structural engineering experience after confirmation of a bachelor of science degree in engineering from an EAC/ABET-accredited engineering program and holds a master’s degree in engineering that includes at least 6 semester (9 quarter) hours of structural engineering (in addition to the 18 hours noted above)
 - (3) Completes 3 years of acceptable structural engineering experience after confirmation of a master’s degree in engineering from an EAC/M-ABET-accredited engineering program that includes at least 6 semester (9 quarter) hours of structural engineering (in addition to the 18 hours noted above)
 - (4) Completes 2 years of acceptable structural engineering experience and has an earned doctoral degree in engineering focused on structural engineering from an institution that offers EAC/ABET-accredited programs
 - f. Has a record clear of disciplinary action
- ~~To maintain~~ For Model Law Structural Engineer status to continue after such has been designated by NCEES, the individual must ~~maintain a record clear of disciplinary action pursuant to NCEES Model Law, Section 150.10~~ meet the requirements provided in B4 below.
- 4. Continuance of Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer Status— Once a licensed professional has been designated as meeting the requirements for one of these statuses, such individual shall continue to be so designated even if the Model Law or Model Rules are revised at a later date, provided that the individual continually maintains his or her Model Law status, maintains a record clear of disciplinary action pursuant to NCEES Model Law, Section 150.10, and has not retired his or her license nor allowed such license to expire.

Model Rules 260.20 Grandfathering of Model Law Engineers and Model Law Structural Engineers

~~Any licensed professional who meets the criteria of the Model Law Engineer as defined in Section 210.20 B.1 or Model Law Structural Engineer as defined in Section 210.20 B.3 shall continue to be designated Model Law Engineer or Model Law Structural Engineer, even if the Model Law or Model Rules is revised at a later date, provided that~~

- ~~A. The licensee has continually maintained his or her status as Model Law Engineer or Model Law Structural Engineer~~
- ~~B. The licensee is not on revoked status or has not retired his or her license~~
- ~~C. The licensee has a record clear of disciplinary action and maintains a record clear of disciplinary action~~

Rationale

ACCA believes that *Model Rules 260.20*, Grandfathering of Model Law Engineers and Model Law Structural Engineers, is not in the correct place in the *Model Rules* and that the language would be more clearly understood and applied if moved to and combined with *Model Rules 210.20*, Definitions, which defines Model Law status. This proposed change is to also include Model Law Surveyors under the provision and to replace the word “grandfathering” with “continuance.”

Board of directors’ position

Endorses, consent agenda

ACCA Motion 8

Move that Position Statement 35 be adopted as follows:

PS 35 Future Education Requirements for Engineering Licensure

One of the goals of NCEES is to advance licensure standards for all professional engineers. Those standards describe the technical and professional competency needed to safeguard the health, safety, and welfare of the public. The Council recognizes that future demands for increasing technical and professional skills and the reduction that has occurred in the formal education requirements needed to obtain a bachelor’s degree in engineering from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) have resulted in the need for additional education beyond the bachelor’s degree for those entering the engineering profession.

NCEES has identified several future pathways by which a candidate for licensure as a professional engineer might obtain the body of knowledge needed to meet these educational requirements, including the following:

- A. A bachelor’s degree in engineering from a program accredited by EAC/ABET and a master’s or earned doctoral degree in engineering in the same technical area from an institution that offers EAC/ABET-accredited programs, or the equivalent
- B. A bachelor’s degree and a master’s degree in engineering from a program accredited by EAC/ABET
- C. A bachelor’s degree from a program accredited by EAC/ABET that has a minimum of 150 semester credit hours, of which at least 115 semester credit hours are in mathematics, science, or engineering combined and at least 75 of these semester credit hours are in engineering
- D. A bachelor’s degree in engineering from a program accredited by EAC/ABET and at least 30 additional semester credit hours of upper-level undergraduate or graduate-level coursework in engineering on topics relevant to the practice of engineering (e.g., engineering-related science, mathematics, or professional practice topics such as business, communications, contract law, management, ethics, public policy, and quality control) from approved course providers (e.g., institutions that have EAC/ABET-accredited programs, or institutions or organizations accredited by an NCEES-approved accrediting body)

NCEES will continue to explore alternative educational pathways for candidates for licensure as professional engineers to develop the body of knowledge needed for entry into the profession. These alternatives will be developed through collaboration with technical engineering societies and other stakeholders engaged with the engineering profession.

Rationale

At the 2014 NCEES annual meeting, the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors made a motion, which the Council passed, requesting that

“... the NCEES president assign a charge to the appropriate committee/task force to draft an NCEES position statement that reflects the education standards defined in the MLE 2020 and the MLSE 2020 definitions regarding further education standards for professional engineering licensure ...”

The proposed position statement follows the directives of the motion and includes only the information related to additional education related to professional engineering licensure that was previously included in the NCEES *Model Law* and *Model Rules*. The committee made some minor edits to reflect current terminology used in the accreditation and licensure communities. The language was also modified to make no reference to the year 2020, thereby resolving the potential for confusion about an effective date for implementation of additional education requirements for professional engineering licensure. This was stated as the primary concern behind the motion.

NCEES has a responsibility to recommend changes to the licensure process that will ensure protection of the health, safety, and welfare of the public now and in the future as described in the NCEES strategic plan and in the mission and vision statements.

NCEES is continuing to fulfill this responsibility by promoting, through the proposed position statement, education requirements for licensure *in the future*. Creating this position statement sets the platform for continued dialogue on this important issue. It is consistent with the NCEES-established processes and summarizes NCEES' efforts on future education requirements for professional engineering licensure over the past 15 years—a complex issue requiring careful and continuing deliberation and one that this position statement will serve to facilitate.

Board of directors' position

Endorses, consent agenda

ACCA Motion 9

Move that Administrative Policy 11 be revised as follows:

AP 11 ~~Sponsored Activities for Annual Business Meeting Planning~~

~~The host member board may make~~ NCEES will make all arrangements for ~~sponsored activities and souvenirs for~~ the annual business meeting. ~~However, NCEES will not acknowledge sponsorship in programs and other meeting literature.~~ The host member board will assist in recruiting board members to deliver invocations as needed during the meeting and in working with NCEES staff to coordinate possible offsite workshops.

Rationale

The current policy does not reflect current practice. NCEES no longer provides support for member boards hosting the annual meeting to purchase souvenirs to distribute to attendees. Member boards no longer make arrangements for sponsored activities. Many are restricted from accepting money from sponsors, which has resulted in NCEES having to pay for whatever was planned. Therefore, NCEES now plans and pays for all meeting-related activities and souvenirs with no involvement from the host board. This motion will not change informal responsibilities assumed by the host member board (e.g., recruiting individuals to deliver invocations and coordinating offsite activities with NCEES staff).

Board of directors' position

Endorses, consent agenda

Committee on Examination Policy and Procedures

EPP Motion 1

Move that EDP 11 be amended as follows:

EDP 11 Item Writers, Pass-Point Evaluators, Reviewers, and Scorers

- A. Each person involved as an item writer, pass-point evaluator, reviewer, or scorer for the NCEES PE or PS examinations must ~~be professionally licensed, have an active professional license issued by an NCEES member board, must be~~ qualified in the appropriate discipline, and ~~must be~~ familiar with requirements for and capabilities of candidates who are minimally qualified to practice in that discipline. Engineers and surveyors with licenses that have inactive or retired status are ineligible to serve in these positions.

Rationale

The proposed language requires item writers and others involved with exam development to have active licenses to ensure that they write relevant questions consistent with current standards. Some inactive or retired members may not have practiced or maintained competency for several years. The language also ensures that these participants' professional licenses are issued by an NCEES member board and not by a foreign jurisdiction.

Board of directors' position

Endorses, consent agenda

EPP Motion 2

Move that EDP 3C be amended as follows:

EDP 3 Engineering and Surveying Examinations and Formats

- A. The Fundamentals of Engineering examination shall be administered via computer-based testing (CBT) and have supplied references.
- B. The Principles and Practice of Engineering examinations shall be offered only in the following disciplines and shall be open-book, pencil-and-paper examinations (unless otherwise noted) as defined in EAP 4:
1. GROUP I
 - a. Chemical
 - b. Civil
 - c. Electrical and Computer—Computer Engineering
 - d. Electrical and Computer—Electrical and Electronics
 - e. Electrical and Computer—Power
 - f. Environmental
 - g. Mechanical
 - h. 16-hour Structural Engineering
 2. GROUP II
 - a. Agricultural/Biological
 - b. Architectural
 - c. Control Systems
 - d. Fire Protection
 - e. Industrial
 - f. Metallurgical/Materials
 - g. Mining/Mineral Processing
 - h. Naval Architecture/Marine
 - i. Nuclear
 - j. Petroleum
 - k. Software
- C. The surveying examinations shall be available as follows:
1. The Fundamentals of Surveying examination shall be administered via CBT and have supplied references.
 2. The Principles and Practice of Surveying examination shall be a closed-book, pencil-and-paper examination as defined in EAP 4. (Effective through April 2016)
 3. The Principles and Practice of Surveying examination shall be administered via CBT and have supplied references. (Effective October 2016)
 34. ~~Member boards shall reserve the right to administer, score, and report certain state-specific examinations in conjunction with the Principles and Practice of Surveying examination. State-specific~~

~~examinations shall be scored and reported separately and apart from those published by NCEES for national examinations.~~

Rationale

The proposed amendments in section C reflect the movement of the PS exam from a pencil-and-paper exam to CBT one. Sections A and B are shown for reference.

Board of directors' position

Endorses, consent agenda

EPP Motion 3

Move that EAP 2 be amended as follows:

EAP 2 Examination Schedules

A. Pencil-and-paper examinations

A 10-year schedule of examination dates shall be published, and the schedule shall be updated annually by NCEES staff and affirmed by the board of directors. The examination dates should avoid conflicts with public and religious holidays.

Member boards will schedule and administer examinations on the ~~NCEES-published~~ day for each examination. ~~The PE and PS examinations will be administered on Friday.~~ For the 16-hour Structural Engineering examination, the Vertical Forces (gravity/other) and Incidental Lateral component will be administered only on Friday, and the Lateral Forces (wind/earthquake) component will be administered only on Saturday.

Any request for deviation from this policy by a member board must be submitted to the NCEES office within the prescribed lead-time in order to be considered for approval. A request for any deviation must conform to the applicable NCEES guidelines and must be approved by the NCEES compliance and security manager. Each request will be reviewed on its own merits.

B. CBT examinations

NCEES will administer CBT examinations in the published timeframes as noted in the *Security and Administrative Procedures Manual*. The schedule shall be updated annually by NCEES staff and affirmed by the board of directors.

Rationale

The proposed amendment reflects the movement of the PS exam from a pencil-and-paper exam to CBT and corrects a redundancy between lines 2 and 3 regarding when the exam will be held.

Board of directors' position

Endorses, consent agenda

EPP Motion 4

Move that EDP 13 be amended as follows:

EDP 13 Security of Examination Material

No items or item banks ~~developed in current use~~ for NCEES examinations shall be used for any purpose outside of the NCEES examination program.

All member boards shall observe approved NCEES requirements.

Rationale

This amendment is conjunction with ACCA-proposed revisions of AP 4 shown on page xx.

Board of directors' position

Endorses, consent agenda

EPP Motion 5

Move that EAP 6 be amended as follows:

EAP 6 Access to and Review of Examinations

There shall be no post-administration access to, or review of, examination ~~questions~~ materials by an examinee or his or her representative.

Member boards may request that an examinee's results from a pencil-and-paper examination be verified by NCEES by manual verification, for a fee established by the board of directors. NCEES will not accept requests for manual verification from individual examinees. No specific examinee comments will be addressed.

Rationale

The proposed amendment expands the prohibition of post-administration review of any materials by examinees or their representatives.

Board of directors' position

Endorses, consent agenda

EPP Motion 6

Move that EAP 4 be amended as follows:

EAP 4 Materials Permitted and not Permitted in Examination Room

A. Pencil-and-Paper and CBT Examinations

1. Devices or materials that might compromise the security of the examination or examination process are not permitted. These include any devices with copying, recording, or communication capabilities.
2. Only models of calculators as specified or supplied by NCEES are permitted in the examination room.
- ~~3. Devices having a QWERTY keypad arrangement similar to a typewriter or keyboard are not permitted. Devices not permitted include but are not limited to palmtop, laptop, handheld, and desktop computers; calculators; databanks; data collectors; and organizers.~~
- ~~4. Communication devices such as cell phones and pagers are not permitted.~~
53. Only NCEES-supplied marking and erasing instruments are permitted for use in the examination room.
4. Other items specifically allowed by the current *NCEES Examinee Guide* are permitted.

~~B. CBT Examinations~~

- ~~1. Devices or materials that might compromise the security of the examination or examination process are not permitted.~~
- ~~2. Only models of calculators as specified or supplied by NCEES are permitted in the examination room.~~
- ~~3. Communication devices such as cell phones and pagers are not permitted.~~
- ~~4. Only NCEES-supplied marking and erasing instruments are permitted for use in the examination room.~~

~~*****~~

Rationale

The proposed changes are to broaden the language so that it allows for changing technologies that would violate NCEES standards and to eliminate listing particular devices.

Board of directors' position

Endorses, consent agenda

EPP Motion 7

Move that EAP 8 be amended as follows:

EAP 8 Release and Use of Examination Results

- D. Examination results for any examinee who fails to comply with the conditions stated in the NCEES *Examinee Guide* are subject to invalidation by NCEES in accordance with the list below. Exam irregularities that may be grounds for exam invalidation by the member boards are included in the second list below. The identity of any examinee whose results are invalidated and the reason for invalidation will be provided to the affected member board. Examinees identified by post-exam collusion analysis are subject to EAP 8C above.

The following items in the NCEES *Examinee Guide* are grounds for a candidate to be dismissed from the exam room and for a candidate's exam results to be invalidated by NCEES:

- ~~Having a cell phone in his or her possession~~
- Having a device with copying, recording, or communication capabilities in his or her possession. ~~These include but are not limited to cameras, pagers, PDAs, radios, headsets, tape players, calculator watches, electronic dictionaries, electronic translators, transmitting devices, and digital media players such as iPods.~~
- Having a calculator that is not on the NCEES-approved list
- Removing pages from his or her exam booklet on pencil-and-paper examinations
- Leaving the exam area without authorization

The following are the items in the NCEES *Examinee Guide* that are grounds for a candidate's exam results to be invalidated by a member board:

- Having loose papers, legal pads, writing tablets, or unbound notes in his or her possession
- Using a non-NCEES writing instrument or eraser to complete any portion of the exam
- Beginning the exam before the proctor instructs him or her to do so
- Failing to stop writing immediately when time is called on pencil-and-paper examinations
- Writing on anything other than the exam booklet or answer sheet on pencil-and-paper examinations
- Violating any other terms stated in these regulations that are cause for dismissal or exam invalidation

The following item in the NCEES *Examinee Guide* falls under collusion and is already grounds for invalidation by the member boards:

- Copying from another examinee's answer sheet or colluding with other examinees

Rationale

The proposed changes are consistent with changes in Motion 6 and avoid conflicts between EDP 4 and EAP 8.

Board of directors' position

Endorses, consent agenda

Future of Surveying Task Force

Future of Surveying Task Force Motion 1

Move that NCEES fund and facilitate a meeting that includes representatives from organizations interested in the future of surveying. This group would consider and recommend additional outreach opportunities to promote the value of a surveying license. This information would be forwarded to an NCEES committee or task force for action as appropriate.

Financial impact

The costs associated with funding this meeting are estimated to be \$32,000. This amount would fund a 25-member focus group to study this issue and make recommendations for increased outreach related to the future of surveying.

Rationale

A number of affiliated groups are impacted by the reduction in the number of individuals pursuing a career in surveying. A meeting of these affected stakeholders will help to identify potential options and partners to better market the profession.

Board of directors' position

Endorses, non-consent agenda

Future of Surveying Task Force Motion 2

Move that the board of directors be authorized to implement the NCEES Professional Surveying Program of Distinction for a trial period of five award cycles, with the first award to be made prior to the 2017 annual meeting. The award structure will essentially conform to the recommendations of the Future of Surveying Task Force.

Financial Impact

The costs associated with funding this award are estimated to be \$125,000 annually. This amount would allow the Council to annually recognize up to 10 surveying programs that meet the approved criteria for the NCEES Professional Surveying Program of Distinction.

Rationale

Many of the programs in surveying are struggling financially due to low numbers of students. The award would help to supplement the operations of programs to allow them to continue to operate and to graduate the future surveying generation.

Board of directors' position

Endorses, non-consent agenda

Committee on Education

Education Motion 1

Move that *Model Rules 240.30* be modified as shown below.

Model Rules 240.30 Continuing Professional Competency

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of professional engineers and/or professional surveyors.

A. Introduction

Every licensee shall meet the continuing professional competency requirements of these regulations for professional development as a condition for licensure renewal.

B. Definitions

Terms used in this section are defined as follows:

1. Professional Development Hour (PDH)—One contact hour (nominal) of instruction or presentation. The PDH is the common denominator for other units of credit.
2. Ethics/Business-Related Course or Activity—A qualifying course or activity with content areas related to (1) the awareness of ethical concerns and conflicts; (2) an enhanced familiarity with the codes of conduct; (3) an understanding of standards of practice or care; (4) project management and risk-assessment management; or (5) other similar topics aimed at maintaining, improving, or expanding the skills set and knowledge relevant to the licensee's field and methods of practice.
3. Continuing Education Unit (CEU)—Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course.
4. College Semester/Quarter Hour—Credit for course in ABET-approved programs or other related college course approved in accordance with subsection E of this section.
5. Course/Activity—Any qualifying course or activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice. Regular duties are not considered qualified activities.
6. Dual Licensee—An individual who is licensed as both a professional engineer and a professional surveyor

C. Requirements

Every licensee is required to obtain the equivalent of 15 PDHs per annual renewal period, 30 PDHs per biennial renewal period, or 45 PDHs per triennial renewal period. These PDHs may be obtained anytime during the applicable renewal period. A minimum of 1 PDH of each 15 PDHs shall be earned by successfully completing a course or activity that has content areas that focus on (a) professional engineering or surveying ethics, or (b) improving a licensee's methods of business practice or operations or otherwise advancing professionally related skills and practices as applicable to the practice of engineering or surveying. If a licensee exceeds the annual requirement in any renewal period, a maximum of 15 PDHs may be carried forward into the subsequent renewal period. PDHs may be earned as follows:

1. Successful completion of college courses
- ~~2. Successful completion of continuing education courses~~
- ~~3. Successful completion of short courses/tutorials and distance education courses offered through correspondence, television, videotapes, or the Internet~~
2. Successful completion of short courses, tutorials, webinars, and distance-education courses offered for self-study, independent study, or group study and through synchronous or asynchronous delivery methods such as live, correspondence, archival, or the Internet
- ~~43.~~ Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, ~~or~~ conferences, or educational institutions
- ~~54.~~ Teaching or instructing in 1 through ~~43~~ above
- ~~65.~~ Authoring published papers, articles, books, or accepted licensing examination items
- ~~76.~~ Active participation in professional or technical societies
- ~~87.~~ Patents
- ~~98.~~ Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K-12 or higher education students

D. Units

The conversion of other units of credit to PDHs is as follows:

1. 1 ~~college or unit~~ semester hour45 PDHs
2. 1 ~~college or unit~~ quarter hour.....30 PDHs
3. 1 continuing education unit10 PDHs

4. 1 hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, or conferences1 PDH
5. For teaching in 1 through 4 above, apply multiple of 2*
6. Publications
 - a. Each published peer-reviewed paper or book in the licensee’s area of professional practice.....10 PDHs
 - b. Each published paper or article (other than 6.a above) in the licensee’s area of professional practice.....5 PDHs
7. Active participation in professional and technical society (each organization)2 PDHs
8. Each patent.....10 PDHs
9. 1 hour of outreach activities1 PDH (not to exceed 3 PDHs)

* Teaching credit is valid only for the first offering or presentation. Full-time faculty may not claim teaching credit associated with their regular duties.

E. Determination of Credit

The board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

1. Credit for college or community college approved courses will be based upon course credit established by the college.
2. Credit for qualifying seminars and workshops will be based on 1 PDH for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDHs for the actual time of each program.
3. Credit determination for activities in subsections D.6 and D.8 is the responsibility of the licensee (subject to review as required by the board).
4. Credit for activity in subsection D.7, active participation in professional and technical societies (limited to 2 PDHs per organization), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDHs are not earned until the end of each year of service is completed.

F. Recordkeeping

The licensee is responsible for maintaining records to be used to support credits claimed. Records required include, but are not limited to (1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor’s or speaker’s name, and PDHs earned; and (2) attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

G. Exemptions

A licensee may be exempt from the continuing professional competency requirements for one of the following reasons:

1. New licensees by way of examination or comity shall be exempt for their first renewal period.
2. A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining the PDHs required during that renewal period.
3. Licensees experiencing physical disability, illness, or other extenuating circumstances may apply for an exemption or an extension of time to obtain the credits, subject to the review and approval of the board. Supporting documentation must be furnished to the board.
4. Licensees who list their occupation as “Retired” or “Inactive” on the board-approved renewal form and who further certify that they are no longer receiving any remuneration from providing professional engineering or surveying services shall be exempt from the PDHs required. In the event such an individual elects to return to active practice of professional engineering or surveying, PDHs must be earned before returning to active practice for each year exempted, not to exceed the annual requirement for 2 years.

H. Reinstatement

A licensee may bring an inactive license to active status by obtaining all delinquent PDHs. However, if the total number required to become current exceeds 30, then 30 shall be the maximum number required.

I. Requirements for Renewal

To renew a license, an applicant must either meet the requirements of *[insert jurisdiction name]* or meet the requirements of the Model Continuing Professional Competency (CPC) Renewal Standard for the number of consecutive reporting periods corresponding to the CPC requirements of *[insert jurisdiction name]* (i.e., biennial or other). A reporting period for the Model CPC Renewal Standard is defined as January 1–December 31 of 1 calendar year.

J. Dual Licensees

The number of PDHs required shall remain 15, at least one-third of which shall be obtained in each profession.

K. Forms

All renewal applications will require the certification of CPC credits as specified by the board. The licensee must supply sufficient detail on a CPC form to permit audit verification and retain any backup documentation. The licensee must certify and sign the CPC form and submit the form, if required, with the renewal application and fee or upon notification of audit.

L. Model CPC Standard

The Model CPC Standard requires licensees to acquire 15 PDHs in each calendar year in compliance with the provisions of subsections A, B, C, D, E, and J above. Licensees meeting this standard shall document their CPC activities on the Model CPC standard reporting form.

Rationale

As described in the committee's report, these changes are to remove archaic language and allow modern delivery methods for CPC activities.

Board of directors' position

Endorses, consent agenda

Committee on Uniform Procedures and Legislative Guidelines

UPLG Motion 1

Move that *Model Law* 110.20 N be amended as follows:

Model Law 110.20 Definitions

N. Or the Equivalent—The term “Or the Equivalent,” as used in this Act, shall mean an equivalent educational program/curriculum to an engineering program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) that meets the NCEES Engineering Education Standard or a surveying program accredited by EAC/ABET, the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), or the Applied Science Accreditation Commission of ABET (ASAC/ABET)/curriculum that meets the NCEES Surveying Education Standard, as applicable.

Rationale

The term “or the equivalent” is used throughout the *Model Law* and *Model Rules* when referring to non-ABET-accredited programs. However, as the Education Committee discussed in its 2014 conference report, the term does not define how that equivalency is determined. The Council passed a motion last year to replace “or the equivalent” with “meets the NCEES Engineering Education Standard” because the standard provides appropriate criteria for evaluating the equivalency of coursework from non-ABET-accredited programs compared to an ABET review. UPLG is proposing to change the definition of “or the equivalent” to be the NCEES Engineering Education Standard as well as the NCEES Surveying Education Standard because the phrase is used throughout the model documents and applies to both engineering and surveying. It also recommends that a committee be charged with reviewing the use of “or the equivalent” in all NCEES publications.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 2

Move that *Model Law* 110.20 B4 be amended as follows:

Model Law 110.20 Definitions

A. Engineer

5. Practice of Engineering—The term “Practice of Engineering,” as used in this Act, shall mean any service or creative work requiring engineering education, training, and experience in the application of engineering principles and the interpretation of engineering data to engineering activities that potentially impact the health, safety, and welfare of the public.

The services may include, but not be limited to, providing planning, studies, designs, design coordination, drawings, specifications, and other technical submissions; teaching engineering design courses; performing surveying that is incidental to the practice of engineering; and reviewing construction or other design products for the purposes of monitoring compliance with drawings and specifications related to engineered works.

Surveying incidental to the practice of engineering excludes the surveying of real property for the establishment of land boundaries, rights of way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

A person shall be construed to practice engineering, within the meaning and intent of this Act, if he or she does any of the following:

- a. Practices any discipline of the profession of engineering or holds himself or herself out as able and entitled to practice any discipline of engineering
- b. Represents himself or herself to be a professional engineer by verbal claim, sign, advertisement, letterhead, or card or in any other way
- c. Through the use of some other title, implies that he or she is a professional engineer or licensed under this Act

B. Professional Surveyor (Professional Land Surveyor, Professional Surveyor and Mapper, Geomatics Professional, or equivalent term)

4. Practice of Surveying—The term “Practice of Surveying,” as used in this Act, shall mean providing, or offering to provide, professional services using such sciences as mathematics, geodesy, and photogrammetry, and involving both (1) the making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvements on the earth, the space above, on, or below the earth and (2) providing, utilizing, or developing the same into survey

products such as graphics, data, maps, plans, reports, descriptions, or projects. Professional services include acts of consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any one or more of the following:

- a. Determining by measurement the configuration or contour of the earth's surface or the position of fixed objects thereon
- b. Determining by performing geodetic surveys the size and shape of the earth or the position of any point on the earth
- c. Locating, relocating, establishing, reestablishing, or retracing property lines or boundaries of any tract of land, road, right of way, or easement
- d. Making any survey for the division, subdivision, or consolidation of any tract(s) of land
- e. Locating or laying out alignments, positions, or elevations for the construction of fixed works
- f. Determining, by the use of principles of surveying, the position for any survey monument (boundary or nonboundary) or reference point; establishing or replacing any such monument or reference point
- g. Creating, preparing, or modifying electronic ~~or~~₂ computerized₂ or other data, relative to the performance of the activities in items a–f above

~~A person shall be construed to practice or offer to practice surveying, within the meaning and intent of this Act, who engages in surveying or who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents the person to be a professional surveyor or through the use of some other title implies that the individual is a professional surveyor or that the person is licensed or authorized under this Act or who holds the person out as able to perform or who does perform any surveying service or work or any other service designated by the practitioner which is recognized as surveying.~~

A person shall be construed to practice surveying, within the meaning and intent of this Act, if he or she does any of the following:

- a. Engages in or holds himself or herself out as able and entitled to practice surveying
- b. Represents himself or herself to be a professional surveyor by verbal claim, sign, advertisement, letterhead, or card or in any other way
- c. Through the use of some other title, implies that he or she is a professional surveyor or licensed under this act

Rationale

The paragraph was reorganized to make it easier to read and to make it parallel to the structure of A5, which is shown for reference.

Board of directors' position

Endorses, consent agenda

UPLG Motion 3

Move that *Model Law* 110.20 O be amended as follows:

Model Law 110.20 Definitions

- O. Authoritative—The term “Authoritative,” as used in this Act or Rules promulgated under this Act, shall mean being presented as trustworthy and competent when used to describe products, processes, applications, or data resulting from the practice of surveying.

Rationale

This language was added because “authoritative” is not referenced anywhere else in *Model Law*; the law needs to point to the rules because “authoritative” is used throughout *Model Rules* 210.25.

Board of directors' position

Endorses, consent agenda

UPLG Motion 4

Move that *Model Law* 130.10 C be amended as follows:

Model Law 130.10 General Requirements for Licensure

Education, experience, and examinations (as described in the *Model Rules*) are required for licensure as a professional engineer or professional surveyor.

A. Certification or Enrollment as an Engineer Intern

The following shall be considered as minimum evidence that the applicant is qualified for certification as an engineer intern.

1. Graduating from an engineering program of 4 years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), or the equivalent, or an engineering master's program accredited by EAC/ABET
2. Passing the NCEES Fundamentals of Engineering (FE) examination

C. Certification or Enrollment as a Surveyor Intern

~~Completion of one of the~~ The following shall be considered as minimum evidence that the applicant is qualified for certification or enrollment as a surveyor intern.

1. Graduating from a surveying program of 4 years or more accredited by EAC/ABET, the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), the Applied Science Accreditation Commission of ABET (ASAC/ABET), or the equivalent
2. Graduating from a program related to surveying of 4 years or more as approved by the board and with a specific record of 2 years of progressive experience in surveying
3. Graduating from a program of 4 years or more as approved by the board and with a specific record of 4 years of progressive experience in surveying

In addition to satisfying one of the above requirements, the applicant shall pass the NCEES Fundamentals of Surveying (FS) examination

Rationale

This change is to make the language parallel with 130.10 A, which is shown for reference.

Board of directors' position

Endorses, consent agenda

UPLG Motion 5

Move that *Model Law* 130.30 B4 be amended as follows:

Model Law 130.30 Examinations

B. Examinations may be taken only after the applicant has met the other minimum requirements as given in Sections 130.10 and 130.20 of this Act and has been approved by the board for admission to the examinations. The board may offer the following examinations:

4. NCEES Principles and Practice of Surveying (PS) examination—The examination consists of subject matters in applied surveying, ~~divided in separate parts as determined by the board~~. Passing ~~these parts~~ this examination qualifies the examinee for licensure as a professional surveyor, provided the examinee has met the other requirements for licensure required by this Act.

D. The board may prepare and require additional examinations in engineering and surveying. Specifications for such additional examinations may be published and be made available to any individual interested in being licensed as a professional engineer or as a professional surveyor.

Rationale

The phrase “divided in separate parts as determined by the board” is misplaced in B4 because it does not apply to the NCEES PS exam. The language is most likely meant to refer to state-specific surveying exams. The authorization for member boards to prepare and require additional examinations such as these is already included in the same section of the *Model Law* under paragraph D, which is shown for reference.

Board of directors' position

Endorses, consent agenda

UPLG Motion 6

Move that *Model Rules* 210.20 B be amended as follows:

Model Rules 210.20 Definitions

B. The following definitions are included in the *Model Rules* only:

2. Model Law Surveyor—The term “Model Law Surveyor” refers to an individual who has obtained licensure as a professional surveyor in at least one jurisdiction as the result of satisfying the following conditions:
 - ~~a. Graduates from an EAC/ABET accredited Surveying Engineering Group program, a Surveying and Geomatics Group program accredited by the Applied Science Accreditation Commission of ABET, Inc. (ASAC/ABET), or a Surveying and Geomatics Group program accredited by the Engineering Technology Accreditation Commission of ABET, Inc. (ETAC/ABET)~~
 - a. Earns one of the following:
 - (1) A bachelor’s degree from a surveying engineering program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET)
 - (2) A bachelor’s degree from a surveying and geomatics program accredited by the Applied Science Accreditation Commissions of ABET (ASAC/ABET)
 - (3) A bachelor’s degree from a surveying and geomatics program accredited by the Engineering Technology Accreditation Commission of ABET (ETAC/ABET)
 - b. Passes the NCEES Fundamentals of Surveying (FS) examination and the NCEES Principles and Practice of Surveying (PS) examination using the NCEES cut score
 - c. Completes 4 years of acceptable surveying experience after confirmation of a bachelor of science degree in a surveying/geomatics program accredited by ASAC/ABET, EAC/ABET, or ETAC/ABET, which may include up to 1 year of experience for a graduate with a surveying/geomatics degree
 - d. Has a record clear of disciplinary action

The jurisdiction may also require a Model Law Surveyor to pass its state-specific examination for surveyors. To maintain Model Law Surveyor status, the individual must maintain a record clear of disciplinary action pursuant to NCEES *Model Law*, Section 150.10.

Rationale

The language was modified to clarify that a bachelor’s degree is required, which is one of the things the NCEES Records program looks for when determining whether someone qualifies for this designation. In addition, the three ABET-accredited programs were separated into different paragraphs to make it easier to read.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 7

Move that *Model Rules* 230.20 be amended as follows:

Model Rules 230.20 Experience

A. As a Professional Engineer¹

In evaluating experience that indicates to the board that the applicant may be competent to practice engineering, the following will be considered:

1. Experience must be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility.
2. Only work of an engineering nature that follows graduation from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) or a program deemed to be substantially equivalent is creditable.
3. Experience must not be obtained in violation of the licensure act.
4. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant served in an engineering or engineering-related group while in the armed services.
5. Experience should be gained under the supervision of a licensed professional engineer; if it is not, an explanation should be made showing why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.

6. For sales experience to be creditable, it must be demonstrated that engineering principles were required and used in gaining the experience.
7. Teaching experience, to be creditable, must be in engineering or engineering-related courses at an advanced level in a college or university offering an engineering program of 4 years or more that is approved by the board.
8. Experience gained in engineering research and design projects by members of an engineering faculty where the program is approved by the board is creditable.
9. Successful completion of graduate study leading to the master's degree in engineering from an institution that offers EAC/ABET-accredited programs may be used for credit for 1 year's experience. If the earned doctoral degree in engineering is completed under the same conditions, 2 years' total experience may be credited; the 2 years' credit includes the 1 year for the master's degree. If the earned doctoral degree is obtained without the master's degree, the credit for experience may be 2 years.
10. Experience may not be anticipated. The experience must have been gained by the time of the application.
11. Experience in construction, to be creditable, must demonstrate the application of engineering principles.
12. Experience should include demonstration of a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.
13. Experience should include demonstration of the application of engineering principles in the practical solution of engineering problems.
14. The board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum board requirements established by regulations for professional experience in that jurisdiction.
- ~~15. Experience may be summarized as shown in Appendix A, Suggested Guidelines for Evaluating Progressive Engineering Experience. Appendix A is for reference only, and the language should not be adopted into the board rules.~~

B. As a Professional Surveyor²

In evaluating experience that indicates to the board that the applicant may be competent to practice surveying, the following will be considered:

1. Experience must be progressive on surveying projects to indicate that it is of increasing quality and requiring greater responsibility.
2. Experience must not be obtained in violation of the licensure act.
3. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally it would be expected that the applicant served in a surveying or surveying-related group while in the armed services.
4. Experience should be gained under the supervision of a licensed professional surveyor or, if not, an explanation should be made showing why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.
5. Teaching experience, to be creditable, must be in surveying or surveying-related courses at an advanced level in a surveying program that is or surveying-related courses approved by the board.
6. A substantial portion of the experience must be spent in charge of work related to property conveyance and/or boundary line determination.
7. Adequate experience in the technical field aspects of the profession must be demonstrated.
8. Experience may not be anticipated. The experience must have been gained by the time of the application.
9. Experience should include demonstration of the application of surveying principles in the practical execution of surveying tasks.
- ~~10. Experience may be summarized as shown in Appendix B, Suggested Guidelines for Evaluating Progressive Surveying Experience. Appendix B is for reference only, and the language should not be adopted into the board rules.~~
10. Experience gained in surveying research projects by members of a surveying faculty where the program is approved by the board is creditable.
11. Successful completion of graduate study leading to the master's degree in surveying from an institution that offers EAC/ABET-, ASAC/ABET-, or ETAC/ABET-accredited programs may be used for credit for 1 year's experience. If the earned doctoral degree in surveying is completed under the same conditions, 2 year's total experience may be credited; the 2 years' credit includes the 1 year for the master's degree. If the earned doctoral degree is obtained without the master's degree, the credit for experience may be 2 years.

12. The board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum board requirements established by regulations for professional experience in that jurisdiction.

¹ Experience may be summarized as shown in Appendix A, Suggested Guidelines for Evaluating Progressive Engineering Experience. Appendix A is for reference only, and the language should not be adopted into the board rules.

² Experience may be summarized as shown in Appendix B, Suggested Guidelines for Evaluating Progressive Surveying Experience. Appendix B is for reference only, and the language should not be adopted into the board rules.

Rationale

Paragraphs 10–12 were added to *Model Rules* 230.20 B to include experience descriptions that are also in 230.20 A, which is shown for reference. After UPLG worked on the language and modified it to apply to surveying, it sent the language to the EPS Committee for review to make sure EPS agreed with the proposed changes. EPS agreed with all of the changes except the addition of the following proposed language: “Only work of a surveying nature that follows graduation from a program accredited by EAC/ABET, ASAC/ABET, ETAC/ABET, or a program deemed to be substantially equivalent is creditable. Up to 2 years of experience earned prior to graduation may be allowed by the board.” UPLG therefore did not include this paragraph in the motion.

UPLG is also proposing to make A15 and the original B10 footnotes because they are not part of the model language for boards to adopt. The more appropriate place for them is as clarifying notes to each section.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 8

Move that *Model Rules* 230.50 B be amended as follows:

***Model Rules* 230.50 Classifications and Disciplines of Engineers and Surveyors**

A. Classification of Engineers

Engineering applicants shall be licensed or certified under one of the classifications as prescribed by the laws of this jurisdiction:

1. Engineer intern—by education and examination
2. Professional engineer—by education, examination, and experience, or by comity
3. Discipline professional engineer—by verification of discipline competence

B. Classification of Surveyors

Surveying applicants shall be licensed or certified under one of the classifications as prescribed by the laws of this jurisdiction.

1. Surveyor intern—by education and/or experience, and examination
2. Professional surveyor—by education ~~and/or experience~~, ~~and~~ examination, and experience, or by comity (and appropriate jurisdiction-specific examination)

Rationale

The change to B2 is to make it parallel to the engineering language in A2, which is shown for reference.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 9

Move that the following preface replace the current introduction to the *Model Law* and that it be added to the *Model Rules* to explain the intent of the documents, how they fit with the NCEES vision and mission, how boards can use them, and that they are updated by member board vote at the annual meeting.

PREFACE

Purpose of the NCEES *Model Law* and *Model Rules*

The vision of the National Council of Examiners for Engineering and Surveying is to “provide leadership in professional licensure of engineers and surveyors through excellence in uniform laws, licensing standards, and professional ethics in order to safeguard the health, safety, and welfare of the public and to shape the future of professional licensure.” The mission of NCEES is to “advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public.”

NCEES serves as an organization through which its members—the engineering and surveying licensure boards in all U.S. states and territories—can counsel and act together to better discharge their duties as individual, autonomous regulatory agencies. One of the primary ways NCEES fulfills its vision and supports its mission is by providing the *Model Laws* and *Model Rules* for adoption by its member boards.

The NCEES *Model Law* sets forth broad ideas about the regulation of engineering and surveying licensure. It is an enabling document that defines the board’s powers and duties. It is designed to assist legislative counsels, legislators, and NCEES members in preparing new or amendatory legislation. Each line in the sections is numbered to facilitate use of this document as a working model.

The *Model Rules* complements the *Model Law* by providing model rules and regulations for the ways member boards can carry out the general concepts introduced and set forth in the law. While it is designed to explain broad provisions stated in the *Model Law* by offering the details from an administrative perspective, the *Model Rules*, just like a board’s regulations or rulemaking process, functions only within the authority granted by the *Model Law*. The *Model Rules* is designed to assist NCEES member board members, board counsel, and board administrators in preparing and updating board rules.

Revisions to the *Model Law* and *Model Rules* are decided at the NCEES annual business meeting each year. By vote, the majority of NCEES member boards have agreed that the language in them represents the gold standard for engineering and surveying licensure requirements in the United States. The intent of NCEES in preparing these uniform model documents is to present its member boards with a high-level benchmark—and yet a sound and realistic guide—that will provide greater uniformity of qualifications for licensure, raise these qualifications to a higher level of accomplishment, and simplify the interstate licensure of engineers and surveyors.

Rationale

The *Model Law* currently has an introduction explaining the purpose of the document. The *Model Rules* does not. Because these publications are intended to be used together, UPLG recommends including the same preface in each of them so that it is clear that these documents are meant to work as a unit, not separately. The preface would replace the current introduction to the *Model Law*. Much of preface content derives from the current *Model Law* introduction, but it also now references the NCEES vision and mission, explains that member boards vote on amendments each year at the annual business meeting, and includes mention of the *Model Rules*.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 10

Move that *Model Law* 110.10 A and 110.20 A5 be amended as follows:

Model Law 110.10 General Provisions

- A. Regulation of Engineers and Surveyors—In order to safeguard the health, safety, and welfare of the public, the practice of engineering and/or the practice of surveying in this jurisdiction is/are hereby declared to be subject to regulation in the public interest. It shall be unlawful for any person to practice, or to offer to practice, engineering and/or surveying in this jurisdiction, as defined in the provisions of this Act, or to use in connection with their name or otherwise assume, or advertise any title or description tending to convey the impression that they are a licensed engineer and/or surveyor, unless such person has been duly licensed or authorized or is exempted under the provisions of this Act. The practice of engineering or surveying shall be deemed a privilege granted by this jurisdiction through the licensing board based on the qualifications of the individual as evidenced by ~~his or her~~ that individual's certificate of licensure, which shall not be transferable.

Model Law 110.20 Definitions

- A. Engineer
5. Practice of Engineering—The term “Practice of Engineering,” as used in this Act, shall mean any service or creative work requiring engineering education, training, and experience in the application of engineering principles and the interpretation of engineering data to engineering activities that potentially impact the health, safety, and welfare of the public.

The services may include, but not be limited to, providing planning, studies, designs, design coordination, drawings, specifications, and other technical submissions; teaching engineering design courses; performing surveying that is incidental to the practice of engineering; and reviewing construction or other design products for the purposes of monitoring compliance with drawings and specifications related to engineered works.

Surveying incidental to the practice of engineering excludes the surveying of real property for the establishment of land boundaries, rights of way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

~~A person~~ An individual shall be construed to practice engineering, within the meaning and intent of this Act, if he or she does any of the following:

- a. Practices any discipline of the profession of engineering or holds himself or herself out as able and entitled to practice any discipline of engineering
- b. Represents himself or herself to be a professional engineer by verbal claim, sign, advertisement, letterhead, or card or in any other way
- c. Through the use of some other title, implies that he or she is a professional engineer or licensed under this Act

Rationale

These are housekeeping changes. The change in Paragraph 5 is proposed because the definition of “person” in *Model Law* 110.10 M includes firms, and this section does not apply to firms.

Board of directors' position

Endorses, consent agenda

UPLG Motion 11

Move that *Model Law* 120.50 and *Model Rules* 220.10 D be amended as follows:

Model Law 120.50 Board Organization and Meetings

The board shall hold at least *[insert number]* regular meetings each year. ~~Special meetings may be held as the bylaws or rules of the board provide. Other meetings may be called as prescribed by jurisdictional law.~~ The board shall elect or appoint annually from among its membership the following officers: a chairperson, a vice chairperson, and a secretary. A quorum of the board shall consist of no fewer than *[insert number]* professional engineer members, *[insert number]* professional surveyor members, and *[insert number]* public members.

Model Rules 220.10 Organization of the Board

D. Meetings

- ~~1.~~ The board holds at least *[insert number]* regular meetings each year. ~~Other meetings may be called as prescribed by law. (Section 120.50, Board Organization and Meetings, NCEES Model Law)~~
- ~~2.~~ Notices of meeting dates and times are normally given *[insert amount of time required]* in advance for all the regular meetings of the year. For special meetings, *[insert number of days]* notice must be given.
- ~~3.~~ Place of meetings is determined in advance by members of the board.
- ~~4.~~ All meetings are open to the public unless the meeting is closed for reasons defined by the laws of this jurisdiction.

Rationale

The language is being moved from the *Model Rules* to the *Model Law* because the language is duplicated in the two documents. UPLG feels that the rules language is clearer, so it proposes replacing the language in the law with it.

Board of directors' position

Endorses, consent agenda

UPLG Motion 12

Move that *Model Law* 120.60 J–M, *Model Law* 120.70, and *Model Rules* 220.10 H–I be amended as follows:

Model Law 120.60 Board Powers

- ~~J.~~ The board shall have the power to employ such staff as necessary for the proper performance of its work. The board may employ an individual who shall be responsible for the administration of the policies of the board and for the processing of its routine operations. The board may also employ those persons required and qualified, including full or part-time, necessary to perform the administration of the laws of this jurisdiction and those rules regulating the practice of engineering and surveying. This includes the use of consultants when deemed necessary.
- ~~JK.~~ The board shall have the power to appoint committees to assist the board's efforts in carrying out the responsibilities of this Act. ~~All individuals appointed by the board to serve on committees are entitled to reimbursement of expenses as approved by the board.~~
- ~~KL.~~ The board shall have the power to adopt and collect fees in amounts necessary to enable the board to carry out its function under this Act.
- ~~LM.~~ The board shall be authorized to use electronic transmissions for all purposes permitted under statute *[citation for jurisdiction law]*.
- ~~MN.~~ The attorney general of this jurisdiction or his or her assistants may act as legal adviser to the board and render such legal assistance as may be necessary in carrying out the provisions of this Act. The board may employ or retain counsel and necessary assistance to aid in the enforcement of this Act, and the compensation and expenses therefore shall be paid from the funds of the board.

Model Law 120.70 Receipts and Disbursements

The board administrator shall receive, disburse, and account for all monies derived under the provisions of this Act. This fund shall be known as the "Professional Engineers' and Professional Surveyors' Fund," shall be kept in a local bank or deposited with the jurisdiction treasurer, and shall be paid out only upon requisitions submitted by the board administrator. All monies in this fund are hereby specifically appropriated for the use of the board. The board administrator shall give a surety bond to this jurisdiction in such sum as may be required by the laws of this jurisdiction. The premium on said bond shall be regarded as a proper and necessary expense of the board. The board administrator shall receive such salary as the board shall determine. The board ~~shall employ such~~

~~staff as are necessary for the proper performance of its work and~~ shall make expenditures from the abovementioned fund for any purpose which, in the opinion of the board, is reasonably necessary for the proper performance of its duties under this Act, including the expenses of the board's delegates to meetings of and membership fees to the National Council of Examiners for Engineering and Surveying (NCEES) and any of its subdivisions. Individuals appointed by the board to serve on committees, or who perform other services required by the board, are entitled to reimbursement of expenses as approved by the board. Under no circumstances shall the total amount of warrants issued in payment of the expenses and compensation provided for in this Act exceed the amount of monies collected.

Model Rules 220.10 Organization of the Board

H. Board Administrator

~~The board may employ an individual who shall be responsible for the administration of the policies of the board and for the processing of its routine operations.~~

I. Employment of Personnel

~~The board may employ those persons required and qualified, including full or part time, necessary to perform the administration of the laws of this jurisdiction and those rules regulating the practice of engineering and surveying. This includes the use of consultants when deemed necessary. (Section 120.70; Receipts and Disbursements, NCEES Model Law)~~

Rationale

Model Rules 220.10 H and I were combined and moved to *Model Law 120.60*, along with the related language stricken in *Model Law 120.70*; the language belongs in the law because it gives the board the authority to employ staff. The new language in *Model Law 120.70* was moved from the original *Model Law 120.60 J* because it is more appropriate to be included under the disbursements section; the language needs to stay in the law rather than move to the rules because boards will need the authorization of the legislature to spend the money. The words "or who perform other services required by the board" were added to ensure that the language also applies to investigators, expert witnesses, exam writers, etc.

Board of directors' position

Endorses, consent agenda

UPLG Motion 13

Move that *Model Law 120.80 E* and *Model Rules 220.10 K* be amended as follows:

Model Law 120.80 Records and Reports

~~E. Board records and papers of the following class are of a confidential nature and are not public records: file records of examination problems and solutions, examination scores, letters of inquiry and reference concerning applicants, transcripts of college courses and grades, email addresses, board inquiry forms concerning applicants, pending and closed complaints and investigative files until a formal hearing may commence or until final disciplinary action is taken, cases dismissed without disciplinary action, all other materials of like confidential nature, and information otherwise protected by law.~~

E. The Freedom of Information Act requires most records, papers, and reports of the board to be public in nature and to be obtained from the board upon written request and payment of costs of reproduction, handling, and mailing. Other records, papers, and reports, most of which are confidential, are not considered to be public in nature and are not available except when required by court action or the jurisdiction's public records laws. These include, but are not limited to, examination material for examinations not yet given, file records of examination problems and solutions, examinations scores, letters of inquiry and reference concerning applicants, transcripts of college courses and grades, email addresses, board inquiry forms concerning applicants, pending and closed complaints and investigative files until a formal hearing may commence or until final disciplinary action is taken, cases dismissed without disciplinary action, all other materials of like confidential nature, and information otherwise protected by law.

Model Rules 220.10 Organization of the Board

K. Records

The Freedom of Information Act requires most records, papers, and reports of the board to be public in nature and to be obtained from the board upon written request and payment of costs of reproduction, handling, and mailing. Other records, papers, and reports, most of which are confidential, are not considered to be public in nature and are not available except when required by court action or the

jurisdiction's public records laws. These include, but are not limited to, examination material for examinations not yet given, file records of examination problems and solutions, examinations scores, letters of inquiry and reference concerning applicants, transcripts of college courses and grades, email addresses, board inquiry forms concerning applicants, pending and closed complaints and investigative files until a formal hearing may commence or until final disciplinary action is taken, cases dismissed without disciplinary action, all other materials of like confidential nature, and information otherwise protected by law. *(In part from Section 120.80 E, Records and Reports, NCEES Model Law)*

Rationale

The language in the *Model Law* and *Model Rules* is duplicative and is more appropriate in the law because of the importance of public information requests in legal situations. UPLG felt that the language in the rules is clearer so recommends moving it to the law.

Board of directors' position

Endorses, consent agenda

UPLG Motion 14

Move that *Model Law* 120.90 and *Model Rules* 220.10 L be amended as follows:

***Model Law* 120.90 Roster**

A complete roster showing the names, last known addresses, and license or certificate number of all professional engineers, professional surveyors, and firms holding a certificate of authorization shall be published by the board ~~as established by board regulations.~~

***Model Rules* 220.10 Organization of the Board**

L. Roster

~~The board administrator shall publish and make public a roster showing the names, last known addresses, and license or certificate numbers of all professional engineers, professional surveyors, and firms holding a certificate of authorization in this jurisdiction. (Section 120.90, Roster, NCEES Model Law)~~
A roster of all licensees and firms holding a certificate of authorization will be updated annually and shall be accessible to the public.

Rationale

The current *Model Rules* 120.90 language duplicates language in *Model Law* 220.10 L. It is being replaced with language that does not duplicate the law but goes beyond it by saying how often the roster should be published. The language in the law is being deleted because of this change to the rules.

Board of directors' position

Endorses, consent agenda

UPLG Motion 15

Move that *Model Law* 130.10 be amended as follows:

***Model Law* 130.10 General Requirements for Licensure**

Education, experience, and examinations ~~(as described in the *Model Rules*)~~ are required for licensure as a professional engineer or professional surveyor.

Rationale

This language is the introduction paragraph to an in-depth description of requirements for licensure in the *Model Law*. The language pointing to the *Model Rules* is being deleted because the *Model Rules* contains an abbreviated version of the information in this section and does not expand on it.

Board of directors' position

Endorses, consent agenda

UPLG Motion 16

Move that *Model Law 130.30 A* be amended as follows:

Model Law 130.30 Examinations

- A. The examinations will be held at such times and places as the board directs and/or in accordance with NCEES examination policy. The board shall determine the acceptable passing grade on jurisdiction-specific examinations.

Rationale

The new language is to allow for NCEES computer-based examinations and for state-specific examinations.

Board of directors' position

Endorses, consent agenda

UPLG Motion 17

Move that *Model Law 130.30 B* and *Model Rules 230.40 A* and *C* be amended as follows:

Model Law 130.30 Examinations

- B. Examinations may be taken only after the applicant has met the other minimum requirements as given in Sections 130.10 and 130.20 of this Act and has been approved by the board for admission to the examinations. The board may offer the following examinations:
1. NCEES Fundamentals of Engineering (FE) examination—~~The examination consists of subject matters in the fundamentals of engineering. Passing this examination qualifies the examinee for certification as an engineer intern, provided the examinee has met all other requirements for certification required by this Act.~~
 2. NCEES Principles and Practice of Engineering (PE) examination—~~The examination consists of subject matters in applied engineering. Passing this examination qualifies the examinee for licensure as a professional engineer, provided the examinee has met the other requirements for licensure required by this Act.~~
 3. NCEES Structural Engineering (SE) examination
 - 3.4. NCEES Fundamentals of Surveying (FS) examination—~~The examination consists of subject matters in the fundamentals of surveying. Passing this examination qualifies the examinee for certification as a surveyor intern, provided the examinee has met all other requirements for certification required by this Act.~~
 - 4.5. NCEES Principles and Practice of Surveying (PS) examination—~~The examination consists of subject matters in applied surveying, divided in separate parts as determined by the board. Passing these parts qualifies the examinee for licensure as a professional surveyor, provided the examinee has met the other requirements for licensure required by this Act.~~
 - 5.—NCEES Structural Engineering (SE) examination—~~The examination shall be considered and referred to as one 16-hour examination. The examination consists of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. A candidate must receive acceptable results on both 8-hour components to pass the SE examination. A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a five-year period. Receiving acceptable results on only one 8-hour component shall not be sufficient for licensure purposes.~~

Model Rules 230.40 Examinations

- A. Classification of Engineering Examinations
- This jurisdiction or its designee will provide the following examinations, prepared and furnished by NCEES, meeting the requirements of this jurisdiction for licensure as a professional engineer:
1. ~~The~~ NCEES Fundamentals of Engineering (FE) examination ~~and~~—The examination consists of subject matters in the fundamentals of engineering. Passing this examination qualifies the examinee for certification as an engineer intern, provided the examinee has met all other requirements for certification required by this Act.
 2. ~~The~~ NCEES Principles and Practice of Engineering (PE) examination ~~in the appropriate engineering discipline~~—The examination consists of subject matters in applied engineering. Passing this

examination qualifies the examinee for licensure as a professional engineer, provided the examinee has met the other requirements for licensure required by this Act.

3. ~~The~~ NCEES Structural Engineering (SE) examination—The examination shall be considered and referred to as one 16-hour examination. The SE examination consists of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. A candidate must receive acceptable results on both 8-hour components to pass the SE examination. A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a 5-year period. Receiving acceptable results on only one 8-hour component shall not be sufficient for licensure purposes.

C. Classification of Surveying Examinations

This jurisdiction will provide the following examinations, prepared and furnished by NCEES, meeting the requirements of this jurisdiction for licensure as a professional surveyor:

1. ~~The~~ NCEES Fundamentals of Surveying (FS) examination—and—The examination consists of subject matters in the fundamentals of surveying. Passing this examination qualifies the examinee for certification as a surveyor intern, provided the examinee has met all other requirements for certification required by this Act.
2. ~~The~~ NCEES Principles and Practice of Surveying (PS) examination—The examination consists of subject matters in applied surveying, divided in separate parts as determined by the board. Passing these parts qualifies the examinee for licensure as a professional surveyor, provided the examinee has met the other requirements for licensure required by this Act.

Jurisdictions have the right to administer separate modules on jurisdiction laws and procedures for the practice of surveying. ~~(In part from Section 130.30, Examinations, NCEES Model Law)~~

Rationale

The NCEES examinations are defined in detail in the *Model Law* but just listed in the *Model Rules*. UPLG believes they should instead be listed in the law because it is broader and that the full definitions of them should be included in the rules. In *Model Law* 130.30 B, Structural Engineering, was moved to match the order of *Model Rules* 230.40.

Board of directors' position

Endorses, consent agenda

UPLG Motion 18

Move that *Model Law* 130.30 C and *Model Rules* 230.40 H–M be amended as follows:

Model Law 130.30 Examinations

- C. A candidate failing ~~one an~~ examination may apply for re-examination in accordance with NCEES policy or as directed by the board. Before readmission to the examination, in the event of a second failure, the examinee may, at the discretion of the board, be required to appear before the board with evidence of having acquired the additional knowledge needed to pass the examination.

Model Rules 230.40 Examinations

H. Instructions for Examinees

1. Instructions provided prior to each examination will declare an examination to be open- or closed-book. Instructions will communicate what materials are allowed in the examination room in accordance with established NCEES policy.
2. Failure to Attend an Examination
 - a. An applicant who fails to attend an examination for which he or she has been scheduled will forfeit the fee paid for the exam, except in the case of illness, death in the family, or military deployment. Refunds, if any, will be determined based upon NCEES or jurisdictional policies.
 - b. Failure of an applicant to attend an examination for which he or she has been scheduled to attend does not count as a failure of the examination.
- J. Pencil-and-Paper Examination Offerings
 1. ~~An applicant failing 3 or more attempts of the same NCEES examination, regardless of the jurisdiction in which the examination is administered, must submit an application to be readmitted to future administrations of the same NCEES examination. If readmitted by the board, an applicant must wait at least 11 months until the next yearly interval the failed NCEES examination is offered before retaking~~

~~the examination. At the end of the waiting period and continuing thereafter, an applicant may take the examination only once every calendar year.~~

~~(Section 130.30 C, Examinations, NCEES Model Law)~~

- ~~1. All applicants for an NCEES pencil-and-paper examination must register with NCEES after being approved by the licensing board of their jurisdiction.~~
- ~~2. A candidate failing an NCEES pencil-and-paper examination may apply to retake the examination in accordance with *[insert the rules/regulations of the licensing board]*.~~
- ~~3. An applicant for the PE or PS an NCEES pencil-and-paper examinations will be notified by the board at least 60 *[insert number]* days before the examination date of approval to take the examination. The applicant must notify the board whether he or she plans to sit for the examination at least 45 *[insert number]* days before the examination date.~~

~~K~~J. Computer-Based Examination Offerings

- ~~1. An applicant must register with NCEES to take the PE or PS an NCEES computer-based examination.~~
- ~~2. An applicant failing the PE or PS an NCEES computer-based examination may be allowed to retake the examination in accordance with NCEES policy.~~

~~L~~K. Examination Results

~~Examination results will be released in accordance with established NCEES policy.~~

~~M~~L. Review of Examinations

~~There shall be no post-administration access to, or review of, NCEES examination questions. Member boards may request that NCEES manually verify an examinee's results from a pencil-and-paper examination. Such verification shall be conducted in accordance with NCEES policy.~~

~~¹ NCEES pencil and paper examinations are not typically offered at exactly 12 month intervals. The time between annual offerings may be less or more than 12 months of actual time on the calendar.~~

Rationale

The change to the *Model Law* is to make it broader and to allow for computer-based testing (CBT) so that it does not contradict NCEES Examination Administration Policy 1, which states, "A candidate for a CBT exam may take the examination only one time per testing window and no more than three times in a 12-month period."

The change to *Model Rules* 230.40 I is to move the language to the examinee instructions section, where it is more appropriate. A new J1 (under Pencil-and-Paper Examination Offerings) was added to parallel the language in section K (Computer-Based Examination Offerings). The new J2 replaces the old J1 to make the language broader and to allow for the transition of the PS and PE exams to CBT. UPLG believes that the language in the original J1 is too specific for the model documents in this period of transition. The specific language, if needed, may be more appropriate as an NCEES policy. UPLG recommends that the appropriate committee be charged with considering whether the stricken language in section J should be made into an NCEES policy. NCEES currently has a policy addressing the number of retakes for CBT in EAP 1 as mentioned above but does not have one for pencil-and-paper exams.

Finally, references to specific exam names in sections J and K were changed to "NCEES pencil-and-paper examination" or "NCEES computer-based examination." This is to allow for the transition of the PS examination to CBT in October 2016 and for the PE exam transitions as they begin to occur.

Board of directors' position

Endorses, consent agenda

UPLG Motion 19

Move that *Model Rules* 230.40 G be amended as follows:

Model Rules 230.40 Examinations

G. ~~Study Information Exam Preparation Materials~~

- ~~1. The board will not distribute copies of questions used on prior examinations. NCEES does offer for sale copies of questions on prior examinations, and copies may be purchased directly from it.~~
- ~~2. The board may publish and make available specifications exam preparation materials for all examinations that are specific to the jurisdiction. Exam preparation materials for NCEES examinations are available through NCEES. (Section 130.30 D, Examinations, NCEES Model Law)~~

Rationale

The title is being changed to make it consistent with what NCEES currently calls the materials on the website and in other publications. The first sentence is being deleted because this is already covered under *Model Rules* 230.40 M, which states, “There shall be no post-administration access to, or review of, NCEES examination questions.” The other changes are for simplification and clarity.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 20

Move that *Model Law* 140.10 A be amended as follows:

Model Law 140.10 Certificates of Licensure, Seals

- A. The board shall issue to any applicant for licensure as a professional engineer or professional surveyor who, in the opinion of the board, has met the requirements of this Act, a certificate of licensure giving the licensee proper authority to practice his or her profession in this jurisdiction. The certificate of licensure for a professional engineer shall carry the designation “Professional Engineer” and for a professional surveyor, “Professional Surveyor.” It shall give the full name of the licensee with licensure number and shall be signed by the ~~board chairperson and the board administrator~~ appropriate authority under the seal of the board.

Rationale

This change is to make the language broader for jurisdictions that have someone other than the chair (such as the executive director) sign the certificates of licensure.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 21

Move that *Model Law* 140.20 B be amended as follows:

Model Law 140.20 Expirations, Renewals, and Reinstatement to Active Practice

- A. Certificates of licensure shall expire on the date designated by the board and shall become invalid after that date unless renewed. It shall be the duty of the board to notify every individual licensed under this Act of the expiration date of the certificate of licensure and the amount of the fee required for its renewal.
- B. Renewal may be effected during the renewal period by meeting the requirements established by the board, [including the requirements for continuing professional competency as a condition for renewal](#). Renewal of an expired certificate may be effected under rules promulgated by the board regarding requirements for re-examination and penalty fees.
- C. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of this intention, by paying appropriate fees, and by meeting all requirements of the board, including demonstration of continuing professional competency as a condition of reinstatement.

Rationale

UPLG feels that the *Model Law* should state that it is within the authority of the board to require continuing professional competency (CPC); the *Model Rules* still explains what the actual CPC requirements are. UPLG sent this proposed change to the Education Committee to review, and that committee concurred.

Board of directors' position

Endorses, consent agenda

UPLG Motion 22

Move that *Model Law* 170.30 B be amended as follows:

Model Law 170.30 Exemption Clause

- B. Contingent License—A contingent license may be issued by the board or board administrator to an applicant for ~~comity~~-licensure [by comity](#) if the applicant appears to meet the requirements for ~~comity~~-licensure [by comity](#). Such a contingent license will be in effect from its date of issuance until such time as the board takes final action on the application for ~~comity~~-licensure [by comity](#). If the board determines that the applicant does not meet the requirements for issuance of a ~~comity~~-license, the contingent license shall be immediately and automatically revoked upon notice to the applicant and no ~~comity~~-license will be issued.

Rationale

The word “comity” is stricken in the last sentence because there is no “comity license.” Rather, comity is a path for licensure. The other changes are to help clarify that.

Board of directors' position

Endorses, consent agenda

UPLG Motion 23

Move that the appropriate committee be charged with considering whether the Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer designations as defined in *Model Rules* 210.20 should be removed from the *Model Rules* and instead be included as a professional policy in the *NCEES Manual of Policy and Position Statements*.

Rationale

In its discussions, committee members noted that the definitions of Model Law Engineer (MLE), Model Law Surveyor (MLS), and Model Law Structural Engineer (MLSE), which are currently located in *Model Rules* 210.20 B, are actually internal designations given to licensees by the NCEES Records program after a thorough review of their credentials to see if they meet the requirements. Licensing boards expedite comity licensure when someone holds an NCEES Record and is designated to be an MLE, MLS, or MLSE.

The *Model Law* does not contain the three designations but instead has a broader section listing the general requirements for licensure. The *Model Rules* also has separate sections detailing education, experience, and examination requirements for licensure. While the MLE, MLS, and MLSE designations are extremely effective tools in making it easier to become licensed in other jurisdictions, UPLG believes they are out of place in the

Model Rules. They are NCEES terms that are not intended to be adopted into each jurisdiction's laws and rules. Therefore, the committee feels that they would be more appropriate in the Professional Policy section of the NCEES *Manual of Policy and Position Statements*, which already includes policies on expedited comity licensure and the NCEES Records program.

One point to note is that UPLG is proposing other changes to related language in the *Model Rules* this year (see Motions 25 and 31); this motion is not to relocate the designations now but for the Council to approve the concept of relocating them. Any other references to them in the *Model Rules*, such as in 230.60, would need to be addressed by the appropriate committee and brought forth for Council vote in 2016 if this motion passes.

Board of directors' position

Endorses, consent agenda

UPLG Motion 24

Move that *Model Rules* 210.20 A be amended as follows:

Model Rules 210.20 Definitions

A. The NCEES *Model Law*, Section 110.20, Definitions, provides definitions ~~of the following terms: that also apply to these *Model Rules*.~~

- ~~1. Engineer~~
 - ~~a. Engineer~~
 - ~~b. Professional engineer~~
 - ~~c. Professional engineer, retired~~
 - ~~d. Engineer intern~~
 - ~~e. Practice of engineering~~
 - ~~f. Inactive status~~
- ~~2. Professional Surveyor~~
 - ~~a. Professional surveyor~~
 - ~~b. Professional surveyor, retired~~
 - ~~c. Surveyor intern~~
 - ~~d. Practice of surveying~~
 - ~~e. Inactive status~~
- ~~3. Board~~
- ~~4. Jurisdiction~~
- ~~5. Responsible charge~~
- ~~6. Rules of professional conduct~~
- ~~7. Firm~~
- ~~8. Managing agent~~
- ~~9. Rules~~
- ~~10. Signature~~
- ~~11. Seal~~
- ~~12. Licensee~~
- ~~13. Person~~
- ~~14. Or the equivalent~~
- ~~15. Authoritative~~
- ~~16. Disciplinary action~~

Rationale

UPLG is proposing to point back to the *Model Law* definitions rather than repeat the terms in the *Model Rules* since the *Model Rules* does not expand on them.

Board of directors' position

Endorses, consent agenda

UPLG Motion 25

Move that *Model Rules* 210.20 B be amended as follows:

Model Rules 210.20 Definitions

B. The following definitions are included in the *Model Rules* only:

1. Model Law Engineer—The term “Model Law Engineer” refers to an individual who has obtained licensure as a professional engineer in at least one jurisdiction as the result of satisfying the following conditions:
 - b. Passes the NCEES Fundamentals of Engineering (FE) examination and an NCEES Principles and Practice of Engineering (PE) examination ~~using the NCEES cut score~~
2. Model Law Surveyor—The term “Model Law Surveyor” refers to an individual who has obtained licensure as a professional surveyor in at least one jurisdiction as the result of satisfying the following conditions:
 - b. Passes the NCEES Fundamentals of Surveying (FS) examination and the NCEES Principles and Practice of Surveying (PS) examination ~~using the NCEES cut score~~

Rationale

UPLG believes this language should be removed for two reasons. First, “cut score” is not defined anywhere in the *Model Law* or *Model Rules*; the lack of a definition could be confusing to boards and applicants. Second, it is redundant to make this part of the model for boards to adopt because scoring is part of NCEES policy, which the member boards abide by as part of their agreement with NCEES.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 26

Move that *Model Rules* 220.10 A–G be amended as follows:

Model Rules 220.10 Organization of the Board Operations

~~A. Vacancy on the Board~~

~~If a vacancy on the board occurs for any reason and the governor fails to appoint a successor within 3 months, the board may appoint a provisional member until the governor makes an appointment. (Section 120.10, Board Appointments, Terms, NCEES Model Law)~~

~~B. Qualifications of Members~~

~~Each public member of the board shall not be or have been a professional engineer or professional surveyor and shall be a citizen of the United States and resident of this jurisdiction. (Section 120.20, Board Qualifications, NCEES Model Law)~~

~~C. Officers~~

~~The board elects or appoints annually from its membership as officers a chairperson, a vice chairperson, and a secretary. (Section 120.50, Board Organization and Meetings, NCEES Model Law)~~

~~D. Meetings~~

~~1. The board holds at least [insert number] regular meetings each year. Other meetings may be called as prescribed by law. (Section 120.50, Board Organization and Meetings, NCEES Model Law)~~

~~2. Notices of meeting dates and times are normally given [insert amount of time required] in advance for all the regular meetings of the year. For special meetings, [insert number of days] notice must be given.~~

~~3. Place of meetings is determined in advance by members of the board.~~

~~4. All meetings are open to the public unless the meeting is closed for reasons defined by the laws of this jurisdiction.~~

~~E. Voting~~

~~All members of the board, including the chairperson, are entitled to vote and to make or to second motions. A majority vote of those present is required to pass a motion. The chairperson shall vote as a member of the board.~~

~~F. Rules of Order~~

~~The latest edition of *Roberts Rules of Order, Revised* shall govern the normal proceedings of the board. Exceptions include hearings that may be disciplinary in nature.~~

~~G. Compensation and Expenses~~

~~When attending to the work of the board, each member shall be entitled to the maximum allowable per diem set by the board. This includes meetings of committees of the board and time spent in necessary travel.~~

~~Further, members shall be reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the duties of the members of the board. (Section 120.30, Board Compensation, Expenses, NCEES Model Law)~~

Rationale

The stricken language repeats language that is already provided throughout the sections of *Model Law 120*, The Licensing Board, without providing additional information; therefore, UPLG is proposing to delete the duplicative language in the *Model Rules*. The committee is also proposing to change the title to be more appropriate for the remaining language.

Board of directors' position

Endorses, consent agenda

UPLG Motion 27

Move that *Model Rules 220.20* be amended as follows:

Model Rules 220.20 Adoption and Amendment of Rules and Regulations

~~Rules and regulations are adopted by this board under the provision of the laws governing the practice of engineering or surveying that may be reasonably necessary for the proper performance of the board's duties and the regulations of the proceedings before it. They must not be inconsistent with the constitution and laws of this jurisdiction.~~All rules or regulations adopted, amended, or repealed by this board shall comply with the provision of the administrative procedures act of this jurisdiction. [*insert chapter, title, code, jurisdiction, date*]~~(Section 120.60, Board Powers, NCEES Model Law).~~

Rationale

Model Law 120.60 A already defines board powers, so the stricken language above is not needed in the *Model Rules*. UPLG left the remaining administrative part because it is not included in the law and because the rules and regulations are the appropriate place to include the process for amending those rules and regulations.

Board of directors' position

Endorses, consent agenda

UPLG Motion 28

Move that *Model Rules 230.60 D–E* be amended as follows:

Model Rules 230.60 Applications

D. Reconsideration of Applications

Reconsideration may be requested of an application that has been denied when the request is based on additional information and/or evidence that could affect the original decision. A reconsideration request or request for a hearing must be made within ~~30~~ [*insert number*] days after the applicant has been notified that the decision was made to reject the original application.

E. ~~Disposal~~ Disposition of Applications

Applications may be approved, deferred for further information (more experience, questionable references, or other reasons), or denied.

1. Approved applications—When an application is approved by the board showing that the applicant has met all the requirements for licensure or certification required by the licensure act, the applicant shall be granted licensure or certification with notification by the board.
2. Deferred applications—Applications deferred for any reason are retained ~~on file pending late disposal when proper remedy as requested is presented until such date as a proper remedy is presented or until~~ [*insert deadline for responding to board's inquiry*].

Rationale

These are housekeeping changes to make the language more user friendly. UPLG also felt that “disposition” is the more appropriate word in the title for Paragraph E.

Board of directors' position

Endorses, consent agenda

UPLG Motion 29

Move that *Model Rules* 240.10 B be amended as follows:

Model Rules 240.10 Licensure

B. Certificates of Licensure

The board shall issue a certificate of licensure to an applicant who has met the requirements of this jurisdiction and who has paid the application fee. [The information shown on the certificate shall be in accordance with Model Law 140.10 Certificates of Licensure, Seals.](#) ~~The certificate will be signed as required by the board and will show the licensee's license number and seal of the board. (Section 140.10, Certificates of Licensure, Seals, NCEES Model Law)~~

Rationale

Model Law 140.10 provides a better and slightly different description of what is to be on the certificate, so UPLG recommends changing the language in the *Model Rules* to point back to the law.

Board of directors' position

Endorses, consent agenda

UPLG Motion 30

Move that *Model Rules* 250.30 B be amended as follows:

Model Rules 250.30 Disciplinary Action Procedures

B. Probable Cause

When a complaint is received by the board, it is referred to an investigative committee designated by the board. Any board member on the investigative committee cannot vote at the disciplinary hearing. *[Some boards use one member on a rotating basis. Some boards do not use a committee but use an investigator who then confers with the board and the attorney for the board.]* The investigative committee makes a determination if probable cause exists for taking further action or for issuing a summons and notice of charges. ~~Action against the respondent may be brought in the name of the board or brought before the board in the name of the complainant versus the respondent.~~

Rationale

Members of UPLG were concerned about the phrase “or brought before the board in the name of the complainant” in the last sentence of *Model Rules* 250.30 B because they believed that a board should not be filing charges in the name of the complainant. They recommended deleting that phrase and sent this change to the Law Enforcement Committee for feedback. The Law Enforcement Committee reviewed it and recommended that UPLG delete the entire sentence, not just that phrase. The rationale for the change is that the purpose of this section is clear without the sentence and deleting it would avoid any confusion.

Board of directors' position

Endorses, consent agenda

UPLG Motion 31

Move that *Model Law* 130.10 B and *Model Rules* 230.60 F be amended as follows:

Model Law 130.10 General Requirements for Licensure

B. Licensure as a Professional Engineer

2. Comity Licensure for a Professional Engineer

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure by comity as a professional engineer:

- a. An individual holding a certificate of licensure to engage in the practice of engineering issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard ~~not lower than that specified in that~~ provides proof of minimal competency and is comparable to the applicable licensure act in effect in this jurisdiction at the time such certificate was issued may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or

Model Rules 230.60 Applications

F. ~~Expedited~~ Comity Licensure

1. The board is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria to be licensed as a professional engineer, professional structural engineer, or professional surveyor as defined in Section 130.10 of the *Model Law*.
2. The board administrator is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria of a Model Law Engineer, Model Law Structural Engineer, or Model Law Surveyor as defined in Section 210.20 of these Rules and as designated by NCEES. If the applicant meets or exceeds these requirements, the board administrator may issue a contingent license authorizing that individual to offer or provide engineering or surveying services in this jurisdiction. A list of all engineers issued contingent licenses will be placed on the agenda of the next meeting of the board for formal approval by the board. A list of all surveyors who have been issued contingent licenses and who have passed the appropriate jurisdiction-specific examination will be placed on the agenda of the next meeting for formal approval by the board.

Rationale

Last year's MBA Committee made a motion, which passed, to charge UPLG with incorporating the changes shown above in the *Model Law*. The MBA Committee's rationale was as follows: "By making this change in the *Model Law*, mobility would no longer hinge on a set of regulations that were in effect in the recent or distant past. For the sake of mobility and public protection, comity licensure could now be based upon a set of criteria that is reasonable and justifiable and that allows the member boards to fulfill their statutory duties of protection of the public. With these obsolete concepts, many qualified professional engineers and surveyors cannot get licensed in many jurisdictions; this is contrary to what the mission of NCEES is about."

UPLG will also propose modifications to *Model Rules* 230.60. UPLG believes the changes should be made because the new language points back to the law and leaves it within the purview of each licensing board. UPLG deleted "expedited" because the section will now apply to both regular and expedited licensure by comity.

Board of directors' position

Endorses, consent agenda

Board of Directors

Motion

The NCEES board of directors has the following motion for Council action.

MOTION

The board of directors moves to authorize the NCEES chief executive officer to negotiate a contract, in accordance with Examination Administration Policy 10, for examinations and/or examination services between NCEES and the Egyptian Engineering Syndicate to offer the Fundamentals of Engineering examination in Egypt at approved Pearson VUE test centers for graduates of non-EAC/ABET-accredited engineering programs based in Egypt.

Rationale

EAP 10 allows the NCEES board of directors the authority to permit all computer-based examinations to be administered at an NCEES-approved test site to students in their senior year and to graduates of foreign engineering programs that have attained ABET accreditation or the equivalent as determined by NCEES. At a minimum, all costs borne by NCEES to carry out this provision will be reimbursed. Computer-based examinations shall not be administered at a foreign site outside the NCEES-approved testing windows. EAP 10 also provides that examinations may be used to assist examinees interested in applying for licensure as a professional engineer or surveyor with an NCEES member board and as an outcomes assessment tool to assist in measuring the outcomes of a foreign-based education system.

The Egyptian Engineering Syndicate has petitioned the NCEES board of directors to allow the NCEES FE examination to be offered to graduates of all Egyptian engineering programs to assist in assessing the quality of the engineering education system in Egypt. NCEES already administers exams in Egypt for the American University in Cairo, which is accredited by EAC/ABET. This request from the Egyptian Engineering Syndicate is separate from that agreement and is for engineering programs that are not EAC/ABET accredited. The NCEES board of directors' authority to authorize the administration of the FE exam for foreign programs is limited to those that have EAC/ABET accreditation; therefore, approval of this request requires a Council vote.

Membership with the Egyptian Engineering Syndicate is a requirement to practice engineering in Egypt. If the Council authorizes the FE exam to be offered there, the Syndicate intends to require individuals to pass the FE exam in order to be allowed to practice engineering in Egypt. Approval of this request could potentially result in a candidate population in Egypt of close to 25,000 examinees.

The Egyptian Engineering Syndicate is only requesting authorization to offer the FE exam, which is administered in a computer-based format at approved Pearson VUE test centers. This method of administration negates any serious concerns about the security of the FE exam. In keeping with additional tenets of EAP 10, any costs to NCEES to implement this action would be reimbursed.

At its May 2015 meeting, the board of directors endorsed the request and directed that a motion be drafted for consideration by the Council during the 2015 NCEES annual meeting.

Board of directors' position

Non-consent agenda

Unfinished Business

Motion

Move to adopt the 2015–16 proposed operating and capital expenditure budgets, which are shown in the Finance Committee Appendices B and C.

July 29, 2015

Re: ACCA Motion #1

Dear Licensing Board Chair/Executive Director:

By now, you should have received several communications regarding the upcoming vote, by the Advisory Committee of Council Activities (ACCA) of NCEES, to revise the *Model Law* or *Model Rules* for structural engineering practice and regulation in the U.S. After studying the various methods of regulating structural engineering, ACCA agreed that a higher level of regulations for engineering practice associated with significant structures could be a positive approach to mitigate the threat to the health, safety, and welfare of the public. The National Council of Structural Engineers Associations (NCSEA), on behalf of its state structural engineering association members and on behalf of public health and safety, implores you to vote in favor of ACCA's motion to develop a structural license and restrict the design of "significant" or "essential" structures to those with such a license.

This recommendation by ACCA may face opposition at the Annual Meeting of NCEES in Williamsburg, VA. Please do not be dissuaded from voting for what is best for public health and safety.

Ask your representative to vote to approve ACCA's recommendation for changes to the *Model Rules* and *Model Law*.

Sincerely,



Barry K. Arnold, PE, SE, SECB
NCSEA President



Jeanne M. Vogelzang, J.D., CAE
NCSEA Executive Director

John Cothron

From: susiejorg315@comcast.net
Sent: Wednesday, July 29, 2015 10:24 AM
To: John Cothron
Subject: SELC supports ACCA's Motion #1

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - OIR-Security. *****

Dear Mr. Cothron:

At the NCEES Annual Meeting in Williamsburg, the Advisory Committee of Council Activities (ACCA) will be presenting Motion #1, recommending the *Model Laws* and *Model Rules* be revised to augment the generic P.E. license with a protected S.E. title and restricted S.E. practice. This would require the engineer to first obtain his/her P.E. license, then the S.E. license through the 16-hour S.E. exam. They also recommend the grandfathering of current licensed engineers when these changes in licensing are implemented.

This was in response to the recommendations from the structural engineering community that there is a need to develop a structural license and restrict the design of "significant" or "essential" structures to those with such a license in order to better protect the health and safety of the public. **The four organizations representing structural engineers, SEI, NCSEA, CASE, and SECB, are in full support of these recommendations.** The Structural Engineering Licensure Coalition (SELC), representing these four organizations of more than 30,000 engineers, was established to be a single voice to advocate the advancement of structural licensure. The recommendation by ACCA may be facing opposition at the Annual Meeting from professional engineer organizations that do not speak for the structural engineering community.

We encourage your representatives vote to approve ACCA's recommendation for changes to the *Model Rules* and *Model Law*. We further encourage your board to support the efforts in your jurisdiction to establish a structural license and restrict practice for significant and essential structures in an effort to further protect the health, safety and welfare of the public.

Please share this with the members of your licensing board.

Sincerely,



Susan Jorgensen, PE
Chair
Structural Engineers Licensure Coalition

URGENT AND IMMEDIATE CALL TO ACTION

the

At its August 19-22, 2015 Annual Meeting, NCESS will be voting on and the NCEES Board of Directors has recommended approval of a major change in the NCEES Model Law that will pose a grave threat to the professional engineer's ability to practice. A proposed rule change pertaining to structural engineering could have tremendous negative ramifications for licensed PEs who have long practiced structural engineering with integrity, expertise and professionalism. Specifically, the NCEES Advisory Committee on Council Activities (ACCA), which provides advice and briefing to the NCEES president and the board of directors on new policy issues, problems, and plans that have not been assigned to a standing committee, will be considering the following motion:

ACCA Motion 1

Move that the Generic P.E. Licensure Plus Protected S.E. Title and Restricted S.E. Practice approach as defined under Charge 2 of the ACCA report be incorporated into the Model Law and Model Rules and that the appropriate committee or task force be charged to develop specific language for that purpose, including the Thresholds definition as described under Charge 2. Further, move that the language be presented to NCEES for approval before being charged to the UPLG Committee for final incorporation into the Model Law and Model Rules.

NCEES Stated Rationale

This approach not only protects the S.E. title but also regulates the practice of structural engineering, and thus better safeguards the health, safety, and welfare of the public relative to structures with an elevated level of threat. While it is essentially discipline-specific licensure for one segment of the engineering profession, it still maintains a connection with generic licensure, and the provisions can be embedded in the statutes and rules of most jurisdictions.

ACCA also recommends that the approach include both variations described in its report: the P.E. Plus S.E. and the S.E. Only. If an individual is content to restrict his or her practice to only structural engineering, he or she should not be required to take both the PE and SE exams and maintain both licenses.

NCEES Board of Directors' Position - Endorses

NSPE strenuously opposes this proposed motion for the following reasons:

Of paramount importance to licensure as a professional engineer is the ethical commitment to limit one's area of practice only to those fields of engineering in which he or she can demonstrate competence.

A PE who is not fully competent to perform structural engineering is already ethically obligated not to do so, even as he or she is obligated not to practice in other areas that are beyond their established expertise and competence.

The obligation to stay current and practice in one's own field is the bedrock of PE licensure and is not limited to or required by separate discipline-specific licensure.

For decades, licensure as a Professional Engineer has been central to protecting the public health, safety and welfare.

As we face increasingly complex challenges, NSPE believes that the continued recognition of PE licensure as the defining qualification for practice is critical to guaranteeing the trust and protection of the public. Layers of licensing requirements would cloud that perspective and create uncertainty.

The current system recognizes that the line between disciplines can at times be difficult to demarcate and therefore, allows the individual professional to exercise the appropriate professional judgment, autonomy and discretion similar to other professionals rather than controlling by rigid, bureaucratic means. Many of the SE activities are also activities of other civil engineering professionals (site, geotechnical, foundation, etc.) which tend to cross over discipline boundaries. Wouldn't such a change then, interfere with the practice of thousands of duly licensed and qualified professional civil engineers?

The discussion regarding a separate SE license does not address the success of the current system. Tens of thousands of superb structures have been designed and built not only without harm, but in fact with great benefit to the public.

Such a change in the NCEES Model Law will provide tremendous energy, momentum and credibility to the several national and state engineering and architectural organizations that support weakening the PE license through separate licensure of structural engineers and have been lobbying for changes in registration laws at the state level.

URGENT AND IMMEDIATE ACTION TO TAKE: For all of these reasons NSPE strongly urges its state society volunteer and executive leadership to send an urgent action alert to members asking them to:

Contact their state licensure boards to oppose this motion via email and phone campaign and ensure that their state's registration board's representatives to NCEES are committed to vote NO to ACCA Motion #1 at the NCEES Annual Meeting, August 19-22 in Williamsburg, Virginia.

Any members serving on state licensing boards or with strong connections are urged to immediately bring this urgent matter to the board's attention.



MEMORANDUM OF UNDERSTANDING

BETWEEN

**TEXAS BOARD
OF
PROFESSIONAL ENGINEERS**

AND

JAPAN PE/FE EXAMINERS COUNCIL

DECEMBER 2013



TEXAS BOARD OF PROFESSIONAL ENGINEERS



THE JAPAN PE/FE EXAMINERS COUNCIL

THIS MEMORANDUM OF UNDERSTANDING (the “AGREEMENT”) is made and entered into this _____ day of _____ 20__ by and between the Texas Board of Professional Engineers (hereinafter referred to as the “Board”), with a mailing address of 1917 S Interstate 35, Austin, TX 78741 and the Japan PE/FE Examiners Council (hereinafter referred to as “JPEC”), with a mailing address of 2-10-17-2F, Akasaka, Minato-ku Tokyo, Japan 107-0052.

WHEREAS, The Professional Engineer (“P.E.”) license is regarded as a global standard and recognized indicator of an individual’s engineering competency;

WHEREAS, The Fundamentals of Engineering (“FE”) exam and the Principles and Practice of Engineering (“PE”) exam are a required part of PE licensure;

WHEREAS, The FE and PE exams are administered in Japan by the National Council of Examiners for Engineering and Surveying (“NCEES”) and JPEC;

WHEREAS, JPEC candidates who have successfully completed the FE and PE exams cannot become or refer to themselves as a P.E. until they are licensed in a United States jurisdiction;

WHEREAS, JPEC candidates want to apply for P.E. licensure in Texas; and

WHEREAS, The Board is willing to accept applications for P.E. licensure from such candidates;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, JPEC and the Board hereby AGREE as follows:

1. PURPOSE

- 1.1 The purpose of this Agreement is to facilitate the licensure of JPEC candidates as Professional Engineers (“P.E.”) in the state of Texas.

2. BOARD REQUIREMENTS

- 2.1 The Board will accept candidates for P.E. licensure who have successfully completed the FE and PE exams administered by NCEES/JPEC in Japan.
- 2.2 Candidates must meet the Board’s requirements for P.E. licensure contained in Texas Occupations Code, Chapter 1001, and Texas

Administrative Code, Title 22, Part 6 (“Board Rules”), including:

- a. Education – a degree from an engineering program accredited or otherwise approved by:
 1. The Engineering Accreditation Commission (“EAC”) of the Accreditation Board for Engineering and Technology (“ABET”);
 2. The Washington Accord; or
 3. Acceptable evaluation from NCEES Credentials Evaluation Services.
- b. Examinations – Passed both the FE and PE exams and completed the Texas Engineering Professional Conduct and Ethics examination.
- c. Experience – A minimum of four (4) years of progressive engineering experience obtained after graduation, with at least two years of experience in the United States or other experience that would demonstrate a familiarity with U.S. codes and engineering practice.

3. JPEC CANDIDATE REQUIREMENTS

- 3.1 Candidates shall use the application forms prescribed by the Board.
- 3.2 The application fee must accompany the application and is the same as for U.S. applicants.
- 3.3 Candidates shall obtain an evaluation of their education by NCEES Credentials Evaluation Services unless they have an EAC ABET accredited engineering degree or a degree approved under the Washington Accord. If they have an EAC ABET accredited engineering degree, candidates must request an official transcript be sent from the school to the Board.
- 3.4 Candidates shall submit a minimum of three (3) references from licensed engineers familiar with the applicant’s work and character. The reference providers are not required to be licensed in Texas, but at least two (2) must be licensed in the United States. The remaining references can hold a PE equivalent license from another country such as Japan.
- 3.5. Candidates agree to use their email addresses as their official means of contact with the Board for all purposes.
- 3.6 JPEC will work with the Board to develop appropriate procedures for the exchange of work experience information which will assist the Board in evaluating the engineering experience of the candidates.

4. TERM

The initial term of this AGREEMENT shall be from the effective date through December 31, 2014. This agreement may be terminated by either party upon the provision of one year written notice to the non-terminating party. Unless terminated by one of the parties, this AGREEMENT shall be automatically extended for additional one-year periods.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT as of the date above.

AGREED TO BY:

Texas Board of Professional Engineers

Lance Kinney, P.E., Executive Director

Date: _____

The Japan PE/FE Examiners Council

Masami Yoshimoto, P.E., President

Date: _____

THE JAPAN PE/FE EXAMINERS COUNCIL

KENTUCKY STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

THIS MEMORANDUM OF UNDERSTANDING (the "AGREEMENT") is made and entered into this _____ day of _____ 201__ by and between The Japan PE/FE Examiners Council (hereinafter referred to as "JPEC"), with a mailing address of 2-10-17-2F, Akasaka, Minato-ku Tokyo, Japan 107-0052 and the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors (hereinafter referred to as the "Board"), with a mailing address of 160 Democrat Drive, Frankfort, KY 40601 USA.

WHEREAS, The Professional Engineer ("PE") license is regarded as the global standard for engineering and is a recognized criterion of an individual's engineering competency;

WHEREAS, The Fundamentals of Engineering ("FE") exam and the Principles and Practice of Engineering ("PPE") exam is administered in Japan by the National Council of Examiners for Engineering and Surveying ("NCEES") and JPEC;

WHEREAS, JPEC candidates who have successfully completed the FE and PPE exams cannot become or refer to themselves as a PE until they are licensed in a United States jurisdiction;

WHEREAS, JPEC candidates want to apply for PE licensure in Kentucky; and

WHEREAS, The Board is willing to accept applications for PE licensure from such candidates.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, JPEC and the Board hereby AGREE as follows:

1. PURPOSE

- 1.1 The purpose of this Agreement is to facilitate the licensure of JPEC candidates as Professional Engineers ("PE") in the Commonwealth of Kentucky.

2. BOARD REQUIREMENTS

- 2.1 The Board will accept candidates for PE licensure who have successfully completed the FE and PPE exams administered by NCEES/JPEC in Japan.
- 2.2 Candidates must meet the Board's requirements for PE licensure contained in Kentucky Revised Statutes Chapter 322 including:
 - a. Education – an engineering degree accredited by the Engineering Accreditation Commission ("EAC") of the Accreditation Board for Engineering and Technology ("ABET") or acceptable evaluation from NCEES Credentials Evaluation Services.
 - b. Exams – Passed both the FE and PPE exams.
 - c. Experience – Four (4) years of progressive engineering experience obtained after graduation

3. JPEC CANDIDATE REQUIREMENTS

- 3.1 Candidates shall use the application forms prescribed by the Board.
- 3.2 The application fee must accompany the application and is presently three hundred dollars (\$300.00 US).
- 3.3 Candidates shall obtain an evaluation of their education by NCEES Credentials Evaluation Services unless they have an EAC ABET accredited engineering degree. If they have an EAC ABET accredited engineering degree, candidates must request an official transcript be sent from the school to the Board.
- 3.4 Candidates shall submit five (5) references from individuals familiar with the applicant's work and/or character. Three of the five of which must be licensed engineers. They are not required to be licensed in the United States but can hold a license from another country such as Japan.
- 3.5. Candidates agree to use their email addresses as their official means of contact with the Board for all purposes.

3.6 JPEC will work with the Board to develop appropriate procedures for the exchange of work experience information which will assist the Board in evaluating the engineering experience of the candidates.

4. TERM

The initial term of this AGREEMENT shall be from the effective date through December 31, 2014. Unless terminated by one of the parties, this AGREEMENT shall be automatically extended for additional one-year periods.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT as of the date above.

AGREED TO BY:

The Japan PE/FE Examiners Council

Masami Yoshimoto, P.E., President

Date:_____

Kentucky State Board of Licensure for Professional Engineers and Land Surveyors

B. David Cox, Executive Director

Date:_____



JAPAN PE/FE EXAMINERS COUNCIL (JPEC)

MISSISSIPPI BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND SURVEYORS (MSBLPES)

MEMORANDUM OF UNDERSTANDING

I. Purpose

The purpose of this Memorandum of Understanding is to establish roles, responsibilities, and financial obligations for the professional licensure program to be maintained by the Japan PE/FE Examiners Council (JPEC) and the Mississippi Board of Licensure for Professional Engineers and Surveyors (MSBLPES). The program will be available to the applicants who have passed the FE and PE examinations administered by NCEES/JPEC in Japan and satisfied the MSBLPES licensure requirements for licensure as a Mississippi Professional Engineer (PE). They are hereinafter called the "JPEC applicants."

The basis for the agreement is that the National Council of Examiners for Engineering and Surveying (NCEES) has entered into an agreement with JPEC to administer the Principles and Practice of Engineering Exam (PE) and the Fundamentals of Engineering Exam (FE) in Japan.

II. Licensure Requirements

If the applicant to JPEC successfully passes the FE and PE exams, the individual would apply as a Mississippi candidate for licensure as a PE and upon meeting the Mississippi (MS) requirements for licensure, as determined after review by the

MSBLPES, would be licensed as a Mississippi Professional Engineer under Mississippi Statutes 73-13-1 to 73-13-45.

- A. After successfully passing the FE and PE exams, the JPEC applicants would complete the MSBLPES application form and would be required to meet all MS requirements specified hereinafter. This requires that the applicant have a U.S. social security number or complete the MSBLPES's Affidavit form certifying as to why the applicant has no U.S. social security number.
 1. The JPEC applicants must comply with U.S. immigration laws regarding citizenship and/or work visas if working in the state of Mississippi.
 2. The JPEC applicants who have not received a degree from an institution in an English-speaking country will be required, in support of their application, to submit proof of a score of 550 or higher on a TOEFL exam (test of English fluency) or a certificate of his or her proficiency by a P.E. or other professional person who is fluent in English.
 3. The JPEC applicants must have successfully passed the NCEES FE and PE examinations.
 4. The JPEC applicants' education must be accredited by the Accreditation Board of Engineering and Technology (ABET) or be evaluated by NCEES Credential Evaluation Service and found to meet the NCEES Engineering Education Standard.
 5. Five references must be provided with the application – three of whom must be United States and/or Japan licensed Professional Engineers who can attest to the quality of the applicants' experience and education.
 6. The JPEC applicants' outside-U.S. engineering experience will be evaluated by MSBLPES upon application to determine if the application be accepted by MSBLPES.
- B. The applicant would pay the MSBLPES application fee.
- C. Upon successfully meeting the requirements of Mississippi Statutes 73-13-1 to 73-13-45, as determined by MSBLPES, the JPEC applicant will be issued a Mississippi PE license and be subject to all applicable laws and rules.
- D. Mississippi statute 73-13-43 requires engineering services being offered or performed in Mississippi by a corporation, firm, or partnership to have an engineering Certificate of Authority.

III. Effective Date

This agreement is effective as of the 1st day of April, 2015, and may be modified at any time with the concurrence of the signatories. Further, this agreement may be terminated upon due and proper written notice by either party.



Shinichi Yamauchi, PE, PhD
President
Japan PE/FE Examiners Council



Dennis D. Truax, PE, PhD, DEE
President
Mississippi Board of Licensure for
Professional Engineers and Surveyors

DRAFT

**Criteria for Fulfillment of the ABET Humanities/Social Sciences (General Education)
Requirement
(in lieu of completing additional college coursework)**

One (1) year of progressive engineering experience in the U.S., if applicant has practiced over ~~ten (10)~~ five (5) years in the U.S. = **0.5 semester hour**

Civic involvement in one organization in the U.S. for one (1) year = **0.5 semester hour**

Passing tests for U.S. citizenship = **1 semester hour**

15 PDH's of continuing education in ethics/humanities/social sciences (earned within 2 years of application date) = **1 semester hour**

Advanced degree from a U.S. institution = 9 semester hours

CLEP credits will be accepted to fulfill up to 12 semester hours of humanities/social sciences deficiencies only if they are offered by a regionally accredited college or university and appear on the official college or university transcript.

Adopted 12/10/08

Revised and adopted 4/22/09

Revised and adopted 12/9/09

PROFESSIONAL REFERENCE

7/28/2014

The applicant identified below has applied to establish a CLARB Council Record and has granted CLARB permission to inquire about his/her background and character. The applicant has signed a statement releasing all references from any claims, including claims for libel and slander, which may arise out of the communication of any information to CLARB. The applicant has identified you as a professional reference.

Reference Information:



Please verify this information by completing all of the information requested on the lower portion of the form. Be certain to affix your registration seal in the space provided and sign and date the form. If you do not have a registration seal, please indicate your registration number and jurisdiction of registration in lieu of the seal. Return the form in the pre-addressed envelope provided.

Applicant's Name: [Redacted]

- 1. Indicate, to the best of your knowledge, the applicant's ability by placing an "X" in the appropriate spaces. If "Unsatisfactory" box is checked for either "Technical Competence" or "Professional Conduct", please submit a letter of explanation with this form.

Table with 6 columns: Excellent, Satisfactory, Marginal, Unsatisfactory, Unknown. Rows: Technical Competence, Professional Conduct. 'X' marks are present in the 'Excellent' column for both rows.

- 2. Your licensure status:

Landscape Architect (checked), Architect, Engineer/Surveyor, Certified Planner, Other

- 3. Current licensure information:

Jurisdiction: [Redacted] Expiration Date: [Redacted]

Signature: [Redacted]

Date: [Redacted]

CR#: [Redacted]

Legacy CR#: [Redacted]





TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
DEPARTMENT OF COMMERCE AND INSURANCE
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-1142
800-256-5758 615-741-3221 (NASHVILLE AREA) 615-532-9410 (FAX)

REFERENCE

THIS REQUEST LETTER IS TO BE COMPLETED BY THE APPLICANT

(Name and Address of Reference)

Re: _____
(Print or Type Name of Applicant)

Dear _____

I have made application to the Tennessee Board of Architectural and Engineering Examiners for registration to

- practice ___ architecture
 ___ engineering
 ___ landscape architecture

Please send the information requested on the second page directly to the Board office. I have attached the experience page(s) from my application for verification purposes. Please send the experience page(s) to the Board office with the reference form. *If more space is needed, please do not write on the back; use a separate sheet of paper.*

(Signature of Applicant)

Board Statement to Reference:

This Board is required by law to obtain evidence of the good character and technical ability of applicants for registration as architects, engineers, and landscape architects. Statements by responsible individuals with personal knowledge of the applicant's character and qualifications will be considered as evidence. Additional information may be attached.

The Board would like to emphasize that evidence submitted on this form must not be perfunctory nor made for the mere purpose of aiding the applicant to be registered. The execution of this statement will be accepted by the Board as a deliberate act made with full knowledge of the responsibility to protect the public health, safety and welfare. It should be borne in mind that the applicant is not being considered for membership in an organization but for registration as an architect, engineer, or landscape architect, qualified to practice in Tennessee.

Since the Board cannot process this application until it receives this reference, a prompt reply will expedite our handling of the application.

THE INFORMATION YOU GIVE WILL BE TREATED IN THE STRICTEST CONFIDENCE.

(see page 2)

Applicant's name _____

To BE COMPLETED BY THE REFERENCE

THIS IS CONFIDENTIAL INFORMATION – FOR USE OF BOARD MEMBERS ONLY

1. How long have you known the applicant? From _____ to _____ inclusive
2. Are you in any way related to the applicant? _____ What relationship? _____
3. What has been your connection with the applicant? _____

4. Is the applicant's experience description listed on the enclosed application consistent with your knowledge of his or her experience? Yes No Unknown

Comments: _____

5. How would you rate the applicant's:

	Above Average	Average	Below Average	Unsatisfactory	Unknown
Quality of Work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Technical Knowledge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Professional Integrity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Character & Reputation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. To your knowledge, has the applicant ever been convicted of a felony? _____
7. Would you employ the applicant in a position of trust? _____
8. Is the applicant qualified to be placed in responsible charge of design or supervision of work, with full authority to change designs or specifications? _____
9. If the applicant is in individual practice, please indicate the nature of the practice: _____

10. Do you recommend the applicant for registration? _____
11. Remarks concerning the applicant: _____

I make the above statements with full knowledge that the person referred to is making application for registration by the State of Tennessee as an architect, engineer or landscape architect and after having carefully read the information given on the previous page.

- a. My full name is _____
(to be typewritten or printed)
- b. My present employer is _____
- c. My title or position is _____
- d. I am/am not a registered _____ architect
_____ engineer
_____ landscape architect in the State of _____ License No. _____

(Signature) (Date)

MEMORANDUM

Dennis S. Ward, AIA, NCARB
President/Chair of the Board
Florence, South Carolina

TO: NCARB Member Boards

Kristine A. Harding, AIA, NCARB
1st Vice President/President-Elect
Huntsville, Alabama

FROM: Dennis S. Ward, AIA, NCARB
President/Chair of the Board



Gregory L. Erny, NCARB, AIA
2nd Vice President
Reno, Nevada

DATE: July 1, 2015

David L. Hoffman, FAIA, NCARB
Treasurer
Huntsville, Alabama

RE: INTERN DEVELOPMENT PROGRAM
Experience Portfolio Documentation Method
Member Board Comment Period

Terry L. Allers, AIA, NCARB
Secretary
Fort Dodge, Iowa

Dale McKinney, FAIA, NCARB
Past President
Sioux City, Iowa

INTRODUCTION

David R. Prengaman, AIA, NCARB
Director, Region 1
Providence, Rhode Island

The NCARB Board of Directors is considering development of a new program and is seeking input from Member Boards and other related organizations. After over a year of deliberation by the Board, this concept was introduced to Member Boards at the 2015 Regional Summit in Long Beach, California. During the recent 2015 NCARB Annual Business Meeting, workshops were held to better inform our membership about this proposal and begin the process of garnering feedback.

Susan B. McClymonds, AIA, CSI
Director, Region 2
Amsterdam, New York

Comments from our Member Boards will be received through September 29th. Although the comment period will still be open, our Board of Directors will review comments received to date during their September meeting. We will then seek additional feedback from Member Board Members through virtual meetings to be offered in October in order to assure sufficient engagement by the Member Boards with this proposal. We hope that the Member Board feedback through the summer and fall will enable us to make a final determination on this program when our Board of Directors meets again in December, 2015.

Alfred Vidaurri Jr., FAIA, NCARB, AICP
Director, Region 3
Fortworth, Texas

Stephen L. Sharp, AIA, NCARB
Director, Region 4
Springfield, Ohio

Bayliss Ward, NCARB, AIA
Director, Region 5
Bozeman, Montana

Robert M. Calvani, NCARB, AIA
Director, Region 6
Albuquerque, New Mexico

Kingsley Johnson Glasgow
Member Board Executive Director
Little Rock, Arkansas

John G. Cameron Jr.
Public Director
Grand Rapids, Michigan

Michael J. Armstrong
Chief Executive Officer

Your participation in the comment period as well as the virtual meetings is important. The Board of Directors would like to assure that we have heard from our membership on this issue and that they are developing a program that will be valued and utilized by our Member Boards. If your Board has not scheduled a meeting during this comment period, we urge you to convene a special meeting to provide comment. If your Board is unable to meet during the comment period and provide collective feedback, we encourage you to submit your individual comments and plan to participate in the virtual meetings.

The following pages provide a detailed description of the program. There is much information contained in this document, so please read carefully. Questions regarding the proposal should be directed to Harry Falconer (hfalconer@ncarb.org) or Derek Haese (dhaese@ncarb.org).

BACKGROUND

The Intern Development Program reporting requirement (known as the “six month rule”) was implemented in July, 2010. At that point, no experience older than eight months could be reported and used to satisfy the IDP experience requirements. Last year, the Council expanded the reporting of experience to allow 50% credit for experience up to five years in the past. According to our Member Boards, there is a cohort of individuals who have work experience that falls outside of the current reporting requirements, i.e. more than 5 years old. This proposed program is intended to provide a path for completing the experience requirement for those who:

- left the profession and would like to come back.
- did not document their IDP experience with NCARB
- did not pursue licensure in a timely fashion, e.g. Project Managers
- can otherwise meet licensure requirements including education and examination

Past President Dale McKinney remarked at the Annual Business Meeting, “We all know folks who stepped away from a career in architecture and want to come back. In some cases, we work with people who have a degree from a NAAB-accredited program, loads of experience, and now want to move up from being a project manager to a licensed architect. However, their IDP-relevant experience is more than five years old – and thus outside of the reporting requirements for IDP.”

The NCARB Board of Directors agrees a gap exists in our program. Therefore Council staff was directed to develop a concept that would allow individuals to submit experience that identifies proficiency in the IDP experience categories that fall outside of the current reporting requirement. Staff was given two directives:

- Protect the traditional IDP path, or whatever the future program is called, as the preferred experience path.
- Develop a conceptual program that will not be overly complicated and financially burdensome.

This concept was first introduced to the Board of Directors two years ago when we launched the Broadly Experienced Special Project Team. An outline for this program was developed through numerous discussions during the past year. NCARB staff have presented research and presentations of a conceptual program to the Board. The facilitation of licensure is a primary goal for NCARB and this program is one of many that redefines the path to licensure without sacrificing the value or rigor that we place on experience, education, and examination.

We have learned some valuable lessons in the past year regarding introduction of new or revised programs. As a result, we sought initial reaction and feedback from our Member Board Members at the Annual Business Meeting through five workshops.

Over 175 member board members and member board executives attended the workshops. Initial reaction to the proposed concept and its components was positive by a clear majority. Feedback from the attendees was similar in nature at each session:

- They support the concept of a program that will allow persons to document experience that falls outside of the current IDP reporting rules.
- They like the concept that the current architect supervisor or a mentor will sign off on the experience. They noted this concept could be enhanced by adding a minimum number of years that the supervisor/mentor has known the applicant.
- The majority agree that documentation of work product to demonstrate competency is better than documentation of hours. They noted that applicants may not be able to obtain actual work samples from previous employers. The program will need to define options for all applicants.
- They recommended the Council develop a robust supervisor/mentor training program to support this program.

We now continue to seek your engagement on this proposal through two very important steps:

- Member Board 90-day Comment Period
- Virtual meetings with our Member Board Members to be held in early October

These steps are being taken because implementation of this program will require a change to the *IDP Guidelines*. Changes at this level require a vote by the Board of Directors.

Subsequently, our Board has indicated a desire to take action on this proposal before the end of this calendar year. I assure you however, that no Board vote will be taken until sufficient discussion and feedback has occurred.

I want to strongly urge you to provide your feedback over the summer during this comment period, and again when we hold virtual meetings this fall. Your Board of Directors and I thank you in advance for your consideration and thoughtful insight on this proposed program.

THE PROPOSED PROGRAM

EXECUTIVE SUMMARY

In August 2013, an NCARB multi-departmental team was formed to thoroughly analyze the need, identify options, and develop an approach for individuals to document valid work experience fulfilling the spirit of the Intern Development Program (IDP) but falling outside the limits of current IDP reporting requirements. Currently, licensure applicants can earn full credit for experience reported within eight months, and 50 percent credit for experience earned beyond eight months and up to five years.

NCARB is committed to supporting the facilitation of licensure. NCARB is committed to our message that “experience is experience.” There is a group of individuals educated, trained, and experienced in architecture who, for whatever life event occurred, did not pursue licensure. These individuals now want to join fully in the profession through licensure. They can meet their jurisdiction’s education requirement, and they are willing to take the Architect Registration Examination® (ARE®); however they are negatively impacted by our current IDP reporting requirements.

NCARB’s records estimate that about 12,000 professionals in our system currently show experience older than five years, not counting the others who have never engaged with experience reporting. A recent poll of this group found that 80 percent would be interested in such a program if it becomes available.

The research team was tasked with identifying ways to be more inclusive of intern architects’ path to initial licensure while ensuring the process is objective, attainable, sustainable, and defensible. The team leaders presented thoughts, concepts, and approaches to the Board of Directors at the December 2013; and April, September, and December 2014 meetings. In December the Board directed the research team to develop proposed program elements and requirements, with the intent to engage the Member Boards at the 2015 Annual Business Meeting. These elements include the proposed audience, proposed eligibility requirements, and proposed programmatic details and processes:

Eligibility:

- Work experience occurred outside of current IDP reporting requirement (i.e. older than 5 years)
- Work experience that meets the current IDP requirements (tasks, etc.)

Documentation of Experience:

- Work history, including role, project types, project descriptions, project budgets, etc.
- Work product samples demonstrating competent performance of IDP tasks in each of the six practice categories

Certification/Affirmation of Competency:

- Current architect supervisor
- Architect mentor who is NCARB certified

Process:

- Work samples of valid experience will be submitted through automated e-portfolio system to the supervisor or mentor

NCARB is committed to supporting the facilitation of licensure. This program can provide a pathway for design professionals (e.g. project managers, project designers) who cannot complete the experience hours in the IDP experience areas based on their current employment role and responsibilities, though work experienced performed beyond the limits of the reporting requirements would meet today's requirements.

NCARB is committed to our message that "experience is experience" and firmly maintains that timely reporting is an essential element of the IDP. This proposed program recognizes that the implementation of the reporting requirement was a substantial benefit validating the IDP. The facilitation of licensure is a primary goal for NCARB and this proposal is one of many that redefines the path to licensure without sacrificing the value that we place on experience, education, and examination.

PROGRAM OVERVIEW

To participate, an applicant will need to validate that they have substantial past experience that meets the current requirements of the IDP. The proposed approach requires detailed, verified documentation to support the claim that experience gained outside of the IDP reporting requirements has been completed competently and satisfies the current IDP requirements. Specifically, applicants will need to do the following:

- Document work history since graduation to present.
 - a. Include brief description of projects (type, size, cost, duration, and role on projects.)
- Document project work product to demonstrate acquisition of knowledge/skills and competent performance of the expected tasks.
 - a. NCARB will develop descriptions and a format for applicants to follow.

- Submit documentation to a current architect supervisor or mentor who is NCARB certified.

The applicant must be able to provide all required information and documentation for review and certification/affirmation of competence by their current supervisor or mentor.

ELIGIBILITY

The applicant must have:

- Work experience that occurred outside of current IDP reporting requirement (i.e. older than 5 years)
- Work experience that meets the current IDP requirements (tasks, etc.)

Rationale:

All persons participating in the IDP were required to comply with the IDP reporting requirements (a.k.a. six month rule) as of July 1, 2010. There are individuals who have not reported experience in accordance with the IDP reporting requirement, but have substantial experience that is further in the past than the current IDP reporting requirement allows. While these individuals may currently be working in architecture or a related field, their current role and responsibilities will not allow them to perform tasks that are required by the IDP.

DOCUMENTATION OF EXPERIENCE

Each applicant will be required to provide detailed, verified documentation to support his/her claim that their experience gained outside of the IDP reporting requirements has been completed competently and satisfies the current IDP requirements.

The applicant will be required to document their complete work history. The information required will include:

- Employer Name
- Employer Address
- Dates of Employment
- Position(s) Held
- Roles and Responsibilities

Rationale:

The current architect supervisor or mentor certifying/affirming the competence of the applicant will be have a 'complete picture' of the applicant's experience. This will allow for a more comprehensive look at and consideration of one's overall experience.

The applicant will be required to list projects they are submitting to their supervisor to document satisfaction of the current IDP requirements: The information required will include:

- Project Name
- Project Type
- Project Size
- Project Budget
- Project Duration
- Project Description
- His/her Role in the Project
- Identify relevant IDP Practice Areas (reason for inclusion)

Rationale:

The current architect supervisor or mentor certifying/affirming the competence of the applicant needs to have a 'complete picture' of the projects the applicant is submitting in support of their prior experience. This will allow for a comprehensive and informed review and consideration of one's experience in the practice areas defined by the IDP.

The applicant will be required to submit work samples that represent competent performance of the tasks identified in six practice areas of the overhauled IDP that will be implemented in July 2016. The following charts reflect the required tasks in each IDP practice area. Further, the charts provide the applicant with recommended examples of work products they may choose from to demonstrate competent performance of each of the tasks:



Experience Portfolio Documentation Method	
Practice Management	
Tasks	Work Sample Demonstrating Competent Performance
Adhere to ethical standards and codes of professional conduct	Letter from supervisor/mentor; letter to or from client; letter to or from consultant; brief written report addressing this topic
Comply with laws and regulations governing the practice of architecture	Letter from architect supervisor; building or planning permit; brief written report addressing this topic
Prepare final procurement and contract documents	Client contract; consultant contract; RFP; RFQ
Understand implications of project delivery technologies	Sketches; digital presentations; letter to client recommending a type of project delivery
Participate in professional development activities that offer exchanges with other design professionals	Continuing education transcripts; evidence of professional presentations given at conferences; professional development conference registrations
Understand implications of policies and procedures to ensure supervision of design work by architect in responsible charge/control	Letter from architect supervisor; quality control procedure documents; brief written report addressing this topic
Maintain positive work environment within firm that facilitates cooperation, teamwork, and staff morale	Participation in office committees; leadership in project team; professional development review
Develop and maintain effective and productive relationships with clients	Reference letter from client; project close-out letter; project follow-up
Develop professional and leadership skills within firm	Participation in office committees; professional development review; certificate of completion from a leadership development program
Prepare proposals for services in response to client requirements	RFP sections; pre-proposal meeting minutes; research documents/findings depicting insight on client requirements
Participate in community activities that may provide opportunities for design of facilities that reflect community needs	Photos of events attended; information surveys written by applicant; letter from leader of community activity describing candidate's role
Develop procedures for responding to contractor requests (Requests for Information)	Checklist for RFI response, plus RFI response; documentation of conversations with client and/or firm leadership on process documentation
Prepare marketing documents that accurately communicate firm's experience and capabilities	Marketing proposal or brochure prepared by applicant; PowerPoint (or similar) presentations; evidence of online or virtual media demonstrating marketing capabilities


Establish procedures for documenting project decisions	Code checklist or similar document for a project; meeting minutes; examples of template forms (RFI, change orders, meeting minutes, site visit documentation, etc.)
Develop procedures for responding to changes in project scope	Checklist for scope change, CO request to client; examples of template forms (RFI, change orders, meeting minutes, site visit documentation, etc.)
Establish procedures to process documentation during contract administration	Request for information; notice of clarification; shop drawing logs; punchlist; similar contract administration documents



Experience Portfolio Documentation Method	
Project Management	
Tasks	Work Sample Demonstrating Competent Performance
Participate in pre-construction, pre-installation and regular progress meetings with design team	Sign-in sheet demonstrating candidate was in attendance; agenda; meeting minutes
Coordinate design work of consultants	Coordination meeting minutes; correspondence with consultants; letters from consultants describing the candidate's coordination efforts on a project
Determine project schedule	Provide a project schedule depicting internal milestones (quality control, printing, etc.) and external milestones (client receives deliverable, design review meeting date, etc.)
Understand implications of project delivery methods	A letter from candidate to client/firm/design team members indicating the scope of work, fee, and project delivery methods; samples of different delivery contracts for projects
Prepare written communications related to design ideas, project documentation and contracts	Design submittals; emails; letters; written contracts
Monitor project schedule to maintain compliance with established milestones	Project schedules with updates/modifications during project, emails or other relevant documents that describe a recovery plan in the event that more staffing is required
Assist Owner in obtaining necessary permits and approvals	Authority having jurisdiction submittals, comments, comment responses, plan approvals, PowerPoint presentations given to Owner/City Council/any approving authority
Conduct periodic progress meetings with design and project team	Meeting minutes; Outlook meeting invitations distributed to design team; agenda

Identify changes in project scope that require additional services	Correspondence; additional service proposals; contract modifications
Manage information exchange during construction	Data logs (i.e. submittals, RFIs, etc.); meeting minutes; capturing information exchange; site visit reports with photograph excerpts
Perform quality control reviews throughout the documentation process	Quality control review checklists, meeting minutes; red-lined drawings performed by candidate
Determine scope of services	Fee letter and proposal; meeting minutes or documentation of scoping efforts between candidate and owner
Monitor performance of design team consultants	Email or documentation from candidate to consultant's point of contact providing update on performance
Present design concept to stakeholders	PowerPoint presentations; meeting minutes; design models; submittals
Resolve conflicts that may arise during design and construction process	Email or documentation from candidate demonstrating conflict resolution
Manage implementation of sustainability criteria	LEED (or other facilitating program) checklist; documents demonstrating sustainability goals; letter from client describing candidate's sustainability initiatives in project
Determine design fee budget	Fee letter and fee proposals; man-hour estimates
Collaborate with stakeholders during design process to maintain design intent and comply with Owner specifications	A document that captures candidate's comments after performing an interdisciplinary coordination review; red-lined drawings; meeting minutes of coordination meetings
Coordinate design work of in-house team members	A document that captures candidate's comments after performing an interdisciplinary coordination review; red-lined drawings; meeting minutes of coordination meetings
Prepare Architect-Consultant Agreement	A contract; documentation of dialogue between the professional liability insurance provider/attorney discussing contract clauses; documentation of conversations between candidate and consultant
Assist client in determining delivery method for construction of project	Letter from client that describes candidate's efforts; letter of recommendation from candidate to client providing the recommendation
Prepare Owner-Architect Agreement	A contract; documentation of dialogue between the professional liability insurance provider/attorney discussing contract clauses; documentation of conversations between candidate and owner
Perform constructability review to determine buildability, bidability, and construction sequencing of proposed project	Provide a quality control review document that captures candidate's comments after performing an interdisciplinary coordination review; red-lined drawings; relevant checklists

Establish methods for Architect-Client communication based on project scope of work	Job plan that depicts method of communication; phone logs with client; email documentation with client documenting key decisions
Manage modifications to the construction contract	RFI response on formal template; meeting minutes capturing information exchange; change order documentation endorsed by candidate
Perform constructability reviews throughout the design process	Provide a quality control review document that captures candidate's comments after performing an interdisciplinary coordination review; red-lined drawings
Define roles and responsibilities of team members	Project team directory with work plan; design consultant fee letter and scope of services proposal
Manage project-specific bidding process	Pre-bid meeting agenda and meeting minutes, addenda; bid form and log
Evaluate appropriateness of building information modeling (BIM) for proposed project	Project software comparison matrix
Submit schedule of Architect's services to Owner for each phase	A contract that demonstrates the scope of work and deliverables for each phase of design; a schedule of values that assigns a dollar amount relative to the total fee assigned to each design deliverable
Prepare staffing plan to meet project goals	Project work plan with staff assigned; a document from a scheduling program (ex: PlanTrax) that depicts the actual project percent complete versus goal to date percent complete
Assist client in selecting contractors	Letter from client that describes candidate's efforts; contractor request for qualifications; bid log



Experience Portfolio Documentation Method	
Programming & Analysis	
Tasks	Work Sample Demonstrating Competent Performance
Determine impact of applicable zoning and development ordinances to determine project constraints	Zoning & building code analysis documentation
Analyze existing site conditions to determine impact on facility layout	Graphic site analysis, including environmental conditions

Determine impact of environmental, zoning and other regulations on site	Graphic site analysis, including environmental conditions
Prepare diagrams illustrating spatial relationships and functional adjacencies	Bubble diagrams; 3D + section programming models representing vertical adjacencies; program stacking; other programming logics that might inform a concept massing organizational strategy
Prepare site analysis diagrams to document existing conditions, features, infrastructure and regulatory requirements	Graphic site analysis, including environmental conditions and land/topo/utility surveys; 3D models illustrating zoning-compliant massing / programming strategies
Assist Owner in preparing building program including list of spaces and their characteristics	Project programming document, including summary of space square footages; other programming logics that might inform a concept massing organizational strategy
Gather information about client's vision, goals, budget, and schedule to validate project scope and program	Project programming document; agenda or minutes from a client meeting; copy of a 3rd party document to form the basis of design and/or part of owner/architect agreement
Assess environmental impact to formulate design decisions	Graphic site analysis, including environmental conditions, diagrams, preliminary site planning, geotech report, environmental reports
Consider results of environmental studies when developing site alternatives	Graphic site analysis, including environmental conditions, diagrams, preliminary site planning, geotech report, environmental reports
Establish sustainability goals affecting building performance	Meeting minutes from environmental kick-off meeting with clients; LEED checklist; any supplemental budgetary analysis evaluating pros and cons of achieving certain levels of certification
Establish project design goals	Meeting minutes from kick-off meeting with clients establishing aesthetic goals, budget goals, sustainability goals, performance criteria, and time frame
Consider recommendations from geotechnical studies when establishing design parameters	Structural schematics; preliminary site planning; geotech report; environmental reports
Develop conceptual budget	Project budget; cost estimate; written review of contractor's preliminary estimate
Evaluate opportunities and constraints of alternative sites	Site studies with report on pros/cons; preliminary site planning; geotech report; environmental reports
Determine impact of existing transportation infrastructure on site	Graphic site analysis, including transit infrastructure, entry/exit onto streets, setbacks, servitudes/easements, height limitations, FAR, etc.
Review legal documents related to site to determine project constraints	Site analysis with planning & zoning report, including covenants, easements, etc.
Gather information about community concerns and issues that may impact proposed project	Project programming document, agenda or minutes from a client meeting on related subject matter
Evaluate results of feasibility studies to determine project's financial viability	Report/minutes regarding project cost/benefit; preliminary cost opinion/rough order of magnitude; preliminary project timeline




Experience Portfolio Documentation Method	
Project Planning & Design	
Tasks	Work Sample Demonstrating Competent Performance
Perform building code analysis	Written building code analysis or worksheet
Prepare code analysis documentation	Graphic building code plan; completed code search or code analysis document; correspondence regarding code analysis
Select materials, finishes, and systems based on technical properties and aesthetic requirements	Material schedule; cut sheets of products or finishes; listing of clients technical requirements for finishes; materials and systems; examples of completed finish boards.
Prepare design alternatives for client review	Examples of design options which were presented to a client; sketches or other in-progress documents from creating design alternatives.
Oversee design integration of building components and systems	Progress/development drawings; final drawings; coordination meeting minutes
Review local, state and federal codes for changes that may impact design and construction	Completed code analysis document; correspondence with code officials; written documentation of other codes that may impact design and construction.
Determine impact of existing utilities infrastructure on site	Preliminary site narrative; existing site survey; conceptual site plan
Understand implications of evolving sustainable design strategies and technologies	Sustainability diagrams; correspondence with team members or consultants; meeting minutes
Develop sustainability goals based on existing environmental conditions	Sustainability checklist and diagrams; meeting minutes; correspondence regarding sustainability.
Define requirements for site survey based on established project scope	Request for proposal for site survey; site survey contract
Determine design parameters for building engineering systems	Meeting minutes & agendas; questionnaire; correspondence with owner and engineers; design parameters checklist.
Present design ideas to client orally	Design presentation meeting minutes and agenda
Evaluate results of feasibility studies to determine project's technical viability	Documentation of studies; feasibility study follow-up correspondence/reports

Prepare Cost of Work estimates	Floor plans, sections, elevations used for estimates; supporting documentation on sources of pricing
Apply principles of historic preservation for projects involving building restoration or renovation	Meeting notes; historic preservation checklist; correspondence with team members
Develop mitigation options to address adverse site conditions	examples of alternate site plans; correspondence regarding alternate plans.
Design landscape elements for site	Landscape plans; sections, etc. plant options; renderings/3D views



Experience Portfolio Documentation Method	
Project Development	
Tasks	Work Sample Demonstrating Competent Performance
Communicate design ideas to the client graphically	Drawings, sketches, renderings, images, etc. used in correspondence with client.
Prepare submittals for regulatory approval	Exhibits prepared for regulatory reviews; checklists of documents required for regulatory approval.
Communicate design ideas to client with two-dimensional (2-D) computer aided design software	Floor plans, elevations, sections, or other views created specifically for communicating with the client.
Select furniture, fixtures and equipment that meet client's design requirements and needs	Cut sheets of products; clients requirements for furniture, fixtures and equipment; meeting minutes
Communicate design ideas to the client using hand drawings	Sketches and design presentation submittal using hand drawings
Communicate design ideas to client with three-dimensional (3-D) computer aided design software	Renderings, or other views created specifically for communicating with the client.
Update Cost of Work estimates	Floor plans used for estimates; supporting documentation on sources of pricing; revised construction cost estimates



Experience Portfolio Documentation Method	
Construction & Evaluation	
Tasks	Work Sample Demonstrating Competent Performance
Review shop drawings and submittals during construction for conformance with design intent	Returned shop drawings or submittals with comments; correspondence regarding submittals with contractor
Respond to Contractor Requests for Information	RFI responses; correspondence regarding RFI's.
Complete field reports to document field observations from construction site visit	Issued field reports, construction photos, notes from a site visit.
Review results from field reports, third-party inspections, and other test results for conformance with contract documents	Correspondence regarding these documents; examples of returned documents.
Review Application and Certificate for Payment	Examples of approved documents
Manage project close-out procedures and documentation	Punch list; certificate of substantial completion; final application for payment; operation and maintenance manual submittal reviews

Rationale:

The 2012 NCARB *Practice Analysis of Architecture* identified the tasks the profession sees as important experience one should develop competence in prior to the independent practice of architecture upon initial licensure. Successful completion of the IDP indicates that the applicant, at the completion of the program requirements, be able to competently perform the tasks in each practice area. Everyone's experience path can be different. This program acknowledges that the current architect supervisor or mentor is aware of the applicant's competence in their current role; and that they are confident the applicant is competent to practice architecture independently. The documentation of past experience demonstrating competence at the task level is to inform the supervisor or mentor of the applicant's experience to support their competency in the defined areas of the IDP. The work products listed to support each task are descriptive of appropriate work samples the applicant may wish to provide in support of their demonstration of competency. The descriptive work products also provide the supervisor or mentor with a definition of what they should expect to see in their review of the applicant's experience.

CERTIFICATION/AFFIRMATION OF COMPETENCY

The applicant must have a current architect (licensed) supervisor or mentor (licensed to practice architecture and NCARB certified) who will certify/affirm that the applicant's work experience meets the current requirements of the IDP.

Rationale:

The aspiring architect's supervisor has historically held the responsibility for certifying that the experience of the applicant has demonstrated competence to practice architecture. The recollection of hours of experience completed, or level of competency, from work performed over 5 years ago is not probable or realistic. Therefore, this program proposes that the applicant must have a current architect supervisor or a current architect mentor to certify his or her past experience demonstrates the comprehension of the knowledge/skills necessary to perform the tasks required by the IDP.

Historically, the IDP has required an intern's work experience to be certified by an architect supervisor exercising *direct supervision*:

"Direct supervision" of interns shall occur either through personal contact or through a mix of personal and remote communication (e.g. e-mail, online markups, webinars, internet) such that the IDP supervisor has control over the work of the intern and has sufficient professional knowledge of the supervised work so that the IDP supervisor can determine that the intern understands and is performing his or her work experience within the professional standard of care. To earn experience hours in workplace settings described in this document, the intern must work under the direct supervision of an IDP supervisor. The supervisor shall verify the experience of the intern and foster a professional relationship that is grounded in a direct professional association between the intern and the supervisor.

Currently, the IDP requirements also recognize a mentors' critical oversight of an interns work in specific areas:

"A mentor is defined as a loyal advisor, teacher, or coach. In IDP, there are opportunities for your mentor to certify certain supplemental experience opportunities and provide guidance in your professional development. To serve as your mentor for the IDP, the individual must hold a current license to practice architecture in a U.S. or Canadian jurisdiction; however, your mentor does not have to be registered in the jurisdiction where you are located."

The success of this program relies on the allowance for broader verification of work experience, through certification of the work by the current architect supervisor or mentor. Restricting certification of experience to only those that have a qualified direct supervisor of existing experience will limit many applicants that may have many hours of experience but no access to previous supervisors for its verification.

PROCESS

The documentation and exchange of information will be a paperless, completely electronic exchange of information between the applicant and their supervisor or mentor. This electronic exchange will be facilitated through NCARB's information systems and supported by Customer Relations. Candidates for this program will be required to:

- Submit documentation to a current architect supervisor or mentor who is NCARB certified.
- Architect supervisor or mentor will review the work and attest to satisfaction of the experience requirement per our guidelines.
- NCARB will develop descriptions and a format for supervisor/mentor to follow.
- NCARB will perform random audits of electronic portfolios.
- Audit reviews to be performed by IC or EDU committee members and/or staff architects.

Rationale:

The applicant will be able complete all required information and upload all project documentation for review. This system will allow for collaboration on additional or corrective work samples needed to document competence in any content area, and obtain final certification/affirmation by their supervisor. NCARB will maintain all reported experience in the applicant's NCARB Record.



MINUTES OF A MEETING OF THE
TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
Davy Crockett Tower
Nashville, Tennessee
Thursday, June 4, 2015

CALL TO ORDER

Robert Campbell, Vice-Chair, called the regular meeting of the Tennessee Board of Architectural and Engineering Examiners to order at 9:40 a.m. on June 4, 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
Frank Wagster	Registered Architect

The following **Board members** were absent:

Bill Lockwood	Registered Landscape Architect
Rick Thompson	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
Ellery Richardson	Legal Counsel
Wanda Phillips	Office Manager
Wanda Garner	Administrative Assistant

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

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

Don Baltimore, Tennessee Interior Design Coalition (TIDC)

Guests were introduced.

Approval of a resolution for staff member Joyce Shrum, who retired on April 3, 2015, was added to the agenda. Motion was made by Mr. Borden and seconded to approve the resolution. Motion carried.

CONSENT AGENDA (attached)

Motion was made by Ms. Ballard and seconded to approve the minutes of the April 9, 2015 meeting. The motion passed unanimously.

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

PROFESSIONAL SOCIETY REPORTS

Kasey Anderson reported on activities of the TSPE/ACEC-TN and announced that the Annual Conference of TSPE/ACEC-TN will meet in Murfreesboro on September 17-18, 2015.

Nathan Ridley reported on activities of the ASLA-TN and announced that the ASLA-TN Conference will be held in Nashville on October 15-16, 2015.

Don Baltimore reported activities of the TIDC.

Mr. Cothron read an e-mail from Ashley Cates in which activities of the American Institute of Architects-Tennessee (AIA-TN) were reported. The AIA-TN convention is scheduled for July 29-31, 2015, in Knoxville.

LEGAL CASE REPORT (presented by Ellery Richardson) (attached)

1. *Case No. L15-AEL-RBS-2015007201* *Complaint #201500720*
The case was deferred to the August meeting.

2. *Case No. L14-AEL-RBS-2014022151* *Complaint #201402215*
3. *Case No. L15-AEL-RBS-2015010141* *Complaint #201501014*
Motion was made by Mr. Wagster and seconded to close the complaints. The motion carried unanimously.

4. *Case No. L13-AEL-RBS-2013005781* *Complaint #201300578*
Motion was made by Mr. Lim and seconded to authorize an informal conference. The motion carried unanimously.

DIRECTOR'S REPORT

1. Mr. Cothron reported his activities and those of his staff and Board members. He noted that the Board is scheduled to sunset on June 30, 2016, unless extended by the General Assembly. A sunset hearing is scheduled for June 17, 2015, before the Government Operations Joint Subcommittee on Commerce, Labor, Transportation and Agriculture. The subcommittee will make a recommendation to the full committee regarding the Board's extension.

2. *Legislative Update* (attached)

- Senate Bill (SB) 0081/House Bill (HB) 0071 passed.
This bill authorizes the Board to deny certain certificates of registration to persons with felony convictions and removes certain board notifications to governmental entities when revoking or suspending certificates of registration. The bill also amends the engineering statutes to remove the requirement for engineer intern candidates to apply for admission to the Fundamentals of Engineering (FE) examination, and to delete an obsolete provision regarding payment of a reexamination fee.
- SB0095/HB0084, regarding cooperative purchasing agreements, passed with an amendment excluding architectural and engineering services.
- SB0474/HB0787 passed with an amendment allowing local governments to adopt sprinkler requirements for townhouses.
- SB0978/HB0823 passed with an amendment raising the threshold for public works projects that require a registered architect, engineer, or landscape architect to \$50,000.
- Public Chapter 427, the appropriations bill (SB1399/HB1374), earmarks \$350,000 for the Board's grants program.

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

4. *Financial 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. Balthrop announced that Middle Tennessee State University now offers a Mechatronics Engineering program in which one may earn a Bachelor of Science degree. The program is under evaluation by ABET (Accreditation Board for Engineering and Technology) and expects to be accredited by 2018.

The Engineer Committee, through Mr. Balthrop, moved to accept the amended *Policy for Review of Sprinkler Shop Drawings*. Motion carried unanimously. (Policy is attached.)

Potential legislation to change the statute to allow decoupling of the experience and examination requirements for engineer applicants will be discussed with Kasey Anderson of TSPE/ACEC-TN.

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*.

LAW AND RULES/POLICIES COMMITTEE REPORT

The Law and Rules/Policies Committee, through Mr. Campbell, reported on topics discussed. The minutes of the Law and Rules/Policies Committee meeting follow these minutes.

1. *Qualifications-Based Selection (QBS)*

Ms. Richardson presented an informal legal opinion to the committee (attached) concluding that local education systems are bound by the QBS requirements of *Tennessee Code Annotated* (T.C.A.) § 12-4-107(a). Consequently, Ms. Richardson recommended that no changes should be made to questions #1, #4, and #5 of the *Frequently Asked Questions about Qualifications-Based Selection for Public Projects as Defined by T.C.A. § 12-4-107(a)*. Mr. Bursi suggested that Ms. Richardson may wish to add a paragraph to her opinion regarding energy-related services that include engineering services [T.C.A. § 49-2-203(a)(3)(F)], which require QBS.

By consensus, the committee recommended that no changes be made to questions #1, #4, and #5 of the *Frequently Asked Questions About Qualifications-Based Selection For Public Projects As Defined By T.C.A. § 12-4-107(a)*.

The Law and Rules Committee, through Mr. Campbell, moved, and the Board approved unanimously, to accept the following changes made to the following *Frequently Asked Questions about Qualifications-Based Selection for Public Projects as Defined by T.C.A. 12-4-107(a)*:

#3 - Does T.C.A. § 12-4-107(a) encompass studies and other services that do not involve the preparation of sealed plans?

Any study or service that requires professional architectural, engineering, or landscape architectural services and expertise that requires the seal of a registrant, or if these professional services are offered by the proposer, would fall under the scope of the statute.

#6 - Does T.C.A. § 12-4-107(a) apply to landscape architectural services?

Yes. Although the statute does not specifically reference landscape architectural services, it may be safely assumed that such services are included due to the overlap among the architectural, engineering, and landscape architectural professions, and the fact that similar qualifications and standards apply to all three design professions. Additionally, Rule 0120-02-.02(6) does reference landscape architectural services.

#9 - Is it permissible for a registrant to submit hourly rates and an estimate of man-hours required to complete a design project in response to a RFQ/RFP for a public project?

No. T.C.A. § 12-4-107(a) and Rule 0120-02-.02(6) preclude a registrant from submitting any information that could be used to determine compensation in response to a RFQ/RFP for a public project. However, it is permissible to submit hourly rates if an estimate of man-hours is not provided.

#11 - Does the following procedure comply with T.C.A. § 12-4-107 and Rule 0120-02-.02(6)?

A jurisdiction requests responses to a RFQ. Responses are evaluated to prequalify firms for participation in the RFP process. Prequalified proposers then submit formal proposals (RFPs)—including fees—for consideration and final selection.

No. The prequalification procedure outlined above would not comply. In accordance with T.C.A. § 12-4-107(a), once the public body (client) has selected the most qualified design professional/firm, it may request a fee proposal from that firm. The agency may then negotiate a satisfactory contract with the selected firm. If an agreement cannot be reached and the negotiations are formally terminated, the agency may then proceed to select the next most qualified design professional/firm on the list and continue negotiations until an agreement is reached. However, a procedure in which the agency wishes to contract with as many qualified respondents as possible, multiple firms are selected, and a contract is negotiated with each firm separately following selection based on qualifications would be in compliance.

#19 - What is an appropriate way for a registrant to respond to a request for a price?

If a registrant becomes aware of a state or local agency that is requesting a fee in a proposal for a public project, this should be brought to the attention of the Board office. In such cases, Board staff will send a letter to the agency issuing the RFP asking them to eliminate fees from their request. The Board has no jurisdiction over state and local government agencies, but, in most cases, the issuing agency will voluntarily remove the requirement to submit fees and reissue the request. Registrants may wish to provide information on Tenn. Code Ann. § 12-4-107(a) and Rule 0120-02-.02(6) to prospective clients so they will understand why submittals for public projects are non-responsive on the issue of fees. State professional societies may also offer assistance in educating government agencies regarding qualifications-based selection.

Ms. Richardson was asked to add a sentence to the Frequently Asked Questions for consideration in August stating that the responses should not be viewed as comprehensive and urging registrants to contact the Board office for questions that are not addressed in the document.

2. *Definitions of Practice*

This topic will be further discussed at the Board Retreat in October.

3. *Comity Statute Revision*

The Law and Rules Committee, through Mr. Campbell, moved to pursue the comity statute revision as a legislative proposal for 2016. The proposed revision would amend the comity

statute (Tenn. Code Ann. § 62-2-304) to state that applicants for registration as an architect who hold a like unexpired certificate of qualification or registration issued to such person by any state, territory or possession of the United States, or of any country, and who hold an unexpired national certificate issued by the National Council of Architectural Registration Boards (NCARB), may be deemed to have met the registration requirements of the law and the rules established by the Board. Motion carried unanimously.

ARCHITECT COMMITTEE REPORT

The Architect Committee, through Mr. Wagster, reported on topics discussed. The minutes of the Architect Committee meeting follow these minutes.

UNFINISHED BUSINESS

- *Action Items (attached)/Update on Rule Changes*

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

- a. Ms. Richardson reported that proposed rules have been submitted to the proper authorities.
- b. Ms. Richardson presented an informal legal opinion regarding discipline of a non-registrant who adds a title to plans (attached). Motion was made by Mr. Borden and seconded to give information to a District Attorney for possible action against the third party who added a title to a document in case #L14-AEL-RBS-2014026091. During discussion, Ms. Richardson was asked to reconsider her opinion in light of the fact that the Board views a title block as an integral part of a design document. In response to discussion, Mr. Borden withdrew his motion pending Ms. Richardson's reconsideration of her informal legal opinion on the subject.

Break—11:38 to 11:58 a.m.

- c. Ms. Ballard reported that the effort to establish a state fee schedule for interior designers is no longer necessary.

NEW BUSINESS

1. *Officer Nominations*

The Nominations Committee, through Mr. Borden, moved to elect the following as Board officers to serve from July 1, 2015 – June 30, 2016:

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

Motion carried unanimously.

2. *2016 Legislative Proposals*

- Mr. Cothron reviewed the comity statute legislative proposal previously discussed in this meeting.

- Motion was made by Mr. Headley and seconded to submit a legislative proposal to amend the law to state that architect and landscape architect applicants will retain credit for exams passed in accordance with the policies of NCARB and the Council of Landscape Architectural Registration Boards (CLARB). The motion carried unanimously.

3. *Authorization of Travel and Speakers*

Motion was made by Mr. Lim and seconded to authorize Mr. Campbell to speak at a meeting of the Technical Society of Knoxville on June 15, 2015. The motion carried unanimously.

Mr. Borden announced that he is not seeking reappointment and commended the Board members for their professionalism and dedication to the protection of the public health, safety, and welfare. Mr. Campbell thanked him for this service and contribution of common sense to Board discussions.

The Chair adjourned the meeting at 12:00 noon.

Attachments



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
ENGINEER COMMITTEE MEETING
Davy Crockett Tower- Conference Room 1B
Nashville, Tennessee
Wednesday, June 3, 2015

CALL TO ORDER

Hal Balthrop, P.E., Committee Chair, called the Engineer Committee meeting to order at 1:00 p.m. on June 3, 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
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

PRESENTATION ON MECHATRONICS ENGINEERING PROGRAM AT MTSU

Walter W. Boles, Ph.D., P.E., Chair of the Department of Engineering Technology at Middle Tennessee State University, and Assistant Professor Erica Hu delivered a presentation on the department's Mechatronics Engineering program. The program is under evaluation by the Engineering Accreditation Commission (EAC) of ABET and is expected to be accredited by 2018 (accreditation will be retroactive to 2016). Dr. Boles expressed his commitment to preparing

students for the Fundamentals of Engineering (FE) exam, and it is anticipated that students will be required to sit for the FE exam.

APPLICATIONS FOR DISCUSSION

- **Glenn Alford Church, II** (Comity) – Applicant’s degree is an engineering technology degree. Registration was denied; however, if the University of Florida can provide proof that he has met all course work required for an EAC/ABET accredited degree, the Board may reconsider.
- **Nabil Milad Youssef Gerges** (Comity) – Applicant’s degree is from Ain Shams University and is deficient 13 hours in general education. He passed both the FE and PE exams at the American University in Cairo and has obtained PE registration in the state of Colorado. He currently lives overseas. He is requesting that the Board schedule an interview with him so that he may obtain a visa to come to the United States. The committee denied the request and stated that he must complete course work to make up the deficiency.
- **Joao Eugenio Lucena** (Reapply) – Applicant’s undergraduate degree is from Portugal and was never evaluated. When he was registered in 1979 the Board based his education on his graduate engineering degree from Newark College of Engineering. Registration was approved.

ENGINEERING EXAM RESULTS

The committee reviewed Fundamentals of Engineering (FE) and Principles and Practice of Engineering (PE) examination results for January-April 2015. Mr. Cothron noted that the number of applicants sitting for the FE exam has increased since last year. Mr. Balthrop asked Mr. Cothron to obtain the number of enrolled seniors from each school in order to calculate the percentage of seniors sitting for the FE exam.

REPORT ON NCEES JOINT INTERIM MEETING

The committee reviewed a written report on the 2015 NCEES Southern/Western Zone Joint Interim Meeting, held in Scottsdale, Arizona, on May 14-16.

GENERAL EDUCATION (HUMANITIES/SOCIAL SCIENCES) DEFICIENCIES

Committee members studied a survey of how other states address general education (humanities/social sciences) deficiencies for applicants without an EAC/ABET-accredited degree. An excerpt from the *ABET Criteria for Accrediting Engineering Programs* addressing general education outcomes, as well as recommendations from John W. Smith, Ph.D., P.E., were reviewed, as well. By consensus, the committee asked Board staff to present possible revisions to the “Criteria for Fulfillment of the ABET Humanities/Social Sciences Requirement” policy for consideration at the next meeting.

ENERGY SERVICE COMPANIES AND ENGINEERING REGISTRATION LAWS

Mr. Bursi expressed concern about the services offered by energy service companies. In some cases, these firms are offering engineering services in violation of engineering registration laws and have been disciplined in other states. The committee agreed to keep this issue as a standing item on future committee agendas.

INCLUSION OF STATEMENT ON REFERENCE FORMS RELEASING REFERENCES FROM LIBEL AND SLANDER CLAIMS

Mr. Campbell requested that the committee consider adding a statement to reference forms that would release references from libel and slander claims (as included on Council of Landscape Architectural Registration Boards professional reference forms); he stated that this may result in the receipt of more valuable and candid references. It was noted that the reference forms already state that the information provided is considered confidential. The committee asked Ms. Richardson to review the language on the Council of Landscape Architectural Registration Boards professional reference form and provide a recommendation regarding adding this statement to reference forms at the next meeting.

In response to questions from Mr. Cothron, the committee agreed that complaints should be opened against registrants who fail to submit continuing education documentation for audit purposes, and that tours of facilities conducted as part of the American Council of Engineering Companies of Tennessee (ACEC-TN) Leadership PE program would be acceptable for continuing education credit.

UNFINISHED BUSINESS

REVISED SPRINKLER SHOP DRAWINGS REVIEW POLICY

Motion was made by Mr. Campbell and seconded to recommend approval of the revised Sprinkler Shop Drawings Review policy. The motion passed unanimously.

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. Motion was made by Ms. Reinbold and seconded to support the introduction of legislation by the Tennessee Society of Professional Engineers (TSPE) and the American Council of Engineering Companies of Tennessee (ACEC-TN) to decouple the experience and examination requirements. The motion passed, with Mr. Campbell abstaining. Potential legislation to change the statute to allow decoupling will be discussed with Kasey Anderson of TSPE/ACEC-TN.

CORRESPONDENCE FROM JOSEPH TOMASELLO, P.E. RE: PRE-ENGINEERED SYSTEMS

Following discussion of correspondence from Joseph Tomasello, P.E., regarding pre-engineered systems (specifically, whether such systems must be sealed by a registered architect or engineer), the committee concluded that Rule 0120-02-.08(6)(a)(5) would apply to pre-engineered elements. Mr. Cothron was asked to reply accordingly.

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



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
PUBLICATIONS COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Thursday, June 4, 2015

CALL TO ORDER

Stephen King, Committee Chair, called the Publications Committee meeting to order at 8:00 a.m. on June 4, 2015, in Room 1A of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Susan Ballard, R.I.D.
Ricky Bursi, P.E., Associate Member
Stephen King, P.E., Associate Member

A quorum was present.

The following **Board staff** was present:

John Cothron Executive Director
Ellery Richardson Legal Counsel

UNFINISHED BUSINESS

REFERENCE MANUAL REVISIONS

Mr. Bursi reviewed his proposed revisions to Appendix E (Cover Sheet for Plans Submissions), the Standard of Care for Fire Sprinkler System Design (Appendix F), and Appendix G (Engineering Exemption Policy for Fire Sprinkler System Design), which the committee accepted.

Mr. King reviewed proposed Most Commonly Asked Questions #32, #33, and #34. The committee agreed to include questions #32 and #34 as written, but to delete question #33 regarding the use of calculations as plans for construction work.

Mr. Cothron reviewed Bill Lockwood's proposed revision to Most Commonly Asked Question #24 and Appendix D (Example of a Properly Signed and Dated Seal). The committee members agreed that the citation from Rule 0120-02-.08(8) should be added to question #24 rather than Appendix D.

Mr. Cothron also reviewed his proposed revisions to the Requirements for Building Design section (adding occupancy definitions) and noted that several portions of the manual will need to be updated to reflect the recent change in the law raising the threshold for public works projects that require a registered architect, engineer, or landscape architect to \$50,000.

It was noted that additional changes are needed for Appendix E (Cover Sheet for Plans Submissions), which has been assigned to Rick Thompson, and Appendix H (Design and Practice Policies). These changes will be discussed at the next scheduled meeting.

Adjourn. The Chair adjourned the meeting at 8:28 a.m.



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
LAW AND RULES/POLICIES COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Thursday, June 4, 2015

CALL TO ORDER

Robert Campbell, Jr., called the Law and Rules/Policies Committee meeting to order at 8:30 a.m. on June 4, 2015, in Room 1A of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Susan Ballard, R.I.D.
Wilson Borden, Public Member
Robert Campbell, Jr., P.E.
Jerry Headley, R.A.
Laura Reinbold, P.E., Associate Member

A quorum was present.

The following **Board staff** was present:

John Cothron Executive Director
Ellery Richardson Legal Counsel

NEW BUSINESS

DISCUSSION RE: QUALIFICATIONS-BASED SELECTION (QBS) AS IT RELATES TO PUBLIC SCHOOL SYSTEMS

Ms. Richardson presented an informal legal opinion to the committee concluding that local education systems are bound by the QBS requirements of Tennessee Code Annotated (T.C.A.) § 12-4-107(a). Consequently, Ms. Richardson recommended that no changes should be made to questions #1, #4, and #5 of the *Frequently Asked Questions about Qualifications-Based Selection for Public Projects as Defined by T.C.A. § 12-4-107(a)*, and the committee, by consensus, agreed with her analysis.

The committee reviewed other proposed changes to the *Frequently Asked Questions about Qualifications-Based Selection for Public Projects as Defined by T.C.A. § 12-4-107(a)* and agreed by consensus to recommend approval of all changes (excluding changes regarding public schools), using the “Version 2” language for question #3.

Ms. Richardson was asked to add a sentence to the Frequently Asked Questions for consideration in August stating that the responses should not be viewed as comprehensive and urging registrants to contact the Board office for questions that are not addressed in the document.

UNFINISHED BUSINESS

DEFINITIONS OF PRACTICE

Mr. Cothron reported that the American Institute of Architects of Tennessee (AIA-TN) supports the adoption of a uniform definition of the practice of architecture. The committee members agreed to discuss this topic further at the Board Retreat in October.

PROPOSED COMITY STATUTE REVISION

Mr. Cothron reported that AIA-TN supports the adoption of revised comity language to facilitate reciprocity for architects. Motion was made by Mr. Headley and seconded to recommend that the Board pursue the comity statute revision as a legislative proposal for 2016. The motion carried unanimously.

Adjourn. The Chair adjourned the meeting at 9:00 a.m.



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
ARCHITECT COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Thursday, June 4, 2015

CALL TO ORDER

Frank W. Wagster called the Architect Committee meeting to order at 9:02 a.m. on June 4, 2015, in Room 1A of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Jerry Headley, R.A.

Frank W. Wagster, R.A.

A quorum was present.

The following **Board staff** was present:

John Cothron Executive Director

Ellery Richardson Legal Counsel

NEW BUSINESS

DISCUSS PROPOSED NCARB RESOLUTIONS

Committee members reviewed the following resolutions to be considered at the 2015 NCARB Annual Meeting:

- Resolution 2015-1—Amends the *Certification Guidelines* to discontinue the Broadly Experienced Architect (BEA) Program and replace it with alternative education and experience requirements for certification.
- Resolution 2015-2—Amends the *Certification Guidelines* to establish an alternative path to NCARB certification for foreign architects, replacing the current Broadly Experienced

Foreign Architect (BEFA) Program with a new set of requirements for experience and education.

- Resolution 2015-3—Amends the *Bylaws* to modify the qualifications for public director candidates nominated to NCARB’s Board of Directors, which will allow public members serving on member boards to serve on the NCARB Board of Directors.

By consensus, the committee agreed to support all three resolutions.

Adjourn. The Chair adjourned the meeting at 9:30 a.m.

**Board of Architectural and Engineering Examiners
Open Complaints**

	Profession	Complaint #	Received	Allegation	Status	Comments
1	Architect	201202668	12/17/2012	Practice outside area(s) of competence.	Open-Legal	Formal
2	Architect	201401761	7/23/2014	Practice outside area(s) of competence.	Open-Legal	Formal
3	Architect	201501520	6/24/2015	Disciplined in another jurisdiction.	Open-Staff	Letter of Caution
4	Architect	201501560	6/26/2015	Disciplined in another jurisdiction.	Open-Staff	Letter of Caution
5	Architect	201501670	7/8/2015	Disciplined in another jurisdiction.	Open-Staff	Letter of Caution
6	Engineer	201300578	3/14/2013	Practice outside area(s) of competence.	Open-Legal	Informal Conference
7	Engineer	201500204	1/12/2015	Disciplined in another jurisdiction.	Open-Legal	Consent order issued
8	Engineer	201500446	2/3/2015	Violation of Rule 0120-02-.04 [Public Statements].	Open-Legal	Investig. report rec'd
9	Engineer	201500720	3/20/2015	Practice outside area(s) of competence.	Open-Legal	
10	Engineer	201501137	4/29/2015	Unlicensed practice.	Open-Legal	
11	Engineer	201501138	4/29/2015	Practice outside area(s) of competence.	Open-Legal	
12	Engineer	201501457	6/3/2015	Continuing education violation.	Open-Legal	
13	Engineer	201501459	6/5/2015	Disciplined in another jurisdiction.	Open-Staff	Letter of Caution
14	Engineer	201501460	6/5/2015	Disciplined in another jurisdiction.	Open-Staff	Letter of Caution
15	Engineer	201501673	7/9/2015	Disciplined in another jurisdiction.	Open-Staff	Letter of Caution
16	Engineer	201501688	7/9/2015	Practice outside area(s) of competence.	Open-Staff	Response requested
17	Eng Firm	201501462	6/5/2015	Disciplined in another jurisdiction.	Open-Staff	Letter of Caution
18	Eng Firm	201501689	7/10/2015	Disciplined in another jurisdiction.	Open-Staff	Letter of Caution
Number over 180 days old: 5 (28%)						
Number over 180 days old without "clock stopping" action: 1 (6%)						
Number of formal hearings authorized to be heard by Board: 2 (against one respondent)						
Number in Investigations: 0						
Percent on time (clock stopped within 180 days) last 18 months: 100% (80% is goal)						

Action Items (June 2015)

John Cothron (and Board Staff)

- Obtain the number of enrolled seniors from each school in order to calculate the percentage of seniors sitting for the FE exam (for Engineer Committee).
- Present possible revisions to the “Criteria for Fulfillment of the ABET Humanities/Social Sciences Requirement” policy for consideration at the next Engineer Committee meeting.
- Respond to Joseph Tomasello, P.E., regarding pre-engineered systems (for Engineer Committee).

Ellery Richardson

- Review the language on the CLARB professional reference form releasing references from libel and slander claims and provide a recommendation regarding adding this statement to reference forms at the next Engineer Committee meeting.
- Add a paragraph to the informal legal opinion entitled “QBS as It Applies to Public Schools” regarding energy-related services that include engineering services [T.C.A. § 49-2-203(a)(3)(F)], which require QBS.
- Add a sentence to the *Frequently Asked Questions about Qualifications-Based Selection for Public Projects* for consideration in August stating that the responses should not be viewed as comprehensive and urging registrants to contact the Board office for questions that are not addressed in the document.
- Reconsider the informal legal opinion entitled “Discipline of Non-Registrant Who Adds a Title to Plans” in light of the fact that the Board views a title block as an integral part of a design document.
- Submit legislative proposals requesting an amendment to the comity statute (Tenn. Code Ann. § 62-2-304) and amendments stating that architect and landscape architect applicants will retain credit for exams passed in accordance with the policies of NCARB and CLARB.

Rick Thompson

- Review the *Reference Manual for Building Officials and Design Professionals* and revise Appendix E (Cover Sheet for Plans Submissions).



State of Tennessee
Department of Commerce and Insurance
Board of Architectural and Engineering Examiners
500 James Robertson Parkway
800-256-5758 615-741-3221 (Nashville Area)
<http://www.tn.gov/regboards/ae>

Nashville, TN 37243-1142
615-532-9410 (Fax)
ce.aeboard@tn.gov (E-mail)

FREQUENTLY ASKED QUESTIONS ABOUT QUALIFICATIONS-BASED SELECTION FOR PUBLIC PROJECTS AS DEFINED BY T.C.A. § 12-4-107(a)

1. To what projects does T.C.A. § 12-4-107(a) apply?

T.C.A. § 12-4-107 applies to all contracts for architectural, engineering and construction services procured by any municipal corporation, county, state, development district, utility district, human resource agency, or other political subdivision created by statute. Some communications from the Board refer to “public works projects,” which should not be understood in the narrow sense of projects typically associated with public works departments. The term “public works” is used in the general sense of any project paid for by government funds for public use. The statute does not actually use the term “public works.”

2. What has changed? Is the Board of Architectural and Engineering Examiners imposing a new requirement?

The requirement to select design professionals for public projects through qualifications-based selection is not a new requirement. This requirement has been in the law for many years, and the Board of Architectural and Engineering Examiners is not imposing any additional requirements on the state or local jurisdictions. The only change is that, effective March 11, 2013, the Board may now discipline registered architects, engineers, and landscape architects for failing to comply with T.C.A. § 12-4-107(a) and Rule 0120-02-.02(6).

3. Does T.C.A. § 12-4-107(a) encompass studies and other services that do not involve the preparation of sealed plans?

Any study or service that requires professional architectural, engineering, or landscape architectural services and expertise that requires the seal of a registrant, or if these professional services are offered by the proposer, would fall under the scope of the statute.

[In regard to planning services, should this response be revised to distinguish between soliciting for professional services, which requires an RFQ, and soliciting for services with an RFP to which a professional might respond?]

4. Does T.C.A. § 12-4-107(a) apply to public school systems and public building authorities?

Yes. T.C.A. § 12-4-107 applies to all contracts for professional services by any municipal corporation, county, state, development district, utility district, human resource agency, or other political subdivision created by statute.

5. Does T.C.A. § 12-4-107(a) apply to non-profit organizations that receive public funds, such as charter schools?

No. T.C.A. § 12-4-107 applies only to contracts for professional services by any municipal corporation, county, state, development district, utility district, human resource agency, or other political subdivision created by statute. It does not apply to private non-profit organizations, regardless of the source of funding. However, although T.C.A. § 12-4-107(a) does not require qualifications-based selection in these instances, the conditions of the source of funding, such as a governmental grant, may still require qualifications-based selection.

6. Does T.C.A. § 12-4-107(a) apply to landscape architectural services?

Yes. Although the statute does not specifically reference landscape architectural services, it may be safely assumed that such services are included due to the overlap among the architectural, engineering, and landscape architectural professions, and the fact that similar qualifications and standards apply to all three design professions. Additionally, Rule 0120-02-.02(6) does reference landscape architectural services.

7. Does T.C.A. § 12-4-107(a) apply to interior design services?

No. The statute does not reference interior design services, and the Board of Architectural and Engineering Examiners does not regulate the practice of interior design—only use of the title “registered interior designer.”

8. Is it permissible for a registrant to provide a description of intended compensation (i.e., whether you charge a fixed fee, percentage, etc.) in response to a RFQ/RFP for a public project?

Yes, provided that a specific monetary amount or percentage is not included in the response.

9. Is it permissible for a registrant to submit hourly rates and an estimate of man-hours required to complete a design project in response to a RFQ/RFP for a public project?

No. T.C.A. § 12-4-107(a) and Rule 0120-02-.02(6) preclude a registrant from submitting any information that could be used to determine compensation in response to a RFQ/RFP for a public project. However, it is permissible to submit hourly rates if an estimate of man-hours is not provided.

[Is this correct in light of new FHWA Rule 23 CFR § 172.7(a)(1)(iii)(B), which states, “Price shall not be used as a factor in the evaluation, ranking, and selection phase. All price or cost related items which include, but are not limited to, cost proposals, direct salaries/wage rates, indirect cost rates, and other direct costs are prohibited from being used as evaluation criteria”?]

10. Is it permissible for a registrant to submit a price in a sealed envelope in response to a RFQ/RFP for a public project?

No. Registrants may only state compensation to a prospective client in direct negotiation following selection based on qualifications.

11. Does the following procedure comply with T.C.A. § 12-4-107 and Rule 0120-02-.02(6)?

A jurisdiction requests responses to a RFQ. Responses are evaluated to prequalify firms for participation in the RFP process. Prequalified proposers then submit formal proposals (RFPs)—including fees— for consideration and final selection.

No. The prequalification procedure outlined above would not comply. In accordance with T.C.A. § 12-4-107(a), once the public body (client) has selected the most qualified design professional/firm, it may request a fee proposal from that firm. The agency may then negotiate a satisfactory contract with the selected firm. If an agreement cannot be reached and the negotiations are formally terminated, the agency may then proceed to select the next most qualified design professional/firm on the list and continue negotiations until an agreement is reached. However, a procedure in which the agency wishes to contract with as many qualified respondents as possible, multiple firms are selected, and a

contract is negotiated with each firm separately following selection based on qualifications would be in compliance.

12. What alternate methods are available for determining possible architectural, engineering, or landscape architectural costs?

- a. Enlist the aid of a professional or agency such as a Development District in determining the scope of the project for a RFQ. This should allow a realistic budget for the entire project, including construction, so that price surprises are minimized.
- b. State the budget range for professional services in the RFQ. The budgeted amount allows the design professional to determine if they can meet the stated requirements within the budget range and minimizes review time for the municipality.
- c. Use standard cost basis schedules such as used by the State Building Commission or Rural Development to determine expected design costs. These schedules have been used for many years by both governments and design professionals to establish reasonable compensation for projects of various sizes.

13. Is it unethical for one firm/registrant to sit in on a proposal interview for another firm/registrant (a competitor)? Would this be a violation of the Rules of Professional Conduct?

Although such conduct is unprofessional, it does not violate the Rules of Professional Conduct.

14. Does Rule 0120-02-.02(6) apply only to individual design professionals, or does it also apply to corporations, partnerships, and firms?

The rule applies to both individual design professionals and corporations, partnerships, and firms registered in the State of Tennessee (see Rule 0120-02-.01 Applicability).

15. What disciplinary action may result from a violation of Rule 0120-02-.02(6)?

Formal discipline could range from a civil penalty (\$100-\$1,000 per violation) to suspension or even revocation for repeated, grave offenses. The Board considers mitigating and aggravating factors when determining discipline.

16. Can price be considered when selecting a design professional for a public project?

The law does not prevent jurisdictions from negotiating price on projects requiring professional services. Upon selecting the most qualified design professional, the jurisdiction may then negotiate compensation with the registrant/firm. If the contracting agency and most highly qualified firm are unable to negotiate a fair and reasonable contract, the agency may formally terminate negotiations and undertake negotiations with the next most qualified firm, continuing the process until an agreement is reached. The initial selection, however, must be based upon qualifications.

17. Does T.C.A. § 12-4-107(a) and Rule 0120-02-.02(6) apply to transportation planning services for Metropolitan Planning Organizations?

See response to question #3.

18. Does T.C.A. § 12-4-107(a) and Rule 0120-02-.02(6) apply to subconsultants who do not contract directly with a government agency?

No, based on the Board's current interpretation of the statute. T.C.A. § 12-4-107(a) applies only to contracts between a state or local government agency and an architect/engineer/landscape architect. If a registrant is not entering into a contract with a governmental entity, then they may include a fee in their proposal for a public project. However, in keeping with the spirit of the law, the Board urges registrants to select subconsultants on the basis of their qualifications.

19. What is an appropriate way for a registrant to respond to a request for a price?

If a registrant becomes aware of a state or local agency that is requesting a fee in a proposal for a public project, this should be brought to the attention of the Board office. In such cases, Board staff will send a letter to the agency issuing the RFP asking them to eliminate fees from their request. The Board has no jurisdiction over state and local government agencies, but, in most cases, the issuing agency will voluntarily remove the requirement to submit fees and reissue the request. Registrants may wish to provide information on Tenn. Code Ann. § 12-4-107(a) and Rule 0120-02-.02(6) to prospective clients so they will understand why submittals for public projects are non-responsive on the issue of fees. State professional societies may also offer assistance in educating government agencies regarding qualifications-based selection.

The above responses reflect the Board of Architectural and Engineering Examiners' interpretation of T.C.A. § 12-4-107, as necessary to enforce Rule 0120-02-.02(6), and were adopted on June 12, 2014, October 10, 2014, June 4, 2015, and _____. The above responses should not be viewed as comprehensive, and registrants are urged to contact the Board office for questions that are not addressed in this document.

Notice of October 14-16, 2015 meeting of the Board of Architectural and Engineering Examiners.
Posted to the Board of Architectural & Engineering Examiners' website on _____.



**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
500 JAMES ROBERTSON PARKWAY
DAVY CROCKETT TOWER
NASHVILLE, TENNESSEE 37243
Telephone: 615-741-3221 Fax: 615-532-9410
Program Website: <http://www.tn.gov/commerce/section/architects-engineers>**

AGENDA

**BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
NOTICE OF BOARD MEETING**

The University of Tennessee at Chattanooga
Engineering, Math & Computer Science Building, Room 426
615 McCallie Avenue
Chattanooga, Tennessee 37403

Wednesday, October 14, 2015

1:00 P.M. INTERIOR DESIGN COMMITTEE MEETING

CALL TO ORDER – Susan Ballard, Chair

NEW BUSINESS

- Potential Law, Rule, and Policy Changes

ADJOURNMENT

1:30 P.M. LANDSCAPE ARCHITECT COMMITTEE MEETING

CALL TO ORDER – Bill Lockwood, Chair

NEW BUSINESS

- Potential Law, Rule, and Policy Changes
- CLARB Annual Meeting Report

ADJOURNMENT

The listed order of items and times on the agenda are subject to change, as the Board reserves the right to move to the next agenda items due to cancellations or deferrals.

Board meetings will be conducted by permitting participation of the Board members by electronic or other means of communication if necessary. Any member participation by electronic means shall be audible to the public at the location specified above. The Department of Commerce and Insurance is committed to principles of equal access.

If you need assistance with attending this meeting due to a disability please contact the Department's ADA Coordinator at (615) 741-0481.

2:00 P.M. ARCHITECT COMMITTEE MEETING

CALL TO ORDER – Rick Thompson, Chair

NEW BUSINESS

- Applications and Audits for Review, Discussion and Signature
- Potential Law, Rule, and Policy Changes

ADJOURNMENT

2:30 P.M. ENGINEER COMMITTEE MEETING

CALL TO ORDER – Hal Balthrop, Chair

NEW BUSINESS

- Applications and Audits for Review, Discussion and Signature
- Potential Law, Rule, and Policy Changes
- NCEES Annual Meeting Report

UNFINISHED BUSINESS

- Licensing Agreements with Foreign Jurisdictions
- Decoupling of Experience and Examination Requirements for PE Registration
- Energy Service Companies and Engineering Registration Laws

ADJOURNMENT

The University of Tennessee at Chattanooga
Engineering, Math & Computer Science Building, Room 426
615 McCallie Avenue
Chattanooga, Tennessee 37403

Thursday, October 15, 2015

8:00 A.M. LAW AND RULES/POLICIES COMMITTEE MEETING

CALL TO ORDER – Rick Thompson, Chair

NEW BUSINESS

- Potential Law, Rule, and Policy Changes

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ADJOURNMENT

9:00 A.M. GRANTS TO HIGHER EDUCATION COMMITTEE MEETING

CALL TO ORDER – Susan Ballard, Chair

NEW BUSINESS

- Distribution of Grant Funds

ADJOURNMENT

9:30 A.M. FINANCE COMMITTEE MEETING

CALL TO ORDER – Susan Ballard, Chair

NEW BUSINESS

- Review of Financial Data

ADJOURNMENT

10:00 A.M. PUBLICATIONS COMMITTEE MEETING

CALL TO ORDER – Stephen King, Chair

NEW BUSINESS

- Newsletter Articles

UNFINISHED BUSINESS

- Reference Manual Revisions

ADJOURNMENT

10:30 A.M. LICENSURE OUTREACH COMMITTEE MEETING

CALL TO ORDER – Bill Lockwood, Chair

NEW BUSINESS

- Outreach Activities
- Meetings with Deans/Program Directors

ADJOURNMENT

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11:00 A.M. CONTINUING EDUCATION COMMITTEE MEETING

CALL TO ORDER – Frank Wagster, Chair

NEW BUSINESS

- Potential Rule and Policy Changes

ADJOURNMENT

11:30 A.M. LUNCH

1:00 P.M. MEETING WITH ENGINEERING AND INTERIOR DESIGN STUDENTS/FACULTY

2:30 P.M. BOARD MEMBER TRAINING

- Board Member Orientation Manual
- Robert’s Rules of Order
- Review of U.S. Supreme Court Case *North Carolina State Board of Dental Examiners v. Federal Trade Commission*

The University of Tennessee at Chattanooga
Engineering, Math & Computer Science Building, Room 426
615 McCallie Avenue
Chattanooga, Tennessee 37403

Friday, October 16, 2015

8:00 A.M. BOARD MEETING

CALL TO ORDER – Robert Campbell, Jr., Chair

- Roll Call
- Acknowledge Guests
- Announcements
- Review Agenda for Changes and/or Additions

OPEN FORUM

CONSENT AGENDA – John Cothron, Executive Director

- Minutes from August 2015 Board Meeting
- Staff Complaint Report

PROFESSIONAL SOCIETY REPORTS

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LEGAL CASE REPORT – Ellery Richardson

DIRECTOR’S REPORT – John Cothron

- Complaint Data
- Licensing Data
- Financial Data

UNFINISHED BUSINESS – John Cothron

- Action Items
- Qualifications-Based Selection

NEW BUSINESS

- Authorization of Travel and Speakers
- 2016 Proposed Travel
- Application/Examination Deadline Dates

COMMITTEE REPORTS

- Interior Design Committee
- Landscape Architect Committee
- Architect Committee
- Engineer Committee
- Law and Rules/Policies Committee
- Grants to Higher Education Committee
- Finance Committee
- Publications Committee
- Licensure Outreach Committee
- Continuing Education Committee

GENERAL DISCUSSION OF FUTURE PLANS, ACTION ON ITEMS DISCUSSED

ADJOURNMENT

Visitors may obtain a parking permit from _____. Meters are also located throughout the campus to provide short-term parking for occasional visitors. A map of the campus is available at <http://www.utc.edu/auxiliary-services/maps.php>.

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2016

Schedule of Events

- **February 10-12—Committee/Board Meetings**
- **February 13—SC/NCARB Educators Conference, New Orleans, LA**
- **March 1—Engineers’ Day on the Hill**
- **March 10-12—NCARB Regional Meeting, Savannah, GA**
- **April 6—Engineers/Surveyors Meeting**
- **April 7-9—NCEES Southern Zone Mtg, Nashville**
- **April 13-15—Committee/Board Meetings**
- **April 17-20—ACEC Annual Convention**
- **May 19-21—AIA National Convention**
- **June 1-3—Committee/Board Meetings**
- **June 15-18—NCARB Annual Meeting, Seattle, WA**
- **June 22-26—NSPE Annual Meeting**
- **August 10-12—Committee/Board Meetings**
- **August 24-27—NCEES Annual Meeting, Indianapolis, IN**
- **September 14-17 (?)—CLARB Annual Meeting**
- **September 15-16 (?)—ACEC-TN/TSPE Annual Meeting**
- **October 5-7—Planning Session/Board Meeting**
- **October 19-22—ACEC Fall Conference**
- **October 21-24—ASLA Annual Meeting**
- **November 11-12 (?)—CIDQ Annual Meeting**
- **December 7-9—Committee/Board Meetings**

State of Tennessee Board of Architectural and Engineering Examiners

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REPORT ON 2015 NCARB ANNUAL MEETING NEW ORLEANS, LA

The following issues were discussed at the NCARB Annual Meeting on June 17-20, 2015:

- Delegates were presented with an outline of a “Broadly Experienced Intern” proposal that would provide a new experience path for professionals with valid work experience that falls outside the limits of the Intern Development Program (IDP). NCARB is seeking feedback from member boards to help shape a final proposal.
- NCARB President Dennis Ward has appointed a new Ethics Task Force.
- The Future Title Task Force recommended the sunseting of the term “intern.” The task force agreed that the title “architect” must be reserved for licensed persons. NCARB has begun the process of removing the term “intern” from program names and publications.
- Workshops addressed the following topics: Managing Sunset Reviews; Best Practices for Minimizing Unlicensed Practice; Shaping the Path to Licensure—How Programs are Developed; An Evolving NCARB—Changes that May Impact Your Board; Broadly Experienced Intern Proposal.
- Resolutions: Three (3) resolutions were voted on:
 - Resolution 2015-1—Would have amended the *Certification Guidelines* to discontinue the Broadly Experienced Architect (BEA) Program and replace it with alternative education and experience requirements for certification. The original resolution would have required five (5) years of continuous licensure in any U.S. jurisdiction and documentation of work experience verified in accordance with the requirements of the Intern Development Program (IDP). Applicants with a pre-professional degree in architecture would have been required to document two times (2x) the experience requirement of IDP; all other applicants (including those without a college degree) would have been required to document five times (5x) the experience requirement of IDP. An amendment passed requiring applicants to hold a four (4) year baccalaureate degree, and requiring applicants with a degree in a field other than architecture to document three times (3x) the experience requirement of IDP. However, the amended resolution failed to obtain the absolute majority of 28 votes required by the *Bylaws* and did not pass.
 - Resolution 2015-2— Amends the requirements for certification of foreign architects to require foreign architects to record IDP experience and pass the Architect Registration Examination (ARE) in order to obtain an NCARB Certificate. This resolution passed. An amendment to require an Educational Evaluation Services for Architects (EESA) evaluation for all foreign applicants failed (the adopted resolution only requires an evaluation if there is doubt about the nature of the professional degree).

- Resolution 2015-3—Amends the *Bylaws* to modify the qualifications for Public Director candidates nominated to NCARB’s Board of Directors to allow public members serving on member boards to serve on the Board of Directors. An amendment passed to remove the requirement that a candidate for election as the Public Director be nominated by the Council Board of Directors, and allow individuals to self-nominate by declaring their candidacy at the Annual Meeting. The amended resolution passed.
- Officer Elections: The following individuals were elected to serve on the NCARB Board of Directors—
 - Dennis Ward (SC), President
 - Kristine Harding (AL), First Vice President/President-Elect
 - Greg Erny (NV), Second Vice President
 - David Hoffman (KS), Treasurer
 - Terry Allers (IA), Secretary
 - Kingsley Glasgow (AR), Member Board Executive Director

Alfred Vidaurri (TX) serves as the Director of Region 3 (the Southern Conference).

- Future Meetings: The next regional meeting is scheduled for March 10-13, 2016, in Savannah, GA. Next year’s annual meeting is scheduled for June 15-18, in Seattle, WA.