

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 October 5, 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**

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
- Applicant Interview
- Potential Law, Rule, and Policy Changes
- NCEES Annual Meeting Report
- Update on 2016 NCEES Southern Zone Meeting
- Components of Progressive Engineering Experience
- New FE Application Process
- Discussion re: acceptance of applicants who passed the PE exam in another jurisdiction and apply for registration by exam rather than comity

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

ADJOURNMENT

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The University of Tennessee at Chattanooga
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Chattanooga, Tennessee 37403

Thursday, October 15, 2015

8:30 A.M. LAW AND RULES/POLICIES COMMITTEE MEETING

CALL TO ORDER – Rick Thompson, Chair

NEW BUSINESS

- Potential Law, Rule, and Policy Changes

ADJOURNMENT

9:30 A.M. GRANTS TO HIGHER EDUCATION COMMITTEE MEETING

CALL TO ORDER – Susan Ballard, Chair

NEW BUSINESS

- Distribution of Grant Funds
- Review of Grant Guidelines
 - Research Awards for Undergraduate Students
 - Grant Proposal Deadline Change
 - Deletion of Subrecipient Monitoring Plan Requirement

ADJOURNMENT

10:00 A.M. FINANCE COMMITTEE MEETING

CALL TO ORDER – Frank Wagster, Chair

NEW BUSINESS

- Review of Financial Data

ADJOURNMENT

10:30 A.M. PUBLICATIONS COMMITTEE MEETING

CALL TO ORDER – Stephen King, Chair

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NEW BUSINESS

- Newsletter Articles

UNFINISHED BUSINESS

- Reference Manual Revisions

ADJOURNMENT

11:00 A.M. LICENSURE OUTREACH COMMITTEE MEETING

CALL TO ORDER – Bill Lockwood, Chair

NEW BUSINESS

- Outreach Activities
- Meetings with Deans/Program Directors

ADJOURNMENT

11:30 A.M. CONTINUING EDUCATION COMMITTEE MEETING

CALL TO ORDER – Frank Wagster, Chair

NEW BUSINESS

- Potential Rule and Policy Changes

ADJOURNMENT

12:00 P.M. LUNCH

12:30 P.M. MEETING WITH INTERIOR DESIGN STUDENTS/FACULTY
(Hunter Hall, Room 408)

1:30 P.M. BOARD MEMBER TRAINING

- Board Member Orientation Manual
- Robert’s Rules of Order
- Formal Hearing Briefing
- Proactive Enforcement Efforts/Outreach

3:00 P.M. MEETING WITH ENGINEERING STUDENTS/FACULTY
(Engineering, Math & Computer Science Building, Room 407)

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Chattanooga, Tennessee 37403

Friday, October 16, 2015

8:30 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

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

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- 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 contact UTC Parking Services at 423-425-4051 for parking information. Meters are also located throughout the campus to provide short-term parking. A map of the campus is available at <http://www.utc.edu/auxiliary-services/maps.php>.

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POTENTIAL LAW CHANGES FOR DISCUSSION

- Discuss need for experience duration requirement for architect exam applicants (3 years for most applicants); should completion of IDP be sufficient?
- Adding definitions of architecture, engineering, and landscape architecture to the law:

- **“Practice of architecture.”** (from NCARB Model Law)
Providing or offering to provide those services, hereinafter described, in connection with the design and construction, enlargement, or alteration of a building or group of buildings and the space within and the site surrounding such buildings, which have as their principal purpose human occupancy or habitation. The services referred to include pre-design, programming, planning, providing designs, drawings, specifications and other technical submissions, the administration of construction contracts, and the coordination of any elements of technical submissions prepared by others including, as appropriate and without limitation, consulting engineers and landscape architects; provided that the practice of architecture shall not include the practice of engineering as defined in [Statute Reference], but a registered architect may perform such engineering work as is incidental to the practice of architecture.

- **Engineering** (from NCEES Model Law)
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.
- **Landscape Architecture** (from CLARB Model Law)

Practice of Landscape Architecture – Any service where landscape architectural knowledge training, and experience are applied.

The practice of Landscape Architecture applies the principles of mathematical, physical and social sciences in consultation, evaluation, planning, design (including, but not limited to, the preparation and filing of plans, drawings, specifications and other contract documents) and administration of contracts relative to projects principally directed at the functional and aesthetic use and preservation of land.

These services include, but are not limited to:

1. Investigation, selection and allocation of land and water resources for appropriate uses;
2. Formulation of feasibility studies, and graphic and written criteria to govern the planning, design and management of land and water resources;
3. Preparation, review and analysis of land use master plans, subdivision plans and preliminary plats;
4. Determining the location and siting of improvements, including buildings and other features, as well as the access and environs for those improvements;
5. Design of land forms, storm water drainage, soil conservation and erosion control methods, site lighting, water features, irrigation systems, plantings, pedestrian and vehicular circulation systems and related construction details.

POTENTIAL RULE CHANGES FOR DISCUSSION

EXAM CREDIT

- Can rule be adopted stating that architect and landscape architect exam candidates will retain credit for any parts of the exam passed in accordance with the policies of NCARB and CLARB? Compare T.C.A. §§ 62-2-504(c) and 62-2-804(c).

“HOUSEKEEPING” CHANGES

- Delete grandfathering rule for interior designers (Rule 0120-04-.09).

SEALS

- Amend Rule 0120-02-.08(8)(b) to state, “Electronic signatures and dates of signature are not required to be placed across the face and beyond the circumference of the seal, but may [rather than “must”] be placed adjacent to the seal,” OR “Electronic signatures and dates of signature must be placed either across the face and beyond the circumference of the seal or adjacent to the seal.” This reflects a comment received from several registrants that the current wording could be interpreted to mean that the signature and date must be placed adjacent to the seal and cannot be placed across the seal, which is not the intent of the rule.
- Add requirement to Seals rule that drawings that are not construction documents be clearly designated “preliminary—not for construction” or by some other means indicating the drawings are not complete.
- Amend Seals rule to state that registrants shall seal the original cover or index page(s) of all design calculations that are submitted for review. As originally written, the rule appears to require that all pages of calculations be sealed. Should this be expanded to include engineering reports and estimates?

REFERENCES

- Amend References rule to give Board more flexibility, e.g., in waiving requirement for past employer/supervisor reference.

- Add the following paragraph regarding confidentiality of references and transcripts to Rules 0120-01-.04 Applications—General and 0120-04-.03 Applications, or submit as a legislative proposal:
 - Letters of recommendation, reference forms, or transcripts submitted as part of or in supplement to an application are considered non-public records. These records are only used as advisory material for the Board’s determination of individual qualification, and they will not be divulged except in special cases when required by law.

ENGINEERING EXPERIENCE

- Amend Rule 0120-01-.10 to state, “Concurrent time, that is, time spent in engineering work while completing a Master’s degree (or higher), will be credited either as education experience or work experience but not both. Applicants may not receive more than one (1) year’s total credit for any one (1) year.”

SERVICE IN AREAS OF COMPETENCE

- Amend rules (including Rule 0120-02-.03 Service in Areas of Competence) to restrict architects to architectural practice, engineers to engineering practice, and landscape architects to landscape architectural practice unless they apply to the Board for authorization to practice in another area, at which time the Board would evaluate their education and experience to determine competence. [Suggested by litigator. For engineers, should this be tied to the registrant’s examination discipline?]

TITLE BLOCKS

- Consider adding title block requirements to the rules. Example from Mississippi architecture board rules:

3.2.2 All stationery, printed matter, title blocks, and listings of an architectural firm or business, including a sole proprietorship, shall contain the name of at least one (1) person who is registered as an architect in this state, and any firm or business name listed on such documents shall be the firm or business name(s) provided in conjunction with the architect’s registration with the Board. No person shall be named on any card, stationery, title block, printed matter or listing of such a firm (partnership, professional corporation, professional association, or professional limited liability company) used in this state unless there is designated thereon whether or not such person is licensed in this state. Employees of a firm that are not registered as an architect or engineer in any jurisdiction are allowed to use business cards for that firm, provided that the job title of the individual is clearly stated and said title does not lead the public to believe the employee is a licensed architect in this state.

PROFESSIONAL CONDUCT

- Add rule stating that registrants cannot lie or give false information to the Board.

CONTINUING EDUCATION

- Amend continuing education rules to allow credit for patents and authoring accepted licensing examination items. NCEES *Model Rules* allow 10 PDHs for each patent, and up to 5 PDHs for writing examination items. Also, the NCEES *Model Rules* only allow 10 PDHs for each published peer-reviewed paper or book in the licensee’s area of professional practice, and 5 PDHs for other published papers or articles; our rules state that credit for publications “will equal preparation time spent not to exceed twenty-five (25) PDHs per publication.”
- Require a specific number of ethics hours.
- Reduce the time period to complete additional hours after disallowance from 180 days to 60 days (as in NCARB *Model Regulations*).

FIRMS

- Tenn. Code Ann. § 48-101-610(2) [the Tennessee Professional Corporation Act] allows professional corporations to issue shares of stock to non-licensed individuals only “if the licensing authority which licenses the professionals forming such corporations specifically authorizes the issuance of such shares.” Should a rule be adopted authorizing the issuance of such shares?

POLICIES

- Review Board policies to determine which policies should be incorporated into the rules.

FOR DISCUSSION ONLY

REPORT ON THE 2015 CLARB ANNUAL MEETING NEW ORLEANS, LA

The following issues were discussed at the CLARB Annual Meeting on September 17-19, 2015:

- Member Board Executives (MBEs) discussed creating effective boards (including board member orientation, dealing with threats to licensure, and effective chapter relations) at the MBE Exchange.
- Member Board Members (MBMs) participated in a full-day training program delivered by the Council on Licensure, Enforcement and Regulation (CLEAR) on advanced concepts in regulatory governance.
- Presentations were delivered on member research results, strategic planning, and avoiding legal pitfalls.
- Critical Conversation sessions addressed the following issues:
 - Updating and improving the CLARB Model Law. Proposed Model Law revisions will likely be presented for adoption in 2016.
 - The future of licensure. It was pointed out that only eight (8) professions/occupations have been deregulated in the U.S. in the last 40 years.
 - Development and analysis of the Landscape Architect Registration Examination (LARE).
- The following goals were outlined for 2016:
 - Conducting a global task analysis.
 - Administering the LARE in a selected nation outside the U.S. and Canada.
 - Implementing an easier online exam registration system.
 - Encouraging earlier testing.
- The following bylaws changes were adopted:
 - The qualifications for Board of Directors positions were updated to reflect competency-based selection criteria (must be a licensed landscape architect and have experience on a regulatory board and current knowledge and understanding of CLARB).
 - A voting Member Board Executive (MBE) Director position was added to the CLARB Board of Directors.
 - The Alternate Regional Director position was phased out.
 - The structure and processes of the Committee on Nominations were changed to better align with organizational goals and objectives.
 - The Board of Directors was given authority to make adjustments to regional boundaries as necessary.
- The following officers were elected: Randy Weatherly (OK), President; Chris Hoffman (MS), President-Elect; Christine Anderson (CA), Vice President; Stan Williams (NC), Treasurer. Bob Mercier (MS) was elected as Region 3 Director.
- The next Annual Meeting is scheduled for September 22-24, 2016, in Philadelphia, PA. CLARB is planning to hold the 2020 Annual Meeting in New York City.

2015 NCEES Annual Meeting Report Williamsburg, VA

- A controversial motion calling for a protected Structural Engineer title and restricted structural engineering practice failed by a narrow margin (32-31). In Florida, a structural engineering licensure bill passed in the legislature, but was vetoed by the governor. A structural engineering licensure bill has been filed in Georgia.
- A motion establishing a new position statement relative to future education requirements for engineering licensure (bachelor's + 30/master's or equivalent) passed.
- Delegates voted to authorize the negotiation of a contract with the Egyptian Engineering Syndicate to offer the FE exam in Egypt to graduates of the country's engineering programs, regardless of whether they are accredited by the ABET Engineering Accreditation Commission.
- Two Future of Surveying Task Force motions passed to promote surveying education and licensure.
- Year-round FE testing begins in January 2016; there will be no more gaps between testing windows.
- Ideas for more proactive law enforcement/outreach:
 - Presentations to local building officials throughout the state and SFMO.
 - Presentations at large firms.
 - Work with Secretary of State regarding firm names.
 - OH conducts a program targeted at new registrants each year. Topics include:
 - Overview of board's functions
 - Responsibilities of professional licensure (including requirement to report violations and respond to Board requests)
 - Review of laws and rules, ethics
 - Firm disclosure requirements
 - Continuing education requirements
 - Complaint process
- NC Dental Board case. Options available:
 - Minimize competitive effects of decisions (stay within scope of law—be sure definition of practice is clear). Stay away from complaints regarding unwanted competition.
 - Submit decisions for approval by other agencies. In OK, AG must approve all board decisions by order of governor. AL's governor is creating an oversight commission with veto power.
 - Indemnify individual board members.
 - Change composition of boards so that active market participants are a minority.

Presenter expressed his opinion that he does not think the FTC will aggressively pursue other registration boards; advisory boards may become more common.

Key points: Confusion exists—don't overreact or become an alarmist! Must be careful to stay within scope of the law.

- Officer Elections: Michael Conzett (NE) began his term as 2015–16 NCEES President. Dan Turner (AL) was elected to serve as President-Elect. Gary Thompson (NC) was elected to serve as Treasurer. Theresa Hodge (SC) began her term as the new Southern Zone VP, and Christopher Knotts (LA) was elected as the zone Secretary-Treasurer.

Engineer Intern Certification

Tennessee State Board of Architectural and Engineering Examiners

Background Information for Engineer Interns



INTRODUCTION

The Board has developed this guide to provide background information on the Engineer Intern certification process, general guidelines for assessing progressive engineering experience, and applying for registration by examination as a Professional Engineer.

Under Tennessee law, the following individuals meet the educational criteria to sit for the National Council of Examiners for Engineering Surveying (NCEES) Fundamentals of Engineering Examination:

1. Students who have senior standing in an undergraduate engineering curriculum that has been accredited by the Engineering Accreditation Commission (EAC) of the ABET; or
2. Individuals who have obtained an undergraduate engineering degree accredited by the EAC of the ABET or an undergraduate engineering degree determined to be substantially equivalent to an EAC/ABET-accredited degree.

Application is made to and approval must be received from the Tennessee Board to sit for the Fundamentals of Engineering Examination. Applications may be obtained from the Board office or from the Board's website. Passage of the Fundamentals of Engineering examination entitles one to receive Engineer Intern certification. Your certification, issued by the Tennessee Board, is valid indefinitely. Individuals who have obtained Engineer Intern certification may use the title "Engineer Intern." However, this certification does not entitle the individual to practice engineering. After a minimum of four-years of progressive engineering experience under the direct supervision of a registered professional engineer, an individual with Engineer Intern certification is eligible to apply for registration by examination as a Professional Engineer in Tennessee.

WHAT CONSTITUTES PROGRESSIVE ENGINEERING EXPERIENCE?

The Special Committee on Experience Evaluation of the NCEES has developed the following guidelines for the work areas and skills an engineer intern must develop to obtain progressive engineering experience.

PRACTICAL APPLICATION OF THEORY

- **ANALYSIS**—of operating conditions; performance assessment; feasibility studies; constructability; value engineering; safety; environmental issues; economic issues; risk assessment; reliability.

- **DESIGN**—construction plan or specification preparation; product specifications; component selection; maintenance and social implications of final product.
- **TESTING**—developing or specifying testing procedures; verifying functional specifications; implementing quality control and assurance; maintenance and replacement evaluation.
- **IMPLEMENTATION**—of engineering principles in design, construction, or research; performance of engineering cost studies; process flow and time studies; implementation of quality control and assurance; safety issues; environmental issues.
- **SYSTEMS APPLICATION**—evaluation of components of a larger system; evaluation of the reliability of system parts; design and evaluation of equipment control systems while considering ergonomics, utility, manufacturing tolerances, and operating and maintenance concerns; the engineering required to establish programs and procedures for the maintenance and management of buildings, bridges, and other types of structures where failure or improper operation would endanger the public health and safety.

- **TIME IN THE ENGINEERING PROCESS**—difficulties of workflow; scheduling; equipment life; corrosion rates and replacement scheduling.

- **KNOWLEDGE AND UNDERSTANDING**— codes, standards, regulations, and laws that govern applicable engineering activities.

MANAGEMENT OF ENGINEERING

Engineering management includes supervising staff, managing engineering projects, and managing and administering technology as it is applied in the field or in construction. It may involve:

- **PLANNING**—developing concepts; evaluating alternative methods.
- **SCHEDULING**—preparing task breakdowns and schedules.
- **BUDGETING AND CONTRACTING**—cost estimating and control; contract development.
- **SUPERVISING**—organizing human resources; motivating teams; directing and coordinating project resources.
- **PROJECT CONTROL**—complete or partial project control.
- **RISK ASSESSMENT**—assessment of risk associated with the progression of the project.

COMMUNICATION SKILLS

- **Accumulation of project knowledge** through interpersonal communication with supervisors, clients, subordinates, or team interaction.
- **Transmission of project knowledge** in verbal or written methods to clients, supervisors, subordinates, the general public, or team members. Examples would be via meetings, written reports, public hearings and reporting or findings and suggestions, other written correspondence and/or verbal briefings.

SOCIAL IMPLICATIONS OF ENGINEERING

- **Promoting and safeguarding** the health, safety, and welfare of the public as demonstrated in daily work activities.
- **Demonstrating an awareness** of the consequences the work performed may incur and a desire to mitigate or eliminate any potential negative impact.
- **Following a code of ethics** that promotes a high degree of integrity in the practice of professional engineering.

WHAT ARE THE REGISTRATION REQUIREMENTS TO PRACTICE AS A PROFESSIONAL ENGINEER?

If you meet the minimum educational and experience requirements listed below, you are considered eligible to apply for registration as a Professional Engineer by examination.

- An undergraduate engineering degree (4-year minimum) that has been accredited by the EAC of the ABET or that has been determined to be substantially equivalent to an EAC/ABET-accredited degree with 4 years of progressive engineering experience (with Engineer Intern certification) or 12 years of progressive engineering experience (without Engineer Intern certification).

The Board utilizes the Principles and Practice of Engineering examinations developed by the NCEES for the examination requirement for registration. All examinations that have been developed by the NCEES are offered in the State of Tennessee. Before you can be scheduled to sit for an examination, your application must be approved by the Board. Applications may be obtained from the Board office or from the Board's website.

WHY SHOULD I BECOME REGISTERED AS A PROFESSIONAL ENGINEER?

- Under Tennessee law, an individual who offers or is providing engineering services directly to the public must be registered by the Tennessee Board to offer or provide the respective engineering services. Only registered engineers may seal and sign plans, reports, or other design documents; do consulting work for public or private clients; or publicly represent themselves as being an engineer in Tennessee.
- Dedication and commitment to the engineering profession. Registration also indicates to the public that you have met minimum competence for practicing the profession.
- Engineering registration enables you to be more "marketable" and enhances your ability to change jobs in the private sector.
- Many employers in industry and government require registration to advance to senior engineering positions—opportunities that would not be available to you without a professional license.
- According to national studies, P.E.'s generally enjoy higher pay throughout their careers than non-registered engineers.

ABOUT THE BOARD

The Tennessee General Assembly created the Board of Architectural and Engineering Examiners in 1921 to safeguard life, health, and property and to promote the public welfare. The Board is charged with establishing minimum registration standards for architects, engineers, landscape architects, and registered interior designers, and regulating the practice of architecture, engineering, and landscape architecture, and the use of the title "registered interior designer" in the State of Tennessee.

The Board is comprised of three architects, three engineers, one landscape architect, one registered interior designer, one public member, and three non-voting associate engineers from across the state. The Board usually meets six times a year and at such other times as deemed necessary. The administrative functions of the Board are overseen by the Executive Director and the Board staff.

Please feel free to contact the Board office should you have questions about your Engineer Intern certification or registration as a Professional Engineer.

State of Tennessee
Department of Commerce and Insurance
Board of Architectural and Engineering Examiners
500 James Robertson Parkway
Nashville, TN 37243-1142
615-741-3221 or 800-256-5758
615-532-9410 (fax)
www.tn.gov/commerce/boards/ae
ce.aeboard@tn.gov

Revised 2012



Proposed New Engineer Intern Application Process

Current Application Procedure

Examinees apply directly to the Board to sit for the FE exam. There are no deadlines since the exam is offered throughout the year. Schools either sign applications for seniors or submit lists of students eligible to sit for the exam. Following approval of the application, applicants are notified of their eligibility and instructed to register with NCEES. Applicants register and pay the exam fee on the NCEES website, and sit for the exam at a Pearson VUE test center of their choice. NCEES sends the exam results directly to the examinee within one week of taking the exam, and Engineer Intern certificates are mailed to candidates who pass.

Background of Proposed Change

The majority of state boards follow an “automatic” approval model, in which examinees register for the FE exam directly with NCEES and are automatically approved to take the exam. After passing the exam, examinees then apply to the state board for engineer intern certification, and the board verifies their exam result with NCEES.

When the FE exam was first converted to a computer-based format, the Board supported moving toward an automatic approval model, but statutory changes were necessary in order to adopt this process (the law stated that the board had to approve candidates for admission to the exams). These changes have now been made, and rule changes are pending (with an effective date of 12/14/15) to allow applicants to apply for engineer intern certification after passing the required examination rather than applying for admission to the examination.

Proposed Application Process

Examinees will register for the FE exam directly with NCEES and will be automatically approved to take the exam. After passing the exam, examinees will apply to the Board for engineer intern certification, and staff will verify their exam result with NCEES and issue a certificate. Two options for automatic approval through NCEES are available:

- Fully automatic—no education information is required. Anyone who applies is approved to sit for the exam.
- Education-restricted option—we could specify that only applicants with EAC/ABET-accredited degrees are eligible for automatic approval; all others would be referred to the state board for manual approval. However, NCEES does not currently verify the education information provided by candidates. There are plans to eventually require transcripts (for graduates—not senior students), but at present transcripts are not required.

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



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: _____

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)

Allocation of Grant Funds FY 2015-2016

7/1/2015

| <i>Profession</i> | <i>Active Registrants</i> | <i>Inactive Registrants</i> | <i>Total Registrants</i> | <i>% of Overall Registrants</i> |
|--------------------|---------------------------|-----------------------------|--------------------------|---------------------------------|
| Architects | 3,110 | 443 | 3,553 | 19.2% |
| Engineers | 11,876 | 2,315 | 14,191 | 76.7% |
| Landscape Arch. | 324 | 44 | 368 | 2.0% |
| Interior Designers | 344 | 52 | 396 | 2.1% |
| Total | 15,654 | 2,854 | 18,508 | 100.0% |

| | | | |
|---------------------|----------------------|--------|------------|
| \$ 300,000 | Architects | 19.2% | \$ 57,600 |
| (Active & Inactive) | Landscape Architects | 2.0% | \$ 6,000 |
| | Interior Designers | 2.1% | \$ 6,300 |
| | Engineers | 76.7% | \$ 230,100 |
| | | 100.0% | \$ 300,000 |

Previous Allocations

| <i>FY 2002-2003</i> | <i>FY 2009-2010</i> |
|------------------------------|------------------------------|
| Architects \$ 38,395 | Architects \$ 40,000 |
| Engineers \$ 130,235 | Engineers \$ 150,000 |
| Interior Designers \$ 6,730 | Interior Designers \$ 10,000 |
| \$ 175,360 | \$ 200,000 |
| <i>FY 2003-2004</i> | <i>FY 2010-2011</i> |
| Architects \$ 38,308 | Architects \$ 40,000 |
| Engineers \$ 130,585 | Engineers \$ 150,000 |
| Interior Designers \$ 6,107 | Interior Designers \$ 10,000 |
| \$ 175,000 | \$ 200,000 |
| <i>FY 2004-2005</i> | <i>FY 2011-2012</i> |
| Architects \$ 37,455 | Architects \$ 49,250 |
| Engineers \$ 127,545 | Engineers \$ 189,250 |
| Interior Designers \$ 10,000 | Land Architects \$ 4,750 |
| \$ 175,000 | Interior Designers \$ 6,750 |
| | \$ 250,000 |
| <i>FY 2005-2006</i> | <i>FY 2012-2013</i> |
| Architects \$ 37,950 | Architects \$ 48,250 |
| Engineers \$ 127,050 | Engineers \$ 190,750 |
| Interior Designers \$ 10,000 | Land Architects \$ 5,000 |
| \$ 175,000 | Interior Designers \$ 6,000 |
| | \$ 250,000 |
| <i>FY 2006-2007</i> | <i>FY 2013-2014</i> |
| Architects \$ 37,950 | Architects \$ 57,300 |
| Engineers \$ 127,050 | Engineers \$ 229,800 |
| Interior Designers \$ 10,000 | Land Architects \$ 6,000 |
| \$ 175,000 | Interior Designers \$ 6,900 |
| | \$ 300,000 |
| <i>FY 2007-2008</i> | <i>FY 2014-2015</i> |
| Architects \$ 42,000 | Architects \$ 57,600 |
| Engineers \$ 148,000 | Engineers \$ 229,800 |
| Interior Designers \$ 10,000 | Land Architects \$ 5,700 |
| \$ 200,000 | Interior Designers \$ 6,900 |
| | \$ 300,000 |
| <i>FY 2008-2009</i> | |
| Architects \$ 42,000 | |
| Engineers \$ 148,000 | |
| Interior Designers \$ 10,000 | |
| \$ 200,000 | |

| PROPOSED 2015-16 GRANT DISTRIBUTION | | | | | | | |
|--|---------------------|---|------------|---------------------|-------------------|---------------------|------------------|
| Total: | \$ 300,000 | (additional \$50,000 available to fund 1% minimum--\$3,000--for programs) | | | | | |
| Architecture Distribution | | \$ 57,600 | | | | | |
| 50% divided equally | | <u>Enrollment</u> | <u>%</u> | <u>Request</u> | <u>Enroll Amt</u> | <u>Grant</u> | |
| UT Knoxville | \$ 14,400 | 310 | 75.43 | \$ 52,760 | \$ 21,724 | \$ 36,124 | |
| U of Memphis | \$ 14,400 | 101 | 24.57 | \$ 29,810 | \$ 7,076 | \$ 21,476 | |
| <i>Totals</i> | <i>\$ 28,800</i> | <i>411</i> | <i>100</i> | | <i>\$ 28,800</i> | <i>\$ 57,600</i> | |
| Landscape Arch Distribution | | \$ 6,000 | | | | | |
| | | <u>Enrollment</u> | | <u>Request</u> | | <u>Grant</u> | |
| UT Knoxville | 20 | | | Combined with Arch. | | \$ 6,000 | |
| Interior Design Distribution | | \$ 6,300 | | | | | |
| <u>Institution</u> | 50% divided equally | <u>Enrollment</u> | <u>%</u> | <u>Request</u> | <u>Enroll Amt</u> | <u>1% Min. Amt.</u> | <u>Grant</u> |
| UT Knoxville | \$ 630 | 100 | 26.32 | Combined | \$ 829 | \$ 1,541 | \$ 3,000 |
| UT Chattanooga | \$ 630 | 90 | 23.68 | \$ 3,000 | \$ 746 | \$ 1,624 | \$ 3,000 |
| MTSU | \$ 630 | 73 | 19.21 | \$ 1,787 | \$ 605 | \$ 1,765 | \$ 3,000 |
| O'More | \$ 630 | 67 | 17.63 | \$ 3,000 | \$ 555 | \$ 1,815 | \$ 3,000 |
| U of Memphis | \$ 630 | 50 | 13.16 | Combined | \$ 415 | \$ 1,955 | \$ 3,000 |
| <i>Totals</i> | <i>\$ 3,150</i> | <i>380</i> | <i>100</i> | | <i>\$ 3,150</i> | <i>\$ 8,700</i> | <i>\$ 15,000</i> |
| Engineering Distribution | | \$ 230,100 | | | | | |
| <u>Institution</u> | 50% divided equally | <u>Enrollment</u> | <u>%</u> | <u>Request</u> | <u>Enroll Amt</u> | <u>Grant</u> | |
| UT Knoxville | \$ 11,505 | 2613 | 27.82 | \$ 50,000 | \$ 32,007 | \$ 43,512 | |
| TN Tech | \$ 11,505 | 2108 | 22.44 | \$ 63,828 | \$ 25,817 | \$ 37,322 | |
| UT Chattanooga | \$ 11,505 | 1246 | 13.26 | \$ 29,919 | \$ 15,256 | \$ 26,761 | |
| Vanderbilt | \$ 11,505 | 1111 | 11.83 | \$ 29,240 | \$ 13,610 | \$ 25,115 | |
| U of Memphis | \$ 11,505 | 868 | 9.24 | \$ 26,438 | \$ 10,631 | \$ 22,136 | |
| TSU | \$ 11,505 | 687 | 7.31 | \$ 52,211 | \$ 8,410 | \$ 19,915 | |
| UT Martin | \$ 11,505 | 265 | 2.82 | \$ 13,500 | \$ 3,244 | \$ 14,749 | |
| CBU | \$ 11,505 | 264 | 2.81 | \$ 19,006 | \$ 3,233 | \$ 14,738 | |
| Lipscomb | \$ 11,505 | 178 | 1.9 | \$ 19,544 | \$ 2,186 | \$ 13,691 | |
| Union | \$ 11,505 | 54 | 0.57 | \$ 15,000 | \$ 656 | \$ 12,161 | |
| <i>Totals</i> | <i>\$ 115,050</i> | <i>9394</i> | <i>100</i> | | <i>\$ 115,050</i> | <i>\$ 230,100</i> | |
| Total with 1% minimum funding: | | \$ 308,700 | | | | | |
| <i>Discussion/Methodology:</i> | | | | | | | |
| 1. \$300,000 distributed among professions based on number of active & inactive registrants as of 7/1/15. | | | | | | | |
| 2. Distribution calculated by dividing 50% of allotment among the schools equally, then distributing the remaining 50% based on % of enrollment. | | | | | | | |
| 3. Programs with grant amount below 1% of total (\$3,000) given additional funding to raise grant to \$3,000. | | | | | | | |
| NOTE: Watkins College of Art, Design & Film elected not to submit a proposal this year. | | | | | | | |

GUIDELINES FOR ADMINISTERING BLOCK GRANTS TO
TENNESSEE INSTITUTIONS OF HIGHER EDUCATION
WITH ACCREDITED ARCHITECTURE, ENGINEERING, LANDSCAPE
ARCHITECTURE AND INTERIOR DESIGN PROGRAMS

Solicitation of Proposals:

Each eligible institution of higher education will be contacted by the Board's Executive Director after August 1st each year grants are available for distribution. Grants may be used only for computers to be utilized by students, laboratory or instructional equipment, library resources, or to pay intern development program fees or examination fees for students, and may not be used toward staff salaries, administrative costs, etc. Equipment purchased by the university with grant funds must remain the property of the university.

- EAC/ABET Programs—

Board of Regents System—University of Memphis, Tennessee State University, Tennessee Technological University

University of Tennessee System—University of Tennessee at Knoxville, University of Tennessee at Chattanooga, University of Tennessee at Martin

Private Institutions—Christian Brothers University, Lipscomb University, Union University, Vanderbilt University

- NAAB Programs—

Board of Regents System—University of Memphis

University of Tennessee System—University of Tennessee at Knoxville

Private Institutions—none

- CIDA (formerly FIDER) Programs—

Board of Regents System—University of Memphis, Middle Tennessee State University

University of Tennessee System—University of Tennessee at Knoxville, University of Tennessee at Chattanooga

Private Institutions—O'More College of Design, Watkins College of Art, Design & Film

- LAAB Programs—

Board of Regents System—none

University of Tennessee System—University of Tennessee at Knoxville

Private Institutions—none

Architecture, engineering, landscape architecture, and interior design programs at colleges and universities that are within two (2) academic years of receiving accreditation are also eligible for grant funds.

Submission of Proposals:

- Eligible programs desiring to seek a grant from the Board will submit a written request by October 1st of each year (or date determined by the Board) that grants are available for distribution to the attention of the Board's Executive Director. Programs that do not submit requests by the established deadline may be excluded from the grant distribution. Requests are to include the following information:
 - Name of Institution and College/School of Architecture, Engineering, Landscape Architecture or Interior Design seeking grant.
 - Name of Dean or his/her Designee who will be responsible for overseeing the administration of the grant.
 - Mission Statement, Goals, and Objectives of the Schools of Architecture, Engineering, Landscape Architecture and Interior Design seeking grants.
 - General profile of each accredited program and average number of students participating in program.
 - Name of account into which grant funds will be deposited.
 - Number of students for whom the school proposes to pay intern development program fees or examination fees, if applicable.
 - Current level of spending for laboratory and computer equipment.
 - Specific computer or laboratory needs, ranked from highest to lowest priority, designated by each accredited program, to include the following information:
 - Description of the equipment to be purchased.
 - Cost estimate for each piece of equipment.
 - Justification statement (including age of current equipment and any supporting documentation, if available, backing up specific needs).
 - Assurance that equipment will be purchased utilizing the institution's purchasing guidelines and identified through the institution's inventory control procedures.

Review of Proposals by Board:

- Grants Committee, appointed annually by the Chair of the Board, will review submitted proposals, and make recommendations to the full Board for

disbursement of grant funds. Recommendations are to be finalized/acted upon no later than the February Board Meeting.

- Following approval by the Board of amounts, if any, to be expended to each program, designated member(s) of the Board's staff will draft the appropriate grant contract documents for review and approval by designated reviewing and approval authorities—Department of Commerce and Insurance, Department of Finance and Administration, and State Comptroller's Office.

Administering Grant Funds:

Grant funds will be awarded upon completion of the contract process based upon the amount approved by the Board. A year-end report should be submitted, utilizing an inventory control report, to the Board office as determined by the Board. The inventory control report must include the following information:

- Itemized list of equipment purchased
- The accredited program for which the equipment was purchased
- Actual cost of the equipment
- Property tag numbers

A copy of the invoice(s) for the respective equipment purchased should accompany the inventory control report. If grant funds are utilized to pay intern development program fees or examination fees, documentation of these payments should also be provided.

Board staff will prepare a Subrecipient Monitoring Plan on an annual basis, in accordance with Department of Finance and Administration Policy No. 22, and all programs will be monitored in accordance with this plan.

If the terms of the grant contract are not met by the stated deadlines, the program will forfeit the grant money allocated to them for that year.

Approved by the Board: August 16, 2001

Revised July 18, 2002

Revised July 22, 2004

Revised October 12, 2006

Revised October 19, 2007

Revised September 18, 2008

Revised June 16, 2011

Revised October 12, 2012

Revised June 12, 2013

Revised June 12, 2014

**FY 2014-2015 FINANCIAL REPORT
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS**

| | 1ST QUARTER JULY-SEPT 2014 | 1ST QUARTER JULY-SEPT 2013 | 2ND QUARTER OCT-DEC 2014 | 2ND QUARTER OCT-DEC 2013 | 3RD QUARTER JAN-MAR 2015 | 3RD QUARTER JAN-MAR 2014 | 4TH QUARTER APR-JUNE 2015 | 4TH QUARTER APR-JUNE 2014 | TOTALS |
|---------------------------------------|-------------------------------|-------------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|------------------------------|------------------------------|---------------------|
| REVENUE | | | | | | | | | |
| ARCHITECTS | \$ 61,585.00 | \$ 70,410.00 | \$ 65,765.00 | \$ 62,880.00 | \$ 79,900.00 | \$ 69,915.00 | \$ 88,225.00 | \$ 65,721.00 | 295,475.00 |
| ENGINEERS | 258,430.00 | 263,395.00 | 248,330.61 | 239,124.00 | 279,160.39 | 296,225.00 | 387,083.59 | 289,424.00 | 1,173,004.59 |
| ENGINEER INTERNS | 1,605.00 | 30,990.00 | 1,365.00 | 900.00 | 4,010.00 | 2,610.00 | 2,120.00 | 1,735.00 | 9,100.00 |
| LANDSCAPE ARCHITECTS | 8,720.00 | 6,550.00 | 6,535.00 | 5,655.00 | 8,090.00 | 5,445.00 | 8,605.00 | 7,940.00 | 31,950.00 |
| INTERIOR DESIGNERS | 9,980.00 | 5,495.00 | 8,475.00 | 5,375.00 | 7,980.00 | 10,115.00 | 6,160.00 | 6,755.00 | 32,595.00 |
| CASE AND COMPLAINT REVENUE | - | - | - | - | - | - | 2,150.00 | 15,450.00 | 2,150.00 |
| STATE REGULATORY FEE | - | - | - | - | - | - | (100,690.00) | (93,300.00) | (100,690.00) |
| | \$ 340,320.00 | \$ 376,840.00 | \$ 330,470.61 | \$ 313,934.00 | \$ 379,140.39 | \$ 384,310.00 | \$ 393,653.59 | \$ 293,725.00 | 1,443,584.59 |
| EXPENDITURES | | | | | | | | | |
| REGULAR SALARIES & WAGES | \$ 66,583.00 | 66,368.13 | \$ 65,983.34 | \$ 66,574.67 | \$ 63,983.18 | 65,583.00 | \$ 56,969.55 | 64,183.00 | 253,519.07 |
| PART-TIME SALARIES & WAGES (PER DIEM) | 3,050.00 | 3,433.34 | 3,650.00 | 2,666.66 | 2,050.00 | 2,800.00 | 4,100.00 | 3,950.00 | 12,850.00 |
| EMPLOYEE BENEFITS | 29,307.16 | 28,612.42 | 29,210.96 | 28,825.91 | 29,411.03 | 29,827.80 | 25,058.47 | 28,831.70 | 112,987.62 |
| IN-STATE TRAVEL | 3,058.90 | 2,382.16 | 9,526.26 | 9,537.66 | 2,764.15 | 3,322.83 | 7,414.53 | 6,025.93 | 22,763.84 |
| OUT-OF-STATE TRAVEL | 4,748.35 | 4,062.09 | 7,486.78 | 4,600.34 | 1,384.61 | 3,178.73 | 3,515.66 | 7,351.98 | 17,135.40 |
| PRINTING & DUPLICATING | - | 119.51 | 65.88 | 255.92 | - | - | - | - | 65.88 |
| COMMUNICATIONS & SHIPPING COSTS | 4,552.77 | 4,860.09 | 5,526.46 | 5,187.45 | 5,297.82 | 5,591.43 | 7,709.55 | 5,828.02 | 23,086.60 |
| MAINTENANCE & REPAIRS | - | - | - | - | 17.36 | 229.95 | - | - | 17.36 |
| THIRD PARTY PROFESSIONAL SERVICES | 9,545.56 | 9,306.37 | 11,817.43 | 154,251.22 | 21,262.84 | 14,751.93 | 16,538.51 | 4,051.79 | 59,164.34 |
| SUPPLIES & OFFICE FURNITURE | 284.91 | 582.96 | 3.24 | 492.35 | 203.26 | 1,299.56 | 304.27 | 164.76 | 795.68 |
| RENTALS & INSURANCE | 269.04 | 269.04 | 550.50 | 787.44 | 403.56 | 403.56 | 134.52 | 391.14 | 1,357.62 |
| GRANTS & SUBSIDIES | - | - | - | - | 186,504.00 | 300,000.00 | 113,496.00 | - | 300,000.00 |
| TRAINING OF STATE EMPLOYEES | 2,675.00 | - | - | 300.00 | 745.00 | 2,700.00 | 1,550.00 | 2,680.00 | 4,970.00 |
| COMPUTER RELATED ITEMS | 122.65 | 189.00 | - | 140.90 | 145.98 | 501.15 | 339.90 | 1,390.47 | 608.53 |
| STATE PROFESSIONAL SERVICES | 8,207.85 | 8,564.27 | 11,871.53 | 13,250.63 | 11,589.33 | 12,499.26 | 15,523.04 | 18,132.03 | 47,191.75 |
| TOTAL DIRECT EXPENDITURES | \$ 132,405.19 | \$ 128,749.38 | \$ 145,692.38 | \$ 286,871.15 | \$ 325,762.12 | 442,689.20 | \$ 252,654.00 | 142,980.82 | 856,513.69 |
| COST BACKS | | | | | | | | | |
| DEPARTMENT | | | | | | | 278,665.02 | 208,237.73 | 278,665.02 |
| INVESTIGATIONS | | | | | | | 7,844.57 | 3,297.31 | 7,844.57 |
| LEGAL | | | | | | | - | 45,605.00 | - |
| TOTAL COST BACKS | | | | | | | 286,509.59 | 257,140.04 | 286,509.59 |
| TOTAL EXPENDITURES | \$ 132,405.19 | \$ 128,749.38 | \$ 145,692.38 | \$ 286,871.15 | \$ 325,762.12 | 442,689.20 | \$ 539,163.59 | 400,120.86 | 1,143,023.28 |
| YTD RESERVE | \$ 207,914.81 | \$ 248,090.62 | \$ 392,693.04 | \$ 275,153.47 | \$ 446,071.31 | 216,774.27 | \$ 300,561.31 | 323,170.13 | 300,561.31 |
| BALANCE ADJUSTMENTS (CORE EXPENSE) | | | | | | | - | (88,954.00) | - |
| ACCUMULATED RESERVE | | | | | | | | 1,213,000.39 | 1,513,561.70 |

NOTES: Rentals and Insurance includes lease of reproduction equipment; Training of State Employees includes registration fees for national council meetings; State Professional Services includes printing by state agencies and lease of office space.

MONTHLY EXPENDITURE DETAIL
FY 2014-2015

APRIL 2015

| | |
|--|---------------------|
| REGULAR SALARIES & WAGES | \$ 18,575.55 |
| PART-TIME SALARIES & WAGES (PER DIEM) | \$ 1,600.00 |
| EMPLOYEE BENEFITS | \$ 9,008.15 |
| | |
| IN-STATE TRAVEL | |
| In-State Mileage | \$ 1,582.02 |
| In-State Airfare | \$ - |
| In-State Meals & Incidentals | \$ 891.00 |
| In-State Lodging | \$ 1,211.63 |
| In-State Travel--Other | \$ 183.54 |
| | \$ 3,868.19 |
| | |
| OUT-OF-STATE TRAVEL | |
| Out-of-State Airfare | \$ 506.70 |
| Out-of-State Travel--Other | \$ - |
| Out-of-State Meals | \$ - |
| Out-of-State Mileage | \$ - |
| Out-of-State Lodging | \$ - |
| | \$ 506.70 |
| | |
| PRINTING & DUPLICATING | \$ - |
| | |
| COMMUNICATIONS & SHIPPING COSTS | |
| Telecommunications | \$ - |
| Postal Charges | \$ 1,929.80 |
| Freight & Express Charges | \$ - |
| | \$ 1,929.80 |
| | |
| MAINTENANCE & REPAIRS | \$ - |
| | |
| THIRD PARTY PROFESSIONAL SERVICES | |
| Court Reporter Services | \$ - |
| Document Destruction Services | \$ - |
| General Business Consulting Svcs | |
| Dr. John W. Smith | \$ 50.00 |
| Credit Card Fees (online renewal) | \$ 3,249.19 |
| Organization Memberships/Dues | |
| NCARB | \$ 6,500.00 |
| Other Legal Services | \$ - |
| Other | \$ - |
| Consulting Services--Testing Services | \$ - |
| | \$ 9,799.19 |
| | |
| SUPPLIES & OFFICE FURNITURE | |
| Office Supplies & Furniture | \$ 307.24 |
| Operational Supplies | \$ - |
| Training Supplies | \$ - |
| Sensitive Minor Equipment | \$ - |
| Food and Beverages (for meetings) | \$ - |
| | \$ 307.24 |
| | |
| RENTALS & INSURANCE | |
| Rent or Lease of Buildings | \$ - |
| Rent or Lease of Reproduction Equipment | \$ 134.52 |
| | \$ 134.52 |

MONTHLY EXPENDITURE DETAIL
FY 2014-2015

| | |
|---|----------------------|
| GRANTS & SUBSIDIES | |
| UT Martin | \$ 14,822.00 |
| UT Knoxville | \$ 86,068.00 |
| Union University | <u>\$ 12,306.00</u> |
| | \$ 113,196.00 |
| TRAINING OF STATE EMPLOYEES | |
| In-Service Training | \$ - |
| Out-Service Training | |
| NCEES regional mtg reg fee | <u>\$ 295.00</u> |
| | \$ 295.00 |
| COMPUTER RELATED ITEMS | |
| Maintenance of Equipment | \$ - |
| Data Processing Supplies | \$ 176.90 |
| Data Processing Services (Non-State) | \$ - |
| Sensitive Minor Computers | <u>\$ -</u> |
| | \$ 176.90 |
| STATE PROFESSIONAL SERVICES | |
| Data Processing Services (F&A, OIR) | \$ - |
| Statewide Accounting Billing | \$ - |
| Telephone Billing | \$ 1,042.69 |
| Payroll Billing | \$ - |
| Lock Box Billing | \$ - |
| Attorney General Billings | \$ - |
| Administrative Judges Billing (SOS) | \$ 200.00 |
| Agency Internal Administrative Costs | \$ - |
| Agency Internal Info Systems Costs | \$ - |
| Printing & Reproduction by State Agencies | \$ 693.17 |
| Rent or Lease of State Buildings | \$ 2,492.96 |
| State-Owned Vehicle Charges | \$ - |
| Other | <u>\$ -</u> |
| | \$ 4,428.82 |
| TOTAL APRIL 2015 | \$ 163,826.06 |

MAY 2015

| | |
|--|---------------------|
| REGULAR SALARIES & WAGES | \$ 18,347.00 |
| PART-TIME SALARIES & WAGES (PER DIEM) | \$ 700.00 |
| EMPLOYEE BENEFITS | \$ 7,790.31 |
| IN-STATE TRAVEL | |
| In-State Mileage | \$ - |
| In-State Airfare | \$ - |
| In-State Meals & Incidentals | \$ - |
| In-State Lodging | \$ - |
| In-State Travel--Other | <u>\$ 45.00</u> |
| | \$ 45.00 |
| OUT-OF-STATE TRAVEL | |
| Out-of-State Airfare | \$ - |
| Out-of-State Travel--Other | \$ - |
| Out-of-State Meals | \$ 355.00 |
| Out-of-State Mileage | \$ - |
| Out-of-State Lodging | <u>\$ 587.84</u> |

MONTHLY EXPENDITURE DETAIL
FY 2014-2015

| | | |
|--|----|----------|
| | \$ | 942.84 |
| PRINTING & DUPLICATING | \$ | - |
| COMMUNICATIONS & SHIPPING COSTS | | |
| Telecommunications | \$ | - |
| Postal Charges | \$ | 1,429.09 |
| Freight & Express Charges | \$ | 18.15 |
| | \$ | 1,447.24 |
| MAINTENANCE & REPAIRS | \$ | - |
| THIRD PARTY PROFESSIONAL SERVICES | | |
| Court Reporter Services | \$ | - |
| Document Destruction Services | \$ | - |
| General Business Consulting Svcs | | |
| Dr. John W. Smith | \$ | 50.00 |
| Credit Card Fees (online renewal) | \$ | 1,079.54 |
| Organization Memberships/Dues | \$ | - |
| Other Legal Services | \$ | - |
| Other | \$ | 2,002.67 |
| Consulting Services--Testing Services | \$ | - |
| | \$ | 3,132.21 |
| SUPPLIES & OFFICE FURNITURE | | |
| Office Supplies & Furniture | \$ | (2.97) |
| Operational Supplies | \$ | - |
| Training Supplies | \$ | - |
| Sensitive Minor Equipment | \$ | - |
| | \$ | (2.97) |
| RENTALS & INSURANCE | | |
| Rent or Lease of Buildings | \$ | - |
| Rent or Lease of Reproduction Equipment | \$ | - |
| | \$ | - |
| GRANTS & SUBSIDIES | | |
| Christian Brothers University | \$ | 300.00 |
| TRAINING OF STATE EMPLOYEES | | |
| In-Service Training | \$ | - |
| Out-Service Training | | |
| NCARB reg. fee | \$ | 665.00 |
| NCEES reg. fees | \$ | 590.00 |
| | \$ | 1,255.00 |
| COMPUTER RELATED ITEMS | | |
| Maintenance of Equipment | \$ | - |
| Data Processing Supplies | \$ | - |
| Data Processing Services (Non-State) | \$ | - |
| Sensitive Minor Computers | \$ | - |
| | \$ | - |
| STATE PROFESSIONAL SERVICES | | |
| Data Processing Services (F&A, OIR) | \$ | - |
| Statewide Accounting Billing | \$ | - |
| Telephone Billing | \$ | 1,079.42 |
| Payroll Billing | \$ | - |

MONTHLY EXPENDITURE DETAIL
FY 2014-2015

| | |
|---|--------------------|
| Lock Box Billing | \$ - |
| Attorney General Billings | \$ - |
| Administrative Judges Billing (SOS) | \$ - |
| Agency Internal Administrative Costs | \$ - |
| Agency Internal Info Systems Costs | \$ - |
| Printing & Reproduction by State Agencies | \$ - |
| Rent or Lease of State Buildings | \$ 2,492.96 |
| State-Owned Vehicle Charges | \$ - |
| Other | \$ - |
| | <u>\$ 3,572.38</u> |

TOTAL MAY 2015 **\$ 37,529.01**

JUNE 2015

| | |
|--|---------------------|
| REGULAR SALARIES & WAGES | \$ 20,047.00 |
| PART-TIME SALARIES & WAGES (PER DIEM) | \$ 1,800.00 |
| EMPLOYEE BENEFITS | \$ 8,260.01 |

IN-STATE TRAVEL

| | |
|------------------------------|--------------------|
| In-State Mileage | \$ 1,810.44 |
| In-State Airfare | \$ - |
| In-State Meals & Incidentals | \$ 693.00 |
| In-State Lodging | \$ 913.90 |
| In-State Travel--Other | \$ 84.00 |
| | <u>\$ 3,501.34</u> |

OUT-OF-STATE TRAVEL

| | |
|----------------------------|--------------------|
| Out-of-State Airfare | \$ 427.50 |
| Out-of-State Travel--Other | \$ 260.00 |
| Out-of-State Meals | \$ 319.50 |
| Out-of-State Mileage | \$ - |
| Out-of-State Lodging | \$ 1,059.12 |
| | <u>\$ 2,066.12</u> |

PRINTING & DUPLICATING

\$ -

COMMUNICATIONS & SHIPPING COSTS

| | |
|---------------------------|--------------------|
| Telecommunications | \$ - |
| Postal Charges | \$ 4,332.51 |
| Freight & Express Charges | \$ - |
| | <u>\$ 4,332.51</u> |

MAINTENANCE & REPAIRS

\$ -

THIRD PARTY PROFESSIONAL SERVICES

| | |
|---------------------------------------|--------------------|
| Court Reporter Services | \$ - |
| Document Destruction Services | \$ 20.34 |
| General Business Consulting Svcs | |
| Credit Card Fees (online renewal) | \$ 3,586.77 |
| Organization Memberships/Dues | \$ - |
| Other Legal Services | \$ - |
| Other | \$ - |
| Consulting Services--Testing Services | \$ - |
| | <u>\$ 3,607.11</u> |

MONTHLY EXPENDITURE DETAIL
FY 2014-2015

SUPPLIES & OFFICE FURNITURE

| | | |
|-----------------------------|-----------|----------|
| Office Supplies & Furniture | \$ | - |
| Operational Supplies | \$ | - |
| Training Supplies | \$ | - |
| Sensitive Minor Equipment | \$ | - |
| | <u>\$</u> | <u>-</u> |

RENTALS & INSURANCE

| | | |
|---|-----------|----------|
| Rent or Lease of Buildings | \$ | - |
| Rent or Lease of Reproduction Equipment | \$ | - |
| | <u>\$</u> | <u>-</u> |

GRANTS & SUBSIDIES

\$ -

TRAINING OF STATE EMPLOYEES

| | | |
|----------------------|-----------|----------|
| In-Service Training | \$ | - |
| Out-Service Training | \$ | - |
| | <u>\$</u> | <u>-</u> |

COMPUTER RELATED ITEMS

| | | |
|--------------------------------------|-----------|---------------|
| Maintenance of Equipment | \$ | - |
| Data Processing Supplies | \$ | 163.00 |
| Data Processing Services (Non-State) | \$ | - |
| Sensitive Minor Computers | \$ | - |
| | <u>\$</u> | <u>163.00</u> |

STATE PROFESSIONAL SERVICES

| | | |
|---|-----------|-----------------|
| Data Processing Services (F&A, OIR) | \$ | 2,553.00 |
| Statewide Accounting Billing | \$ | - |
| Telephone Billing | \$ | 2,166.18 |
| Payroll Billing | \$ | - |
| Lock Box Billing | \$ | - |
| Attorney General Billings | \$ | - |
| Administrative Judges Billing (SOS) | \$ | - |
| Agency Internal Administrative Costs | \$ | - |
| Agency Internal Info Systems Costs | \$ | - |
| Printing & Reproduction by State Agencies | \$ | - |
| Rent or Lease of State Buildings | \$ | 2,492.40 |
| State-Owned Vehicle Charges | \$ | - |
| Other | \$ | 310.26 |
| | <u>\$</u> | <u>7,521.84</u> |

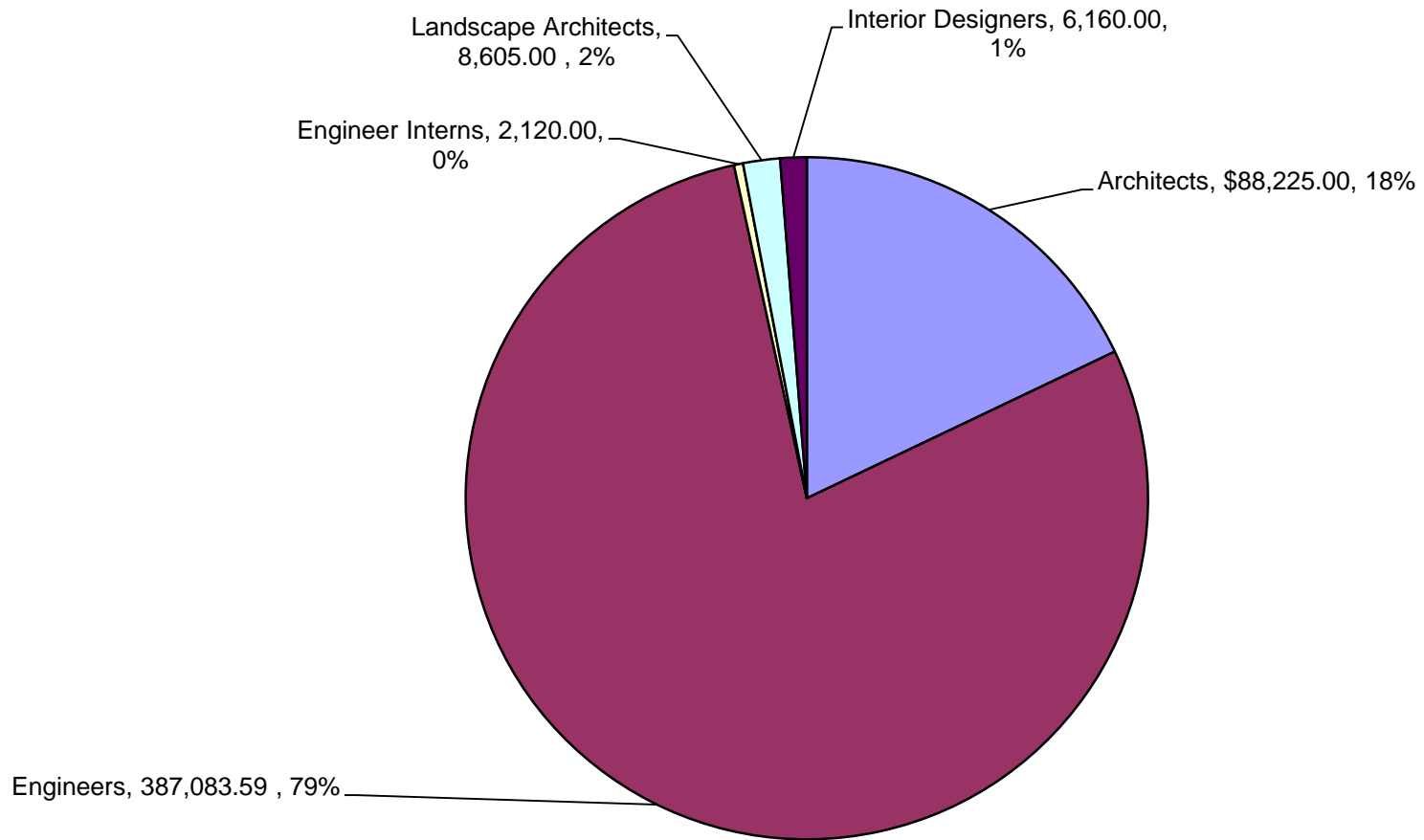
TOTAL JUNE 2015

\$ 51,298.93

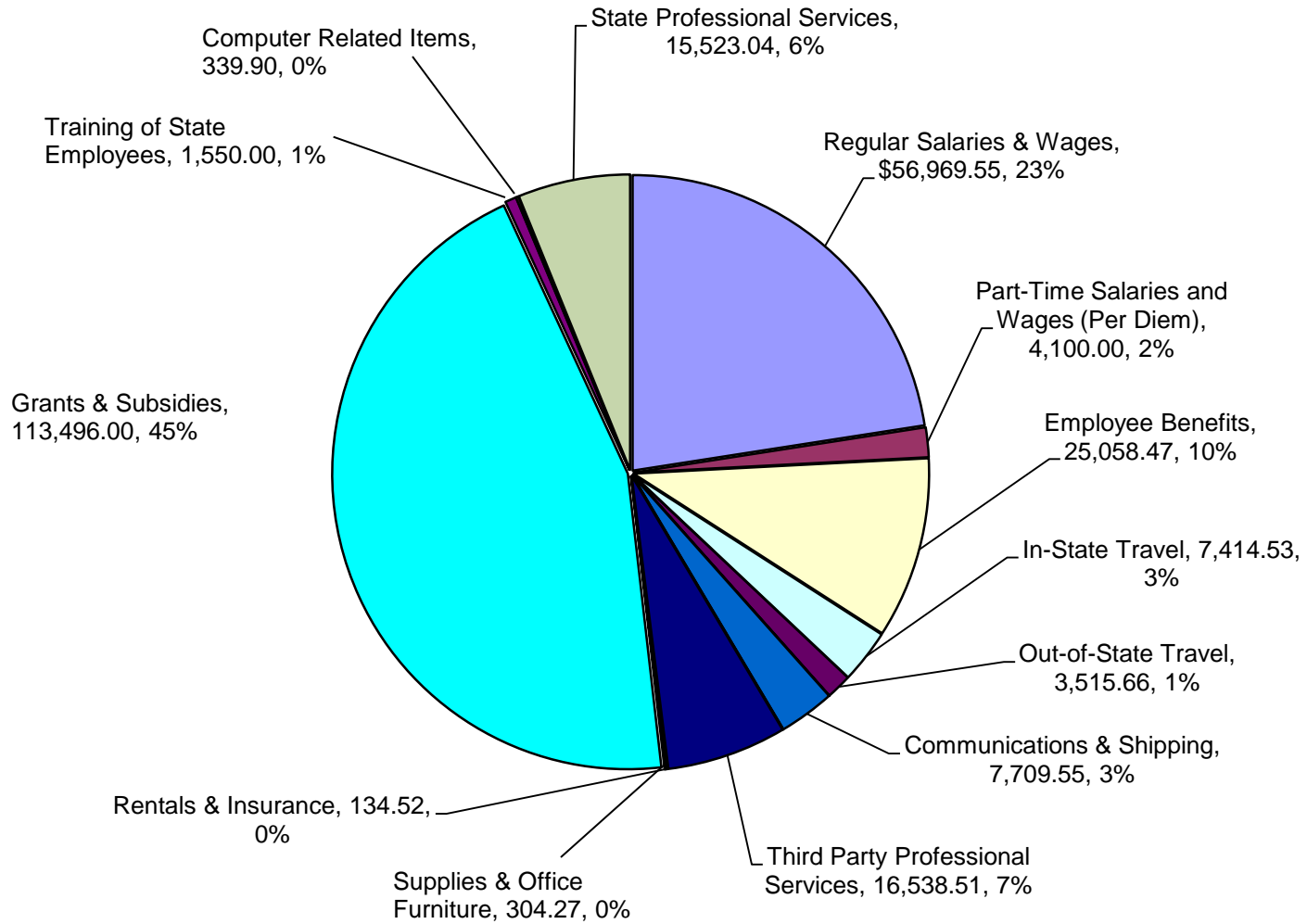
**MONTHLY REVENUE BREAKDOWN
FY 2014-2015**

| First Quarter | Architects | Engineers | Eng Interns | Land Arch | Int Designers | Total |
|-----------------------|---------------------|----------------------|--------------------|--------------------|----------------------|------------------------|
| July | \$ 20,295.00 | \$ 116,440.00 | \$ 195.00 | \$ 2,355.00 | \$ 2,615.00 | \$ 141,900.00 |
| August | \$ 20,955.00 | \$ 76,495.00 | \$ 270.00 | \$ 2,910.00 | \$ 3,005.00 | \$ 103,635.00 |
| September | \$ 20,335.00 | \$ 65,495.00 | \$ 1,140.00 | \$ 3,455.00 | \$ 4,360.00 | \$ 94,785.00 |
| | \$ 61,585.00 | \$ 258,430.00 | \$ 1,605.00 | \$ 8,720.00 | \$ 9,980.00 | \$ 340,320.00 |
| Second Quarter | | | | | | |
| October | \$ 21,135.00 | \$ 67,995.00 | \$ 555.00 | \$ 2,885.00 | \$ 3,580.00 | \$ 96,150.00 |
| November | \$ 22,225.00 | \$ 64,680.00 | \$ 285.00 | \$ 1,635.00 | \$ 2,655.00 | \$ 91,480.00 |
| December | \$ 22,405.00 | \$ 115,655.61 | \$ 525.00 | \$ 2,015.00 | \$ 2,240.00 | \$ 142,840.61 |
| | \$ 65,765.00 | \$ 248,330.61 | \$ 1,365.00 | \$ 6,535.00 | \$ 8,475.00 | \$ 330,470.61 |
| Third Quarter | | | | | | |
| January | \$ 29,425.00 | \$ 122,860.39 | \$ 840.00 | \$ 2,100.00 | \$ 2,410.00 | \$ 157,635.39 |
| February | \$ 23,690.00 | \$ 77,800.00 | \$ 1,865.00 | \$ 3,080.00 | \$ 2,465.00 | \$ 108,900.00 |
| March | \$ 26,785.00 | \$ 78,500.00 | \$ 1,305.00 | \$ 2,910.00 | \$ 3,105.00 | \$ 112,605.00 |
| | \$ 79,900.00 | \$ 279,160.39 | \$ 4,010.00 | \$ 8,090.00 | \$ 7,980.00 | \$ 379,140.39 |
| Fourth Quarter | | | | | | |
| April | \$ 19,480.00 | \$ 85,125.06 | \$ 1,040.00 | \$ 2,255.00 | \$ 2,720.00 | \$ 110,620.06 |
| May | \$ 23,835.00 | \$ 87,053.53 | \$ 600.00 | \$ 2,435.00 | \$ 1,290.00 | \$ 115,213.53 |
| June | \$ 44,910.00 | \$ 214,905.00 | \$ 480.00 | \$ 3,915.00 | \$ 2,150.00 | \$ 266,360.00 |
| | \$ 88,225.00 | \$ 387,083.59 | \$ 2,120.00 | \$ 8,605.00 | \$ 6,160.00 | \$ 492,193.59 |
| Total | | | | | | \$ 1,542,124.59 |

Revenue--4th Quarter, FY 2015
Total Revenue: \$492,193.59



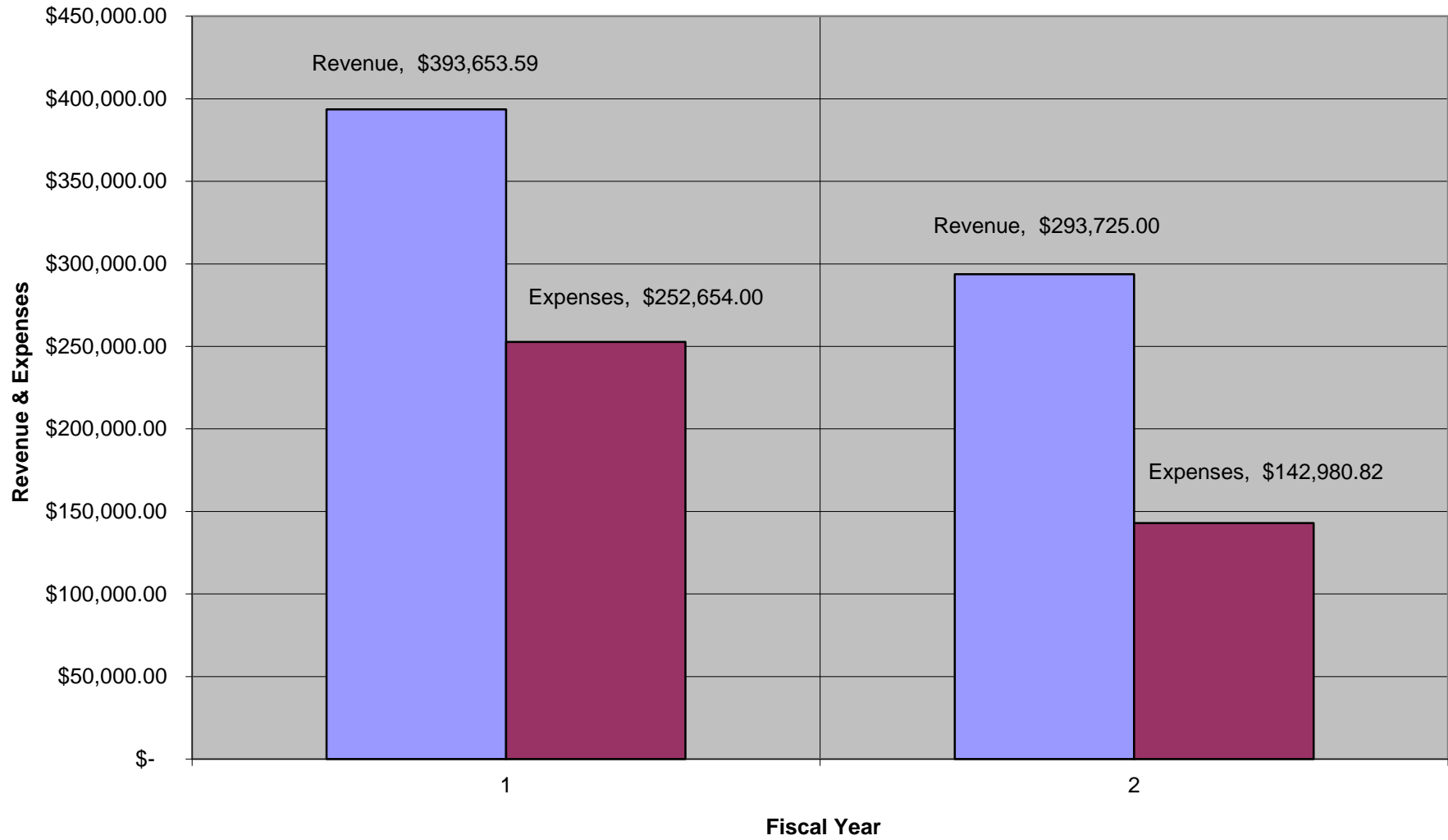
Expenditures--4th Quarter, FY 2015
Total Expenditures: \$252,654.00



4th Quarter Comparison

FY 2015

FY 2014



FOURTH QUARTER FISCAL YEAR 2015 FINANCIAL REPORT

Revenue:

- Licensing revenue for the fourth quarter of fiscal year 2015 increased \$120,619 from the fourth quarter of fiscal year 2014, in part due to the issuance of early renewal notices encouraging registrants to renew prior to the implementation of our new licensing system in September.
- The Department of Finance and Administration (F&A) assesses a \$5.00 fee per licensee each year. The total F&A licensing fee assessment this year was \$100,690; it is deducted directly from our revenue.

Expenses:

- Personal services expenditures (staff salaries, per diems, employee benefits) decreased \$10,837 from the fourth quarter of fiscal year 2014, due primarily to the retirement of an employee in early April.
- In-state travel expenses increased \$1,389.
- Out-of-state travel expenses decreased \$3,836.
- Communication costs increased \$1,882, largely due to the mailing of early renewal notices.
- Third Party Professional Services increased \$12,487, due partly to an increase in online renewal credit card fees.
- Supplies and Office Furniture increased \$140.
- The remainder of the grant funds (\$113,496) was expended in the fourth quarter this year.
- Training of State Employees (includes registration fees for national council meetings) decreased \$1,130.
- Computer Related Items decreased \$1,051.
- State Professional Services decreased \$2,609.
- Overall, direct expenditures increased \$109,673, primarily due to a portion of the grant funds being expended in the fourth quarter this year.
- After department and investigations cost backs, the fiscal year reserve balance is \$300,561.
- The accumulated reserve balance is \$1,513,561.

REGULATORY BOARDS
EXPENDITURES
For Fiscal Years 2012-2015

| | FY11-12 | FY12-13 | FY13-14 | FY14-15 |
|---|------------------|------------------|------------------|------------------|
| EXPENDITURES BY OBJECT | A&E | A&E | A&E | A&E |
| Regular Salaries and Wages (70100) | \$ 231,982 | \$ 243,149 | \$ 262,959 | \$ 252,969 |
| Longevity (70102) | 11,600 | 12,100 | 12,600 | 13,400 |
| Overtime (70104) | - | - | - | - |
| Employee Benefits (702) | 103,410 | 109,763 | 116,098 | 112,988 |
| Payroll Expenditures | 346,992 | 365,012 | 391,657 | 379,357 |
| Travel (703) | 40,240 | 44,106 | 41,367 | 39,899 |
| Printing, Duplicating & Film Proc. (704) | 2,077 | 1,958 | 375 | 66 |
| Utilities and Fuel (705) | - | - | - | - |
| Communications & Shipping (706) | 23,259 | 18,170 | 21,467 | 23,087 |
| Maint., Repairs and Svcs by Others (707) | - | - | 230 | 17 |
| Third Party Prof. & Admin. Svcs (708) | 297,836 | 286,476 | 184,011 | 59,164 |
| Supplies and Office Furniture (709) | 1,627 | 1,102 | 2,540 | 796 |
| Rentals and Insurance (710) | 1,614 | 2,149 | 1,851 | 1,358 |
| Motor Vehicle Operation (711) | - | - | - | - |
| Awards and Indemnities (712) | - | 3,000 | - | - |
| Grants and Subsidies (713) | 250,000 | 250,000 | 300,000 | 300,000 |
| Unclassified Expenses (714) | - | - | - | - |
| Inventory (715) | - | - | - | - |
| Equipment (716) | - | - | - | - |
| Land (717) | - | - | - | - |
| Buildings (718) | - | - | - | - |
| Lost Discounts (719) | - | - | - | - |
| Highway Construction (720) | - | - | - | - |
| Training of State Employees (721) | 6,850 | 7,780 | 5,680 | 4,970 |
| Computer Related Items (722) | 18,850 | 611 | 2,222 | 609 |
| State Prof. Svcs. (725) | 80,042 | 75,330 | 49,890 | 47,192 |
| Total Other Expenditures | 722,394 | 690,682 | 609,633 | 477,157 |
| GRAND TOTAL | 1,069,386 | 1,055,694 | 1,001,290 | 856,514 |
| Cost Backs: | | | | |
| Administration | 273,783 | 215,746 | 208,238 | 278,665 |
| Investigation | - | - | 3,297 | 7,845 |
| Legal | - | 20,252 | 45,605 | - |
| Total Cost Backs | 273,783 | 235,998 | 257,140 | 286,510 |
| TOTAL EXPENDITURES | 1,343,169 | 1,291,691 | 1,258,430 | 1,143,023 |
| Licensing Revenue | 1,576,975 | 1,560,771 | 1,446,659 | 1,542,125 |
| Case and Complaint Revenue | | 15,400 | 15,450 | 2,150 |
| Less: State Regulatory Fee | 75,825 | 101,500 | 93,300 | 100,690 |
| NET REVENUE | 1,501,150 | 1,474,671 | 1,368,809 | 1,443,585 |
| FISCAL YEAR BALANCE | 157,981 | 182,979 | 110,379 | 300,561 |
| PRIOR FISCAL YEAR RESERVE | 850,616 | 1,008,596 | 1,191,575 | 1,213,000 |
| RESERVE BALANCE | 1,008,596 | 1,191,575 | 1,301,954 | 1,513,561 |
| CORE Expense | - | - | 88,954 | - |
| RESERVE BALANCE AFTER CORE EXPENSE | 1,008,596 | 1,191,575 | 1,213,000 | 1,513,561 |

Costbacks for FYE 2015

| <u>Architects, Engineers, Interior Designers</u> | <u>Budgeted \$\$\$\$ Spending Plan</u> | <u>Number of Complaints</u> | <u>Number of Licenses</u> | | <u>Admin Share Average %</u> | <u>Investigative Hours</u> |
|---|---|--|--------------------------------------|---|---|---------------------------------------|
| Architects, Engineers, Interior Designers | 876,600 | 72 | 15,635 | | | 108 |
| Total Reg Boards | 10,414,200 | 3,236 | 234,819 | | | 10,407 |
| Percentage | 8.42% | 2.22% | 6.66% | = | 5.77% | 1.03% |

| | | | | | | |
|--|--|---------------------|---|-------|---|-------------------|
| Reg Bd Admin Costs except for Directly billable Investigative | | 4,832,162.08 | x | 5.77% | = | 278,665.02 |
| Investigative Costs | | 759,427.06 | x | 1.03% | = | 7,844.57 |
| Total Regulatory Board Admin Costs | | 5,591,589.14 | | | | 286,509.59 |

REFERENCE MANUAL FOR BUILDING OFFICIALS AND DESIGN PROFESSIONALS

Sections requiring revision are highlighted.

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Foreword

This manual has been published by the Tennessee State Board of Architectural and Engineering Examiners to aid building officials, design and construction professionals, and the general public in understanding the laws of this state governing the practice of architecture, engineering, landscape architecture, and use of the title "registered interior designer."

Information contained herein is basic and not intended to be a complete discussion of the Tennessee law. A major effort has been made to identify and address questions most asked by building officials; to this end a list of these questions, with their answers, is included as part of the manual.

The regulatory board responsible for assembling this manual protects the public by assuring its registrants and licensees are qualified to competently provide professional design and construction services in their respective disciplines. The principal focus of this Board is the protection of public health, safety and welfare.

The Board has a further responsibility to halt nonexempt, unregistered or unlicensed practice. The Board possesses the authority to investigate violations of its respective statutes and regulations and either discipline or prosecute violators accordingly.

Building officials protect the public by enforcing building code requirements. Throughout their plan check and inspection process, building officials ensure that registrants comply with building codes, local codes and ordinances. Building officials have the authority to reject documents as submitted and to withhold permits for projects that do not adhere to these requirements. Building officials rely on the Tennessee Board of Architectural and Engineering Examiners to assure its registrants and licensees are competent to practice.

A listing of currently registered architects, engineers, landscape architects, and interior designers as well as valid architectural, engineering, and landscape architectural firms, the law delineating the registration requirements and procedures, with the rules of professional conduct including civil penalties for violations of the law, is available on the Board's website.

For further information, contact:

State of Tennessee
Department of Commerce and Insurance
State Board of Architectural and Engineering Examiners
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615-532-9410 (FAX)
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Introduction

The people of the State of Tennessee live and work in an environment which is largely manmade. Tennessee law recognizes the need "to safeguard life, health and property, and to promote public welfare" in that environment by ensuring that design professionals — architects, engineers, landscape architects, and registered interior designers — who shape that environment are properly qualified. Through the State Board of Architectural and Engineering Examiners, the State sets standards for the education, experience, and performance of those who wish to practice these professions.

Similarly, building officials — through their enforcement of building codes — safeguard life, health and property, and promote public welfare. The State Board of Architectural and Engineering Examiners, the building officials, and the State Fire Marshal's Office each have a vital role in the protection of the public; each must be able to depend on the others to fill its assigned role. The building official must be able to depend on professionals who are licensed by the Board to design competently and according to required standards. The Board must depend primarily upon the local building official and State Fire Marshal, particularly in nonexempt municipalities, to assure that only those who are properly licensed are allowed to provide design services.

This manual is provided to assist in the understanding of the laws and rules under which the Board and its registrants are governed with the goal of better serving the people of Tennessee, and updates and replaces the manual published in 2009.

The following portions of this manual have been significantly revised since the last publication:

- The Requirements for Building Design
- A Check List for the Examination of Building Construction Documents
- Appendix B—Letter of Clarification
- Appendix C—Seal Exemptions Clarification [T.C.A., Section 62-2-102(b)]. The former Appendix C (Example of Minimum Conditions Requiring a Registered Architect and/or Engineer When Space is Less Than 5,000 Square Feet) has been deleted due to changes to the Seal Exemptions Clarification policy.
- Appendix H—Design and Practice Policies
 - Addition of As-Built Drawings Policy
 - Revised Delineation of Engineering and Surveying Policy
 - Revised Design Competitions/Requests for Proposals/Requests for Qualifications Policy
 - Replacement of Townhouses Policy with One-Family and Two-Family Dwellings Policy
 - Addition of Signs Policy

The Requirements for Building Design

In general, all structures must have plans prepared by design professionals registered by the Board. Plans and specifications for all structures classified as "assembly," "educational," and "institutional" in the Standard Building Code must also be prepared by architects or engineers.

The only exceptions to this requirement are:

- Structures classified as "business," "factory-industrial," "hazardous," "mercantile," "residential" and "storage" occupancies, as such occupancies are defined in the 1985 edition of the Standard Building Code, which are:
 1. Less than three (3) stories in height; AND
 2. Less than five thousand square feet (5,000 sq. ft.) in total gross area;
- One-family and two-family dwellings and domestic outbuildings pertaining thereto; and

- Farm buildings not designed or intended for human occupancy.
- Signs that do not exceed either of the following limits (unless failure of the support system for the sign is likely to cause harm to people or property):
 - (i) Any portion of the sign is twenty feet (20') or more above the ground level; or
 - (ii) Any portion of the sign is fifteen feet (15') or more above the ground level, if the sign has more than one hundred twenty square feet (120 sq. ft.) in total sign face area.

In addition, other Tennessee laws and regulations require that plans and specifications for buildings in these classifications be approved by the State Fire Marshal or the State Department of Health as is appropriate to their use. It should be noted that the law provides that any awarding authority, public or private, may require the services of a design professional for any project.

Following is a summary of occupancy definitions from the 1985 edition of the Standard Building Code, which is cited for occupancy definitions in T.C.A. § 62-2-102:

- Assembly Occupancies (A) - buildings or structures, or any portion thereof, for the gathering of persons for purposes such as civic, social, or religious functions or for recreation, food or drink consumption, or awaiting transportation, having a capacity of 50 or more persons. A registered design professional is required to prepare plans and specifications for this type of occupancy regardless of the size of the facility. Examples include: amusement park buildings; auditoriums; churches, synagogues, mosques; dance halls; motion picture theaters; museums; passenger depots; public assembly halls; and restaurants that accommodate 100 or more people, or that have a stage, provide dancing or entertainment features.
- Business Occupancies (B) - use of a building or structure, or any portion thereof, for office, professional, or service transactions including normal accessory storage and the keeping of records or accounts. A registered design professional is required to prepare plans and specifications if the building or structure is over two stories in height or is five thousand square feet or more in total gross area. Examples include: office buildings; service stations; bowling alleys; greenhouses; banks; libraries (other than school); restaurants and dry cleaning establishments using nonflammable solvents.
- Educational Occupancies (E) - use of a building or structure, or any portion thereof, for the gathering together of persons for the purpose of instruction. A registered design professional is required to prepare plans and specifications for this type of occupancy regardless of the size of the facility. Examples include: public and private schools; colleges; universities, academies and day care facilities.
- Factory-Industrial Occupancies (F) - use of a building or structure, or any portion thereof, for assembling, disassembling, repairing, fabricating, finishing, manufacturing, packaging or processing operations, but does not include buildings used principally for any purpose involving highly combustible, flammable, or explosive products or materials. A registered design professional is required to prepare plans and specifications if the building or structure is over two stories in height or is five thousand square feet or more in total gross area. Examples include: manufacturing plants, factories, assembly plants, processing plants and mills.
- Hazardous Occupancies (H) - principal use of a building or structure, or any portion thereof, that involves highly combustible materials or flammable materials, or explosive materials that have inherent characteristics that constitute a high fire hazard. A registered design professional is required to prepare plans and specifications if the building or structure is over two stories in height or is five thousand square feet or more in total gross area. Examples include: dry cleaning establishments using flammable solvents, explosive manufacturing, grain elevators, paint or solvent manufacturing, pyroxylin plastic manufacturing, sodium nitrate or ammonium nitrate, storage of combustible film and tank farms used to store flammable liquids or gases.
- Institutional Occupancy (I) - A registered design professional is required to prepare plans and specifications for this type of occupancy regardless of the size of the facility:

1. unrestrained occupancy - use of a building or structure, or any portion thereof, for the purpose of providing medical care and sleeping facilities for four or more persons who are mostly incapable of self-preservation because of physical or mental disability; examples include: hospitals, nursing homes, mental institutions (restrained and unrestrained) and nursery facilities providing full time 24-hour care for persons under six years of age.
 2. restrained occupancy - use of a building or structure, or any portion thereof, for the purpose of providing sleeping facilities for four or more persons who are confined or housed under some degree of restraint or security; examples include: jails, detention centers, correctional institutions, reformatories, pre-release centers and other residential-restrained care facilities.
- Mercantile Occupancies (M) - use of a building or structure, or any portion thereof, for the display and sale of merchandise. A registered design professional is required to prepare plans and specifications if the building or structure is over two stories in height or is five thousand square feet or more in total gross area. Examples include: shopping malls, stores, shops and markets.
 - Residential Occupancy (R) - use of a building or structure, or any portion thereof, for sleeping accommodations not classified as institutional occupancies. A registered design professional is required to prepare plans and specifications if the building or structure is over two stories in height or is five thousand square feet or more in total gross area. Examples include: multiple dwellings (more than two families), hotels and motels, dormitories, lodging houses and convents and monasteries.
 - Storage Occupancy (S) - principal use of a building or structure, or any portion thereof, for storage that is not classified as hazardous, or for the purpose of sheltering animals. A registered design professional is required to prepare plans and specifications if the building or structure is over two stories in height or is five thousand square feet or more in total gross area. Examples include: aircraft hangars, garages, warehouses, storage buildings, freight depots and automobile parking structures.

Full definitions may be obtained from the Board office.

The Board

The Tennessee Board of Architectural and Engineering Examiners is composed of twelve members — three registered architects, three registered engineers, one registered landscape architect, one registered interior designer, a public member who is not engaged in the practice of architecture, engineering, or landscape architecture, and three non-voting associate engineer members. The members are appointed by the governor and serve for a period of four (4) years. The Board usually meets six (6) times a year and at such other times as the business of the Board may require.

The Board is charged with the examination of the qualifications of applicants for registration and, in proper cases, the issuing of certificates of registration. The Board may also suspend or revoke certificates of registration in cases of misconduct and has the duty to inquire into the identity of any person (or firm) claiming to be an architect, engineer, landscape architect, or registered interior designer and to prosecute persons violating provisions of the registration law. Suspected violations of the registration law should be reported to the Board office. State investigators, representing the Board, gather evidence for use in the examination of reported violations. Their work often includes joint investigations with building officials. If, in the opinion of the Board's legal staff, evidence warrants the filing of formal charges, an outline of the case is presented to the Board for action. The identity of persons involved is not known to the members of the Board until presented to them for formal action. If charges are filed, a formal hearing is held with an administrative judge from the Secretary of State's office conducting the proceeding and the Board members sitting as jury, rendering decisions and penalties where appropriate.

The terms of the act governing the four professions are found in Tennessee Code Annotated (T.C.A.), Title 62, Professions, Businesses and Trades; Chapter 2, Architects, Engineers, Landscape Architects,

and Registered Interior Designers; and in the Rules, Chapters 0120-01, 0120-02, 0120-04, 0120-05, and 0120-06. The law and rules may be viewed on the Board's website located at www.tn.gov/regboards/ae.

The Registration Process

Candidates for registration must be of good character and repute, must have professional degrees, a specified period of experience, and must have passed an examination. Candidates holding unexpired certificates of registration from any state or jurisdiction may be registered without additional examination, provided that the applicant's qualifications meet the requirements of the Tennessee Board.

Examinations are prepared by the four (4) national professional councils of state registration boards—the National Council of Architectural Registration Boards (NCARB), the National Council of Examiners for Engineering and Surveying (NCEES), the Council of Landscape Architectural Registration Boards (CLARB), and the Council for Interior Design Qualification (CIDQ)—to provide consistent national standards of examination and to facilitate reciprocal registration among the various state registration boards.

Upon application, the candidates are required to submit records of education, experience, and letters of recommendation. The submittals are reviewed by Board members of the applicant's profession, and, if found satisfactory, the candidate is admitted to the examination. Registration certificates are awarded at the satisfactory completion of the examination.

Corporations, Partnerships and Firms

Corporations, partnerships, and firms (such as LLC's, LP's, and LLP's) may engage in the practice of architecture, engineering, or landscape architecture in this state, provided that at least one (1) of the principals or officers of the firm is in responsible charge of that practice and is a registered architect, engineer, or landscape architect as required by state law. Corporations, partnerships, and firms must file a disclosure form prescribed by the Board.

Professional Responsibility

Professional registration allows the architect, engineer, or landscape architect registrant to practice his or her profession and allows the interior designer to use the title "registered interior designer." Professional registration imposes on the registrant an obligation to protect the safety, health, and welfare of the public and to render competent service. A primary part of that obligation is the recognition on the part of the registrant of the limit of the registrant's professional competence and the voluntary limitation of professional assignments to activities for which the registrant is qualified by education or experience. The "Rules of Professional Conduct," which carry the enforcement of law, specify the proper conduct of practice (or title in the case of registered interior designers), service in areas of competence, the need for objectivity and truth in public statements, the avoidance of conflicts of interest and improper acceptance of work, and misconduct in practice.

Visible identification of work produced by architects, engineers, and landscape architects is in the form of the registrant's seal, which is required to be placed on all sheets of working drawings, cover or index pages of specifications, and on reports or other documents which are for the use of those other than the originating registrant. The seal must be signed by the registrant and dated. No registrant shall affix his or her seal or signature to sketches, working drawings, specifications, or other documents developed by others not under his or her responsible charge and not subject to the authority of that registrant in critical professional judgments.

The Tennessee registration law requires that members of the Board and registrants of the Board report violations of the law and cooperate with the Board in furnishing information and rendering assistance as the Board may require. The law provides for the assessment of civil penalties against both registrants and nonregistrants for violations of statutes, rules, or orders enforceable by the Board. Violations should be reported to the Board office. The Board believes it is the registrants' responsibility to be familiar with codes and applicable jurisdictional requirements.

Relationship to Building Officials

The building officials of Tennessee and the Tennessee Board of Architectural and Engineering Examiners have the same goal: the safeguarding of life, health and property, and the promotion of public welfare. Building officials move toward that goal by the adoption of building codes and standards and the enforcement of the requirements of those codes and standards. The Board moves toward that goal by the adoption of standards of education, experience, and professional practice and the enforcement of those standards. In actual practice, each group is dependent on the other for both the creation of standards and enforcement. Much of the material contained in the codes and standards originates in the research and practice experience of the professions. The everyday policing of the requirement that registrants design most structures is dependent upon the building officials. The solutions to building design problems which do not fit the requirements of the building code depend on the experience, knowledge, creativity, and cooperation of the building official and the design professional. The common goal is achieved only by joint cooperative effort.

A Check List for the Examination of Building Construction Documents

Construction documents for most projects consist of drawings and specifications. All elements shall complement each other. Completeness and coordination of all necessary information is the responsibility of the registered architect and/or professional engineer. Construction documents submitted to the building official must be of sufficient nature to clearly show the project in its entirety.

The list below is suggested as a pattern for the examination of building construction documents prior to the issuance of a building permit.

1. In general, in order to be complete, the documents must depict the following:

- a. The overall work required for the building project, including the architectural, landscape, civil, structural, mechanical, and electrical systems where required by law;
- b. Compliance with Life Safety Code; and
- c. Compliance with applicable building, fire, and handicap accessibility codes.

2. Identification Plans Cover Sheet

The required construction documents will depend upon the size, nature, and complexity of the project. **Appendix E** lists the suggested standard of the minimum required construction documents that should be submitted for review by building officials and the information that should appear on the cover sheet. **Appendix F** addresses the State Fire Marshal's Office policy regarding the review of sprinkler shop drawings and the standard of care adopted by the Board of Architectural and Engineering Examiners regarding the required minimum documentation for fire protection sprinkler design documents.

3. Preparation by a design professional registered by the State of Tennessee

- a. All plans and specifications for buildings and structures must be prepared by a registered architect and/or engineer, except as noted below.
- b. Exceptions are:
 1. Structures classified as "business," "factory-industrial," "hazardous," "mercantile," "residential," and "storage" occupancies (classifications as described in 1985 edition of Standard Building Code)

WHICH ARE:

- a. Less than three stories in height; AND
- b. Less than 5,000 square feet in total gross area;

2. One-family and two-family dwellings and domestic outbuildings pertaining thereto;
 3. Farm buildings not designed or intended for human occupancy; or
 4. Signs that do not exceed either of the following limits (unless failure of the support system for the sign is likely to cause harm to people or property):
 - (i) Any portion of the sign is twenty feet (20') or more above the ground level; or
 - (ii) Any portion of the sign is fifteen feet (15') or more above the ground level, if the sign has more than one hundred twenty square feet (120 sq. ft.) in total sign face area.
- c. When building officials receive a set of documents for permitting purposes without an architect or engineer's seal, they should ask the designer of record to sign a statement, such as the one contained in **Appendix B**.

Explanatory Notes: The Board has interpreted the above exceptions (See **Appendix C** entitled "Seal Exemptions Clarification") only for those structures classified as above which are also separated from other buildings and/or spaces/tenants by the minimum fire-rated separation required by the applicable code.

Additionally, registered interior designers, while not permitted to practice architecture or engineering, may engage in design services including consultations, studies, drawings, and specifications in connection with reflected ceiling plans, space utilization, furnishings, or the fabrication of non-structural elements within the interior spaces of buildings, but specifically excluding the services specified by law to require other licensed professionals, such as the design of life safety, mechanical, plumbing, electrical, and load-bearing structural systems, except for specification of fixtures and their location within interior spaces.

- d. See **Appendix C** entitled "Seal Exemptions Clarification," which was prepared and approved by the Board on April 27, 1989, and revised and adopted on June 25, 2009.
- e. See **Appendix G** entitled "Engineering Exemption Policy for Fire Sprinkler System Design," which was adopted by the Board on August 25, 2005, and became effective on April 1, 2006.

4. Is the design professional properly identified?

The plans and specifications shall be prepared by a design professional registered by the State of Tennessee who shall place that professional's seal (electronically or manually) on each drawing and the title page of specifications containing work for which the professional is responsible. An example of how documents should be sealed is reviewed in **Appendix D**. Since some documents may contain the work of several professionals, documents may contain several seals. The professional's signature and the date of the signature must be across the seal. An architect, engineer, or landscape architect may not affix his or her seal to any document which has not been prepared by him or her or under his or her responsible charge. (The Board imposes serious penalties against those who violate seal restriction provisions.) The registration law for interior designers is a "title" act and not a "practice" act; therefore, it is not necessary to seal any documents they may prepare under the exempt provision stated in the Explanatory Notes above.

5. Statement with Regard to Standard of Care

The design documents submitted to the building official should reveal the complete design intent in all building trades. There should be no areas of incompleteness wherein any building trade or contractor is compelled to make design decisions. Unless the documents meet these criteria, the building official should reject the documents in order to safeguard life, health and property by requiring that only qualified architects, engineers, and landscape architects may practice architecture, engineering, and landscape architecture.

6. Public Works Projects

Public works projects involving architecture, engineering or landscape architecture by the State, any county, city, town, village, or other political subdivision of the state must have plans, specifications, and estimates prepared by registered design professionals when they are:

- greater than ~~\$25,000~~ \$50,000 (contemplated expenditure for complete project, except state park maintenance projects described below), or
- alter the structural, mechanical, or electrical system of the project.

There is an exemption for public works projects located in a state park if the project meets the following conditions:

- 1) The contemplated expenditure for the complete project does not exceed \$100,000 in value and the work is defined solely as maintenance under the policy and procedures of the State Building Commission, or
- 2) If the project is located in a state park and existing plans are used which have been designed and sealed by a registered architect, engineer, or landscape architect and a registered architect, engineer, or landscape architect reviews such plans for compliance with all applicable codes and standards and appropriateness for the site conditions of the project, makes changes if required, and seals the plans in accordance with state law.

Most Commonly Asked Questions

1. Building officials receive prints of plans with a copy of the seal on them. Is this acceptable or should each print be originally sealed, signed, and dated?

The seal is placed on all original documents and signed and dated by the registrant. In the case of documents which are on translucent material for printing, this would mean that the seal, signature, and date would be reproduced. Similarly, photo copies of sealed, signed, and dated originals are acceptable. The seal without signature and date is unacceptable. (Reference Rules of Professional Conduct 0120-02-.08) An example of how documents should be sealed is on **Appendix D**.

2. When the building official observes the following, certain questions may arise:

Construction plans are submitted with the same engineer's seal on structural, mechanical, plumbing, and/or electrical drawings. Should these designs be executed by separate engineers representing each discipline?

Construction plans are submitted where an architect has sealed structural, mechanical, plumbing and/or electrical drawings. Should these designs, other than architectural, be done by an engineer?

Construction plans are submitted where an architect or engineer has sealed landscape architectural drawings. Should these designs be done by a landscape architect?

A registrant may have expertise beyond the discipline in which he or she is educated and examined. While the building official should not be called upon to judge competence, any time he or she is confronted with the suspicion of incompetence, he or she should contact the Board so that it can make such judgment.

When a complete set of project drawings has been submitted bearing the seal of only one registered architect or engineer, the Board suggests that the building official require that the registrant sign a statement, such as the one contained in the attached form (**Appendix A**), as to authorship and competence. A copy of any such signed form should be forwarded to the Board for its attention. If a registrant refuses to sign such a statement, the Board should be notified immediately. Regardless, the building official should notify the Board if he or she believes the registrant of one discipline is incompetent to seal the work of another discipline when the documents look incomplete or suspect.

3. If on-site drainage detention is required for a site plan or plat, is a separate seal required for the hydrological calculations? If so, whose seal is adequate — architect, engineer, landscape architect, or surveyor, or is there a special seal for this particular field?

Drainage design, such as storm water retention/detention, can be a highly complex technical process and should be prepared and sealed by a qualified registrant of this Board competent to provide this design and perform the necessary calculations. Major flood construction that would fall within the jurisdiction of the federal and state regulatory agencies would require an engineer's seal along with major flood studies.

4. May site plans and preliminary plats be prepared by an architect, engineer, landscape architect, or a surveyor?

Land surveying, measurement and calculation of areas, boundaries, property lines and the plotting thereof should be performed by a surveyor registered by the Land Surveyors Board. Design changes to the topography and drainage should be performed by a qualified registrant of the Architects and Engineers Board. Design of underground utilities and electric power lines should be performed by the engineer. The arrangement of building(s) on the site, finished grading, and finished site details should be performed by a qualified registrant of the Architects and Engineers Board.

5. When an owner calls to complain that there has been a failure in construction and the structure was built per specifications, who is responsible? What is the responsibility of each person involved?

The determination of degrees of responsibility for construction failures is beyond the scope of the duties of the Board. If there is indication of incompetence on the part of a registrant, the Board should be notified. The Board may then authorize an investigation of the events involved in the failure and, if warranted, take appropriate disciplinary action.

6. If a freestanding building classified as "business" has an area greater than 5,000 gross square feet but is only one or two stories high, must the plans and specifications be prepared by a registered architect or engineer?

Yes. The building must meet both the requirement for an area less than 5,000 square feet and the requirement for a height of less than three stories to be exempt from the requirement for plans and specifications prepared by an architect or engineer. For instance, if a two-story building has 4,000 square feet per floor (or 8,000 total square feet), the plans and specifications shall be prepared by an architect or engineer.

7. If a designer, owner, contractor, or other nonregistrant prepares plans for a building which requires the use of architects or engineers and applies for a building permit, should the building official suggest that the nonregistrant contact an architect or engineer and have him or her review and place his or her seal on the plans and specifications?

No. Under Tennessee law, a registrant may not take over, review, revise, or place his or her seal on plans and specifications begun by persons not properly qualified. A registrant may seal only work which he or she has prepared or which has been prepared under his or her responsible charge. The building official should contact the State Board and refuse to issue a permit until appropriately sealed plans are submitted.

8. Are registrants required for design of building utilities such as electrical service, steam systems, refrigeration systems, etc., where no changes or additions to the building are necessary?

Yes. The intent of the law is that registrants be involved in design work pertaining to the lawful practice of architecture, engineering, or landscape architecture. Use of an electrical or mechanical engineer is not precluded simply because a general contractor is not involved in building or building structure addition and/or modifications.

9. Do registered interior designers have to seal any documents prepared by them?

No. The registration law passed by the State of Tennessee in 1993 is a "title" act requiring that any interior designer who calls himself or herself a registered interior designer must be registered by the Board. The law is not a "practice" act; therefore, interior designers are allowed to do no more and no less than before the legislation was passed. A registered interior designer may provide plans and specifications in connection with reflected ceiling plans, furnishings, the fabrication of non-structural elements within the interior spaces of buildings, or space utilization not affecting life safety.

10. Should a building permit be issued when the building official receives a set of plans for tenant space that is part of a new multi-story office building's construction and the plans are not sealed by a licensed architect or engineer?

No, unless the tenant space is less than 5,000 square feet and separated from other tenant spaces by the minimum fire-rated separation required by the applicable code. A qualified registrant of this board must prepare and seal the plans prepared by him or her for the tenant space, even if the shell of the building is prepared by another registrant. A registered interior designer or non-registrant may provide plans and specifications with reflected ceiling plans, furnishings, the fabrication of non-structural elements within the interior spaces of buildings, or space utilization not affecting life safety.

11. If the building official receives a set of architectural plans for construction or renovation of an existing building without accompanying structural, mechanical, plumbing, and electrical information, should a building permit be issued?

No, unless there are no requirements for work in these accompanying disciplines.

12. What registrant is qualified to prepare site grading and site drainage plans?

A qualified registrant of this board who is competent in that area of design may provide site grading and site drainage plans.

13. When a nonregistrant prepares construction documents for a building, may that individual obtain a review and written certification of adequacy from a registrant and thereby obtain a building permit?

No. The written certification may not be accepted for permit issuance in lieu of construction documents prepared and sealed by a registrant. The registrant must demonstrate responsible charge for the proposed work or face disciplinary action.

14. Are designs (plans and specifications) for "pre-engineered" buildings exempt from the requirement that a registrant of the Board prepare and seal them?

No, unless the building qualifies for an exemption under Tenn. Code Ann. § 62-2-102(b). Pre-engineered buildings are not automatically exempt. The design of pre-engineered steel structures or structural components (i.e., trusses, buildings, etc.) must be prepared, sealed, signed, and dated by a Tennessee registrant. There may be additional engineers, architects, or landscape architects needed for the remaining portions of the project (i.e., electrical, plumbing, HVAC, site design, soils analysis, building circulation and exiting, physically handicapped criteria, landscaping, etc.).

15. May any person provide inspection or review of buildings or sites to determine if the project construction phase conforms to the architectural and engineering construction documents?

Yes. However, the Board recommends a registrant of this board provide construction administration or review of construction. Administration of construction contracts is defined as periodic site visits, change orders, shop drawing reviews, and reports to owners of any observed substantial deviation from the contract documents. Building officials who inspect for conformance with building codes are in no way restricted from performing their duties.

16. May a Tennessee registrant review and "over seal" plans prepared by an out-of-state professional for a design project in Tennessee?

No. A qualified registrant of this board may only seal drawings designed and prepared by or under his or her responsible charge. Sealing any drawings prepared by others will result in disciplinary action.

17. May an owner, builder, or contractor make changes to final architectural, engineering, or landscape architectural plans?

No. When plans are prepared by a Tennessee registrant, no changes may be made except by that registrant.

18. What procedures should a building official follow when the registrant does not provide plans or changes necessary to the project?

Notify the owner of the project. It is the owner's responsibility to hire the proper registrants to provide plans or submittals for the permit.

19. What should building officials do if they know that someone may be violating the registration law?

Notify the Board.

20. May a building official require a structure to be designed by an architect or engineer, although exempt under the registration law, if it is deemed that such a structure is an undue risk to public safety, health, or welfare?

Yes. The building official may require part or all of the structure to be designed by an architect or engineer. The Board and registration law do not supersede the building official's authority to protect the health, safety, or welfare of the public.

21. Are interior designers licensed by the State to "practice" interior design?

No. Registered Interior Designers and Architects are licensed to use the title "registered interior designer." Nonregistrants may not use the title "registered interior designer."

22. Are full height, non-bearing, non-rated partitions considered components that affect the safety of the building?

The addition, relocation, or removal of full height, non-bearing, non-rated partitions could change or affect the safety of a building. Each situation must be judged within its specific context; thus, the building official must decide whether such partitions would affect the safety of the building.

23. Now that the Tennessee Board of Architectural and Engineering Examiners requires interior designers to be registered in order to use the title "registered interior designer," may another registrant call himself or herself a "registered interior designer?"

Any person may render interior design services. Only Registered Interior Designers and Architects registered in the State of Tennessee may use the title "Registered Interior Designer". (Reference T.C.A., Section 62-2-903.)

24. May the seal used by the registrant on construction documents be computer generated?

Yes. The Board has determined that the seal may be an embossed, rubber, sticky, or electronic seal. The registrant must personally sign or affix his or her signature, either manually or electronically, using a secure method in accordance with the provisions of Rule 0120-02-.08(8):

- (a) Subject to the requirements of this rule, rubber-stamp, embossed, transparent self-adhesive or electronically generated seals may be used. Such stamps or seals shall not include the registrant's signature or date of signature.
- (b) Subject to the requirements of this rule, the registrant may affix an electronically generated signature and date of signature to documents. Electronic signatures and dates of signature are not required to be placed across the face and beyond the circumference of the seal, but must be placed adjacent to the seal. Documents that are signed using a digital signature must have an electronic authentication process attached to or logically associated with the electronic document. The digital signature must be:
 - i. Unique to the individual using it;
 - ii. Capable of verification;
 - iii. Under the sole control of the individual using it; and
 - iv. Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

25. If an existing building or space within a building expands by less than 5,000 square feet, is a registered architect or engineer required to provide appropriate plans and specifications?

Yes, if the cumulative or combined space or spaces (existing or expanded areas) is 5,000 square feet or more, a qualified registrant of this board is required.

26. When does it become necessary for a registrant to prepare and seal drawings and details for landscape construction?

Landscaping associated with new and existing construction of buildings of 5,000 square feet or more or greater than two stories requires the use of a registrant. For non-building/landscape related projects where site improvements are 5,000 square feet or more in area, a registrant is required.

Per T.C.A., Section 62-2-102, nothing shall prevent any awarding authority, public or private, from requiring the services of a registered architect, engineer or landscape architect for any project. See T.C.A., Section 62-2-107 for "Employment of licensees on public works."

27. Is it necessary for a registered architect or engineer to prepare documents for a roof replacement on an existing building?

Yes. A qualified registrant is required for roof replacements or reroofs of all buildings of 5,000 square feet or more or greater than two stories in height. When a roof is replaced, structural loads during and after installation can change, energy requirements may be affected, drainage conditions can change, etc. Notwithstanding the above, a registrant is also required for public works projects under \$25,000 \$50,000 if the structural, mechanical, or electrical system of the project is altered.

28. When is a registrant required to prepare plans and specifications for public works projects?

Public works projects involving architecture, engineering or landscape architecture by the State, any county, city, town, village, or other political subdivision of the state must have plans, specifications, and estimates prepared by registered design professionals when they are:

- greater than \$25,000 \$50,000 (contemplated expenditure for complete project, except state park maintenance projects described below), or
- alter the structural, mechanical, or electrical system of the project.

There is an exemption for public works projects located in a state park if the project meets the following conditions:

- 1) The contemplated expenditure for the complete project does not exceed \$100,000 in value and the work is defined solely as maintenance under the policy and procedures of the State Building Commission, or
- 2) If the project is located in a state park and existing plans are used which have been designed and sealed by a registered architect, engineer, or landscape architect and a registered architect, engineer, or landscape architect reviews such plans for compliance with all applicable codes and standards and appropriateness for the site conditions of the project, makes changes if required, and seals the plans in accordance with state law.

Plans and specifications for any public works construction or maintenance project involving architecture, engineering or landscape architecture that exceeds \$25,000 shall be prepared by a registrant. Notwithstanding the above, a registrant is also required for projects under \$25,000 if the structural, mechanical, or electrical system of the project is altered. Construction on any part of an electric distribution system owned by a political subdivision of the State is excluded. (Reference T.C.A., Section 62-2-107.) A registrant is also required for public works projects which have a contemplated expenditure over \$25,000.

29. Is a registered architect or engineer required to prepare and seal drawings for an existing building space of 5,000 square feet or more if the space is going to be divided into several spaces less than 5,000 square feet?

Yes. While the particular use of a facility may ultimately have individual spaces less than 5,000 square feet and separated by fire-rated construction from other tenants, the overall space requires a registered architect or engineer to be sure construction, egress, systems, etc., are properly designed and integrated collectively.

30. Is a company without a registrant in full-time employ that provides preliminary design services (i.e., schematics, where drawings are prepared to describe the basic plans and elevations) required to have a registrant licensed in the State of Tennessee?

Yes. Preliminary designs and schematic designs that may be used to continue and complete a project, even if intended to be completed by a registrant, shall be prepared by a registrant.

31. May design professionals for local public works projects in Tennessee be selected through the competitive bid process?

No. Design professionals for public works projects in Tennessee are not selected through the competitive bid process, but are chosen through qualifications-based selection, meaning that the contract is awarded based on recognized competence and integrity. In the procurement of architectural and engineering services, the selection committee/procurement official:

- may seek qualifications and experience data from any firm or firms licensed in Tennessee and interview such firms;
- shall evaluate statements of qualifications and experience data regarding the procurement of architectural and engineering services, and shall conduct discussions with such firm or firms regarding the furnishing of required services and base selection on the firm deemed to be qualified to provide the services required; and
- shall negotiate a contract with the qualified firm for architectural and engineering services at compensation which the selection committee/procurement official determines to be fair and reasonable to the government and in making such determination, the selection committee/procurement official shall take into account the estimated value of the services to be rendered, the scope of work, complexity and professional nature thereof. (Reference T.C.A., Section 42-4-106 12-4-107.)

32. If a registrant's license has expired between the time construction documents were prepared and the time when they are submitted to an authority for review, do the documents need to be re-sealed by a registrant with a current license?

No. As long as the license was current at the time the documents were prepared, the documents do not need to be re-sealed prior to review. However, any changes (updates or modifications) to the documents that are made following the review must be prepared and sealed by a registrant with a current license.

33. Under what circumstances may a registrant revise plans prepared by another registrant?

In circumstances where a registrant can no longer provide services on a project (such as death, retirement, disability, contract termination, etc.), a successor registrant may perform work on a set of plans originally prepared by another registrant. If the plans are incomplete (are at a stage prior to submittal to a reviewing official), the successor registrant may not seal the set of drawings prepared by the original registrant; rather, the successor registrant must take all steps necessary to ensure that the drawings were prepared under his or her responsible charge before sealing them. If the plans are complete and have been submitted to a reviewing official, the successor registrant may prepare and seal addenda sheets or document and seal changes to the original sheets if revisions are necessary. With the exception of this provision, any changes made to the final plans, specifications, drawings, reports or other documents after final revision and sealing by the registrant are prohibited by any person other than the registrant, including but not limited to owners/clients, contractors, subcontractors, other design professionals, or any of their agents, employees or assigns. (Rule 0120-02-.08)

APPENDIX A

LETTER OF ASSURANCE

When a complete set of project drawings has been submitted bearing the seal of only one registered architect or engineer, the Board suggests that the building official require that the registrant sign a statement, such as the following:

The documents you have submitted on the above-referenced project have your architect's/engineer's seal on all phases of the plans, which is somewhat unusual to find on construction documents for a project of this size and type. In order for this office to recognize you as the total project designer, you will need to provide the following assurances:

I, _____, confirm that:
(print or type name)

1. All project drawings bearing my seal were prepared under my responsible charge.
2. I am competent in the design of architectural, landscape architectural, civil, electrical, mechanical, plumbing, and structural systems for a project of this size and type either by reason of my education and/or experience.

Signature Profession TN License No. Date

You will need to sign, date, and return this letter of assurance in order for this office to consider you as the total project designer. This letter of assurance may be sent to the Tennessee Board of Architectural and Engineering Examiners if the building inspection department deems appropriate.

Thank you, in advance, for your cooperation in this matter.

Sincerely,

APPENDIX B

LETTER OF CLARIFICATION

When building officials receive a set of documents for permitting purposes without an architect or engineer's seal, they should ask the designer of record to sign a statement, such as the following:

The drawings you have submitted on the above-referenced project do not have the seal of an architect or engineer, which is somewhat unusual to find on construction documents for a project of this type. In order to recognize the fact that a registered architect or engineer is not required for this project, we need you to provide the following assurances (circle all that apply):

1. The design being submitted is less than 5,000 gross square feet and less than three stories in height or a tenant space less than 5,000 gross square feet and separated from other tenant spaces by the minimum fire-rated separation required by the applicable code.

and/or

2. I am competent in the design of this type of space planning, which does not include changes that affect the structural, mechanical, electrical system, or the life safety of the building and occupants of this space.

and/or

3. The building or space is not an "A," "E," or "I" occupancy, which would require a registered architect or engineer regardless of size.

and/or

4. I am a registered interior designer, and these plans and specifications are for build out of spaces less than 5,000 square feet, or these plans and specifications are in connection with reflected ceiling plans, furnishings, the fabrication of non-structural elements within the interior spaces of buildings, or space utilization not affecting life safety. My registration number is _____.

Signature

Date

In order for this office to continue to recognize you as the total project designer so that it can process the building permit, you will need to circle the appropriate statement(s) that applies(ly) in this case and sign, date, and return this letter of clarification.

Thank you, in advance, for your cooperation in this matter.

Sincerely,

APPENDIX C

SEAL EXEMPTIONS CLARIFICATION [T.C.A., Section 62-2-102(b)]

The following are situations where a registered architect, engineer, or landscape architect is not required unless an awarding authority deems it necessary:

1. Tenant finishes and tenant improvements to a building of B, F, H, R, M, or S occupancy may be designed by a non-registrant with the following provisions:
 - A. Each separate tenant space is less than 5,000 square feet and the tenant spaces are separated from other tenant spaces by the minimum fire-rated separation required by the applicable code. In accordance with Section 402.1.2 of the 1985 edition of the Standard Building Code, "each part of a building or structure included within fire walls shall be considered a separate building."
 - B. Remodeling, maintenance, or renovation of any building or structure, which does not alter the structural system, or fire protection, or egress requirements.
2. The following exemptions apply to buildings, structures and spaces of B, F, H, R, M, or S occupancy that are 5,000 square feet or more in total gross area or over two stories in height:
 - A. Existing interior space. Normal maintenance or remodeling of an existing interior space in an existing building where the occupancy or floor plan do not change but upgrades are needed, such as, remove and replace finishes (wall, floor, ceiling, where these are not a part of a required fire rated assembly), change light bulbs or filters, and rearrange prefabricated partitions.
 - B. Mechanical design.
 - i. The design of a mechanical system for a building or structure of B, F, H, R, M, or S occupancy, and a temporary structure, wherein the HVAC system developed is not more than a total of 12.5 ton capacity and not more than a total of 500,000 BTU of heating per hour output.
 - ii. Normal maintenance or replacement of defective mechanical equipment with like equipment with like size may be accomplished by contractors licensed in their respective trades.
 - C. Plumbing design. Minor plumbing upgrades and additions up to the equivalent of three (3) fixture unit values, which do not require any change to the capacity of any waste, vent or supply system.
 - D. Electrical design. Minor electrical additions, such as receptacles, lighting, or other circuits, not to exceed 20 amperes, may be designed without benefit of a registrant, if the additional circuits do not require additional distribution panel(s) and/or the need for upgrading, resizing, or enlarging branch circuits and main feeders. In addition, such work shall be performed by an appropriately licensed individual in the state of Tennessee, and such person shall certify to any authority having jurisdiction, in writing, that he/she has evaluated such work in relation to the National Electrical Code and local codes, providing, for the record, the number of circuits added and the revised loads on the existing panel(s).
 - E. Roof Maintenance or Repair. Normal maintenance or repair of an existing roof where the weight, drainage, fire protection, and other code related requirements of the original design are not changed or compromised.

Note: In no case can anyone other than an architect or engineer registered in Tennessee provide design documentation with regard to assembly, institutional, and educational occupancies.

Note Regarding Public Works Projects: T.C.A. 62-2-107. (Employment of licensees on public works — Excluded public works)

- a. Neither the state, any county, city, town, or village, or other political subdivision of the state, shall engage in the construction or maintenance of any public work involving architecture, engineering, or landscape architecture for which the plans, specifications, and estimates have not been made by a registered architect, registered engineer, or registered landscape architect.
- b. Nothing in this section shall be held to apply to such public work wherein the contemplated expenditure for the complete project does not exceed twenty-five thousand dollars (\$25,000), and such work does not alter the structural, mechanical, or electrical system of the project.
- c. For the purposes of this chapter, "public work" does not include construction, reconstruction, or renovation of all or any part of an electric distribution system owned or operated directly or through a board by a municipality, county, power district, or other subdivision of the state of Tennessee, that is to be constructed, reconstructed or renovated according to specifications established in the American National Standard Electrical Safety Code, the National Electrical Code, or other recognized specifications governing design and construction requirements for such facilities. Notwithstanding the foregoing, "electrical distribution system" does not include any office buildings, warehouses, or other structures containing walls and a roof, which are to be open to the general public. [Acts 1979, ch. 263, § 36; T.C.A., 62-236; Acts 1988, ch. 990, § 9; 1994, ch. 644, § 3.]

(a) Neither the state, nor any county, city, town or village, or other political subdivision of the state, shall engage in the construction or maintenance of any public work involving architecture, engineering or landscape architecture for which the plans, specifications and estimates have not been made by a registered architect, registered engineer or registered landscape architect.

(b) (1) Nothing in this section shall be held to apply to such public work if:

(A) The contemplated expenditure for the complete project does not exceed fifty thousand dollars (\$50,000), and the work does not alter the structural, mechanical or electrical system of the project; or

(B) The contemplated expenditure for the complete project does not exceed one hundred thousand dollars (\$100,000), the project is located in a state park, and the work is solely maintenance, as defined in the policy and procedures of the state building commission.

(2) For a public work located in a state park, existing plans may be used as a basis of design if the plans have been designed and sealed by a registered architect, engineer, or landscape architect and a registered architect, engineer, or landscape architect reviews such plans for compliance with all applicable codes and standards and appropriateness for the site conditions of the project, makes changes if required, and seals the plans in accordance with the requirements of this chapter.

(c) For the purposes of this chapter, "public work" does not include construction, reconstruction or renovation of all or any part of an electric distribution system owned or operated directly or through a board by a municipality, county, power district or other subdivision of the state of Tennessee, that is to be constructed, reconstructed or renovated according to specifications established in the American National Standard Electrical Safety Code, the National Electrical Code, or other recognized specifications governing design and construction requirements for such facilities. Notwithstanding the foregoing, "electrical distribution system" does not include any office buildings, warehouses or other structures containing walls and a roof which are to be open to the general public.

[Acts 1979, ch. 263, § 36; T.C.A., § 62-236; Acts 1988, ch. 990, § 9; 1994, ch. 644, § 3; 2012, ch. 927, § 1; 2015, ch. 403, § 1.]

HISTORICAL FOOTNOTE: This policy was adopted by the Board as a result of negotiations with construction-related industry representatives to get T.C.A., Section 62-2-102(b), enacted into law.

Adopted 4-27-89

Revised and adopted 6-8-89

Revised and adopted 10-4-97

Revised and adopted 10-12-01

Revised and adopted 1-9-03

Revised and adopted 4-22-04

Revised and adopted 5-22-08

Revised and adopted 7-10-08

Revised and adopted 9-18-08

Revised and adopted 12-11-08

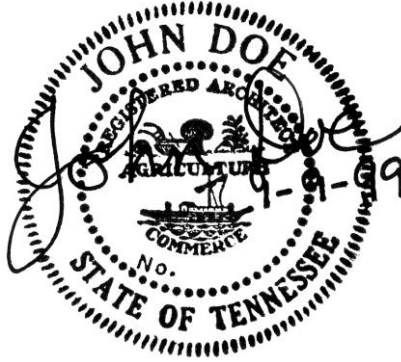
Revised and adopted 6-25-09

Revised and adopted 10-23-09

APPENDIX D

Example of a Properly Signed and Dated Seal

Architect



Engineer



Landscape Architect



APPENDIX E

Several code references in this appendix likely require updating.

COVER SHEET FOR PLANS SUBMISSIONS

PROJECT NAME:

PROJECT ADDRESS:

PROJECT DESCRIPTION (Scope of Work):

FIRE DISTRICT:

PROJECT CONTACT PERSON: (Registered Architect or Professional Engineer in Responsible Charge)

ARCHITECTS/ENGINEERS/LANDSCAPE ARCHITECTS: List all names and pertinent information for each registrant (architect, engineers, and landscape architect) involved in the project. Include each engineering discipline represented in the project (civil, electrical, mechanical, plumbing, structural)

Name: _____

Company Name: _____

Phone (including area code): _____ (ofc.)

_____ (fax)

E-Mail Address (if applicable) _____

Tennessee License Number: _____

Design Codes/Edition ICC _____ SBCCI _____ NFPA _____

Handicapped Code Edition Used NCHC _____ CABO/ANSI _____

Type of Construction ICC _____ SBCCI _____ NFPA _____

Occupancy Group(s) ICC _____ SBCCI _____ NFPA _____

Number of Stories (excluding basement unless educational or assembly occupancy) _____

Height of Building from Average Grade _____

Building Area Per Story _____ Existing _____ Proposed _____

Occupant Load Per Floor ICC _____ SBCCI _____ NFPA _____

Required Exit Width Per Floor ICC _____ SBCCI _____ NFPA _____

Number of Parking Spaces Required _____ Proposed _____ Handicapped _____

Van _____

Fire Protection hourly ratings for all structural components and separation of hazards components required by the applicable building code.

_____ Edition of the SBC _____ Edition of the IBC

_____ Columns _____ Beams _____ Walls

_____ Floor/Ceiling _____ Roof/Ceiling _____ Roof Covering

_____ Corridors _____ Shaft Enclosures _____ Stair Enclosure

_____ Tenant Separations _____ Occupancy Separations

Sprinkler System Type _____ **Standpipe System** _____

Fire/Smoke Alarm System: _____

Abbreviations Used and Meaning: _____

WATER SUPPLY DATA (FROM NEAREST HYDRANT TO SITE)

Provide the following flow test data on the plans for hydrant(s) used to meet the 500 feet or less hose lay requirement in accordance with the local authority having jurisdiction. [State Fire Marshal's Office Policy based on **NFPA 24 4.2.4**]. Show flow test data next to the hydrant tested. Flow test must have been conducted within the last six months from start of design process.

- a. Static pressure _____ psi
 Residual pressure _____ psi (20 psi minimum)
 Flow _____ gpm (500 gpm minimum)
 Tennessee Department of Environment and Conservation Rules and Regulations **1200-5-1-.17, paragraph 18 Chapter 0400-45-01 "Public Water Systems."**
- b. Party responsible for taking test (name and address)

- c. Date test taken: _____ Time test taken: _____ am/pm
- d. Elevation of test hydrant: _____

General Notes:

- Identify use of rooms and spaces.
- Show area increase calculations per **SBC 503.3 and SBC 503.4 or ICC IBC Chapter 5.**
- Show wall ratings on structural, mechanical, plumbing, electrical, and fire protection drawings.
- Provide design live load values on plans for wind, snow, roof, floor, stairs, guard and hand railings, seismic per **SBC 1607.1.2, etc. [SBC Chapter 16] or ICC IBC Chapter 16.**
- Identify any exceptions/appeals/equivalencies and authority granting approval.

Note: This plans cover sheet was developed during discussions with the State Fire Marshal's Office and local Codes Enforcement Officials and should be used as a guideline when submitting plans to the designated reviewing authority.

APPENDIX F

POLICY FOR REVIEW OF SPRINKLER SHOP DRAWINGS

A fire protection sprinkler system contractor registered pursuant to Tennessee Code Annotated, Title 62, Chapter 32, Part 1, through its responsible managing employee, shall submit shop drawings of proposed fire protection sprinkler system installations. After receipt of the shop drawings, the authority having jurisdiction (AHJ) will review the drawings and will approve or disapprove the shop drawings.

This policy is not intended to circumvent the requirement for plans prepared and sealed by registered architects and/or engineers where appropriate; rather, the policy is intended to allow the sprinkler system contractor to submit shop drawings to provide for the installation of the sprinkler systems. These drawings shall be coordinated with the architect or engineer of record. The architect or engineer of record shall always provide the design intent of the system and shall review and approve or disapprove the shop drawings submitted by the sprinkler system contractor. Attached and incorporated herein by reference is a copy of the policy of the Tennessee State Board of Architectural and Engineering Examiners which sets forth the architect's or engineer's design responsibilities concerning sprinkler drawings. The goal is for the design drawings to provide sufficient information to indicate compliance with applicable building codes and ensure that the builder or installing contractor will not be required to make engineering decisions. The registered architect or engineer shall also provide design from the point of service—that point at which the system is dedicated solely to fire protection—to the building.

This policy is also not intended to result in the fire protection sprinkler system contractor being assigned the architect's or engineer's design responsibilities concerning sprinkler drawings. The design architect or engineer shall not require the sprinkler contractor to provide shop drawings sealed by a registered engineer. The designer shall not assign the engineering responsibilities to the sprinkler contractor. This is not intended to prevent a fire protection sprinkler system contractor from providing design-build services.

Adopted 4-10-97

Revised and adopted 6-4-15

STANDARD OF CARE FOR FIRE SPRINKLER SYSTEM DESIGN (Effective January 1, 2006)

COMMENTARY

This standard of care is intended to be utilized only by engineers for the design of fire sprinkler systems. The standard is not intended for use by others as a code compliance checklist or to replace existing regulatory agency checklists. This standard was developed to assist in design and preparation of contract documents for fire sprinkler systems. This commentary and associated standard is the Board's policy regarding the responsibilities and interactions of an engineer with the design and construction team.

The Standard of Care for Fire Sprinkler Systems Design complements NFPA 13, Chapter 14, Appendix "A" (A-14.1 "Preliminary Plans", 2002 edition), and should be interpreted only as a minimum standard of design. Just as the National Fire Protection Association standards are a minimum requirement, so is the Standard of Care for engineers. The engineer is required to evaluate local job conditions for the fire sprinkler system design and coordinate with authorities having jurisdiction (AHJ).

The Design Concept in the Standard of Care refers to those inputs and calculations initially done by the engineer to develop the conceptual ideas and limitations of the system (i.e. the density, water flow, and pressure requirements; classification of the commodities to be protected; and confirmation of the hydraulic data and preliminary hydraulic design). Initial design calculations will be included in the Design

Concept. In a building with several different occupancies and fire loadings, only the area of highest demand needs to be calculated.

The engineer shall establish a margin of safety between the available water pressure and the required demand pressure. When sizing pipe using the initial design calculations, the engineer should leave more safety margin than the contractor. The difference is that the contractor's calculations will enumerate the various fittings and offsets that may not be delineated in the engineer's preliminary design.

A substantial deviation, such as a contractor's proposal for a major design change, should be recalculated and redrawn by the contractor's own Responsible Managing Employee (RME). The RME will certify his changes and submit for approval. If a competent sprinkler contractor submits a reasonable proposal for change, and if the contractor's drawings and calculations meet all the requirements of the engineer's design, and there is not a valid reason why the engineer has used a different layout configuration, the engineer should accept the contractor's drawings and calculations.

Field changes may not require recalculation by the engineer. Deviations in the field such as offsets around ductwork should be anticipated. Initial design calculations by the engineer containing a reasonable, practical pressure safety margin should cover these. Substantial deviations could require the contractor to prove his calculations are still adequate to provide the protection stipulated in the design documents.

The shop drawings and calculations should be submitted to the engineer of record prior to transmittal to the reviewing authorities for documentation and approval. The engineer of record will document his review of the shop drawings and calculations, using a review stamp. This is an engineer's acceptance, acceptance as noted, rejection, or revise and resubmit, etc. of the shop drawings. This is based on review of the shop drawings against the design concept identified in the preliminary plans. The engineer should never place his P. E. seal on the sprinkler contractor's drawings or calculations unless he actually prepared them or supervised their preparation. The reviewing authorities may accept the sprinkler contractor's drawings and calculations even if different from the preliminary design submitted by the engineer, as long as they have been approved by the engineer of record.

The water supply information and flow testing addressed in the Standard of Care requires a flow test less than six months old. The engineer should supervise the performance of the flow test and/or will verify the accuracy of the test during preliminary design.

The engineer's drawings should clearly indicate the point that the licensed plumbing or site utilities contractor's work stops and the licensed fire sprinkler contractor's work begins. Note that the fire service piping is required to be installed and certified by a licensed fire sprinkler contractor. The point of service is defined in state law, including but not limited to, Tennessee Code Annotated, Title 62, Chapter 32 (Fire Sprinkler Contractors) and Rules Chapter 0780-2-7-.01 (Definitions) of the Department of Commerce and Insurance. The drawings are to be prepared to assure continuity in materials and performance in accordance with the various codes, especially National Fire Protection Association, Standards 13 and 24.

STANDARD OF CARE ***The Design Concept (Bid Package)***

- I. The Engineer develops the conceptual ideas and limitations of the system. Plans shall be drawn to an indicated scale, on sheets of uniform size, with a plan of each floor, and shall show those items from the following lists that pertain to the design of the system:
 1. Size and location of all risers, mains, and branch lines as required to provide preliminary hydraulic calculations (See Commentary and Section III).
 2. Size, type (i.e. wet, dry, deluge, pre-action, etc.), and location of risers and standpipes with description and arrangement of valving and accessories, including location of any and all hose valves, alarms and signal devices. Include area protected by each riser, each system, and each floor.
 3. The location and size of the hydraulically most remote area.

4. A description of Occupancy and Commodity classifications.
5. Preliminary hydraulic calculation results including, required design density, area of application, required hose stream, and required duration.
6. Clear statement on the required water supply margin of safety between the required water supply (including hose-streams) and the available supply. A suggested safety margin is a 5% difference between the system demand and the available water supply.
7. Type and finish of sprinkler heads in finished areas. Verify if specific sprinkler head location parameters exist.
8. Clear statement on where any required seismic bracing is required. A statement to the effect of, "Install seismic bracing per NFPA 13" is *not* acceptable as NFPA 13 describes only how to install bracing.
9. Fire pump (if required) room layout, fire pump and controller specification, and transfer switch.
10. Standpipe design (if required) must be clearly delineated on the drawings.
11. A completed Owner's certificate. See NFPA 13, Figure in Annex A, "Owner's Information Certificate."

It is understood that, for many projects, a total design package prepared by a design team of various disciplines will be completed. These design documents may consist of multi-disciplinary drawings and specifications, and shall show:

12. Name of owner and occupant.
 13. Location, including street address.
 14. North arrow.
 15. Construction type, building height in feet, building area, and occupancy of each building.
 16. Full height cross section, or schematic diagram, including structural member information if required for clarity and including ceiling construction and method of protection for nonmetallic piping.
 17. Building features such as combustible concealed spaces, floor openings, window openings, areas subject to freezing, and areas from which it is intended to omit sprinkler protection.
 18. Location of fire barriers and their fire resistance rating.
 19. Proposed location and approximate size, if a water supply employing pumps or tanks is contemplated.
 20. Name and address of party submitting the preliminary plans.
 21. Tentative location of underground major piping, including mains, risers, overhead mains, and fire department connections.
- II. Site plans (may be combined with floor plans) contain information pertinent to the proper operation of suppression systems. Information below, with the appropriate details, is required:
1. Size and location of water supplies.
 2. Size and location of all piping indicating, where possible, the class and type of new pipe to be installed, and the depth to which it is to be buried.
 3. Size, type, and location of valves. Indicate if located in pit or if operation is by post indicator or key wrench through a curb box.
 4. Size, type, and location of meters and backflow prevention devices.
 5. Size, type, and location of hydrants. Include number and size of outlets. Indicate if hose houses and equipment are to be provided and by whom.
 6. Size and location of standpipe risers, hose outlets, monitor nozzles, and related equipment.
 7. Location of Fire Department connections; if part of private fire service main system, including detail of connections.
 8. Water supply information:
 - a. Information regarding whether the main is circulating or dead-end.
 - b. Pressures under flowing and static conditions. Information on orifice size and co-efficient of orifice used in the test, and pitot pressure.
 - c. Elevations of slabs, floors, ceilings, street main connection, test hydrant, etc.
 - d. Information on who conducted the flow test, when, and where the test was conducted. If reliable or current (less than six months old) information is not available, the engineer

should supervise the performance of a new flow test and/or will verify the accuracy of a new flow test during preliminary design.

III. Preliminary hydraulic calculations.

1. The Engineer shall prepare and submit preliminary hydraulic calculations proving availability of adequate water, (volume, duration, and pressure) for protection of the area of greatest demand.

IV. Specifications

1. Specifications shall be prepared for fire protection the same as for any other portion of the project.

V. Engineer's Seal

1. The engineer of record submitting fire protection system design construction documents shall seal, sign, and date each page or sheet of drawings and the first page of specifications and calculations.

VI. Legend

1. The engineer's drawings should clearly indicate the point that the licensed plumbing or site utilities contractor's work stops and the licensed fire sprinkler contractor's work begins. Note that the fire service piping is required to be installed and certified by a licensed fire sprinkler contractor. The point of service is defined in state law, including but not limited to, Tennessee Code Annotated, Title 62, Chapter 32 (Fire Sprinkler Contractors) and Rules Chapter 0780-2-7-.01 (Definitions) of the Department of Commerce and Insurance.

Adopted 11-1-90

Revised and adopted 9-20-02

Revised and adopted 1-20-05

Revised and adopted 10-17-08

APPENDIX G

ENGINEERING EXEMPTION POLICY FOR FIRE SPRINKLER SYSTEM DESIGN (Effective April 1, 2006)

This policy works in conjunction with the Engineering Exemption Policy for Fire Sprinkler Design Decision Trees. The Decision Trees should be referred to first to determine the parameters for use of this policy (see list at the end of this policy). Please note that the head counts in this policy are based on standard sprinkler heads and not extended coverage sprinkler heads. The installation of a sprinkler system in a non-sprinklered existing building which is required due to a change of occupancy or building renovation will automatically fail the System Capacity test.

1: NEW BUILDING CONSTRUCTION REQUIRING SPRINKLERS.

New building construction AND ADDITIONS OF 5,000 SF OR MORE will require the services of a Professional Engineer, competent in Automatic Fire Sprinkler design, for the design of the new fire sprinkler system. These services shall be provided in accordance with T.C.A. § 62-2-102 [Practice and persons exempt from registration].

2: RENOVATION OF AN EXISTING FIRE SPRINKLER SYSTEM.

If there is no occupancy classification change and adequate capacity has been determined, a Professional Engineer, competent in Automatic Fire Sprinkler design, shall not be required unless the Automatic Fire Sprinklers to be installed or modified in the renovation exceed the following:

| | |
|----------------------|---------------------|
| A. Light Hazard | 225 Sprinkler Heads |
| B. Ordinary Hazard | 225 Sprinkler Heads |
| C. Extra Hazard | 225 Sprinkler Heads |
| D. High Pile Storage | 400 Sprinkler Heads |

3: UPGRADING AN EXISTING AUTOMATIC FIRE SPRINKLER SYSTEM.

If there is no occupancy classification change and adequate capacity has been determined, a Professional Engineer, competent in Automatic Fire Sprinkler design, shall not be required unless the Automatic Fire Sprinklers to be installed or modified in the renovation exceed the following:

| | |
|----------------------|---------------------|
| A. Light Hazard | 225 Sprinkler Heads |
| B. Ordinary Hazard | 225 Sprinkler Heads |
| C. Extra Hazard | 225 Sprinkler Heads |
| D. High Pile Storage | 400 Sprinkler Heads |

4: NON-SPRINKLERED EXISTING BUILDING.

If an owner elects to install an automatic fire sprinkler system in a non-sprinklered building, which under current code compliance analysis would not require an automatic sprinkler system, it shall not require the services of a Professional Engineer, competent in Automatic Fire Sprinkler design, unless the Automatic Fire Sprinklers to be installed in the new system exceed the following:

| | |
|--------------------|---------------------|
| A. Light Hazard | 225 Sprinkler Heads |
| B. Ordinary Hazard | 225 Sprinkler Heads |
| C. Extra Hazard | 225 Sprinkler Heads |
| D. High Pile | 400 Sprinkler Heads |

Classifications are as outlined in current NFPA13 standards.

The Owner or his agent has the option to hire the services of a Professional Engineer, competent in Automatic Fire Sprinkler design, or a Licensed Fire Sprinkler Contractor to prepare the Design Concepts in:

- RENOVATION OF AN EXISTING FIRE SPRINKLER SYSTEM,
- UPGRADING AN EXISTING AUTOMATIC FIRE SPRINKLER SYSTEM, or
- NON-SPRINKLERED EXISTING BUILDING (BY CODE NOT REQUIRING SPRINKLERS).

If the total fire sprinklers exceed the parameters of this policy, a licensed Fire Sprinkler Contractor is not authorized to prepare the Design Concept.

If an Automatic Fire Sprinkler Contractor prepares the Design Concept, the adopted Board of Architectural and Engineering Examiners Board Standard of Care should be followed in preparing the Design Concept.

Installation of Fire Sprinkler Systems in One-and-Two Family Dwellings and Manufactured Homes shall be installed in accordance with NFPA 13-D and shall not be part of this policy.

DEFINITIONS:

| |
|--|
| <p>ADEQUATE CAPACITY. The existing public water supply or the current system configuration will serve the proposed renovations, upgrades, or additions to the structure. Adequate capacity can be calculated by an RME or PE and submitted to the AHJ for approval.</p> |
| <p>AHJ (AUTHORITY HAVING JURISDICTION). The An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure. The phrase "authority having jurisdiction" is used in NFPA documents in a broad manner, since jurisdictions and approval agencies vary, as do their responsibilities. Where public safety is primary, the authority having jurisdiction may be a federal, state, local, or other regional department or individual such as a fire chief; fire marshal; chief of a fire prevention bureau, labor department, or health department; building official; electrical inspector; or others having statutory authority. For insurance purposes, an insurance inspection department, rating bureau, or other insurance company representative may be the authority having jurisdiction. In many circumstances, the property owner or his or her designated agent assumes the role of the authority having jurisdiction; at government installations, the commanding officer or departmental official may be the authority having jurisdiction. Source: NFPA 1.</p> |
| <p>BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy. Source: Life Safety Code (NFPA 101), 2003 edition.</p> |
| <p>BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative. Source: International Building Code.</p> |
| <p>COMMODITY. Combinations of products, packing material, and container upon which the commodity classification is based. Source: NFPA 13.</p> |
| <p>FIRE CODE OFFICIAL. The fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative. Source: International Fire Code.</p> |
| <p>FIRE PROTECTION SPRINKLER SYSTEM CONTRACTOR. A person who contracts, offers to contract, or represents that such person is able to contract with a general contractor, subcontractor, or the general public for the undertaking of the sale, installation or service of a fire protection sprinkler system or any part thereof, or who actually installs or services a fire protection sprinkler system, provided that an owner of real property on which a fire protection sprinkler system is located, or a full-time employee of the owner of real property on which a fire protection sprinkler system is located, may perform simple maintenance of the fire protection sprinkler system, such as replacing a sprinkler head. Source: T.C.A. Section 62, Chapter 32.</p> |
| <p>HAZARD CLASSIFICATIONS:</p> <p>Light Hazard Occupancies -- Occupancies or portions of other occupancies where the quantity and/or combustibility of contents is low and fires with relatively low rates of heat release are expected.</p> <p>Ordinary Hazard Occupancies –</p> <ul style="list-style-type: none">• Ordinary Hazard (Group 1). Occupancies or portions of other occupancies where combustibility is low, quantity of combustibles is moderate, stockpiles of combustibles do not exceed 8 ft (2.4 m), and fires with moderate rates of heat release are expected.• Ordinary Hazard (Group 2). Occupancies or portions of other occupancies where the quantity and combustibility of contents are moderate to high, where stockpiles of contents with moderate rates of heat release do not exceed 12 ft (3.7 m), and fires with moderate to high rates of heat release are expected and stockpiles of contents with high rates of heat release do not exceed 8 ft (2.4 m). <p>Extra Hazard Occupancies --</p> <ul style="list-style-type: none">• Extra Hazard (Group 1). Occupancies or portions of other occupancies where the quantity and combustibility of contents are very high and dust, lint, or other materials are present, introducing the probability of rapidly developing fires with high rates of heat release but with little or no combustible or flammable liquids. |

- Extra Hazard (Group 2). Occupancies or portions of other occupancies with moderate to substantial amounts of flammable or combustible liquids or occupancies where shielding of combustibles is extensive.

High-Piled Storage -- Solid-piled, palletized, rack storage, bin box, and shelf storage in excess of 12 ft (3.7 m) in height. Source: NFPA 13.

OCCUPANCY CLASSIFICATION. The purpose for which a building or portion thereof is used or intended to be used. Source: Life Safety Code (NFPA 101), 2003 edition.

PE (PROFESSIONAL ENGINEER). An individual who is registered to practice engineering by the Board of Architectural and Engineering Examiners.

RENOVATION. The act of improving by renewing and restoring. Source: Model building code and sprinkler standards (defined in accordance with the latest adopted by the Tennessee State Fire Marshal's Office).

RME (RESPONSIBLE MANAGING EMPLOYEE). An individual who is, or is designated to be, in active and responsible charge of the work of a fire protection sprinkler system contractor. Source: T.C.A. Section 62, Chapter 32.

STANDARD SPRINKLER HEAD. A standard, fast, or quick response fire sprinkler head that does not include an extended coverage head as defined by NFPA 13.

STRUCTURE. That which is built or constructed. Source: Life Safety Code (NFPA 101), 2003 edition.

UPGRADE (upgraded, upgrading, upgrades). To raise to a higher grade or standard. Source: Model building code and sprinkler standards (defined in accordance with the latest adopted by the Tennessee State Fire Marshal's Office).

Adopted 8-25-05

Engineering Exemption Policy for Fire Sprinkler Design Decision Trees

Fire Sprinkler System – New Construction Including Additions – page 1

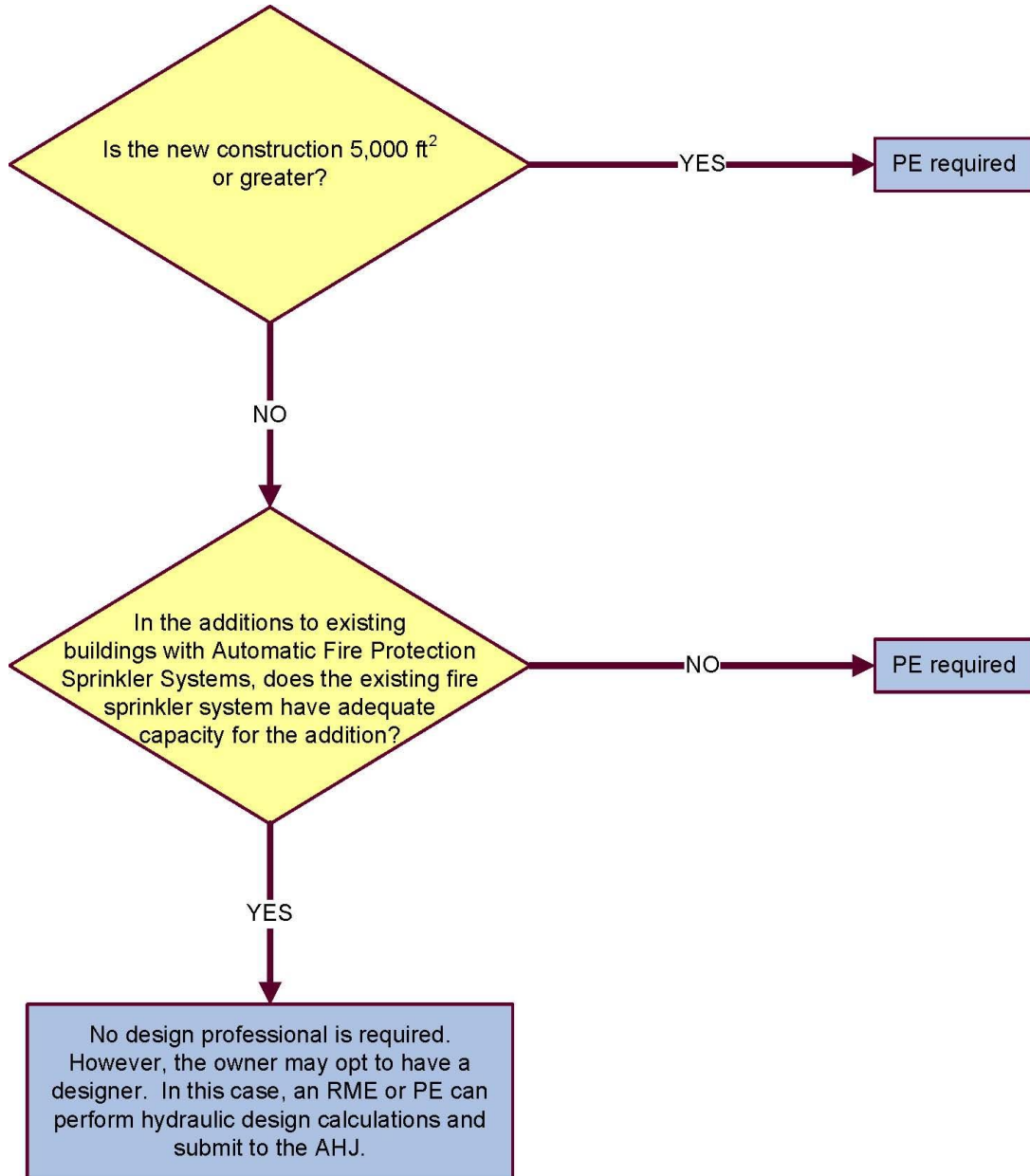
Fire Sprinkler System – Renovation/Upgrade (no occupancy change) – page 2

Fire Sprinkler System – Existing Non-Sprinklered Building – page 3

Fire Sprinkler System – Occupancy Classification Change – page 4

Engineering Exemption Policy for Fire Sprinkler Design Decision Tree

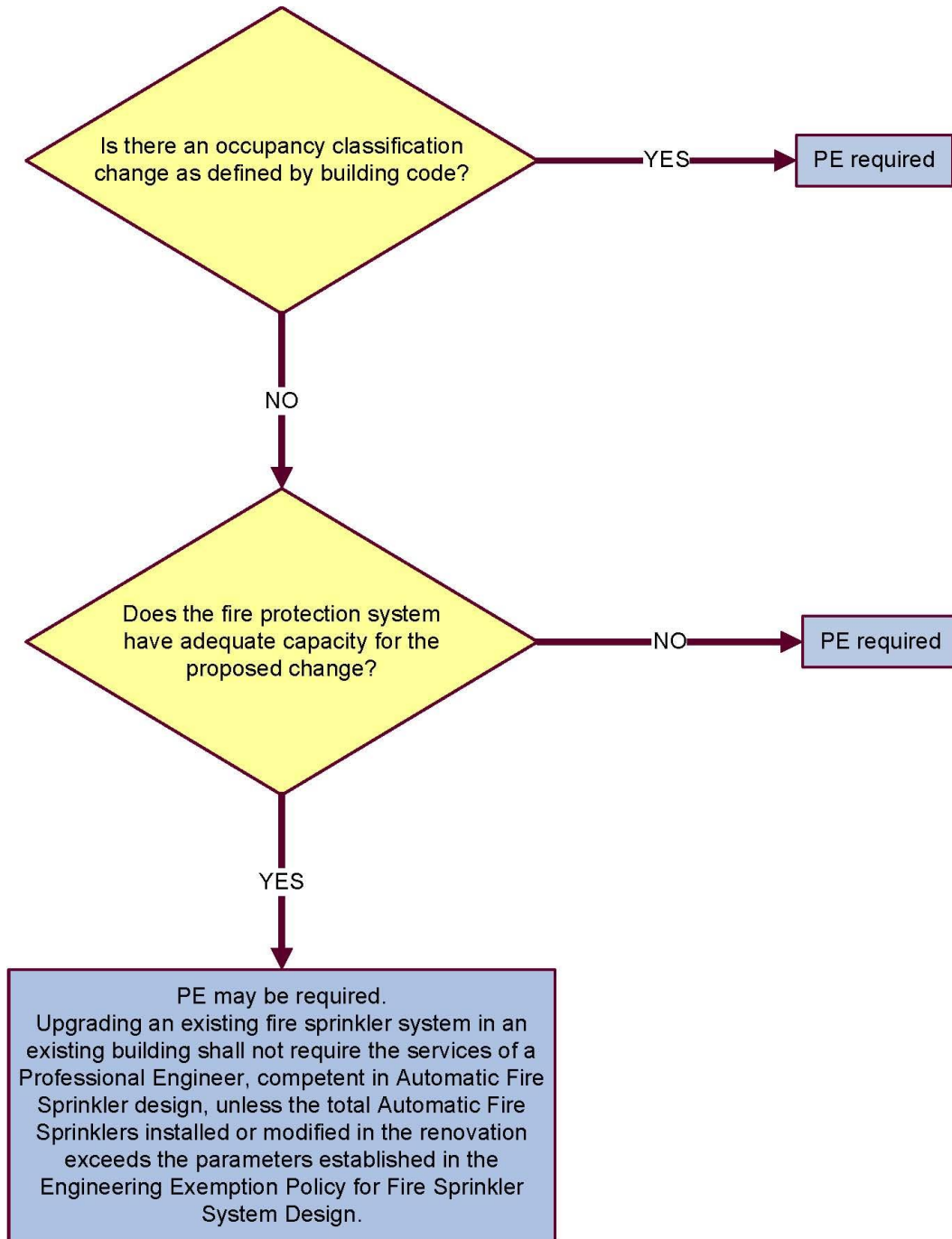
Fire Sprinkler System – New Construction Including Additions



This Decision Tree is the companion document to the Engineering Exemption Policy for Fire Sprinkler System Design.

(Page 1 of 4)

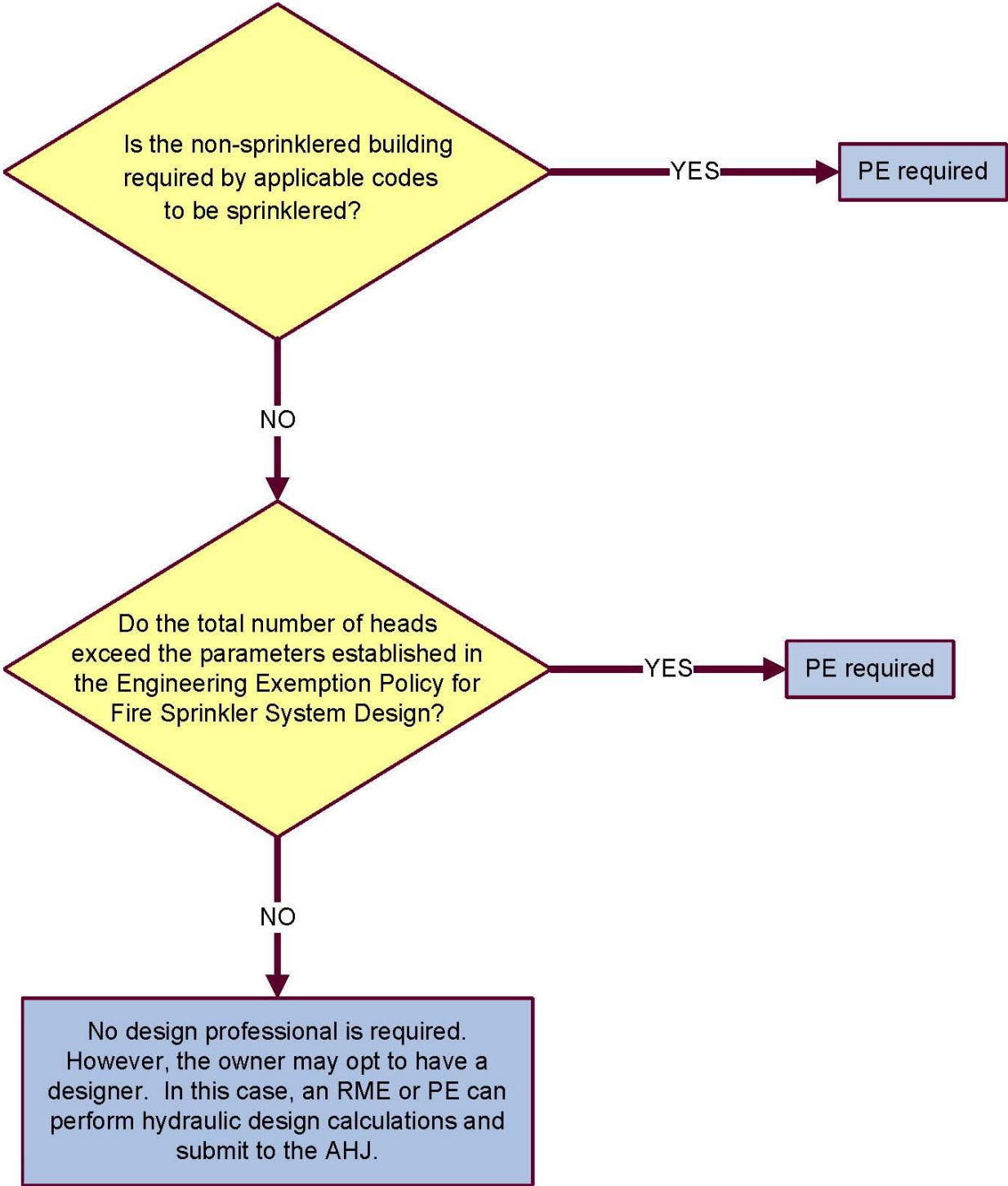
Fire Sprinkler System – Renovation/Upgrade (no occupancy change)



This Decision Tree is the companion document to the Engineering Exemption Policy for Fire Sprinkler System Design.

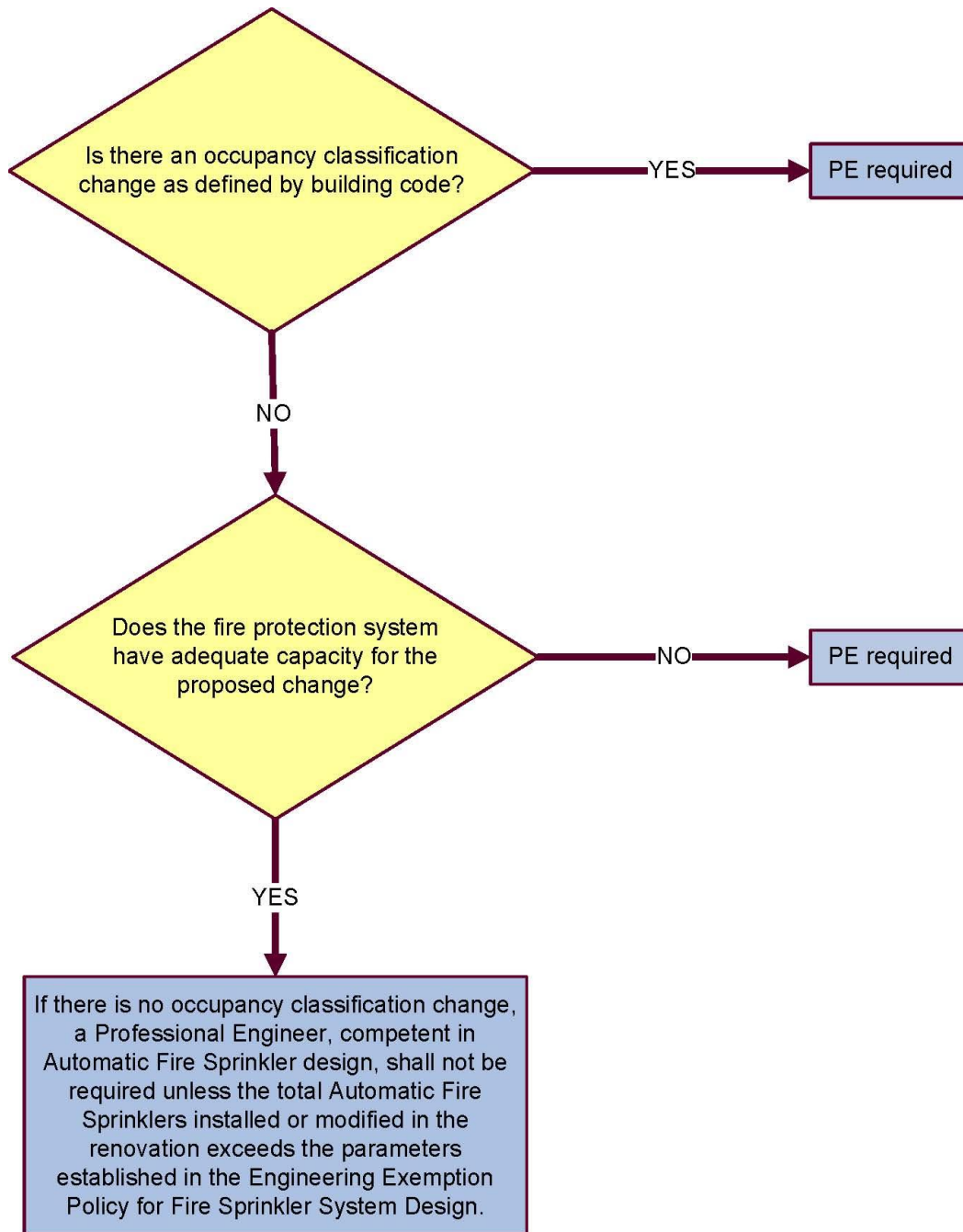
(Page 2 of 4)

Fire Sprinkler System – Existing Non-Sprinklered Building



This Decision Tree is the companion document to the Engineering Exemption Policy for Fire Sprinkler System Design.

Fire Sprinkler System – Occupancy Classification Change



This Decision Tree is the companion document to the Engineering Exemption Policy for Fire Sprinkler System Design.

(Page 4 of 4)

APPENDIX H

DESIGN AND PRACTICE POLICIES

Several policies may need to be added or revised.

I. AS-BUILT DRAWINGS

As-built drawings are often used to document how an existing structure, building site, or other development project was constructed.

The Board does not consider the representation of what was believed to be constructed to be the practice of architecture, engineering or landscape architecture. Therefore, the Board does not require that these drawings bear the seal of a design professional. However, occasions may arise when a registered design professional is required to seal such drawings. In such cases, a caveat should be included on the sealed as-built drawings, incorporating the following factors as applicable:

- This as-built drawing is a compiled representation of the constructed project.
- The sources and the basis of information used in the preparation of this as-built drawing are as follows: (insert appropriate sources, such as field inspector's notes, contractor's notes, field measurements, etc.).
- This as-built drawing is believed to be correct to the best of the professional's knowledge.

Adopted 5-22-08

II. ASBESTOS ABATEMENT DESIGN POLICY STATEMENT

Where asbestos abatement design involves the design or modification of buildings, building systems, (including, but not limited to fireproofing, fire protection systems, building ventilation systems, and fire resistive construction), and utilities, or the consequent refitting of buildings, it constitutes the practice of architecture or engineering. Subject to the exemptions listed in Tennessee Code Annotated (T.C.A.), Sections 62-2-102 and 62-2-107, asbestos abatement project drawings and specifications which deal with the design or modification of buildings, building systems, and utilities, or the refitting of buildings shall be prepared by a registered architect or engineer with competence and expertise in asbestos abatement. All such drawings shall, in accordance with T.C.A. Sections 62-2-306(b) and Rule 0120-2-.08 (Seals), bear the seal and signature of the registrant.

The above policy notwithstanding, the Board recognizes that certain aspects of asbestos abatement design which do not involve the design or modification of buildings, building systems, and utilities, or the consequent refitting of buildings may be addressed by a qualified certified industrial hygienist, as certified by the American Board of Industrial Hygiene. A certified industrial hygienist with competence and expertise in asbestos abatement design may develop a written plan and specifications for selection of personal protective equipment, employee training, medical surveillance, employee and equipment decontamination procedures, analytical requirements for monitoring, employee and area monitoring, temporary containment and negative pressure systems, work area clearance, and record keeping.

In addition, the inspection and collection of data as to possible existing asbestos in structures may be performed by a properly trained nonregistrant. Management plans and operation and maintenance plans should be prepared by a qualified registered architect or engineer or by a qualified certified industrial hygienist.

Adopted 1/26-27/89

Revised and adopted 3-30-90

Revised and adopted 10-30-91

III. CONSTRUCTION DOCUMENTS AND USE OF THE SEAL

Pursuant to Rule 0120-2-.08(2)(a), the registrant is required to stamp with his/her seal all original sheets of any bound or unbound set of construction documents. The Board considers that some drawings or sketches are not in the construction documents category when they communicate concepts only and are not to be used for consideration in a machine, process or building project. However, any drawings prepared for the purpose of formal submittal to regulatory authorities (i.e., codes, fire marshals, etc.) as representative of fabrication or construction must be sealed by the registrant. It is recommended that drawings that are not construction documents be clearly designated "preliminary – not for construction" or by some other means indicating the drawings are not complete.

For the purpose of this policy, "working drawings or plans" means "construction documents."

Adopted 4-28-88

Revised and adopted 10-4-97

Revised and adopted 04-25-02

Revised and adopted 05-18-06

IV. DELINEATION OF ENGINEERING AND SURVEYING

In rural areas regarding subdivision development of property, an issue has arisen between surveyors and engineers wherein the surveyors feel they should take responsibility for engineering design because engineering expertise is not available and the importance of such engineering expertise is questionable. Engineers do not subscribe to this extension of the responsibilities of surveyors into their practice.

On September 17, 1987, three members of the State Board of Architectural and Engineering Examiners (Messrs. Lannom, Adsit, and Wynne) met with the Honorable Bill Richardson, Tennessee State Senator, to discuss his original intent in the delineation of the two professions during the Senate's deliberations in 1976, when the surveyors' law was passed.

The language below is the A/E Board's interpretation of the delineation of engineering and surveying:

1. Land surveying, measurement and calculation of areas, boundaries, property lines, the subdivision of property and the plotting thereof must be done by a surveyor and his drawing must bear his seal.
2. Subdivision road alignment, road grades, cutting and filling of subdivision lots, and changes to the topography which involves a final grading plan may be performed by either an engineer or a surveyor; the designer's seal must be applied to the drawing. In localities where instability of final grades and slopes requires analysis of soils to prevent conditions hazardous to life and property, design of roads, slopes, ditches, and building sites must be done by an engineer.
3. Culverts, storm drainage pipes, water lines, sewer lines, electric power lines or other utilities not existing prior to development shall not be shown on a subdivision drawing unless that drawing bears the seal of the engineer who designed them.
4. The issue of whether or not the design of storm water drainage systems may be conducted by a licensed land surveyor was addressed in an opinion by the Attorney General's Office on February 9, 2004 (Opinion No. 04-018). That Opinion answers the question: "Does the statute (Tenn. Code Ann. §62-18-102(3), defining the "practice of land surveying") allow land surveyors to conduct and perform drainage design and calculations required for the construction of

subdivisions, including determining the detention and retention of storm water as well as determining the size of ponds, basins, pipes and culverts which hold and through which storm water will flow?" The Opinion concludes, based on its analysis and past authorities, that a licensed land surveyor **who is not a registered engineer** may not conduct drainage design and calculations of this kind. The Tennessee State Board of Architectural and Engineering Examiners agrees with this opinion.

Adopted 1-26-90
Revised and adopted 10-4-97
Revised and adopted 7-10-08

V. DESIGN COMPETITIONS/REQUESTS FOR PROPOSALS (RFP)/REQUESTS FOR QUALIFICATIONS (RFQ)

A person who is properly registered or licensed as an architect, engineer or landscape architect in another jurisdiction but who is not registered in Tennessee may participate in a design competition or submit RFPs or RFQs in Tennessee so long as prior to participating in the design competition or submitting RFPs or RFQs, the person files an application for registration (without the application fee and supporting documentation) with the Board and certifies therein his or her intent to complete the application process and obtain registration in Tennessee prior to executing any contract that may result from the design competition, RFP or RFQ. In no event may a person who is not registered by the Board enter into a contract to provide architectural, engineering or landscape architectural services in Tennessee.

Adopted 1-19-06
Revised and adopted 2-19-09

VI. DESIGN/BUILD BY CONTRACTORS

Contractors, without in-house registrants, offering "design/build" services are in no way authorized to perform actual architectural, engineering, or landscape architectural services. Such professional services must be performed by duly qualified registrants in conformity with the provisions of Tennessee Code Annotated (T.C.A.), Title 62, Chapter 2, and the Board's Rules of Professional Conduct.

Contractors may offer "design/build" services to the public without having to comply with the firm disclosure and supervision requirements of T.C.A., Title 62, Chapter 2, Part 6, provided no "architectural," "engineering," or "landscape architectural" services are offered in-house. In such event, any contractor without in-house registrants offering design/build services should have organized the design team, comprised of Tennessee registered architects, engineers and landscape architects competent in the work to be performed, prior to the time services are formally proposed. Additionally, qualified Tennessee registrant(s) shall be involved in any activity in preparation for or leading to a signed contract. Members of the design team should be included in any meeting with clients in which the project is discussed.

Any plans, specifications, and/or reports which are part of a proposal, and all subsequent construction documents, shall be prepared and sealed by the registrant(s) having responsible charge of the project. Any person offering design/build services should make every effort to ensure proper coordination of design drawings for the project.

Adopted 10-22-92
Revised and adopted 7-18-97
Revised and adopted 4-25-02
Revised and adopted 1-9-03

VII. DRAFTING FIRMS AND SPECIFICATION WRITERS

As Computer Aided Design (CAD) and drafting play an ever expanding role in our professions, questions arise as to the relationship of these systems to the requirements of the registration law. Among these questions is that of the role of businesses providing drafting services to professional offices. These drafting/CAD services are either by traditional manual methods or by the use of CAD equipment. At the July 31, 1987, meeting, the Board stated the following policy in this regard:

1. The drawings prepared by the drafting service are to be taken from complete information provided by the registrant whose seal will appear on the drawings.
2. The drafting or CAD firm's preparation shall not consist of any original or design work whatsoever produced by that drafting firm, including decisions for use of previously drawn or stored work. The registrant shall retain documented evidence to prove the source of such original or design work is that of the registrant.

This policy also applies to specification writers.

Adopted 7-31-87
Revised and adopted 9-29-95
Revised and adopted 10-4-97
Revised and adopted 4-25-02

VIII. EXPERT TESTIMONY

A person testifying as an expert witness is not required to be registered in Tennessee, so long as the person does not misrepresent his or her credentials as being registered in Tennessee, the person does not present a written document that would be required to be sealed, and the person does not do any other act that would constitute the practice of architecture, engineering, or landscape architecture pursuant to *Tennessee Code Annotated* Title 62, Chapter 2.

Adopted 1-19-06

IX. MULTIPLE REGISTRANTS' SEALS ON A DOCUMENT

If a registrant has been in responsible charge of work done on a document, the registrant's seal should be on it. Where multiple registrants in responsible charge provide content on the same document, all such registrants should seal the document, and, if there is any question, description of the areas of responsibility should be included.

Cover Page: A registrant is not required to seal the cover page of a set of construction documents unless the cover page contains architectural, engineering, or landscape architectural information (i.e. building code information). All registrants in responsible charge who work on a set of specifications are required to seal either the cover page of the specifications, or the cover page(s) for the section(s) of the specifications they produce.

For the purpose of this rule, "working drawings or plans" means "construction documents."

Adopted 1-26-89
Revised and adopted 10-4-97
Revised and adopted 4-23-98
Revised and adopted 4-25-02
Revised and adopted 5-18-06
Revised and adopted 7-20-06

X. ONE-FAMILY AND TWO-FAMILY DWELLINGS

In keeping with the definitions in the 1985 edition of the Standard Building Code, the Board defines a "one-family or two-family dwelling" [T.C.A. Section 62-2-102(b)(2)] as a structure occupied exclusively for residential purposes by not more than two families. A townhouse is considered a single-family dwelling unit constructed in a series or group of attached units with property lines separating such units. The common wall between townhouses must be designed with the minimum fire-rated separation required by the applicable code.

The following are not considered to be one-family or two family dwellings:

- A lodging house, which is defined as any building or portion thereof containing not more than five guest rooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise.
- An apartment house or multiple dwelling, which is defined as any building or portion thereof used as a multiple dwelling for the purpose of providing three or more separate dwelling units which may share means of egress and other essential facilities.

Note: A "dwelling unit" is defined as a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Adopted 6-25-09

XI. ORIGINAL SHEETS, DEFINITION OF

The words "all original sheets" in Rule 0120-2-.08(2)(a) mean "tracings or reproducible sheets."

Adopted 5-10-91

XII. PROTOTYPICAL PLANS, COMPUTER AIDED DESIGN, AND UNITED STATES POSTAL SERVICES KIT OF PARTS

The substantial portion of any project sealed by an architect, engineer, or landscape architect should be developed under his or her responsibility. The use of predrawn detail items or detail units by a registrant who has reviewed and accepted same, as long as the health, safety, and welfare of the public are protected, is allowed.

Adopted 3-30-90

Revised and adopted 10-4-97

Revised and adopted 4-25-02

XIII. PUBLIC WORKS - STRUCTURAL/WATER LINES

The term "structural" in Tennessee Code Annotated, Section 62-2-107(b), shall not include single water lines not more than 3,000 feet serving up to ten homes. (This does not include wastewater line extensions.)

NOTE: The Board's policy is based on its opinion that the above-described water line is clearly "civil" in nature, rather than "structural." This interpretation is confined to T.C.A., Section 62-2-107(b) and is not to be construed as addressing any other provision of state law.

Adopted 4-30-92

XIV. REVISIONS TO PLANS PREPARED BY PRIOR REGISTRANT

A registrant is prohibited from sealing plans originally prepared by a person not under the registrant's responsible charge, whether or not that person is another registrant. In special circumstances, specifically where the first registrant has changed employment or is deceased, a

second registrant may perform work on a set of plans originally prepared by another registrant. If the plans are incomplete (are at a stage prior to submittal to a reviewing official), the second registrant may not seal the set of drawings prepared by the first registrant; rather, the second registrant must take all steps necessary to ensure that the drawings were prepared under his or her responsible charge. If the plans are complete and have been submitted to a reviewing official, the second registrant may prepare and seal addenda sheets if revisions are necessary.

Adopted 1-19-06

XV. SIGNS

The Board defines a “sign” [T.C.A. Section 62-2-102(b)(4)] as a self-supporting structure that is arranged, intended, designed or used as an advertisement, announcement or direction, and includes a sign, sign screen, billboard and advertising devices of every kind (from the 1985 edition of the Standard Building Code).

Signs that do not exceed the limits outlined in T.C.A. Section 62-2-102(b)(4) are exempted from the requirement to have plans and specifications prepared by a registered architect or engineer unless an awarding authority deems it necessary. Maintenance or repair of an existing sign that does not require technical calculation or compromise the original design is also exempted.

Adopted 6-25-09



Department of Commerce and Insurance, Authorization No. 335306, 21,000 copies,
March 2009. This public document was promulgated at a cost of \$0.78 per copy.



MINUTES OF A MEETING OF THE
TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
Davy Crockett Tower
Nashville, Tennessee
Wednesday, August 12, 2015

CALL TO ORDER

Robert Campbell, Chair, called the regular meeting of the Tennessee Board of Architectural and Engineering Examiners to order at 1:10 p.m. on August 12, 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 |
| Robert Campbell, Jr. | Professional Engineer |
| Jerome Headley | Registered Architect |
| Philip Lim | Professional Engineer |
| Bill Lockwood | Registered Landscape Architect |
| Rick Thompson | Registered Architect |
| Frank Wagster | Registered Architect |

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

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

The following **Board staff** was present:

| | |
|-------------------|--------------------------|
| John Cothron | Executive Director |
| 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)
Don Baltimore, Tennessee Interior Design Coalition (TIDC)
Ashley Cates, American Institute of Architects-Tennessee (AIA-TN)
Nathan Ridley, American Society of Landscape Architects- Tennessee (ASLA-TN)

Guests were introduced.

Mr. Cothron announced that Ricky Bursi, Robert Campbell and Frank Wagster were reappointed to serve on the Board until June 30, 2019.

Agreeing to an addition to the agenda, the Chair allowed Mr. Balthrop to move that the Board approve an emeritus certificate for Public Board member Wilson Borden, who rotated off the Board on June 30, 2015. The motion was seconded and passed unanimously.

CONSENT AGENDA (attached)

Ms. Ballard referred to Agenda section, "Unfinished Business," Item "c" of the Board's Minutes of the June Meeting and moved to replace "...no longer necessary." with "on hold." The motion was seconded and passed unanimously.

Motion was made by Mr. Lockwood and seconded to approve the minutes of the June 4, 2015 meeting as amended. 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

Ashley Cates reported on activities of the *AIA-TN* and stated that it continues to work with the State Architect's office on state contract revisions.

Don Baltimore, reporting on activities of the *TIDC*, announced that the American Society of Interior Designers is holding a convention in Nashville in October.

Kasey Anderson reported on activities of the *ASPE/ACEC-TN* and stated that

- the Annual Conference of TSPE/ACEC-TN will meet in Murfreesboro on September 18-19, 2015;
- TSPE and NSPE (National Society of Professional Engineers) want to go on record as opposing NCEES's (National Council of Examiners for Engineering and Surveying) motion to establish structural-specific licensure, and
- decoupling of the experience and examination requirements for PE licensure needs more study.

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

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

1. *Case No. L15-AEL-RBS-2015007201* *Complaint #201500720*
Motion was made by Mr. Lockwood and seconded to close the case. The motion passed unanimously.

2. *Case No. L15-AEL-RBS-2015004461* *Complaint #201500446*
Motion was made by Mr. Thompson and seconded to close the case. The motion passed

unanimously.

3. *Case No. L15-AEL-RBS-2015011371* *Complaint #201501137*

4. *Case No. L15-AEL-RBS-2015011381* *Complaint #201501138*

Motion was made by Mr. Lockwood and seconded to close the cases. The motion passed unanimously.

5. *Case No. L15-AEL-RBS-2015014571* *Complaint #201501457*

Motion was made by Mr. Thompson and seconded to authorize a formal hearing with authority to settle the matter with a Consent Order for suspension of the respondent's certificate of registration until all continuing education requirements were completed and to take and pass the Board's law and rules exam. Following discussion, Mr. Thompson withdrew his motion.

Motion was made by Ms. Ballard and seconded to authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of two thousand dollars (\$2,000.00) and to take and pass the Board's law and rules exam. The motion passed unanimously.

INFORMAL CONFERENCE (*Case No. L13-AEL-RBS-2013005781*)

After a discussion with Bruce Wayne Hulsart, PE, regarding his competency, motion was made by Mr. Balthrop and seconded to close the case with a Letter of Caution and to request that Mr. Hulsart take and pass the Board's law and rules exam. The motion passed with Mr. Thompson voting "no". Following additional discussion, Ms. Richardson stated that she would explore other options available to the Board in this case.

Break 2:57-3:09 p.m.

REVIEW OF FORMAL HEARING PROCEDURES

In advance of a formal hearing, Chief Counsel Mark Green and Anthony Glandorf reviewed the procedures of such a hearing.

DIRECTOR'S REPORT

1. Mr. Cothron reported his activities and those of his staff and Board members.
2. *Complaint Data* was presented for informational purposes only. (attached)

ENGINEER COMMITTEE REPORT (attached)

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

ARCHITECT COMMITTEE REPORT (attached)

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)
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 submitted an *Informal Opinion* regarding the discipline of a non-registrant who adds a title to plans. (attached)

Motion was made by Mr. Headley and seconded to refer the case in question to a local District Attorney for possible action against the owner for forgery. The motion passed unanimously.
 - b. *Qualifications-Based Selection* (attached)
 - i. The Board concluded that the answer to FAQ #3 is correct.
 - ii. Board members concurred to delete the last sentence of FAQ #9: “However, it is permissible to submit hourly rates if an estimate of man-hours is not provided.”
 - iii. Motion was made by Mr. Balthrop and seconded to add, as the last sentence to FAQ #19: “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.” The motion passed unanimously.

NEW BUSINESS

- *Committee Assignments*
Mr. Campbell, Chair, made the following committee assignments:
 - Frank Wagster – chair of the Finance Committee
 - Philip Lim – chair of the Nominations Committee
 - Wilson Borden will be replaced with a newly appointed Public Member.
- *October Agenda* (attached)
The starting time on Thursday and Friday morning was changed to at 8:30 a.m.
- *2016 Meeting Schedule* (Attached)
Motion was made by Mr. Lockwood and seconded to accept the proposed 2016 Meeting Schedule. The motion passed unanimously.
- *Report on 2015 NCARB (National Council of Architectural Registration Boards) Annual Meeting* (attached)
Motion was made by Mr. Balthrop and seconded to accept the written NCARB Annual Meeting Report. The motion passed unanimously.
- *Authorization of Travel and Speakers*
Motion was made by Mr. Lim and seconded to authorize Hal Balthrop and Laura Reinbold to speak at the Tennessee Engineers’ Conference on September 18, 2015, and to authorize the individuals identified by the Engineer Committee to serve as observers

at ABET accreditation visits to represent the Board as observers. The motion passed unanimously.

The meeting adjourned at 4:50 p.m.

Attachments

FORMAL HEARING
TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
Davy Crockett Tower
Nashville, Tennessee
Thursday, August 13, 2015

Call to Order

The Tennessee Board of Architectural and Engineering Examiners met in the Davy Crockett Tower in Nashville, TN on August 13, 2015, for a formal hearing. The meeting convened at 9:40 a.m. with Chair Robert Campbell presiding. Richard Thompson was absent. Frank Wagster and Stephen King recused themselves. A quorum of Board Members was present.

The following **Board members** were present:

| | |
|----------------------|--------------------------------|
| Susan Ballard | Registered Interior Designer |
| Hal Balthrop | Professional Engineer |
| Robert Campbell, Jr. | Professional Engineer |
| Jerome Headley | Registered Architect |
| Philip Lim | Professional Engineer |
| Bill Lockwood | Registered Landscape Architect |
| Frank Wagster | Registered Architect |

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

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

The following **Board staff** was present:

| | |
|-------------------|--------------------|
| John Cothron | Executive Director |
| Ellery Richardson | Legal Counsel |
| Wanda Phillips | Office Manager |

FORMAL HEARING

John H. Comperry, R.A. 21752
Case #201206681, 2014017611

Docket #12.10.129982A
Complaint #20120668, 201401761

A formal hearing began in the matter of John H. Comperry. Mr. Comperry is charged with sealing design plans for projects deemed to be outside his areas of competence. The "Proposed Findings of Fact and Conclusions of Law" is attached.

Administrative Law Judge Mary Collier presided.
Robyn Ryan represented the State.
John H. Comperry represented himself.

Ms. Ryan distributed a copy of the "State's Proposed Findings of Fact" and the "State's Proposed Conclusions of Law" to the Board.

The following witnesses were sworn in prior to their giving testimony:

John Cothron, Executive Director, Tennessee Board of Architectural and Engineering Examiners
W. Michael Davis, Registered Architect
Bruce Sanders, Contractor
Bobby Wall, Contractor
Fred Weis, Professional Engineer
Ted Wynne, Professional Engineer

Exhibits were presented when appropriate.

The case was heard and arguments were made. Deliberations followed Judge Collier's instructions.

Findings of Fact

1. Motion was made by Mr. Balthrop and seconded to accept Proposed Findings Fact #1, as true, that Mr. Comperry is a licensee of the Board, having been granted a license as a registered architect, number 21752. The motion passed unanimously.
2. Motion was made by Mr. Lim and seconded to accept Proposed Findings Fact #2, as true, that Complaint number 201206681 was opened after the State was alerted that Mr. Comperry was stamping design projects for projects deemed to be outside his area of competence as reviewed by an architect and an engineer, both members of the Board. The motion passed unanimously.
3. Motion was made by Ms. Ballard and seconded to accept Proposed Findings Fact #3 as true. An amended motion was made by Mr. Balthrop and seconded to reword the first sentence to read, "Specifically, Respondent used his professional stamp on a number of drawings for projects that were outside Respondent's area of competency, some of which included engineering designs." The motion passed unanimously.
4. Motion was made by Mr. Balthrop and seconded to accept Proposed Findings Fact #4 as true, that complaint number 2014017611 was opened based on information provided to the State showing that in June 2014 Respondent affixed his seal on multiple pages of design documents regarding a project for Addison at Rossview, located in Clarksville, Tennessee. The motion passed unanimously.
5. Motion was made by Mr. Lockwood and seconded to accept Proposed Findings Fact #5, as true, that from October 2011 to July 2014, Respondent affixed his seal on multiple pages of design documents for a project for Hickory Wild Clubhouse located in Clarksville, Tennessee. The motion passed unanimously.
6. Motion was made by Mr. Campbell and seconded to amend Proposed Findings Fact #6 to read, "Respondent's education and/or experience was not sufficient to allow Respondent to meet engineering standard of care for the following projects and did not meet the minimum level of competency:
Cumberland Youth Camp
Security Seed

Hickory Wild clubhouse
Addison at Rossvie
Mt. Pisgah”

The motion passed unanimously.

7. Motion was made by Mr. Lockwood and seconded to delete Proposed Findings Fact #7. The motion passed unanimously.
8. Motion was made by Ms. Ballard and seconded to add the fact that Mr. Comperry attempted to contact the Board to determine what projects he could and could not stamp. The motion passed unanimously.

Mr. Lim left at 5:42 p.m. prior to the vote on #8.

Conclusions of Law

Count One

Motion was made by Mr. Headley and seconded to accept (1) through (5) of this Conclusion of Law. The motion passed unanimously.

Motion was made by Mr. Headley and seconded to delete (6). The motion passed unanimously.

Count Two

Motion was made by Ms. Ballard to accept this Conclusion of Law. The motion passed unanimously.

Count Three

Motion was made by Ms. Ballard to accept this Conclusion of Law. The motion passed unanimously.

Count Four

Motion was made by Mr. Balthrop to accept this Conclusion of Law. The motion passed unanimously.

Discipline

Motion was made by Mr. Balthrop and seconded to assess, against Mr. Comperry, a civil penalty in the amount of one thousand dollars (\$1,000.00) per project (for which there were five); thus, a total of five thousand dollars (\$5,000.00) pursuant to *Tennessee Code Annotated (T.C.A.) §56-1-308 and Tennessee Comprehensive Rules and Regulations. §0120-02-.09*. The motion passed unanimously.

Motion was made by Ms. Ballard and seconded that an assessment for investigatory and hearing costs against the Respondent, *pursuant to Tennessee Code Annotated (T.C.A.) §56-1-311 and Tennessee Comprehensive Rules and Regulations. §0780-5-11-.01*, be imposed with a cap of six thousand dollars (\$6,000.00). The motion passed with Mr. Campbell and Mr. Headley voting against. (three to two)

Motion was made by Mr. Balthrop and seconded that the Respondent take and pass the Board's law and rules exam within sixty days. The Respondent's license will be suspended pending compliance. The motion passed unanimously.

Motion was made by Mr. Lockwood and seconded that the Respondent pay hearing costs in an amount of up to six thousand dollars (\$6,000.00) together with the civil penalties totaling eleven thousand dollars (\$11,000.00) within twelve months from the effective date of the Final Order. The Respondent's license shall be suspended pending full compliance with this Order. The motion passed unanimously.

Policy Statement

Motion was made by Mr. Balthrop and seconded to adopt the following policy reasons for the Board's decision:

Based on the facts presented in this hearing, Respondent has failed to meet the standard of care by practicing outside Respondent's area of competence. In doing such, he has compromised the public's health, safety and welfare.

The motion passed unanimously.

The formal hearing of John H. Comperry was concluded at 7:22 p.m.
The meeting adjourned at 7:22 p.m.

Attachments



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
ENGINEER COMMITTEE MEETING
Davy Crockett Tower- Conference Room 1A
Nashville, Tennessee
Wednesday, August 12, 2015

CALL TO ORDER

Hal Balthrop, P.E., Committee Chair, called the Engineer Committee meeting to order at 9:05 a.m. on August 12, 2015 in Room 1A of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

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

A quorum was present.

The following **Board staff** was present:

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

Visitor present: George Garden, Tennessee Department of Environment and Conservation (TDEC)

NEW BUSINESS

MEETING WITH TDEC REPRESENTATIVES TO DISCUSS ENGINEERING EXPERIENCE OF TDEC APPLICANTS

George Garden, Chief Engineer of the Division of Water Resources in TDEC, stated that the department is encouraging engineer registration among its employees. Challenges that their engineers face in pursuing registration include a lack of direct PE supervision and the fact that they do not perform many of the typical duties of a consulting engineer. TDEC is offering a review course for the Environmental PE exam as part of their efforts to promote licensure. The committee emphasized the need for specific experience descriptions on the application and asked Mr. Garden to communicate to applicants that they should use their technical supervisors as references and not their managers.

APPLICATIONS FOR DISCUSSION

- **April Michelle Brown** (Exam) – Mr. Campbell and Mr. Balthrop wanted to discuss her experience. The committee concluded that she needs to lay out her progressive design experience and resubmit the application.
- **Lawson Sanford Bordley** (Exam) – Approved
- **Glenn Alford Church, II** (Comity) – Applicant’s degree is an engineering technology degree. The committee discussed the application in June, and it was suggested that if the University of Florida could verify that he completed all course work required for an EAC/ABET accredited degree, then the Board would reconsider his application. Mr. Church had a letter submitted from the University of Florida, and Board also had Mr. Church’s transcripts evaluated by Dr. John W. Smith. The application was disapproved.
- **Carl Layne Dawson** (Exam) – Application was approved by Mr. Balthrop. The committee decided that he needs to submit a more detailed description of his engineering design experience.
- **Kamiran Saleem Doski** (Exam) – A NCEES evaluation of Mr. Doski’s transcript from Mosul University in Iraq shows his degree is deficient two courses in math/basic sciences and four (4) semester hours in general education. Mr. Doski asked the Board to waive the deficiencies. The committee agreed to waive the general education deficiency; however, he will need to complete two calculus-based physics courses.
- **Abigail Elizabeth Henson** (Exam) – Mr. Lim and Mr. Campbell reviewed the application and found very little progressive engineering design experience. The applicant submitted more information on her experience, which was reviewed by the committee. The committee concluded that more information is needed before a decision can be made.

- **Lutfur Rahman Khandakar** (Comity) – A NCEES evaluation shows the applicant’s degree is deficient six (6) hours in math/basic sciences and thirteen (13) hours in general education. He has a graduate engineering degree from the University of Colorado at Boulder and requested that the Board use the graduate degree as the qualifying degree. The committee stated the he must complete all deficiencies.
- **Ali Omar** (Potential Exam Applicant) – A NCEES evaluation of transcripts from Amsterdam University and Tennessee State University indicate that the combined program is deficient seven (7) hours in math/basic sciences and sixteen (16) hours in general education coursework. Mr. Omar requested that the Board review his course work and inform him of any deficiencies that he will need to remedy. The committee requested that the transcripts be forwarded to Dr. John W. Smith for evaluation and recommendation.
- **Laura Jane Pearce** (Exam) – The applicant has not passed the FE exam and has only 11 years and 2 months of engineering experience. The committee decided that she would need to update her experience to sit for the April 2016 exam.
- **Jean Bart Ruiter** (Comity) – The applicant’s undergraduate degree is in engineering technology. He has graduate degrees in Civil and Agricultural engineering. Mr. Ruiter requested that the Board use his graduate degrees as the qualifying degrees. The application was disapproved.
- **Shailesh Jayantilal Shah** (Reapply) – Mr. Shah’s application for registration was previously approved under a law allowing a master’s degree in engineering as the qualifying degree. This law has since expired, and Mr. Shah allowed his registration to lapse. The application was approved since Mr. Shah met the education requirements in place at the time of his original registration in Tennessee [see Tenn. Code Ann. § 62-2-307(e)].
- **Bradley Spencer** (Potential Exam Applicant) – Mr. Spencer corresponded with both Mr. Campbell and Wanda Phillips regarding the direct PE supervision qualification but did not feel that the answers he received were sufficient. The committee instructed Ms. Phillips to thank him for his inquiries and to cite the law and rules pertaining to direct PE supervision. Additionally, Ms. Phillips was asked to inform Mr. Spencer that the Board has provided all the information they can at this time without actually reviewing his application, and they look forward to reviewing his application in the future.

The committee recessed at 11:30 a.m., and reconvened at 5:00 p.m.

NCEES ANNUAL MEETING MOTIONS

Motions to be presented at the 2015 National Council of Examiners for Engineering and Surveying (NCEES) Annual Meeting were reviewed. The following motions prompted discussion and/or action:

- Advisory Committee on Council Activities (ACCA) Motion 1—Charges a committee or task force with amending the NCEES *Model Law* and *Model Rules* to provide for a protected Structural Engineer title and restricted structural engineering practice. By consensus, the committee agreed to oppose this motion.
- Future of Surveying Task Force Motions 1 and 2—Motions to promote surveying education and licensure. By consensus, the committee agreed to support these motions.
- Board of Directions Motion—Authorizes the negotiation of a contract with the Egyptian Engineering Syndicate to offer the FE exam in Egypt to graduates of the country's engineering programs, regardless of whether they are accredited by the ABET Engineering Accreditation Commission. The committee agreed to support this motion if the FE exam is used only for assessment purposes by non-accredited programs, but not if it leads to licensure.
- ACCA Motion 3—Moves that a Special Committee on Bylaws be charged with proposing amendments at the 2016 annual meeting to incorporate language into the *Bylaws* to create an International Affiliate Organization membership category. The committee requested that this motion be removed from the consent agenda in order to clarify its intent.
- ACCA Motion 5—Moves 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. The committee asked for clarification regarding whether this motion is connected to ACCA Motion 1.
- ACCA Motion 8—A motion establishing a new position statement relative to future education requirements for engineering licensure. The committee requested that this motion be removed from the consent agenda in order to clarify its intent.
- Uniform Procedures and Legislative Guidelines (UPLG) Motion 31—Moves that the *Model Law* and *Model Rules* be amended to redefine licensure requirements for comity applicants based on proof of minimal competency. The committee agreed to support this motion.

OBSERVERS FOR ABET ACCREDITATION VISITS

The following Board members were selected to serve as observers at upcoming ABET accreditation visits:

- Christian Brothers University (November 1-3)—Ricky Bursi
- Lipscomb University (October 25-27)—Laura Reinbold
- Tennessee State University (November 15-17)—Hal Balthrop

Action was deferred on the other agenda items until the October committee meeting.

Adjourn. The Chair adjourned the meeting at 5:30 p.m.



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
ARCHITECT COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Wednesday, August 12, 2015

CALL TO ORDER

Frank W. Wagster called the Architect Committee meeting to order at 12:35 p.m. on August 12, 2015, in Room 1A of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Rick Thompson, R.A., Chair
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

APPLICATION FOR DISCUSSION

- **Joshua W. Stewart** (Comity) – The applicant has a B.S. in Architectural Studies, which is considered a pre-professional degree in architecture. The committee approved the application.

DISCUSS RE: THE IDP EXPERIENCE PORTFOLIO DOCUMENTATION METHOD

The National Council of Architectural Registration Boards (NCARB) requested feedback on a proposal that would provide a new experience path for professionals with valid work experience that falls outside the current limits of the Intern Development Program (IDP).

Architect Committee Minutes, August 12, 2015

Motion was made by Mr. Wagster and seconded to approve the concept as proposed by NCARB. The motion passed unanimously. Mr. Cothron was instructed to inform NCARB of the committee's decision.

Adjourn. The Chair adjourned the meeting at 1:00 p.m.

October 16, 2015

COMPLAINTS FOR BOARD DECISION

1. Complaint #2015020977

Respondents were disciplined by the Alabama Board for Registration of Architects. The disciplinary action was less than a suspension or revocation. The Board's Executive Director issued a Letter of Caution in accordance with Board policy. Recommend closure.

2. Complaint #2015020993

Respondents were disciplined by the Alabama Board for Registration of Architects. The disciplinary action was less than a suspension or revocation. The Board's Executive Director issued a Letter of Caution in accordance with Board policy. Recommend closure.

3. Complaint #2015021004

Respondents were disciplined by the Alabama Board of Licensure for Professional Engineers and Land Surveyors. The disciplinary action was less than a suspension or revocation. The Board's Executive Director issued a Letter of Caution in accordance with Board policy. Recommend closure.

4. Complaint #2015021017

Respondents were disciplined by the Alabama Board of Licensure for Professional Engineers and Land Surveyors. The disciplinary action was less than a suspension or revocation. The Board's Executive Director issued a Letter of Caution in accordance with Board policy. Recommend closure.

5. Complaint #2015021028

Respondent was disciplined by the Commonwealth of Kentucky, Kentucky State Board of Licensure for Professional Engineers and Land Surveyors. The disciplinary action was less than a suspension or revocation. The Board's Executive Director issued a Letter of Caution in accordance with Board policy. Recommend closure.

6. Complaint #2015021032

Respondent was disciplined by the Commonwealth of Kentucky, Kentucky State Board of Licensure for Professional Engineers and Land Surveyors. The disciplinary action was less than a suspension or revocation. The Board's Executive Director issued a Letter of Caution in accordance with Board policy. Recommend closure.

7. Complaint #2015021002

Respondent was disciplined by Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors. The disciplinary action was less than a suspension or revocation. The Board's Executive Director issued a Letter of Caution in accordance with Board policy. Recommend closure.

**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 held 8/13/15 |
| 2 | Architect | 201401761 | 7/23/2014 | Practice outside area(s) of competence. | Open-Legal | Formal held 8/13/15 |
| 3 | Architect | 2015020977 | 9/10/15 | Disciplined in another jurisdiction. | Open-Staff | Letter of Caution |
| 4 | Architect | 2015020993 | 9/10/15 | Disciplined in another jurisdiction. | Open-Staff | Letter of Caution |
| 5 | Engineer | 201300578 | 3/14/2013 | Practice outside area(s) of competence. | Open-Legal | Informal conference held 8/12/15 |
| 6 | Engineer | 201500204 | 1/12/2015 | Disciplined in another jurisdiction. | Open-Legal | Formal |
| 7 | Engineer | 201501457 | 6/3/2015 | Continuing education violation. | Open-Legal | Consent order issued |
| 8 | Engineer | 201501688 | 7/9/2015 | Practice outside area(s) of competence. | Open-Legal | Under review |
| 9 | Engineer | 201502037 | 8/17/2015 | Misconduct (improper use of another registrant's seal) | Open-Legal | |
| 10 | Engineer | 2015021002 | 9/10/15 | Disciplined in another jurisdiction. | Open-Staff | Letter of Caution |
| 11 | Engineer | 2015021028 | 9/10/15 | Disciplined in another jurisdiction. | Open-Staff | Letter of Caution |
| 12 | Engineer | 2015021004 | 9/10/15 | Disciplined in another jurisdiction. | Open-Staff | Letter of Caution |
| 13 | Engineer | 2015021017 | 9/10/15 | Disciplined in another jurisdiction. | Open-Staff | Letter of Caution |
| 14 | Engineer | 2015021032 | 9/10/15 | Disciplined in another jurisdiction. | Open-Staff | Letter of Caution |
| | | | | | | |
| | Number over 180 days old: 4 (29%) | | | | | |
| | Number over 180 days old without "clock stopping" action: 0 (0%) | | | | | |
| | Number of formal hearings authorized to be heard by Board: 1 | | | | | |
| | Number in Investigations: 0 | | | | | |
| | Percent on time (clock stopped within 180 days) last 18 months: 100% (80% is goal) | | | | | |

Civil Penalties Assessed and Received—FY 2015 (July 1, 2014–June 30, 2015)

| Complaint # | Complaint File Name | Respondent's Name | Registration # | Final Order Consent Order Agreed Order Date | Amount Assessed | Date Due | Amount Paid | Date Paid | Balance Due |
|-------------|----------------------------|----------------------------|----------------|---|-----------------|----------|-------------|-----------|-------------|
| 201400787 | Warren, Robert D. | Warren, Robert D. | P.E. #16706 | 07/08/14 | \$500.00 | 07/08/14 | \$500.00 | 07/09/14 | \$0.00 |
| 201400097 | Kulash, Walter | Kulash, Walter | Nonregistrant | 07/14/14 | \$500.00 | 07/14/14 | \$500.00 | 07/24/14 | \$0.00 |
| 201401496 | Edens, Herbert M., Jr. | Edens, Herbert M., Jr. | P.E. #15520 | 09/05/14 | \$500.00 | 09/05/14 | \$500.00 | 09/15/14 | \$0.00 |
| 201403116 | Kathawala, Sarfraz Hussain | Kathawala, Sarfraz Hussain | P.E. #100621 | 03/10/15 | \$500.00 | 03/10/15 | \$500.00 | 03/13/15 | \$0.00 |

Action Items (August 2015)

John Cothron

- Present possible revisions to the “Criteria for Fulfillment of the ABET Humanities/Social Sciences Requirement” policy for consideration at the next Engineer Committee meeting.
- Inform NCARB of the Architect Committee’s decision regarding the proposed IDP experience portfolio documentation method.

Ellery Richardson

- Explore options available for formal action in Hulsart case.
- 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.
- Refer case #2014026091 to local DA for possible action against owner for forgery.

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
NASHVILLE, TENNESSEE 37243-1142
Telephone: 615-741-3221 Fax: 615-532-9410
<http://www.tn.gov/commerce/section/architects-engineers>

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.

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.

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, and revised and adopted on October 10, 2014, June 4, 2015, and August 12, 2015. 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.

Board of Architectural and Engineering Examiners Proposed Travel, 2016

| Meetings | Meeting Dates | Location | Proposed Attendees | Estimated Cost | Notes |
|--|-----------------------|------------------|---|-----------------------|--|
| NCEES Member Board Administrators' Forum | February 6, 2016 | Atlanta, GA | Executive Director | \$0 | Expenses paid by NCEES |
| SC/NCARB Educators & Practitioners Conference | February 13, 2016 | New Orleans, LA | 1 Board member | \$500 | One night hotel paid by region; no reg. fee |
| Board Meeting | February 10-12, 2016 | Nashville, TN | 9 Board members, 3 associate engineer Board members, 4 staff | \$4,700 | |
| NCARB Regional Summit | March 10-12, 2016 | Savannah, GA | 3 Board members, public member, Executive Director | \$2,000 | 4 paid by NCARB (includes public member funding) |
| Board Meeting | April 13-15, 2016 | Nashville, TN | 9 Board members, 3 associate engineer Board members, 4 staff | \$4,700 | |
| NCEES Regional Meeting | April 7-9, 2016 | Nashville, TN | 6 Board/associate members, Executive Director, Legal Counsel | \$3,700 | 2 paid by NCEES |
| Board Meeting | June 1-3, 2016 | Nashville, TN | 9 Board members, 3 associate engineer Board members, 4 staff | \$4,700 | |
| NCARB Annual Meeting | June 15-18, 2016 | Seattle, WA | 3 architect Board members, public member, Executive Director, Legal Counsel | \$5,000 | 4 paid by NCARB |
| Board Meeting | August 10-12, 2016 | Nashville, TN | 9 Board members, 3 associate engineer Board members, 4 staff | \$4,700 | |
| NCEES Annual Meeting | August 24-27, 2016 | Indianapolis, IN | 4 Board/associate members, Executive Director, Legal Counsel | \$8,000 | 2 paid by NCEES |
| CLARB Annual Meeting | September 22-24, 2016 | Philadelphia, PA | 2 Board members, Executive Director | \$6,500 | |
| Board Meeting and Planning Session | October 5-7, 2016 | TBD (State Park) | 9 Board members, 3 associate engineer Board members, 3 staff | \$7,000 | |
| CIDQ Annual Meeting | November 2016 | TBD | 1 Board member, Executive Director | \$2,500 | |
| Board Meeting | December 7-9, 2016 | Nashville, TN | 9 Board members, 3 associate engineer Board members, 4 staff | \$4,700 | |
| Misc. expenses for in-state speaking engagements | | | | \$500 | |
| | | | TOTAL: | \$59,200 | |
| | | | Total In-State | \$31,000 | |
| | | | Total Out-of-State | \$27,700 | |

2016 APPLICATION/EXAMINATION DEADLINES

ENGINEERING

Principles and Practice of Engineering/Structural Engineering Exams

Exam Dates

April 15-16, 2016

October 28-29, 2016

Application Deadlines

Spring Exam December 1 (January 1 for supporting documentation)

Fall Exam June 15 (July 15 for supporting documentation)

Applications to Add an Exam Discipline Deadlines

Spring Exam January 1

Fall Exam August 1

Retake Request Deadlines

Spring Exam February 1

Fall Exam August 15

Note: If a deadline falls on a Saturday, Sunday, or a state holiday, the deadline will be extended until the close of business on the next business day.