



MINUTES OF A MEETING OF THE
TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
Davy Crockett Tower
Nashville, Tennessee
Thursday, December 3, 2015

CALL TO ORDER

Robert Campbell, Chair, called the regular meeting of the Tennessee Board of Architectural and Engineering Examiners to order at 1:34 p.m. on December 3, 2015, at the Davy Crockett, 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 |
| Frank Wagster | Registered Architect |

The following **Board member** was absent:

| | |
|---------------|----------------------|
| Rick Thompson | Registered Architect |
|---------------|----------------------|

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

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

The following **Board staff** was present:

| | |
|-------------------|--------------------------|
| John Cothron | Executive Director |
| Ellery Richardson | Legal Counsel |
| Zack Nitzschke | Paralegal |
| Wanda Phillips | Office Manager |
| Wanda Garner | Administrative Assistant |

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

Don Baltimore, Tennessee Interior Design Coalition (TIDC)
Nathan Ridley, TN American Society of Landscape Architects (TN ASLA)
Chris Gwaltney, P.E., representing the American Society of Civil Engineers (ASCE),
Tennessee Section

No changes were made to the agenda.

ANNOUNCEMENTS

Mr. Cothron announced that Governor Bill Haslam appointed Susan Hadley Maynor, of Memphis, as the Public Member of the Board.

CONSENT AGENDA (attached)

Motion was made by Mr. Lockwood and seconded to approve the minutes of the October 16, 2015 meeting. The motion carried unanimously.

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

PRESENTATION OF RESOLUTION TO JOYCE SHRUM

Robert Campbell, Chair, and John Cothron, Executive Director, presented a resolution of gratitude to Joyce Shrum, who served as an employee of the Board from December 16, 1992, to April 3, 2015.

PROFESSIONAL SOCIETY REPORTS

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

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

- *Case No. L15-AEL-RBS-2015020371* *Complaint #201502037*
Motion was made by Mr. Balthrop and seconded to authorize a Consent Order for a Civil Penalty of \$500.00 and to take and pass the Board's Law and Rule Exam. The motion passed unanimously.
- *Case No. L15-AEL-RBS-20150217771* *Complaint #2015021777*
Motion was made by Mr. Wagster and seconded to authorize a Consent Order for a Civil Penalty of \$500.00 and to take and pass the Board's Law and Rule Exam. Action on the motion was deferred until the next day (Friday, December 4, 2015) giving Board staff time to make inquiries regarding possible violations in other jurisdictions.

DIRECTOR'S REPORT

Mr. Cothron reported his activities and those of his staff and Board members. He also reported that Proposed Rules filed in September will go into effect on December 14, 2015.

Mr. Cothron recommended Paris Landing State Park as the location for the October planning session and meeting. By consensus, the Board agreed with the selection of this location.

ENGINEER COMMITTEE REPORT

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

ARCHITECT COMMITTEE REPORT

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

CONTINUING EDUCATION COMMITTEE REPORT

The Continuing Education Committee, through Mr. Wagster, reported on topics discussed. The minutes of the Continuing Education Committee Meeting follow these minutes.

The Committee moved to accept the "Continuing Education Procedure" and "Acceptable Continuing Education Providers" as revised. (attached). The motion passed unanimously.

UNFINISHED BUSINESS

- *Action Items* (attached)
The action items taken from the October meeting were reviewed and the required action had either been taken or is in process.

Break 2:53 p.m. - 3:05 p.m.

Ms. Richardson provided a brief overview of the U.S. Supreme Court's decision in the *North Carolina State Board of Dental Examiners v. Federal Trade Commission* case.

NEW BUSINESS

1. *Authorization of Travel and Speakers*
Motion was made by Mr. Lockwood and seconded to authorize Mr. Cothron and Mr. Bursi to make presentations to senior engineering students at the University of Memphis in February. The motion passed unanimously.
2. *Law and Rules Exam Updates* (attached)
Motion was made by Mr. Headley and seconded to approve the revisions to the Board's Law and Rules Exam as presented. The motion passed unanimously.
3. *Presentations to Building Officials*
Mr. Cothron asked Board members for suggestions on topics for presentations to building officials.
4. *Report on Council for Interior Design Qualification (CIDQ) Annual Meeting*
Mr. Cothron submitted a written report. (attached)

Mr. Bursi commented that he has been contacted regarding the need for a seismic restraint standard of care; this may be a topic for discussion by the Board next year.

The Board meeting adjourned at 3:38 p.m. and re-assembled on Friday, December 4, 2015 at 9:00 a.m.

ATTACHMENTS



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

CALL TO ORDER

Robert Campbell, Chair, called the regular meeting of the Tennessee Board of Architectural and Engineering Examiners to order at 9:15 a.m. on December 4, 2015, at the Davy Crockett, 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 |
| Richard 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 |
| Zack Nitzschke | Paralegal |
| Wanda Phillips | Office Manager |
| Wanda Garner | Administrative Assistant |

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

Don Baltimore, Tennessee Interior Design Coalition (TIDC)
Ashley Cates, American Institute of Architects of Tennessee (AIA-TN)

CALL TO ORDER

Chair Robert Campbell called the meeting to order at 9:15 a.m. on Thursday December 4, 2015, in the Davy Crockett Tower in Nashville, Tennessee.

Ashley Cates reported the activities of the AIA-TN. She noted that AIA-TN is concerned about outsourcing and an increase in the use of design/build by the state and local governments and its impact on qualifications-based selection (QBS).

UNFINISHED BUSINESS

1. *Reference Manual Revisions* (attached)

The Publications Committee moved to adopt the revisions made to the *Reference Manual for Building Officials and Design Professionals*. The motion passed unanimously.

Ms. Richardson was asked to draft revised language regarding expert testimony for discussion in February.

At Ms. Richardson's request, the chair postponed Legal Case *L15-AEL-RBS-20150217771* to the February meeting.

2. *Proposed Rule Changes* (attached)

Proposed rule changes were submitted for discussion.

3. *Review of Board Policies*

- a. Motion was made by Mr. Balthrop and seconded to repeal the Board Policy entitled, "Title Act Clarification." The motion passed with Ms. Ballard and Mr. Thompson opposing.
- b. Motion was made by Mr. Thompson and seconded to repeal the Board Policy entitled, "Video Testimony and Written Depositions." The motion passed unanimously.

The meeting was adjourned at 11:10 a.m.

ATTACHMENTS



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
ENGINEER COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Thursday, December 3, 2015

CALL TO ORDER

Hal Balthrop, P.E., Committee Chair, called the Engineer Committee meeting to order at 9:23 a.m. on December 3, 2015, in Room 6-A/B 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: Chris Gwaltney, P.E., representing the American Society of Civil Engineers (ASCE), Tennessee Section

NEW BUSINESS

APPLICATIONS FOR DISCUSSION

- **Haider Fadhil Al-Mamoury** (Comity) – The applicant’s degrees are from Iraq, and he requested that the Board grant the National Council of Examiners for Engineering and

Surveying (NCEES) permission to evaluate his credentials without official copies of his transcripts. None of the states where he is currently registered possess a copy of his transcripts. The committee decided that if the University of Hartford (where he is currently enrolled) has an original copy of his transcripts from Iraq, then they would be acceptable for evaluation purposes.

- **Matthew Wayne Brazille** (Exam) – The committee concluded that the applicant does not have sufficient experience to sit for the PE exam in April 2016. The applicant was approved to sit for the exam in October 2016.
- **Howell Paul Hopper, Jr.** (Exam) – The application was approved.
- **Christine Gregory Hunter** (Exam) – The committee concluded that the applicant needs more experience to sit for the PE exam.

UNFINISHED BUSINESS

UPDATE ON 2016 NCEES SOUTHERN ZONE MEETING

Mr. Cothron reviewed plans for the 2016 NCEES Southern Zone Interim Meeting in Nashville on April 7-9. Following a discussion of donation options, Mr. Cothron was directed to request that the Board be allowed to pay at least \$2,000 of the invoice for audio/visual services at the meeting.

COMPONENTS OF PROGRESSIVE ENGINEERING EXPERIENCE

Committee members reviewed the description of progressive engineering experience in the *Engineer Intern Certification* publication. By consensus, the committee requested that the following sentence be added to the *Engineer Intern Certification* publication: “Board members utilize these guidelines when evaluating exam applications, with greater weight being given to the Practical Application of Theory component.”

ENERGY SERVICE COMPANIES AND ENGINEERING REGISTRATION LAWS

Mr. Lim commented that there is an increasing problem with non-registrants offering energy services involving the practice of engineering. He suggested that this issue should be discussed with TSPE.

LICENSING AGREEMENTS WITH FOREIGN JURISDICTIONS

By consensus, the committee agreed to pursue a licensing agreement with the Japan PE/FE

Examiners Council (JPEC). Ms. Richardson was asked to draft a memorandum of understanding for the committee's consideration in February, using the Kentucky memorandum as a model. The committee expressed a desire to pursue agreements with other countries, as well, following the establishment of an agreement with JPEC.

DECOUPLING OF EXPERIENCE AND EXAMINATION REQUIREMENTS FOR PE REGISTRATION

Mr. Balthrop reported that he recently wrote an article on decoupling for the American Council of Engineering Companies of Tennessee (ACEC-TN) newsletter.

Committee members discussed the application process for individuals who sit for the PE exam in another jurisdiction (but are not licensed in that jurisdiction) and then apply for registration by examination in Tennessee. In some cases, these applicants may have sat for the PE exam before completing the required experience. The committee asked Ms. Richardson to propose available options for dealing with such applicants. These options could include:

- Follow the current practice of allowing such applicants to apply for registration by examination, in which case the exam results would be accepted from the other jurisdiction and the applicant's engineering experience would not need to be completed by the date of the PE examination. If this option is continued, should it be codified in the rules?
- Require such applicants to first become registered in the jurisdiction where they sat for the exam, and then apply for registration in Tennessee by comity.

Adjourn. The Chair adjourned the meeting at 11:52 a.m.



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
ARCHITECT COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Thursday, December 3, 2015

CALL TO ORDER

In the absence of Committee Chair Rick Thompson, Frank W. Wagster called the Architect Committee meeting to order at 12:35 p.m. on December 3, 2015, in Room 6-A/B of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Jerry Headley, R.A.
Frank W. Wagster, R.A.

A quorum was present.

The following **Board staff** was present:

John Cothron Executive Director

NEW BUSINESS

APPLICATIONS AND AUDITS FOR REVIEW, DISCUSSION AND SIGNATURE

There were no applications or audits for discussion.

PROPOSED MODIFICATIONS TO THE *NCARB EDUCATION STANDARD*

The National Council of Architectural Registration Boards (NCARB) requested feedback on proposed revisions to the *NCARB Education Standard*. By consensus, the committee members agreed with the proposed changes. Mr. Cothron was instructed to inform NCARB of the committee's position.

POTENTIAL CHANGE TO RULE 0120-01-.11(1)

Mr. Cothron reviewed correspondence from NCARB indicating that Rule 0120-01-.11(1), regarding use of the “Table of Equivalents” contained in Appendix “A” to Circular of Information No. 1 to evaluate the education and experience of applicants for examination and registration, may conflict with upcoming changes to the Intern Development Program (IDP) that will take effect in June 2016. Committee members agreed with a proposal to amend the rule to make it permissive (“the Board may utilize the ‘Table of Equivalents’ . . .”) to address these concerns.

Adjourn. Mr. Wagster adjourned the meeting at 12:53 p.m.



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
CONTINUING EDUCATION COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Thursday, December 3, 2015

CALL TO ORDER

Frank Wagster, Committee Chair, called the Continuing Education Committee meeting to order at 1:00 p.m. on December 3, 2015, in Room 6-A/B of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Susan Ballard, R.I.D.
Hal Balthrop, P.E.
Ricky Bursi, P.E., Associate Member
Bill Lockwood, R.L.A.
Laura Reinbold, P.E.
Frank Wagster, R.A.

A quorum was present.

The following **Board staff** was present:

John Cothron Executive Director

NEW BUSINESS

CHANGES TO CONTINUING EDUCATION PROCEDURE

Mr. Cothron reviewed the following proposed changes to the Board's continuing education procedure:

- Amend the last sentence of Section 3 (Review by Board Staff) to read, "Board staff may also approve audits when transcripts or other records are submitted from the American Institute of Architects (AIA), the Registered Continuing Education Program, the Landscape Architecture Continuing Education System (LA CES), the Interior Design

Continuing Education Council (IDCEC), or a national regulatory council showing that the minimum requirements have been satisfied.”

- Delete the last sentence of Section 4 (Review by Board Members) regarding the length of time allowed for review of audits.
- Amend the last sentence of Section 8 (List of Acceptable Providers) to read, “Courses or providers approved by the AIA, the Registered Continuing Education Program, the Landscape Architecture Continuing Education System (LA CES), the Interior Design Continuing Education Council (IDCEC), a national regulatory council, or another state registration board are generally acceptable.”

Mr. Cothron noted that he had received correspondence from the International Association for Continuing Education and Training (IACET) asking if their organization could be added to the list of acceptable continuing education providers. Following discussion, the committee concluded that it would not be appropriate to add IACET to the list of acceptable providers. It was noted that the list was developed simply to provide guidance to registrants in selecting courses, and is not intended to be comprehensive.

Motion was made by Mr. Lockwood and seconded to recommend approval of the proposed changes to the continuing education procedure. The motion passed unanimously.

Adjourn. The Chair adjourned the meeting at 1:15 p.m.



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

CALL TO ORDER

Stephen King, Committee Chair, called the Publications Committee meeting to order at 8:35 a.m. on December 4, 2015, in Room 1-A of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Susan Ballard, R.I.D.
Ricky Bursi, P.E., Associate Member
Jerry Headley, R.A.
Stephen King, P.E., Associate Member
Bill Lockwood, R.L.A.
Rick Thompson, R.A.

A quorum was present.

The following **Board staff** was present:

John Cothron Executive Director
Ellery Richardson Legal Counsel

UNFINISHED BUSINESS

REFERENCE MANUAL REVISIONS

The committee agreed that the *Reference Manual for Building Officials and Design Professionals* should be published as a web-based document and updated on an as-needed basis. Committee members requested that Mr. Cothron send a separate e-mail to registrants and building officials notifying them of the revision and noting that the manual published in 2009 is now obsolete.

Mr. Cothron reviewed proposed changes to the *Reference Manual for Building Officials and Design Professionals*.

Motion was made by Mr. Lockwood and seconded to recommend approval of the proposed changes as presented, with the understanding that the proposed FAQ regarding expert testimony will be further discussed and potentially modified at the Board meeting. The motion passed unanimously.

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