



MINUTES OF A MEETING OF THE
TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
Davy Crockett Tower
Nashville, Tennessee
Thursday, April 14, 2016

CALL TO ORDER

Robert Campbell, Jr., Chair, called the regular meeting of the Tennessee Board of Architectural and Engineering Examiners to order at 9:04 a.m. on April 14, 2016, at the Davy Crockett Tower, in Nashville, Tennessee. A quorum was declared present.

The following **Board members** were present:

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

The following **Board members** were absent:

Hal Balthrop	Professional Engineer
Laura Reinbold	Professional Engineer

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

Richard Bursi	Professional Engineer
Stephen King	Professional Engineer

The following **Board staff** was present:

John Cothron	Executive Director
Benjamin Glover	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:

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)
Chris Gwaltney, P.E., representing the American Society of Civil Engineers (ASCE) Tennessee Section

Mr. Cothron introduced Susan Maynor, the newly appointed public member of the Board. Benjamin Glover was also welcomed as the Board's new legal counsel.

Motion was made by Mr. Lockwood and seconded to add Committee Appointments to the agenda. The motion carried unanimously.

CONSENT AGENDA (attached)

Motion was made by Mr. Lockwood and seconded to approve the minutes of the February 11, 2016 meeting. The motion passed unanimously.

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

PROFESSIONAL SOCIETY REPORTS

Kasey Anderson, Ashley Cates and Don Baltimore reported on the activities of the TSPE/ACEC-TN, AIA-TN and TIDC respectively. Kasey Anderson noted that TSPE/ACEC-TN is concerned about the impact of public-private partnerships on qualifications-based selection for public projects.

LEGAL CASE REPORT (presented by Ben Glover) (attached)

- *Case No. 2016007411* *Complaint #201600741*
Motion was made by Mr. Lockwood and seconded to close the case. The motion passed unanimously.

- *Case No. 2016003001* *Complaint #201600300*
Motion was made by Mr. Lim and seconded to authorize a formal hearing with authority to settle with a Consent Order for a civil penalty of five hundred dollars (\$500); automatic audit of continuing education hours for the next license renewal period; and to take and pass the Board's laws and rules exam within ninety (90) days of execution of the consent order. The motion passed unanimously.

- *Case No. 2016018741* *Complaint #201601874*
Motion was made by Mr. Headley and seconded to authorize a formal hearing with authority to settle with a Consent Order for a civil penalty of five hundred dollars (\$500); and take and pass the Board's laws and rules exam within ninety (90) days of execution of the consent order. The motion passed unanimously.

DIRECTOR'S REPORT

Mr. Cothron reported his activities and those of his staff and Board members.

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

Financial Data was presented for informational purposes only. (attached)

LEGISLATIVE UPDATE (attached)

Mr. Cothron reviewed pending legislation of interest to the Board, including the following:

- House Bill (HB) 0678/Senate Bill (SB) 0556—Passed in the Senate with an amendment directing the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) to study and make recommendations relative to phasing out the professional privilege tax.
- HB1615/SB1503—Sunset legislation passed extending the Board of Architectural and Engineering Examiners to June 30, 2020. The legislation also establishes a minimum attendance requirement for board members, who must attend at least half of the scheduled meetings in a calendar year.
- HB1533/SB2535—As introduced, allows allow the state fire marshal to perform field inspections in lieu of review and approval of plans and specifications for certain projects. This bill has been taken off notice in the House and is not moving.
- HB1726/SB1672—As introduced, allows construction design professionals under contract with certain state agencies to bill and receive payment monthly; specifies services that are included in the basic services fee and the services that will require additional compensation. This bill has been recommended for passage, but is still in the committee process.
- HB2201/SB2469—Enacts the “Right to Earn a Living Act.” The amended bill, which has passed in the Senate, requires licensing authorities to submit entry regulations to the House and Senate Government Operations Committees by December 31, 2016. The committees shall issue a joint report containing findings and recommendations by January 1, 2018. The legislation also establishes a review of regulations as part of the sunset review process to ensure that rules are necessary to protect the public and do not unnecessarily inhibit competition or arbitrarily deny entry into a profession, and the Government Operations Committees may request the amendment or repeal of regulations.
- HB2569/SB2534—Amends T.C.A. § 62-2-304 relative to comity registration requirements for architects; allows acceptance of applicants whose qualifications do not meet the requirements of the laws and rules if they hold a license in another jurisdiction and a NCARB certificate. This bill has passed in both the House and Senate.
- Additionally, Section 7, Item 31 of the appropriations bill (SB2653/HB2629) earmarks \$350,000 for the Board’s grants program.

ENGINEER COMMITTEE REPORT

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

GRANTS COMMITTEE REPORT

The Grants Committee, through Ms. Ballard, reported on topics discussed. The minutes of the Grants Committee meeting follow these minutes.

The Committee, through Ms. Ballard, moved to use \$40,000 from the current grants appropriation to fund special projects, with an emphasis on collaborative and interdisciplinary projects, and to request a \$150,000 increase in the grants appropriation. The motion passed unanimously.

UNFINISHED BUSINESS

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

- Mr. Glover reported that because there is no statute permitting it, it is not legally permissible for professional corporations to issue shares of stock to unlicensed persons.
- Proposed rules are progressing through established avenues.
- *Reference Manual and Expert Testimony Policy*
The *Reference Manual for Building Officials and Design Professionals*, including the expert testimony policy, are under legal review.
- *Qualifications-Based Selection (QBS)*
Mr. Glover noted that the QBS FAQs are also under legal review.

NEW BUSINESS

- *2017 Legislative Proposals*
Mr. Cothron outlined two potential legislative proposals to submit to the department for next year:
 - Amend the law relative to retention of exam credit for architect and landscape architect applicants to state that applicants will retain credit for any parts of the exam passed in accordance with the policies of the National Council of Architectural Registration Boards (NCARB) and the Council of Landscape Architectural Registration Boards (CLARB). No opposition was expressed relative to this proposal.
 - Amend the law to remove the requirement for the Board to authorize architect, engineer, and landscape architect applicants to sit for professional examinations. This change would allow applicants to apply for registration after passing the professional examination and meeting the other registration requirements. Mr. Campbell requested that this proposal be discussed further at the June meeting.
- *Report on SC/NCARB Educators & Practitioners Conference*
Mr. Headley submitted an oral report on the Southern Conference of NCARB (SC/NCARB) Educators & Practitioners Conference.
- *Report on NCARB Regional Summit*
Mr. Cothron submitted a written report on the NCARB Regional Summit. (attached)
- *Committee Appointments*
The Chair appointed Ms. Maynor to the Grants to Higher Education Committee, the Law and Rules/Policies Committee, and the Continuing Education Committee.
- *Officer Nominations*
The Nominations Committee, through Mr. Lim, recommended the following slate of officers for 2016-2017. The Board will vote for Board officers at the June meeting.

Chair – Susan Ballard
Vice Chair – Frank Wagster
Secretary – Philip Lim

- *Authorization of Travel and Speakers*
Motion was made by Mr. Lockwood and seconded, to authorize one to two Board members to speak at the ASCE meeting on decoupling on June 16, 2016. The motion carried unanimously.

The meeting adjourned at 10:23 a.m.

ATTACHMENTS



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
ENGINEER COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Wednesday, April 13, 2016

CALL TO ORDER

In the absence of Committee Chair Hal Balthrop, P.E., Robert Campbell, Jr., P.E., called the Engineer Committee meeting to order at 1:20 p.m. on April 13, 2016, in Room 5-B of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

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

Robert Campbell, Jr., P.E.	East TN Member
Philip Lim, PE	West TN Member
Ricky Bursi, P.E.	West TN Associate Member

A quorum was present.

The following **Board staff** was present for part or all of the meeting:

John Cothron	Executive Director
Anthony Glandorf	Chief Counsel
Benjamin Glover	Legal Counsel
Wanda Phillips	Administrative Manager

Visitors present: Chris Gwaltney, P.E., representing the American Society of Civil Engineers (ASCE), Tennessee Section, and Susan Maynor, Public Board Member.

NEW BUSINESS

APPLICATIONS FOR DISCUSSION

- **Asit N. Baxi** (Comity) – A NCEES evaluation determined that the applicant's degree is deficient 16 semester hours in mathematics/basic sciences and 16 semester hours in general education. The general education deficiency was remedied by the applicant's

graduate degree and experience, leaving a deficiency in mathematics/basic sciences. Mr. Bursi recommended that the application be sent to Dr. John W. Smith for review, which was accepted as a motion and seconded by Messrs. Campbell and Lim. The motion carried unanimously.

- **Ashish Ghosh** (Comity) – A NCEES evaluation determined that the applicant’s degree is deficient 15 semester hours in mathematics/basic sciences and 12 semester hours in general education. The general education deficiency was remedied by the applicant’s graduate degree and experience, leaving a deficiency in mathematics/basic sciences. Motion was made by Mr. Campbell and seconded to send the application to Dr. Smith for review. The motion carried unanimously.
- **Yurianto Yurianto** (Comity) – A NCEES evaluation determined that the applicant’s degree is deficient 4 semester hours in mathematics/basic sciences and 2 semester hours in general education. The general education deficiency was remedied by the applicant’s graduate degree, leaving a deficiency in mathematics/basic sciences. Motion was made by Mr. Lim and seconded to require the applicant to complete a 3 semester hour course in mathematics/basic sciences, to be pre-approved by Dr. Smith. The motion carried unanimously.
- **Craig Alan Edward Smith** (Exam) – Mr. Lim requested discussion of this application due to an apparent lack of direct supervision by a professional engineer. Mr. Bursi recommended that the applicant be asked to provide a more detailed description of his design experience, to be verified by professional engineers. If necessary, this may be followed up by an interview with the Engineer Committee. Mr. Bursi’s recommendation was accepted as a motion and seconded by Messrs. Campbell and Lim. The motion carried unanimously.
- **Christopher Jamieson** (Comity) – The applicant previously applied to sit for the PE exam in Tennessee, but was not approved to sit for the exam. He has now passed the exam and become registered in another jurisdiction and is applying for registration in Tennessee by comity. The committee members concluded that they will evaluate his application when it is complete.

Break 2:05 p.m. – 2:15 p.m.

DISCUSSION RE: 2016 NCEES SOUTHERN ZONE MEETING

Mr. Bursi mentioned that Fundamentals of Engineering (FE) exam waivers were discussed at the Engineering Forum during the Southern Zone meeting. Many states do not waive the FE exam, and he questioned if this waiver should be removed from Tennessee's law. The committee requested that Mr. Cothron add this topic to the agenda for the October meeting.

Mr. Bursi noted that the need for greater uniformity in continuing education requirements was another topic of discussion at the meeting. The NCEES Education Committee is recommending that boards follow the NCEES Continuing Professional Competency (CPC) standard, which requires 15 PDHs per calendar year. Mr. Cothron was asked to add this topic to the October meeting agenda, as well.

Mr. Cothron reported that NCEES is allowing two new automatic options for member boards to approve applicants to sit for the Principles and Practice of Engineering (PE)/Structural Engineering (SE) exams, similar to what is offered for the FE exam. With the education and exam restricted option, NCEES will verify the transcript and confirm that the candidate has passed the FE exam before allowing candidates to sit for the PE exam. Boards have the option of requiring an Engineering Accreditation Commission (EAC)/ABET-accredited engineering degree. Candidates who do not meet these criteria will be referred to the state board for review. With the attestation only option, candidates will simply attest that they have met state requirements. The committee was supportive of amending the law to remove the requirement for the Board to authorize applicants to sit for the PE/SE exams, which would allow applicants to register for exams directly with NCEES and then apply for state licensure after passing the exam and meeting the other registration requirements.

Mr. Campbell stated that the Board needs to explore use of social media to communicate since more boards are using it. He also expressed concern about the amount of free time on the Southern Zone meeting agendas.

UNFINISHED BUSINESS

LICENSING AGREEMENT WITH JAPAN PE/FE EXAMINERS COUNCIL (JPEC)

Mr. Cothron stated that he will contact JPEC regarding the agreement and report to the committee in June.

ENERGY SERVICE COMPANIES AND ENGINEERING REGISTRATION LAWS

Mr. Cothron informed the committee that he had been contacted regarding the Association of Energy Engineers (AEE) and the certifications they offer. Since AEE is based in Atlanta, the committee requested that Mr. Cothron contact the Georgia Board to see if they have any concerns about AEE. The committee also requested that an officer of the Middle Tennessee Chapter of AEE be asked to attend a future committee meeting to discuss the certifications they offer.

Adjourn. Mr. Campbell adjourned the meeting at 3:38 p.m.



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
GRANTS TO HIGHER EDUCATION COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Thursday, April 14, 2016

CALL TO ORDER

Susan Ballard, Committee Chair, called the Grants to Higher Education Committee meeting to order at 8:24 a.m. on April 14, 2016, 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.
Bill Lockwood, R.L.A.

A quorum was not present, and thus no motions were made.

The following **Board staff** was present:

John Cothron Executive Director

Visitor present: Chris Gwaltney, P.E., representing the American Society of Civil Engineers (ASCE), Tennessee Section.

NEW BUSINESS

REVIEW OF BUDGET PROJECTIONS

Mr. Cothron reviewed budget projections and estimated that the grants appropriation could be raised \$150,000, for a total appropriation of \$500,000, without dipping into the Board's accumulated reserve (assuming that there are no fee changes).

PROPOSAL FOR USE OF ADDITIONAL GRANT FUNDS

Ms. Ballard proposed that additional grant funds could be used for special projects by the schools, with an emphasis on collaborative and interdisciplinary projects. Ms. Ballard suggested using \$40,000 of the grants appropriation for this purpose next fiscal year to test the concept.

Adjourn. The Chair adjourned the meeting at 8:35 a.m.



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
NOMINATIONS COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Thursday, April 14, 2016

CALL TO ORDER

Philip Lim, Committee Chair, called the Nominations Committee meeting to order at 8:54 a.m. on April 14, 2016, in Room 1-A of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Philip Lim, P.E., Committee Chair
Susan Ballard, R.I.D.
Bill Lockwood, R.L.A.
Rick Thompson, R.A.

A quorum was present.

The following **Board staff** was present:

John Cothron, Executive Director

DISCUSS NOMINATIONS FOR BOARD OFFICERS

Following discussion, a motion was made by Mr. Lockwood and seconded to nominate the following slate of officers for fiscal year 2017:

Susan Ballard, R.I.D., Chair
Frank Wagster, R.A., Vice Chair
Philip Lim, P.E., Secretary

The motion passed.

Adjourn. The Chair adjourned the meeting at 8:57 a.m.