



MINUTES OF A MEETING OF THE
TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
Davy Crockett Tower
Nashville, Tennessee
Thursday, August 11, 2016

CALL TO ORDER

Susan Ballard, Chair, called the regular meeting of the Tennessee Board of Architectural and Engineering Examiners to order at 9:00 a.m. on August 11, 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
Hal Balthrop	Professional Engineer
Robert Campbell, Jr.	Professional Engineer
Jerome Headley	Registered Architect
Susan Maynor	Public Member
Blair Parker	Registered Landscape Architect
Rick Thompson	Registered Architect
Frank Wagster	Registered Architect

The following **Board member** was absent:

Philip Lim	Professional Engineer
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The following **Associate Engineer members** were present:

Stephen King	Professional Engineer
Laura Reinbold	Professional Engineer
Ricky Bursi	Professional Engineer

The following **Board staff** was present:

John Cothron	Executive Director
Sundra Dunlap	Administrative Assistant
Wanda Garner	Administrative Assistant
Benjamin Glover	Legal Counsel
Zack Nitzschke	Paralegal
Wanda Phillips	Office Manager

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 Designer 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

Nathan Ridley, American Society of Landscape Architects TN (ASLA-TN)
Larry Cheng, Legal Intern, Department of Commerce and Insurance
Rachel Powers, Program & Policy Development Director, Department of Commerce and Insurance
Anthony Glandorf, Chief Counsel, Regulatory Boards Division

Ms. Ballard introduced Blair Parker as the new Landscape Architect Board member, and announced that she has been reappointed to the Board. She also thanked Hal Balthrop for his service on the Board.

CONSENT AGENDA (attached)

Motion was made by Mr. Headley and seconded to approve the minutes of the June 2, 2016 meeting. The motion passed unanimously.

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

PROFESSIONAL SOCIETY REPORTS

Kasey Anderson, Don Baltimore, Ashley Cates and Nathan Ridley reported on the activities of the TSPE/ACEC-TN, TIDC, AIA-TN and ASLA-TN respectively.

Susan Maynor arrived at 9:14 a.m.

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

1. *Case No. 2016007171* *Complaint #201600717*
Motion was made by Mr. Thompson and seconded to close the case. The motion passed unanimously.
2. *Case No. 2016017691* *Complaint #201601769*
Motion was made by Mr. Balthrop and seconded to authorize a Consent Order with a one thousand dollar (\$1000) civil penalty and a requirement to take and pass the Board's law and rules exam within ninety (90) days of execution of the Consent Order. The motion passed unanimously.
3. *Case No. 2016035311* *Complaint #201613531*
Motion was made by Mr. Headley and seconded to authorize a Consent Order with a five hundred dollar (\$500) civil penalty and a requirement to take and pass the Board's law and rules exam within ninety (90) days of the execution of the Consent Order. The motion passed unanimously.
4. *Case No. 2016139601* *Complaint #201603960*
Motion was made by Mr. Headley and seconded to authorize a Consent Order with a five hundred dollar (\$500) civil penalty and a requirement to take and pass the Board's law and rules exam within ninety (90) days of the execution of the Consent Order. The motion passed unanimously.
5. *Case No. 2016044771* *Complaint #201604477*
Motion was made by Mr. Campbell and seconded to authorize a Consent Order with a five hundred dollar (\$500) civil penalty and a requirement to take and pass the Board's law and rules exam within ninety (90) days of the execution of the Consent Order. The motion passed unanimously.

6. *Case No. 2016026391*

Complaint #201602639

Motion was made by Mr. Balthrop and seconded to authorize a Consent Order with a five hundred dollar (\$500) civil penalty and a requirement to take and pass the Board's law and rules exam within ninety (90) days of the execution of the Consent Order. The motion passed unanimously.

7. *Case No. 20150221771*

Complaint #2015022177

Mr. Glover presented a proposed agreement in which the Respondent would agree to a voluntary surrender of his/her certificate of registration without an admission of guilt. The Board had previously authorized a Consent Order with a \$9,250 civil penalty and a requirement to take and pass the Board's law and rules exam.

Motion was made by Mr. Wagster and seconded to reject the counteroffer made by the Respondent. The motion passed unanimously.

Motion was made by Mr. Balthrop and seconded to authorize a Consent Order in which the respondent would pay the original proposed civil penalty, admit to the allegation, and voluntarily surrender his/her certificate of registration. The motion failed with seven Board members voting against the motion and Mr. Headley voting for it.

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)

Legislative Update

Mr. Cothron noted that he recently received an inquiry from the Counsel for the Senate Judiciary Committee regarding the reintroduction of a bill allowing persons holding a master's degree in engineering to qualify for engineer registration. He also reported on the following legislative requests:

- The Department of Commerce and Insurance is receptive to a proposal to change the requirement in the law for engineer intern certification in order to qualify for engineer registration to read that applicants must have passed the Fundamentals of Engineering examination.
- It has been determined that a law change is not required in order to change the exam application process for architects and landscape architects to allow candidates to apply directly to the National Council of Architectural Registration Boards (NCARB) and the Council of Landscape Architectural Registration Board (CLARB). This change can be accomplished by amending the rules.
- The department has elected not to pursue a legislative proposal to amend the law to state that credit for sections of the Architect Registration Exam or the Landscape Architect Registration Exam will be retained in accordance with the policies of NCARB and CLARB.

GRANTS COMMITTEE REPORT

The Grants Committee, through Mr. Wagster, moved to accept revisions made to the Grant Guidelines (attached). The motion passed unanimously.

The minutes of the Grants Committee meeting follow these minutes.

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. Thompson, stated that the Committee had discussed the Mutual Recognition Arrangement with Australia and New Zealand Letter of Undertaking. He then yielded to Chief Council Anthony Glandorf who reported his concerns with the document.

Motion was made by Mr. Headley and seconded to direct Mr. Glandorf and his staff to further research the Mutual Recognition Arrangement with Australia and New Zealand Letter of Undertaking and report at the October meeting. The motion passed unanimously.

The minutes of the Architect Committee meeting follow these minutes.

UNFINISHED BUSINESS

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

Legal review of the *Reference Manual* and an opinion on the submission of historical data and hourly rates in response to a Request for Qualifications (RFQ) is pending.

- *Rules Update*
Mr. Glover reported on the status of rules approved by the Board in February 2016. Proposed rule changes regarding the application process for architect and landscape architect exam applicants will be presented in October.

NEW BUSINESS

- *Qualifications-Based Selection and Basic Services*
Following a discussion of the appropriateness of including additional services in responding to a Request for Qualifications, the Board requested that Peter Heimbach, the State Architect, be invited to appear at the December Board meeting to discuss this issue. Mr. Bursi volunteered to draft questions and comments regarding qualifications-based selection and additional services for review by the Board's legal counsel and discussion at the October meeting.
- *Committee Assignments*
The Chair updated committee assignments:
 - ✓ Mr. Parker was appointed as Chair the Landscape Architect Committee and asked to replace Mr. Lockwood on the following committees: Grants to Higher Education; Law and Rules/Policies; Publications; Licensure Outreach; Nominations; and Continuing Education.
 - ✓ Ms. Reinbold was appointed as Chair of the Engineer Committee.
 - ✓ Mr. King was appointed as Chair of the Licensure Outreach Committee.
- *October Meeting Agenda* (attached)
Mr. Cothron reviewed the Retreat Agenda.

Ms. Reinbold suggested that the Publications and Licensure Outreach Committees meet together.

The Chair asked Mr. Bursi to facilitate the discussion regarding alternative procurement/delivery methods.

- *2017 Meeting Schedule* (attached)
Motion was made by Ms. Maynor and seconded to accept the proposed 2017 Meeting schedule. The motion passed unanimously.
- *Report on 2016 National Council Architectural Registration Boards (NCARB) Annual Meeting* (attached)
A written report of the 2016 NCARB Annual Meeting was submitted.
- *Authorization of Travel and Speakers*
Motion was made by Mr. Headley and seconded to authorize Ms. Reinbold to participate in a decoupling panel discussion at the Tennessee Engineers' Conference on September 16. The motion passed unanimously.

The meeting adjourned at 12:08 p.m.

ATTACHMENTS



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
ENGINEER COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Wednesday, August 10, 2016

CALL TO ORDER

Hal Balthrop, P.E., Committee Chair, called the Engineer Committee meeting to order at 1:04 p.m. on August 10, 2016, in Room 1-B of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

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

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

A quorum was present.

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

John Cothron	Executive Director
Benjamin Glover	Legal Counsel
Zack Nitzschke	Paralegal
Wanda Phillips	Administrative Manager

Visitors present: Chris Gwaltney, P.E., representing the American Society of Civil Engineers (ASCE), Tennessee Section, and Kasey Anderson, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN).

NEW BUSINESS

APPLICATIONS AND AUDITS FOR DISCUSSION

- **Alsaddeeg Yousef Alzarough** (Exam) – Following discussion of the applicant’s education and experience, committee members agreed to approve the applicant to sit for the Principles and Practice of Engineering (PE) exam.
- **Phillip Ray Buell** (Exam) – Following discussion of the applicant’s experience, committee members agreed to approve the applicant to sit for the PE exam.
- **Prithwi Kumar Das** (Comity) – Following discussion of the applicant’s education and experience, committee members agreed to approve the application.
- **Stephen Kyle Hammon** (Exam) – Following discussion of the applicant’s experience, committee members agreed to approve the applicant to sit for the PE exam.
- **Boone Stephen Hillenbrand** (Exam) – Following discussion of the applicant’s experience, committee members agreed to approve the applicant to sit for the PE exam.
- **James Kenney** (Potential Exam Applicant) – Mr. Kenney requested guidance from the committee regarding applying for the PE exam without direct supervision by a PE. The committee concluded that they would need more information regarding his experience in order to provide guidance.
- **Gary Wayne Martin** (Reapply) – Following discussion of the applicant’s practice on an expired license, committee members agreed to approve the reapplication.
- **Robert Chad Sullivan** (Exam) – Following discussion, committee members agreed to approve the applicant to sit for the PE exam.
- **Philip Joseph Watkins** (Exam) -- Following discussion, the committee requested additional detail on the applicant’s cooperative education experience and on the duration and number of engineering projects.

NCEES ANNUAL MEETING MOTIONS

Motions to be presented at the 2016 National Council of Examiners for Engineering and Surveying (NCEES) Annual Meeting were reviewed. The following motions prompted discussion and/or action:

- Finance Committee Motion 3—Moves that Financial Policy 7 be amended to set the computer-based PE exam price at \$375 and to require that all examination fees be paid directly to NCEES. The committee agreed to support this motion.
- Special Committee on Bylaws Motions 7-12—Move to amend the *Bylaws* regarding International Affiliate Organizations. The NCEES Board of Directors (BOD) did not endorse these motions, and the committee agreed to oppose them.
- Advisory Committee on Council Activities (ACCA) Motion 1—Moves to amend Financial Policy 3 regarding travel requirements for the NCEES president and president-elect. The NCEES BOD did not endorse this motion, and the committee agreed to oppose it.
- ACCA Motion 8—Moves that a Special Committee on Bylaws be charged with amending the *Bylaws* regarding the election and terms of office of the NCEES Treasurer. The NCEES BOD did not endorse this motion, and the committee agreed to oppose it.
- ACCA Motion 9—Moves that a Special Committee on Bylaws be charged with amending the *Bylaws* section regarding vacancies in the office of Treasurer. The committee agreed to support this motion.
- Uniform Procedures and Legislative Guidelines (UPLG) Motion 12—Moves that the *Model Law* and *Model Rules* be amended to add language for structural engineers parallel to that of professional engineers and professional surveyors. The committee agreed to oppose this motion.
- Financial Reserves Task Force Motion 1—Moves that a Special Committee on Bylaws be charged with creating a standing Reinvestment Committee, which would be authorized to award up to 5 percent of invested reserves each year to support the mission and vision of NCEES. The NCEES BOD opposed this motion based on legal advice that NCEES fiduciary responsibilities belong to the BOD in accordance with the SC Nonprofit Corporation Act. The committee agreed to oppose this motion.
- Northeast Zone Resolution—Resolves that the NCEES BOD remove the automatic approval option that was approved at the February 2016 BOD meeting, which allows applicants to sit for the professional exams after attesting to meeting the selected board's requirements, and create a task force or special committee to study this issue further. The NCEES BOD did not endorse, in part because some member boards had requested for this option to be available. The committee agreed to oppose this motion.
- Southern Zone Resolution—Resolves that Financial Policy 4 be amended to provide additional funding for zone meetings for zones with attendance above 75 members. The committee agreed to support this motion.
- Education Committee Motion 5—Moves that UPLG be charged with amending the *Model Rules* regarding experience to state, "Experience credit for a graduate degree cannot be earned concurrently with work experience credit." Mr. Campbell and Ms.

Reinbold expressed opposition to this motion, but it was agreed not to pull it from the consent agenda.

- By consensus, the committee agreed to support the other motions to be presented.

LEGISLATIVE UPDATE

Mr. Cothron reported that he received an inquiry from the Counsel for the Senate Judiciary Committee regarding the reintroduction of a bill allowing persons holding a master's degree in engineering to qualify for engineer registration.

NCEES BOARD VISITS

Mr. Cothron informed the committee that NCEES is now visiting member boards upon request. The committee was supportive of inviting representatives from NCEES to attend a future meeting.

OBSERVERS FOR ABET ACCREDITATION VISITS

Either Philip Lim or Ricky Bursi was authorized to observe at an upcoming ABET accreditation visit to the University of Tennessee at Martin on October 23-25, 2016.

UNFINISHED BUSINESS

EXAM APPLICATION PROCESS DISCUSSION

Mr. Cothron shared a report with the committee on pending engineer exam applications.

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

Mr. Cothron noted that a representative from JPEC will be in attendance at the NCEES Annual Meeting and will meet with Board members to exchange information.

ENERGY SERVICE COMPANIES AND ENGINEERING REGISTRATION LAWS

Mr. Cothron reported that he will follow up with the Association of Energy Engineers (AEE) regarding the committee's request that an AEE representative attend a future committee meeting to discuss the certifications they offer.

Adjourn. Mr. Balthrop adjourned the meeting at 3:55 p.m.



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
GRANTS TO HIGHER EDUCATION COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Wednesday, August 10, 2016

CALL TO ORDER

Susan Ballard, Committee Chair, called the Grants to Higher Education Committee meeting to order at 4:04 p.m. on August 10, 2016, in Room 1B of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Susan Ballard, R.I.D.
Frank Wagster, R.A.
Susan Maynor, Public Member

A quorum was present.

The following **Board staff** was present:

John Cothron Executive Director
Benjamin Glover Legal Counsel

Visitors present: R. Blair Parker, Landscape Architect Board member, and Chris Gwaltney, P.E., representing the American Society of Civil Engineers (ASCE), Tennessee Section.

UNFINISHED BUSINESS

PROPOSAL CRITERIA FOR USE OF ADDITIONAL GRANT FUNDS

Members of the committee reviewed proposed revisions to the grant guidelines and a draft of the grant scoring criteria and the special project grants application.

Mr. Glover recommended changing the word "will" to "shall" throughout the grant guidelines.

Committee members agreed on the following changes to the grant guidelines draft:

- Delete “multiple engineering disciplines are also allowed” from the second paragraph in the section entitled, “Submission of Proposals: Special Projects.”
- In the third paragraph in the section entitled, “Submission of Proposals: Special Projects,” add the following sentence: “The Executive Director shall redact any identifying project information prior to review by the Grants Committee.”
- In the list of suggested special project program topics, change “EPA” to “Sustainability.”
- In the section entitled, “Submission of Proposals: Special Projects,” change the third sentence in the seventh paragraph to read, “Project updates shall be submitted to the Board’s Executive Director at least one (1) week prior to each regularly scheduled Board meeting during the duration of the project.”
- In the section entitled, “Review of Proposals by Board,” change the first sentence to read, “A Grants Committee, appointed annually by the Chair of the Board, shall review submitted proposals, evaluate each submission for special projects based on the established point system, and make recommendations to the full Board for disbursement of grant funds.” Also, change the language of the second paragraph in this section to read, “Following approval by the Board of amounts, if any, to be expended to each program, the Board’s staff shall draft the appropriate grant contract documents for review and approval by designated reviewing and approval authorities.”

The committee agreed that a statement of endorsement from the dean or program director supporting the grant application was not necessary. Applicants will be asked to provide a summary of the project in a maximum of 2,000 words.

By consensus, the deadline for special project applications for the current fiscal year was set at October 28, 2016. Special project winners will be notified after the December Board meeting.

The committee then assigned points to the grant scoring criteria as follows:

- Collaboration of three or more disciplines—5 points
- Demonstration of need—5 points
- Presentation of project concept—10 points
- Presentation of work plan and budget—20 points
- Impact on the community—5 points
- Educational value to students—10 points
- Transferability/usability outside an academic setting—20 points
- Impact on public’s health, safety and welfare—25 points

- Matching funds available—5 bonus points

Motion was made by Ms. Maynor and seconded to recommend approval of the proposed revisions to the grant guidelines. The motion passed unanimously.

Adjourn. The Chair adjourned the meeting at 5:14 p.m.



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
ARCHITECT COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Thursday, August 11, 2016

CALL TO ORDER

Rick Thompson, Committee Chair, called the Architect Committee meeting to order at 8:07 a.m. on August 11, 2016, in Room 1B of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Rick Thompson, R.A., Chair	East TN Architect Member
Frank Wagster, R.A.	West TN Architect Member
Jerry Headley, R.A.	Middle TN Architect Member

A quorum was present.

The following **Board staff** was present:

John Cothron	Executive Director
Benjamin Glover	Legal Counsel

NEW BUSINESS

MUTUAL RECOGNITION ARRANGEMENT WITH AUSTRALIA AND NEW ZEALAND LETTER OF UNDERTAKING

Committee members reviewed and discussed the Mutual Recognition Arrangement with Australia and New Zealand and the associated Letter of Undertaking, as approved at the 2016 NCARB Annual Meeting. The intent of the arrangement is to facilitate licensure mobility between the United States and Australia and New Zealand.

Motion was made by Mr. Wagster and seconded to recommend that the Board sign the Mutual Recognition Arrangement Letter of Undertaking. The motion passed unanimously.

Adjourn. The Chair adjourned the meeting at 8:12 a.m.