

Notice of February 10-11, 2016 meeting of the Board of Architectural and Engineering Examiners.
Posted to the Board of Architectural & Engineering Examiners' web site on February 1, 2016.



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

AGENDA

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

Davy Crockett Tower, Conference Room 5-B
500 James Robertson Parkway
Nashville, Tennessee 37243

Wednesday, February 10, 2016

1:00 P.M. ENGINEER COMMITTEE MEETING

CALL TO ORDER – Hal Balthrop, Chair

NEW BUSINESS

- Applications and Audits for Review, Discussion and Signature
- Applicant Interview
- 2015 Examination Results
- Report on NCEES Member Board Administrators' Meeting

UNFINISHED BUSINESS

- Update on 2016 NCEES Southern Zone Meeting
- Licensing Agreements with Foreign Jurisdictions
- Decoupling of Experience and Examination Requirements for PE Registration
- Discussion re: applicants who sit for the PE exam in another jurisdiction and then apply for registration by examination in Tennessee
- Energy Service Companies and Engineering Registration Laws

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

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

ADJOURNMENT

Davy Crockett Tower, Conference Room 6-A
500 James Robertson Parkway
Nashville, Tennessee 37243

Thursday, February 11, 2016

9:00 A.M.

BOARD MEETING

CALL TO ORDER – Robert Campbell, Jr., Chair

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

CONSENT AGENDA – John Cothron, Executive Director

- Minutes from December 2015 Board Meeting
- Staff Complaint Report

PUBLIC COMMENT

PROFESSIONAL SOCIETY REPORTS

LEGAL CASE REPORT – Ellery Richardson

DIRECTOR’S REPORT – John Cothron

- Licensing Data
- Complaint Data
- Financial Data
- Budget Projections

LEGISLATIVE UPDATE – John Cothron

ENGINEER COMMITTEE REPORT – Hal Balthrop

UNFINISHED BUSINESS

- Action Items – John Cothron
- Proposed Rule Changes – Ellery Richardson
- Expert Testimony Policy – Ellery Richardson

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 cancelations or deferrals.

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NEW BUSINESS

- Qualifications-Based Selection and Submission of Historical Data
- Call for Officer Nominations – Robert Campbell, Jr.
- Authorization of Travel and Speakers

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 cancelations 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.

2015 EXAM RESULTS												
Fundamentals of Engineering (Jan-Dec 2015)						ALL CANDIDATES			SENIOR STUDENTS			
ALL CANDIDATES				School	Total	Pass	Pass Rate	Total	Pass	Pass Rate		
Total	Pass	Pass Rate		TTU	110	61	55%	79	49	62%		
481	319	66%		TSU	21	9	43%	8	5	63%		
				UT KNOX	113	88	78%	99	82	83%		
				UT CHATT	32	17	53%	22	12	55%		
				UT MART*	35	27	77%	35	27	77%		
				U OF MEM	20	8	40%	9	4	44%		
				VAN	48	42	88%	45	40	89%		
				CBU	21	12	57%	17	10	59%		
				LU	24	15	63%	22	14	64%		
				UNION	12	12	100%	12	12	100%		
*Among first time test takers at UTM, 24 out of 28 passed (86% pass rate)												
Principles and Practice of Engineering (April 2015)												
ALL CANDIDATES				FIRST TIME TAKERS				REPEAT TAKERS				
Discipline	Total	Pass	Pass Rate	Total	Pass	Pass Rate	National	Total	Pass	Pass Rate	National	
AGRI	2	2	100%	1	1	100%	79%	1	1	100%	43%	
CHE	5	2	40%	1	1	100%	69%	4	1	25%	22%	
CIV	106	47	44%	54	36	67%	65%	52	11	21%	28%	
ELE	27	13	48%	14	10	71%	63%	13	3	23%	27%	
ENV	6	1	17%	1	1	100%	64%	5	0	0%	32%	
IND	2	1	50%	1	1	100%	72%	1	0	0%	47%	
MEC	25	12	48%	16	7	44%	71%	9	5	56%	41%	
TOTAL	173	78	45%	88	57	65%		85	21	25%		
Structural Engineering (16-hour)												
ALL CANDIDATES				FIRST TIME TAKERS				REPEAT TAKERS				
Component	Total	Acceptable Results	Pass Rate	Total	Acceptable Results	Pass Rate	National	Total	Acceptable Results	Pass Rate	National	
VERTICAL	5	0	0%	2	0	0%		3	0	0%		
LATERAL	6	1	17%	2	0	0%		4	1	25%		
<i>Note: To pass the Structural exam, an acceptable result must be obtained on both the vertical and lateral components. 1 candidate passed the Structural exam this administration.</i>												

Principles and Practice of Engineering (Oct 2015)												
ALL CANDIDATES				FIRST TIME TAKERS				REPEAT TAKERS				
Discipline	Total	Pass	Pass Rate	Total	Pass	Pass Rate	National	Total	Pass	Pass Rate	National	
CHE	9	7	78%	7	6	86%	78%	2	1	50%	36%	
CIV	126	59	47%	77	48	62%	66%	49	11	22%	33%	
CSE	10	6	60%	8	6	75%	73%	2	0	0%	35%	
ELE	40	18	45%	25	16	64%	62%	15	2	13%	34%	
ENV	9	5	56%	4	4	100%	66%	5	1	20%	33%	
FIR	4	2	50%	3	2	67%	61%	1	0	0%	27%	
MEC	33	20	61%	28	19	68%	77%	5	1	20%	41%	
MMP	1	0	0%	0	0		75%	1	0	0%	40%	
NUC	1	0	0%	1	0	0%	58%	0	0		0%	
TOTAL	233	117	50%	153	101	66%		80	16	20%		
Structural Engineering (16-hour)												
ALL CANDIDATES				FIRST TIME TAKERS				REPEAT TAKERS				
Component	Total	Acceptable Results	Pass Rate	Total	Acceptable Results	Pass Rate	National	Total	Acceptable Results	Pass Rate	National	
VERTICAL	9	4	44%	5	3	60%	56%	4	1	25%	39%	
LATERAL	7	0	0%	4	0	0%	34%	3	0	0%	29%	
<i>Note: To pass the Structural exam, an acceptable result must be obtained on both the vertical and lateral components.</i>												
<i>No candidates passed the Structural exam this administration.</i>												



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
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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 *L 15-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
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
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
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.

Number of Registrants and Firms

Architects	In-State	Out-of-State	Total
2/2/2015	1536	2253	3789
5/28/2015	1448	2277	3725
10/13/2015	1536	2260	3796
2/3/2016	1524	2288	3812

Engineers	In-State	Out-of-State	Total
2/2/2015	7561	8303	15,864
5/28/2015	7507	8270	15,777
10/13/2015	7980	7753	15,733
2/3/2016	7383	8349	15,732

Landscape Architects	In-State	Out-of-State	Total
2/2/2015	198	195	393
5/28/2015	202	197	399
10/13/2015	204	189	393
2/3/2016	199	186	385

Interior Designers	In-State	Out-of-State	Total
2/2/2015	396	41	437
5/28/2015	394	41	435
10/13/2015	391	53	444
2/3/2016	391	43	434

Totals (Registrants)	In-State	Out-of-State	Total
2/2/2015	9691	10,792	20,483
5/28/2015	9551	10,785	20,336
10/13/2015	10,111	10,255	20,366
2/3/2016	9,497	10,866	20,363

Architectural Firms	In-State	Out-of-State	Total
2/2/2015	449	1090	1539
5/28/2015	443	1121	1564
10/13/2015	439	1132	1571
2/3/2016	442	1195	1637

Engineering Firms	In-State	Out-of-State	Total
2/2/2015	931	2575	3506
5/28/2015	937	2575	3512
10/13/2015	912	2599	3511
2/3/2016	924	2726	3650

Landscape Arch Firms	In-State	Out-of-State	Total
2/2/2015	52	91	143
5/28/2015	53	94	147
10/13/2015	52	94	146
2/3/2016	51	99	150

Totals (Firms)	In-State	Out-of-State	Total
2/2/2015	1432	3756	5188
5/28/2015	1433	3790	5223
10/13/2015	1403	3825	5228
2/3/2016	1417	4020	5437

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

	Profession	Complaint #	Received	Allegation	Status	Comments
1	Architect	201600300	1/21/2016	Disciplined in another jurisdiction.	Open-Staff	Response requested
2	Engineer	201500204	1/12/2015	Disciplined in another jurisdiction.	Open-Legal	Referred to litigation
3	Engineer	201501688	7/9/2015	Practice outside area(s) of competence.	Open-Legal	Board member review
4	Engineer	201502037	8/17/2015	Misconduct regarding use of seal.	Open-Staff	Consent order issued
5	Engineer	2015021777	10/22/2015	Practice on an expired license.	Open-Legal	
6	Engineer	2015022177	11/20/2015	Practice outside area(s) of competence.	Open-Legal	Board member review
7	Engineer	201600035	1/6/2016	Disciplined in another jurisdiction.	Open-Staff	Issued letter of caution
8	Engineer	201600464	2/2/2016	Disciplined in another jurisdiction.	Open-Staff	Issued letter of caution
9	Int Des	2015022299	12/3/2015	Continuing education violation.	Open-Legal	
	Number over 180 days old without "clock stopping" action: 1 (11%)					
	Number of formal hearings authorized to be heard by Board: 1					
	Number in Investigations: 0					

**FY 2015-2016 FINANCIAL REPORT
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS**

	1ST QUARTER JULY-SEPT 2015	1ST QUARTER JULY-SEPT 2014	2ND QUARTER OCT-DEC 2015	2ND QUARTER OCT-DEC 2014	3RD QUARTER JAN-MAR 2016	3RD QUARTER JAN-MAR 2015	4TH QUARTER APR-JUNE 2016	4TH QUARTER APR-JUNE 2015	TOTALS
REVENUE									
A&E	\$ 256,637.36	\$ 340,320.00	\$ -	\$ 330,470.61	\$ -	\$ 379,140.39	\$ -	\$ 492,193.59	256,637.36
CASE AND COMPLAINT REVENUE	-	-	-	-	-	-	-	2,150.00	-
STATE REGULATORY FEE	-	-	-	-	-	-	-	(100,690.00)	-
	\$ 256,637.36	\$ 340,320.00	\$ -	\$ 330,470.61	\$ -	\$ 379,140.39	\$ -	\$ 393,653.59	256,637.36
EXPENDITURES									
REGULAR SALARIES & WAGES	\$ 60,117.72	66,583.00	\$ -	\$ 65,983.34	\$ -	63,983.18	\$ -	56,969.55	60,117.72
PART-TIME SALARIES & WAGES (PER DIEM)	3,250.00	3,050.00	-	3,650.00	-	2,050.00	-	4,100.00	3,250.00
EMPLOYEE BENEFITS	24,610.38	29,307.16	-	29,210.96	-	29,411.03	-	25,058.47	24,610.38
IN-STATE TRAVEL	5,434.53	3,058.90	-	9,526.26	-	2,764.15	-	7,414.53	5,434.53
OUT-OF-STATE TRAVEL	9,078.70	4,748.35	-	7,486.78	-	1,384.61	-	3,515.66	9,078.70
PRINTING & DUPLICATING	-	-	-	65.88	-	-	-	-	-
COMMUNICATIONS & SHIPPING COSTS	3,288.28	4,552.77	-	5,526.46	-	5,297.82	-	7,709.55	3,288.28
MAINTENANCE & REPAIRS	-	-	-	-	-	17.36	-	-	-
THIRD PARTY PROFESSIONAL SERVICES	2,940.58	9,545.56	-	11,817.43	-	21,262.84	-	16,538.51	2,940.58
SUPPLIES & OFFICE FURNITURE	301.76	284.91	-	3.24	-	203.26	-	304.27	301.76
RENTALS & INSURANCE	-	269.04	-	550.50	-	403.56	-	134.52	-
GRANTS & SUBSIDIES	-	-	-	-	-	186,504.00	-	113,496.00	-
TRAINING OF STATE EMPLOYEES	4,375.00	2,675.00	-	-	-	745.00	-	1,550.00	4,375.00
COMPUTER RELATED ITEMS	576.63	122.65	-	-	-	145.98	-	339.90	576.63
STATE PROFESSIONAL SERVICES	10,720.03	8,207.85	-	11,871.53	-	11,589.33	-	15,523.04	10,720.03
TOTAL DIRECT EXPENDITURES	\$ 124,693.61	\$ 132,405.19	\$ -	\$ 145,692.38	\$ -	325,762.12	\$ -	252,654.00	124,693.61
COST BACKS									
DEPARTMENT								278,665.02	-
INVESTIGATIONS								7,844.57	-
LEGAL								-	-
TOTAL COST BACKS								286,509.59	-
TOTAL EXPENDITURES	\$ 124,693.61	\$ 132,405.19	\$ -	\$ 145,692.38	\$ -	325,762.12	\$ -	539,163.59	124,693.61
YTD RESERVE	\$ 131,943.75	\$ 207,914.81	\$ -	\$ 392,693.04	\$ -	446,071.31	\$ -	300,561.31	131,943.75
BALANCE ADJUSTMENTS (CORE EXPENSE)								-	-
ACCUMULATED RESERVE								1,513,561.70	1,645,505.45

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 2015-2016

MONTHLY EXPENDITURE DETAIL
FY 2015-2016

JULY 2015

REGULAR SALARIES & WAGES	\$ 20,529.72
PART-TIME SALARIES & WAGES (PER DIEM)	\$ 250.00
EMPLOYEE BENEFITS	\$ 8,250.97

IN-STATE TRAVEL

In-State Mileage	\$ -
In-State Airfare	\$ -
In-State Meals & Incidentals	\$ -
In-State Lodging	\$ -
In-State Travel--Other	\$ -
	<u>\$ -</u>

OUT-OF-STATE TRAVEL

Out-of-State Airfare	\$ -
Out-of-State Travel--Other	\$ -
Out-of-State Meals	\$ -
Out-of-State Mileage	\$ -
Out-of-State Lodging	\$ -
	<u>\$ -</u>

PRINTING & DUPLICATING

\$ -

COMMUNICATIONS & SHIPPING COSTS

Telecommunications	\$ -
Postal Charges	\$ 1,685.62
Freight & Express Charges	\$ -
	<u>\$ 1,685.62</u>

MAINTENANCE & REPAIRS

\$ -

THIRD PARTY PROFESSIONAL SERVICES

Court Reporter Services	\$ -
Document Destruction Services	\$ 6.78
General Business Consulting Svcs	\$ -
Organization Memberships/Dues	\$ -
Other Legal Services	\$ -
Other	\$ -
Consulting Services--Testing Services	\$ -
	<u>\$ 6.78</u>

SUPPLIES & OFFICE FURNITURE

Office Supplies & Furniture	\$ 3.38
Training Supplies	\$ -
Sensitive Minor Equipment	\$ -
	<u>\$ 3.38</u>

RENTALS & INSURANCE

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

GRANTS & SUBSIDIES

\$ -

MONTHLY EXPENDITURE DETAIL
FY 2015-2016

TRAINING OF STATE EMPLOYEES

In-Service Training	\$	-	
Out-Service Training	\$	2,000.00	NCEES reg. fees
	\$	2,000.00	

COMPUTER RELATED ITEMS

Maintenance of Equipment	\$	-
Data Processing Supplies	\$	-
Rent or Lease of Data Processing Equip.	\$	78.32
Data Processing Services (Non-State)	\$	-
Sensitive Minor Computers	\$	-
	\$	78.32

STATE PROFESSIONAL SERVICES

Data Processing Services (F&A, OIR)	\$	-
Statewide Accounting Billing	\$	-
Telephone Billing	\$	-
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	\$	2,236.69
State-Owned Vehicle Charges	\$	-
Other	\$	-
	\$	2,236.69

TOTAL JULY 2015 **\$ 35,041.48**

AUGUST 2015

REGULAR SALARIES & WAGES	\$ 18,744.00
PART-TIME SALARIES & WAGES (PER DIEM)	\$ 2,500.00
EMPLOYEE BENEFITS	\$ 8,018.08

IN-STATE TRAVEL

In-State Mileage	\$	1,815.14
In-State Airfare	\$	-
In-State Meals & Incidentals	\$	1,155.00
In-State Lodging	\$	2,019.64
In-State Travel--Other	\$	372.75
	\$	5,362.53

OUT-OF-STATE TRAVEL

Out-of-State Airfare	\$	1,732.60
Out-of-State Travel--Other	\$	265.00
Out-of-State Meals	\$	969.00
Out-of-State Mileage	\$	-
Out-of-State Lodging	\$	3,256.33
	\$	6,222.93

PRINTING & DUPLICATING **\$ -**

COMMUNICATIONS & SHIPPING COSTS

Telecommunications	\$	-
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MONTHLY EXPENDITURE DETAIL
FY 2015-2016

Postal Charges	\$ 1,178.02
Freight & Express Charges	\$ -
	<u>\$ 1,178.02</u>
MAINTENANCE & REPAIRS	\$ -
THIRD PARTY PROFESSIONAL SERVICES	
Court Reporter Services	\$ -
Document Destruction Services	\$ 13.56
General Business Consulting Svcs	
Credit Card Fees (online renewal)	\$ 1,638.18
Organization Memberships/Dues	\$ -
Other Legal Services	\$ -
Other	\$ -
Consulting Services--Testing Services	\$ -
	<u>\$ 1,651.74</u>
SUPPLIES & OFFICE FURNITURE	
Office Supplies & Furniture	\$ 3.38
Training Supplies	\$ -
Sensitive Minor Equipment	\$ -
	<u>\$ 3.38</u>
RENTALS & INSURANCE	
Rent or Lease of Buildings	\$ -
Rent or Lease of Equipment	\$ -
Rent or Lease of Reproduction Equipment	\$ -
	<u>\$ -</u>
GRANTS & SUBSIDIES	\$ -
TRAINING OF STATE EMPLOYEES	
In-Service Training	\$ -
Out-Service Training	\$ -
	<u>\$ -</u>
COMPUTER RELATED ITEMS	
Maintenance of Equipment	\$ -
Data Processing Supplies	\$ -
Rent or Lease of Data Processing Equip.	\$ 78.32
Data Processing Services (Non-State)	\$ -
Sensitive Minor Computers	\$ -
	<u>\$ 78.32</u>
STATE PROFESSIONAL SERVICES	
Data Processing Services (F&A, OIR)	\$ -
Statewide Accounting Billing	\$ -
Telephone Billing	\$ 2,286.74
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	\$ 2,492.96
State-Owned Vehicle Charges	\$ -
Other	\$ -
	<u>\$ -</u>

MONTHLY EXPENDITURE DETAIL
FY 2015-2016

	\$	4,779.70
TOTAL AUGUST 2015	\$	48,538.70

SEPTEMBER 2015

REGULAR SALARIES & WAGES	\$	20,844.00
PART-TIME SALARIES & WAGES (PER DIEM)	\$	500.00
EMPLOYEE BENEFITS	\$	8,341.33

IN-STATE TRAVEL

In-State Mileage	\$	-
In-State Airfare	\$	-
In-State Meals & Incidentals	\$	-
In-State Lodging	\$	-
In-State Travel--Other	\$	72.00
	\$	72.00

OUT-OF-STATE TRAVEL

Out-of-State Airfare	\$	946.49
Out-of-State Travel--Other	\$	105.00
Out-of-State Meals	\$	497.00
Out-of-State Mileage	\$	-
Out-of-State Lodging	\$	1,307.28
	\$	2,855.77

PRINTING & DUPLICATING

\$ -

COMMUNICATIONS & SHIPPING COSTS

Telecommunications	\$	-
Postal Charges	\$	414.89
Freight & Express Charges	\$	9.75
	\$	424.64

MAINTENANCE & REPAIRS

\$ -

THIRD PARTY PROFESSIONAL SERVICES

Court Reporter Services	\$	-
Document Destruction Services	\$	44.34
General Business Consulting Svcs		
Credit Card Fees (online renewal)	\$	1,187.72
Dr. John W. Smith	\$	50.00
Organization Memberships/Dues	\$	-
Other Legal Services	\$	-
Other	\$	-
Consulting Services--Testing Services	\$	-
	\$	1,282.06

SUPPLIES & OFFICE FURNITURE

Office Supplies & Furniture	\$	295.00
Training Supplies	\$	-
Food and Beverages	\$	-
Sensitive Minor Equipment	\$	-
	\$	295.00

RENTALS & INSURANCE

Rent or Lease of Buildings	\$	-
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MONTHLY EXPENDITURE DETAIL
FY 2015-2016

Rent or Lease of Equipment	\$	-	
Rent or Lease of Reproduction Equipment	\$	-	
	\$	-	
GRANTS & SUBSIDIES	\$	-	
TRAINING OF STATE EMPLOYEES			
In-Service Training	\$	-	
Out-Service Training	\$	2,375.00	CLARB reg. fees
	\$	2,375.00	
COMPUTER RELATED ITEMS			
Maintenance of Equipment	\$	-	
Data Processing Supplies	\$	419.99	Digital scanner
Data Processing Services (Non-State)	\$	-	
Sensitive Minor Computers	\$	-	
	\$	419.99	
STATE PROFESSIONAL SERVICES			
Data Processing Services (F&A, OIR)	\$	-	
Statewide Accounting Billing	\$	-	
Telephone Billing	\$	1,210.68	
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	\$	2,492.96	
State-Owned Vehicle Charges	\$	-	
Other	\$	-	
	\$	3,703.64	
TOTAL SEPTEMBER 2015	\$	41,113.43	

**MONTHLY REVENUE BREAKDOWN
FY 2015-2016**

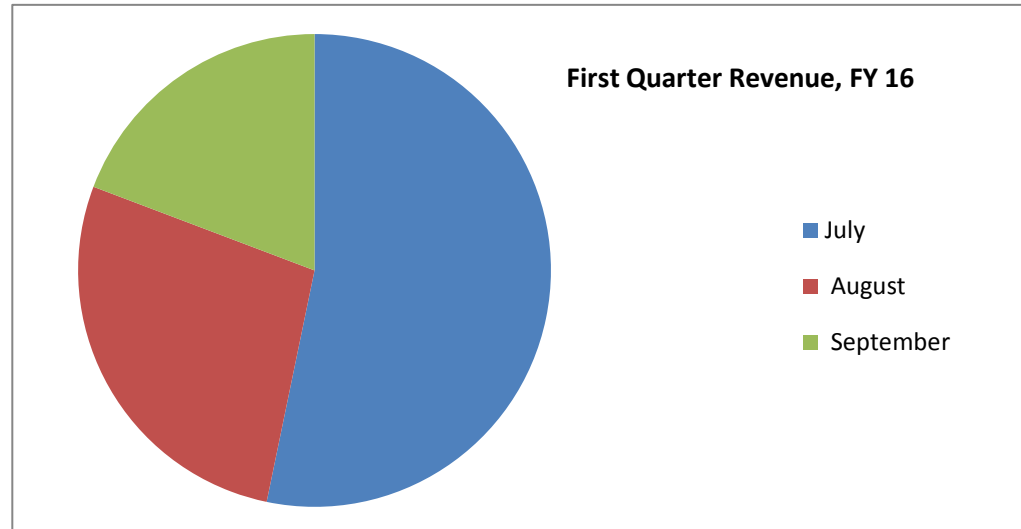
First Quarter	Total
July	\$ 136,656.08
August	\$ 70,596.32
September	\$ 49,384.96
	\$ 256,637.36

Second Quarter
October
November
December

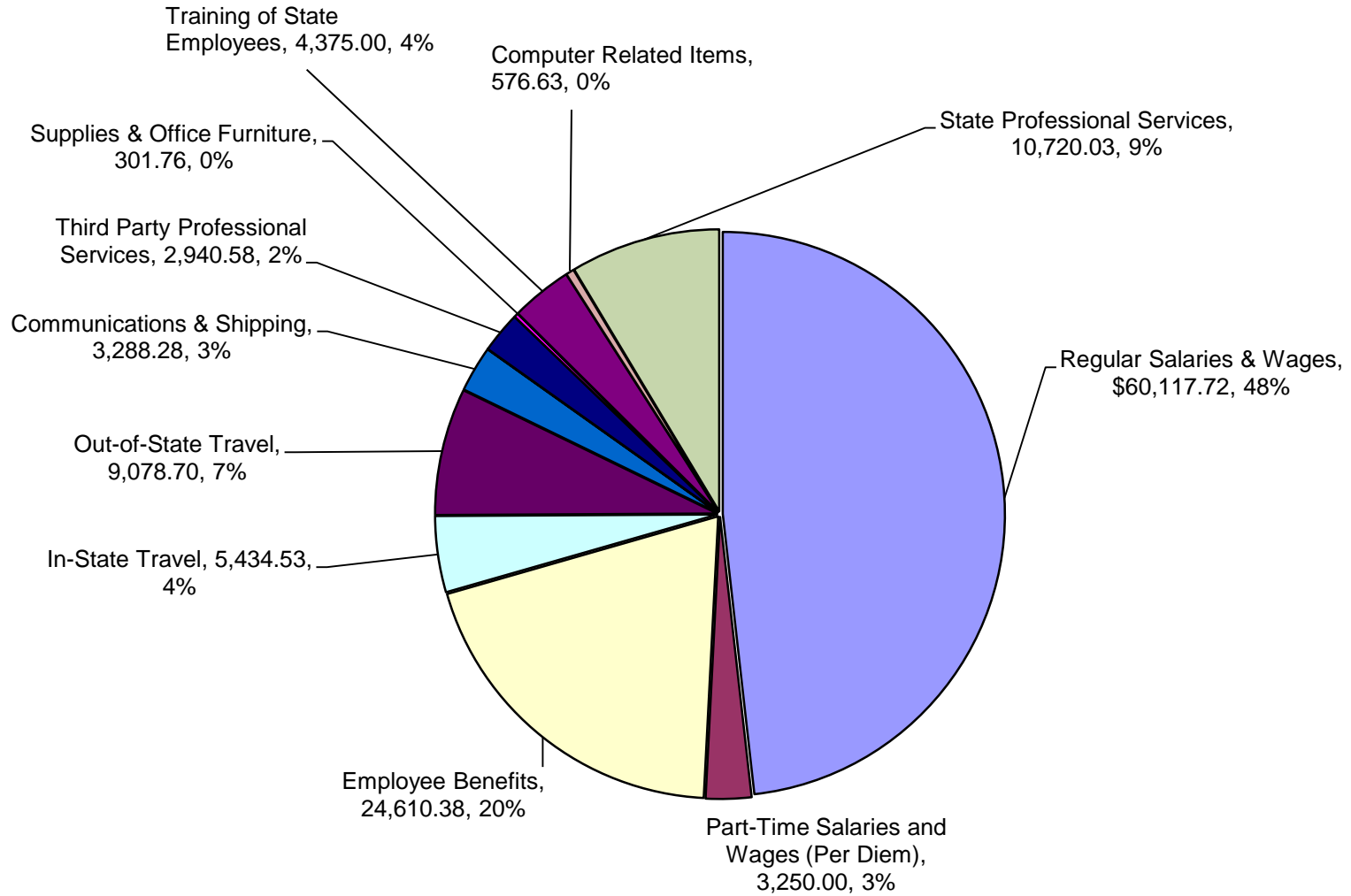
Third Quarter
January
February
March

Fourth Quarter
April
May
June

Total



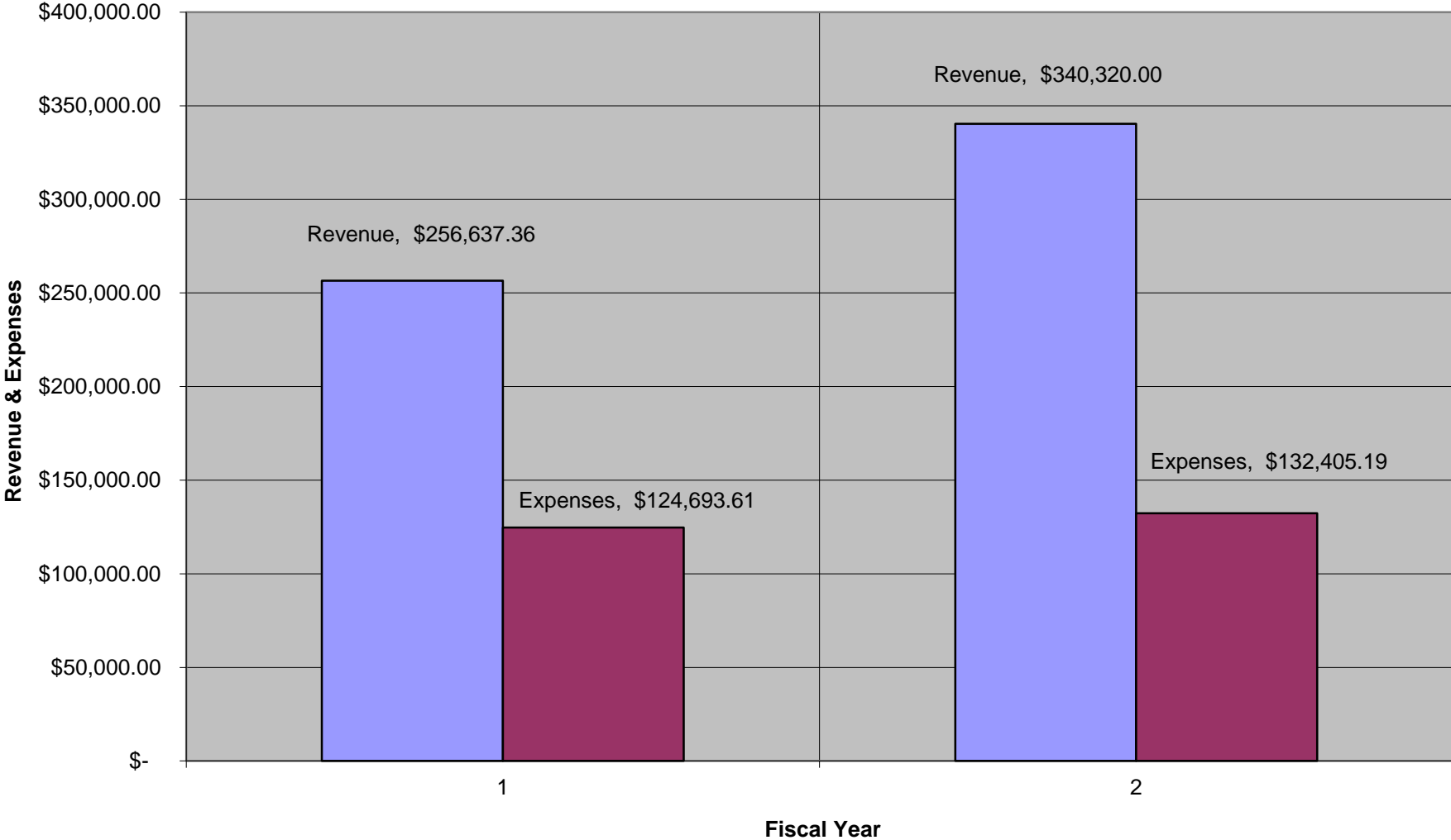
Expenditures--1st Quarter, FY 2016
Total Expenditures: \$124,693.61



1st Quarter Comparison

FY 2016

FY 2015



**FIRST QUARTER FISCAL YEAR 2016
FINANCIAL REPORT**

Revenue:

- Licensing revenue for the first quarter of fiscal year 2016 decreased \$83,683 from the first quarter of fiscal year 2015, due primarily to the issuance of early renewal notices encouraging registrants to renew prior to the implementation of our new licensing system. Our June 2015 revenue was abnormally high (over \$121,000 higher than the total in June 2014) due to early renewals, resulting in fewer renewals in July-September 2015.

Expenses:

- Personal services expenditures (staff salaries, per diems, employee benefits) decreased \$10,962 from the first quarter of fiscal year 2015, due primarily to the retirement of an employee in April 2015.
- In-state travel expenses increased \$2,376.
- Out-of-state travel expenses increased \$4,330.
- Communication costs decreased \$1,264.
- Third Party Professional Services decreased \$6,605.
- Supplies and Office Furniture expenses remained consistent.
- Training of State Employees (includes registration fees for national council meetings) increased \$1,700.
- Computer Related Items increased \$454.
- State Professional Services increased \$2,512.
- Overall, direct expenditures decreased \$7,712.
- The year-to-date reserve balance is \$131,943.

**FIVE-YEAR BUDGET PROJECTION
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS**

PROJECTIONS WITH NO FEE CHANGES			HISTORICAL DATA					PROJECTIONS				
			FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
REVENUE												
ALL PROFESSIONS			1,582,869	1,576,975	1,576,171	1,462,109	1,544,275	1,525,800	1,546,421	1,568,847	1,591,688	1,614,947
STATE REGULATORY FEE			(73,625)	(75,825)	(101,500)	(93,300)	(100,690)	(102,200)	(103,733)	(105,289)	(106,869)	(108,472)
			1,509,244	1,501,150	1,474,671	1,368,809	1,443,585	1,423,600	1,442,687	1,463,557	1,484,819	1,506,476
EXPENDITURES												
REGULAR SALARIES & WAGES			231,473	231,332	244,249	262,709	253,519	259,857	266,353	273,012	279,838	286,834
PART-TIME SALARIES & WAGES (PER DIEM)			13,050	12,250	11,000	12,850	12,850	12,850	12,850	12,850	12,850	12,850
EMPLOYEE BENEFITS			104,870	103,410	109,763	116,098	112,988	115,812	118,708	121,675	124,717	127,835
TRAVEL			39,747	40,240	44,106	40,462	39,899	41,096	42,329	43,599	44,907	46,254
PRINTING & DUPLICATING			1,913	2,077	1,958	375	66	1,300	1,300	1,300	1,300	1,300
COMMUNICATIONS & SHIPPING COSTS			20,679	23,259	18,170	21,467	23,087	23,000	23,000	23,000	23,000	23,000
MAINTENANCE & REPAIRS			425	-	-	230	17	100	100	100	100	100
THIRD PARTY PROFESSIONAL SERVICES			289,987	297,836	286,476	182,361	59,164	60,000	60,000	60,000	60,000	60,000
SUPPLIES & OFFICE FURNITURE			1,635	1,627	1,102	2,540	796	1,500	1,500	1,500	1,500	1,500
RENTALS & INSURANCE			4,858	1,614	2,028	1,851	1,358	1,500	1,500	1,500	1,500	1,500
GRANTS & SUBSIDIES			200,000	250,000	250,000	300,000	300,000	308,700	350,000	350,000	350,000	350,000
TRAINING OF STATE EMPLOYEES			9,190	6,850	10,780	5,680	4,970	7,000	7,000	7,000	7,000	7,000
COMPUTER RELATED ITEMS			6,417	18,850	611	2,221	609	1,000	12,000	1,000	1,000	1,000
STATE PROFESSIONAL SERVICES			86,112	80,042	75,452	52,446	47,192	50,000	50,000	50,000	50,000	50,000
TOTAL DIRECT EXPENDITURES			1,010,356	1,069,386	1,055,694	1,001,290	856,514	883,716	946,640	946,537	957,712	969,173
COST BACKS												
DEPARTMENT			327,828	273,783	215,746	208,238	278,665	282,845	287,088	291,394	295,765	300,201
INVESTIGATIONS			3,066	-	-	3,297	7,845	7,962	8,082	8,203	8,326	8,451
LEGAL			-	-	20,252	45,605	-	-	-	-	-	-
CORE EXPENSE			-	-	-	88,954	-	-	-	-	-	-
TOTAL EXPENDITURES			1,341,250	1,343,169	1,291,692	1,347,384	1,143,023	1,174,523	1,241,810	1,246,133	1,261,803	1,277,825
SURPLUS			167,994	157,981	182,979	21,425	300,561	249,077	200,878	217,424	223,016	228,651
ACCUMULATED RESERVE			850,615	1,008,596	1,191,575	1,213,000	1,513,561	1,762,638	1,963,516	2,180,940	2,403,956	2,632,606

Budget Projection Calculations

# registrants	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>		
Arch	3571	3625	3679	3734	3790		
Eng	14241	14455	14671	14892	15115		
LA	367	373	378	384	390		
RID	<u>397</u>	<u>381</u>	<u>366</u>	<u>351</u>	<u>337</u>		
active, inactive only	18576	18833	19094	19361	19632		
1/2 renew each yr	9288	9416	9547	9680	9816	x \$140	
	\$ 1,300,320	\$ 1,318,296	\$ 1,336,603	\$ 1,355,244	\$ 1,374,220		
# exam applicants							
Arch	100	102	104	106	108		
Eng	270	275	281	287	292		
LA	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>		
	375	383	390	398	406	x \$30	
	\$ 11,250	\$ 11,475	\$ 11,705	\$ 11,939	\$ 12,177		
# comity/initial/reapps							
Arch	220	224	229	233	238		
Eng	670	683	697	711	725		
LA	20	20	21	21	22		
RID	<u>18</u>	<u>18</u>	<u>19</u>	<u>19</u>	<u>19</u>		
	928	947	965	985	1004	x \$195	
	\$ 180,960	\$ 184,579	\$ 188,271	\$ 192,036	\$ 195,877		
# FE apps	418	325	325	325	325	x \$15	
Note: FY 2016 number includes some applicants who applied and failed exam between 7/1 and 12/31/15.							
	\$ 6,270	\$ 4,875	\$ 4,875	\$ 4,875	\$ 4,875		
Misc. (late fees, etc.)	\$ 13,000	\$ 13,195	\$ 13,393	\$ 13,594	\$ 13,798		
Civil penalties (avg.)	\$ 14,000	\$ 14,000	\$ 14,000	\$ 14,000	\$ 14,000		
FY Totals	\$ 1,525,800	\$ 1,546,421	\$ 1,568,847	\$ 1,591,688	\$ 1,614,947		

**FIVE-YEAR BUDGET PROJECTION
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS**

PROJECTIONS WITH \$5 FEE REDUCTION			HISTORICAL DATA					PROJECTIONS				
			FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
REVENUE												
ALL PROFESSIONS			1,582,869	1,576,975	1,576,171	1,462,109	1,544,275	1,474,720	1,494,606	1,516,283	1,538,362	1,560,846
STATE REGULATORY FEE			(73,625)	(75,825)	(101,500)	(93,300)	(100,690)	(102,200)	(103,733)	(105,289)	(106,869)	(108,472)
			1,509,244	1,501,150	1,474,671	1,368,809	1,443,585	1,372,520	1,390,872	1,410,994	1,431,493	1,452,374
EXPENDITURES												
REGULAR SALARIES & WAGES			231,473	231,332	244,249	262,709	253,519	259,857	266,353	273,012	279,838	286,834
PART-TIME SALARIES & WAGES (PER DIEM)			13,050	12,250	11,000	12,850	12,850	12,850	12,850	12,850	12,850	12,850
EMPLOYEE BENEFITS			104,870	103,410	109,763	116,098	112,988	115,812	118,708	121,675	124,717	127,835
TRAVEL			39,747	40,240	44,106	40,462	39,899	41,096	42,329	43,599	44,907	46,254
PRINTING & DUPLICATING			1,913	2,077	1,958	375	66	1,300	1,300	1,300	1,300	1,300
COMMUNICATIONS & SHIPPING COSTS			20,679	23,259	18,170	21,467	23,087	23,000	23,000	23,000	23,000	23,000
MAINTENANCE & REPAIRS			425	-	-	230	17	100	100	100	100	100
THIRD PARTY PROFESSIONAL SERVICES			289,987	297,836	286,476	182,361	59,164	60,000	60,000	60,000	60,000	60,000
SUPPLIES & OFFICE FURNITURE			1,635	1,627	1,102	2,540	796	1,500	1,500	1,500	1,500	1,500
RENTALS & INSURANCE			4,858	1,614	2,028	1,851	1,358	1,500	1,500	1,500	1,500	1,500
GRANTS & SUBSIDIES			200,000	250,000	250,000	300,000	300,000	308,700	350,000	350,000	350,000	350,000
TRAINING OF STATE EMPLOYEES			9,190	6,850	10,780	5,680	4,970	7,000	7,000	7,000	7,000	7,000
COMPUTER RELATED ITEMS			6,417	18,850	611	2,221	609	1,000	12,000	1,000	1,000	1,000
STATE PROFESSIONAL SERVICES			86,112	80,042	75,452	52,446	47,192	50,000	50,000	50,000	50,000	50,000
TOTAL DIRECT EXPENDITURES			1,010,356	1,069,386	1,055,694	1,001,290	856,514	883,716	946,640	946,537	957,712	969,173
COST BACKS												
DEPARTMENT			327,828	273,783	215,746	208,238	278,665	282,845	287,088	291,394	295,765	300,201
INVESTIGATIONS			3,066	-	-	3,297	7,845	7,962	8,082	8,203	8,326	8,451
LEGAL			-	-	20,252	45,605	-	-	-	-	-	-
CORE EXPENSE			-	-	-	88,954	-	-	-	-	-	-
TOTAL EXPENDITURES			1,341,250	1,343,169	1,291,692	1,347,384	1,143,023	1,174,523	1,241,810	1,246,133	1,261,803	1,277,825
SURPLUS			167,994	157,981	182,979	21,425	300,561	197,997	149,063	164,861	169,691	174,549
ACCUMULATED RESERVE			850,615	1,008,596	1,191,575	1,213,000	1,513,561	1,711,558	1,860,621	2,025,481	2,195,172	2,369,721

Budget Projection Calculations

# registrants	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>		
Arch	3571	3625	3679	3734	3790		
Eng	14241	14455	14671	14892	15115		
LA	367	373	378	384	390		
RID	<u>397</u>	<u>381</u>	<u>366</u>	<u>351</u>	<u>337</u>		
active, inactive only	18576	18833	19094	19361	19632		
1/2 renew each yr	9288	9416	9547	9680	9816	x \$135	
	\$ 1,253,880	\$ 1,271,214	\$ 1,288,868	\$ 1,306,842	\$ 1,325,141		
# exam applicants							
Arch	100	102	104	106	108		
Eng	270	275	281	287	292		
LA	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>		
	375	383	390	398	406	x \$30	
	\$ 11,250	\$ 11,475	\$ 11,705	\$ 11,939	\$ 12,177		
# comity/initial/reapps							
Arch	220	224	229	233	238		
Eng	670	683	697	711	725		
LA	20	20	21	21	22		
RID	<u>18</u>	<u>18</u>	<u>19</u>	<u>19</u>	<u>19</u>		
	928	947	965	985	1004	x \$190	
	\$ 176,320	\$ 179,846	\$ 183,443	\$ 187,112	\$ 190,854		
# FE apps	418	325	325	325	325	x \$15	
Note: FY 2016 number includes some applicants who applied and failed exam between 7/1 and 12/31/15.							
	\$ 6,270	\$ 4,875	\$ 4,875	\$ 4,875	\$ 4,875		
Misc. (late fees, etc.)	\$ 13,000	\$ 13,195	\$ 13,393	\$ 13,594	\$ 13,798		
Civil penalties (avg.)	\$ 14,000	\$ 14,000	\$ 14,000	\$ 14,000	\$ 14,000		
FY Totals	\$ 1,474,720	\$ 1,494,606	\$ 1,516,283	\$ 1,538,362	\$ 1,560,846		

**FIVE-YEAR BUDGET PROJECTION
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS**

PROJECTIONS WITH \$10 FEE REDUCTION			HISTORICAL DATA					PROJECTIONS				
			FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
REVENUE												
ALL PROFESSIONS			1,582,869	1,576,975	1,576,171	1,462,109	1,544,275	1,423,640	1,442,791	1,463,720	1,485,036	1,506,744
STATE REGULATORY FEE			(73,625)	(75,825)	(101,500)	(93,300)	(100,690)	(102,200)	(103,733)	(105,289)	(106,869)	(108,472)
			1,509,244	1,501,150	1,474,671	1,368,809	1,443,585	1,321,440	1,339,058	1,358,431	1,378,168	1,398,272
EXPENDITURES												
REGULAR SALARIES & WAGES			231,473	231,332	244,249	262,709	253,519	259,857	266,353	273,012	279,838	286,834
PART-TIME SALARIES & WAGES (PER DIEM)			13,050	12,250	11,000	12,850	12,850	12,850	12,850	12,850	12,850	12,850
EMPLOYEE BENEFITS			104,870	103,410	109,763	116,098	112,988	115,812	118,708	121,675	124,717	127,835
TRAVEL			39,747	40,240	44,106	40,462	39,899	41,096	42,329	43,599	44,907	46,254
PRINTING & DUPLICATING			1,913	2,077	1,958	375	66	1,300	1,300	1,300	1,300	1,300
COMMUNICATIONS & SHIPPING COSTS			20,679	23,259	18,170	21,467	23,087	23,000	23,000	23,000	23,000	23,000
MAINTENANCE & REPAIRS			425	-	-	230	17	100	100	100	100	100
THIRD PARTY PROFESSIONAL SERVICES			289,987	297,836	286,476	182,361	59,164	60,000	60,000	60,000	60,000	60,000
SUPPLIES & OFFICE FURNITURE			1,635	1,627	1,102	2,540	796	1,500	1,500	1,500	1,500	1,500
RENTALS & INSURANCE			4,858	1,614	2,028	1,851	1,358	1,500	1,500	1,500	1,500	1,500
GRANTS & SUBSIDIES			200,000	250,000	250,000	300,000	300,000	308,700	350,000	350,000	350,000	350,000
TRAINING OF STATE EMPLOYEES			9,190	6,850	10,780	5,680	4,970	7,000	7,000	7,000	7,000	7,000
COMPUTER RELATED ITEMS			6,417	18,850	611	2,221	609	1,000	12,000	1,000	1,000	1,000
STATE PROFESSIONAL SERVICES			86,112	80,042	75,452	52,446	47,192	50,000	50,000	50,000	50,000	50,000
TOTAL DIRECT EXPENDITURES			1,010,356	1,069,386	1,055,694	1,001,290	856,514	883,716	946,640	946,537	957,712	969,173
COST BACKS												
DEPARTMENT			327,828	273,783	215,746	208,238	278,665	282,845	287,088	291,394	295,765	300,201
INVESTIGATIONS			3,066	-	-	3,297	7,845	7,962	8,082	8,203	8,326	8,451
LEGAL			-	-	20,252	45,605	-	-	-	-	-	-
CORE EXPENSE			-	-	-	88,954	-	-	-	-	-	-
TOTAL EXPENDITURES			1,341,250	1,343,169	1,291,692	1,347,384	1,143,023	1,174,523	1,241,810	1,246,133	1,261,803	1,277,825
SURPLUS			167,994	157,981	182,979	21,425	300,561	146,917	97,248	112,297	116,365	120,447
ACCUMULATED RESERVE			850,615	1,008,596	1,191,575	1,213,000	1,513,561	1,660,478	1,757,726	1,870,023	1,986,388	2,106,835

Budget Projection Calculations

# registrants	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>		
Arch	3571	3625	3679	3734	3790		
Eng	14241	14455	14671	14892	15115		
LA	367	373	378	384	390		
RID	<u>397</u>	<u>381</u>	<u>366</u>	<u>351</u>	<u>337</u>		
active, inactive only	18576	18833	19094	19361	19632		
1/2 renew each yr	9288	9416	9547	9680	9816	x \$130	
	\$ 1,207,440	\$ 1,224,132	\$ 1,241,132	\$ 1,258,441	\$ 1,276,062		
# exam applicants							
Arch	100	102	104	106	108		
Eng	270	275	281	287	292		
LA	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>		
	375	383	390	398	406	x \$30	
	\$ 11,250	\$ 11,475	\$ 11,705	\$ 11,939	\$ 12,177		
# comity/initial/reapps							
Arch	220	224	229	233	238		
Eng	670	683	697	711	725		
LA	20	20	21	21	22		
RID	<u>18</u>	<u>18</u>	<u>19</u>	<u>19</u>	<u>19</u>		
	928	947	965	985	1004	x \$185	
	\$ 171,680	\$ 175,114	\$ 178,616	\$ 182,188	\$ 185,832		
# FE apps	418	325	325	325	325	x \$15	
Note: FY 2016 number includes some applicants who applied and failed exam between 7/1 and 12/31/15.							
	\$ 6,270	\$ 4,875	\$ 4,875	\$ 4,875	\$ 4,875		
Misc. (late fees, etc.)	\$ 13,000	\$ 13,195	\$ 13,393	\$ 13,594	\$ 13,798		
Civil penalties (avg.)	\$ 14,000	\$ 14,000	\$ 14,000	\$ 14,000	\$ 14,000		
FY Totals	\$ 1,423,640	\$ 1,442,791	\$ 1,463,720	\$ 1,485,036	\$ 1,506,744		

**FIVE-YEAR BUDGET PROJECTION
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS**

PROJECTIONS WITH \$15 FEE REDUCTION			HISTORICAL DATA					PROJECTIONS				
			FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
REVENUE												
ALL PROFESSIONS			1,582,869	1,576,975	1,576,171	1,462,109	1,544,275	1,372,560	1,390,976	1,411,157	1,431,711	1,452,642
STATE REGULATORY FEE			(73,625)	(75,825)	(101,500)	(93,300)	(100,690)	(102,200)	(103,733)	(105,289)	(106,869)	(108,472)
			1,509,244	1,501,150	1,474,671	1,368,809	1,443,585	1,270,360	1,287,243	1,305,867	1,324,842	1,344,170
EXPENDITURES												
REGULAR SALARIES & WAGES			231,473	231,332	244,249	262,709	253,519	259,857	266,353	273,012	279,838	286,834
PART-TIME SALARIES & WAGES (PER DIEM)			13,050	12,250	11,000	12,850	12,850	12,850	12,850	12,850	12,850	12,850
EMPLOYEE BENEFITS			104,870	103,410	109,763	116,098	112,988	115,812	118,708	121,675	124,717	127,835
TRAVEL			39,747	40,240	44,106	40,462	39,899	41,096	42,329	43,599	44,907	46,254
PRINTING & DUPLICATING			1,913	2,077	1,958	375	66	1,300	1,300	1,300	1,300	1,300
COMMUNICATIONS & SHIPPING COSTS			20,679	23,259	18,170	21,467	23,087	23,000	23,000	23,000	23,000	23,000
MAINTENANCE & REPAIRS			425	-	-	230	17	100	100	100	100	100
THIRD PARTY PROFESSIONAL SERVICES			289,987	297,836	286,476	182,361	59,164	60,000	60,000	60,000	60,000	60,000
SUPPLIES & OFFICE FURNITURE			1,635	1,627	1,102	2,540	796	1,500	1,500	1,500	1,500	1,500
RENTALS & INSURANCE			4,858	1,614	2,028	1,851	1,358	1,500	1,500	1,500	1,500	1,500
GRANTS & SUBSIDIES			200,000	250,000	250,000	300,000	300,000	308,700	350,000	350,000	350,000	350,000
TRAINING OF STATE EMPLOYEES			9,190	6,850	10,780	5,680	4,970	7,000	7,000	7,000	7,000	7,000
COMPUTER RELATED ITEMS			6,417	18,850	611	2,221	609	1,000	12,000	1,000	1,000	1,000
STATE PROFESSIONAL SERVICES			86,112	80,042	75,452	52,446	47,192	50,000	50,000	50,000	50,000	50,000
TOTAL DIRECT EXPENDITURES			1,010,356	1,069,386	1,055,694	1,001,290	856,514	883,716	946,640	946,537	957,712	969,173
COST BACKS												
DEPARTMENT			327,828	273,783	215,746	208,238	278,665	282,845	287,088	291,394	295,765	300,201
INVESTIGATIONS			3,066	-	-	3,297	7,845	7,962	8,082	8,203	8,326	8,451
LEGAL			-	-	20,252	45,605	-	-	-	-	-	-
CORE EXPENSE			-	-	-	88,954	-	-	-	-	-	-
TOTAL EXPENDITURES			1,341,250	1,343,169	1,291,692	1,347,384	1,143,023	1,174,523	1,241,810	1,246,133	1,261,803	1,277,825
SURPLUS			167,994	157,981	182,979	21,425	300,561	95,837	45,433	59,734	63,040	66,345
ACCUMULATED RESERVE			850,615	1,008,596	1,191,575	1,213,000	1,513,561	1,609,398	1,654,831	1,714,565	1,777,605	1,843,950

Budget Projection Calculations

# registrants	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>		
Arch	3571	3625	3679	3734	3790		
Eng	14241	14455	14671	14892	15115		
LA	367	373	378	384	390		
RID	<u>397</u>	<u>381</u>	<u>366</u>	<u>351</u>	<u>337</u>		
active, inactive only	18576	18833	19094	19361	19632		
1/2 renew each yr	9288	9416	9547	9680	9816	x \$125	
	\$ 1,161,000	\$ 1,177,050	\$ 1,193,396	\$ 1,210,039	\$ 1,226,982		
# exam applicants							
Arch	100	102	104	106	108		
Eng	270	275	281	287	292		
LA	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>		
	375	383	390	398	406	x \$30	
	\$ 11,250	\$ 11,475	\$ 11,705	\$ 11,939	\$ 12,177		
# comity/initial/reapps							
Arch	220	224	229	233	238		
Eng	670	683	697	711	725		
LA	20	20	21	21	22		
RID	<u>18</u>	<u>18</u>	<u>19</u>	<u>19</u>	<u>19</u>		
	928	947	965	985	1004	x \$180	
	\$ 167,040	\$ 170,381	\$ 173,788	\$ 177,264	\$ 180,809		
# FE apps	418	325	325	325	325	x \$15	
Note: FY 2016 number includes some applicants who applied and failed exam between 7/1 and 12/31/15.							
	\$ 6,270	\$ 4,875	\$ 4,875	\$ 4,875	\$ 4,875		
Misc. (late fees, etc.)	\$ 13,000	\$ 13,195	\$ 13,393	\$ 13,594	\$ 13,798		
Civil penalties (avg.)	\$ 14,000	\$ 14,000	\$ 14,000	\$ 14,000	\$ 14,000		
FY Totals	\$ 1,372,560	\$ 1,390,976	\$ 1,411,157	\$ 1,431,711	\$ 1,452,642		

**FIVE-YEAR BUDGET PROJECTION
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS**

PROJECTIONS WITH \$20 FEE REDUCTION			HISTORICAL DATA					PROJECTIONS				
			FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
REVENUE												
ALL PROFESSIONS			1,582,869	1,576,975	1,576,171	1,462,109	1,544,275	1,321,480	1,339,161	1,358,594	1,378,385	1,398,540
STATE REGULATORY FEE			(73,625)	(75,825)	(101,500)	(93,300)	(100,690)	(102,200)	(103,733)	(105,289)	(106,869)	(108,472)
			1,509,244	1,501,150	1,474,671	1,368,809	1,443,585	1,219,280	1,235,428	1,253,304	1,271,517	1,290,068
EXPENDITURES												
REGULAR SALARIES & WAGES			231,473	231,332	244,249	262,709	253,519	259,857	266,353	273,012	279,838	286,834
PART-TIME SALARIES & WAGES (PER DIEM)			13,050	12,250	11,000	12,850	12,850	12,850	12,850	12,850	12,850	12,850
EMPLOYEE BENEFITS			104,870	103,410	109,763	116,098	112,988	115,812	118,708	121,675	124,717	127,835
TRAVEL			39,747	40,240	44,106	40,462	39,899	41,096	42,329	43,599	44,907	46,254
PRINTING & DUPLICATING			1,913	2,077	1,958	375	66	1,300	1,300	1,300	1,300	1,300
COMMUNICATIONS & SHIPPING COSTS			20,679	23,259	18,170	21,467	23,087	23,000	23,000	23,000	23,000	23,000
MAINTENANCE & REPAIRS			425	-	-	230	17	100	100	100	100	100
THIRD PARTY PROFESSIONAL SERVICES			289,987	297,836	286,476	182,361	59,164	60,000	60,000	60,000	60,000	60,000
SUPPLIES & OFFICE FURNITURE			1,635	1,627	1,102	2,540	796	1,500	1,500	1,500	1,500	1,500
RENTALS & INSURANCE			4,858	1,614	2,028	1,851	1,358	1,500	1,500	1,500	1,500	1,500
GRANTS & SUBSIDIES			200,000	250,000	250,000	300,000	300,000	308,700	350,000	350,000	350,000	350,000
TRAINING OF STATE EMPLOYEES			9,190	6,850	10,780	5,680	4,970	7,000	7,000	7,000	7,000	7,000
COMPUTER RELATED ITEMS			6,417	18,850	611	2,221	609	1,000	12,000	1,000	1,000	1,000
STATE PROFESSIONAL SERVICES			86,112	80,042	75,452	52,446	47,192	50,000	50,000	50,000	50,000	50,000
TOTAL DIRECT EXPENDITURES			1,010,356	1,069,386	1,055,694	1,001,290	856,514	883,716	946,640	946,537	957,712	969,173
COST BACKS												
DEPARTMENT			327,828	273,783	215,746	208,238	278,665	282,845	287,088	291,394	295,765	300,201
INVESTIGATIONS			3,066	-	-	3,297	7,845	7,962	8,082	8,203	8,326	8,451
LEGAL			-	-	20,252	45,605	-	-	-	-	-	-
CORE EXPENSE			-	-	-	88,954	-	-	-	-	-	-
TOTAL EXPENDITURES			1,341,250	1,343,169	1,291,692	1,347,384	1,143,023	1,174,523	1,241,810	1,246,133	1,261,803	1,277,825
SURPLUS			167,994	157,981	182,979	21,425	300,561	44,757	(6,382)	7,171	9,714	12,243
ACCUMULATED RESERVE			850,615	1,008,596	1,191,575	1,213,000	1,513,561	1,558,318	1,551,936	1,559,107	1,568,821	1,581,065

Budget Projection Calculations

# registrants	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>		
Arch	3571	3625	3679	3734	3790		
Eng	14241	14455	14671	14892	15115		
LA	367	373	378	384	390		
RID	<u>397</u>	<u>381</u>	<u>366</u>	<u>351</u>	<u>337</u>		
active, inactive only	18576	18833	19094	19361	19632		
1/2 renew each yr	9288	9416	9547	9680	9816	x \$120	
	\$ 1,114,560	\$ 1,129,968	\$ 1,145,660	\$ 1,161,638	\$ 1,177,903		
# exam applicants							
Arch	100	102	104	106	108		
Eng	270	275	281	287	292		
LA	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>		
	375	383	390	398	406	x \$30	
	\$ 11,250	\$ 11,475	\$ 11,705	\$ 11,939	\$ 12,177		
# comity/initial/reapps							
Arch	220	224	229	233	238		
Eng	670	683	697	711	725		
LA	20	20	21	21	22		
RID	<u>18</u>	<u>18</u>	<u>19</u>	<u>19</u>	<u>19</u>		
	928	947	965	985	1004	x \$175	
	\$ 162,400	\$ 165,648	\$ 168,961	\$ 172,340	\$ 175,787		
# FE apps	418	325	325	325	325	x \$15	
Note: FY 2016 number includes some applicants who applied and failed exam between 7/1 and 12/31/15.							
	\$ 6,270	\$ 4,875	\$ 4,875	\$ 4,875	\$ 4,875		
Misc. (late fees, etc.)	\$ 13,000	\$ 13,195	\$ 13,393	\$ 13,594	\$ 13,798		
Civil penalties (avg.)	\$ 14,000	\$ 14,000	\$ 14,000	\$ 14,000	\$ 14,000		
FY Totals	\$ 1,321,480	\$ 1,339,161	\$ 1,358,594	\$ 1,378,385	\$ 1,398,540		

BUDGET PROJECTION ASSUMPTIONS

Revenue

Based on past trends, a 1.5% per year increase in the number of architect, engineer, and landscape architect registrants was assumed. A 4% per year decrease in the number of registered interior designers was assumed. A 2% per year increase in the number of architect, engineer, landscape architect, and registered interior designer applicants was assumed.

Effective in 2014, the Board no longer collects exam fees for either the PE or FE exams; such payments are now made directly to NCEES by the candidates. However, we continue to collect application fees.

Effective in 2016, FE exam candidates no longer apply to the Board for authorization to sit for the FE exam. Candidates register for the exam with NCEES and then apply for engineer intern certification upon passing the exam. Consequently, in calculating the number of engineer intern applicants, it was assumed that the number will remain consistent with the number of candidates who passed the FE exam in 2014-2015.

Spreadsheets show the projected impact of a \$5.00 registration/renewal fee reduction, a \$10.00 reduction, a \$15.00 reduction, and a \$20.00 reduction.

Expenditures

A 2.5% per year increase in regular salaries and wages and employee benefits was assumed (this is the standard raise associated with a “valued” evaluation rating).

A 3% per year increase in travel expenses was assumed.

It was assumed that most computer-related equipment will be replaced in FY 2017.

It was assumed that the full \$350,000 would be expended for grants each year, beginning in FY 2017.

A 1.5% per year increase in the state regulatory fee and department cost backs were assumed (corresponding to the increase in the number of registrants).

It was assumed that most other expenditures will remain stable during this period.

2016 PENDING LEGISLATION

Bill Number(s)/Sponsor(s)	Description	House	Senate	Board Position
SB0620/HB0628* Tracy/Littleton <u>Carried over from 2015</u>	Exempts local jurisdictions that have an established codes department from audit of its records and transactions by the state fire marshal; removes provision of law stating that state building codes supersede all less stringent provisions of municipal ordinances.	State Government Subcommittee; action deferred to 2016	General Subcommittee of Commerce and Labor Committee	Oppose
SB0556*/HB0678 Bowling/VanHuss <u>Carried over from 2015</u>	As introduced, phases out the privilege tax on persons engaged in certain occupations by annually decreasing it by 20 percent over the next five years; eliminates the tax in 2019 and thereafter.	Finance, Ways & Means Subcommittee —taken off notice	Recommended for summer study; FW&M Committee	
SB0836/HB0477* Yager/Beck <u>Carried over from 2015</u>	Requires that edges of steps into certain public buildings constructed, purchased, or leased by the state or its political subdivisions after July 1, 2015, be marked with yellow paint to assist persons with vision impairment.	Deferred to TACIR for study	Passed	
SB1092*/HB1300 Harris/Sparks <u>Carried over from 2015</u>	Requires the state fire marshal, in consultation with TACIR, to submit a report to the legislature addressing fire safety standards affecting places of worship.	Local Government Subcommittee	State and Local Government Committee	
SB1346/HB1261* McNally/Ragan <u>Carried over from 2015</u>	Authorizes counties and municipalities to opt out of the International Energy Conservation Code standards applicable statewide to buildings classified for certain industrial or storage uses; authorizes counties and municipalities to adopt alternative industrial or storage use standards.	State Government Subcommittee	Commerce and Labor Committee	
SB1503*/HB1615 Bell/Faison	Extends the A&E Board four years to June 30, 2020; establishes minimum attendance requirement for board members (must attend at least half of the scheduled meetings in a calendar year).	Government Operations Committee	Government Operations Committee	

Bill Number(s)/Sponsor(s)	Description	House	Senate	Board Position
SB2535/HB1533* Norris/McCormick	Allows the state fire marshal to require and perform field inspections in lieu of requiring review and approval of plans and specifications for construction and alteration of certain buildings or structures, and to charge a fee of no more than \$200 for inspections that were untimely requested. [Per SFMO, will only apply to small residential buildings that do not require an architect/engineer and fuel-fired equipment that only requires an inspection, as established in current rules.]	Business and Utilities Subcommittee	Commerce and Labor Committee	
HB1726/SB1672* Sargent/Southerland	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.	State Government Subcommittee	State and Local Government Committee	
HB2201*/SB2469 Daniel/Stevens	As introduced, enacts the "Right to Earn a Living Act." Requires agencies to conduct an annual review of all rules to ensure that regulations of entry into businesses, professions, and occupations are demonstrably necessary and carefully tailored to legitimate health, safety, and welfare objectives. Also allows individuals to petition an agency to repeal or modify a regulation.	State Government Subcommittee	State and Local Government Committee	
HB2569*/SB2534 McCormick/Norris	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.	Business and Utilities Subcommittee	Commerce and Labor Committee	

SENATE BILL 1503

By Bell

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29, Part 2; Title 4, Chapter 3, Part 13; Section 49-17-103 and Title 62, Chapter 2, relative to the board of examiners for architects and engineers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-29-237(a), is amended by deleting subdivision (9) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-241(a), is amended by inserting the following language as a new, appropriately designated subdivision:

() Board of examiners for architects and engineers, created by § 62-2-201;

SECTION 3. Tennessee Code Annotated, Section 62-2-201(b), is amended by deleting the language "The member is subject to removal by the governor for misconduct, incapacity or neglect of duty."

SECTION 4. Tennessee Code Annotated, Section 62-2-202(b), is amended by deleting the subsection and substituting instead the following:

(b)

(1) The governor may remove any member of the board for misconduct, incapacity, or neglect of duty.

(2)

(A) Notwithstanding subdivision (b)(1), any member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year shall be removed as a member of the board.

(B) The chair of the board shall promptly notify, or cause to be notified, the appointing authority of any member who fails to satisfy the attendance requirement as prescribed in subdivision (b)(2)(A).

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

HOUSE BILL 1533

By McCormick

AN ACT to amend Tennessee Code Annotated, Section 68-120-101, relative to prior approval and inspection by the state fire marshal of certain structures.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-120-101(d), is amended by adding the following language as new subdivisions:

(3) The state fire marshal may require and perform field inspections in lieu of requiring review and approval of plans and specifications pursuant to subdivision (d)(1). The state fire marshal may, by rules promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, create a schedule of fees sufficient to cover the costs of the inspections authorized by this subdivision (d)(3).

(4) The state fire marshal may, by rules promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, assess a fee, in situations where an inspection related to the requirements of this subsection (d) was untimely requested and was unable to be performed by the state fire marshal due to the unpreparedness of the requestor. The fee shall not exceed two hundred dollars (\$200).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL 1672

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 5;
Title 6; Title 7; Title 12, Chapter 4 and Title 62,
relative to public works.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 4, Part 1, is amended by adding the following language as a new section:

(a) As used in this section:

(1) "Designer" means a construction design professional under contract with a state agency; and

(2) "State agency" means the University of Tennessee, the board of regents, or the state of Tennessee real estate and asset management (STREAM) division of the department of general services.

(b) At the designer's sole discretion, a designer who has approved design fees for the program phase, schematic design phase, design development phase, construction document phase, and bidding and negotiation phase may invoice the state agency on a monthly basis to be paid by the state agency either:

(1) On a percentage-of-completion basis for a particular phase; or

(2) In an amount prorated over the anticipated time required to complete a particular phase.

(c) If the designer elects to invoice the state agency on a monthly basis for design fees, the state agency shall pay the designer in accordance with the Prompt Pay Act of 1985, compiled in chapter 4, part 7 of this title; except, that the state agency shall pay the designer within thirty (30) days of being properly invoiced.

(d) Payments to the designer on account of the basic construction contract administration services fee shall be made as follows:

(1) Beginning with the issuance of the general contractor's notice to proceed, ninety-five percent (95%) of the basic construction contract administration services fee shall be payable in equal monthly portions based on the number of months in the construction schedule to reach substantial completion;

(2) When the certificate for substantial completion has been executed by the designer pursuant to the general conditions of the contract, partial payment shall be made in a sum sufficient to increase payment to ninety-five percent (95%) of the basic construction contract administration services fee; and

(3) When the certificate for final payment has been executed by the designer and the designer has completed all requirements of the contract, including the furnishing of record documents, final payment shall be made in the sum sufficient to increase payment to one hundred percent (100%) of the basic construction contract administration services fee.

SECTION 2. Tennessee Code Annotated, Title 12, Chapter 4, Part 1, is further amended by adding the following language as a new section:

(a) As used in this section:

(1) "Designer" means a construction design professional under contract with a state agency; and

(2) "State agency" means the University of Tennessee, the board of regents, or the state of Tennessee real estate and asset management (STREAM) division of the department of general services.

(b) The use of building information modeling (BIM) on a design and construction project shall not result in increased fees, and BIM deliverables at the minimum levels of development that are equivalent to or less than the American Institute of Architects (AIA)

level of development (LOD) 300 may be included in the basic services fee. The state agency is encouraged to review all contract requirements prior to issuance of the request for qualifications for the potential cost impact that may be associated with unique modeling or data requirements.

(c) BIM deliverables at a higher level of development required by the state agency, above the AIA LOD 300, shall not be included in the designer's basic services fee, and the designer shall be provided with additional compensation for providing BIM at a higher level of development above LOD 300.

(d) Requests for additional embedded data in a model, such as COBie or other formats, whether data-based or geometrically based, shall result in additional services fees to compensate for the level of effort required.

(e) If the state agency requires software licenses, the costs shall be included as reimbursable expense to the designer.

(f) The designer shall be compensated with additional services fees for further model development and enhancement during the construction phase, but shall not be compensated additional services fees for typical as-built or post-construction documentation requirements. Specific management or coordination requirements of contractor models, by the designer, may be negotiated as necessary through specific project requirements. Standard industry-wide BIM LOD shall be as defined by the latest documents issued by the AIA.

(g) Additional services shall not be included in basic services and shall be paid by the state agency to the designer as extra compensation. The following industry standard and approved additional services, if provided by the designer to the state agency, shall result in additional compensation to a designer:

(1) Feasibility studies and analyses;

- (2) Value analysis and life cycle cost analysis;
- (3) Assistance with grant and funding applications;
- (4) Facility programming;
- (5) Master planning;
- (6) Soils investigations and reports and geotechnical services;
- (7) Surveys such as topographic, boundary, vegetation improvements, or utilities;
- (8) Existing facilities analysis;
- (9) ADA compliance consultant-independent consultant if required by the state;
- (10) Revisions required by new codes, laws, or regulations after completion of design work;
- (11) Measured drawings of existing facilities;
- (12) Environmental assessments;
- (13) Storm water management permitting;
- (14) Environmental and site permitting;
- (15) Clean room certification;
- (16) Agricultural consultant;
- (17) Storm water third-party reviews for municipal separate storm sewer system (MS4) locations;
- (18) Detention and water quality analysis (Engr-3)-beyond basic services requirements;
- (19) Technology special equipment consultant;
- (20) Vibration analysis consultant;

- (21) Electromagnetic interference (EMI) and RF interference (RFI) analysis;
- (22) Radon surveys;
- (23) Food service consultation;
- (24) Theater consultation;
- (25) Acoustical consultation;
- (26) Audio/visual consultation;
- (27) Exhibit design;
- (28) Landscape and irrigation consultation;
- (29) Interior design, furnishings, plantscaping, and artscaping;
- (30) Site-specific seismic studies;
- (31) Comprehensive CPM scheduling;
- (32) Documents prepared and services performed during any and all design phases for multiple component construction packages;
- (33) Documents prepared and services performed during any and all design phases for separate proposal packages requested by the state agency;
- (34) Computer-modeled energy analysis other than required by building code;
- (35) Traffic analysis;
- (36) Hazardous materials consultation and surveys;
- (37) Renderings, models, and video animations;
- (38) Changes to scope, size, or complexity;
- (39) Commissioning;
- (40) Commissioning support;
- (41) Commissioning-witnessing functional performance tests;

- (42) Environmental IEQ/IAQ commissioning;
- (43) Leadership in Energy and Environmental Design (LEED) process support;
- (44) Full-time construction inspection provided by the designer;
- (45) Program management services;
- (46) Designing replacement work for damaged work;
- (47) Post-occupancy observations and evaluations;
- (48) Facility operation services, such as operation and maintenance manual training coordination;
- (49) Load studies, either mechanical or electrical, requiring metering or beyond the immediate renovation area;
- (50) Reliability analysis, either mechanical or electrical;
- (51) Phased construction;
- (52) Environmental work, which requires a hazardous waste consultant hired by the designer;
- (53) Zoning board meetings;
- (54) Nonstate government hearings or meetings, if requested by the state agency;
- (55) Other specialty design consultants;
- (56) BIM above LOD 300, as defined by the AIA;
- (57) Facilities management services including, but not limited to, developing database information;
- (58) Graphic design and branding;
- (59) Material revisions in documents inconsistent with written approvals or instructions;

(60) Services required by general contractor or subcontractor defects requiring significant investigation or redesign;

(61) Services necessary to verify the accuracy of drawings or other information furnished by the state agency;

(62) Extensive construction services caused by significant general contractor, subcontractor, or state agency impact;

(63) Providing record documents beyond the requirements in the designer's manual; and

(64) Services required as a result of default of a general contractor or subcontractor.

SECTION 3. This act shall take effect July 1, 2016, the public welfare requiring it, and shall apply to any contract entered into or renewed on or after July 1, 2016.

HOUSE BILL 2201

By Daniel

AN ACT to amend Tennessee Code Annotated, Title 4; Title 7; Title 38; Title 62; Title 63 and Title 67, relative to businesses, professions, and occupations.

WHEREAS, the right of individuals to pursue a chosen business or profession, free from arbitrary or excessive government interference, is a fundamental civil right; and

WHEREAS, the freedom to earn an honest living traditionally has provided the surest means for economic mobility; and

WHEREAS, in recent years, many regulations of entry into businesses and professions have exceeded legitimate public purposes and have had the effect of arbitrarily limiting entry and reducing competition; and

WHEREAS, the burden of excessive regulation is borne most heavily by individuals outside the economic mainstream, for whom opportunities for economic advancement are curtailed; and

WHEREAS, it is in the public interest to ensure the right of all individuals to pursue legitimate entrepreneurial and professional opportunities to the limits of their talent and ambition; to provide the means for the vindication of this right; and to ensure that regulations of entry into businesses, professions, and occupations are demonstrably necessary and carefully tailored to legitimate health, safety, and welfare objectives; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Right to Earn a Living Act."

SECTION 2. Tennessee Code Annotated, Title 4, is amended by adding the following language as a new chapter:

4-42-101. As used in this chapter:

(1) "Agency" means any branch, department, division, office, or agency of state government;

(2) "Entry regulations" means any law, ordinance, regulation, rule, policy, fee, condition, test, permit, administrative practice, or other provision relating to a market, or the opportunity to engage in any business, profession, or occupation;

(3) "Public service restrictions" means any law, ordinance, regulation, rule, policy, fee, condition, test, permit, or other administrative practice, with or without the support of public subsidy, or user fees;

(4) "Subsidy" means taxes, grants, user fees, or any other funds received by or on behalf of an agency; and

(5) "Welfare" means the protection of members of the public against fraud or harm, and does not include the protection of existing businesses or agencies, whether publicly or privately owned, against competition.

4-42-102.

All entry regulations by an agency with respect to businesses, professions, and occupations shall be limited to those demonstrably necessary and carefully tailored to fulfill legitimate public health, safety, or welfare objectives.

4-42-103.

All public service restrictions shall be limited to those demonstrably necessary and carefully tailored to fulfill legitimate public health, safety, or welfare objectives.

4-42-104.

(a) By July 1, 2017, and every July 1 thereafter, an agency shall conduct a comprehensive review of all entry regulations within the jurisdiction of the agency. For each entry regulation, the agency shall:

(1) Articulate, with specificity, any and all public health, safety, or welfare objectives served by the entry regulation; and

(2) Articulate any reason why the regulation is necessary to serve any specified objective that is identified.

(b) To the extent the agency finds any entry regulation that does not serve any specified public health, safety, or welfare objective, the agency shall, as soon as possible:

(1) Repeal the entry regulation or modify the entry regulation to serve a specified public health, safety, or welfare objective; or

(2) Identify in the form of recommendations any actions necessary to repeal or modify the entry regulation in order to serve a specified public health, safety, or welfare objective, if the agency does not have authority to repeal or modify the entry regulation.

4-42-105.

(a)

(1) Any person may petition any agency to repeal or modify any entry regulation into a business, profession, or occupation within its jurisdiction.

(2) Within ninety (90) days of a petition filed under this subsection (a), the agency shall repeal the entry regulation, modify the regulation to achieve the standard set forth in § 4-42-102, or state the specific basis on which the agency concludes the regulation conforms with the standard set forth in § 4-42-102.

(b)

(1) Any person may petition an agency to repeal or modify a public service restriction within its jurisdiction.

(2) Within ninety (90) days of a petition filed under this subsection (b), the agency shall state the basis on which the agency concludes the public service restriction conforms with the standard set forth in § 4-42-103.

4-42-106.

(a) If a petition was filed pursuant to § 4-42-105 and has not been acted upon favorably by the agency, then the person filing a petition challenging an entry regulation or public service restriction may file an action in a court of general jurisdiction.

(b) With respect to the challenge of an entry regulation, the plaintiff shall prevail if the court finds by a preponderance of evidence that the challenged entry regulation on its face, or in its effect, burdens the creation of a business, the entry of a business into a particular market, or entry of business into a profession or occupation, and:

(1) The challenged entry regulation is not demonstrably necessary and carefully tailored to fulfill legitimate public health, safety, or welfare objectives; or

(2) The challenged entry regulation is necessary to the legitimate public health, safety, or welfare objectives; provided, that objectives can be effectively served by regulations less burdensome to economic opportunity.

(c) With respect to the challenge of a public service restriction, the plaintiff shall prevail if the court finds by a preponderance of the evidence that on its face, or in its effect, that:

(1) The challenged public service restriction is not demonstrably necessary and carefully tailored to fulfill legitimate public health, safety, or welfare objectives; or

(2) The challenged public service restriction is necessary to fulfill legitimate public health, safety, or welfare objectives; such objectives can be effectively served by restrictions that allow greater private participation.

(d) Upon a finding for the plaintiff, the court shall enjoin further enforcement of the challenged entry regulation or public service restriction.

4-42-107.

The right of individuals to pursue a chosen business, profession, or occupation is a matter of statewide concern and is not subject to further inconsistent regulation by a county, city, town, or other political subdivision of this state. This chapter preempts all inconsistent rules, regulations, codes, ordinances, and other laws adopted by a county, city, town, or other political subdivision of this state regarding the right of individuals to pursue a chosen business, profession, or occupation.

SECTION 3. Tennessee Code Annotated, Title 7, is amended by adding the following language as a new chapter:

7-70-101. As used in this chapter:

(1) "Agency" means any branch, department, division, office, or agency of local government, and any county, city, town, or political subdivision of this state;

(2) "Entry regulations" means any law, ordinance, regulation, rule, policy, fee, condition, test, permit, administrative practice, or other provision relating to a market, or the opportunity to engage in any occupation or profession;

(3) "Public service restrictions" means any law, ordinance, regulation, rule, policy, fee, condition, test, permit, or other administrative practice, with or without the support of public subsidy, or user fees;

(4) "Subsidy" means taxes, grants, user fees, or any other funds received by or on behalf of an agency; and

(5) "Welfare" means the protection of members of the public against fraud or harm, and does not include the protection of existing businesses or agencies, whether publicly or privately owned, against competition.

7-70-102.

All entry regulations with respect to businesses, professions, and occupations shall be limited to those demonstrably necessary and carefully tailored to fulfill legitimate public health, safety, or welfare objectives.

7-70-103.

All public service restrictions shall be limited to those demonstrably necessary and carefully tailored to fulfill legitimate public health, safety, or welfare objectives.

7-70-104.

(a) By July 1, 2017, and every July 1 thereafter, an agency shall conduct a comprehensive review of all entry regulations within the jurisdiction of the agency. For each entry regulation, the agency shall:

(1) Articulate, with specificity, any and all public health, safety, or welfare objectives served by the entry regulation; and

(2) Articulate any reason why the regulation is necessary to serve any specified objective that is identified.

(b) To the extent the agency finds any entry regulation that does not serve any specified public health, safety, or welfare objective, the agency shall, as soon as possible:

(1) Repeal the entry regulation or modify the entry regulation to serve a specified public health, safety, or welfare objective; or

(2) Identify in the form of recommendations any actions necessary to repeal or modify the entry regulation in order to serve a specified public health, safety, or welfare objective, if the agency does not have authority to repeal or modify the entry regulation.

7-70-105.

(a)

(1) Any person may petition an agency to repeal or modify an entry regulation into a business or profession within the jurisdiction of the agency.

(2) Within ninety (90) days of a petition filed under this subsection (a), the agency shall repeal the entry regulation, modify the regulation to achieve the standard set forth in § 7-70-102, or state the specific basis on which the agency concludes the regulation conforms with the standard set forth in § 7-70-102.

(b)

(1) Any person may petition an agency to repeal or modify a public service restriction within the jurisdiction of the agency.

(2) Within ninety (90) days of a petition filed under this subsection (c), the agency shall state the basis on which the agency concludes the public service restriction conforms with the standard set forth in § 7-70-103.

7-70-106.

(a) If a petition was filed pursuant to § 7-70-105 and has not been acted upon favorably by the agency, then the person filing a petition challenging an entry regulation or public service restriction may file an action in a court of general jurisdiction.

(b) With respect to the challenge of an entry regulation, the plaintiff shall prevail if the court finds by a preponderance of evidence that the challenged entry regulation on its face, or in its effect, burdens the creation of a business, the entry of a business into a particular market, or entry of business into a profession or occupation, and:

(1) The challenged entry regulation is not demonstrably necessary and carefully tailored to fulfill legitimate public health, safety, or welfare objectives; or

(2) The challenged entry regulation is necessary to the legitimate public health, safety, or welfare objectives; provided, that objectives can be effectively served by regulations less burdensome to economic opportunity.

(c) With respect to the challenge of a public service restriction, the plaintiff shall prevail if the court finds by a preponderance of the evidence that on its face, or in its effect, that:

(1) The challenged public service restriction is not demonstrably necessary and carefully tailored to fulfill legitimate public health, safety, or welfare objectives; or

(2) The challenged public service restriction is necessary to fulfill legitimate public health, safety, or welfare objectives; provided, that objectives can be effectively served by restrictions that allow greater private participation.

(d) Upon a finding for the plaintiff, the court shall enjoin further enforcement of the challenged entry regulation or public service restriction.

7-70-107.

The right of individuals to pursue a chosen business, profession, or occupation is a matter of statewide concern and is not subject to further inconsistent regulation by a county, city, town, or other political subdivision of this state. This chapter preempts all inconsistent rules, regulations, codes, ordinances, and other laws adopted by a county, city, town, or other political subdivision of this state regarding the right of individuals to pursue a chosen business, profession, or occupation.

SECTION 4. This act shall take effect July 1, 2016, the public welfare requiring it.

HOUSE BILL 2569

By McCormick

AN ACT to amend Tennessee Code Annotated, Section 46-2-101; Section 56-1-213 and Title 62, relative to professional licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 46-2-101, is amended by deleting the section in its entirety and substituting instead the following language:

(a)

(1) The owner of every cemetery may make, adopt, and enforce, and from time to time may amend, add to, revise, change, modify, or abolish, reasonable rules and regulations for:

(A) The use, care, control, management, restriction, and protection of the cemetery, and of all parts and subdivisions of the cemetery;

(B) Restricting, limiting, and regulating the use of all property within the cemetery;

(C) Regulating and preventing the introduction and care of plants or shrubs within the grounds;

(D) Regulating the conduct of persons and preventing improper assemblages in the cemetery; and

(E) All other purposes deemed necessary by the owner of the cemetery for the proper conduct of the business of the cemetery and the protection or safeguarding of the premises and the principles, plans, and ideas on which the cemetery was organized.

(2) The owner of the cemetery may prescribe penalties for the violation of any rule or regulation. These penalties may be recovered by the owner of the cemetery in a civil action.

(3) The rules and regulations shall be plainly printed or typewritten, posted conspicuously and maintained, subject to inspection and copying, at the usual place for transacting the regular business of the cemetery; provided, that no cemetery to which the provisions of chapter 1 of this title are applicable has the power to adopt any rule or regulation in conflict with any of the provisions of chapter 1 of this title or in derogation of the contract rights of lot owners.

(b)

(1) The owner of every cemetery has the further right to establish reasonable rules and regulations regarding the type, material, design, composition, finish, and specifications of all commodities to be used or installed in the cemetery. The rules and regulations shall be posted conspicuously and maintained, subject to inspection and copying, at the usual place for transacting the regular business of the cemetery. No cemetery owner has the right to prevent the use of any commodity purchased by a lot owner, or the owner's representative, agent, or heirs or assigns from any source; provided, that the use meets the rules.

(2) A cemetery owner shall be permitted to prohibit the installation of a commodity by noncemetery personnel; provided, that the fee charged by the cemetery owner for installation of the commodity does not exceed twenty-three cents (23¢) per square inch of the ground covered by the commodity. At the end of each calendar year, the cemetery owner shall be permitted to increase the fee for the installation of commodities by no more than the percentage representing the consumer price index at the end of that calendar year. The charge for installation of a commodity by the cemetery owner shall be the same to all

persons, regardless of the source of the commodity. The cemetery owner shall install all commodities furnished from sources other than the cemetery within thirty (30) days of the receipt of the commodity, weather permitting.

(3) If the fee charged by a cemetery owner for installation of a commodity exceeds the fee scale described in subdivision (b)(2), then the cemetery owner shall permit installation of the commodity by noncemetery personnel, if requested by the lot owner, or the owner's representative, agent, or heirs or assigns. If noncemetery personnel are permitted to install a commodity, they shall not be denied reasonable access to the lot or grave space for the purpose of installing or servicing the commodity. The cemetery owner shall not deny information pertinent to the place of burial and respective grave location or installation location of the commodity. The information shall be furnished within a reasonable period of time, not to exceed fourteen (14) days after receipt of the request for information. The cemetery owner shall not charge for furnishing the information necessary for the proper installation of the commodity.

(c) The cemetery owner shall not charge for any service not performed. The cemetery owner shall be allowed to charge an administrative, processing, or documentation fee; provided, however, that the fee is an equal amount charged to all cemetery customers and that the fee shall not exceed one hundred dollars (\$100) per agreement or transaction, including, but not limited to, allowing noncemetery personnel to install or have installed a commodity or monument. The cemetery owner shall not charge any fees on any transaction in addition to the cost of the merchandise or services other than the administrative, processing, or documentation fee.

(d) All cemetery owners shall have a full and complete schedule of all charges for services provided by the cemetery plainly printed or typewritten, posted

conspicuously and maintained, subject to inspection and copying, at the usual place for transacting the regular business of the cemetery. Any cemetery company that sells funeral merchandise must maintain a price list for that funeral merchandise that shall be provided to any person who inquires about funeral merchandise or the price of such merchandise.

SECTION 2. Tennessee Code Annotated, Section 56-1-213, is amended by deleting the words "via the Internet" and "on the Internet" wherever they appear.

SECTION 3. Tennessee Code Annotated, Section 62-2-304, is amended by designating the existing language as subsection (a) and adding the following language as a new, appropriately designated subsection:

(b) In addition to subsection (a), the board may, upon proper application for a certificate of registration, issue a certificate of registration as an architect to any person whose qualifications do not meet the requirements of this chapter and the rules established by the board if that person holds a like unexpired certificate of qualification or registration issued to such person by any state, territory, or possession of the United States or by any country; holds an unexpired national certificate issued by the National Council of Architectural Registration Boards; and presents proof of the certificates upon application to the board. The issuance of a certificate of registration pursuant to this subsection (b) is at the sole discretion of the board's determination that the applicant has qualifications suitable to be issued a certificate of registration in this state.

SECTION 4. Tennessee Code Annotated, Section 62-3-109, is amended by deleting subsection (c) in its entirety and substituting instead the following language:

(c)

(1) As used in this chapter, unless the context otherwise requires:

(A) "Designated manager" means a person licensed under chapter 3 or chapter 4 of this title in at least one (1) discipline that a shop is licensed to offer who serves in a supervisory or managerial capacity of the shop in the absence of the manager; and

(B) "Manager" means a person licensed under chapter 3 or chapter 4 of this title in at least one (1) discipline that a shop is licensed to offer who serves in a supervisory or managerial capacity in the shop whose information is filed with the board.

(2) Each shop licensed by the board shall designate a manager. The shop shall submit the name and license information of its manager upon application and renewal.

(3) It is unlawful to operate a shop unless it is, at all times, under the direction of a manager or designated manager. While on duty, the manager or designated manager shall be responsible for the shop's compliance with this chapter and the rules of the board. The board may require the name of the shop's manager or designated manager to be posted in such form and location as the board may prescribe.

(4) The manager and designated manager may manage those who practice disciplines in cosmetology or barbering other than the discipline in which the manager or designated manager is licensed; however, the manager or designated manager shall only practice within the field that the person is licensed.

SECTION 5. Tennessee Code Annotated, Section 62-4-102(a)(9), is amended by deleting the subdivision and substituting instead:

(9) "Manager" means a person licensed under chapter 3 or chapter 4 of this title in at least one (1) discipline that a shop is licensed to offer, who serves in a supervisory or managerial capacity in the shop, and whose information is filed with the board;

SECTION 6. Tennessee Code Annotated, Section 62-4-102(a), is amended by adding the following language as a new, appropriately designated subdivision, and renumbering the remaining subdivisions accordingly:

() "Designated manager" means a person licensed under chapter 3 or chapter 4 of this title in at least one (1) discipline that a shop is licensed to offer, and who serves in a supervisory or managerial capacity of the shop in the absence of the manager;

SECTION 7. Tennessee Code Annotated, Section 62-4-118, is amended by deleting the section in its entirety and substituting instead the following:

(a) Except as otherwise provided under this chapter, it is unlawful to operate a shop without conspicuously displaying a valid license issued by the board under this chapter.

(b) Each shop licensed by the board shall designate a manager. The shop shall submit the name and license information of its manager upon application and renewal.

(c) It is unlawful to operate a shop unless it is, at all times, under the direction of a manager or designated manager. While on duty, the manager or designated manager shall be responsible for the shop's compliance with this chapter, chapter 3 of this title, and the rules of the board. The board may require the name of the shop's manager or designated manager to be posted in such form and location as the board may prescribe.

(d) The manager and designated manager may manage those who practice disciplines in cosmetology or barbering, other than the discipline in which the manager or designated manager is licensed; however, the manager or designated manager shall only practice within the field that the person is licensed.

(e) An application for a license to operate a shop shall be submitted by its owner on the form prescribed by the board. The application shall include:

- (1) The location of the shop;
- (2) The type of shop;
- (3) The name of the manager; and
- (4) Other information that the board may require.

(f) Prior to the opening of a new shop or the relocation of an existing shop, the shop must pass an initial inspection after submission of a complete application for a license to operate the shop in accordance with subsection (e), accompanied by the fee for licensure and the fee for inspection, as prescribed by the board in rule. The inspection shall be made within ten (10) days of receipt by the board of a request for the inspection. If the shop passes the required inspection, the board shall issue a license to operate the shop unless the board refuses to issue the license pursuant to § 62-4-127(b) or as otherwise provided by this chapter, chapter 3 of this title, and the rules of the board.

(g)

(1) If the ownership of a shop changes, the new owner shall not operate the shop more than thirty (30) days after the date of the change of ownership unless, within the thirty-day period, the new owner has:

(A) Submitted an application for a license to operate the shop in accordance with subsection (e); and

(B) Paid the license fee and the inspection fee.

(2) If the transferred shop passes the required inspection, the board shall issue a license to operate the shop unless the board refuses to issue the license

pursuant to § 62-4-127(b) or as otherwise provided by this chapter, chapter 3 of this title, and the rules of the board.

(h) Pending issuance or denial by the board of a license to operate a shop, the owner may operate the shop if the owner displays:

(1) The official report showing that the shop has passed the required inspection; and

(2) A copy of a cashier's check or money order made payable to the state of Tennessee in the amount of the fee for the license.

(i) Each shop shall be inspected at least annually.

(j) All licenses to operate a shop shall expire on the last day of the month of the biennial anniversary date of the licenses.

(k) If the board is satisfied that the requirements of this chapter have been met, licenses to operate a shop may be renewed for another term upon completion and submission of the prescribed form, accompanied by the renewal fee prescribed by the board in rule.

(l) A penalty fee as set by the board by rule will be assessed on any renewal application postmarked after the expiration date of the license.

(m) The board may promulgate any and all rules necessary to allow for a shop where services are performed or offered to be performed in more than one (1) field of cosmetology, including aesthetics, natural hair styling, and manicuring, or in both cosmetology, or a field of cosmetology, and barbering to operate as a dual shop, including, but not limited to, rules to allow a dual shop to pay a single licensure or renewal fee and to undergo a single inspection.

SECTION 8. Tennessee Code Annotated, Section 62-3-115(1)(A), is amended by deleting the language ", exclusive of the tenth-grade education requirements set forth in § 62-3-110(b)(2)".

SECTION 9. Tennessee Code Annotated, Section 62-5-305(b)(7), is amended by deleting the subdivision in its entirety and substituting instead the following language:

(7) Has completed two (2) years of apprenticeship in the presence of and under the direction and supervision of a licensed funeral director. An associate's degree from a college accredited by the American Board of Funeral Service Education may be substituted for one (1) year of apprenticeship.

SECTION 10. Tennessee Code Annotated, Section 62-13-318, is amended by deleting the section in its entirety and substituting instead the following language:

62-13-318. Temporary Retirement.

(a)

(1) Upon written request accompanied by the license and the fee for change of status, any real estate firm, real estate broker, affiliate broker, time-share salesperson, or acquisition agent may temporarily retire the license.

(2) If the retiree wishes to remain in retirement for any portion of a subsequent license renewal period, the retiree shall pay the required license renewal fee prior to the license expiration date.

(3) No retired licensee may engage in any act defined in § 62-13-102.

(4) The retiree is responsible for advising the commission of the retiree's current mailing address.

(b)

(1) A licensee wishing to reactivate a license from retirement status shall submit the proper form and fee for a change of status.

(2) Reactivation of a temporarily retired license shall not be permitted until the licensee provides proof of completion of sixteen (16) classroom hours in real estate courses as specified in § 62-13-303 during the current license renewal period.

(c) Any license in inactive status with the commission on July 1, 2016, shall be transferred to retirement status on that date.

SECTION 11. Tennessee Code Annotated, Section 62-13-322, is amended by deleting the section in its entirety.

SECTION 12. The headings to sections, chapters, and parts in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 13. This act shall take effect July 1, 2016, the public welfare requiring it.

February

Action Items

(Taken from the December 2015 Board Meeting)

John Cothron



- Ask the professional societies for an opinion on T.C.A. § 48-101-610(2) [the Tennessee Professional Corporation Act], which 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.” Also ask the Secretary of State’s office for a list of professional corporations offering services regulated by the Board.



- Prepare a report calculating the impact a registration fee reduction would have on the budget.

- Inform NCARB of the Architect Committee’s position on proposed revisions to the *NCARB Education Standard*.
- Request that the Board be allowed to pay at least \$2,000 of the invoice for audio/visual services for the 2016 NCEES Southern Zone Interim Meeting.
- Amend the *Engineer Intern Certification* publication to note that Board members utilize the progressive engineering experience guidelines when evaluating exam applications, with greater weight being given to the Practical Application of Theory component.
- Publish the revised *Reference Manual* and send an e-mail to registrants and building officials notifying them of the revision.



Ellery Richardson

- Determine if it is a conflict of interest for Board members to serve on university advisory boards and committees of professional societies.
- Determine if outside reviewers for enforcement cases should sign a non-disclosure agreement.
- Draft proposed rule changes for discussion.
- Draft revised language regarding expert testimony for discussion in February.



- Propose available options to the Engineer Committee for dealing with applicants 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.
- Draft a memorandum of understanding with the Japan PE/FE Examiners Council for the Engineer Committee's consideration.

Susan Ballard

- Prepare a list of items for deans and program directors to address at the next meeting with educators in October 2016.
- Write a newsletter article on social media ethics.



For Discussion Only

** Still needs to include reduced fees **

**Redline Draft – Potential 2016 Rules
Tennessee Board of Architectural and Engineering Examiners**

Chapter 0120-01
Registration Requirements and Procedures

Amendments

The Table of Contents is amended by changing Repealed rule 0120-01-.03 to new rule Individuals Registered in Other Jurisdictions, so that the amended Table of Contents shall read as follows: **This incorporates the policy Use of Title if Registered in Other Jurisdictions.**

0120-01-.01 Definitions	0120-01-.16 Examinations - Landscape Architect
0120-01-.02 Applicability	0120-01-.17 Repealed
0120-01-.03 Repealed-Individuals Registered in Other Jurisdictions	0120-01-.18 Repealed
0120-01-.04 Applications - General	0120-01-.19 Repealed
0120-01-.05 Applications - Engineer	0120-01-.20 Reexamination - Engineer
0120-01-.06 Applications - Engineer Intern	0120-01-.21 Repealed
0120-01-.07 Applications - Architect	0120-01-.22 Reexamination - Architect
0120-01-.08 Applications - Landscape Architect	0120-01-.23 Reexamination - Landscape Architect
0120-01-.09 References	0120-01-.24 Duplicate Certificates of Registration
0120-01-.10 Education and Experience Requirements - Engineer	0120-01-.25 Renewal of Registration
0120-01-.11 Education and Experience Requirements - Architect	0120-01-.26 Repealed
0120-01-.12 Education and Experience Requirements - Landscape Architect	0120-01-.27 Notification to the Board
0120-01-.13 Examinations - General	0120-01-.28 Military Applications – Spouses – Expedited Registration
0120-01-.14 Examinations - Engineer, Engineer Intern	
0120-01-.15 Examinations - Architect	

Rule 0120-01-.03 Repealed is substituted with new rule Individuals Registered in Other Jurisdictions so that it reads as follows: **This incorporates the policy Use of Title if Registered in Other Jurisdictions.**

(1) Unless properly registered, individuals shall not make use of the title “engineer,” “architect,” “landscape architect,” or any appellation thereof that gives the impression that the individual is an architect, engineer, or landscape architect in Tennessee. Individuals not registered in Tennessee but registered in other jurisdictions may use these titles so long as the jurisdiction in which they are registered is clearly specified so as not to mislead the public regarding their credentials. This clarification is not required on communications from an out-of-state office, provided that the individual is registered in that jurisdiction.

(2) Individuals registered in other jurisdictions cannot offer or perform architectural, engineering, or landscape architectural services to the public in Tennessee unless they are either acting as consulting associates in accordance with T. C. A. § 62-2-103(2) or working under the responsible charge of a Tennessee registrant.

Authority T.C.A. §§ 62-2-101 and 62-2-103 and 62-2-203(c).

Rule 0120-01-.04 Applications – General is amended by adding new paragraphs (4) and (5) so that it reads as follows: **This incorporates the policy Registration Expired in Another State.**

- (1) Applications for registration and certification are available on the Board website and upon request from the office of the Board.
- (2) Any application submitted which lacks required information or reflects a failure to meet any requirement will be held in “pending” status until satisfactorily completed within a reasonable period of time, not to exceed five (5) years from the date of application.
- (3) Any application submitted may be withdrawn; provided, however, that the application fee will not be refunded.
- (4) An individual who was previously registered in another jurisdiction but whose registration has expired may apply in Tennessee as a new exam applicant. The Board will decide on a case-by-case basis if it will accept exam(s) passed in another jurisdiction.
- (5) Individuals who are currently registered in another state may apply by comity in accordance with T.C.A. § 62-2-304.

Authority: T.C.A. §§ 62-2-203(c), §§ 62-2-301, and 62-2-304.

Rule 0120-01-.09 References is amended by deleting paragraph (3) in its entirety and replacing it with the following:

- (3) A maximum of three (3) references shall be obtained from ~~the an~~ an employer listed by the applicant. ~~References are required. The Board prefers references~~ from both the applicant's current employer/supervisor and a past employer/supervisor, ~~(if available applicable).~~

Authority: T.C.A. §§ 62-2-203(c) and 62-2-301(a).

Rule 0120-01-.10 Education and Experience Requirements – Engineer is amended by adding a sentence after the last sentence of paragraph (2) so that the paragraph as amended shall read:

- (2) In general, “progressive experience in the practice of engineering” consists of engineering experience which is supervised by a registered professional engineer. The Board may grant toward experience requirements for registration as an engineer one (1) year of credit for graduation with a Master’s degree (or higher) in engineering from an approved curriculum or up to one (1) year of qualified experience obtained in an established cooperative education program, which is carried out within the framework of an approved engineering curriculum, and which has been approved by the Board. At least one (1) year of engineering experience must be completed in the United States. Unless otherwise noted above, an applicant’s engineering experience must be obtained after graduation with the qualifying degree and completed by the date of the examination. **For applicants who have already passed the examination in another jurisdiction, the experience need not be completed by the date of the examination. Versions of this change are being discussed in the engineering committee.**

Authority: T.C.A. §§ 62-2-203(c) and 62-2-401.

Rule 0120-01-.11 Education and Experience Requirements – Architect is amended by changing the word “will” to “may” in paragraph one (1), so that as amended it reads as follows:

- (1) For purposes of evaluating the education and experience of applicants for examination and registration as an architect, the Board ~~will~~ may utilize the “Table of Equivalents” contained in Appendix “A” to Circular of Information No. 1, published in July 1983 by the National Council of

Architectural Registration Boards (NCARB), except to the extent that such document conflicts with any applicable statute.

Authority: T.C.A. §§ 62-2-203(c), 62-2-502, 62-2-502₁ and 62-2-503.

Rule 0120-01-.25 Renewal of Registration is amended by amending paragraph (5) and adding a new paragraph (6) so that the rule as amended shall read as follows:

- (1) All certificates of registration issued to engineers, architects and landscape architects are subject to biennial renewal (every two (2) years) in accordance with the provisions of T.C.A. § 56-1-302(b).
- (2) An architect, engineer or landscape architect may renew a current, valid registration by submitting a renewal form approved by the board, the required renewal fee, and evidence of having completed the number of professional development hours (PDH's) required by rule 0120-05-.04.
- (3) Fees for biennial renewal of certificates of registration shall be as follows:

Engineer	\$140.00
Architect	\$140.00
Landscape Architect	\$140.00

- (4) The penalty fee for late renewal shall be in the amount of ten dollars (\$10.00) for each month or fraction of a month which lapses during the six (6)-month late renewal period before payment is tendered.
- (5) Retirement Status.
 - (a) A registered certificate holder (over age 62) may place the registrant's certificate, if in good standing, in retirement status during the biennial license renewal cycle by filing a form designated by the Board. No fee shall be required. Such registrant shall renew the registrant's certificate by so notifying the Board.
 - (b) A registrant holding a retired certificate may refer to oneself as an engineer, architect, or landscape architect, including on correspondence and business cards, provided that the word "retired" is used in conjunction with the title. However, a holder of a retired certificate may not engage in or offer to engage in the practice of engineering, architecture or landscape architecture as defined by T.C.A. § 62-2-102. Practice or offer to practice in violation of this subparagraph shall be considered to be misconduct and may subject the registrant to disciplinary action by the Board.
 - (c) A registrant holding a retired certificate may not engage in any activity constituting the practice or offer to practice of engineering, architecture or landscape architecture in the State of Tennessee without first notifying the Board, in writing, as to a change to "active" status₁, satisfying the continuing education requirements of rule 0120-05-.08(d), and paying the a biennial license registration renewal fee of one hundred forty dollars (\$140.00).

(6) Inactive Status.

- (a) A registrant may place the registrant's certificate, if in good standing, in inactive status during the biennial license renewal cycle by filing a form designated by the Board. No fee shall be required to establish inactive status. The registrant with an inactive certificate is still required to pay the biennial registration renewal fee.

(b) A registrant holding an inactive certificate shall follow the requirements pertaining to payment or non-payment of the professional privilege tax established in T. C. A. § 67-4-1701 et. seq., in accordance with T. C. A. § 67-4-1702(b).

(c) A registrant holding an inactive certificate may not engage in any activity constituting the practice or offer to practice of engineering, architecture, or landscape architecture in the State of Tennessee without first notifying the Board, in writing, as to a change to "active" status and satisfying the continuing education requirements of rule 0120-05-.08(d).

Authority: T.C.A. §§ 62-2-203(c) and (d), ~~and~~ 62-2-307(c), 67-4-1701, and 67-4-1702.

Chapter 0120-02
Rules of Professional Conduct

Amendments

Rule 0120-02-.07 Misconduct is amended by adding subparagraph (e) to paragraph five (5) so that it shall read:

- (5) A registrant may be deemed by the Board to be guilty of misconduct in the registrant's professional practice if:
- (a) The registrant has pleaded guilty or nolo contendere to or is convicted in a court of competent jurisdiction of a felony or fails to report such action to the Board in writing within sixty (60) days of the action;
 - (b) The registrant's license or certificate of registration to practice architecture, engineering or landscape architecture in another jurisdiction is revoked, suspended or voluntarily surrendered as a result of disciplinary proceedings or the registrant fails to report such action to the Board in writing within sixty (60) days of the action;
 - (c) The registrant fails to respond to Board requests and investigations within thirty (30) days of the mailing of communications, unless an earlier response is specified; or
 - (d) The registrant fails to comply with a lawful order of the Board.
 - (e) The registrant provides false testimony or information to the Board.

Authority: T.C.A. §§ 62-2-203(c), ~~62-2-204~~, ~~62-2-212~~, and 62-2-308.

Rule 0120-02-.08 Seals is amended by changing parts two (2), four (4), eight (8), and adding a new part nine (9), so that it shall read: **This incorporates the policies Definition of Original Sheets and Multiple Registrants' Seals on a Document.**

- (2) The registrant shall stamp with the registrant's ~~his~~ seal the following documents:
- (a) All original sheets of any bound or unbound set of working drawings or plans; original sheets shall include tracings or other reproducible sheets;
 - (b) The original cover or index page(s) identifying all specification pages covered; and
 - (c) The original cover or index page(s) for ~~D~~-design calculations that are submitted for review.

- (4) Any portions of working drawings, plans, reports or other design documents prepared by registered consultants shall bear the seal and signature of the consultant responsible therefor. When multiple registrants contribute to a project, each registrant shall sign and seal the portions of the project for which that registered consultant is responsible. When multiple registrants in responsible charge provide content on the same document, all such registrants should seal the document, and, if there is any question, a description of the areas of responsibility should be included. 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.
- (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. When used, e Electronic signatures and dates of signature ~~are not required to~~ shall be placed either across the face and beyond the circumference of the seal, ~~but must be placed~~ or 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.
- (9) All working or partially completed plans, or any drawings that are not construction documents, shall be designated "preliminary – not for construction," "for review only," "draft," or other designation clearly indicating that the drawings are not complete.

Authority: T.C.A. §§ 62-2-203(c), 62-2-306, ~~62-2-306(d)~~, and 62-2-307(f).

Rule 0120-02-.09 Civil Penalties is amended by amending parts one (1), two (2), and four (4) so that it reads as follows: **Incorporates the Civil Penalty Chart**

- (1) With respect to any registrant, the Board may, in addition to or in lieu of any other lawful disciplinary action, assess a civil penalty against such registrant for each separate violation of a statute, rule or order pertaining to the Board in accordance with the following schedule:

Violation	Penalty
(a) T.C.A. 62-2-306(b).....	\$250-1000 <u>\$500-1000</u>
(b) T.C.A. 62-2-308(a)(1)	250-1000 <u>500-1000</u>
(c) Rule 0120-02-.02	400-1000 <u>500-1000</u>
(d) Rule 0120-02-.03	500-1000
(e) Rule 0120-02-.04	50-1000 <u>500-1000</u>
(f) Rule 0120-02-.05	500-1000
(g) Rule 0120-02-.06	250-1000 <u>500-1000</u>
(h) Rule 0120-02-.07	500-1000
(i) Rule 0120-02-.08	400-1000 <u>500-1000</u>
(j) Board Order	400-1000 <u>500-1000</u>

(2) With respect to any person required to be registered in this state as an architect, engineer or landscape architect, the Board may assess a civil penalty against such person for each separate violation of a statute in accordance with the following schedule:

Violation	Penalty
(a) T.C.A. §62-2-101	\$100-1000 <u>\$500-1000</u>
(b) T.C.A. §62-2-105(a)(1)	500-1000
(c) T.C.A. §62-2-105(b)(1).....	500-1000
(d) T.C.A. § 62-2-601	500-1,000
(e) T.C.A. §62-2-602	500-1000

(3) Each day of continued violation may constitute a separate violation.

(4) In determining the amount of civil penalty to be assessed pursuant to this rule, the Board may consider such factors as the following:

- (a) Whether the amount imposed will be a substantial economic deterrent to the violation;
- (b) The circumstances leading to the violation;
- (c) The severity of the violation and the risk of harm to the public;
- (d) The economic benefits gained by the violator as a result of non-compliance; ~~and~~
- (e) The interest of the public; ~~;~~
- (f) Prior disciplinary action in any jurisdiction or repeated violations; and
- (g) Self-reporting of the offense, cooperation with the Board's investigation, and any corrective action taken.

Authority: T.C.A. §§ 56-1-308, 62-2-105, 62-2-106, and 62-2-203(c).

Rule 0120-02-.10 Other Enforcement Actions is amended as follows: **This incorporates the Law and Rules Exam Policy.**

With respect to any registrant, the Board may, in addition to or in lieu of any other lawful disciplinary action, take enforcement action against any registrant who is a respondent in a disciplinary case. Other enforcement actions may include, but are not limited to, the following:

- (1) Passage of a laws and rules examination with a minimum passing score of 80%;
- (2) Completion of additional, Board-assigned continuing education hours (with appropriate documentation required); or
- (3) Assignment of a probationary period with peer review of all technical work, accompanied by reporting requirements from the reviewer.

Authority: T.C.A. §§ 62-2-106 and 62-2-203(c).

Chapter 0120-04
Interior Designers

Amendments

The Table of Contents is amended by repealing rule 0120-04-.09 Registration Without Examination so that the amended Table of Contents shall read as follows:

0120-04-.01 Definitions	0120-04-.08 Renewal of Registration
0120-04-.02 Applicability	0120-04-.09 <u>Registration Without Examination Repealed</u>
0120-04-.03 Applications	0120-04-.10 Professional Conduct
0120-04-.04 Education Requirements	0120-04-.11 Civil Penalties
0120-04-.05 Experience Requirements	0120-04-.12 Other Enforcement Actions
0120-04-.06 Initial Registration	0120-04-.13 Notification to the Board
0120-04-.07 Duplicate Certificates of Registration	

Rule 0120-04-.10 Professional Conduct is amended by adding subparagraph (e) to paragraph fourteen (14) so that it reads as follows:

- (14) The registrant may be deemed by the board to be guilty of misconduct if:
- (a) The registrant has pleaded guilty or nolo contendere to or is convicted in a court of competent jurisdiction of a felony or fails to report such action to the Board in writing within sixty (60) days of the action;
 - (b) The registrant's license or certificate of interior design title is revoked, suspended or voluntarily surrendered as a result of disciplinary proceedings in another jurisdiction or the registrant fails to report such action to the Board in writing within sixty (60) days of the action;
 - (c) The registrant fails to respond to Board requests and investigations within thirty (30) days of the mailing of communications, unless an earlier response is specified; ~~or~~
 - (d) The registrant fails to comply with a lawful order of the Board; or
 - (e) The registrant provides false testimony or information to the Board.

Authority: T.C.A. §§ 62-2-105 and 62-2-203(c).

Rule 0120-04-.11 Civil Penalties is amended by amending paragraphs one (1), two (2), and four (4) so that the paragraphs as amended read as follows: **Incorporates the Civil Penalty Chart.**

- (1) With respect to any registrant, the Board may, in addition to or in lieu of any other lawful disciplinary action, assess a civil penalty against such registrant for each separate violation of a statute, rule or order pertaining to the Board in accordance with the following schedule:

Violation	Penalty
(a) T.C.A. § 62-2-308(a)(1)	500-\$1,000
(b) Rule 0120-04-.10	500-1,000
(c) Board Order	100-1,000 <u>500-1000</u>

- (2) With respect to any person required to be registered in this state to use the title "registered interior designer," the Board may assess a civil penalty against such person for each separate violation of a statute in accordance with the following schedule:

Violation	Penalty
(a) T.C.A. § 62-2-101	\$100-1000 <u>\$500-1000</u>
(b) T.C.A. § 62-2-105(a)(1)	500-1,000

- (c) T.C.A. § 62-2-105(b)(1) 500-1,000
- (d) T.C.A. § 62-2-903500-1,000

- (3) Each day of continued violation may constitute a separate violation.
- (4) In determining the amount of civil penalty to be assessed pursuant to this rule, the Board may consider such factors as the following:
 - (a) Whether the amount imposed will be a substantial economic deterrent to the violation;
 - (b) The circumstances leading to the violation;
 - (c) The severity of the violation and the risk of harm to the public;
 - (d) The economic benefits gained by the violator as a result of non-compliance; ~~and~~
 - (e) The interest of the public; ~~;~~
 - (f) Prior disciplinary action in any jurisdiction or repeated violations; and
 - (g) Self-reporting of the offense, cooperation with the Board's investigation, and any corrective action taken.

Authority: T.C.A. §§ 56-1-308, 62-2-105, 62-2-106, and 62-2-203(c).

Rule 0120-04-.12 Other Enforcement Actions is amended as follows: **This incorporates the Law and Rules Exam Policy.**

With respect to any registrant, the Board may, in addition to or in lieu of any other lawful disciplinary action, take enforcement action against any registrant who is a respondent in a disciplinary case. Other enforcement actions may include, but are not limited to, the following:

- (1) Passage of a laws and rules examination with a minimum passing score of 80%; or
- (2) Completion of additional, Board-assigned continuing education hours (with appropriate documentation required).

Authority: T.C.A. §§ 62-2-106 and 62-2-203(c).

Repeals

Rule 0120-04-.09 Registration Without Examination is Repealed:

0120-04-.09 REGISTRATION WITHOUT EXAMINATION. Repealed.

- ~~(1) The education and experience requirements for an applicant for registration as a registered interior designer without examination shall be those prescribed in T.C.A. §62-2-905.~~
- ~~(2) For purposes of T.C.A. §62-2-905, an applicant shall be deemed to have "satisfactory interior design experience" if, for each year the applicant claims credit, the applicant has worked a minimum of one thousand six hundred (1,600) hours performing interior design services. For purposes of this rule, "satisfactory interior design experience" shall mean design services which do not necessarily require performance by an architect, including consultations, studies, drawings and specifications in connection with reflected ceiling plans, space utilization, furnishings or the fabrication of non-structural elements within the surrounding interior spaces of buildings, but specifically excluding the services specified by law to require other licensed professionals, such~~

~~as the design of mechanical, plumbing, electrical and load bearing structural systems, except for specification of fixtures and their location within interior spaces.~~

- ~~(3) Satisfactory interior design experience shall be demonstrated to the Board by the applicant who shall provide the following:~~
- ~~(a) An affidavit by the applicant attesting that the applicant has used or been identified by the title "interior designer" and has engaged in the practice of interior design for the number of years for which the applicant is claiming experience;~~
 - ~~(b) Three (3) references, on forms supplied by the Board, certifying that the applicant has provided interior design services for the period of experience claimed by the applicant; such references to be submitted from the following:
 - ~~1. Interior designers who have passed the NCIDQ examination;~~
 - ~~2. Registered architects; and/or~~
 - ~~3. Professional members of any of the professional organizations specified under paragraph (3)(c)1. of this rule; and~~~~
 - ~~(c) Documentation of the interior design experience claimed by using any one (1) of the two (2) methods enumerated below:
 - ~~1. Providing certification of active professional membership in one (1) of the following professional organizations which require six (6) years education and experience substantially similar to the education and experience required by T.C.A. §62-2-905:
 - ~~(i) American Society of Interior Designers;~~
 - ~~(ii) Institute of Business Designers;~~
 - ~~(iii) Interior Design Society; or~~
 - ~~(iv) Any other professional interior design organization that requires successful completion of the NCIDQ Examination or its equivalent or the experience requirements of T.C.A. §62-2-905; or~~~~
 - ~~2. Furnishing documentation of the number of years of interior design experience claimed as set forth below:
 - ~~(i) Verification by the employer for each year worked under an interior designer who holds active professional membership in any of the professional organizations specified in paragraph (3)(c)1. of this rule, or a registered architect; and/or~~
 - ~~(ii) A combination of no less than three (3) of the following documents per year as proof of experience:
 - ~~(I) Tax returns listing occupation as interior designer or Schedule C listing business as interior design;~~
 - ~~(II) Affidavits from clients, attesting to the interior design services provided and when the applicant provided such services;~~
 - ~~(III) Business licenses; or~~~~~~~~

~~(IV) Tax identification numbers issued prior to January 1, 1988; and/or~~

~~(iii) Equivalent proof as determined by the Board.~~

~~(4) Notwithstanding any provision to the contrary, no more than one (1) year of credit for satisfactory design experience shall be given for interior design-related sales experience.~~

~~(5) Notwithstanding any other provision to the contrary, an applicant claiming experience for the teaching of interior design may use such experience to qualify for registration without examination, pursuant to the provisions of T.C.A. §62-2-905(2).~~

~~(a) Any combination totaling six (6) years of satisfactory interior design experience, as defined in this rule, and experience being regularly engaged in the teaching of interior design, such teaching experience being part of a program leading to a degree at an accredited institution recognized by the Board shall meet the requirements of T.C.A. §62-2-905(2).~~

~~(b) To demonstrate satisfactory interior design experience, the applicant shall do so in the manner provided above by this rule. To demonstrate teaching experience, the applicant shall submit an affidavit by the applicant and a statement from an accredited institution stating the number of years the applicant was regularly engaged in the teaching of interior design.~~

~~(c) "Regularly engaged" shall mean a full-time teaching position in which no less than twelve (12) credit hours per semester or the equivalent hours per quarter are taught for each semester or quarter of a year.~~

Authority: ~~T.C.A. §§ 62-2-203(c) and 62-2-905.~~

Chapter 0120-05
Continuing Education

Amendments

Rule 0120-05-.06 Types of Acceptable Continuing Education is amended by changing paragraph two (2) so that it shall read: **Amended to allow credit for patents and authoring accepted licensing exam items.**

- (2) Continuing education activities for which credit may be given by the Board include, but are not limited to the following:
 - (a) Successful completion or monitoring of college or university sponsored courses;
 - (b) Successful completion of courses which are awarded continuing education units (CEU's);
 - (c) Attendance at structured seminars, tutorials, short courses, correspondence courses, televised courses, Internet courses, or videotaped courses;
 - (d) Attendance at in-house educational programs sponsored by corporations or other organizations;
 - (e) Teaching or instructing as described in (a) through (d) above, unless teaching or instructing is the registrant's regular employment;
 - (f) Authoring published papers, articles, or books, or accepted licensing examination items;
 - (g) Making presentations at technical meetings;

- (h) Attendance at program presentations at related technical or professional meetings where program content is comprised of at least one (1) PDH;
- (i) Attendance at Board meetings and professional society legislative events, and active participation in a technical/professional society or organization, or a technical or professional public board, as an officer or committee member;
- (j) Active participation in educational outreach activities involving K-12 or higher education students; ~~and,~~
- (k) Patents; and,
- ~~(k)~~ All such activities as described in (a) through ~~(jk)~~ above must be relevant to the practice of architecture, engineering, landscape architecture or interior design as determined by the Board and may include technical, ethical or managerial content.

Authority: T.C.A. § 62-2-203(d).

Rule 0120-05-.07 Credits is amended as follows:

- (1) Professional Development Hours of credit for qualifying courses successfully completed which offer semester hour, quarter hour, or CEU credit are as specified above. All other activities will be credited one (1) PDH for each contact hour with the following exceptions:
 - (a) Monitoring of university or college courses will be credited at one-third (1/3) the above-stated conversion table.
 - (b) Teaching or instructing qualifying courses or seminars will be credited at twice the PDH's earned by a participating student and may be claimed for credit only once.
 - (c) Authorship of papers, articles or books cannot be claimed until actually published. ~~Credit earned will equal preparation time spent not to exceed twenty-five (25) PDH's per publication. A maximum of ten (10) PDH's per biennium may be claimed for each published peer-reviewed paper, article or book. A maximum of five (5) PDH's per biennium may be claimed for each published paper, article or book that is not peer-reviewed.~~ A maximum of ten (10) PDH's per biennium may be claimed for each published peer-reviewed paper, article or book. A maximum of five (5) PDH's per biennium may be claimed for each published paper, article or book that is not peer-reviewed.
 - (d) Correspondence course PDH's may be considered acceptable to the Board, but the registrant shall submit, upon request, supporting documentation to demonstrate high quality course content.
 - (e) A maximum of eight (8) PDH's per biennium may be claimed for attendance at Board meetings and professional society legislative events, and active participation in technical/professional societies or organizations, or technical or professional public boards, as an officer or committee member.
 - (f) A maximum of four (4) PDH's per biennium may be claimed for active participation in educational outreach activities involving K-12 or higher education students.
 - (g) A maximum of ten (10) PDH's per biennium may be claimed for each patent.

(h) A maximum of five (5) PDH's per biennium may be claimed for writing accepted licensing examination items.

Authority: T.C.A. § 62-2-203(d).

Rule 0120-05-.11 Disallowance is amended by deleting paragraph (1) and replacing with the following language:

(1) If the Board disallows claimed PDH credits, the registrant shall ~~within one hundred eighty (180) have~~ ninety (90) days after notification of same ~~to either~~ to either substantiate the original claim or earn other credit to meet the minimum requirements.

Authority: T.C.A. § 62-2-203(d).