

Notice of August 9-10, 2017 meeting of the Board of Architectural and Engineering Examiners.
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**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS**

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AGENDA

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

Davy Crockett Tower, Conference Room 1-B
500 James Robertson Parkway
Nashville, Tennessee 37243

Wednesday, August 9, 2017

1:00 P.M.

ENGINEER COMMITTEE MEETING

Members: Ricky Bursi, Robert Campbell, Stephen King, Philip Lim, Laura Reinbold, Kathryn Ware

CALL TO ORDER – Laura Reinbold, Chair

NEW BUSINESS

- Applications and Audits for Review, Discussion and Signature
- (p. 4) NCEES Annual Meeting Motions
- (p. 35) Engineering Exam Results

UNFINISHED BUSINESS

- (p. 36) Electronic Seals and Signatures Requirements
- Decoupling of the Experience and Examination Requirements

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.

4:00 P.M.

CONTINUING EDUCATION COMMITTEE MEETING

Members: Susan Ballard, Ricky Bursi, Blair Parker, Frank Wagster, Kathryn Ware

CALL TO ORDER – Frank Wagster, Chair

NEW BUSINESS

- (p. 37) Potential Continuing Education Rule Changes

ADJOURNMENT

Davy Crockett Tower, Conference Room 1-A

500 James Robertson Parkway

Nashville, Tennessee 37243

Thursday, August 10, 2017

8:00 A.M.

ARCHITECT COMMITTEE MEETING

Members: Rick Thompson, Brian Tibbs, Frank Wagster

CALL TO ORDER – Rick Thompson, Chair

NEW BUSINESS

- Applications for Review, Discussion and Signature
- (p. 65) Intern Titling

ADJOURNMENT

9:00 A.M.

BOARD MEETING

CALL TO ORDER – Frank Wagster, Chair

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

CONSENT AGENDA – John Cothron, Executive Director

- (p. 69) Minutes from June 2017 Board Meeting
- (p. 84) Staff Complaint Report

PUBLIC COMMENT

PROFESSIONAL SOCIETY REPORTS

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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(p. 85) LEGAL CASE REPORT

DIRECTOR'S REPORT – John Cothron

- (p. 100) Licensing Data
- (p. 101) Complaint Data

ENGINEER COMMITTEE REPORT – Laura Reinbold

CONTINUING EDUCATION COMMITTEE REPORT – Frank Wagster

ARCHITECT COMMITTEE REPORT – Rick Thompson

UNFINISHED BUSINESS

- (p. 102) Action Items – John Cothron

NEW BUSINESS

- (p. 103) Committee Assignments – Frank Wagster
- (p. 104) October Meeting Agenda – John Cothron
- (p. 109) 2018 Meeting Schedule
- (p. 110) Report on 2017 NCARB Annual Meeting
- 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.

Motions to be Presented at the 2017 NCEES Annual Meeting

Committee	Motion	Page	Motions on the Non-Consent Agenda	BOD position	Your Board's position
Special Committee on Bylaws	1	1	Move that the <i>Bylaws</i> section regarding Elections and Terms of Office be amended to remove the language stating that a treasurer may serve consecutive terms. The intent is to give more individuals the opportunity to serve in a leadership role.	Does not endorse	
Education	1	5	<p>Move that Position Statement 35 (Future Education Requirements for Engineering Licensure) be amended to provide a new practice-oriented pathway to obtain additional education beyond the bachelor's degree by adding the following language:</p> <p><u>E. A bachelor's degree in engineering from a program accredited by EAC/ABET, and 80 assessed learning days (ALDs) in areas germane to professional practice and that support and enhance the applicant's capability in their technical area of practice</u></p> <ol style="list-style-type: none"> <u>1. ALDs can be earned through credit or noncredit courses. The applicant shall be required to demonstrate successful completion and that the coursework was of sufficient content and rigor.</u> <u>2. Coursework may include university courses, industrial in-house specialty courses, short courses and certification courses offered by professional and technical societies, and other courses meeting standards to be developed by NCEES.</u> <u>3. At least 40 ALDs shall be from technical engineering coursework. Nontechnical ALDs include professional practice topics such as business, communications, contract law, management, ethics, public policy, and quality control.</u> <u>4. For non-university-provided coursework, a course that earns ALD credit must have a syllabus, learning objectives, and outcomes assessment.</u> <u>5. For non-university-provided coursework, one ALD unit shall be defined as eight hours of contact time.</u> <u>6. For university-provided coursework, a three-semester credit hour course shall equal six ALDs.</u> <u>7. Any single course must consist of at least one ALD.</u> 	Endorses	
ACCA	1	12	Move that a Special Committee on Bylaws be charged with amending the <i>Bylaws</i> section regarding qualifications of officers to clearly describe the requirements for serving in the positions of president-elect, vice-president, and treasurer. The proposed language states that a person shall be a licensed engineer or surveyor to serve as president-elect or vice-president, and the treasurer shall be a licensed engineer, licensed surveyor, or public member.	No position	
	2	13	Move that a task force be established to consider the qualifications needed to serve as president-elect, to determine the details of the nomination process (including the potential of reestablishing a Nominating Committee), and to propose a transition plan.	Does not endorse	

Motions to be Presented at the 2017 NCEES Annual Meeting

Committee	Motion	Page	Motions on the Non-Consent Agenda	BOD position	Your Board's position
MBA	1	14	Move that the Central, Northeast, Southern, and Western zone interim meetings be held as a combined meeting in 2020, with the vice presidents from each zone serving as members of a single site-selection committee to work with NCEES staff on selecting a location.	No position	
UPLG	9	19	Move that <i>Model Rules</i> 240.20 Seals be amended to provide clarity regarding both physical (ink) and digital methods of signing and sealing professional engineering and surveying documents. The proposed language would remove the requirement that a registrant must obtain a seal and would add the following text: <p style="text-align: center;"><u>When a licensee is required to seal and sign engineering/surveying documents, one of the following methods must be used:</u></p> <p style="text-align: center;"><u>a. Physical placement of a seal and a handwritten signature in permanent ink containing the name of person who applied it</u></p> <p style="text-align: center;"><u>b. Digital placement of a seal and a handwritten or digital signature containing the name of person who applied it</u></p>	Endorses	
Western Zone Resolution		24	Move that a Special Committee on Bylaws be charged with amending the <i>Bylaws</i> to give member boards regulating two professions (both engineering and surveying) two votes, and member boards regulating one profession (either engineering or surveying) one vote. Illinois would be allowed to retain three votes, since they have three separate boards. The current NCEES <i>Bylaws</i> provides one vote to each member board. The Western Zone feels that the current model does not reflect the constituents served by the member boards and that providing two votes per state would be more equitable.	No position	
Committee	Motion	Page	Motions on the Consent Agenda	BOD position	Your Board's position
Finance	1	1	Move that the adoption of the 2017-18 operating budget be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.	Endorses	
	2	1	Move that the adoption of the 2017-18 capital budget be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.	Endorses	
Special Committee on Bylaws	2	2	Move that the <i>Bylaws</i> be amended to add language to address a vacancy of the treasurer position.	Endorses	

Motions to be Presented at the 2017 NCEES Annual Meeting

Committee	Motion	Page	Motions on the Consent Agenda	BOD position	Your Board's position	
Special Committee on Bylaws	3	2	Move that the <i>Bylaws</i> be amended to create an International Affiliate Organization category of NCEES membership.	Endorses		
	4	2	Move that the <i>Bylaws</i> be amended to allow International Affiliate Organizations to have representatives at the meetings of the Council.	Endorses		
	5	3	Proposes changes necessary to make the <i>Bylaws</i> consistent with the addition of an International Affiliate Organization membership.	Endorses		
	6	3	Move that the <i>Bylaws</i> be amended to separate the dues requirements for member boards from those for Professional Organizations and International Affiliate Organizations for clarity and consistency.	Endorses		
	7	3	Move that the <i>Bylaws</i> be amended to add a new section addressing dues for International Affiliate Organizations and Participating Organizations.	Endorses		
	8	4	Move that the <i>Bylaws</i> be amended to establish the same dues regulations for Professional Organizations and International Affiliate Organizations.	Endorses		
	9	4	Move that the <i>Bylaws</i> be amended to make it clear that a state board can regulate both professional engineering and professional surveying.	Endorses		
	10	4	Move that <i>Bylaws</i> 5.01 (President) be amended to eliminate redundancy and to clarify language.	Endorses		
	Education	2	6	Move that UPLG be charged with amending the <i>Model Rules</i> to clarify the continuing professional competency requirements.	Endorses	
		3	8	Move that UPLG be charged with amending <i>Model Rules</i> 230.20 (Experience) to clarify that junior-, senior-, and graduate-level courses qualify as advanced level courses for teaching experience credit.	Endorses	
Law Enforcement	1	8	Move that Administrative Policy 12, Awards, be amended to broaden the criteria for the NCEES Meritorious Service Award to allow the selection of law enforcement personnel.	Endorses		

Motions to be Presented at the 2017 NCEES Annual Meeting

Committee	Motion	Page	Motions on the Consent Agenda	BOD position	Your Board's position
EPP	1	9	Move that Examination Development Policy 8 be amended to progressively address an exam with fewer than 50 first-time examinees as follows: continue to prepare the exam; request a remedial action plan; place the exam on probation; discontinue the exam.	Endorses	
	2	10	Move that Examination Administration Policy 6 (Access to and Review of Examinations) be amended to delete unnecessary language.	Endorses	
	3	11	Move that Examination Administration Policy 1 (Administration of Examinations) be amended to add clarifying language.	Endorses	
	4	11	Move that Examination Administration Policy 10 (NCEES Examinations Offered to a Foreign Entity) be amended to clarify that the Council must approve agreements with foreign entities to administer NCEES exams. The changes also clarify that, as an exception, the board of directors has the authorization to allow the NCEES FE and FS exams to be administered for ABET-accredited foreign engineering and surveying programs.	Endorses	
ACCA	3	13	Move that Administrative Policy 8 (Motions) and Financial Policy 7 (Examination Charges) be amended to require that any exam fee changes proposed by an entity other than the Finance Committee be referred to the Finance Committee for review and revision of the language before it is presented for Council vote at the next annual meeting.	Endorses	
UPLG	1	15	Move that the <i>Model Law</i> and <i>Model Rules</i> prefaces be amended to state that any motion to amend the <i>Model Law</i> or <i>Model Rules</i> presented at an annual meeting by an entity other than the UPLG Committee shall be referred to UPLG for review and revision of the language before it is presented for Council vote at the next scheduled annual meeting.	Endorses	
	2	16	Move that <i>Model Law</i> 110.20 Definitions be amended by adding a definition of “positional accuracy.”	Endorses	
	3	16	Move that <i>Model Rules</i> 210.25 Inclusions and Exclusions to the Practice of Surveying be amended for clarity.	Endorses	
	4	16	Move that <i>Model Law</i> 110.20 Definitions be amended by adding a definition of “georeferenced.”	Endorses	
	5	17	Move that <i>Model Rules</i> 210.25 Inclusions and Exclusions to the Practice of Surveying be amended for clarity.	Endorses	
	6	17	Move that <i>Model Rules</i> 210.25 Inclusions and Exclusions to the Practice of Surveying be amended for clarity.	Endorses	
	7	17	Move that <i>Model Law</i> 110.20 Definitions be amended by adding a definition of “surveying deliverables.”	Endorses	
	8	18	Move that <i>Model Rules</i> 230.20 Experience be amended to make some provisions mandatory (changing “should” to “must”) and to make other minor changes in wording.	Endorses	

Motions to be Presented at the 2017 NCEES Annual Meeting

Committee	Motion	Page	Motions on the Consent Agenda	BOD position	Your Board's position
UPLG	10	21	Move that <i>Model Law 140.10</i> Certificates of Licensure, Seals be amended to remove the requirement that a registrant must obtain a seal upon licensure (changing “must” to “may”).	Endorses	
	11	21	Move that <i>Model Law 130.10</i> General Requirements for Licensure be amended to state that degrees from non-EAC/ABET-accredited programs must be shown to meet the NCEES Engineering Education Standard, to state that a graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward licensure, to clarify that experience must be gained after the qualifying degree, and to state, “Experience credit for a graduate degree cannot be earned concurrently with work experience credit.”	Endorses	
	12	23	Move that <i>Model Rules 230.20</i> Experience be amended by adding the following language: <u>A graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward licensure. To count for experience credit, graduate degrees shall be a progression of the applicant’s bachelor’s degree in engineering and relevant to the area of practice. Experience credit for a graduate degree cannot be earned concurrently with work experience credit.</u>	Endorses	

For full text of all motions refer to NCEES publication: *Motions to be Presented at the 2017 Annual Meeting*.

ACRONYMS:

ACCA = Advisory Committee on Council Activities

CPC = Continuing Professional Competency

EAP = Examination Administration Policy

EDP = Examination Development Policy

EPP = Examination Policy and Procedures

EPS = Examinations for Professional Surveyors

MBA = Member Board Administrators

PS = Position Statement

UPLG = Uniform Procedures and Legislative Guidelines

MOTIONS TO BE PRESENTED AT THE 2017 ANNUAL MEETING

Committee on Finances (2 motions)

Finance Motion 1

Move that the adoption of the 2017–18 operating budget as shown in Appendix B be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors' position

Endorses, consent agenda

Finance Motion 2

Move that the adoption of the 2017–18 capital budget as shown in Appendix C be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors' position

Endorses, consent agenda

Special Committee on Bylaws (10 motions)

Bylaws Motion 1

Move that *Bylaws* 4.04 be amended as follows:

Section 4.04 Elections and Terms of Office. The President-Elect shall be elected by the Council at each Annual Business Meeting in the manner prescribed in the *Bylaws*. The Treasurer shall be elected at each Annual Business Meeting held in an odd-numbered year, in the manner prescribed in the *Bylaws*. Vice Presidents from the Southern and Northeast Zones shall be elected at their Zone Interim Meeting in odd-numbered years. Vice Presidents from the Central and Western Zones shall be elected at their Zone Interim Meeting in even-numbered years. The Chief Executive Officer is appointed as provided in the *Bylaws*.

The President-Elect shall normally serve the Council for a period of three years. The first year shall be as President-Elect. The second year, without further election, the President-Elect shall become President, holding that office until a successor has been installed. The third year, without further election, the President shall become Immediate Past President, holding that office until a successor has been installed. Vice Presidents shall hold office for two years or until their successors have been installed. The Treasurer's term of office shall be two years, ~~and that person may serve a maximum of two consecutive terms~~. For the office of Treasurer, a partial term served for the period between consecutive Annual Meetings shall not be considered a term for term-limit purposes.

Past Presidents shall be ineligible for re-election as President-Elect of the Council. Vice Presidents [and the Treasurer](#) shall not be eligible for re-election to the same office until at least one full two-year term has elapsed.

New members of the Board shall assume their duties at the conclusion of the Annual Business Meeting. Board members may continue to serve until the conclusion of the term of office to which they were elected even if their terms with Member Boards have ended.

Any member elected to the office of President-Elect shall be eligible to serve as President-Elect, President, and Immediate Past President, with the full authority of the offices and board privileges, until the expiration of the term as Immediate Past President, even though no longer a member of a Member Board.

Rationale

Motion 1 is proposed in response to the approved 2016 ACCA motion to remove the language stating that a treasurer may serve consecutive terms. In the 2016 ACCA motion rationale, the committee stated, "There are many Council members who are eager to serve in leadership roles within NCEES. Having the treasurer serve no more than one consecutive term gives more individuals the opportunity to serve in a leadership role within the board of directors. The proposed restriction is consistent with term limitations for zone vice presidents."

Board of directors' position

Does not endorse, non-consent agenda

Bylaws Motion 2

Move that *Bylaws* 4.06 be amended as follows:

Section 4.06 Vacancies. If a vacancy occurs in the office of President, the President-Elect shall succeed to the office of President for the completion of the two-year term. A vacancy in the office of President-Elect shall be filled by the Board of Directors. In the event of a vacancy in the office of Immediate Past President, the office shall be filled by the most recent available Past President. In the event of a vacancy in the office of a Vice President, the Assistant Vice President of the zone will automatically succeed to the office of Vice President. In the event of a vacancy in the office of Treasurer, the Board of Directors shall select an individual to fill the position until an election shall be held to fill the unexpired term of Treasurer at the Annual Business Meeting immediately following the vacancy in the next odd-numbered year.

Appointments by the Board of Directors shall be made in accordance with the required qualifications and limitations for duly elected members of the Board of Directors.

A quorum of the Board of Directors for filling of vacancies shall consist of six members except in the event of two vacancies, when five shall constitute a quorum. For the filling of vacancies, the members of the Board of Directors may be represented by proxies, duly signed and verified.

Rationale

Motion 2 is proposed in response to the approved 2016 ACCA motion to add language to address a vacancy of the treasurer position. In its 2016 motion's rationale, ACCA stated, "The position of treasurer is of importance to NCEES operations. A vacancy would remove vital oversight from NCEES. The *Bylaws* addresses other vacancies and should address the possible vacancy of the office of treasurer. The recommended language intends to correct the situation."

Board of directors' position

Endorses, consent agenda

Bylaws Motion 3

Move that a new *Bylaws* 3.03 be adopted as follows and the following sections renumbered accordingly:

Section 3.03 International Affiliate Organization. An International Affiliate Organization of NCEES shall be a legally constituted entity located outside the United States having a collateral and supportive position with the licensure of engineers or surveyors. International Affiliate Organizations are entitled to representation at Council meetings without voting privileges and, on approval of the presiding officer, may have the privilege of the floor. Acceptance of an International Affiliate Organization shall be by majority vote of the Council.

Rationale

Motion 3 is proposed in direct response to Charge 3, which is to create an International Affiliate Organization category of NCEES membership. The *Bylaws* Committee recognizes the International Affiliate Organization membership to be of the same nature as the Professional Organization membership and so defined the new International Affiliate Organization membership similarly to the Professional Organization membership.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 4

Move that *Bylaws* 3.05 be amended as follows:

Section 3.05 Representatives. A representative shall be a member of an International Affiliate Organization or a Participating Organization designated to represent #his or her respective organization at meetings of the Council.

Rationale

As the International Affiliate Organization and Participating Organization memberships are defined similarly, the remaining *Bylaws* sections associated with these membership types are defined in tandem. Motion 4 proposes modifications that allow International Affiliate Organizations to have representatives at the meetings of the Council. Note: If Motion 3 passes, this section will be renumbered as 3.06.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 5

Move that *Bylaws* 6.01 be amended as follows:

Section 6.01 Annual Business Meetings. The Annual Business Meeting of the Council shall be held at the time and place selected by the Board of Directors.

Notice of the Annual Business Meeting shall be provided to each Member Board, member, associate member, [International Affiliate Organization](#), and Participating Organization not less than four weeks prior to each meeting.

The Board of Directors shall prepare a consent agenda for each Annual Business Meeting. Individual motions may be removed from the consent agenda upon request by any Member Board.

Rationale

Motion 9 proposes changes necessary to make the *Bylaws* consistent with the addition of an International Affiliate Organization membership.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 6

Move that *Bylaws* 10.01 be amended as follows:

Section 10.01 Fees. Annual fees of Member Boards, ~~as well as dues for participating organizations,~~ are due on January 1 for the ensuing calendar year. The fee schedule for Member Boards shall be based on the number of licensees of record as of December 31 of the preceding calendar year.

Rationale

The Bylaws Committee separated the dues requirements for member boards from those for Professional Organizations and International Affiliate Organizations for clarity and consistency within the *Bylaws*.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 7

Move that a new *Bylaws* 10.013 be adopted as follows and the following sections renumbered accordingly:

[Section 10.013 Dues.](#) [Annual dues for International Affiliate Organizations and Participating Organizations are due on January 1 for the ensuing calendar year.](#)

Rationale

As the International Affiliate Organization and Participating Organization memberships were defined similarly, the remaining *Bylaws* sections for these membership types were defined in tandem. Motion 7 proposes modifications that result in the same dues regulations for Professional Organizations and International Affiliate Organizations.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 8

Move that *Bylaws* 10.013 be amended as follows:

Section 10.013 ~~Participating Organizations Obligations Dues Schedule.~~ ~~Payments for Any annual membership dues by participating organizations of International Affiliate Organizations and Participating Organizations shall be paid~~ in accordance with a schedule established annually by the Board of Directors.

Rationale

As the International Affiliate Organization and Participating Organization memberships were defined similarly, the remaining *Bylaws* sections for these membership types were defined in tandem. Motion 8 proposes modifications that result in the same dues regulations for Professional Organizations and International Affiliate Organizations. Note: If Motion 7 passes, this section will be renumbered as 10.014.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 9

Move that *Bylaws* 1.02 be amended as follows:

Section 1.02 Definitions and Abbreviations. Wherever the word "Council" is used, it shall mean the National Council of Examiners for Engineering and Surveying, for which the official abbreviation shall be NCEES. The words "State Board" shall mean a legally constituted board of any state, territory, or political subdivision of the United States of America that administers an Act regulating the practice of professional engineering, a single branch of professional engineering or surveying, or a combination of professional engineering and surveying; or a board that serves in an advisory capacity to a state agency in the administration of such an Act. Wherever the word "State" is used, it shall mean any state, territory, or political subdivision of the United States of America.

Rationale

The proposed changes are to make it clear that a state board can regulate both professional engineering and professional surveying.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 10

Move that *Bylaws* 5.01 be amended as follows:

Section 5.01 President. The President shall, when present, preside at all meetings; ~~shall appoint all members, chairs, vice chairs, and consultants of standing committees, special committees, task forces, and a Tellers Committee for the election of the President-Elect and Treasurer;~~ and shall present to the Council at the Annual Business Meeting a report of the activities during the term of office. The President shall ~~also~~ appoint all members, chairs, vice-chairs, and consultants of standing committees, special committees, and task forces unless specific action of the Council or of the Board of Directors names the personnel of the committee or task force. The President shall also appoint all members of a Tellers Committee for the election of the President-Elect and Treasurer. The President shall appoint all official representatives of the Council to other organizations as authorized by the Board of Directors. The President shall be chair of the Board of Directors, shall be an ex-officio member of all committees, and shall perform all other duties ordinarily pertaining to the office of President.

If both the President and the President-Elect are absent, the Vice President from the zone that will be nominating the next President-Elect will be the acting President. The Vice President shall have all the powers of the President while presiding in this capacity.

Rationale

The proposed changes are non-substantive changes; they are being proposed to eliminate redundancy and to clarify language.

Board of directors' position

Endorses, consent agenda

Committee on Education (3 motions)

Education Motion 1

Move that Position Statement 35 be amended as follows:

PS 35 Future Education Requirements for Engineering Licensure

One of the goals of NCEES is to advance licensure standards for all professional engineers. Those standards describe the technical and professional competency needed to safeguard the health, safety, and welfare of the public. The Council recognizes that future demands for increasing technical and professional skills have resulted in the need for additional education beyond the bachelor's degree for those entering the engineering profession.

NCEES has identified several future pathways by which a candidate for licensure as a professional engineer might obtain the body of knowledge needed to meet these educational requirements, including the following:

- A. A bachelor's degree in engineering from a program accredited by EAC/ABET and a master's or earned doctoral degree in engineering in the same technical area from an institution that offers EAC/ABET-accredited programs, or the equivalent
- B. A bachelor's degree and a master's degree in engineering from a program accredited by EAC/ABET
- C. A bachelor's degree from a program accredited by EAC/ABET that has a minimum of 150 semester credit hours, of which at least 115 semester credit hours are in mathematics, science, or engineering combined and at least 75 of these semester credit hours are in engineering
- D. A bachelor's degree in engineering from a program accredited by EAC/ABET and at least 30 additional semester credit hours of upper-level undergraduate or graduate-level coursework in engineering on topics relevant to the practice of engineering (e.g., engineering-related science, mathematics, or professional practice topics such as business, communications, contract law, management, ethics, public policy, and quality control) from approved course providers (e.g., institutions that have EAC/ABET-accredited programs, or institutions or organizations accredited by an NCEES-approved accrediting body)
- E. [A bachelor's degree in engineering from a program accredited by EAC/ABET, and 80 assessed learning days \(ALDs\) in areas germane to professional practice and that support and enhance the applicant's capability in their technical area of practice](#)
 1. [ALDs can be earned through credit or noncredit courses. The applicant shall be required to demonstrate successful completion and that the coursework was of sufficient content and rigor.](#)
 2. [Coursework may include university courses, industrial in-house specialty courses, short courses and certification courses offered by professional and technical societies, and other courses meeting standards to be developed by NCEES.](#)
 3. [At least 40 ALDs shall be from technical engineering coursework. Nontechnical ALDs include professional practice topics such as business, communications, contract law, management, ethics, public policy, and quality control.](#)
 4. [For non-university-provided coursework, a course that earns ALD credit must have a syllabus, learning objectives, and outcomes assessment.](#)
 5. [For non-university-provided coursework, one ALD unit shall be defined as eight hours of contact time.](#)
 6. [For university-provided coursework, a three-semester credit hour course shall equal six ALDs.](#)
 7. [Any single course must consist of at least one ALD.](#)

NCEES will continue to explore alternative educational pathways for candidates for licensure as professional engineers to develop the body of knowledge needed for entry into the profession. These alternatives will be developed through collaboration with technical engineering societies and other stakeholders engaged with the engineering profession.

Rationale

Some member boards oppose requiring strictly a master's degree (or other university coursework) to meet future education requirements for licensure. To address this, the committee has been researching a new practice-oriented pathway for the past three years. The committee consulted several technical societies and concluded that they have high-quality, relevant, practice-oriented educational programs. These programs often fill the gap that traditional university degrees leave—especially for highly specialized disciplines. Adding item E to PS 35 gives applicants an alternative pathway to licensure that can be met without relying solely on academic institutions.

Board of directors' position

Endorses, non-consent agenda

Education Motion 2

Move that the Committee on Uniform Procedures and Legislative Guidelines (UPLG) be charged with incorporating the following changes to *Model Rules* 240.30 B3, C, I, J, K, and L and to the appendix:

Model Rules 240.30 Continuing Professional Competency

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of professional engineers and/or professional surveyors.

A. Introduction

Every licensee shall meet the continuing professional competency requirements of these regulations for professional development as a condition for licensure renewal.

B. Definitions

Terms used in this section are defined as follows:

1. Professional Development Hour (PDH)—One contact hour (nominal) of instruction or presentation. The PDH is the common denominator for other units of credit.
2. Ethics/Business-Related Course or Activity—A qualifying course or activity with content areas related to (1) the awareness of ethical concerns and conflicts; (2) an enhanced familiarity with the codes of conduct; (3) an understanding of standards of practice or care; (4) project management and risk-assessment management; or (5) other similar topics aimed at maintaining, improving, or expanding the skills set and knowledge relevant to the licensee's field and methods of practice.
3. Continuing Education Unit (CEU)—Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class contact hours in an approved continuing education course.
4. College Semester/Quarter Hour—Credit for course in ABET-approved programs or other related college course approved in accordance with subsection E of this section.
5. Course/Activity—Any qualifying course or activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice. Regular duties are not considered qualified activities.
6. Dual Licensee—An individual who is licensed as both a professional engineer and a professional surveyor

C. Requirements-Qualifying Activities

~~Every licensee is required to obtain the equivalent of 15 PDHs per annual renewal period, 30 PDHs per biennial renewal period, or 45 PDHs per triennial renewal period. These PDHs may be obtained anytime during the applicable renewal period. A minimum of 1 PDH of each 15 PDHs shall be earned by successfully completing a course or activity that has content areas that focus on (a) professional engineering or surveying ethics, or (b) improving a licensee's methods of business practice or operations or otherwise advancing professionally related skills and practices as applicable to the practice of engineering or surveying. If a licensee exceeds the annual requirement in any renewal period, a maximum of 15 PDHs may be carried forward into the subsequent renewal period.~~ PDHs may be earned as follows:

1. Successful completion of college courses
2. Successful completion of short courses, tutorials, webinars, and distance-education courses offered for self-study, independent study, or group study and through synchronous or asynchronous delivery methods such as live, correspondence, archival, or the Internet
3. Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, conferences, or educational institutions
4. Teaching or instructing in 1 through 3 above
5. Authoring published papers, articles, books, or accepted licensing examination items
6. Active participation in professional or technical societies
7. Patents
8. Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K-12 or higher education students

I. Requirements for Renewal

To renew a license, an applicant must ~~either meet the requirements of [insert jurisdiction name] or meet the requirements of the Model Continuing Professional Competency (CPC) Renewal Standard, as defined in paragraph 240.30 L for the number of consecutive reporting periods corresponding to the CPC requirements of [insert jurisdiction name] (i.e., biennial or other). A reporting period for the Model CPC Renewal Standard is defined as January 1–December 31 of 1 calendar year.~~ meet either of the following:

1. The requirements of the NCEES CPC Standard defined in section L below.
2. The requirements of [insert jurisdiction name].

- J. Dual Licensees
The number of PDHs required per year shall ~~remain 15~~ be as stated in section L below, at least one-third of which shall be obtained in each profession.
- K. ~~Forms Certification~~
All renewal applications will require the certification of CPC credits as specified by the board. The licensee must supply sufficient detail ~~on a CPC form to permit audit verification and retain any~~ backup documentation. ~~The licensee must certify and sign the CPC form and submit the form, if required,~~ with the renewal application ~~and fee, if required,~~ or upon notification of audit.
- L. ~~Model NCEES CPC Renewal~~ Standard
~~The Model CPC Renewal Standard requires licensees to acquire 15 PDHs in each calendar year in compliance with the provisions of subsections A, B, C, D, E, and J above. Licensees meeting this standard shall document their CPC activities on the Model CPC standard reporting form.~~
The NCEES Continuing Professional Competency (CPC) Standard requires a licensee to obtain the equivalent of 15 PDHs per calendar year (January 1–December 31) with no carryover allowed. A minimum of 1 PDH of the 15 PDHs shall be earned by successfully completing a course or activity that has content areas that focus on engineering or surveying ethics or on improving a licensee’s business practice or operations or otherwise advancing professionally related skills and practices as applicable to the practice of engineering or surveying.

APPENDIX C
Index for *Model Rules* with General Cross-Reference to *Model Law*

The following table is for reference only and is not intended to be all-inclusive or adopted into board law/rules. Italic font indicates summary paraphrase of paragraph contents.

<i>Model Rules</i> Section	Descriptor	Corresponding <i>Model Law</i> Section
Section 240.30	Continuing Professional Competency	120.60 E, 140.20 B
240.30 A	Introduction	
240.30 B	Definitions	
240.30 C	<u>Requirements Qualifying Activities</u>	
240.30 D	Units	
240.30 E	Determination of Credit	
240.30 F	Recordkeeping	
240.30 G	Exemptions	
240.30 H	Reinstatement	
240.30 I	Requirements for Renewal	
240.30 J	Dual Licensees	
240.30 K	<u>Forms Certification</u>	
240.30 L	<u>Model NCEES CPC Renewal</u> Standard	

Rationale

As explained in the committee’s report (Charge 4), it is proposing changes to the *Model Rules* to clear up confusing language and to be consistent with PS 10, which the Council revised at the 2016 annual meeting. In the revised language,

- Boards are encouraged to allow their licensees to satisfy either the jurisdiction’s CPC requirements or the NCEES CPC Standard. Doing so will promote licensure mobility, especially with boards whose CPC requirements differ from the *Model Rules*.
- References to CPC reporting forms have been removed from the language. In the revised CPC Guidelines, licensees are encouraged to use the NCEES CPC system to document their CPC activities; this may facilitate board reviews or audits.

Board of directors’ position

Endorses, consent agenda

Education Motion 3

Move that the UPLG Committee be charged with incorporating the following language into *Model Rules 230.20* A7 and B5:

Model Rules 230.20 Experience

A. As a Professional Engineer

In evaluating experience that indicates to the board that the applicant may be competent to practice engineering, the following will be considered:

7. Teaching experience must be in engineering or engineering-related courses at an advanced level in a college or university offering an engineering program of 4 years or more that is approved by the board. [Junior-, senior-, and graduate-level courses can be considered as advanced level.](#)

B. As a Professional Surveyor

In evaluating experience that indicates to the board that the applicant may be competent to practice surveying, the following will be considered:

5. Teaching experience must be in surveying or surveying-related courses at an advanced level in surveying or surveying-related courses approved by the board. [Junior-, senior-, and graduate-level courses can be considered as advanced level.](#)

Rationale

This section of the *Model Rules* is particularly applicable to professors who seek licensure. Member boards evaluate their teaching experience for sufficiency, but they often ask what is meant by “advanced level.” The committee decided that junior-, senior-, and graduate-level courses qualify as advanced level. It proposes identical language for both engineers and surveyors.

Board of directors’ position

Endorses, consent agenda

Committee on Law Enforcement (1 motion)

Law Enforcement Motion 1

Move that AP 12, Awards, be amended as follows:

AP 12 Awards

NCEES will officially recognize members, associate members, emeritus members, and other volunteers who provide or have provided outstanding service to NCEES. The members of the Committee on Awards and the board of directors shall not be nominated for these awards while serving on the Committee on Awards or on the board of directors. In evaluating nominations, the following guidelines are to be observed:

Distinguished Service Award

- Must be a current member, a former member, or an emeritus member
- Must promote engineering or surveying licensure at the state or national level
- Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission and vision of NCEES
- May include participation in professional or technical societies as a consideration
- Must demonstrate active participation in member board activities
- Must include distinguished service on at least one NCEES committee
- May be nominated by a member board

Distinguished Service Award with Special Commendation

- Must have received the Distinguished Service Award at least six years prior to receiving the Distinguished Service Award with Special Commendation. Any exception based on extraordinary circumstances must be approved by the NCEES board of directors with recommendation by the Committee on Awards.
- Must be a current member, a former member, or an emeritus member
- Must promote engineering or surveying licensure at the national level

- Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission and vision of NCEES
- May include participation in professional or technical societies as a consideration
- Must demonstrate active participation in member board activities
- Must include leadership or exemplary service on at least one NCEES committee
- May be nominated by a member board

Meritorious Service Award

- Must be a current or former associate member
- Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission, vision, and goals of his or her board and NCEES
- Must participate in member board activities
- Must participate in the promotion of licensure [or the enforcement of member board laws and rules](#)
- Must include distinguished service on at least one NCEES committee
- May be nominated by a member board

Distinguished Examination Service Award

- Must demonstrate positive contributions and longtime commitment to the NCEES examination program
- Must have served on at least one of the Council’s examination committees or exam-related task forces
- Must demonstrate exemplary service and leadership in the advancement and improvement of NCEES examinations and the exam-development process
- May be nominated by a member board, an exam committee, or the board of directors

Rationale

As discussed in Charge 9, the Law Enforcement Committee is proposing these changes to broaden the criteria for the NCEES Meritorious Service Award. The proposed language would allow the selection of more law enforcement personnel.

Board of directors’ position

Endorses, consent agenda

Committee on Examination Policy and Procedure (4 motions)

EPP Motion 1

Move that EDP 8 be amended as follows:

EDP 8 Deleting/Combining/Renaming a Discipline or Module from the Examination Program

- A. If in two consecutive administrations of pencil-and-paper examinations, there have been fewer than 50 total first-time examinees from NCEES jurisdictions in a specific examination or module, the Committee on Examination Policy and Procedures (EPP) shall review the desirability of continuing the subject examination or module and make one of the following recommendations to the board of directors:
1. Continue to prepare the examination or module.
 2. ~~Discontinue the examination or module. Request the appropriate exam development committee to prepare and submit a specific remedial action plan for increasing the number of first-time takers to a level that meets or exceeds the minimum candidate requirements in the time period specified by the EPP Committee.~~
 3. ~~Put the examination or module on probation and recommend specific remedial action that may include combining the examination with another examination or other such action as the EPP Committee deems appropriate. If such remedial action fails to increase total first-time takers to a level that meets the minimum candidate requirements and time period as specified above, the EPP Committee shall recommend appropriate action to the board of directors. Recommend that the examination or module be placed on probation. The EPP Committee shall specify the~~

conditions of the probation, including a time frame for corrective action. The recommendation may include the combination of the examination with another examination or other such action as the EPP Committee deems appropriate.

4. Discontinue the examination or module.
- B. If the population of first-time examinees from NCEES jurisdictions for any NCEES CBT examination or module is not adequate to provide for accurate psychometric analysis, the EPP Committee shall review the desirability of continuing the subject examination or module and make one of the following recommendations to the board of directors:
1. Continue to prepare the examination or module.
 2. Discontinue the examination or module. Request the appropriate exam development committee to prepare and submit a specific remedial action plan for increasing the number of first-time takers to a level that meets or exceeds the minimum candidate requirements in the time period specified by the EPP Committee.
 3. Put the examination or module on probation and recommend specific remedial action that may include combining the examination with another examination or other such action as the EPP Committee deems appropriate. If such remedial action fails to increase total first-time takers to a level that meets the requirements as specified above, the EPP Committee shall recommend appropriate action to the board of directors. Recommend that the examination or module be placed on probation. The EPP Committee shall specify the conditions of the probation, including a time frame for corrective action. The recommendation may include the combination of the examination with another examination or other such action as the EPP Committee deems appropriate.
 4. Discontinue the examination or module.

Rationale

The committee discussed progressive actions and recommends adding a remedial action plan as a separate option instead of incorporating it into the probation option. In the past, some examinations have fallen below the minimum number of 50 first-time exam takers. Sometimes this was an anomaly, and sometimes they fell below the line by a small number of candidates. EPP feels that there needs to be more latitude in the policy.

According to current policy, the option to request an action plan is tied to putting the examination on probation. Putting an examination on probation is a major decision. EPP has not always wanted to recommend that option; however, it is willing to see how an examination performs over a longer period of time.

Adding an option to work with an exam development committee without putting an examination on probation would be an intermediary step to see if the below-standard number of candidates is an anomaly and to give the development committee adequate time to create a plan before the exam is placed on probation.

Board of directors' position

Endorses, consent agenda

EPP Motion 2

Move that EAP 6 be amended as follows:

EAP 6 Access to and Review of Examinations

There shall be no post-administration access to, or review of, examination materials by an examinee or his or her representative.

Member boards may allow examinees to request that an examinee's-their results from a pencil-and-paper examination be verified by NCEES by manual verification, for a fee established by the NCEES board of directors. NCEES will not accept requests for manual verification from individual examinees. No specific examinee comments will be addressed.

Rationale

The EPP Committee discussed the current practice for manual verification of paper-and-pencil examination results. Some member boards allow manual verification, and some do not. If a board allows manual verifications, examinees must log into their MyNCEES account to request the manual verification. Requests for such manual verifications must be submitted to NCEES within 60 days of release of the exam results.

EPP is also proposing to delete the sentence about specific examinee comments because the NCEES *Examinee Guide*, which candidates must attest to having read, directs them to submit any comments regarding a particular question to NCEES within 10 days of the test to their MyNCEES account. EPP feels that the NCEES *Examinee Guide* outlines the appropriate process and that the current language is not needed in this policy statement.

Board of directors' position

Endorses, consent agenda

EPP Motion 3

Move that EAP 1D be amended as follows:

EAP 1 Administration of Examinations

- D. For pencil-and-paper examinations, only preauthorized [member](#) board members, [member](#) board staff, proctors, [NCEES](#)-designated representatives, [NCEES staff](#), and candidates actually taking an examination will be permitted in the examination room.

Rationale

The EPP Committee discussed the current practice and is proposing these changes for clarification.

Board of directors' position

Endorses, consent agenda

EPP Motion 4

Move that EAP 10 be amended as follows:

EAP 10 NCEES Examinations Offered to a Foreign Entity

Upon receiving a request, the chief executive officer may be authorized by the NCEES board of directors to enter into discussions with a foreign entity concerning the administration of NCEES examinations at a foreign site. The discussions will include an assurance that NCEES examinations will be administered in full compliance with all NCEES examination policies and procedures. All costs borne by NCEES to carry out this provision will be reimbursed.

[NCEES may contract with the foreign entity to provide administration of its examinations to the foreign entity's engineering or surveying applicants, upon approval of the Council. A draft agreement that defines areas of responsibility for the foreign entity and NCEES may then be created. The agreement will require, at a minimum, that the foreign entity reimburse all costs borne by NCEES to carry out the provisions of the agreement.](#)

~~The [As an exception, the NCEES board of directors is authorized to permit all computer-based examinations-the Fundamentals of Engineering and the Fundamentals of Surveying examinations](#) to be administered at [an NCEES-approved test sites](#) to [students in their senior year and graduates of foreign engineering programs that have attained ABET accreditation or the equivalent as determined by NCEES applicants from a foreign ABET-accredited engineering or surveying program](#). At a minimum, all costs borne by NCEES to carry out this provision will be reimbursed. [Computer-based examinations shall not be administered at a foreign site outside the NCEES-approved testing windows.](#)~~

~~[NCEES may contract to provide administration of NCEES examinations that are offered in pencil-and-paper format to a foreign entity subject to the approval of the Council. Based upon a determination that these conditions will be met, a draft agreement that defines areas of responsibility for the foreign entity and NCEES may be created. The agreement will require, at a minimum, that all costs borne by NCEES to carry out the provisions of the agreement will be reimbursed.](#)~~

For any approved agreement, NCEES will establish minimum criteria for [candidates-examinees](#) of the foreign entity that are in general conformance with the existing NCEES *Model Law* and *Model Rules*. NCEES will retain the score information for examinees of foreign entities and will transmit that information to any member board when requested.

The examinations may be used to assist examinees interested in applying for licensure as a professional engineer or surveyor with an NCEES member board as well as an outcomes assessment tool to assist in measuring the outcomes of a foreign-based education system.

However, in the event that the examinee elects to use the results of the examination for the purpose of applying for licensure, the member board may not be precluded from imposing any additional requirements related to state licensure, including but not limited to educational and experience requirements.

Examinee performance data from examinations provided to a foreign entity shall not be included in exam evaluation or development, used to establish cut scores, or included in exam result statistics for NCEES jurisdictions. Examinee performance data from exams provided to a foreign entity may be evaluated and reported separately.

NCEES may release examinee performance data to an ABET-accredited foreign educational program or to the foreign governing body or professional organization as provided in the contract or as approved by the board of directors.

Rationale

The EPP Committee is proposing changes to the language to make it clear that the Council must approve agreements with foreign entities to administer NCEES exams. The changes also clarify that, as an exception, the board of directors has the authorization to allow the NCEES FE and FS exams to be administered for ABET-accredited foreign engineering and surveying programs.

Board of directors' position

Endorses, consent agenda

Advisory Committee on Council Activities (3 motions)

ACCA Motion 1

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* 4.05:

Bylaws

Section 4.05 Qualifications. Any member of NCEES who is a citizen of the United States and a member of a Member Board sometime during the calendar year in which the nomination occurs is eligible to hold an elective office. Associate members are not eligible to serve on the NCEES Board of Directors.

To be eligible for the office of President-Elect, a person shall be a licensed engineer or surveyor, shall have been a member of NCEES at least three years, and shall have attended at least two Annual Business Meetings. Additionally, members of the Board of Directors may run for President-Elect if their term on their state board has expired during their term as NCEES Vice-President or Treasurer; and they have obtained emeritus standing within the Council; and they have the approval of their state board; and it is their zone's rotation to elect a President-Elect; and they have been nominated by the zone. The President-Elect shall not be from the same zone as the President. ~~Vice Presidents shall be from the zone that elects them.~~

To be eligible for the office of Vice President, a person shall be a licensed engineer or surveyor and shall be from the zone that elects him or her.

To be eligible for the office of Treasurer, a person shall be a licensed engineer, licensed surveyor, or public member.

Rationale

ACCA feels that to avoid ambiguity and to accurately communicate the Council's intent, the *Bylaws* should clearly describe the requirements for serving in the position of president-elect (and therefore president and past president). The NCEES president-elect, president, past president, and vice presidents are elected licensed engineers or licensed surveyors and represent and act for NCEES with many professional engineering and surveying groups. The treasurer is primarily involved with internal financial matters and mainly works with

NCEES staff and the Finance Committee. It is the committee’s opinion that the treasurer could be a public member, licensed engineer, or licensed surveyor.

Board of directors’ position

No position, non-consent agenda

ACCA Motion 2

Move that a task force be established to consider the qualifications needed to serve as president-elect, to determine the details of the nomination process (including the potential of reestablishing a Nominating Committee), and to propose a transition plan. The task force shall present its findings, along with the recommended *Bylaws* changes, for Council review and vote.

Rationale

The current rotation system prohibits some qualified members from seeking nomination as president-elect because their term of board service doesn’t line up with their zone’s nominating opportunity. This change would allow these members the opportunity to serve in NCEES leadership and provide much greater flexibility for all NCEES members who seek these opportunities. The Council would have more qualified candidates to choose from. Other professional organizations have transitioned from a regional zone rotation selection process to qualifications-based selection with favorable results; anticipated negative impacts did not materialize.

Board of directors’ position

Does not endorse, non-consent agenda

ACCA Motion 3

Move that AP 8 and FP 7 be revised as follows:

AP 8 Motions

Motions before the Council at the annual business meeting shall not be voted upon at the same business session in which they are introduced and initially discussed or prior to zone meetings. This policy shall not apply to privileged or subsidiary motions and may be suspended for other motions upon approval by a two-thirds majority vote.

Additionally, any motion to amend the *Model Law* or *Model Rules* presented at an annual business meeting by an entity other than the Committee on Uniform Procedures and Legislative Guidelines (UPLG) shall be referred to the UPLG Committee for review and revision of the language before it is presented for Council vote at the next scheduled annual business meeting.

Any motion to amend exam fees in Financial Policy 7 that is presented at an annual business meeting by an entity other than the Committee on Finances shall be referred to the Committee on Finances for review and revision of the language before it is presented for Council vote at the next scheduled annual business meeting.

FP 7 Examination Charges

All examination charges shall be reviewed annually by the Committee on Finances, and any proposed changes shall be brought before the Council for approval. The Committee on Finances shall annually review all examination charges and propose any changes to examination charges for Council vote at the annual meeting. The current exam prices are as follows:

Examination	Price	Date Approved	Date Effective	Future Price	Date Approved	Date Effective
Computer-based FE*	\$225	8/13	1/14	\$175	8/16	1/18
Computer-based FS*	\$225	8/13	1/14	\$175	8/16	1/18
PE**	\$250	8/11	4/13	—	—	—
Computer-based PE*	—	—	—	\$375	8/16	1/18
Computer-based PS*	\$300	8/15	10/16	—	—	—
Structural Lateral Forces component**	\$400	8/09	4/11	—	—	—

Structural Vertical Forces component**	\$400	8/09	4/11	—	—	—
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For computer-based examinations, examinees are required to pay NCEES directly. Beginning in May 2017, all examinees will be required to pay NCEES directly; this requirement will include both computer-based and pencil-and-paper examinations.

*Price includes exam development, scoring, and computer-based exam administration.

**Price includes exam development, scoring, shipping, and materials. Exam administration fees will remain separate for pencil-and-paper exams.

Rationale

This requirement would allow the Finance Committee adequate time to review the financial impact of modifying exam fees to help determine the effects to the long-term financial stability of the Council and provide rationale to the members prior to making exam fee modifications.

Board of directors’ position

Endorses, consent agenda

Committee on Member Board Administrators (1 motion)

MBA Motion 1

Move that the Central, Northeast, Southern, and Western zone interim meetings be held as a combined meeting in 2020, with the vice presidents from each zone serving as members of a single site-selection committee to work with NCEES staff on selecting a location.

Rationale

As described in the report under Charge 5, the MBA Committee believes there are numerous benefits to holding a single zone interim meeting in the spring rather than four separate ones. There is no language in the *Bylaws, Manual of Policy and Procedures, or Zone Meetings and Continuity Guidelines* that precludes such a meeting from being held. The committee’s recommendation is to try a combined meeting for one year and is proposing this as a motion to ensure that all zones participate in the single meeting.

The committee expects that there will be cost savings, which would be reflected in the 2019–20 budget that the Council would vote to approve at the 2019 annual meeting. The cost savings would depend on the location selected, so cannot be determined at this date. The committee is proposing that a site-selection committee be made up of the four zone vice presidents, who would work with NCEES staff to determine a location and date of the meeting.

The committee also recognizes that zones have rotations as far as host boards for the zone interim meetings. Holding this single meeting in 2020 would not cancel the order of rotations for those zones; instead, the host board rotation would basically skip a year and pick back up in 2021 with the board that was originally scheduled to host in 2020.

Board of directors’ position

No position, non-consent agenda

Committee on Uniform Procedures and Legislative Guidelines (12 motions)

UPLG Motion 1

Move that the *Model Law* and *Model Rules* prefaces be amended as follows.

PREFACE (of both *Model Law* and *Model Rules*)

Purpose of the NCEES *Model Law* and *Model Rules*

The vision of the National Council of Examiners for Engineering and Surveying (NCEES) is to provide leadership in professional licensure of engineers and surveyors through excellence in uniform laws, licensing standards, and professional ethics in order to safeguard the health, safety, and welfare of the public and to shape the future of professional licensure. The mission of NCEES is to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public.

NCEES serves as an organization through which its members—the engineering and surveying licensure boards in all U.S. states and territories—can counsel and act together to better discharge their duties as individual, autonomous regulatory agencies. One of the primary ways NCEES fulfills its vision and supports its mission is by providing the *Model Laws* and *Model Rules* for adoption by its member boards.

The NCEES *Model Law* sets forth broad ideas about the regulation of engineering and surveying licensure. It is an enabling document that defines the board's powers and duties. It is designed to assist legislative counsels, legislators, and NCEES members in preparing new or amendatory legislation. Each line in the sections is numbered to facilitate use of this document as a working model.

The *Model Rules* complements the *Model Law* by providing model rules and regulations for the ways member boards can carry out the general concepts introduced and set forth in the law. While it is designed to explain broad provisions stated in the *Model Law* by offering the details from an administrative perspective, the *Model Rules*, just like a board's regulations or rulemaking process, functions only within the authority granted by the *Model Law*. The *Model Rules* is designed to assist NCEES member board members, board counsel, and board administrators in preparing and updating board rules.

Revisions to the *Model Law* and *Model Rules* are decided at the NCEES annual business meeting [each year, and any motion to amend the *Model Law* or the *Model Rules* presented at an annual business meeting by an entity other than the Committee on Uniform Procedures and Legislative Guidelines \(UPLG\) shall be referred to the UPLG Committee for review and revision of the language for inclusion before it is presented for Council vote at the next scheduled annual meeting.](#) By vote, the majority of NCEES member boards have agreed that the language in them represents the gold standard for engineering and surveying licensure requirements in the United States. The intent of NCEES in preparing these uniform model documents is to present its member boards with a high-level benchmark—and yet a sound and realistic guide—that will provide greater uniformity of qualifications for licensure, raise these qualifications to a higher level of accomplishment, and simplify the interstate licensure of engineers and surveyors.

Rationale

The 2015–16 ACCA made a motion for UPLG to be charged with incorporating this language into the prefaces of the *Model Law* and *Model Rules*. The ACCA rationale stated that “the language in the *Model Law* and *Model Rules* has been carefully crafted over many years and thoughtfully amended when necessary. To add clarity and a set procedure for any future model document amendments, amendments proposed by an entity other than the UPLG Committee should be referred to UPLG for review.” The ACCA motion passed, and UPLG is proposing these revisions accordingly.

Board of directors' position

Endorses, consent agenda

UPLG Motion 2

Move that *Model Law* 110.20 be amended as follows.

Model Law 110.20 Definitions

P. Positional accuracy—The extent to which horizontal and vertical information on a map or in a digital database matches true or accepted values that are relative to the earth’s surface or other reference datum

Rationale

The 2015–16 EPS Committee recommended that this language be incorporated into the model documents. UPLG feels that the most appropriate place for the language is in the definitions section of the *Model Law*.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 3

Move that *Model Rules* 210.25 be amended as follows.

Model Rules 210.25 Inclusions and Exclusions to the Practice of Surveying

B. Activities Excluded from the Practice of Surveying

A distinction must be made in the use of electronic systems between making or documenting original measurements in the creation of ~~survey products~~ surveying deliverables, versus the copying, interpretation, or representation of those measurements in such systems. Further, a distinction must be made according to the intent, use, or purpose of ~~measurement products in measurements derived from~~ electronic systems to determine ~~a definitive-an authoritative~~ location versus the use of those ~~products-measurements~~ as a ~~locational~~ reference for planning, infrastructure management, and general information. The following items are not to be included as activities within the definition of the practice of surveying:

Rationale

The 2015–16 EPS Committee recommended that the language be changed from “measurement products” to “measurements” for clarity, to change “a definitive” to “an authoritative,” and to delete “locational.” When UPLG presented its report at the joint Northeast/Southern Zone meeting, a comment was made that “survey products” should be changed to “surveying deliverables,” so UPLG is proposing that change as well. The reason for changing the wording is that some jurisdictions consider “survey products” to be taxable items instead of professional services. Changing the phrase “survey product” to “surveying deliverables” would make it clear that these are professional services.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 4

Move that *Model Law* 110.20 be amended as follows.

Model Law 110.20 Definitions

Q. Georeferenced—Being referenced, measured, or described in spatial terms relative to the earth’s surface or other reference datum

Rationale

The 2015–16 EPS Committee recommended that this language be incorporated into the model documents. UPLG feels that the most appropriate place for the language is in the definitions section of the *Model Law*.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 5

Move that *Model Rules* 210.25 be amended as follows.

Model Rules 210.25 Inclusions and Exclusions to the Practice of Surveying

- A. Activities Included within the Practice of Surveying
 - 1. The creation of maps ~~and/or~~ georeferenced databases representing authoritative locations for boundaries, the location of fixed works, or topography. This includes maps and georeferenced databases prepared by any person or government agency where that data is provided to the public as a survey product.
- B. Activities Excluded from the Practice of Surveying
 - 6. Inventory maps ~~and/or~~ databases created by any organization, in either hard-copy or electronic form, of physical features, facilities, or infrastructure that are wholly contained within properties to which they have rights or for which they have management responsibility. The distribution of these maps ~~and/or~~ databases outside the organization must contain appropriate metadata describing, at a minimum, the accuracy, method of compilation, data sources and dates, and disclaimers of use clearly indicating that the data are not intended to be used as a survey product.

Rationale

The 2015–16 EPS Committee recommended that “and” be changed to “or” for clarity.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 6

Move that *Model Rules* 210.25 be amended as follows.

Model Rules 210.25 Inclusions and Exclusions to the Practice of Surveying

- B. Activities Excluded from the Practice of Surveying
 - 2. The transcription of previously georeferenced data into a GIS or LIS by manual or electronic means, and the maintenance thereof, provided the data are clearly not intended to indicate the authoritative location of property boundaries, ~~the precise definition of~~ the shape or contour of the earth, ~~and/or~~ ~~the precise location~~ of fixed works ~~of humans~~.

Rationale

The 2015–16 EPS Committee recommended that the phrases “precise definition” and “precise location” be removed from the *Model Rules*.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 7

Move that *Model Law* 110.20 be amended as follows.

Model Law 110.20 Definitions

R. Surveying deliverables—Any map, database, report, or other similar electronic or printed deliverable that shows the authoritative location of features or coordinate systems. Surveying deliverables provide spatial information to a level of positional accuracy, whether that accuracy is stated, regulated, or implied.

Rationale

The 2015–16 EPS Committee recommended that this language be incorporated into the model documents. UPLG feels that the most appropriate place for the language is in the definitions section of the *Model Law*.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 8

Move that *Model Rules 230.20* be amended as follows.

Model Rules 230.20 Experience

A. As a Professional Engineer

In evaluating experience that indicates to the board that the applicant may be competent to practice engineering, the following will be considered:

1. Experience must be progressive on engineering projects and must demonstrate an increasing quality and greater responsibility. Experience must be obtained in accordance with Model Law 130.10.
2. Only work of an engineering nature that follows graduation from a program that meets the criteria set forth in *Model Law 130.10 B3* is acceptable.
3. Experience must ~~not~~ be obtained in ~~violation of compliance with~~ the licensure act.
4. Experience gained in the armed services must be of a character equivalent to that which would have been gained in the civilian sector doing similar work.
5. Experience should be gained under the supervision of a licensed professional engineer; if it is not, an explanation ~~should-must~~ be made showing why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.
6. Sales experience must demonstrate that engineering principles were required and used in gaining the experience.
7. Teaching experience must be in engineering or engineering-related courses at an advanced level in a college or university offering an engineering program of 4 years or more that is approved by the board.
8. Experience may be gained in engineering research and design projects by members of an engineering faculty where the program is approved by the board.
9. Experience must have been gained by the time of the application.
10. Experience in construction must demonstrate the application of engineering principles.
11. Experience ~~should-must~~ include demonstration of a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.
12. Experience ~~should-must~~ include demonstration of the application of engineering principles in the practical solution of engineering problems.
13. The board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum board requirements established by regulations for professional experience in that jurisdiction.

B. As a Professional Surveyor

In evaluating experience that indicates to the board that the applicant may be competent to practice surveying, the following will be considered:

1. Experience must be progressive on surveying projects and must demonstrate an increasing quality and greater responsibility. Experience must be obtained in accordance with *Model Law 130.10*.
2. Experience must ~~not~~ be obtained in ~~violation of compliance with~~ the licensure act.
3. Experience gained in the armed services must be of a character equivalent to that which would have been gained in the civilian sector doing similar work.
4. Experience should be gained under the supervision of a licensed professional surveyor or, if not, an explanation ~~should-must~~ be made showing why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.
5. Teaching experience must be in surveying or surveying-related courses at an advanced level in surveying or surveying-related courses approved by the board.
6. ~~A substantial portion of the e~~Experience ~~must be spent in charge of work~~ related to property conveyance and/or boundary line determination ~~must be demonstrated~~.
7. Experience in the technical field aspects of the profession must be demonstrated.
8. Experience must have been gained by the time of the application.
9. Experience ~~should-must~~ include demonstration of the application of surveying principles in the practical execution of surveying tasks.
10. Experience may be gained in surveying research projects by members of a surveying faculty where the program is approved by the board.
11. The board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum board requirements established by regulations for professional experience in that jurisdiction.

Rationale

The changes in A3 and B3 are to state the requirement as what must be done rather than not be done. The committee is also proposing to change “violation of” to “compliance with”; it believes this is the more appropriate phrase and still ensures that someone meets the requirements for licensure.

In A5 and B4, the language is being changed from “should” to “must” so that it is clear that someone who does not gain experience under the supervision of a licensee must explain why not. This still allows for someone to get the needed experience but does require an explanation (such as working in an industry with few P.E. supervisors, etc.).

UPLG proposes changing B6 to make the language parallel to the other statements in the section. The term “substantial portion” is vague and not clearly defined; the rest of the requirements in this section do not quantify how much experience must be gained. In addition, UPLG believes that “must be spent in charge of work” is not needed because property conveyance and boundary line determination experience could have been gained even if someone was not in charge of the work. At its face-to-face meeting, UPLG discussed that this is a substantive change that needed to be run by the EPS Committee to see if that committee is OK with the language revisions. UPLG presented the changes to EPS at its committee’s face-to-face meeting in January, and the EPS committee members agreed with the changes.

UPLG proposes changing “should” to “must” in A11, A12, and B9 because it feels that someone qualified to be licensed must be able to demonstrate that he or she has this practical knowledge.

In addition, UPLG recommends that the appropriate committee be charged with reviewing A8 and A10. It questioned whether this language be broader than including just faculty. Should research and design projects by industry and government also be included?

Board of directors’ position

Endorses, consent agenda

UPLG Motion 9

Move that *Model Rules 240.20* be amended as follows.

Model Rules 240.20 Seals

A. Seal of the Board

The seal of this board is *[insert description of seal]* and shall be affixed to each certificate of licensure, certificate of authorization, and enrollment document.

B. Seal of Licensee

~~When an applicant is granted licensure, he or she must obtain a seal. It may be a rubber stamp. It A licensee’s seal~~ shall contain the following:

1. Jurisdiction of licensure
2. Licensee’s name
3. License number
4. The words “Professional Engineer” and discipline *[if licensed by]* or “Professional Surveyor”

C. Seal on Documents

1. The seal and signature of the licensee and the date of signing shall be placed on all final engineering specifications, reports, drawings, plans, design information, and calculations or surveys, reports, plats, drawings, plans, and calculations whenever presented to a client or any public agency to certify that the work thereon was done by the licensee or under the responsible charge of the licensee. Working drawings or preliminary documents are not required to have a seal and signature if the working drawing or preliminary document contains a statement in large bold letters to the effect “PRELIMINARY, NOT FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION.”
2. The seal and signature shall be placed on all original copy, tracings, or other reproducible documents so that the seal and signature will be reproduced when copies are made.
3. When the document contains more than one sheet, the first or title page shall be sealed and signed by the licensee who was in responsible charge. Two or more licensees may affix their signatures and seals provided that a note under the seal designates the specific subject matter for which each is responsible. In addition, each sheet shall be sealed and signed by the licensee or licensees responsible for that sheet.

When a firm performs the work, each sheet shall be sealed and signed by the licensee or licensees who were in responsible charge of that sheet.

4. The seal and signature shall be placed on work only when it was under the licensee's responsible charge. The licensee shall sign and seal only work within the licensee's areas of competence.
5. Plans, plats, specifications, drawings, reports, and other documents will be deemed to have been prepared under the responsible charge of a licensee only when all the following conditions have been met and documented:
 - a. The client requesting preparation of such plans, plats, specifications, drawings, reports, or other documents makes the request directly to the licensee, or a member or employee of the licensee's firm;
 - b. The licensee supervises the preparation of the plans, plats, specifications, drawings, reports, or other documents and has input into their preparation prior to their completion;
 - c. The licensee reviews the final plans, plats, specifications, drawings, reports, or other documents; and
 - d. The licensee has the authority to, and does, make any necessary and appropriate changes to the final plans, plats, specifications, drawings, reports, or other documents.

The licensee is responsible for meeting all of the preceding requirements whether the work is being performed remotely or locally.

6. Any revision to a document containing the seal and signature of a licensee shall be described and dated. If the revisions are not done by the original licensee, the revisions must also be signed and sealed by the licensee in responsible charge of those revisions.
7. In circumstances where a licensee in responsible charge of the work is unavailable to complete the work, or the work is a site adaptation of a standard design plan, or the work is a design plan signed and sealed by an out-of-jurisdiction licensee, a successor licensee may take responsible charge by performing all professional services to include developing a complete design file with work or design criteria, calculations, code research, and any necessary and appropriate changes to the work. The non-professional services, such as drafting, need not be redone by the successor licensee but must clearly and accurately reflect the successor licensee's work. The burden is on the successor licensee to show such compliance. The successor licensee shall have control of and responsibility for the work product and the signed and sealed originals of all documents.

- ~~8. Computer generated seals not signed with a digital signature may be used on final original drawings provided that a handwritten signature is placed adjacent to or across the seal and the date is written below the seal. Drawings, specifications, plans, reports, and documents that do not require sealing may be transmitted electronically but shall have the generated seal, if any, removed before transmitting and shall have the following inserted in lieu of the signature and date: "This document originally issued and sealed by [insert name of licensee], P.E.# _____ / P.S.# _____ on [insert date of sealing]. This document should not be considered a sealed document."~~

When a licensee is required to seal and sign engineering/surveying documents, one of the following methods must be used:

- a. Physical placement of a seal and a handwritten signature in permanent ink containing the name of person who applied it
- b. Digital placement of a seal and a handwritten or digital signature containing the name of person who applied it

Drawings, reports, and 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

- a. Unique to the individual using it
- b. Capable of verification
- c. Under the sole control of the individual using it
- d. Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

A digital signature that uses a process approved by the board will be presumed to meet the criteria set forth in subsections 8 a–d above. Any hard copy printed from the transmitted electronic file shall bear the facsimile of the signature and seal and be a confirmation that the electronic file was not altered after the initial digital signing of the file. Any alterations to the file shall cause the facsimile of the signature to be voided.

Rationale

The 2015–16 Technology Task Force proposed changing language to provide clarity for member boards regarding both physical (ink) and digital methods of signing and sealing professional engineering and surveying documents as defined in the *Model Rules*. In reviewing the language proposed by the Technology Task Force, UPLG did make some modifications. In C8, the original task force language said, “A licensee may seal and sign engineering/surveying documents by one of the following methods.” UPLG edited the language to make it clear that the methods for sealing a document apply when a licensee is required to seal and sign documents. The committee felt that this is needed so that it cannot be interpreted that a licensee with the responsibility to sign and seal a document has the discretion not to do so.

Board of directors’ position

Endorses, non-consent agenda

UPLG Motion 10

Move that *Model Law* 140.10 C be amended as follows.

Model Law 140.10 Certificates of Licensure, Seals

C. ~~Each~~ Upon licensure, each licensee ~~hereunder must, upon licensure, may~~ obtain a seal as described in Section 110.20 K of this Act. Documents must be sealed, signed, and dated in accordance with the Rules.

Rationale

The 2015–16 Technology Task Force proposed changing the language from “must” to “may” to provide for flexibility by allowing the option of obtaining a seal upon licensure. In its rationale for charging UPLG to do this, it stated that this “is essentially a change in guidelines for uniformity for member boards related to signing and sealing engineering and surveying documents as defined in the *Model Law*.”

Board of directors’ position

Endorses, consent agenda

UPLG Motion 11

Move that *Model Law* 130.10 B2 be amended as follows.

Model Law 130.10 General Requirements for Licensure

B. Engineering

2. Licensure as a Professional Engineer

a. Initial Licensure as a Professional Engineer

An applicant who presents evidence of meeting the applicable education, examination, and experience requirements as described below shall be eligible for licensure as a professional engineer.

(1) Education Requirements

An individual seeking licensure as a professional engineer shall possess one or more of the following education qualifications:

(a) A ~~bachelor’s~~ degree in engineering from an EAC/ABET-accredited bachelor’s program

(b) A ~~master’s~~ degree in engineering from an ~~institution that offers~~ EAC/ABET-accredited master’s programs

~~(c) A master’s degree in engineering from an EAC/M ABET accredited program~~

~~(d) An earned doctoral degree in engineering acceptable to the board~~

(c) A bachelor’s, master’s, or doctoral degree in engineering from a non-EAC/ABET-accredited program. This individual’s education must be shown to meet the NCEES Engineering Education Standard.

(2) Examination Requirements

An individual seeking licensure as a professional engineer shall take and pass the NCEES Fundamentals of Engineering (FE) examination and the NCEES Principles and Practice of Engineering (PE) examination as described below.

(a) The FE examination may be taken by a college senior or graduate of an engineering program of 4 years or more accredited by EAC/ABET, of a program that meets the requirements of the NCEES Education Standard, or of an engineering master’s program accredited by EAC/ABET.

(b) The PE examination may be taken by an engineer intern.

(3) Experience Requirements

An individual seeking licensure as a professional engineer shall present evidence of a specific record of 4 years of progressive engineering experience ~~satisfying one of the following described below after a qualifying degree is conferred as described in a(1) above.~~ This experience should be of a grade and character that indicate to the board that the applicant may be competent to practice engineering. Exceptions to length of experience are as follows:

~~(a) An individual with a bachelor's degree in engineering per (1)(a) above: 4 years of experience after the bachelor's degree is conferred~~

~~(b) An individual with a master's degree in engineering per (1)(b) or (1)(c) above acceptable to the board: 3 years of experience after the qualifying bachelor's degree is conferred as described in a(1)(a) or a(1)(c) above~~

~~(c) An individual with an earned doctoral degree in engineering acceptable to the board and who has passed the FE exam: 2 years of experience~~

~~(d) An individual with an earned doctoral degree in engineering acceptable to the board and who has elected not to take the FE exam: 4 years of experience~~

A graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward licensure. To count for experience credit, graduate degrees shall be a progression of the applicant's bachelor's degree in engineering and relevant to the area of practice.

Experience credit for a graduate degree cannot be earned concurrently with work experience credit.

Rationale

The 2015–16 Education Committee presented a motion to modify Position Statement (PS) 4, Applicants with Non-EAC/ABET-Accredited Baccalaureate Degrees, to add the following statement: “A graduate degree that is used, in part or in whole, to satisfy education requirements cannot be applied for experience credit toward licensure.” The motion passed at the 2016 annual meeting. The Education Committee also presented a motion, which also passed, to charge the UPLG Committee with incorporating similar language into the *Model Law*. The Education Committee's rationale was as follows:

PS 4 and *Model Law* 130.10 both address education requirements for engineering licensure. Upon review of the two items, it was clear that there are discrepancies between them. First, the *Model Law* allows attainment of a master's degree in engineering (without first earning a bachelor's degree in engineering) to be sufficient to meet education requirements for licensure. Second, the *Model Law* does not address degrees from non-EAC/ABET-accredited programs.

The committee believes that the typical board practice is consistent with PS 4 and therefore proposes changes to *Model Law* 130.10 B so that it agrees with PS 4. The proposed changes require one of the following education qualifications: 1) a degree in engineering from an EAC/ABET-accredited bachelor's program; 2) a degree in engineering from an EAC/ABET-accredited master's program*; or 3) a bachelor's, master's, or doctoral degree from a non-EAC/ABET-accredited in engineering, with the individual's education meeting the NCEES Engineering Education Standard.

*For a master's program to be EAC/ABET-accredited, it must fulfill the bachelor's-level general criteria for accreditation.

The proposed language in B2a(1) above incorporates the language proposed by the Education Committee.

UPLG is also proposing to modify B2a(3) to incorporate language proposed in the 2015–16 Education Committee's Motion 4. That language was originally proposed to be added to *Model Rules* 230.20, Experience, in paragraphs A9 and B11. However, as a result of an unrelated motion last year, those two paragraphs are no longer in the *Model Rules*. UPLG was instructed to find the best place to incorporate the intent of the Education Committee language in the model documents and determined that *Model Law* 130.10 is the best place for that. In adding the original Education Committee language, UPLG felt that it needed to modify some of the language to make it fit holistically into the model documents.

UPLG worked with this year's Education Committee on incorporating the language. The committees agreed to add the word “qualifying” before “degree” to make it clear that four years of experience must be gained after the

degree that is used to qualify for initial licensure. For instance, if an applicant has a bachelor's degree from an ABET-accredited program, then the experience could be earned any time after receiving that degree. However, if someone uses a master's degree from an ABET-accredited program to qualify for initial licensure, then the experience would have to be earned after the master's degree is conferred. For someone who uses the NCEES Engineering Education Standard, the experience would begin after the qualifying degree is earned—whether it's a bachelor's, master's, or Ph.D. The language allows a year of experience credit for a master's degree and two years of experience credit for an earned doctoral degree (if the candidate has passed the FE).

Board of directors' position

Endorses, consent agenda

UPLG Motion 12

Move that *Model Rules 230.20 A* be amended as follows.

Model Rules 230.20 Experience

A. As a Professional Engineer

In evaluating experience that indicates to the board that the applicant may be competent to practice engineering, the following will be considered:

1. Experience must be progressive on engineering projects and must demonstrate an increasing quality and greater responsibility. Experience must be obtained in accordance with *Model Law 130.10*.
2. Only work of an engineering nature that follows graduation from a program that meets the criteria set forth in *Model Law 130.10 B3* is acceptable.
3. A graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward licensure. To count for experience credit, graduate degrees shall be a progression of the applicant's bachelor's degree in engineering and relevant to the area of practice. Experience credit for a graduate degree cannot be earned concurrently with work experience credit.
- ~~3~~4. Experience must not be obtained in violation of the licensure act.
- ~~4~~5. Experience gained in the armed services must be of a character equivalent to that which would have been gained in the civilian sector doing similar work.
- ~~5~~6. Experience should be gained under the supervision of a licensed professional engineer; if it is not, an explanation should be made showing why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.
- ~~6~~7. Sales experience must demonstrate that engineering principles were required and used in gaining the experience.
- ~~7~~8. Teaching experience must be in engineering or engineering-related courses at an advanced level in a college or university offering an engineering program of 4 years or more that is approved by the board.
- ~~8~~9. Experience may be gained in engineering research and design projects by members of an engineering faculty where the program is approved by the board.
- ~~9~~10. Experience must have been gained by the time of the application.
- ~~10~~11. Experience in construction must demonstrate the application of engineering principles.
- ~~11~~12. Experience should include demonstration of a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.
- ~~12~~13. Experience should include demonstration of the application of engineering principles in the practical solution of engineering problems.
- ~~13~~14. The board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum board requirements established by regulations for professional experience in that jurisdiction.

Rationale

UPLG is adding the language in A3 per the language proposed by the 2015–16 Education Committee's Motion 4. The Education Committee's rationale was as follows:

[T]he proposed changes disallow “double dipping” of graduate degrees. An individual who works for only three years while concurrently earning a graduate degree would not be given the one-year experience credit; four years of time would need to go by before eligibility. The committee believes that the intent of awarding the experience credit is not to expedite licensure but rather to allow an individual to pursue a graduate degree and still make progress towards the requisite four years' experience.

UPLG was not charged with applying similar surveying language in the model documents. However, it recommends that the appropriate committee be charged with considering whether the language should be added for surveyors.

Board of directors' position

Endorses, consent agenda

Western Zone Resolution

MOTION

Mr. President, I request the privilege of the floor to make the following resolution on behalf of the Western Zone:

WHEREAS: *Bylaws* 6.02 establishes the rules for quorum and voting at the annual meeting and provides for each member board to have one vote; and

WHEREAS: The current voting structure does not reflect the constituents served by the member boards; therefore, be it

RESOLVED: That a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* 6.02:

Section 6.02 Quorum and Voting. A quorum for the transaction of business at the Annual Business Meetings of the Council shall be delegates from a majority of Member Boards. A majority vote of the Member Boards represented shall be required for affirmative action unless otherwise provided for in the *Bylaws*.

~~Only Member Boards shall be entitled to vote. Voting shall be by Member Boards, with each board entitled to one vote. Member boards that regulate one profession, either engineering or surveying, shall be entitled to one vote. Member boards that regulate both the professions of engineering and surveying shall be entitled to two votes. No state, as defined in *Bylaws* 1.02, shall be entitled to more than two votes, with the exception of Illinois. The Illinois Board of Structural Engineering will retain its vote, giving Illinois a total of three votes.~~

If a Member Board is represented by more than one delegate present at the time of voting, the vote may be split proportionately if its delegates wish. An associate member may serve as a Member Board delegate for voting purposes only when so designated by the Member Board's chair through written, signed communication presented to NCEES staff prior to the opening session of the meeting. For Member Boards that require authorization from the state, such designation may come from the agency director for that board.

Rationale

As regulatory boards, our mission is to protect the health, safety, and welfare of the public that we serve. Part of our duties and responsibilities in accomplishing our mission is to represent our state, district, or territory at the national level through participation in NCEES.

NCEES is comprised of 70 member boards, which represent a total of 55 states (as defined in the *Bylaws* 1.02, the word "state" means "any state, territory, or political subdivision of the United States of America"). The current NCEES *Bylaws* provides one vote to each member board. Thirteen states have two boards, one representing engineers and one representing surveyors. One state has three boards: one for engineering, one for surveying, and one for structural engineering. This means that 14 states—those with two or more boards—have more than one vote on matters before the Council.

Representation before the Council should be reflective of the constituents served by the member boards. As shown in Table 1, the current model does not reflect the constituents served by the member boards. A more equitable and manageable model for representation in the Council would be two votes per state rather than one vote per member board.

Impact on NCEES member boards if motion passes

- The 14 states that currently have two or more boards representing engineering and surveying independently will realize no change. Each board will have a vote and retain its funded delegates.
- The 41 states that currently have one board representing engineers and surveyors will add one vote.

Table 1: Zone data for votes and licensee populations

Zone	Licensees	Population	Current	Proposed	Licensees	Population	Current	Proposed
Central	179,373	67,941,429	17	25	19%	21%	24%	23%
Northeast	179,421	65,690,294	20	26	19%	21%	29%	23%
Southern	305,758	106,727,311	18	30	33%	34%	26%	27%
Western	275,351	76,882,561	15	30	29%	24%	21%	27%
Totals	939,903	317,241,595	70	111	100%	100%	100%	100%

Commonly asked questions

Question: For states that have more than one board, will proxy voting be allowed if one of the boards is not able to attend?

Answer: This proposal does not seek to change current rules about proxy voting. Any change to current rules would need to be presented through a separate resolution.

Question: Will our member dues increase or double?

Answer: This proposal does not seek to change the current member board fee structure. The current member dues structure, the total revenue generated from board dues, and benefits provided from the dues are provided below.

Current dues structure

Tier	Number of registrants/ licensees	Amount of dues	Jurisdictions paying	Effective date	Revenue generated
1	1 to 150	\$750	Northern Mariana Islands	Jan 1, 2009	\$750
2	151 to 500	\$2,600	Delaware LS, Nebraska LS, New Hampshire LS, Rhode Island LS, Vermont LS	Jan 1, 2009	\$15,600
3	501 or more	\$6,500	All others (64 boards)	Jan 1 2007	\$409,500
Total revenue					\$425,850

Membership benefits

As an NCEES member, each board gets to help determine what the model governance documents for the licensure of engineers and surveyors will contain; the content and format of the examinations used to determine minimal competence for both professions; representation on the board of the governing group that develops the engineering curricula for engineering programs; a portfolio program that aids in evaluating applications for licensure via comity provisions; various hosted communication boards and listserv to allow networking with other NCEES member boards; a vote in determining the leadership of NCEES; and a vote on all NCEES fees and policies. NCEES also funds some board members to travel to the annual meeting and to interim zone meetings.

These member boards (the Council) attend an annual business meeting each August to vote on motions and resolutions presented by NCEES committees, task forces, zones, the board of directors,

and individual boards. NCEES boards also vote to fill open spaces on the board of directors. Most items voted on by the Council require a simple majority; changes to the Council's *Bylaws* require a two-thirds majority.

Comment: We are a federation of boards; voting should not be proportional to licensees.

Response: We agree that a voting model based on either licensees or population is not appropriate for NCEES. However, the data for licensees and populations does show that there is an inequity in the current voting structure. This is why we have proposed a model where each state gets an equal number of votes.

We would also point out that decisions on merging boards are made by legislatures and are not decisions made by boards. Thus, the fact that a state such as Washington has a single board and Delaware has two is a political decision. As such, a model where each board is allocated a vote for the engineering and surveying professions it regulates is more equitable than the current model.

Board of directors' position

No position, non-consent agenda

2017 EXAM RESULTS													
Fundamentals of Engineering (Jan-May 2017)													
				ALL CANDIDATES				SENIOR STUDENTS					
ALL CANDIDATES				School	Total	Pass	Pass Rate	Total	Pass	Pass Rate			
Total	Pass	Pass Rate		TTU	71	41	58%	41	24	59%			
478	299	63%		TSU	10	0	0%	2	0	0%			
				UT KNOX	91	66	73%	66	49	74%			
Certifications Issued:				190	UT CHATT	23	13	57%	13	9	69%		
				UT MART*	26	19	73%	26	19	73%			
FE Candidates 2014:				326	U OF MEM	99	46	46%	80	42	53%		
Certifications Issued 2014:				248	VAN	41	40	98%	39	38	97%		
FE Candidates 2015:				481	CBU	5	2	40%	4	2	50%		
Certifications Issued 2015:				322	LU	37	27	73%	36	26	72%		
FE Candidates 2016:				673	UNION	5	5	100%	5	5	100%		
Certifications Issued 2016:				315	OTHER	70	40	57%					
*Among first time test takers at UTM, 14 out of 18 passed (78% pass rate)													
Principles and Practice of Engineering (April 2017)													
ALL CANDIDATES				FIRST TIME TAKERS				REPEAT TAKERS					
Discipline	Total	Pass	Pass Rate	Total	Pass	Pass Rate	National	Total	Pass	Pass Rate	National		
ARCH	1	1	100%	1	1	100%	82%	0	0		25%		
CHE	8	4	50%	5	4	80%	73%	3	0	0%	39%		
CIV	124	60	48%	72	40	56%	67%	52	20	38%	39%		
ELE	40	18	45%	19	12	63%	67%	21	6	29%	35%		
ENV	4	1	25%	0	0		69%	4	1	25%	44%		
IND	2	2	100%	1	1	100%	80%	1	1	100%	44%		
MEC	32	15	47%	24	14	58%	73%	8	1	13%	35%		
TOTAL	211	101	48%	122	72	59%		89	29	33%			
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	8	4	50%	7	4	57%		1	0	0%			
LATERAL	13	4	31%	7	3	43%		6	1	17%			
<i>Note: To pass the Structural exam, an acceptable result must be obtained on both the vertical and lateral components. 4 candidates passed the Structural exam this administration.</i>													

From: [Robert Campbell](#)
To: [John Cothron](#)
Subject: FW: Email for board meeting
Date: Friday, August 04, 2017 9:30:31 AM
Attachments: [image001.png](#)

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

Please include in Board meeting packet under Old Business – Electronic Signature – for information only

From: Jennifer Lloyd [mailto:Jennifer.Lloyd@tn.gov]
Sent: Friday, August 04, 2017 10:16 AM
To: Robert Campbell <rcampbell@rgc-a.com>
Subject: Email for board meeting

Robert,

TDOT continues to review options for the final sealed set of plans. We feel the best solution will be to have a signature sheet that houses the sealed signature for all engineers. If this method is used, it would remove the current process of making a Portfolio which contains all the sealed sheets. Portfolios are time consuming to make and very difficult for personnel to open and view in a timely manner. The Portfolio method is currently the only method that will combine sealed sheets into one document. If the signature sheet is used, we will continue to have the stamp with date and signature as currently shown on each sheet of the plans by using a watermark. The seal on the signature sheet will show the PE's stamp, date, and name. If there are several PE's contributing to the plan set, each will send their sealed sheets to the Project Delivery Manager. The Project Delivery Manager will combine all the sheets and distribute the signature sheet to the other PE's. Those PE's will each place their seal on the signature sheet and list the specific sheets they sealed. The Project Delivery Manager will then combine all the sheets and place the final stamp on the sealed sheet to lock the file. If a revision is issued, the revised sheet will have an updated watermark to show the revision date. The signature sheet will have the updated date on the seal. The sheets will be combined again by the Project Manager. This method should keep the integrity of each sheet and ensure that the sheet cannot be altered.

Jennifer



Jennifer Lloyd, P.E. | Director
Headquarters Roadway Design and Aerial Surveys
James K. Polk Building, 13th Floor
505 Deaderick Street, Nashville, TN 37243
p. 615-741-2221
Jennifer.Lloyd@tn.gov

POTENTIAL CONTINUING EDUCATION RULES CHANGES FOR DISCUSSION
August 2017 Draft

CHAPTER 0120-05
CONTINUING EDUCATION

0120-05-.01 PURPOSE. The Tennessee State Board of Architectural and Engineering Examiners is authorized by Tenn. Code Ann. §62-2-203(d) (Acts 1995, Public Chapter 129), to establish continuing education requirements and standards for architects, engineers, landscape architects and registered interior designers in order to safeguard life, health and property and to promote the public welfare. The purposes of this chapter are to prescribe the basic continuing education requirements for present and future architects, engineers, landscape architects and registered interior designers and to establish standards by which continuing education programs will be evaluated for the awarding of credit.

0120-05-.02 DEFINITIONS.

- (1) “ACTIVE” means a registered architect, engineer, landscape architect or registered interior designer who has complied with the continuing education requirements described herein.
- (2) “BOARD” means the Tennessee State Board of Architectural and Engineering Examiners.
- (3) “INACTIVE” means a registered architect, engineer, landscape architect or registered interior designer who has obtained inactive status from the Board and is not required to comply with the continuing education requirements prescribed herein. An inactive registrant may not engage in the practice of architecture, engineering, landscape architecture or use the title “registered interior designer” in the State of Tennessee.
- (4) “PROFESSIONAL DEVELOPMENT HOUR (PDH)” means a contact (clock) hour consisting of not less than fifty (50) minutes of instruction or presentation acceptable to the Board. Registrants will not receive credit for activities less than one (1) PDH in duration. PDHs may be acquired at any location. If the continuing education provider prescribes a customary time for completion of such an activity, then such prescribed time shall, unless the Board finds the prescribed time to be unreasonable, be accepted as the registrant’s time for PDH purposes irrespective of actual time spent on the activity.
- (5) “REGISTRANT” means a person licensed by the Board as an architect, engineer, landscape architect or registered interior designer.
- (6) “SPONSOR” means an individual, organization, association, institution or other entity which provides an educational activity for the purpose of fulfilling the continuing education requirements of these rules.

0120-05-.03 CONTINUING EDUCATION REVIEW.

- (1) The Board may review and may approve sponsors and programs as being relevant to the practice of the represented profession. The Board shall establish a format for documentation needed to comply with these rules. The Board shall also adopt guidelines for auditing continuing education credits claimed. The Chairman of the Board shall, for each represented profession, appoint one (1) member of the Board who is a member of the represented profession to serve as the chairman of any committee appointed to review continuing education.

0120-05-.04 BASIC REQUIREMENTS.

- ~~(1) A registrant seeking biennial renewal for the first time after initial registration shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twelve (12) PDH's the two (2) years immediately following initial registration and immediately preceding application for renewal. At least seven (7) of the PDH's claimed shall address health, safety and welfare issues and technical competency.~~
- ~~(2) A registrant seeking biennial renewal for each two (2) year period thereafter shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twenty four (24) PDH's the two (2) years immediately preceding application for renewal (carryover hours, not exceeding twelve (12) hours, from the preceding renewal period may be included). At least thirteen (13) of the PDH's claimed shall address health, safety and welfare issues and technical competency.~~
- ~~(3) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education.~~
- ~~(4) Individuals reapplying for registration shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty four (24) PDH's (thirteen (13) of which shall address health, safety and welfare issues and technical competency) during the twenty four (24) months immediately preceding reapplication.~~

0120-05-.04 BASIC REQUIREMENTS—ARCHITECTS.

- (1) A registered architect seeking biennial renewal shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twelve (12) PDHs per calendar year. All twelve (12) PDHs must be completed in Health, Safety, and Welfare subjects acquired in structured educational activities. For registrants renewing a certificate of registration that expires in 2018 or 2019, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of

registration that expires in 2020 and thereafter, excess PDHs may not be credited to a future calendar year.

- (2) Individuals reapplying for registration shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDHs during either the two (2) calendar years preceding reapplication or the twenty-four (24) months immediately preceding reapplication. All twenty-four (24) PDHs must be completed in Health, Safety, and Welfare subjects acquired in structured educational activities.
- (3) For purposes of this rule, a structured educational activity is one in which at least seventy-five percent (75%) of an activity's content and instructional time must be devoted to Health, Safety, and Welfare subjects related to the practice of architecture, including courses of study or other activities under the areas identified as Health, Safety and Welfare subjects and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.
- (4) For purposes of this rule, health, safety, and welfare subjects are technical and professional subjects that the Board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

Building Systems: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection

Construction Contract Administration: Contracts, Bidding, Contract Negotiations

Construction Documents: Drawings, Specifications, Delivery Methods

Design: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures

Environmental: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation

Legal: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to Protect Owners and Public

Materials and Methods: Construction Systems, Products, Finishes, Furnishings, Equipment

Pre-Design: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying

Preservation: Historic, Reuse, Adaptation

0120-05-.05 BASIC REQUIREMENTS—ENGINEERS.

- (1) A registered engineer seeking biennial renewal for the first time after initial registration shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twelve (12) PDHs the two (2) years immediately following initial registration and immediately preceding application for renewal. At least seven (7) of the PDHs claimed shall address health, safety and welfare issues and technical competency.
- (2) A registrant seeking biennial renewal for each two (2)-year period thereafter shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twenty-four (24) PDHs the two (2) years immediately preceding application for renewal. At least thirteen (13) of the PDH's claimed shall address health, safety and welfare issues and technical competency. For registrants renewing a certificate of registration that expires in 2018 or 2019, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2020 and thereafter, excess PDHs may not be carried over to a future renewal period.
- (3) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education.
- (4) Individuals reapplying for registration shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDHs (thirteen (13) of which shall address health, safety and welfare issues and technical competency) during the twenty-four (24) months immediately preceding reapplication.
- (5) As an alternative to the requirements listed above, a registered engineer may meet the continuing education requirement by obtaining twelve (12) PDHs per calendar year, a majority of which shall address health, safety and welfare issues and technical competency. For registrants renewing a certificate of registration that expires in 2018 and 2019, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2020 and thereafter, excess PDHs may not be credited to a future calendar year.

0120-05-.06 BASIC REQUIREMENTS—LANDSCAPE ARCHITECTS.

- (1) A registered landscape architect seeking biennial renewal for the first time after initial registration shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twelve (12) PDHs the two (2) years immediately following initial registration and immediately preceding application for renewal. At least seven (7) of the PDHs claimed shall address health, safety and welfare issues and technical competency.
- (2) A registrant seeking biennial renewal for each two (2)-year period thereafter shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of

having obtained twenty-four (24) PDHs the two (2) years immediately preceding application for renewal. At least thirteen (13) of the PDHs claimed shall address health, safety and welfare issues and technical competency. For registrants renewing a certificate of registration that expires in 2018 or 2019, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2020 and thereafter, excess PDHs may not be carried over to a future renewal period.

- (3) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education.
- (4) Individuals reapplying for registration shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDHs (thirteen (13) of which shall address health, safety and welfare issues and technical competency) during the twenty-four (24) months immediately preceding reapplication.
- (5) As an alternative to the requirements listed above, a registered landscape architect may meet the continuing education requirement by obtaining twelve (12) PDHs per calendar year, a majority of which shall address health, safety and welfare issues and technical competency. For registrants renewing a certificate of registration that expires in 2018 or 2019, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2020 and thereafter, excess PDHs may not be credited to a future calendar year.

0120-05-.07 BASIC REQUIREMENTS—REGISTERED INTERIOR DESIGNERS.

- (1) A registered interior designer seeking biennial renewal for the first time after initial registration shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twelve (12) PDHs the two (2) years immediately following initial registration and immediately preceding application for renewal. At least seven (7) of the PDHs claimed shall address health, safety and welfare issues and technical competency.
- (2) A registrant seeking biennial renewal for each two (2)-year period thereafter shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twenty-four (24) PDHs the two (2) years immediately preceding application for renewal (carryover hours, not exceeding twelve (12) hours, from the preceding renewal period may be included). At least thirteen (13) of the PDHs claimed shall address health, safety and welfare issues and technical competency.
- (3) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education.

- (4) Individuals reapplying for registration shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDHs (thirteen (13) of which shall address health, safety and welfare issues and technical competency) during the twenty-four (24) months immediately preceding reapplication.
- (5) As an alternative to the requirements listed above, a registered interior designer may meet the continuing education requirement by obtaining twelve (12) PDHs per calendar year, a majority of which shall address health, safety and welfare issues and technical competency. Up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed.
- (a) For purposes of this paragraph, a structured educational activity is one in which at least seventy-five percent (75%) of an activity's content and instructional time must be devoted to Health, Safety, and Welfare subjects related to the practice of interior design, including courses of study or other activities under the areas identified as Health, Safety and Welfare subjects and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.
- (b) For purposes of this paragraph, health, safety, and welfare subjects are technical and professional subjects that the Board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.
- (c) IDCEC defines a general knowledge CEU as one where the CEU covers general knowledge regarding interior design practice and process and where less than 75% of the CEU content covers health, safety, welfare, barrier free design or sustainability. The subject of these CEUs may include, but is not limited to, the five phases of design including programming, schematic design, design development, construction documents and contract administration
- (d) CONTINUING EDUCATION POLICY FOR REGISTERED INTERIOR DESIGNERS RELATING TO HEALTH, SAFETY AND WELFARE [currently used by the board]

Health/Safety:

Programs or courses must demonstrate that 75% of the content specifically addresses knowledge or practice of topics that protect the public or the environment:

- Building and Life Safety Codes, regulations and standards of practice
- Building regulations
- Products or designs implemented to protect the public or the environment
- Product performance standards and topics including, but not limited to, energy efficiency, acoustics, indoor air quality, lighting, or fire and life-safety systems

Welfare:

Programs or courses must demonstrate that 75% of the course content covers knowledge and practice of design that enhances the physical well-being of individuals and the environment:

- Social
- Psychological
- Financial
- Business practices
- Ethics
- Space design
- Budgets and estimating
- Construction administration
- Environmental and sustainability issues
- Finish materials and methods of construction detailing
- Special needs populations

General Interior Design Professional Knowledge (no HS or W):

The designation covers general knowledge regarding interior design where less than 75% of the course content covers knowledge and practice of applicable legal codes, building regulations and product performance standards that are implemented to protect the public and the environment or that enhance the social, psychological, financial and physical well-being of individuals and the environment.

Topics that do not qualify as HSW include computer software training and general business practices, firm marketing, personnel, and management issues.

0120-05-.058 CONVERSION TABLE.

- (1) Conversions from other units of continuing education to PDH's is as follows:
- (a) One (1) university semester hour of credit..... 15 PDH
 - (b) One (1) university quarter hour of credit..... 10 PDH

(c) One (1) Continuing Education Unit..... 10 PDH

(d) One (1) hour acceptable professional development education.. 1 PDH

0120-05-.069 TYPES OF ACCEPTABLE CONTINUING EDUCATION.

- (1) The Board will grant credit for only such continuing education activities that satisfy the following criteria:
 - (a) There is clear purpose and objective for each activity which will maintain, improve or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge.
 - (b) The content of each presentation is well-organized and presented in a sequential manner.
 - (c) There is evidence of pre-planning.
 - (d) The presentation will be made by persons who are well-qualified by education or experience.

- (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, 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;
- (k) Patents granted; and
- (l) All such activities as described in (a) through (k) 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 unless otherwise noted.

0120-05-.0710 CREDITS.

- (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. 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.

0120-05-.0811 EXEMPTIONS.

- (1) A registrant may be exempt from continuing education requirements for any of the following reasons:
 - (a) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education.
 - (b) A non-career military registrant serving on active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a calendar year shall be exempt from obtaining the Professional Development Hours required during that year.
 - (c) A registrant employed as an architect, engineer, landscape architect or registered interior designer and assigned to duty outside the United States for a period of time exceeding one hundred twenty (120) consecutive days in a calendar year shall be exempt from obtaining the Professional Development Hours required during that year.
 - (d) A registrant who lists the registrant's occupation as "retired" or "inactive" on the Board-approved renewal form and who further certifies that they are no longer practicing shall be exempt from the PDH required. In the event such a person elects to return to active practice, PDH must be earned for each year exempt, not to exceed the annual requirement for two (2) years before the person returns to active practice. Inactive or retired registrants returning to active practice must report PDH earned within no more than two (2) years of the request to reactivate.
 - (e) A registrant experiencing physical disability, a serious medical condition, or other extenuating circumstances may apply for an exemption or an extension of time to obtain the credits, subject to the review and approval of the board. Supporting documentation must be furnished to the board.

0120-05-.0912 CERTIFICATION.

- (1) A registrant seeking renewal shall complete the certification on the renewal form and indicate the number of PDH's claimed for the renewal period. If applicable, the registrant shall also indicate the number of carryover PDH's claimed for the renewal period. Upon completion of the certification, the registrant shall complete the renewal form and submit the appropriate fee.

0120-05-.1013 RECORDS.

- (1) Each registrant is responsible for maintaining records which may be used to support credits claimed.

- (2) Required records include but are not limited to the following:
 - (a) A log showing the type(s) of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, description of the activity and PDH credit(s) earned; and
 - (b) A transcript or completion certificate or at least two (2) of the following types of documentation: attendance verification records in the form of signed attendance receipts, paid receipts, a copy of a listing of participants signed by a person in responsible charge, or other documents supporting evidence of attendance.
- (3) Records must be maintained for a period of four (4) years, and copies must be furnished to the Board for audit verification purposes within thirty (30) days of the Board's request.
- (4) Any registrant who fails to comply with the requirements of this rule may be deemed by the Board to have violated rule 0120-02-.02 [Proper Conduct of Practice] or rule 0120-04-.10 [Professional Conduct].

0120-05-.~~14~~14 DISALLOWANCE.

- (1) If the Board disallows claimed PDH credits, the registrant shall have ninety (90) days after notification to either substantiate the original claim or earn other credit to meet the minimum requirements.

0120-05-.~~12~~15 NONCOMPLIANCE.

- (1) Unless a request for inactive or retired status is made, any registrant failing to furnish the required certification during the renewal period, properly completed and signed, shall not be granted renewal of registration by the Board.
- (2) Certificates of registration shall be subject to late renewal for six (6) months following their expiration date by payment of the renewal fee, plus a late penalty as set by the Board, along with a properly completed and signed renewal form indicating that all continuing education requirements for the renewal period have been completed. The applicant for late renewal of certification may not offer to engage in the practice of or engage in the practice of architecture, engineering or landscape architecture, or use the title "registered interior designer," until all late renewal requirements have been met.
- (3) Any person wishing to renew a certificate later than six (6) months after its expiration shall reapply for registration.

0120-05-.~~13~~16 RECIPROCITY.

- (1) If a registrant resides in or has principal place of business in a state or territory of the United States, or another country, that has established mandatory continuing education requirements for architects, engineers, landscape architects or interior designers, and that registrant has met the continuing education requirements of

the registrant's home jurisdiction and is in good standing in that jurisdiction, then that registrant shall be deemed to have met the continuing education requirements of Tennessee. Documentation that the registrant is in good standing in the registrant's home jurisdiction must be provided at the Board's request. If the registrant is exempt from the continuing education requirements in the registrant's home jurisdiction, the registrant must meet the requirements of Tennessee unless the registrant qualifies for an exemption in Tennessee.

- (2) This rule shall apply only to the acceptance of professional development hours for continuing education and shall not be construed to apply to the registration by comity of architect, engineer, landscape architect or interior designer applicants from another state, territory of the United States or country.

~~0120-05-.14 ALTERNATIVE CONTINUING PROFESSIONAL DEVELOPMENT OPTION FOR ARCHITECTS AND REGISTERED INTERIOR DESIGNERS.~~

- ~~(1) As an alternative to the requirements of Rule 0120-05-.04 Basic Requirements, a registered architect or registered interior designer may meet the continuing education requirement for renewal by obtaining twelve (12) Continuing Education Hours (CEH) per calendar year. All twelve (12) Continuing Education Hours must be completed in Health, Safety, and Welfare subjects acquired in structured educational activities. Continuing Education Hours may be acquired at any location. Excess Continuing Education Hours may not be credited to a future calendar year.~~
- ~~(2) For the purposes of this rule, CEH means one continuous instructional hour (no less than 50 minutes of contact) spent in structured educational activities intended to increase or update the architect's or registered interior designer's knowledge and competence in Health, Safety, and Welfare subjects. If the provider of the structured educational activities prescribes a customary time for completion of such an activity, then such prescribed time shall, unless the Board finds the prescribed time to be unreasonable, be accepted as the architect's or registered interior designer's time for Continuing Education Hour purposes irrespective of actual time spent on the activity. Registrants will not receive credit for activities less than one (1) CEH in duration.~~
- ~~(3) For purposes of this rule, a structured educational activity is one (1) in which at least seventy-five percent (75%) of an activity's content and instructional time must be devoted to Health, Safety, and Welfare subjects related to the practice of architecture or interior design, including courses of study or other activities under the areas identified as Health, Safety and Welfare subjects and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.~~
- ~~(4) For purposes of this rule, health, safety, and welfare subjects are technical and professional subjects that the Board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.~~

~~Building Systems: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection~~

~~Construction Contract Administration: Contracts, Bidding, Contract Negotiations~~

~~Construction Documents: Drawings, Specifications, Delivery Methods~~

~~Design: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures~~

~~Environmental: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation~~

~~Legal: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to Protect Owners and Public~~

~~Materials and Methods: Construction Systems, Products, Finishes, Furnishings, Equipment~~

~~Pre-Design: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying~~

~~Preservation: Historic, Reuse, Adaptation~~

**RULES
OF
THE DEPARTMENT OF COMMERCE AND INSURANCE
TENNESSEE STATE BOARD OF
ARCHITECTURAL AND ENGINEERING EXAMINERS**

**CHAPTER 0120-05
CONTINUING EDUCATION**

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0120-05-.01 PURPOSE. The Tennessee State Board of Architectural and Engineering Examiners is authorized by Tenn. Code Ann. § 62-2-203(d) (Acts 1995, Public Chapter 129), to establish continuing education requirements and standards for architects, engineers, landscape architects and registered interior designers in order to safeguard life, health and property and to promote the public welfare. The purposes of this chapter are to prescribe the basic continuing education requirements for present and future architects, engineers, landscape architects and registered interior designers and to establish standards by which continuing education programs will be evaluated for the awarding of credit.

Authority: T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997.

0120-05-.02 DEFINITIONS.

- (1) "ACTIVE" means a registered architect, engineer, landscape architect or registered interior designer who has complied with the continuing education requirements described herein.
- (2) "BOARD" means the Tennessee State Board of Architectural and Engineering Examiners.
- (3) "INACTIVE" means a registered architect, engineer, landscape architect or registered interior designer who has obtained inactive status from the Board and is not required to comply with the continuing education requirements prescribed herein. An inactive registrant may not engage in the practice of architecture, engineering, landscape architecture or use the title "registered interior designer" in the State of Tennessee.
- (4) "PROFESSIONAL DEVELOPMENT HOUR (PDH)" means a contact (clock) hour consisting of not less than fifty (50) minutes of instruction or presentation acceptable to the Board. Registrants will not receive credit for activities less than one (1) PDH in duration.
- (5) "REGISTRANT" means a person licensed by the Board as an architect, engineer, landscape architect or registered interior designer.
- (6) "SPONSOR" means an individual, organization, association, institution or other entity which provides an educational activity for the purpose of fulfilling the continuing education requirements of these rules.

Authority: T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed September 11, 2009; effective December 10, 2009.

0120-05-.03 CONTINUING EDUCATION REVIEW.

- (1) The Board may review and may approve sponsors and programs as being relevant to the practice of the represented profession. The Board shall establish a format for documentation needed to comply with these rules. The Board shall also adopt guidelines for auditing continuing education credits claimed. The Chairman of the Board shall, for each represented profession, appoint one (1) member of the Board who is a member of the represented profession to serve as the chairman of any committee appointed to review continuing education.

Authority: T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997.

0120-05-.04 BASIC REQUIREMENTS.

- (1) A registrant seeking biennial renewal for the first time after initial registration shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twelve (12) PDH's the two (2) years immediately following initial registration and immediately preceding application for renewal. At least seven (7) of the PDH's claimed shall address health, safety and welfare issues and technical competency.
- (2) A registrant seeking biennial renewal for each two (2)-year period thereafter shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twenty-four (24) PDH's the two (2) years immediately preceding application for renewal (carryover hours, not exceeding twelve (12) hours, from the preceding renewal period may be included). At least thirteen (13) of the PDH's claimed shall address health, safety and welfare issues and technical competency.
- (3) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education.
- (4) Individuals reapplying for registration shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDH's (thirteen (13) of which shall address health, safety and welfare issues and technical competency) during the twenty-four (24) months immediately preceding reapplication.

Authority: T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed May 20, 2004; effective August 3, 2004. Repeal and new rule filed March 14, 2005; effective May 28, 2005.

0120-05-.05 CONVERSION TABLE.

- (1) Conversions from other units of continuing education to PDH's is as follows:
 - (a) One (1) university semester hour of credit.....15 PDH
 - (b) One (1) university quarter hour of credit.....10 PDH
 - (c) One (1) Continuing Education Unit10 PDH
 - (d) One (1) hour acceptable professional development education.....1 PDH

Authority: T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997.

0120-05-.06 TYPES OF ACCEPTABLE CONTINUING EDUCATION.

- (1) The Board will grant credit for only such continuing education activities that satisfy the following criteria:
 - (a) There is clear purpose and objective for each activity which will maintain, improve or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge.
 - (b) The content of each presentation is well-organized and presented in a sequential manner.
 - (c) There is evidence of pre-planning.
 - (d) The presentation will be made by persons who are well-qualified by education or experience.

- (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, 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;
 - (k) Patents granted; and
 - (l) All such activities as described in (a) through (k) 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). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed May 20, 2004; effective August 3, 2004. However; Stay of effective date to subparagraph (c) of paragraph (2) filed by the House and Senate Government Operations Committee of the Tennessee General Assembly on July 30, 2004; new effective date October 2, 2004. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed March 9, 2011; effective June 7, 2011. Amendment filed December 11, 2012; effective March 11, 2013. Amendments filed October 28, 2016; effective January 26, 2017.

0120-05-07 CREDITS.

- (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. 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). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed March 9, 2011; effective June 7, 2011. Amendment filed December 11, 2012; effective March 11, 2013. Amendments filed October 28, 2016; effective January 26, 2017.

0120-05-08 EXEMPTIONS.

- (1) A registrant may be exempt from continuing education requirements for any of the following reasons:
 - (a) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education.

- (b) A non-career military registrant serving on active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a calendar year shall be exempt from obtaining the PDH required during that year.
- (c) A registrant employed as an architect, engineer, landscape architect or registered interior designer and assigned to duty outside the United States for a period of time exceeding one hundred twenty (120) consecutive days in a calendar year shall be exempt from obtaining the PDH required during that year.
- (d) A registrant who lists the registrant's occupation as "retired" or "inactive" on the Board-approved renewal form and who further certifies that they are no longer practicing shall be exempt from the PDH required. In the event such a person elects to return to active practice, PDH must be earned for each year exempt, not to exceed the annual requirement for two (2) years before the person returns to active practice. Inactive or retired registrants returning to active practice must report PDH earned within no more than two (2) years of the request to reactivate.

Authority: T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed May 20, 2004; effective August 3, 2004. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed September 15, 2015; effective December 14, 2015.

0120-05-.09 CERTIFICATION.

- (1) A registrant seeking renewal shall complete the certification on the renewal form and indicate the number of PDH's claimed for the renewal period. If applicable, the registrant shall also indicate the number of carryover PDH's claimed for the renewal period. Upon completion of the certification, the registrant shall complete the renewal form and submit the appropriate fee.

Authority: T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997.

0120-05-.10 RECORDS.

- (1) Each registrant is responsible for maintaining records which may be used to support credits claimed.
- (2) Required records include but are not limited to the following:
 - (a) A log showing the type(s) of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, description of the activity and PDH credit(s) earned; and
 - (b) A transcript or completion certificate or at least two (2) of the following types of documentation: attendance verification records in the form of signed attendance receipts, paid receipts, a copy of a listing of participants signed by a person in responsible charge, or other documents supporting evidence of attendance.
- (3) Records must be maintained for a period of four (4) years, and copies must be furnished to the Board for audit verification purposes within thirty (30) days of the Board's request.
- (4) Any registrant who fails to comply with the requirements of this rule may be deemed by the Board to have violated rule 0120-02-.02 [Proper Conduct of Practice] or rule 0120-04-.10 [Professional Conduct].

Authority: T.C.A. §§ 62-2-203(c) and (d) and 62-2-308. **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed May 20, 2004; effective August 3, 2004. Amendment filed March 9, 2011; effective June 7, 2011.

0120-05-11 DISALLOWANCE.

- (1) If the Board disallows claimed PDH credits, the registrant shall have ninety (90) days after notification to either substantiate the original claim or earn other credit to meet the minimum requirements.

Authority: T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendments filed October 28, 2016; effective January 26, 2017.

0120-05-12 NONCOMPLIANCE.

- (1) Unless a request for inactive or retired status is made, any registrant failing to furnish the required certification during the renewal period, properly completed and signed, shall not be granted renewal of registration by the Board.
- (2) Certificates of registration shall be subject to late renewal for six (6) months following their expiration date by payment of the renewal fee, plus a late penalty as set by the Board, along with a properly completed and signed renewal form indicating that all continuing education requirements for the renewal period have been completed. The applicant for late renewal of certification may not offer to engage in the practice of or engage in the practice of architecture, engineering or landscape architecture, or use the title "registered interior designer," until all late renewal requirements have been met.
- (3) Any person wishing to renew a certificate later than six (6) months after its expiration shall reapply for registration.

Authority: T.C.A. §§ 62-2-203(d), 62-2-307, and 63-2-308(a)(1)(E). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed July 19, 2002; effective October 2, 2002.

0120-05-13 RECIPROCITY.

- (1) If a registrant resides in or has principal place of business in a state or territory of the United States, or another country, that has established mandatory continuing education requirements for architects, engineers, landscape architects or interior designers, and that registrant has met the continuing education requirements of the registrant's home jurisdiction and is in good standing in that jurisdiction, then that registrant shall be deemed to have met the continuing education requirements of Tennessee. Documentation that the registrant is in good standing in the registrant's home jurisdiction must be provided at the Board's request. If the registrant is exempt from the continuing education requirements in the registrant's home jurisdiction, the registrant must meet the requirements of Tennessee unless the registrant qualifies for an exemption in Tennessee.
- (2) This rule shall apply only to the acceptance of professional development hours for continuing education and shall not be construed to apply to the registration by comity of architect, engineer, landscape architect or interior designer applicants from another state, territory of the United States or country.

Authority: T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed February 26, 1999; effective May 12, 1999. Amendment filed March 9, 2011; effective June 7, 2011. Amendment filed September 15, 2015; effective December 14, 2015.

0120-05-.14 ALTERNATIVE CONTINUING PROFESSIONAL DEVELOPMENT OPTION FOR ARCHITECTS AND REGISTERED INTERIOR DESIGNERS.

- (1) As an alternative to the requirements of Rule 0120-05-.04 Basic Requirements, a registered architect or registered interior designer may meet the continuing education requirement for renewal by obtaining twelve (12) Continuing Education Hours (CEH) per calendar year. All twelve (12) Continuing Education Hours must be completed in Health, Safety, and Welfare subjects acquired in structured educational activities. Continuing Education Hours may be acquired at any location. Excess Continuing Education Hours may not be credited to a future calendar year.
- (2) For the purposes of this rule, CEH means one continuous instructional hour (no less than 50 minutes of contact) spent in structured educational activities intended to increase or update the architect's or registered interior designer's knowledge and competence in Health, Safety, and Welfare subjects. If the provider of the structured educational activities prescribes a customary time for completion of such an activity, then such prescribed time shall, unless the Board finds the prescribed time to be unreasonable, be accepted as the architect's or registered interior designer's time for Continuing Education Hour purposes irrespective of actual time spent on the activity. Registrants will not receive credit for activities less than one (1) CEH in duration.
- (3) For purposes of this rule, a structured educational activity is one (1) in which at least seventy-five percent (75%) of an activity's content and instructional time must be devoted to Health, Safety, and Welfare subjects related to the practice of architecture or interior design, including courses of study or other activities under the areas identified as Health, Safety and Welfare subjects and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.
- (4) For purposes of this rule, health, safety, and welfare subjects are technical and professional subjects that the Board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

Building Systems: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection

Construction Contract Administration: Contracts, Bidding, Contract Negotiations

Construction Documents: Drawings, Specifications, Delivery Methods

Design: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures

Environmental: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation

Legal: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to Protect Owners and Public

Materials and Methods: Construction Systems, Products, Finishes, Furnishings, Equipment

Pre-Design: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying

Preservation: Historic, Reuse, Adaptation

Authority: T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed November 11, 2014; effective February 15, 2015. A stay of the effective date was filed January 27, 2015; new effective date May 1, 2015.

CONTINUING EDUCATION POLICY FOR ARCHITECTS RELATING TO HEALTH, SAFETY AND WELFARE

Health, safety and welfare (HSW) in architecture is defined as anything that relates to the structural integrity or soundness of a building or building site. Requirements for HSW training are intended to protect the public.

Health—aspects of architecture that have salutary effects among users of buildings or sites and address environmental concerns. Examples include appropriate air temperature, humidity, and quality; adequate provisions for personal hygiene; and use of non-toxic materials or finishes.

Safety—aspects of architecture intended to limit or prevent accidental injury or death of building site users. Examples include provision of fire-rated egress enclosures, automatic sprinkler systems, and stairs with correct rise-to-run proportions.

Welfare—aspects of architecture that engender positive emotional response among, or enable equal access by, users of buildings or sites. Examples include spaces with scale, proportion, materials, and color pleasing for the intended use; spaces that afford natural light and views of nature; and spaces that provide for users with disabilities.

To qualify for HSW credit, programs or courses must demonstrate that 75% of the content specifically addresses one or more of the topics outlined below:

Accessibility	Insurance to protect the owners of property and injured parties
Acoustics	Interior design
Building design	Laws and regulations governing the practice of architecture
Code of ethics	Life safety codes
Construction administration	Materials and systems: roofing and waterproofing, wall systems, etc.
Construction contract laws, legal aspects	Material use, function and features
Construction documents, services	Mechanical, plumbing, electrical: system concepts, materials, and methods
Construction functions, materials, methods, and systems	Natural hazards (earthquake, hurricane, flood), related to building design
Energy efficiency	Preservation, renovation, restoration and adaptive reuse
Environmental: asbestos, lead-based paint, toxic emissions	Security of buildings, design
Environmental analysis and issues of building materials and systems	Site and soils analysis
Fire: building fire codes—flame spread, smoke contribution, explosives	Site design
Fire safety systems: detection and alarm standards	Specification writing
	Structural issues
	Surveying methods, techniques
	Sustainable design

Topics that do not qualify as HSW include computer software training and business practices, firm marketing, personnel and management issues.

Adopted 1-10-08

CONTINUING EDUCATION POLICY FOR ENGINEERS RELATING TO HEALTH, SAFETY AND WELFARE

These example topics, related to these health, safety and welfare issues, shall be considered acceptable for credit as professional development hours in fulfillment of the continuing education requirement for engineers registered with the Tennessee State Board of Architectural and Engineering Examiners. The registrant shall also meet the requirements per rule 0120-5-.06 (Types of Acceptable Continuing Education), of the Rules for Continuing Education established by the Tennessee State Board of Architectural and Engineering Examiners.

(A) LEGAL AND ADMINISTRATIVE ISSUES

1. Planning
2. Construction law
3. Governmental policies and laws that affect the use and/or development of a project
4. Development restrictions
5. Construction contracts and the responsibilities of the various parties under the construction contract
6. Professional liability issues
7. The bid evaluation process, including alternates, unit prices, bidder qualifications, bonds, etc.
8. Legal aspects of the bidding process, such as bid form, bid bond, addenda, etc.
9. Legal procedures for change orders and addenda
10. Ethical standards for professional practice
11. Project
 - a. Management
 - b. Business law
 - c. Accounting/Finance
 - d. Etc.

(B) INVENTORY

1. History of the profession and/or projects
2. Information sources, such as existing documentation
3. Surveying practices
4. Landscape architecture practices
5. Architectural practices

(C) ANALYSIS

1. Mathematics
2. Geology
3. Historical patterns
4. Sociological, historical and cultural influences on design
5. Behavioral factors relating to design
6. Resource preservation
7. Floodplain management principles
8. Stormwater management technologies
9. Water supply and conservation technologies
10. Characteristics of fire hazard areas
11. Visual analysis methods and techniques

(D) DESIGN ISSUES

1. Design principles
2. Functional relationships among program elements
3. Code requirements and design principles for universal accessibility
4. Principles of sustainability
5. Any codes related to the profession

(E) CONSTRUCTION METHODS AND PROCESSES

1. Construction methods and techniques
2. Construction equipment and technologies
3. Quality control procedures for construction, such as delivery, storage, testing, etc.
4. Sequencing of design, approval, permitting and construction activities
5. Methods of installation of construction materials
6. Factors influencing selection of materials (e.g., availability, cost, maintenance, location, survivability, dependability)

(F) DOCUMENTATION AND ADMINISTRATION

1. Components of specifications for a project
2. Specification types (e.g., material, workmanship, performance, proprietary)
3. General and supplemental conditions, special provisions, and technical specifications and their organizations
4. Computer technology for design and administration

(G) OTHER ISSUES

1. Any other beneficial topics that encourage, enhance, or reduce risk to the health, safety and welfare of the general public.

Adopted 1-10-08

CONTINUING EDUCATION POLICY FOR LANDSCAPE ARCHITECTS

Professions are regulated through the licensure process if the following can be demonstrated:

- 1) The practice of the profession by unqualified individuals represents a serious risk to the life, health, safety, welfare or economic wellbeing of the public;
- 2) The profession requires specialized knowledge and skill which would make it difficult or impossible for a lay person to evaluate the qualifications of a practitioner; and
- 3) The benefits of licensure to the public outweigh any potential harmful effects such as a decrease in the availability of practitioners or higher costs of services.

The following course topics provide an accurate and legally defensible method of defining the knowledge, skills and abilities (KSAs) required to safely practice the profession of landscape architecture. These same KSAs form the appropriate content for the Landscape Architect Registration Examination (L.A.R.E.).

These courses topics, related to these health, safety and welfare issues, shall be considered acceptable for credit as professional development hours in fulfillment of the continuing education requirement for Landscape Architects registered with the Tennessee State Board of Architectural and Engineers. The registrant shall also meet the requirements per 0120-5.-06 (Types of Acceptable Continuing Education), of the Rules for Continuing Education established by The Tennessee State Board of Architectural and Engineering Examiners.

KNOWLEDGE

(A) LEGAL AND ADMINISTRATIVE ISSUES

1. Planning and land use law
2. Construction law
3. Governmental policies and laws that affect the use and/or development of land
4. Development restrictions (e.g., zoning, easements, covenants, codes)
5. Construction contracts and the responsibilities of the various parties under the construction contract
6. Professional liability issues
7. The bid evaluation process, including alternates, unit prices, bidder qualifications, bonds, etc.
8. Legal aspects of the bidding process, such as bid form, bid bond, addenda, etc.
9. Legal procedures for change orders and addenda
10. Ethical standards for professional practice

(B) INVENTORY

1. Information sources, such as existing documentation, land surveys, land use plans, aerial surveys, remote sensing (GIS), zoning
2. Sources of information on specific site uses, such as sports fields, amphitheater seating, picnic areas, playground safety and golf courses, etc.
3. Surveying practices

(C) ANALYSIS

1. Mathematics
2. Geology

3. Historical patterns of land use
4. Sociological, historical and cultural influences on design
5. Behavioral factors relating to design
6. Psychological and sensory implications of landscape design
7. Natural site conditions and ecosystems
8. Resource preservation
9. Floodplain management principles
10. Littoral effects on design and construction (e.g., tidal)
11. Stormwater management technologies
12. Water supply and conservation technologies
13. Characteristics of fire hazard areas
14. Visual analysis methods and techniques
15. Topography
16. Hydrology
17. Hydraulics (e.g., stormwater collection systems, pumping systems)
18. Soils (e.g., pedology, mechanics)

(D) DESIGN ISSUES

1. Design principles (e.g., scale, function, balance)
2. Aesthetic principles of landscape design
3. Regional, urban and community planning principles
4. Influences of internal and external views on land use and development (e.g., views, vistas, view sheds)
5. Functional relationships among program elements
6. Influences of transportation systems on land use and development
7. Roadway alignment design principles
8. Intersection and stopping site distance considerations (e.g., vision cones)
9. Elements of vehicular and pedestrian circulation systems and their design requirements
10. Code requirements and design principles for universal accessibility
11. How previous, existing, or potential uses surrounding a site affect land use and development
12. Micro and macro climatic conditions and systems (e.g., wind, solar access)
13. Principles of sustainability (i.e., at regional, local and site scales)
14. Characteristics of plant material (e.g., size, shape, texture, color)
15. Plant materials including hardiness, moisture requirements, soil requirements, etc.
16. Landscape maintenance techniques, materials, equipment and practices
17. Noise attenuation and mitigation techniques

(E) CONSTRUCTION METHODS AND PROCESSES

1. Construction methods and techniques
2. Construction equipment and technologies
3. Quality control procedures for construction, such as delivery, storage, testing, etc.
4. Sequencing of design, approval, permitting and construction activities
5. Methods of installation of construction materials
6. Principles of grading and drainage
7. Land and water reclamation procedures (e.g., quarry, mines, landfill)
8. Wetland creation and mitigation
9. Materials and techniques for erosion and sedimentation control
10. Utility systems and their design requirements
11. Irrigation types and systems

12. Elements of lighting systems, including light sources and their design requirements
13. Factors influencing selection of plant materials (e.g., availability, cost, maintenance, location, survivability, dependability)

(F) DOCUMENTATION AND ADMINISTRATION

1. Presentation techniques (e.g., computer visualization/simulations, renderings, perspectives)
2. Common graphic symbols
3. Coordinate systems and layout techniques and conventions
4. Components of specifications for a project
5. Specification types (e.g., material, workmanship, performance, proprietary)
6. General and supplemental conditions, special provisions, and technical specifications and their organizations
7. Computer technology for design and administration

(G) DETAILS

1. Typical construction details (e.g., material, fasteners, finishes, assemblies)
2. Site construction materials, including availability, costs, basic characteristics and applications
3. Site amenities (e.g., benches, kiosks, waste receptacles)
4. Pools, fountains, and their design requirements
5. Playground equipment and their design requirements
6. Decks, walls, and overhead structures
7. Structural considerations below grade (e.g., soil bearing, footing foundation systems)
8. Structural considerations above grade (e.g., walls, handrails, spans, decking)
9. Pavement design and materials
10. Structural considerations for small structures

Adopted 1-22-2004

CONTINUING EDUCATION POLICY FOR REGISTERED INTERIOR DESIGNERS RELATING TO HEALTH, SAFETY AND WELFARE

Health/Safety:

Programs or courses must demonstrate that 75% of the content specifically addresses knowledge or practice of topics that protect the public or the environment:

- Building and Life Safety Codes, regulations and standards of practice
- Building regulations
- Products or designs implemented to protect the public or the environment
- Product performance standards and topics including, but not limited to, energy efficiency, acoustics, indoor air quality, lighting, or fire and life-safety systems

Welfare:

Programs or courses must demonstrate that 75% of the course content covers knowledge and practice of design that enhances the physical well-being of individuals and the environment:

- Social
- Psychological
- Financial
- Business practices
- Ethics
- Space design
- Budgets and estimating
- Construction administration
- Environmental and sustainability issues
- Finish materials and methods of construction detailing
- Special needs populations

General Interior Design Professional Knowledge (no HS or W):

The designation covers general knowledge regarding interior design where less than 75% of the course content covers knowledge and practice of applicable legal codes, building regulations and product performance standards that are implemented to protect the public and the environment or that enhance the social, psychological, financial and physical well-being of individuals and the environment.

Topics that do not qualify as HSW include computer software training and general business practices, firm marketing, personnel, and management issues.

Adopted 1-10-08



Directory of Public Policies and Position Statements

As amended by the
Board of Directors
December 2016

The American Institute of Architects
1735 New York Avenue, NW
Washington, DC 20006
(800) 242-3837

**D. Public Policy:
Future of the
Profession**

With an obligation to the future of the architecture profession, architects must encourage, recruit, and inspire those who would become architects.

**Supporting
Position
Statements**

**1.
Architecture
Awareness in
Education**

The AIA supports integrating the art and science of architecture into K-12 core curricula and post-secondary education. Course offerings should enhance the understanding of the built environment, and inspire creative and critical thinking about the importance of healthy buildings, sustainable design, and livable communities that positively impact quality of life.
(approved September 2015, through December 31, 2018)

**2.
Mentorship**

The AIA supports its members in fulfilling their professional obligation to mentor emerging professionals as they advance throughout their career. Additionally, those members who supervise individuals engaged in the IDP shall reasonably assist in proper and timely documentation in accordance with that program.
(approved September 2015, through December 31, 2018)

**3.
Practice and
Education
Cultures**

The AIA supports a professional practice environment (“office culture”) that encourages the essential values of optimism, respect, sharing, engagement, and innovation. The architectural design studio culture should promote these ideals as the foundation of degree education and extend these values broadly into a career in professional practice.
(approved September 2015, through December 31, 2018)

**4.
Pre-licensure
Titling**

The AIA supports the title of “intern” for students who are working in an architectural office while actively pursuing architecture degrees in programs accredited by the National Architectural Accrediting Board (NAAB), or studying in pre-professional programs.

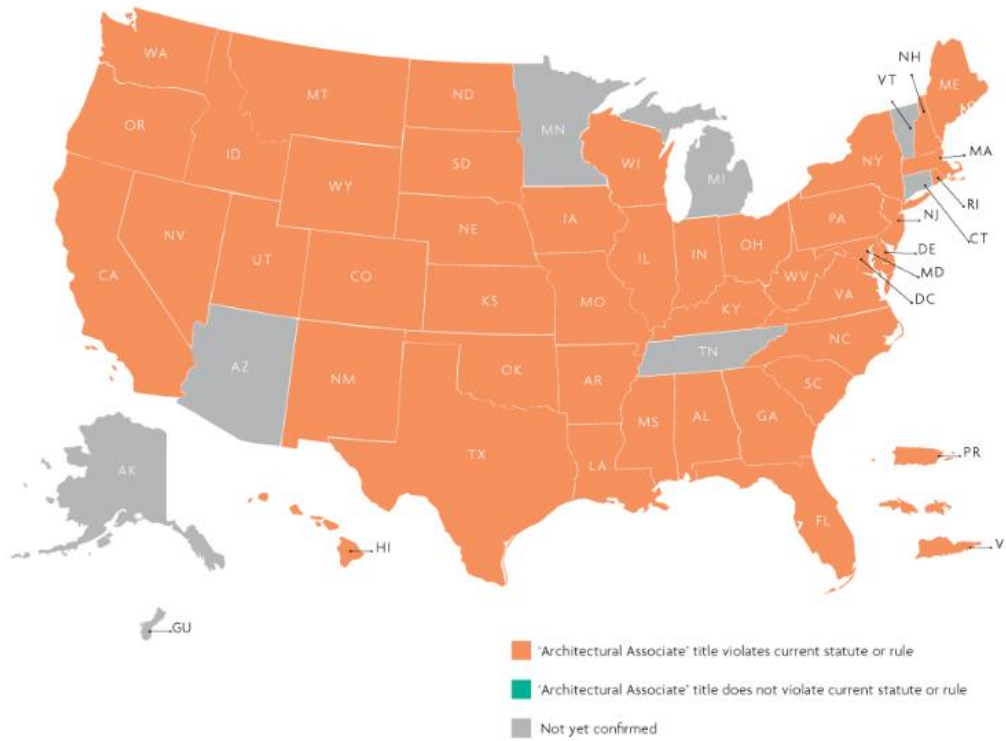
AIA supports the title of “Architectural Associate” or “Design Professional” for those who 1) have earned a degree from a program accredited by NAAB, or who have met education/experience requirements in their jurisdiction AND 2) are participating in the National Council of Architectural Registration Boards’ Architectural Experience Program or are meeting their jurisdictions’ experience requirements.

(approved December 2016, through December 31, 2019)

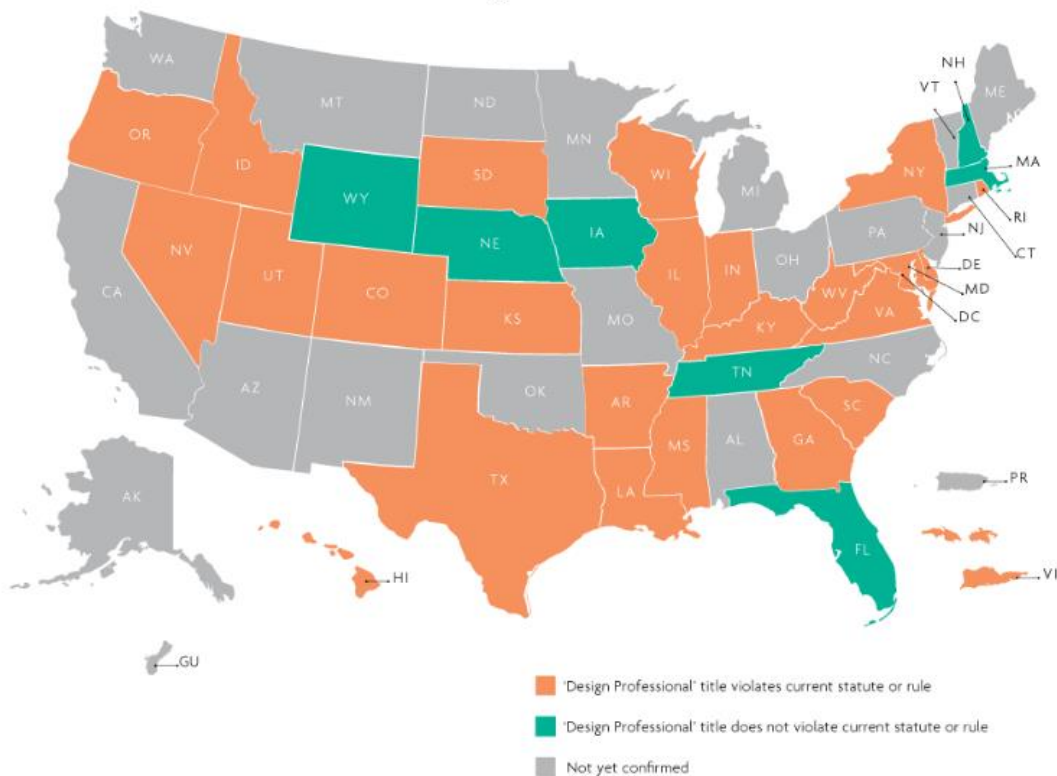
Source: NCARB (last updated July 19, 2017)

In 46 U.S. jurisdictions, the use of the term "architectural associate" is prohibited, and in 26 jurisdictions, the term "design professional" may be an issue. In addition, 23 states define an "intern" as a post-graduate employee within their law—meaning that candidates cannot describe themselves as an intern prior to graduation.

Jurisdictions Where the Title 'Architectural Associate' Violate State Laws or Rules



Jurisdictions Where the Title 'Design Professional' Violate State Laws or Rules



TITLE ACT CLARIFICATION (REPEALED POLICY)

Individuals who:

- have architectural degrees from schools accredited by the National Architectural Accrediting Board; and have established records with the National Council of Architectural Registration Boards to meet the registration requirement for completion of the Intern-Architect Development Program may use the title "intern architect."

Individuals who:

- are graduates of a 4-year engineering curriculum accredited by the Accreditation Board for Engineering and Technology; and have taken and passed the Fundamentals of Engineering examination prepared by the National Council of Examiners for Engineering and Surveying; and have been certified as "engineer interns" or "engineers in training" may use the title "engineer intern" or "engineer in training."

Adopted 1-21-99

Repealed 12-4-15



MINUTES OF A MEETING OF THE
TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
Davy Crockett Tower
Nashville, Tennessee
Thursday, June 1, 2017

CALL TO ORDER

Susan Ballard, Chair, called the regular meeting of the Tennessee Board of Architectural and Engineering Examiners to order at 9:40 a.m. on June 1, 2017, at the Davy Crockett Tower, in Nashville, Tennessee. A quorum was declared present.

The following **Board members** were present:

Susan Ballard	Registered Interior Designer
Robert Campbell, Jr.	Professional Engineer
Susan Maynor	Public Member
Blair Parker	Registered Landscape Architect
Brian Tibbs	Registered Architect
Kathryn Ware	Professional Engineer

The following **Board members** were absent:

Philip Lim	Professional Engineer
Rick Thompson	Registered Architect
Frank Wagster	Registered Architect

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

Stephen King	Professional Engineer
Laura Reinbold	Professional Engineer

The following **Associate Engineer member** was absent:

Ricky Bursi	Professional Engineer
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The following **Board staff** was present:

John Cothron	Executive Director
Cindy Toombs	Administrative Assistant
Wanda Garner	Administrative Assistant
Wanda Phillips	Office Manager
Vanessa Huntsman	Paralegal
Sara Page	Legal Counsel
Matthew Reddish	Legal Counsel
Shilina Brown	Legal Counsel

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

Kasey Anderson, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN)
Don Baltimore, Tennessee Interior Design Education and Advocacy (TN IDEA)
Chris Gwaltney, P.E., representing the American Society of Civil Engineers (ASCE)

Tennessee Section
Ann McGauran, State Architect
Nathan Ridley, American Society of Landscape Architects TN (ASLA-TN)

Mr. Cothron announced that East Tennessee State University's interior design program has been awarded accreditation from the Council for Interior Design Accreditation (CIDA) for a six-year term (2017-2023).

No changes or additions were made to the agenda.

CONSENT AGENDA (attached)

Motion was made by Mr. Campbell and seconded to approve the minutes of the April 2017 meeting. The motion passed unanimously.

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

PROFESSIONAL SOCIETY REPORTS

Kasey Anderson, Don Baltimore and Nathan Ridley reported the activities of the TSPE/ACEC-TN, TN IDEA, and ASLA-TN, respectively, and on the status of several bills that are of interest to the Board.

Kasey Anderson, TSPE/ACEC-TN, announced that Chris Gwaltney received the 2017 Edmund Friedman Professional Recognition Award from ASCE.

LEGAL CASE REPORT (presented by Sara Page and Matthew Reddish) (attached)

1. *Case No. #2017014101* *Complaint #201701410*
Case No. #2014014281 *Complaint #201701428*
Motion was made by Mr. Tibbs and seconded to close the case. The motion passed unanimously.
2. *Case No. #2017015631* *Complaint #201701563*
Motion was made by Ms. Ware and seconded to close the case. The motion passed unanimously.
3. *Case No. #2017018981* *Complaint #201701898*
Motion was made by Mr. Campbell and seconded to defer action on this case pending further investigation, to refer the case to the Land Surveyors Board, and to open a complaint against the engineer involved in the project. The motion passed unanimously.
4. *Case No. #2017016341* *Complaint #201701634*
Motion was made by Mr. Campbell and seconded to close the case. The motion passed unanimously.
5. *Case No. #2017020531* *Complaint #201702053*
Mr. Campbell recused himself.
Motion was made by Mr. Tibbs and seconded to close the case. The motion passed unanimously.
6. *Case No. #2017024021* *Complaint #201702402*
Motion was made by Mr. Tibbs and seconded to authorize a formal hearing with authority to settle via consent order for indefinite suspension of the respondent's Tennessee registration until the respondent's license is in good standing in the State of

Mississippi. The motion passed unanimously.

Break 10:50 a.m. – 11:10 a.m.

DIRECTOR'S REPORT

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

- *Licensing Data* was presented for informational purposes only. (attached)
- *Complaint Data* was presented for informational purposes only. (attached)
- *Financial Data* was presented for informational purposes only. (attached)

LEGISLATIVE UPDATE (attached)

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

- **HB0300/SB1188** — Passed. This legislation replaces the language stating that applicants for engineer registration must be certified as an engineer intern with language stating that applicants must have passed the Fundamentals of Engineering exam.
- **HB0597/SB0329** — Passed as amended. This legislation amends the registration requirements for engineers to allow applicants with a master's degree in engineering and 20 years of engineering experience to qualify for engineer registration after passing the Fundamentals of Engineering and Principles and Practice of Engineering examinations. This provision will be repealed on June 30, 2019.
- **HB0326/SB1217** — Passed as amended. Authorizes department commissioners or their designees (as supervising officials) to review and approve, remand, or veto regulatory board actions or rules that constitute a potentially unreasonable restraint of trade.
- **HB0566/SB0449** — Passed as amended. This legislation requires state governmental entities that establish or adopt guides to practice to do so through the promulgation of rules. This legislation should not impact the Board of Architectural and Engineering Examiners.
- Bills related to the professional privilege tax have been deferred until 2018.
- Section 7, Item 35 of the appropriations bill (HB0511/SB0483) earmarks \$350,000 for the Board's grants program.

COMMITTEE REPORTS

The minutes of each Committee meeting follow these minutes.

- *Engineer Committee Report*
The Engineer Committee, through Ms. Reinbold, reported on topics discussed.
- *Landscape Architect Committee Report*
The Landscape Architect Committee, through Mr. Parker, reported on topics discussed.

UNFINISHED BUSINESS

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

- *Qualifications-Based Selection FAQs* (attached)
Motion was made by Mr. Campbell and seconded to approve the proposed Qualifications-Based Selection Frequently Asked Questions (QBS FAQs) with the following changes:
 - Note that question #20 is “pending” until a proposed change to Rule 0120-01-.03 becomes effective.
 - Amend the last sentence of the response to question #21 to read, “Historical data is acceptable so long as it does not enable the evaluation on a basis other than competency or qualifications.”

The motion passed unanimously.

- *Proposed Rule* changes are moving through the approval process.

NEW BUSINESS

- *Officer Elections*
The Nominations Committee moved to elect the following slate of officers for fiscal year 2018:

Frank Wagster, R.A., Chair
Robert Campbell, Jr., P.E., Vice Chair
Blair Parker, R.L.A., Secretary

The motion passed unanimously.

- *Authorization of Travel and Speakers*
Motion was made by Mr. Tibbs and seconded to authorize Mr. Campbell and Mr. King to speak at a meeting of the Eastern Chapter of Tennessee Building Officials Association in Knoxville on September 13, 2017, and to authorize Mr. Cothron to speak at the ASLA-TN annual conference in Knoxville on September 8, 2017.

The meeting adjourned at 11:57 a.m.

ATTACHMENTS

Minutes of April 2017 meeting
Complaints for Board Decision
Legal Case Report
Licensing Data
Complaint Data
Financial Data
Action Items
Proposed QBS FAQ's



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
ENGINEER COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Wednesday, May 31, 2017

CALL TO ORDER

Laura Reinbold, P.E., Committee Chair, called the Engineer Committee meeting to order at 1:05 p.m. on May 31, 2017, in Room 1-B of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

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

Laura Reinbold, P.E.	Chair, Middle TN Associate Member
Robert Campbell, P.E.	East TN Member
Stephen King, P.E.	East TN Associate Member
Kathryn Ware, P.E.	Middle TN Member

A quorum was present.

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

Shilina Brown	Assistant General Counsel
John Cothron	Executive Director
Vanessa Huntsman	Paralegal
Sara Page	Assistant General Counsel
Wanda Phillips	Administrative Manager
Matthew Reddish	Assistant General Counsel

Visitors present: Kasey Anderson, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN); Chris Gwaltney, P.E., representing the American Society of Civil Engineers (ASCE), Tennessee Section; Carter Lawrence, Assistant Commissioner, Regulatory Boards Division; and Roy Shrewsbury, Northeast Zone Vice President, National Council of Examiners for Engineering and Surveying (NCEES)

UNFINISHED BUSINESS

DECOUPLING OF THE EXPERIENCE AND EXAMINATION REQUIREMENTS

Assistant Commissioner Carter Lawrence requested discussion on the status of the proposal to decouple the experience and examination requirements for engineer registration, which would allow applicants to sit for the Principles and Practice of Engineering (PE) examinations before completing the required experience. Board members discussed the advantages and disadvantages of this proposal, and Ms. Anderson reviewed the positions of the engineering societies. Committee members expressed their desire to collaborate with the professional societies and to continue to build consensus on this issue.

NEW BUSINESS

APPLICATIONS AND AUDITS FOR DISCUSSION

- **Donald Deal** (Comity) – Following discussion of the applicant’s suspension in another state, a motion was made by Mr. Campbell and seconded to approve the application since the suspension has been lifted. The motion passed unanimously.
- **Daniel Jon Engebretson** (Reapply) – Following discussion of the applicant’s educational qualifications, a motion was made by Ms. Ware and seconded to approve the reapplication. The motion passed unanimously.
- **Michael E. Fitzgerald** (Exam) – Following discussion of the applicant’s educational deficiency, the committee agreed to waive the deficiency. However, committee members expressed concern regarding the applicant’s experience, particularly the lack of PE supervision. Ms. Ware agreed to review the application and obtain more information regarding the applicant’s experience.
- **Eric Austin Frederick** (Exam) – Following discussion of the applicant’s experience, a motion was made by Mr. King and seconded to approve the applicant to sit for the PE exam. The motion passed unanimously.
- **Nick Opre** (Comity) – Following discussion of the applicant’s education, a motion was made by Mr. Campbell and seconded to deny the application since the applicant’s degree is in engineering technology. The motion passed unanimously.

HEALTH, SAFETY AND WELFARE CONTINUING EDUCATION REQUIREMENTS

At the request of the Continuing Education Committee, the committee discussed a proposal to require all continuing education hours to address health, safety and welfare (HSW) subjects and to include HSW definitions in the rules for all professions. Following discussion, committee members expressed opposition to the proposal.

REPORT ON NCEES REGIONAL MEETING

Mr. Campbell reviewed a written report (attached) on the NCEES Northeast/Southern Zone Joint Interim Meeting held in St. Thomas, Virgin Islands on April 27-29, 2017.

APPEARANCE BY ROY SHREWSBURY, NCEES NORTHEAST ZONE VICE PRESIDENT

Mr. Shrewsbury provided an update on NCEES activities and answered questions submitted by the Board on NCEES finances, PE exams, and license mobility.

UNFINISHED BUSINESS, CONT.

PROPOSED CHANGES TO EAC/ABET CRITERIA

Committee members reviewed a letter drafted by associate member Ricky Bursi (attached) expressing concerns about proposed changes to the Engineering Accreditation Commission (EAC)/ABET criteria. Mr. Gwaltney then read a letter from ASCE that also expresses concerns about the proposed changes. A motion was made by Mr. Campbell and seconded to approve the letter drafted by Mr. Bursi. The motion passed unanimously. Mr. Cothron was asked to send the letter to ABET for their consideration.

REVIEW OF CRITERIA FOR FULFILLMENT OF HUMANITIES/SOCIAL SCIENCES (GENERAL EDUCATION) DEFICIENCIES

Mr. Cothron presented proposed revisions to the Engineer Committee policy entitled “Criteria for Fulfillment of the ABET Humanities/Social Sciences (General Education) Requirement” (attached). Following discussion, a motion was made by Mr. Campbell and seconded to approve the revised policy. The motion passed unanimously.

ELECTRONIC SEALS AND SIGNATURES REQUIREMENTS

Mr. Campbell reported that he continues to explore and monitor this issue.

ENERGY SERVICE COMPANIES AND ENGINEERING REGISTRATION LAWS

Following an explanation by Ms. Page, the committee agreed that this matter would be best addressed through the complaint process.

Adjourn. There being no further business, Ms. Reinbold adjourned the meeting at 3:47 p.m.

**2017 NCEES Northeast/Southern Zone Joint Interim Meeting Report
St. Thomas, Virgin Islands**

Attendee: Robert Campbell, Jr.

- Committee Reports:
 - Technology Task Force
 - Studying issue of electronic/digital signature technology with regard to seals and signatures on design plans and related documents. It was noted that there is confusion between digital and electronic signatures.
 - Also studying the process of building information modeling (BIM) and the ability of multiple professionals to work on design plans simultaneously.
 - Will hold a workshop at the annual meeting featuring an overview of BIM and discussion of guidelines developed by the task force.
 - Uniform Procedures and Legislative Guidelines (UPLG) Committee
 - Presenting a motion to amend the Model Law to state that a graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward licensure, and to state that experience credit for a graduate degree cannot be earned concurrently with work experience credit (these changes were presented last year).
 - Member Board Administrators (MBA) Committee
 - Presenting a motion to hold a combined zone meeting in 2020.
 - Recommending replacing the biennial MBA meeting with webinars.
 - Developed a white paper on licensure mobility.
 - Finance Committee
 - NCEES is doing well financially. Revenue is up \$2.2 million. Exam volume is doing well; on average, 120 computer-based exams are administered each day. Expenses are slightly over budget. Investments have a 4.5% return.
 - For FY 2017-18, anticipating a \$1,754,000 reduction in revenue due to reduction in FE/FS exam fees effective in January 2018. Expecting a net loss of \$1,094,083 for next fiscal year. Expecting \$720,100 in revenue from exam rescheduling fees, cancellations, expired exams, and international scheduling fees; and \$413,000 in revenue from exam no shows. Expenses have steadily increased over the past six fiscal years.
 - \$34,500,000 in reserves to date.
 - Examination Policy and Procedures (EPP) Committee
 - Presenting a motion to progressively address an exam with fewer than 50 first-time examinees as follows: continue to prepare the exam; request a remedial action plan; place the exam on probation; discontinue the exam.
 - Presenting a motion to amend Examination Administration Policy (EAP) 10 to add language that computer-based exam requests from a foreign entity with no ABET-accredited programs require full Council approval.
 - Examinations for Professional Engineers (EPE) Committee
 - The committee recommended, and the Board of Directors approved, a plan for NCEES to assume all financial responsibilities of exam development and the associated liability for the Group II exams (which are currently developed in association with professional societies).
 - Approved the following transition schedule for converting the PE exams to computer-based testing (CBT).

	Group I exams	Group II exams	Exams (publications) converting
2018 (year 1)	CHE	NUC	2 (2)
2019 (year 2)	ENV	SWE, PET	3 (3)
2020 (year 3)	MEC (3)	FPE, IND	3 (5)
2021 (year 4)	ELEC (3)	AGR, MIN	3 (5)
2022 (year 5)	—	ARC, NAME, MET, CSE	4 (4)
2023 (year 6)	CIV (5)	—	1 (5)
2024 (year 7)	SE (2)	—	1 (2)
Total	6 (15)	11 (11)	17 (26)

- Education Committee
 - The NCEES CPC tracking system was launched in June 2016. Currently, 2,933 customers are tracking CPC with this system.
 - The committee audited the NCEES Credentials Evaluations service and found that the staff has a very rigorous process.
 - Proposed changes to the EAC/ABET criteria were presented.
 - Proposing an amendment to Position Statement 35 (Future Education Requirements for Engineering Licensure) to establish a new practice-based pathway to obtain additional education beyond the bachelor's degree:
 - A bachelor's degree in engineering from a program accredited by EAC/ABET; and 80 assessed learning days (ALDs) in areas germane to professional practice and that support and enhance the applicant's capability in his or her technical area of practice.*
 Courses may be university courses, industrial in-house specialty courses, short courses, or certification courses. At least 40 ALDs must be in technical engineering coursework. Non-technical ALDs include professional practice topics such as business, communications, contract law, management, ethics, public policy, and quality control. For non-university-provided coursework, 8 contact hours = 1 ALD. For university-provided coursework, 3 semester credit hours = 6 ALDs.
- Bylaws Committee
 - Amending Bylaws to add International Affiliate Organization as a defined entity.
 - Defining the process for filling a vacancy in the treasurer position on the board of directors.
- Advisory Committee on Council Activities (ACCA)
 - Presenting a motion to charge a committee to amend the Bylaws to require that the offices of president and zone vice president be filled by licensed engineers or surveyors. The treasurer position could be filled by an engineer, surveyor, or public member.
 - Presenting a motion to establish a task force to consider if the Bylaws need to be changed to allow the president-elect to be decided through a qualifications-based selection system rather than a system of rotation through the zones.
 - Presenting a motion to require that any exam fee changes proposed by an entity other than the Finance Committee be referred to the Finance Committee for review and revision of the language before it is presented for Council vote at the next annual meeting.

- Tennessee PE Board Report (presented by Robert Campbell):
 - Grants have been increased to \$350,000. Added a competitive special project grant this year.
 - Continue to monitor decoupling.
 - Legislation passed that allows an official within the department to overturn Board decisions that constitute an unreasonable restraint of trade.
 - Discussing how QBS applies to different delivery methods (public-private partnerships and design-build).
 - Replacing two long-serving Board members (Hal Balthrop and Philip Lim).

- Officer Elections: Tim Lingerfelt of the TN Surveyors Board was elected as Assistant Zone VP. Chris Knotts from LA was elected Zone VP.

- Upcoming Meetings: Annual Meeting, Miami Beach, FL, August 23-26, 2017; Southern Zone Interim Meeting, Charlottesville, VA, April 19-21, 2018.

DRAFT

Letter to EAC/ABET Regarding Proposed Changes in Criteria

May 31, 2017

Dear _____:

The Engineer Committee of the Tennessee Board of Architectural and Engineering Examiners has reviewed the “Comparison of Proposal Submitted in 2015 to Proposal Submitted in 2016” by the Engineering Accreditation Commission (EAC) of ABET regarding criteria applied to accredited engineering programs. We are concerned that the 2016 proposed changes indicate a reduction in academic rigor required to enter the engineering profession that will not best protect the public health, safety, and welfare.

The proposed changes would reduce the number of credit hours required to complete degree requirements. While the reduction proposed of two hours from basic science, and three hours from engineering science, is not cause for alarm, the trend to further reduce hours significantly is troubling. The “outcomes” driven curriculum assessment could allow engineering degree programs to drop below the 120 hour level, and could lead to a 96 hour requirement. If engineers of the future will only be required to obtain a three-year degree, the profession, as well as the health, safety, and welfare of the public, will be compromised.

As a professional regulatory board, we depend on ABET accreditation to help determine the qualifications of applicants for registration. We urge ABET to consider the effect on public health, safety, and welfare in considering changes to the EAC/ABET criteria.

Thank you for your consideration.

Very Truly Yours,

Engineer Committee
Tennessee Board of Architectural and Engineering Examiners

**Criteria for Fulfillment of the ABET Humanities/Social Sciences
(General Education) Requirement
(in lieu of completing additional college coursework)**

Progressive engineering experience in the U.S., if applicant has practiced over five (5) years in the U.S. = **0.5 semester hour per year, starting after the fifth year**

Involvement in one (1) civic or professional organization in the U.S. = **0.5 semester hour per year**

Passing tests for U.S. citizenship = **3 semester hours**

Continuing education in ethics/humanities/social sciences with verifiable documentation (earned within 2 years of application date) = **1 semester hour per 15 PDH's (limit 15 PDH's per year)**

Advanced degree from a U.S. institution = **9 semester hours**

Publishing a technical paper in a technical journal, newsletter or similar publication in the U.S. = 1 semester hour per paper (limit 2 papers)

Presentation of a technical topic at a society, convention or similar event in the U.S. = 1 semester hour per presentation (limit 2 presentations)

Teaching college level courses at either a two-year or four-year U.S. institution = 2 credit hours per hour of credit for each distinct class

CLEP credits will be accepted to fulfill up to 12 semester hours of humanities/social sciences deficiencies only if they are offered by a regionally accredited college or university and appear on the official college or university transcript.

Deficiencies of less than three (3) semester hours may be waived by the Board.

Adopted 12/10/08

Revised and adopted 4/22/09

Revised and adopted 12/9/09

Revised and adopted 10/14/15

Revised and adopted 4/5/17



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
LANDSCAPE ARCHITECT COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Wednesday, May 31, 2017

CALL TO ORDER

Blair Parker, Committee Chair, called the Landscape Architect Committee meeting to order at 4:04 p.m. on May 31, 2017, in Room 1-B of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Blair Parker, R.L.A.	Chair
Robert Campbell, Jr., P.E.	Engineer Member

A quorum was present.

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

Shilina Brown	Assistant General Counsel
John Cothron	Executive Director
Vanessa Huntsman	Paralegal
Sara Page	Assistant General Counsel

NEW BUSINESS

HEALTH, SAFETY AND WELFARE CONTINUING EDUCATION REQUIREMENTS

At the request of the Continuing Education Committee, the committee discussed a proposal to require all continuing education hours to address health, safety and welfare (HSW) subjects and to include HSW definitions in the rules for all professions.

Mr. Parker encouraged use of the "Record of Accrual" form to record continuing education hours, but he expressed opposition to developing a HSW definition for landscape architecture.

Mr. Parker stated that he was not in favor of requiring all continuing hours to address HSW subjects, but he would like to see the number of required HSW hours increased. This proposal will be discussed further at the next Continuing Education Committee meeting.

Mr. Parker briefly discussed whether landscape architect applicants should be required to have three (3) years of experience under the supervision of a registered landscape architect instead of two (2) years. Mr. Campbell supported requiring three (3) years of experience under the supervision of a registered landscape architect. This topic will be discussed further at the October Board meeting.

Adjourn. There being no further business, Mr. Parker adjourned the meeting at 4:36 p.m.

A&E COMPLAINTS FOR BOARD DECISION

Complaint Number	Description	Letter of Caution Mailed
201703822	Respondent was disciplined in Minnesota. Discipline was less than a suspension, revocation, or voluntary surrender; issued Letter of Caution. Recommend closure.	6/15/2017
201703824	Respondent was disciplined in Minnesota. Discipline was less than a suspension, revocation, or voluntary surrender; issued Letter of Caution. Recommend closure.	6/15/2017
201703826	Respondent was disciplined in Delaware. Discipline was less than a suspension, revocation, or voluntary surrender; issued Letter of Caution. Recommend closure.	6/15/2017
201703830	Respondent was disciplined in West Virginia. Discipline was less than a suspension, revocation, or voluntary surrender; issued Letter of Caution. Recommend closure.	6/15/2017
201703834	Respondent was disciplined in West Virginia. Discipline was less than a suspension, revocation, or voluntary surrender; issued Letter of Caution. Recommend closure.	6/15/2017
201703838	Respondent was disciplined in Arizona. Discipline was less than a suspension, revocation, or voluntary surrender; issued Letter of Caution. Recommend closure.	6/15/2017
201703841	Respondent was disciplined in Arizona. Discipline was less than a suspension, revocation, or voluntary surrender; issued Letter of Caution. Recommend closure.	6/15/2017



**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
OFFICE OF LEGAL COUNSEL
500 JAMES ROBERTSON PARKWAY
DAVY CROCKETT TOWER, 5TH FLOOR
NASHVILLE, TENNESSEE 37243
TELEPHONE (615) 741-3072 FACSIMILE (615) 741-4000**

CONFIDENTIAL ATTORNEY WORK PRODUCT

TO: Tennessee Board of Architectural and Engineering Examiners

FROM: Sara R. Page, Assistant General Counsel
Shilina B. Brown, Assistant General Counsel

DATE: August 10, 2017

SUBJECT: August Legal Report

1. **2017032931 (SRP)**
First Licensed: Unlicensed
Expiration: N/A
Type of License: Unlicensed
History (5 years): N/A

Complainant is a registered engineer. Respondent is a firm located in India. Complainant received an email solicitation from Respondent offering “outsourced structural engineering design services” for when a firm has a “need to manage excess workload.” Complainant believed this to be unlicensed activity.

Respondent responded to state its business model is to offer a partnership with engineering firms in order to handle drafting work for overburdened firms. The work is always reviewed by the licensed firm, and the work is conducted by individuals qualified to do such work in India. This particular company does not offer services to the public. Rather, it is hired to work for firms under those firms’ oversight and direction.

Mitigating Factors: (1) Meet exemption of T.C.A. § 62-2-103(2) and (3) as well as the Drafting Firms and Specification Writers policy.
(2) Offers no services to the public.

Aggravating Factors: None.

Recommendation: Close.

Board Decision:

2. **2017034111 (SRP)**
First Licensed: 02/17/2017
Expiration: 02/28/2019
Type of License: Professional Engineer
History (5 years): N/A

A city building inspector submitted this complaint alleging Respondent, a homeowner working on the Respondent's own home, misled the inspector by stating Respondent was an engineer, but ultimately was not registered in Tennessee. Respondent and that inspector's supervisor responded to state the homeowner was registered in Texas and working to become registered in Tennessee. The supervisor was aware of the situation, and stated no misrepresentations were made, and the inspector should have consulted the supervisor prior to complaining to the Board. The inspector later submitted a letter requesting the complaint be withdrawn, and the inspector now understood the Respondent was not misleading the inspector.

Mitigating Factors: None.

Aggravating Factors: None.

Recommendation: Close.

Board Decision:

3. **2017020561 (SBB)**
First Licensed: 10/28/1986
Expiration: 01/31/2019
Type of License: Professional Architect
History (5 years): N/A

Complainant is a registered engineer. Respondent is an architect. Complainant and Complainant's firm were retained by the Respondent to provide professional engineering services to perform a civil site design. The civil site drawings were submitted by the Respondent on December 9, 2015, and there were subsequent revisions. On March 27, 2017, the Complainant was contacted by the general contractor for proposed plan substitutions to the landscape design of the project. The Complainant was confused since neither the Complainant nor his firm prepared the landscape design for the project. The Complainant was informed by the general contractor that the landscape design had the Complainant's PE stamp. The Complainant requested photos of the drawings with the stamp. The Complainant also requested

a copy of the drawing from the city planner. The Complainant and the firm are alleging the Respondent compromised the Complainants' position by the Respondent's carelessness and are at risk for work that the Complainants' did not perform and do not have the expertise to perform.

Respondent provided a response through his attorney and stated that the Respondent and the Respondent's firm were hired to provide architectural services and there was a lead architect who was not the Respondent. The Respondent acknowledges that the Complainants were hired to provide professional engineering services regarding the civil site design and their drawings are dated back to November 30, 2015, however, the city planner requested a landscape plan be prepared and submitted after the submission of their initial drawings. The Respondent was asked to prepare the landscape plan and the Respondent prepared and submitted the landscape plan to the city planner on March 30, 2016. The landscape plan was submitted as an overlay to sheet C-S, a civil drawing by the Complainant's firm that was originally submitted on November 30, 2015 and revised and stamped with the Complainant's engineering seal. The Respondent states the landscape plan did not revise, alter or amend the Complainant's civil drawing and was simply an overlay to the Respondent's sheet C-2 for the location and types of shrubs and accent plants to be planted to give the development a residential character and a table showing the generic and botanic names of trees and shrubs and corresponding total quantity to be planted. This was submitted as an overlay because the Respondent wanted to ensure that the landscape plan matched the elevation maps, etc. that were submitted to the city planner. The Respondent stated the Complainant unfairly suggested the Complainant knew little or nothing about the landscape plan being prepared and submitted by the Respondent until the Complainant discovered it by happenstance and unfairly suggests the Respondent somehow represented that the plan had been stamped or prepared by the Complainant. The Complainant had been fully advised regarding the landscape plan development and submission and this is evident in a review of the project e-mails, including multiple e-mails from the Complainant. In fact, the Respondent provided proof from the client to confirm whether there was any confusion concerning the preparation and submission of the landscape plan by the Respondent. In fact, the Complainant asked the Respondent directly when the Complainant will receive the landscape plan to submit to the city planner. Therefore, Respondent claims there is no risk to the Complainant. The Respondent has had over 46 years of professional experience in the field of architecture and was first licensed by the Board in 1986 and this is the first complaint ever filed against the Respondent.

The Complainant provided a rebuttal response to the Respondent's response and stated that the landscape plan used the Complainant's seal and the Complainant's firm sheet border and subjects the Complainant to appearing as responsible for work they did not prepare. Also, the Complainant reiterates that the Complainant is a licensed professional engineer and not a landscape architect. The P.E. sealed plan was used with a landscape plan actually prepared by the Respondent Architect. The P.E. sealed landscape plan was also submitted to a local permitting authority. The landscape plan was used to secure a site development permit. The Complainant was not consulted during the preparation of the landscape plan or after the landscape plan was submitted and the landscape plan was never submitted by the Respondent to the Complainant. The P.E. sealed landscape plan was used for construction and the Complainant claims to only have found out about it after receiving the call and subsequent e-mail from the general contractor to consider plant substitutions.

Mitigating Factors: (1) It does appear at least Complainant's firm had some knowledge Respondent was preparing the landscape plans. It is possible a communication breakdown led to the issues with the landscape plan overlay.
(2) While Complainant alleges potential harm, no harm occurred from the landscape plan overlay.
(3) Respondent has a 46-year career and no disciplinary history.

Aggravating Factors: (1) Because the Respondent Architect never sealed the portion of the plans they produced, Complainant is correct in that it would appear Complainant produced all aspects of the stamped plan, even though Complainant did not work to prepare the landscape overlay (misleading).

Recommendation: Authorize a civil penalty in the amount of \$500 for Respondent's failure to properly seal a design to which Respondent contributed (TCA § 62-2-306(b) and Rule 0120-02-.08). Respondent is also required to take and pass the laws and rules examination.

Board Decision:

-
4. **2017024381 (SBB)**
First Licensed: 02/27/2002
Expiration: 04/30/2019
Type of License: Professional Architect
History (5 years): N/A

Complainant is a city building and codes department in the State of Tennessee. Respondent and the firm are out-of-state architects located in Ohio. Complainant states the architect did not have a current license and signed all phases of work and an initial review of the work suggested the drawings may not be correct. The Complainant alleges unlicensed activity.

The Respondent provided a response and stated the Respondent's father, who was 88 years old had fallen and broke his hip on December 29, 2014 and the father lived alone and after months of physical rehabilitation at a nursing home, the Respondent's father needed extensive assistance at home. The Respondent was an only child and the responsibility for his complete care was on the Respondent. The Respondent had to close the Respondent's physical office of 33 years to stay at home with the Respondent's father and work from home. As time went on, the Respondent's father fell several more times and had to be placed in a nursing facility and passed away this past year in April 2017. The past two years have been very difficult for the Respondent. Also, the Respondent has four children at home to take care of also and although acknowledges that the entire family pitched in to care for the elderly father/grandfather, it was a very difficult time. The Respondent states that in the midst of all this, the Respondent's license expired in June 2016 because the Tennessee Department of Revenue did not receive the Respondent's professional privilege tax payment, although the Respondent recalls the registration fee had been paid. The Respondent stated the Respondent overlooked the professional privilege tax. Upon learning of

the situation, the Respondent immediately paid the professional privilege tax and penalties and the current registration fee. The Respondent also had to pay a reapplication fee of \$195.00 and a NCARB fee of \$400.00 to forward all of Respondent's NCARB records. Additionally, the Respondent had to obtain additional letters of reference and this took some time, however, it was done. The Respondent contacted the Complainant and asked for the cooperation of the city and explained the situation. The Respondent has been registered since 2002 in the State of Tennessee and is a registered architect in the State of Tennessee. The Respondent has been a registered architect for 34 years and has been a registered architect in 28 of the United States and this entire matter was an unintentional oversight on the Respondent's part and apologizes for the entire situation.

Mitigating Factors: (1) Extensive personal considerations.
(2) No disciplinary history after 34 years of practice.

Aggravating Factors: None.

Recommendation: Authorize a civil penalty in the amount of \$500 for unlicensed activity to be settled by consent order or a formal hearing. Respondent also required to take and pass the laws and rules examination.

Board Decision:

5. **2017030661 (SBB)**
First Licensed: Unlicensed
Expiration: N/A
Type of License: Unlicensed
History (5 years): N/A

The Complaint was opened by the Board against the Respondent for allegedly providing architectural services in the State of Tennessee without a Tennessee registration.

Respondent provided a response and stated the Respondent is a home designer and project manager with a licensed architectural and home design firm with offices in Memphis and another member of the firm is the registered architect in Tennessee. The Respondent acknowledges that the Respondent was identified as an architect on two online articles and acknowledges that although the Respondent has a Bachelor of Architecture degree, the Respondent is not a registered architect in the State of Tennessee. The articles were written without the Respondent's consent and the biographical information was taken from the Respondents' firm's website and the firm's website does not suggest that the Respondent was a registered architect in Tennessee or in any other state. The Respondent was not contacted by the author or publisher of the articles and the Respondent was not asked to proof any articles prior to publication. The Respondent only serves as a member of the home renovation team for the architectural firm and has never told any writer the Respondent was an architect or a registered architect. The

Respondent states that content of the article and the representations of the Respondent as an architect in the articles were outside of the Respondent's control.

Mitigating Factors: None.

Aggravating Factors: None.

Recommendation: Close.

Board Decision:

6. **2017018981 (SBB)**
First Licensed: 09/18/1981
Expiration: 12/31/2017
Type of License: Land Surveyor
History (5 yrs.): N/A

Complainant is a city official and a registered professional engineer. Respondent is a registered land surveyor and sent construction plan sheets for the expansion of a Tennessee automobile dealership that were not sealed by the Respondent and the Respondent is not a registered engineer. The Complainant received a second submittal of the plan sheets and calculations and most of the sheets were sealed by both the Respondent and a registered engineer, however, one of the detail sheets which included a retaining wall detail was sealed by only the Respondent. Complainant alleges unlicensed activity against the Respondent.

Respondent responded and stated the site plan was for storm water management and the Respondent did not understand why it was necessary to have an engineer certification and tried to contact the Complainant to discuss further. The Respondent did not receive any response from the Complainant and later corrected the problem in subsequent submittals. The Respondent stated the second submittal was a typical gravity retaining wall and there was no design detail by the engineer and it did not include a designing for the wall and no dimensions or implied design parameters were established. The Respondent stated there was no need for an engineer to certify the drawing. Respondent agrees the first submittal did need an engineer certification and this was corrected in the second submittal. The Respondent stated there was never any intention to deceive the city or the Board. The Respondent stated the Respondent has been licensed as a land surveyor since 1981 and most of Respondent's work has been in the civil engineering field and the Respondent has never had a complaint filed against the Respondent.

This complaint was previously sent to the Land Surveyors Board for consideration. They have not taken it under consideration yet, but plan to do so in October. For administrative cleanliness, legal requests this matter be closed with the authorization to reopen when the Land Surveyors have completed their review of the matter.

Mitigating Factors: None.

Aggravating Factors: None

Recommendation: Close with the ability to reopen after the Land Surveyors Board considers the complaint in October.

Board Decision:

7. **2017035711 (SBB)**
First Licensed: 01/01/1993
Expiration: 12/31/2017
Type of License: Professional Engineer
History (5 yrs.): N/A

Respondent is the registered engineer referenced in the previous complaint. The Respondent failed to designate what work Respondent had performed on the drawings. The Respondent did not seal the drawings the Respondent had initially produced. The Respondent allegedly violated Rule 0120-02-.08 concerning seals.

The Respondent provided a response and stated this was an oversight on the Respondent's part and the Respondent should have signed and sealed the initial plans, however, this was immediately corrected on the next couple of submissions and most importantly on the final submission. Respondent affixed a seal and signature on the second submittal which included the cover sheet drawing for C2 (Site Layout Grading & Drainage) and C4 (Storm Water Management Details). The Respondent did acknowledge that the surveyor in the previous complaint was hasty in getting the plans to the city and the surveyor stamped all sheets with the registered land surveyors stamp. The Respondent stated that on the third and final submission, the Respondent sealed and signed all drawings. Respondent states the Respondent was only responsible for the civil engineering design for the site and the other details were standard public approved details and the remainder of the site was not storm water or erosion control related. The Respondent stated the cover page(s) for the section(s) of the specifications which the drawings included were stamped by both the Respondent and the land surveyor.

According to Rule 0120-02-.08(4), when there are multiple registrants who provide content on a document, all registrants shall seal the document, and, if there is a question concerning the areas of responsibility, a description of the areas of responsibility should be included.

Mitigating Factors: (1) Error was on initial plans only, and was corrected in later drafts.

Aggravating Factors: None.

Recommendation: Authorize a civil penalty in the amount of \$500 for failing to affix Respondent's seal on initial plans (TCA § 62-2-306(b) and Rule 0120-02-.08). Respondent also required to take and pass the laws and rules examination.

Board Decision:

8. **2017020051 (SBB)**
 First Licensed: Unlicensed
 Expiration: Unlicensed
 Type of License: Unlicensed
 History (5 yrs.): N/A

Consumer complaint states the Respondent advertised as an engineer on the Respondent's website. Complainant alleges unlicensed engineering activity.

Respondent provided a response and stated that the website administrator asked for a biography for the website and the Respondent worked as an engineer for various companies and provided the reference that the Respondent was an "engineer." Since learning of the violation, the Respondent has removed any reference to the word "engineer" on the website and apologizes for the confusion and trouble caused by using the term "engineer" on the website.

Mitigating Factors: None.

Aggravating Factors: None.

Recommendation: Close.

Board Decision:

9. **2017038441 (SBB)**
 First Licensed: 07/09/1998
 Expiration: 07/31/2018
 Type of License: Professional Engineer
 History (5 years): N/A

Respondent is a registered engineer and self-reported within the sixty-day time frame concerning the Respondent's felony conviction in April 2017 for accessing the secure server of the Respondent's former employer. Respondent pled guilty to hacking the former employer through employee email accounts. Respondent hacked the FTP's server's rotating password credentials, allowing Respondent access even after passwords were changed. Respondent stole 82 AutoCAD files, job bids, and other proprietary content. The former employer discovered the hacking after viewing a bid Respondent had made that was identical to the former employer's bid and plans.

Respondent provided a response and stated the Respondent had previously worked for the firm and was still doing some work for the firm. The Respondent had continued to monitor projects and still had access to their public-facing FTP site to assist on past projects and as those projects closed out the Respondent's activity on the firm's site also tapered off; however, the Respondent's former firm reported the Respondent to the Federal Bureau of Investigation ("FBI") for accessing their system. The Respondent was never arrested, always cooperated with the FBI and law enforcement, did not harm the former employer and did not gain in any way from accessing the firm's website. However, accessing the former employer's system is considered a federal crime and the Respondent pled guilty to one count of accessing a secure server. The Respondent does not know the punishment for this crime and it will most likely be determined to include probation because the Respondent does not have any prior offenses. The U.S. Attorney's office determined that the only possible restitution to the former employer would be the cost to replace the FTP server, legal fees in this matter and the hours the firm staff spent in compiling information to support the investigation. Respondent was convicted to eighteen months in jail with a year of supervised probation to follow. Additionally, Respondent must pay restitution to Respondent's former employer in the amount of \$170,000 for expenses paid in the investigation. TCA § 62-2-308(a)(1)(G) and Rule 0120-02-.07(5)(a) (Misconduct) The violation by the registrant is for misconduct pursuant to the rule since the registrant was convicted in the court of competent jurisdiction of a felony.

Mitigating Factors: (1) Self-Reported
(2) Cooperated with police investigation
(3) First offense

Aggravating Factors: (1) Crime related to employment as an Engineer

Recommendation: Discussion.

Board Decision:

-
- 10. 2017039491 (SBB)**
First Licensed: 01/11/2010
Expiration: 06/30/2019
Type of License: Professional Engineer
History (5 years): N/A

Respondent is a Tennessee registered professional engineer and resides out-of-state and the Respondent's engineer license expired on January 31, 2016. In the process of reapplying to reinstate the license, the Respondent self-reported that the Respondent practiced engineering on an expired license. The Respondent has been licensed for 11 years and 9 months at the time of the reapplication. The Respondent was in charge of all electrical design decisions, including coordination with the utility provider, design of service entrance and grounding, distribution, branch circuitry to lighting receptacles, HVAC equipment, plumbing equipment, emergency

lighting, fire alarm systems, critical systems such as UPS and generator systems for optional standby and emergency systems, voltage drop calculations, fault current calculations, and breaker coordination.

Respondent provided a response and stated when the office manager attempted to pay the Tennessee Professional Privilege Tax payment, the Respondent first realized and discovered the license had been expired for more than a year prior on January 31, 2016. The Respondent discontinued signing any Tennessee projects until the Respondent's Tennessee license was reinstated. On June 21, 2017, the Respondent's license was reinstated and approved by the Board. The Respondent stated it was a mistake and it would never happen again.

Mitigating Factors: (1) Now reinstated.
(2) Self-reported.

Aggravating Factors: None

Recommendation: Authorize a civil penalty in the amount of \$500 for unlicensed activity to be settled by consent order or a formal hearing. Respondent also required to take and pass the laws and rules examination.

Board Decision:

- 11. 2017047601 (SBB)**
First Licensed: 09/28/1970
Expiration: 07/31/2016 (Reap in Process)
Type of License: Professional Engineer
History (5 years): N/A

Respondent is a registered engineer in the State of Florida and self-reported performing an engineering service without registration in the State of Tennessee. The Respondent has stated the Respondent practiced one engineering project in Nashville, Tennessee prior to reapplying.

Respondent provided a response and stated this was an inadvertent oversight and was not aware that the license was expired until recently and immediately worked on getting the registration reinstated. The Respondent stated that no construction had begun on the project, but the Respondent had signed and sealed a foundation plan to be submitted for a permit and immediately stopped working on the project.

Mitigating Factors: (1) Self-reported.
(2) Only worked one project while expired, and construction had yet to begin.

Aggravating Factors: None.

Recommendation: Authorize a civil penalty in the amount of \$500 for unlicensed activity to be settled by consent order or a formal hearing. Respondent also required to take and pass the laws and rules examination.

Board Decision:

12. **2017040701 (SBB)**
First Licensed: Unlicensed
Expiration: N/A
Type of License: Unlicensed
History (5 years): N/A

Consumer complaint concerning the Respondent, an architectural firm, stating the Respondent is offering architecture construction services and design build services without being properly licensed in the State of Tennessee. Complainant alleges unlicensed architectural activity.

Respondent provided a response and stated that there must be some confusion concerning the company name since the Respondent company is licensed in Kansas and Missouri as an architecture firm. The Respondent requested a picture of the sign referenced by the complainant, since the Respondent firm has had several signs disappear over the years, however, it is highly unlikely to the Respondents that their signs would be used by a company advertising in Tennessee. The Respondent stated that the company does not advertise anywhere they provide construction services or design-build services because the Respondent is an architectural firm. The Respondent has identified a company in Knoxville called Stone & Timber that is a contractor/builder. The Respondent states this is a name mix-up.

Mitigating Factors: None.

Aggravating Factors: None.

Recommendation: Close. The Respondent is properly licensed as an architectural firm in both Missouri and in Kansas and has current valid licenses in both states.

Board Decision:

13. **2017030601 (SRP)**
First Licensed: 04/20/1995
Expiration: 04/30/2015 (Invalid)
Type of License: Professional Architect
History (5 years): N/A

Complaint was referred by another state's Board of Architects. Respondent had an archinect.com profile that listed Respondent as having a Tennessee license. Respondent's license had actually

expired at the time the other state saw the profile. They forwarded the printout of the page to staff to investigate.

Due to the complaint being forwarded to Respondent, Respondent updated their page to reflect the license was pending renewal and not active.

Mitigating Factors: (1) Voluntary compliance
(2) No other representations/evidence of work being performed in Tennessee was found.

Aggravating Factors: (1) Respondent did not submit a response to the complaint.

Recommendation: Close upon issuance of a letter of warning.

Board Decision:

14. 2017039471 (SRP)
First Licensed: Unlicensed
Expiration: N/A
Type of License: Unlicensed
History (5 years): N/A

Respondent works under the title “energy engineer,” but Respondent is not a registered engineer. Respondent’s supervisor responded to the complaint. The supervisor stated that the firm Respondent is employed at also employs multiple PEs. Despite this, the firm does not perform any design services. If any consulting work leads the firm to recommend design services, the firm assists the client in contracting with design engineers and architects. Respondent is under the direct supervision of a duly registered PE. The supervisor believed the title could be used by Respondent due to the licensing/registration exemptions in TCA § 62-2-103; however, those exemptions do not apply to title use. The supervisor stated it would change the titles of unregistered employees to remove “engineer.”

Mitigating Factors: (1) Voluntary compliance

Aggravating Factors: None

Recommendation: Close upon issuance of a letter of warning.

Board Decision:

15. 2014004821 (SRP)
First Licensed: 06/11/2004
Expiration: 06/30/2014 (Reap in Process)
Type of License: Professional Engineer

History (5 years): N/A

This complaint was closed and flagged in 2015 due to Respondent's professional engineer registration expiring and the inability for legal to find Respondent. Respondent was also a licensed contractor. Respondent has reapplied for a license, which reactivated this case. The following is the entry previously brought before this Board in June 2014:

The complaint alleges that Respondent, a professional engineer, committed misconduct by copying a set of plans not prepared by Respondent and produced them as Respondent's own in potential violation of TENN. COMP R. & REG. 0120—02—.08(5)(a) [SEALS] and failed to protect the safety, health and welfare of the public in potential violation of TENN. COMP. R. & REG. 0120—02—.02(1) [PROPER CONDUCT OF PRACTICE]. Further, a civil court of competent jurisdiction found that there was a consumer fraud violation pursuant to TENN. CODE ANN. § 47-18-109. Respondent did not respond to the complaint. Respondent's license expires on 6/30/14 and is currently in inactive status since 1/20/14.

As more detailed explanation, Respondent was paid \$10,000 to prepare plans for a 3,300 square foot mechanic's garage. In the civil suit against Respondent, the Court found Respondent did not produce the building plans requested, but rather copied earlier site plans and building plans and presented them as Respondent's own. The Court found that Respondent's deception was "committed deliberately, knowingly and willfully," taking advantage of the client's inexperience in engineering and "damages the reputation of other civil engineers and professionals, and the level of consumer confidence in those other professionals." Respondent was ordered to pay the client \$20,000 for the injury. As a result, the Board approved a one-year suspension of Respondent's registration.

Respondent never responded to the Consent Order or any mail from the Board. Multiple attempts were made to locate Respondent, but no one was able to find Respondent, so the matter was closed with the ability to reopen if Respondent was located. Respondent never served the one-year suspension. Now, Respondent seeks registration again.

Mitigating Factors: None.

Aggravating Factors: (1) Found to be in violation of the Tennessee Consumer Protection Act and ordered to pay double damages due to willful misconduct.
(2) Never responded to the Board's attempts to contact Respondent.
(3) Misconduct was directly related to Respondent's registration as an engineer.

Recommendation: Discussion.

Board Decision:

REPRESENT

- 16. 2017024021 (SRP)**
First Licensed: 01/01/1993
Expiration: 08/31/2018
Type of License: Professional Architect
History (5 yrs.): May 2017 - Letter of Caution issued because Respondent was disciplined by the Alabama Board for Registration of Architects.

This complaint was opened as a result of Mississippi suspending Respondent's right to practice. Respondent's Mississippi license was suspended for two years, and Respondent was ordered to pay \$7,500 in penalties.

The Mississippi State Board of Architecture brought charges against Respondent for plan stamping three separate projects. The first project was an update/renovation of an automobile dealership. Respondent was contacted by an architect that was not licensed in Mississippi. The unlicensed architect asked Respondent to stamp plans for the architect. The Board concluded Respondent was aware that the unlicensed architect was unlicensed, and that the Board had sent that unlicensed architect a cease and desist letter. Respondent claimed Respondent acted as the architect of record, but the Board found that Respondent provided the unlicensed architect's phone number to building officials instead of Respondent's number. Respondent never met with the owner or the contractor, and in fact Respondent was unaware who the owner of the property was. Respondent did not maintain any records to show Respondent independently reviewed the plans.

The second project was for the adaptation of prototypical drawings of a donut shop to fit site conditions and codes. Respondent was contacted for the project by an unlicensed architect. Respondent knew the unlicensed architect was unlicensed in Mississippi, but believed the unlicensed architect was licensed in Tennessee. That architect is not licensed in Tennessee. Respondent did not prepare the plans, and after two meetings with the unlicensed architect, stamped the plans. Respondent never met the owner of the property, and no records of the reviews were produced.

The third project was for the same unlicensed architect from the donut shop project. Respondent claims Respondent conducted a technical review of plans for a dentist's office. The unlicensed architect was recorded as the "designer" of the project. Respondent stated Respondent merely

reviewed the plans for health, safety, and welfare, because drafting was labor intensive. Respondent sealed the plans.

Respondent argued at the hearing that the Board lacked jurisdiction over two of the three projects due to Mississippi law exempting certain buildings under a certain size from Board oversight. The Board made arguments as to why that would not apply to Respondent in its Order, but ultimately decided it would assess discipline and find violations based on the first project without going into the other two projects.

While Tennessee has similar language that exempts certain buildings from requiring a licensed architect, our law does not remove the Board's jurisdiction if a licensed architect does choose to take on those projects.

NEW INFORMATION:

Since receiving the Consent Order, Respondent contacted legal staff. Respondent has paid the full civil penalty to Mississippi, and requested the suspension be reduced. Mississippi refused. Respondent asks this Board to reconsider the suspension period in Tennessee. Respondent's full-time employment is in a large corporation in Tennessee, and his more than decade-long career would likely be heavily impacted if not ended if Respondent could not work for up to two years. Respondent notes that due to their work location, Tennessee's punishment is harsher than the State in which the actual violation occurred.

Mitigating Factors: (1) Serving discipline in Mississippi, where violations actually occurred.

Aggravating Factors: (1) Multiple violations.
(2) Threat to health, safety, welfare.

Previous Board Decision: Authorize an indefinite suspension, with the ability to be placed back in good standing when Respondent's Mississippi license returns to good standing.

New Board Decision:

Number of Registrants and Firms

Architects	In-State	Out-of-State	Total
11/22/2016	1510	2285	3795
3/29/2017	1535	2331	3866
5/23/2017	1538	2328	3866
8/2/2017	1521	2295	3816

Engineers	In-State	Out-of-State	Total
11/22/2016	7232	8313	15,545
3/29/2017	7344	8500	15,844
5/23/2017	7347	8549	15,896
8/2/2017	7281	8471	15,752

Landscape Architects	In-State	Out-of-State	Total
11/22/2016	204	179	383
3/29/2017	203	193	396
5/23/2017	205	190	395
8/2/2017	205	187	392

Interior Designers	In-State	Out-of-State	Total
11/22/2016	368	40	408
3/29/2017	374	43	417
5/23/2017	369	42	411
8/2/2017	359	41	400

Totals (Registrants)	In-State	Out-of-State	Total
11/22/2016	9,314	10,817	20,131
3/29/2017	9,456	11,067	20,523
5/23/2017	9,459	11,109	20,568
8/2/2017	9,366	10,994	20,360

Architectural Firms	In-State	Out-of-State	Total
11/22/2016	444	1311	1755
3/29/2017	445	1351	1796
5/23/2017	449	1369	1818
8/2/2017	453	1398	1851

Engineering Firms	In-State	Out-of-State	Total
11/22/2016	961	2964	3925
3/29/2017	966	3034	4000
5/23/2017	971	3095	4066
8/2/2017	978	3180	4158

Landscape Arch Firms	In-State	Out-of-State	Total
11/22/2016	56	113	169
3/29/2017	57	115	172
5/23/2017	58	117	175
8/2/2017	58	119	177

Totals (Firms)	In-State	Out-of-State	Total
11/22/2016	1461	4388	5849
3/29/2017	1468	4500	5968
5/23/2017	1478	4581	6059
8/2/2017	1489	4697	6186

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

	Profession	Complaint #	Received	Allegation	Status	Comments
1	Architect	201702056	3/29/2017	Misconduct regarding use of seal.	Open-Legal	
2	Architect	201702402	4/18/2017	Disciplined in another jurisdiction.	Open-Legal	Consent order issued
3	Architect	201702438	4/19/2017	Practice on an expired license.	Open-Legal	
4	Architect	201703060	5/15/2017	Practice on an expired license.	Open-Legal	
5	Architect	201703064	5/15/2017	Unlicensed practice.	Open-Legal	Investigation requested
6	Architect	201703066	5/15/2017	Unlicensed practice.	Open-Legal	
7	Architect	201704866	7/24/2017	Practice outside area(s) of competence.	Open-Legal	
8	Engineer	201400482	3/13/2014	Misuse of seal; consumer fraud violation.	Open-Legal	Closed and flagged in 2015; reopened when respondent reapplied
9	Engineer	201605395	9/12/2016	Practice outside area(s) of competence.	Open-Legal	Formal charges authorized
10	Engineer	201701898	3/17/2017	Unlicensed practice.	Open-Legal	Presented 6/1/17
11	Engineer	201702005	3/22/2017	Title violation.	Open-Legal	
12	Engineer	201703411	6/1/2017	Unlicensed practice.	Open-Legal	
13	Engineer	201703571	6/6/2017	Seal violations.	Open-Legal	
14	Engineer	201703844	6/14/2017	Felony conviction.	Open-Legal	
15	Engineer	201703947	6/19/2017	Title violation.	Open-Legal	
16	Engineer	201703949	6/20/2017	Practice on an expired license.	Open-Legal	
17	Engineer	201704315	7/5/2017	Practice outside area(s) of competence.	Open-Legal	
18	Engineer	201704410	7/7/2017	Practice outside area(s) of competence.	Open-Legal	
19	Engineer	201704760	7/21/2017	Practice on an expired license.	Open-Legal	
20	Arch Firm	201704070	6/23/2017	Unlicensed practice.	Open-Legal	
21	Eng Firm	201703293	5/25/2017	Unlicensed practice.	Open-Legal	
22	Eng Firm	201704731	7/19/2017	Title violation.	Open-Staff	Response requested
23	Int Des	201604906	8/11/2016	Continuing education violation.	Open-Legal	Formal charges authorized
	Number over 180 days old without "clock stopping" action: 1 (4%)					
	Number of formal hearings authorized to be heard by ALJ: 0					
	Number of formal hearings authorized to be heard by Board: 2					
	Number in Investigations: 1					
	Percent on time (clock stopped within 180 days) last 18 months: 96.39%					

Action Items (August 2017)

John Cothron

- Send a letter outlining the Engineer Committee's concerns regarding proposed changes to the Engineering Accreditation Commission (EAC)/ABET criteria to ABET.
- In consultation with Legal, review the *Reference Manual* for possible revisions.
- Send grant application letters to the schools.
- Post revised QBS FAQs on the Board's website.

Legal Counsel

- File proposed rule changes approved at the April Board meeting.
- Draft the following proposed continuing education rule changes for the Board's consideration:
 - Language allowing registrants to request a continuing education waiver for a specific period of time in cases of hardship, such as maternity, paternity, or family leave.
 - Language to phase out carryover hours for architects, engineers, and landscape architects.
 - Language allowing engineers and landscape architects to report hours on a calendar year basis.

Continuing Education Committee

- Meet in August 2017 to discuss proposed changes to the continuing education rules.
- Discuss increasing the number of HSW hours required (at the request of the Landscape Architect Committee).

2018 Legislative Proposal: Eliminate the experience duration requirement in the law (T.C.A. § 62-2-501) for architect exam applicants, and require simply completion of the Intern Development Program (IDP)/Architectural Experience Program (AXP) for these applicants.

October Agenda Topics

- Discuss definitions of practice and incidental practice provisions.
- Discuss experience requirement for landscape architects (should applicants be required to have 3 years of experience under the supervision of a registered landscape architect?).
- Discuss special project grants and proposal to increase grants appropriation.

COMMITTEE APPOINTMENTS (2016-2017)

Committees for Review of Applications



Architect Rick Thompson, chair
Brian Tibbs
Frank Wagster

Engineer Laura Reinbold, Chair
Robert Campbell, Jr.
Philip Lim,
Kathryn Ware
Ricky Bursi
Stephen King

Interior Design Susan Ballard, chair
Frank Wagster
Kathy Ware

Landscape Architect Blair Parker, chair
Frank Wagster
Robert Campbell, Jr.

Standing Committees

Grants to Higher Education

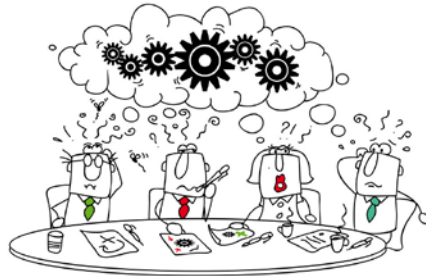
Susan Ballard, chair
Philip Lim
Blair Parker
Frank Wagster
Susan Maynor

Law and Rules/Policies

Rick Thompson, chair
Robert Campbell, Jr.
Blair Parker
Susan Ballard
Laura Reinbold
Brian Tibbs
Susan Maynor

Outreach

Stephen King, chair
Ricky Bursi
Blair Parker
Brian Tibbs
Susan Ballard
Frank Wagster



Nominations

Philip Lim, chair
Rick Thompson
Susan Ballard
Kathy Ware
Blair Parker

Finance

Philip Lim, chair
Susan Ballard
Robert Campbell
Rick Thompson

Continuing Education

Frank Wagster, chair
Kathy Ware
Blair Parker
Susan Ballard
Susan Maynor
Ricky Bursi

Notice of October 4-6, 2017 meeting of the Board of Architectural and Engineering Examiners.
Posted to the Board of Architectural & Engineering Examiners' website on _____.



**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>

DRAFT AGENDA

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

Vanderbilt University
308 Featheringill Hall
2301 Vanderbilt Place
Nashville, TN 37240

Wednesday, October 4, 2017

1:00 P.M. INTERIOR DESIGN COMMITTEE MEETING

CALL TO ORDER – Susan Ballard, Chair
NEW BUSINESS
▪ Potential Law, Rule, and Policy Changes
ADJOURNMENT

1:30 P.M. LANDSCAPE ARCHITECT COMMITTEE MEETING

CALL TO ORDER – Blair Parker, Chair
NEW BUSINESS
▪ Potential Law, Rule, and Policy Changes
▪ CLARB Annual Meeting Report

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.

ADJOURNMENT

2:00 P.M. ARCHITECT COMMITTEE MEETING

CALL TO ORDER – Rick Thompson, Chair

NEW BUSINESS

- Applications and Audits for Review, Discussion and Signature
- Potential Law, Rule, and Policy Changes

ADJOURNMENT

2:30 P.M. ENGINEER COMMITTEE MEETING

CALL TO ORDER – Laura Reinbold, Chair

NEW BUSINESS

- Applications and Audits for Review, Discussion and Signature
- Potential Law, Rule, and Policy Changes
- NCEES Annual Meeting Report

UNFINISHED BUSINESS

- Electronic Seals and Signatures Requirements
- Decoupling of the Experience and Examination Requirements

ADJOURNMENT

6:00 P.M. DINNER

Vanderbilt University
308 Featheringill Hall
2301 Vanderbilt Place
Nashville, TN 37240

Thursday, October 5, 2017

9:00 A.M. LAW AND RULES/POLICIES COMMITTEE MEETING

CALL TO ORDER – Rick Thompson, Chair

NEW BUSINESS

- Potential Law, Rule, and Policy Changes

ADJOURNMENT

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10:00 A.M. GRANTS TO HIGHER EDUCATION COMMITTEE MEETING

CALL TO ORDER – Susan Ballard, Chair

NEW BUSINESS

- Distribution of Grant Funds
- Review of Grant Guidelines
- Special Project Grants
- Proposal to Increase Grants Appropriation

ADJOURNMENT

11:00 A.M. FINANCE COMMITTEE MEETING

CALL TO ORDER – Blair Parker, Chair

NEW BUSINESS

- Review of Financial Data
- Review of Fees
- Proposal to Increase Grants Appropriation

ADJOURNMENT

11:30 A.M. OUTREACH COMMITTEE MEETING

CALL TO ORDER – Stephen King, Chair

NEW BUSINESS

- Newsletter Articles
- Publications Revisions
- Outreach Activities
- Meetings with Deans/Program Directors

ADJOURNMENT

12:00 P.M. LUNCH

1:30 P.M. CONTINUING EDUCATION COMMITTEE MEETING

CALL TO ORDER – Frank Wagster, Chair

NEW BUSINESS

- Potential Rule and Policy Changes

ADJOURNMENT

2:30 P.M. MEETING WITH ENGINEERING STUDENTS/FACULTY

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4:00 P.M. TOUR OF ENGINEERING AND SCIENCE BUILDING

6:00 P.M. DINNER

Vanderbilt University
308 Featheringill Hall
2301 Vanderbilt Place
Nashville, TN 37240

Friday, October 6, 2017

9:00 A.M. BOARD MEETING

CALL TO ORDER – Frank Wagster, Chair

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

PRESENTATION OF EMERITUS CERTIFICATES

OPEN FORUM

CONSENT AGENDA – John Cothron, Executive Director

- Minutes from August 2017 Board Meeting
- Staff Complaint Report

PROFESSIONAL SOCIETY REPORTS

LEGAL CASE REPORT

DIRECTOR'S REPORT – John Cothron

- Complaint Data
- Licensing Data
- Financial Data

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UNFINISHED BUSINESS – John Cothron

- Action Items

NEW BUSINESS

- Authorization of Travel and Speakers
- 2018 Proposed Travel
- Application/Examination Deadline Dates

COMMITTEE REPORTS

- Interior Design Committee
- Landscape Architect Committee
- Architect Committee
- Engineer Committee
- Law and Rules/Policies Committee
- Grants to Higher Education Committee
- Finance Committee
- Outreach Committee
- Continuing Education Committee

GENERAL DISCUSSION OF FUTURE PLANS, ACTION ON ITEMS DISCUSSED

ADJOURNMENT

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2018

Schedule of Events

- February 2-3—NCEES Member Board Administrators' Forum (may be web-based)
- February 2018—SC/NCARB Educator's Conference (dates and location to be determined)
- **February 14-16—Committee/Board Meetings**
- March 7-11—NCARB Regional Summit, Wichita, KS
- **April 11-13—Committee/Board Meetings (possibly meet with surveyors on April 12)**
- April 15-18—ACEC Annual Convention
- April 19-21—NCEES Southern Zone Meeting, Charlottesville, VA
- **June 13-15—Committee/Board Meetings**
- June 21-23—AIA National Conference
- June 27-30—NCARB Annual Meeting, Detroit, MI
- July 18-22—NSPE Annual Conference
- **August 8-10—Committee/Board Meetings**
- August 15-18—NCEES Annual Meeting, Scottsdale, AZ
- September 27-29—CLARB Annual Meeting, Toronto, Ontario
- **October 3-5—Planning Session/Board Meeting**
- October 28-31—ACEC Fall Conference
- October 19-22—ASLA Annual Meeting
- November 9-10—CIDQ Annual Meeting, Nashville, TN (dates and location not finalized)
- **December 5-7—Committee/Board Meetings**

State of Tennessee Board of Architectural and Engineering Examiners

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REPORT ON 2017 NCARB ANNUAL BUSINESS MEETING BOSTON, MA

Tennessee A&E Board Attendees: Rick Thompson, Brian Tibbs, Frank Wagster (Board Members), John Cothron (Executive Director), and Sara Page (Attorney).

The following issues were discussed at the NCARB Annual Business Meeting on June 22-24, 2017:

- Workshops:
 - **Shaping NCARB's Strategy**—Participants provided input on refreshing the NCARB strategic plan.
 - **Blue-sky Perspectives on Certification**—Participants provided feedback on the pros and cons of direct registration (which allows candidates to apply directly to NCARB for admittance to the ARE), a proposal to issue the NCARB certificate prior to licensure, and a proposal to eliminate the requirement for exam candidates to declare a jurisdiction when they start the ARE. Most participants responded favorably to direct registration, but there was more concern about the other two proposals, especially the proposal to issue a NCARB certificate prior to licensure.
 - **Investigation Best Practices**—Enforcement staff from NH, FL, and WA provided an overview of investigation best practices.
 - **Making Education Count**—Presenters provided an overview of the NAAB accreditation process. It was noted that graduates from accredited programs have a higher pass rate on the ARE (64% vs. 57%).
 - **Opportunities in the New Regulatory Environment**—Keynote speakers Malcolm K. Sparrow and David C. King, professors at Harvard's Kennedy School of Government, explored the importance of reasonable regulation—including techniques for building relationships with elected officials in an era when professional licensure is being questioned.

- Business Sessions:
 - There were no resolutions for consideration this year. A proposed resolution to amend the NCARB *Bylaws* to change the process for adding, removing, and reinstating member boards was withdrawn. The Board of Directors decided to address this issue through a policy instead.
 - Treasurer Terry Allers shared a multi-year forecast that includes preparation for expected deficits for the next three years due to streamlined programs, reduced ARE candidate volume (due to the reduction in the number of exam divisions), and dual delivery of ARE 4.0 and 5.0 through June 2018. Financial reserves will cover the deficit during this period; no fee increases are planned. The forecast shows a return to a balanced budget in 2021. There was a \$2M surplus in FY 2017 (much of it from higher exam revenue), and a \$1M deficit is expected for FY 2018. New business development (marketing NCARB's licensing and volunteer management systems) could increase revenue during this period.
 - NCARB CEO Mike Armstrong reported that the successor programs to the Broadly Experienced Architect/Broadly Experienced Foreign Architect programs have been very successful (over 600 applications have been received since the new programs were launched).
 - It was announced that 21 colleges from around the country are now participating in the Integrated Path to Architectural Licensure (IPAL) initiative, which enables students to pursue a license while in school.

- Regional Meeting:
 - Jurisdictions requested discussion of the following topics:
 - Intern titling—most jurisdictions reported that use of the titles “Design Professional” and “Architectural Associate” by unlicensed persons would be unlawful in their jurisdictions.
 - Use of the title “interior architecture” by interior design programs.
 - Military licensure.
 - Provisions for successor architects.
 - Work continues on planning the 2018 Educators’ Conference. This meeting may be combined with regulatory training for board members and staff.

- Officer Elections: The following individuals were elected to serve on the NCARB Board of Directors—
 - Greg Erny (NV), President
 - David Hoffman (KS), First Vice President/President-Elect
 - Terry Allers (IA), Second Vice President
 - Robert M. Calvani (NM), Treasurer
 - Alfred Vidaurri (TX), Secretary
 - Darryl R. Hamm (PA), Public Director
 - Maria Brown (OR), Member Board Executive Director

John E. Cardone, Jr. (LA) is now serving as the Director of Region 3 (the Southern Conference). Robert McKinney (LA) is serving as the Regional Chair.

- Upcoming Meetings: The next Regional Summit is scheduled for March 7-11, 2018 in Wichita, KS. The next Annual Meeting is scheduled for June 27-30, 2018, in Detroit, MI. The 2019 Regional Summit will be held in Nashville, and the 2019 Annual Meeting and centennial celebration will be held in Washington, DC.