



MINUTES OF A MEETING OF THE  
TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS  
Davy Crockett Tower  
Nashville, Tennessee  
Thursday, August 10, 2017

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**CALL TO ORDER**

Frank Wagster, Chair, called the regular meeting of the Tennessee Board of Architectural and Engineering Examiners to order at 9:10 a.m. on August 10, 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
Blair Parker	Registered Landscape Architect
Rick Thompson	Registered Architect
Brian Tibbs	Registered Architect
Frank Wagster	Registered Architect
Kathryn Ware	Professional Engineer

The following **Board member** was absent:

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

Ricky Bursi	Professional Engineer
Stephen King	Professional Engineer

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

Laura Reinbold	Professional Engineer
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The following **Board staff** was present:

John Cothron	Executive Director
Wanda Garner	Administrative Assistant
Wanda Phillips	Office Manager
Elizabeth Goldstein	Legal counsel
Sarah Page	Legal Counsel
Matthew Reddish	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)  
Chris Gwaltney, P.E., representing the American Society of Civil Engineers (ASCE) Tennessee Section

Mr. Cothron announced that Susan Maynor, Public Board Member, resigned from the Board in July 2017, and that Rick Thompson has been reappointed for another four-year term (2017-

2021).

No changes or additions were made to the agenda.

**CONSENT AGENDA** (attached)

Motion was made by Mr. Thompson and seconded to approve the minutes of the June 1, 2017 meeting. The motion passed unanimously.

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

**PROFESSIONAL SOCIETY REPORTS**

Kasey Anderson, reported the activities of the TSPE/ACEC-TN. She announced that a PE exam review class is scheduled and that her office has been fielding many questions about qualifications-based selection.

**LEGAL CASE REPORT** (presented by Sara Page) (attached)

1. *Case No. #2017032931* *Complaint #201703293*  
Motion was made by Mr. Tibbs and seconded to close the case. The motion passed unanimously.
  
2. *Case No. #2017034111* *Complaint #201703411*  
Motion was made by Ms. Ware and seconded to close the case. The motion passed unanimously.
  
3. *Case No. #2017020561* *Complaint #201702056*  
Motion was made by Mr. Campbell and seconded to
  - authorize a civil penalty in the amount of \$500.00 for the Respondent's failure to properly seal a design to which Respondent contributed (T.C.A. § 62-2-306(b) and Rule 0120-02-.08);
  - to require the Respondent to take and pass the laws and rules examination, and
  - to send a Letter of Instruction to the Complainant regarding proper use of the seal when multiple registrants contribute to a project.The motion passed unanimously.
  
4. *Case No. #2017024381* *Complaint #201702438*  
Motion was made by Mr. Thompson and seconded to authorize a civil penalty in the amount of \$500.00 for unlicensed activity, to be settled by Consent Order or a formal hearing, and to require the Respondent to take and pass the laws and rules examination. The motion passed unanimously.
  
5. *Case No. #2017030661* *Complaint #201703066*  
Motion was made by Mr. Tibbs and seconded to close the case. The motion passed unanimously.
  
6. *Case No. #2017018981* *Complaint #201701898*  
Motion was made by Ms. Ware and seconded to close the case with the ability to reopen it after the Land Surveyors Board considers the complaint in October 2017. The motion passed unanimously.
  
7. *Case No. #2017035711* *Complaint #201703571*  
Motion was made by Ms. Ballard and seconded to close the case and reopen with case

#2017018981 after the October 2017 Tennessee Land Surveyors Board meeting. The motion passed unanimously.

8. *Case No. #2017020051* *Complaint #201702005*  
Motion was made by Ms. Ware and seconded to close the case upon the issuance of a Letter of Warning to the Respondent and the Respondent's employer regarding use of the title "engineer." The motion passed unanimously.
9. *Case No. #2017038441* *Complaint #201703844*  
Motion was made by Ms. Ware and seconded to authorize revocation of the Respondent's license to be settled by Consent Order or formal hearing. The motion passed with Mr. Campbell and Mr. Thompson voting against it.
10. *Case No. #2017039491* *Complaint #201703949*  
Motion was made by Mr. Thompson and seconded to authorize a civil penalty in the amount of \$1,000.00 for unlicensed activity, to be settled by a Consent Order or a formal hearing, and to require the Respondent to take and pass the laws and rules examination. The motion passed unanimously.
11. *Case No. #2017047601* *Complaint #201704760*  
Motion was made by Mr. Campbell and seconded to authorize a civil penalty in the amount of \$500.00 for unlicensed activity, to be settled by Consent Order or a formal hearing, and to require the Respondent to take and pass the laws and rules examination. The motion passed unanimously.
12. *Case No. #2017040701* *Complaint #201704070*  
Motion was made by Ms. Ware and seconded to close the case. The motion passed unanimously.
13. *Case No. #2017030601* *Complaint #201703060*  
Motion was made by Mr. Mr. Tibbs and seconded to close the case upon issuance of a Letter of Warning. The motion passed unanimously.
14. *Case No. #2017039471* *Complaint #201703947*  
Motion was made by Mr. Campbell and seconded to close the case upon issuance of a Letter of Warning. The motion passed unanimously.
15. *Case No. #2014004821* *Complaint #201400482*  
Motion was made by Mr. Campbell and seconded to deny the reapplication and close the case. The motion passed unanimously.

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16. *Case No. #2017024021* *Complaint #201702402*  
By consensus, the Board agreed that the prior decision stands.

Motion was made by Ms. Ballard and seconded to give Matthew Reddish, Legal Counsel, authority for Case #2016049061 to be heard before an Administrative Law Judge. The motion passed unanimously.

Break 11:15 a.m. – 11:30 a.m.

**DIRECTOR'S REPORT**

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

- Board members were informed of past and future national council meetings and outreach activities.
- Mr. Cothron announced that, in mid-August, Board staff is scheduled to begin working from home three days a week as part of an Alternative Workplace Solutions (AWS) initiative.
- The law allowing the Board to issue an engineering license to an individual with a master's degree in engineering and with 20 years' experience went into effect July 1, 2017, and is to be repealed on June 30, 2019. Because of the law's specificity and short timeframe a corresponding rule change is not justified.
- *Licensing Data* was presented for informational purposes only. (attached)
- *Complaint Data* was presented for informational purposes only. (attached)

### **COMMITTEE REPORTS**

The minutes of each Committee meeting follow these minutes.

- *The Engineer Committee Report*  
The Engineering Committee, through Mr. Campbell, reported on topics discussed.
- *Continuing Education Committee Report*  
The Landscape Architect Committee, through Mr. Wagster, reported on topics discussed.
- *Architect Committee Report*  
The Architect Committee, through Mr. Thompson, reported on topics discussed.

### **UNFINISHED BUSINESS**

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

### **NEW BUSINESS**

- *Committee Assignments*  
Mr. Wagster asked Mr. Parker to chair the Finance Committee and asked Mr. Campbell to serve on the Grants Committee. Mr. Wagster will make remaining assignments at the October meeting.
- *October Meeting Agenda* (attached)  
The October meeting agenda was reviewed and changes were made as needed.
- *2018 Meeting Schedule* (attached)  
Motion was made by Mr. Tibbs and seconded to accept the proposed 2018 Meeting Schedule. The motion passed unanimously.
- *Report on 2017 National Council of Architectural Annual Meeting (NCARB)* (attached)  
A written report of the NCARB Annual Meeting was submitted.
- *Authorization of Travel and Speakers*  
Motion was made by Mr. Campbell and seconded to authorize two persons to attend a

National Council of Architectural Registration Boards (NCARB) outreach event in Memphis, for Ms. Ware to speak to the Chattanooga Chapter of ACEC (American Council of Engineering Companies), and for three Board members and two staff members to speak at the Tennessee Engineers' Conference in Nashville on September 29, 2017. The motion passed unanimously.

The meeting adjourned at 12:20 p.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, August 9, 2017

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**CALL TO ORDER**

Laura Reinbold, P.E., Committee Chair, called the Engineer Committee meeting to order at 1:09 p.m. on August 9, 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
Ricky Bursi, P.E.	West TN Associate Member
Robert Campbell, P.E.	East TN Member
Stephen King, P.E.	East TN Associate Member

A quorum was present.

Kathryn Ware, P.E., Middle TN Member, arrived at 1:18 p.m.

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

John Cothron	Executive Director
Elizabeth Goldstein	Assistant General Counsel
Sara Page	Assistant General Counsel
Wanda Phillips	Administrative Manager

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

**UNFINISHED BUSINESS**

**ELECTRONIC SEALS AND SIGNATURES REQUIREMENTS**

Mr. Campbell reviewed an e-mail from Jennifer Lloyd, P.E., Director of the Roadway Design Division at the Tennessee Department of Transportation, advocating the use of a signature sheet for sets of plans.

Ms. Ware arrived at 1:18 p.m.

## **DECOUPLING OF THE EXPERIENCE AND EXAMINATION REQUIREMENTS**

No new developments were reported on decoupling of the experience and examination requirements for engineer registration, but this topic will be discussed further at the October Board meeting.

## **NEW BUSINESS**

### **APPLICATIONS AND AUDITS FOR DISCUSSION**

- **Adrian Alan Bennett** (Exam) – Following discussion of the applicant’s experience, a motion was made by Mr. Campbell and seconded to approve the applicant to sit for the Principles and Practice of Engineering (PE) exam. The motion passed unanimously.
- **Irucka Ajani Embry** (Exam) – Following discussion of the applicant’s experience, a motion was made by Ms. Ware and seconded to disapprove the application due to a lack of progressive engineering experience. The motion passed unanimously.
- **Michael Fitzgerald** (Exam) – Following discussion of the applicant’s professional references, a motion was made by Mr. Campbell and seconded to approve the applicant to sit for the PE exam. The motion passed unanimously.
- **Seth Ryan Freer** (Exam) – Following discussion of the applicant’s experience, a motion was made by Mr. Campbell to approve the applicant to sit for the PE exam in October 2018. The motion was not seconded and was withdrawn. A motion was then made Ms. Ware and seconded to disapprove the application and ask the applicant to resubmit their experience for the April 2018 exam administration. The motion passed unanimously.
- **Ihab Habib** (Reapply) – The committee deferred discussion of this application since there was an open complaint against the applicant.
- **Thomas Adrian Hagood, Jr.** (Reapply) – Following discussion of the application, in which the applicant self-reported practicing on an expired license, a motion was made by Mr. Campbell and seconded to approve the application pending passage of the law and rules examination. The motion passed unanimously.
- **Michael Ray Johnson** (Exam) – Following discussion of the applicant’s experience, a motion was made by Mr. Campbell and seconded to disapprove the application and ask

the applicant to update their experience in one (1) year. The motion passed unanimously.

- **Tiffany Brooke King** (Exam) – Following discussion of the applicant’s experience, a motion was made by Mr. Campbell and seconded to disapprove the application pending an opportunity to interview the applicant. The motion passed unanimously.
- **Jason Travis Patterson** (Exam) – The committee deferred action on this application pending research by legal counsel into the history of Rule 0120-01-.10 (Education and Experience Requirements – Engineer).
- **Randolph Stuart Piersall** (Comity) – Following a discussion of the applicant’s discipline in other jurisdictions, a motion was made by Mr. Campbell and seconded to approve the application. The motion passed unanimously.
- **Geina Lanette Skinner** (Exam) – Following discussion of the applicant’s experience, a motion was made by Ms. Ware and seconded to approve the applicant to sit for the PE exam. The motion passed unanimously.
- **Dennis Matthew Stuart** (Comity) – Following discussion of the applicant’s educational qualifications, a motion was made by Ms. Ware and seconded to accept the applicant’s education as an engineering curriculum and approve the application. The motion passed, with Mr. King and Mr. Campbell voting against the motion.
- **Adam Szczuka** (Exam) – Following discussion of the applicant’s experience, a motion was made by Mr. Campbell and seconded to request an interview with the applicant. The motion passed unanimously.
- **John Malayattu Thomas** (Comity) – Following discussion of the applicant’s educational qualifications, a motion was made by Mr. King and seconded to approve the application. The motion passed unanimously.

## NCEES ANNUAL MEETING MOTIONS

Motions to be presented at the 2017 National Council of Examiners for Engineering and Surveying (NCEES) Annual Meeting were reviewed. The following motions prompted discussion:

- Special Committee on Bylaws Motion 1—Moves that the *Bylaws* section regarding Elections and Terms of Office be amended to remove the language stating that a treasurer may serve consecutive terms. The committee did not endorse this motion.
- Education Committee Motion 1—Moves 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. The committee expressed opposition to this motion, but did not adopt a firm position.



- Advisory Committee on Council Activities (ACCA) Motion 1—Moves that a Special Committee on Bylaws be charged with amending the *Bylaws* 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. The committee did not endorse this motion.
- ACCA Motion 2—Moves 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 committee agreed to endorse this motion.
- Member Board Administrators Committee Motion 1—Moves that the Central, Northeast, Southern, and Western zone interim meetings be held as a combined meeting in 2020. The committee agreed to endorse this motion.
- Uniform Procedures and Legislative Guidelines (UPLG) Motion 9— Move that *Model Rules 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 committee agreed to endorse this motion.
- Western Zone Resolution—Moves that a Special Committee on Bylaws be charged with amending the *Bylaws* 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. The committee did not endorse this motion.
- ACCA Motion 3—Moves 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. The committee did not endorse this motion.

The committee did not take positions on the other motions.

## **ENGINEERING EXAM RESULTS**

Mr. Cothron reviewed engineering exam results from January-May 2017. He noted that the number of candidates sitting for the Fundamentals of Engineering (FE) exam appears to be increasing.

**Adjourn.** There being no further business, Ms. Reinbold adjourned the meeting at 3:32 p.m.



MINUTES  
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS  
CONTINUING EDUCATION COMMITTEE MEETING  
Davy Crockett Tower  
Nashville, Tennessee  
Wednesday, August 9, 2017

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**CALL TO ORDER**

Frank Wagster, Committee Chair, called the Continuing Education Committee meeting to order at 4:04 p.m. on August 9, 2017, in Room 1-B of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Susan Ballard, R.I.D.  
Ricky Bursi, P.E., Associate Member  
Blair Parker, R.L.A.  
Frank Wagster, R.A.  
Kathryn Ware, P.E.

A quorum was present.

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

John Cothron	Executive Director
Elizabeth Goldstein	Assistant General Counsel
Sara Page	Assistant General Counsel

**NEW BUSINESS**

**POTENTIAL CONTINUING EDUCATION RULE CHANGES**

Mr. Cothron reviewed a draft of potential continuing education rule changes. Significant changes included:

- Adding a Basic Requirements rule for each profession (architects, engineers, landscape architects, and registered interior designers).

- Requiring architects to obtain hours on a calendar-year basis.
- Adding a provision allowing engineers and landscape architects to obtain continuing education hours on a calendar-year basis.
- Phasing out the carryover hour provision for architects, engineers, and landscape architects. The committee agreed that carryover hours should be phased out in 2021 to provide adequate notice to registrants. The carryover provision will be retained for registered interior designers.
- Adding a definition of “health, safety and welfare” (HSW) for registered interior designers. HSW definitions were not added for engineers and landscape architects.
- Adding a provision allowing the Board to grant continuing education extensions or exemptions in cases of hardship, such as physical disability or a serious medical condition. The committee requested that language be added clarifying that registrants are not guaranteed exemptions, and that registrants requesting an exemption or extension could still be subject to disciplinary action for noncompliance with the continuing education rules.
- Repealing Rule 0120-05-.14 (Alternative Continuing Professional Development Option for Architects and Registered Interior Designers).

Mr. Parker noted that he is seeking input on whether to increase the HSW requirement for landscape architects.

Mr. Cothron and Ms. Goldstein stated that they will revise the rules draft for consideration at the October 2017 meeting.

**Adjourn.** There being no further business, the Chair adjourned the meeting at 4:48 p.m.



MINUTES  
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS  
ARCHITECT COMMITTEE MEETING  
Davy Crockett Tower  
Nashville, Tennessee  
Thursday, August 10, 2017

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**CALL TO ORDER**

Rick Thompson, Committee Chair, called the Architect Committee meeting to order at 8:17 a.m. on August 10, 2017, in Room 1A of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Rick Thompson, R.A., Chair	East TN Architect Member
Brian Tibbs, R.A.	Middle TN Architect Member
Frank Wagster, R.A.	West TN Architect Member

A quorum was present.

The following **Board staff** was present:

John Cothron	Executive Director
Elizabeth Goldstein	Assistant General Counsel
Sara Page	Assistant General Counsel
Matthew Reddish	Assistant General Counsel

**Visitor present:** Kate O'Neil, Hastings Architecture Associates, representing the American Institute of Architects-Tennessee (AIA-TN).

**NEW BUSINESS**

Mr. Thompson noted that applications had been distributed for independent review. At the request of Mr. Cothron, a discussion of the Direct Registration program of the National Council of Architectural Registration Boards (NCARB) was added to the agenda.

**INTERN TITLING**

Mr. Cothron reviewed the AIA position statement on pre-licensure titling, which supports usage of the titles "Architectural Associate" or "Design Professional" by interns pursuing licensure. According to NCARB, many U.S. jurisdictions prohibit use of one or both titles by unlicensed

persons. Mr. Cothron then referred committee members to a repealed Board policy that allowed use of the title “intern architect” under certain conditions. Mr. Cothron stated that he has received questions about what titles would be acceptable for use by interns, and is seeking guidance from the Board. Ms. O’Neil reported that AIA-TN does not have a strong recommendation on this issue at this time.

Ms. Goldstein offered to research what pre-licensure titles are allowed by other states, and the committee agreed to discuss the issue further at the October 2017 meeting.

#### **DIRECT REGISTRATION PROPOSAL**

Mr. Cothron shared a draft proposal from NCARB outlining how the Direct Registration program, which allows candidates to establish their exam eligibility directly with NCARB, would work for the Tennessee Board. Participation in the Direct Registration program is contingent on a pending rule change, which may take effect in early 2018.

**Adjourn.** There being no further business, the Chair adjourned the meeting at 8:53 a.m.