



MINUTES OF A MEETING OF THE
TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
Davy Crockett Tower
Nashville, Tennessee
Thursday, February 16, 2017

CALL TO ORDER

Susan Ballard, Chair, called the regular meeting of the Tennessee Board of Architectural and Engineering Examiners to order at 9:10 a.m. on February 16, 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
Philip Lim	Professional Engineer
Susan Maynor	Public Member
Blair Parker	Registered Landscape Architect
Rick Thompson	Registered Architect
Frank Wagster	Registered Architect
Kathryn Ware	Professional Engineer

The following **Board member** was absent:

Brian Tibbs	Registered Architect
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The following **Associate Engineer members** were present:

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

The following **Board staff** was present:

John Cothron	Executive Director
Wanda Garner	Administrative Assistant
Wanda Phillips	Office Manager
Elizabeth Goldstein	Assistant General Counsel
Vanessa Huntsman	Paralegal
Sara Page	Assistant General Counsel
Matthew Reddish	Assistant General 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)
Ashley Cates, American Institute of Architects-Tennessee (AIA-TN)
Chris Gwaltney, P.E., representing the American Society of Civil Engineers (ASCE) Tennessee Section
Nathan Ridley, American Society of Landscape Architects TN (ASLA-TN)

Mr. Cothron announced that Brian T. McCormack has been promoted to Deputy Commissioner, and that Ann McGauran has been appointed as the new State Architect. Ms. Ballard suggested inviting Ms. McGauran to attend a future Board meeting.

Motion was made by Mr. Lim and seconded to accept the agenda without changes and/or additions. The motion passed unanimously.

CONSENT AGENDA (attached)

Motion was made by Mr. Thompson and seconded to approve the minutes of the December 8, 2016 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, Don Baltimore, Nathan Ridley, and Ashley Cates reported on the activities of the TSPE/ACEC-TN, TN IDEA, ASLA-TN, and AIA-TN, respectively.

Ms. Anderson and Ms. Cates reported on legislation being tracked by their societies and efforts to maintain qualifications-based selection for public projects.

Mr. Baltimore expressed concern regarding HB0556/SB0449, which, as introduced, requires state governmental entities that establish or adopt guides to practice to do so through the promulgation of rules.

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

1. *Case No. #2016069061* *Complaint #201606906*
Motion was made by Mr. Campbell and seconded to close the case with a Letter of Caution. The motion passed unanimously.

2. *Case No. #2016049061* *Complaint #201604906*
Motion was made by Mr. Wagster and seconded to authorize a formal hearing with the authority to settle with a Consent Order for a one thousand dollar (\$1,000.00) civil penalty, a requirement to complete 24 hours of professional development prior to the Respondent's registration becoming activated again, and to take and pass the Board's law and rules exam. The motion passed unanimously.

3. *Case No. #2016053951* *Complaint #201605395*
Motion was made by Mr. Campbell and seconded to authorize a formal hearing with the authority to settle with a Consent Order for a four thousand dollar (\$4,000.00) civil penalty, a six-month suspension of the Respondent's certificate of registration, and a requirement to take and pass the Board's law and rules exam.

After discussion, Mr. Campbell withdrew his motion. Motion was then made by Mr. Wagster and seconded to authorize a formal hearing with the authority to settle with a Consent Order for a six thousand dollar (\$6,000.00) civil penalty (\$750.00 x 8 sheets) and a requirement to take and pass the Board's law and rules exam. The motion passed unanimously.

Motion was made by Ms. Ware and seconded to investigate two other projects in which the Respondent was involved. The motion passed unanimously.

4. *Case No. #2017000671* *Complaint #201700067*
Motion was made by Mr. Campbell and seconded to authorize a formal hearing with the authority to settle with a Consent Order for a five hundred dollar (\$500.00) civil penalty and a requirement to take and pass the Board's law and rules exam. The motion passed unanimously.

5. *Case No. #2016049151* *Complaint #201604915*
Mr. Thompson asked to be recused because he was out of the room during discussion.

Mr. Wagster asked to be recused because he helped review the file.

Motion was made by Mr. Campbell and seconded to authorize a formal hearing with the authority to settle with a Consent Order to revoke the Respondent's certificate of registration. The motion passed.

6. *Case No. #2017000581* *Complaint #201700058*
Motion was made by Mr. Campbell and seconded to close the case. The motion passed unanimously.

7. *Case No. #2014028891* *Complaint #201402889*
Motion was made by Mr. Thompson and seconded to close the case. The motion passed unanimously.

8. *Case No. #2017008721* *Complaint #201700872*
Motion was made by Mr. Lim and seconded to authorize a formal hearing with the authority to settle with a Consent Order for a two thousand five hundred dollar (\$2,500.00) civil penalty and a requirement to take and pass the Board's law and rules exam. The motion passed unanimously.

Break 10:45 a.m. – 11:04 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

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

- HB0300/SB1188—Amends T.C.A. § 62-2-401(a)(1) to replace 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. This change was requested as a legislative proposal last year.

- HB0597/SB0329—As introduced, would allow persons holding a master's degree in engineering to qualify for engineer registration with four years of engineering experience and engineer intern certification.

A motion was made by Ms. Ware and seconded to oppose this bill as introduced on the basis that the current registration requirements (four-year degree in engineering,

experience, and examination) should be maintained to ensure that individuals are qualified to practice engineering. The motion passed unanimously.

- HB0326/SB1217—As introduced, would allow a supervising official to override rules and decisions of a board or commission that may constitute unreasonable restraints of trade.

A motion was made by Mr. Campbell and seconded to express concern regarding this legislation as introduced on the basis that the bill places too much authority in the hands of one person, and that adequate safeguards are already in place for Board actions. The motion passed unanimously.

- HB1408/SB1061—As introduced, would remove the exemption from the competitive bidding requirement for design and consultant contracts entered into by the Tennessee Department of Transportation.

A motion was made by Mr. Campbell and seconded to oppose this bill as introduced on the basis that qualifications-based selection of design professionals for public projects is in the best interest of the state and the public. The motion passed unanimously.

Mr. Cothron also reported that 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.

- *The Engineer Committee Report*
The Engineer Committee, through Ms. Reinbold, reported on Committee discussions. The minutes of the Engineer Committee meeting follow these minutes.
- *The Finance Committee Report*
The Finance Committee, through Mr. Lim, reported on Committee discussions.

The Finance Committee moved that the Board eliminate the \$15.00 engineer intern application fee, which would promote licensure and help students. The motion passed unanimously.

The minutes of the Finance Committee meeting follow these minutes.

- *The Law and Rules/Policies Committee Report*
The Law and Rules/Policies Committee, through Mr. Thompson, reported on Committee discussions.

The Law and Rules/Policies Committee moved that the Board repeal the design competitions/RFPs/RFQs policy, add information to the Board's frequently asked questions clarifying that offering services prior to registration is prohibited, and direct legal counsel to revise Rule 0120-01-.03 to provide clarifications to offering to practice. The motion passed unanimously.

The Law and Rules/Policies Committee moved to repeal the following policies that have been moved to rules:

- Construction Documents and Use of the Seal
- Inactive Status
- Law and Rules Exam
- Multiple Registrants' Seals on a Document
- Definition of Original Sheets
- Prototypical Plans, CAD, and U.S. Postal Services Kit of Parts
- Registration Expired in Another State, Tennessee Residents
- Use of Title if Registered in Other Jurisdictions

The motion passed unanimously.

Mr. Thompson reported that the Law and Rules/Policies Committee had voted to recommend that the Board approve the proposed rule changes. However, since additional rule changes were necessary, action on the proposed rules was deferred to the April Board meeting. The Law and Rules/Policies Committee will meet prior to the April Board meeting to discuss proposed rule changes.

The minutes of the Law and Rules/Policies Committee meeting follow these minutes.

UNFINISHED BUSINESS

- *Action Items* (attached)
The action items taken from the December meeting were reviewed and the required action had either been taken or is in process.
 - Relevant authorities are reviewing the *Reference Manual*.
 - Grant contracts have been drafted, and they should all be effective by March.

Mr. Thompson left at 12:23 p.m.

- *Qualifications-Based Selection FAQs*
Ms. Goldstein presented proposed revisions to the qualifications-based selection FAQs for the Board's consideration. Mr. Lim suggested moving the proposed disclaimer language to the beginning of the FAQs. The proposed FAQ revisions will be re-presented to the Board in April.
- *Potential Rule Changes*
Proposed rule changes will be submitted at the April meeting.
- *October 2017 Meeting Location*
Mr. Cothron reported that the October Board meeting will be held on the Vanderbilt University campus.

NEW BUSINESS

- *Reapplication Requirements*
Mr. Cothron asked the Board if individuals reapplying for registration in Tennessee should be required to submit new National Council of Architectural Registration Boards (NCARB) and Council of Landscape Architectural Registration Boards (CLARB) Council records. Board members agreed that a new Council record should be required only if the person reapplying for registration is currently registered in another jurisdiction, in

which case the comity law (T.C.A. § 62-2-304) would apply. If they are not currently registered in another jurisdiction, a Council record is not required.

- *Call for Officer Nominations*
The Nominations Committee will meet prior to the April Board meeting to discuss officer nominations.

- *Authorization of Travel and Speakers*
 - Motion was made by Mr. Lim and seconded to authorize Mr. Campbell to attend the 2017 National Council of Examiners for Engineering and Surveying (NCEES) Northeast/Southern Zone Joint Interim Meeting in St. Thomas, Virgin Islands. The motion passed unanimously.

 - Motion was made by Mr. Campbell and seconded to authorize Mr. Cothron to speak at a Middle Tennessee Structural Engineers Association meeting on March 1 regarding the Board's enforcement efforts, and to travel to the University of Tennessee in Knoxville for the College of Architecture and Design Career Day on February 24. The motion passed unanimously.

Mr. Bursi suggested that the Board should discuss definitions of practice and incidental practice provisions at the October planning session and meeting.

The meeting adjourned at 12:49 p.m.

ATTACHMENTS



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
ENGINEER COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Wednesday, February 15, 2017

CALL TO ORDER

Laura Reinbold, P.E., Committee Chair, called the Engineer Committee meeting to order at 1:00 p.m. on February 15, 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
Philip Lim, P.E.	West TN 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:

John Cothron	Executive Director
Anthony Glandorf	Chief Counsel, Regulatory Boards Division
Elizabeth Goldstein	Assistant General Counsel
Vanessa Huntsman	Paralegal
Sara Page	Assistant General Counsel
Wanda Phillips	Administrative Manager
Matthew Reddish	Assistant General Counsel

Visitors present: Chris Gwaltney, P.E., representing the American Society of Civil Engineers (ASCE), Tennessee Section; Richard Sullivan, P.E. (reapplying)

NEW BUSINESS

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

Mr. Campbell and Mr. King presented possible additions to the Engineer Committee policy entitled “Criteria for Fulfillment of the ABET Humanities/Social Sciences (General Education) Requirement.” Proposed additions included credit for publishing technical papers, presentations, and teaching college courses. Mr. Campbell will draft revisions for consideration at the April committee meeting.

APPLICATIONS AND AUDITS FOR DISCUSSION

- **Richard Dee Sullivan** (Reapply) – Following a discussion with Mr. Sullivan regarding the circumstances leading to his lapsed registration, a motion was made by Mr. Campbell and seconded to approve the reapplication. The motion passed unanimously.
- **Shayne Christopher Aune** (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.
- **Shane Robert Ford** (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.
- **Gregory Kyle Garcia** (Exam) – Following discussion of the applicant’s request to sit for the PE exam in April 2017 instead of October 2017, a motion was made by Mr. Lim and seconded to approve the applicant to sit for the PE exam in April 2017. The motion passed unanimously.
- **Ashish Ghosh** (Comity) – Following discussion of the applicant’s request to pass tests in lieu of completing courses to remedy a 15 semester hour deficiency in mathematics/basic sciences, a motion was made by Mr. Lim and seconded to require the applicant to complete 15 semester hours of pre-approved courses to remedy the deficiency. The motion passed unanimously.
- **John McGinness Greer** (Exam) – Following discussion of the applicant’s experience, a motion was made by Mr. Lim and seconded to approve the applicant to sit for the PE exam in October 2017. The motion passed unanimously.
- **Zachary Brian Lang** (Comity) – Following discussion of the applicant’s educational deficiency (1 semester credit hour in engineering sciences and design), a motion was made by Mr. Campbell and seconded to waive the deficiency and approve the application. The motion passed unanimously.

- **Laura Jane Pearce** (Exam) – Following discussion of the applicant’s experience and references, a motion was made by Mr. Campbell and seconded to disapprove the application. The motion passed unanimously.
- **Nicholas Joseph Renna** (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 with five Board members voting for the motion and Mr. Campbell voting against it.
- **Zachary David Thompson** (Exam) – Following a discussion of the applicant’s experience, a motion was made by Mr. Campbell and seconded to approve the applicant to sit for the PE exam in April 2018. It was noted that the applicant could sit earlier with documentation of additional engineering experience. The motion passed unanimously.
- **Kevin Edgar Wilson** (Exam) – Following discussion of the applicant’s experience, a motion was made by Ms. Ware and seconded to disapprove the application. The motion passed unanimously.

ELECTRONIC SEALS AND SIGNATURES REQUIREMENTS

Mr. Campbell discussed the process for electronic seals and signatures utilized in Florida, which allows registrants to seal a cover page instead of sealing each sheet separately. This procedure dramatically speeds up the process of sealing and making revisions to plans. The Tennessee Department of Transportation has expressed interest in adopting this process in Tennessee.

QUALIFICATIONS OF CONTINUING EDUCATION INSTRUCTORS

In connection with a recent continuing education audit, Mr. Campbell expressed concern that continuing education courses on a wide variety of subjects were apparently taught by one person. Mr. Cothron was asked to contact the course provider for more information on the qualifications of the instructor (Ron Finger).

2016 EXAMINATION RESULTS

Mr. Cothron reviewed the 2016 engineering examination results and noted that the number of Fundamentals of Engineering (FE) examination candidates has steadily increased since 2014.

REPORT ON NCEES BOARD PRESIDENTS’ ASSEMBLY

Ms. Reinbold and Mr. Cothron reported on the NCEES Board Presidents’ Assembly, which was held in Atlanta, Georgia on February 3-4, 2017. A transition plan for converting the professional

engineering exams to a computer-based format was presented (the transition will begin in 2018), and committees reported on possible motions that will be discussed and voted on at the Annual Meeting in August.

UNFINISHED BUSINESS

ATTENDANCE AT 2017 NCEES SOUTHERN ZONE MEETING

Mr. Cothron reported that he and Ms. Reinbold met with Assistant Commissioner Brian T. McCormack in January to discuss the Engineer Committee's request to attend the 2017 NCEES Northeast/Southern Zone Joint Interim Meeting in St. Thomas, Virgin Islands. Following this meeting, a travel authorization request to send one Board member (Mr. Campbell) to this meeting was approved.

ENERGY SERVICE COMPANIES AND ENGINEERING REGISTRATION LAWS

Mr. Cothron reported that the Association of Energy Engineers (AEE) requested additional information regarding the Board's concerns, which he has provided. He is currently waiting on their response.

Adjourn. Ms. Reinbold adjourned the meeting at 3:39 p.m.



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
FINANCE COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Wednesday, February 15, 2017

CALL TO ORDER

Philip Lim, Committee Chair, called the Finance Committee meeting to order at 4:00 p.m. on February 15, 2017, in Room 1-B of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Philip Lim, P.E.
Susan Ballard, R.I.D.
Robert Campbell, Jr., P.E.

A quorum was present.

The following **Board staff** was present:

John Cothron	Executive Director
Anthony Glandorf	Chief Counsel, Regulatory Boards Division
Elizabeth Goldstein	Assistant General Counsel
Vanessa Huntsman	Paralegal
Sara Page	Assistant General Counsel
Matthew Reddish	Assistant General Counsel

NEW BUSINESS

REDUCTION OR ELIMINATION OF FEES

In regard to the Board's recent request to increase the grants appropriation to \$500,000, Assistant Commissioner Brian T. McCormack encouraged the Grants Committee to consider the reduction or elimination of application fees before requesting an increase in the appropriation amount. At the December 2016 Board meeting, the Finance Committee agreed to study this issue and make a recommendation to the Board.

Following discussion of possible fee reductions or eliminations, a motion was made by Mr. Campbell and seconded to recommend that the Board eliminate the \$15.00 engineer intern application fee, which would promote licensure and help students. The motion passed unanimously.

Adjourn. The Chair adjourned the meeting at 4:22 p.m.



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
LAW AND RULES/POLICIES COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Thursday, February 16, 2017

CALL TO ORDER

Rick Thompson, R.A., Committee Chair, called the Law and Rules/Policies Committee meeting to order at 8:12 a.m. on February 16, 2017, in Room 1-A of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Rick Thompson, R.A., Chair
Susan Ballard, R.I.D.
Robert Campbell, Jr., P.E.
Susan Maynor
Blair Parker, R.L.A.
Laura Reinbold, P.E., Associate Member

A quorum was present.

The following **Board staff** was present:

John Cothron	Executive Director
Anthony Glandorf	Chief Counsel, Regulatory Boards Division
Elizabeth Goldstein	Assistant General Counsel
Vanessa Huntsman	Paralegal
Sara Page	Assistant General Counsel
Matthew Reddish	Assistant General Counsel

Visitor present: Kasey Anderson, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN)

NEW BUSINESS

REVIEW OF DESIGN COMPETITIONS/RFPs/RFQs POLICY

The existing Board policy regarding participation in design competitions or submission of responses to requests for proposals (RFPs)/requests for qualifications (RFQs) prior to registration was discussed. Ms. Page expressed concern that the policy may contradict the law, since the law prohibits offering services prior to registration. Mr. Cothron noted that the clarifications to offering to practice in the NCEES *Model Rules* (Rule 210.30) could be incorporated in Rule 0120-01-.03 to provide clarification on this issue.

A motion was made by Mr. Campbell and seconded to recommend that the Board repeal the design competitions/RFPs/RFQs policy, add information to the Board's frequently asked questions clarifying that offering services prior to registration is prohibited, and direct legal counsel to revise Rule 0120-01-.03 to provide clarifications to offering to practice. The motion passed unanimously.

REPEAL OF POLICIES MOVED TO RULES

A motion was made by Ms. Reinbold and seconded to recommend that the Board repeal the following policies that have been moved to rules:

- Construction Documents and Use of the Seal
- Inactive Status
- Law and Rules Exam
- Multiple Registrants' Seals on a Document
- Definition of Original Sheets
- Prototypical Plans, CAD, and U.S. Postal Services Kit of Parts
- Registration Expired in Another State, Tennessee Residents
- Use of Title if Registered in Other Jurisdictions

The motion passed unanimously.

POTENTIAL RULE CHANGES

Committee members reviewed potential rule changes as drafted by legal counsel. Proposed changes included:

- Amending Rules 0120-01-.04 Applications and 0120-04-.03 Applications to state that comity applications, reapplications, registered interior designer applications, and

engineer intern applications shall expire one (1) year from the date of application, with a provision to request an extension of time for good cause.

- Amending Rules 0120-01-.09 References and 0120-04-.05 Experience Requirements to state that letters of recommendation and reference forms shall be confidential.
- Amending Rule 0120-01-.10 Education and Experience Requirements – Engineer to state that a graduate level degree that is used, in part or in whole, to satisfy the education requirements for registration cannot also be used to satisfy the experience requirements for registration.
- Amending Rule 0120-01-.11 Education and Experience Requirements – Architect to restore a paragraph regarding the equivalency of architectural degrees from programs accredited by the Canadian Architectural Certification Board (CACB), or from programs deemed substantially equivalent by the National Architectural Accrediting Board (NAAB), which was inadvertently deleted in a previous rulemaking.
- Amending Rules 0120-01-.15 Examinations – Architect and 0120-01-.16 Examinations – Landscape Architect to allow exam applicants to apply directly to NCARB or CLARB for admittance to professional examinations.

Ms. Page noted that the engineer intern application fee elimination will be added to the proposed rules if it is approved by the Board.

Mr. Campbell asked that comity applicants with applications over one (1) year old be contacted when the rule change regarding the expiration of applications takes effect to notify them that they may request an application extension.

A motion was made by Ms. Reinbold and seconded to recommend that the Board approve the proposed rule changes. The motion passed unanimously.

Adjourn. Mr. Thompson adjourned the meeting at 9:00 a.m.