



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.