



TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
615-741-3600

**Board Meeting Minutes for February 7, 2019
First Floor Conference Room 1-A
Davy Crockett Tower**

Tennessee Board of Architectural and Engineering Examiners met on February 7, 2019, in the first floor conference room of Davy Crockett Tower in Nashville, Tennessee. Mr. Campbell called the meeting to order at 9:00 a.m. and the following business was transacted:

BOARD MEMBERS PRESENT: Robert Campbell, Jr., Blair Parker, Brian Tibbs, Susan Ballard, Ricky Bursi, Rick Thompson, Grant Minchew, Kathy Ware, Alton Hethcoat, Stephen King,

BOARD MEMBER ABSENT: Frank Wagster

STAFF MEMBERS PRESENT: Roxana Gumucio, Ashley Jenó, Sarah Page, Wanda Garner

ROLL CALL

Mr. Campbell provided the notice of meeting and Ms. Garner called roll. Guests were acknowledged.

ANNOUNCEMENTS

Board members requested a paper version of the Board's Law and Rules.

Mr. Parker announced that Susan Ballard and SKBallard Contract Interiors worked with a hotel in Gatlinburg, Tennessee that was listed as the #1 new hotel in the United States by *USA Today*.

AGENDA

Robert's Rules of Order

Motion was made by Mr. Thompson and seconded by Ms. Ware that the Board use Robert's Rules of Order to conduct its business. The motion passed unanimously.

Minutes (attached)

An item in the Council of Interior Designers Qualifications (CIDQ) Report of the December 6, 2018 minutes was corrected to read: Ms. Ballard gave statistics that show the ratio of salaries of unlicensed interior designers to the salaries of licensed interior designers is very low.

Motion was made by Mr. Parker and seconded by Mr. Thompson to adopt the minutes from the December 6, 2018 meeting as corrected. The motion carried unanimously.

PROFESSIONAL SOCIETY REPORTS

Nathan Ridley from the TN chapter of the American Society of Landscape Architects (ASLA-TN) urged the Board members to become acquainted with state legislators especially the twenty-eight new members.

Kasey Anderson, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN) provided a brief summary of the general activities of TSPE/ACEC-TN including

- Legislative bills being watched;
- Meetings regarding the decoupling issue and
- The offering of Professional Engineering Exam reviews;

Ashley Cates, American Institute of Architects Tennessee Chapter (AIA-TN),) provided a brief summary of the general activities of AIA-TN including Legislative bills being watched. She announced that Belmont has launched an architect program which offers a Bachelor of Architecture degree.

Don Baltimore from Tennessee Interior Design through Education and Advocacy (TN IDEA) stated that they are waiting for all legislation to be introduced and that deregulation is a major concern.

LEGAL CASE REPORT (presented by Ashley Jenou)



**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
OFFICE OF LEGAL COUNSEL
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CONFIDENTIAL - ATTORNEY WORK PRODUCT

TO: Tennessee Board of Architectural and Engineering Examiners

FROM: Ashley Geno, Assistant General Counsel, and Sara Page, Assistant General Counsel

DATE: February 7, 2019

SUBJECT: February 2019 Legal Report

1. **2018074491**
First Licensed: 06/03/2011
Expiration: 09/30/2020
Type of License: Professional Engineer
History (5 yrs.): December 1, 2016 – Closed with Consent Order
Reviewer: Stephen King & Blair Parker

Complainant filed a complaint against the Respondent alleging the Respondent stamped a design plan for a subdivision, but failed to include a storm water plan except for a simple silt fence. Complainant alleged this failure resulted in her property flooding after construction of the subdivision began in December 2017.

In response to these allegations, the Respondent indicated construction drawings and associated storm water calculations for the phase of the project at issue were prepared by his firm and approved by both the city where the subdivision is located and the Tennessee Department of Environment and Conservation. He indicated the storm water calculations included an analysis of runoff from pre-developed versus post-developed conditions. The Respondent also indicated diversion ditches, enhanced rip rap check dams, sediment traps, mulch berms and silt fence have been utilized to control storm water and erosion while the project is under construction.

Based on the nature of this case, the complaint and response were sent for investigation and review. In response to the investigation, the Respondent provided construction drawings, final plats, and permits. These items were then sent to Stephen King for review, who found the documents contained a great amount of detail on erosion. Mr. King also noted that he did not find any engineering issues. However, he did indicate he found that the Respondent stamped landscape design sheets associated with the project.

Based on this, the documents were also sent to Blair Parker for review. Mr. Parker did not have any HSW concerns.

Mitigating Factors: None.

Aggravating Factors: None.

Recommendation: Close.

Board Decision: Approved.

2. 2018080021

First Licensed: 10/11/2004

Expiration: 11/30/2020

Type of License: Professional Engineer

History (5 yrs.): N/A

Respondent's registration expired on October 31, 2016. Respondent reapplied, and in his expired license affidavit, Respondent noted that he did practice engineering on his expired license. By letter dated September 30, 2018, Respondent explained that on August 29, 2018, his firm's Tampa office received a request for proposal for engineering requiring a PE licensed in Tennessee. A proposal was submitted on September 9, 2018 and on September 10, 2018, he sent a letter to the Board requesting reactivation of his license (which he believed was on inactive status). He provided certification that he had met the CE requirements, had not practiced engineering in Tennessee, and submitted the biannual registration fee.

On September 12, 2018, his firm received the purchase order for the project and, shortly thereafter, began technical services on the project. However, after conferring with members of the board on September 24, 2018, he realized that his license status had been changed from inactive to invalid around April 30, 2017. Respondent advised work on the project was promptly stopped, the client was informed, and no documents had been sealed.

Mitigating Factors: Self-reported; work was stopped upon realization; the client was informed; no documents were sealed

Aggravating Factors: None.

Recommendation: Authorize formal hearing. Authorize a civil penalty in the amount of \$500 for practicing on an expired license. Respondent is also to take and pass the laws and rules examination.

Board Decision: Approved.

3. 2018086091

First Licensed: 05/05/1998

Expiration: 05/31/2020

Type of License: Professional Engineer

History (5 yrs.): None.

Respondent entered into an Agreement to Surrender License with another state's Board of Licensure for Professional Engineers for failure to provide proof that he met the continuing education requirements claimed on his license renewal application.

Mitigating Factors: None.

Aggravating Factors: Respondent did not self-report.

Recommendation: Letter of warning.

Board Decision: Approved.

4. 2018084241

First Licensed: 10/23/1990

Expiration: 01/31/2019

Type of License: Registered Architect

History (5 yrs.): 2015 – Paid \$11,000 civil penalty (paid in full in 2016) per terms of issued Final Order after Formal Hearing for failure to meet the standard of care by practicing outside Respondent's area of competence.

Reviewer: Frank Wagster

The Complainant (codes official) filed a complaint alleging the Respondent submitted plans for a restaurant to the Building and Codes Department of the relevant city, but the plans were not up to code. Specifically, the plans showed seating for more than 50 occupants, but the Respondent labeled the plans as Group B business occupancy (occupant load of less than 50 persons) because of divider walls (three, 42-inch high walls, with two 4 ft. wide openings) separating two (2) dining areas in the restaurant (showing an occupancy of 41 persons on one side of the divider, and an occupancy of 44 on the other). The Complainant indicated the Respondent was advised of this issue, but he received resistance from the Respondent who has refused to provide a sealed set of construction documents. In addition, the Complainant also advised that there have been many ongoing arguments over the years with the Respondent trying to undermine the codes and disregarding the safety of the public.

In response to these allegations, the Respondent disputed the Complainant's claim that the plans weren't up to code and indicated that per the December 2015 version of the Tennessee Reference Manual for Building

Official and Design Professionals, the occupancy classification as defined by the 1985 Edition of the Standard Building Code as it pertains to seal exemptions, a restaurant with less than 100 occupants shall be classified as a Business Occupancy.

Based on the nature of the allegations and response, the complaint, response, and accompanying documents were sent to Frank Wagster for review, who noted the Respondent appears to be in violation of Rules 0120-02-.02 [Proper Conduct of Practice], 0120-02-.03 [Service in Areas of Competence], and 0120-02-.07 [Misconduct]. Mr. Wagster also noted the following references pertinent to the complaint:

1. 2012 International Building Code (2012 IBC), Section 303.3 – Assembly Group A-2. “Assembly uses intended for food and drink consumption” (including restaurants).
2. 2012 IBC, Section 303.1.1., “A building or tenant space used for assembly purposes with an occupant load of less than 50 persons shall be classified as a Group B (Business) occupancy.
3. Page 2 of the Tennessee Board of Architectural and Engineering Examiners “Reference Manual for Building Officials and Design Professionals” provides: “Assembly Occupancies (A) is defined as follows: “buildings or structures, or any portion thereof, for the gathering of persons for purposes such as civic, social, or religious functions or for recreation, food or drink consumption, or awaiting transportation, having a capacity of 50 or more persons. A registered design professional is required to prepare plans and specifications for this type of Occupancy regardless of the size of the facility.” (Emphasis added).

Mr. Wagster found that per the 2012 IBC Section 303.3, the proper occupancy type for the building/restaurant submitted was Assembly, Group A-2. Given this, the proper plans for the restaurant must include a full set of construction documents, including civil, architectural, structural, HVAC, plumbing, fire protection and electrical drawings and specifications. Mr. Wagster also found that the Respondent’s attempts to undermine the requirements of the building codes in effect and the law show a lack of concern for the safety of the public.

Mitigating Factors: None.

Aggravating Factors: Undermining codes and law.

Recommendation: Authorize formal hearing. Authorize a civil penalty in the amount of \$3,000.00. Respondent is also to take and pass the laws and rules examination.

Board Decision: Approved.

5. **2018082401 (SRP)**
First Licensed: 01/01/1993
Expiration: 10/31/2018 (EXPIRED GRACE)
Type of License: Professional Engineer
History (5 yrs.): 2017 – One closed without action.
Reviewer: Richard Bursi

Complainant filed a complaint alleging Respondent failed to produce a written report in a timely manner. Complainant state that Respondent was retained to produce a structural engineering inspection report for a property under contract. Complainant alleged Respondent spent thirty minutes at the property, taking no photos or measurements that they observed. Complainant claimed Respondent promised a report, and time was of the essence due to the pending contract on the property. After weeks of requesting the report, Respondent offered to reimburse the cost, but Respondent did not follow through until the complaint was filed. Complainant had to hire another PE in order to get a report in time to negotiate the contract.

Respondent responded. He stated that a real estate agent asked him to review a property. Respondent states he did so as a favor, and requested pay the time of the site study. Respondent says there was no agreed upon timeline for the report, and that he was not able to finish the report on complainant's schedule. As a result, Respondent agreed that he offered to return the fee he collected to Complainants, but admits to forgetting until he received the complaint,

Mitigating Factors: (1) Respondent did ultimately reimburse the complainants.
(2) No claims that the structure experienced issues not identified by Respondent.

Aggravating Factors: (1) Previous complaint, while closed, was similar in that Respondent did not timely produce a report.
(2) Complainants suffered a harm in that they had to hire a second PE to complete the task.

Recommendation: Authorize a civil penalty in the amount of \$500 for failing to recognizing the health, safety, and welfare of the public.

Board Decision: Approved.

RE-PRESENT

6. 2106053951 (SRP)

First Licensed: 01/03/2008

Expiration: 01/31/2020

Type of License: Professional Engineer

History (5 yrs.): None

Reviewer: Rick Thompson; Brian Tibbs

Summary of Previous Entry from February 2018:

This complaint was sent by a competitor indicated Respondent had performed work outside her competency. Respondent had drafted architectural plans for a small two-story rental unit. This case was originally presented by Attorney Matthew Reddish, and the plans were reviewed by Rick Thompson. Mr. Thompson noted a number of deficiencies in the plans including a lack of guard rails on stairs. As a result, the Board assessed a civil penalty in the amount of \$6,000, representing \$750 for each architectural sheet Respondent sealed.

After Mr. Reddish left and this case was transferred to new legal counsel, Respondent obtained legal counsel and requested the ability to explain her competency to a Board Member. In the hopes of facilitating settlement and bringing clarity/background to this matter, legal counsel arranged for Respondent to meet with Mr. Brian Tibbs for questioning regarding competency in architecture.

At the informal conference, Respondent explained that she had done single-story versions of the property in question without complication; however, in the case, the contractor started construction prior to Respondent completing the plans and without consulting Respondent. Ultimately because of where the build started, Respondent had to add plans for a second level stairs that were previously not anticipated. The additional staircase was where both reviewers noted the majority of errors occurred. Codes identified those errors, and Respondent corrected them in subsequent drafts. The build was completed, and no consumers or codes officials have noted any complications since that time.

Respondent has never worked under the direct supervision of an architect. Respondent stated the small student apartment work stemmed from small metal building design she had conducted. Respondent works with the same contractor with the same plans, and modifies them to the space as needed.

Mitigating Factors: (1) Previous more simplistic builds were approved and constructed within the city without incident.

Aggravating Factors: (1) Review by Board Members showed missing elements from essential code requirements such as ADA-compliant stairways.
(2) Original plans submitted required extensive revisions and had numerous comments from the State Fire Marshall's Office.

Recommendation: Discussion.

Board Decision: Uphold previous discipline and request investigation into previous building plans.

New Information:

At the request of the Board, this complaint was referred to the State Fire Marshall's Office for a review and further investigation into the local codes office related to this complaint. No findings of wrongdoing were returned. Additionally, Brian Tibbs, following the last presentation, noted to legal counsel that while errors did appear in the plans, there is question on whether they rise to the level of legal incompetence or gross negligence and instead pointed to a disregard to the public health, safety, and welfare as the appropriate violation.

Finally, prior to formal charges being filed, Respondent has made a formal settlement offer legal counsel for the Board believed to be reasonable and the Board is required to consider such formal offers. Respondent acknowledges the concerns with the plans, and explained that the building in question started within her past experience, but changes forced it to a place that was beyond what she was familiar with, but points out that the errors were fixed and no issues have arisen in the two-and-a-half years since the initiation of this complaint. Legal counsel for the Respondent has made a formal settlement request of a letter of warning.

Recommendation: Because no further issues were reported either by the State Fire Marshal's Office from legal's request to review these actions, Respondent's cooperation and acknowledgment of her own limitations, the lack of complaint history before or since this complaint was filed, and the possible expense in proving any violations of the legal competency standard, legal counsel recommend the Board accept closure of this matter in exchange for a letter of warning based on a disregard of public health, safety, and welfare and Respondent's passage of the Board's laws and rules examination.

Board Decision: Uphold previous decision.

Mr. Tibbs left at 10:45 a.m.

Ms. Ware requested that the penalties and fines brought against persons found in violation of Laws and Rules be made known to the public via newsletter, website, etc.

RULES

Ms. Geno read the Regulatory Flexibility Analysis on the record and explained that these rules were housekeeping items and not anything new. (attached)

Motion was made by Mr. Thompson and seconded by Mr. Bursi to accept the Regulatory Flexibility Analysis Addendum. By roll call the motion passed unanimously

Break 11:00 a.m.

Grant Minchew left at 11:15 a.m.

DIRECTOR'S REPORT

Complaint Data (attached)

Motion was made by Ms. Ware and seconded by Mr. Bursi to close the complaints as presented. The motion passed unanimously.

Ms. Gumucio announced that complaints can now be filed online by the public.

Licensing Data (attached)

Licensing Data was presented for informational purposes. Mr. Parker asked that "Landscape Architects" be added in the title of the Financial Report.

Mr. Thompson read the Proclamation, signed by Governor Bill Lee, honoring the 100th Anniversary of the National Council of Architectural Registration Boards (NCARB).

Motion was made by Mr. Bursi and seconded by Ms. Ballard to reimburse Mr. Thompson for the cost of framing the Proclamation. The motion passed unanimously.

Financial Data (attached)

Financial Data was presented for informational purposes.

COMMITTEE REPORTS

Engineer Committee Report

The Committee, through Mr. Hethcoat, reported the following.

- They discussed the differences between engineering and land surveying.
- They discussed definitions of engineering.
- They are waiting for reports on decoupling from TSPE/ACEC's Decoupling Committee.
- Mr. Campbell will be attending the 2019 NCEES Board Presidents Assembly in Atlanta.
- Board members will soon receive a new software program which will allow them to link to applications being reviewed.

Architect and Landscape Architect Committees Report

The Committee, through Mr. Thompson, reported that the Committee and Staff reviewed applications to find items being requested by both NCARB and the Board.

Definitions Committee

The Committee, through Ms. Ware, reported that she has a draft document that she and the Definitions Committee will be using as they write definitions of engineering. Ms. Ware asked that a telephone conference will be set up for the Committee to meet.

The Chair asked Ms. Ballard to be a part the Committee.

Interior Design Report

The Committee, through Ms. Ballard, reported that the Committee adopted into the Rules CIDQ's definition of interior designing (attached).

ADJOURNMENT

There being no other new business, Mr. Campbell adjourned the meeting at 12:30 a.m.

ATTACHMENTS

Minutes of December 2018 Meeting
Regulatory Flexibility Analysis
Complaints Data
Licensing Data
Financial Data
CIDQ's Definition of Interior Design

**Department of State
Division of Publications**

312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: _____
Rule ID(s): _____
File Date: _____
Effective Date: _____

Proposed Rule(s) Filing Form - **Redline**

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Board of Architectural and Engineering Examiners
Division:	Division of Regulatory Boards, Dept. of Commerce and Insurance
Contact Person:	Ashley Geno
Address:	500 James Robertson Parkway, Nashville, TN
Zip:	37243
Phone:	615-741-3072
Email:	ashley.geno@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0120-01	Registration Requirements and Procedures
Rule Number	Rule Title
0120-01-.03	Clarifications to Offering to Practice

Rules of the Tennessee Board of Architectural and Engineering Examiners
Chapter 0120-01
Registration Requirements and Procedures

Paragraph 0120-01-.03(1) Clarifications to Offering to Practice is amended by adding a newly designated subparagraph so that as amended the rule shall read:

- (1) The following items are not considered offering to practice architecture, engineering, or landscape architecture, provided that the architect, engineer or landscape architect is registered in another jurisdiction:
 - (a) Advertising in publications or electronic media, provided there is no holding out of professional services in jurisdictions where not registered.
 - (b) Responding to letters of inquiry regarding requests for proposals or requests for qualifications, provided there is written disclosure that the architect, engineer, or landscape architect is not registered in Tennessee and the response is limited to inquiries regarding scope of project and to demonstrate interest.
 - (c) Responding to letters of inquiry from prospective clients, provided there is written disclosure that the architect, engineer, or landscape architect is not registered in Tennessee and the response is limited to inquiries regarding scope of project and to demonstrate interest.
 - (d) Using the title “engineer,” “architect,” “landscape architect,” or any appellation thereof, provided that the individual using the title is registered in another jurisdiction and clearly specifies the jurisdiction in which they are registered following the title so as not to mislead the public regarding their credentials.
 - (e) Using the title “engineer,” “architect,” “landscape architect,” or any appellation thereof in communications from an office in the jurisdiction where registration is held.
 - (f) Any person gaining practical experience in an office of a practicing architect may use the title, appellation or designation “architectural associate”.
- (2) Notwithstanding paragraph (1), proposals may not be submitted, contracts signed, nor work commenced until the architect, engineer, or landscape architect becomes registered in Tennessee, unless the architect, engineer, or landscape architect is either acting as a consulting associate in accordance with T.C.A. § 62-2-103(2) or working under the responsible charge of a Tennessee registrant.

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

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Susan K. Ballard, RID					
Frank W. Wagster, RA					
Ricky Bursi, PE					
Robert Campbell, Jr. PE					
R. Blair Parker, RLA					
Richard D. Thompson, RA					
Brian Tibbs, RA					
Kathryn S. Ware, PE					

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Board on _____ (date as mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: _____

Signature: _____

Name of Officer: Ashley Geno

Title of Officer: Assistant General Counsel

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

Agency/Board/Commission: Tennessee Board of Architectural and Engineering Examiners

Rule Chapter Number(s): 0120-01

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule.

The amendment to Rule 0120-01-.03(1) would affect small businesses which employ any person gaining practical experience in the office of a practicing architect. This rule would directly benefit those small businesses by allowing the persons gaining practical experience to refer to themselves as “architectural associates”. This title is projected to decrease confusion among the public.

Currently, in Tennessee, there are around 1,900 registered Architecture firms, around 4,500 registered Engineering firms, and around 200 registered Landscape Architecture Firms; the majority of these would be considered a small business in Tennessee and thus would benefit from the rule amendment.

(2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record.

There is no projected reporting, recordkeeping, or other administrative cost associated with the amendments to Rule 0120-01-.03(1).

(3) A statement of the probable effect on impacted small businesses and consumers.

The probable effect on impacted small businesses and consumers for the amendment to Rule 0120-01-.03(1) would be less confusion regarding the knowledge and skills of those working toward registration as a licensed architect. Persons gaining practical experience under a registered architect may obtain more jobs with the title “architectural associate” than with the previous title “intern architect” as much of the public does not understand the education and skills required to obtain this previous designation.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business.

The Board believes that these changes are not burdensome, intrusive or costly and – as such – there do not appear to be any alternatives that would reasonably be expected to be less burdensome.

(5) A comparison of the proposed rule with any federal or state counterparts.

This rule does not have any federal or state counterparts.

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

Exemption from these rules would not be expected to be beneficial for small businesses, as uniformity among the profession is important to maintain consistency and quality of the work performed by licensed engineers, architects, and landscape architects. All expected effects would be positive for small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The rule changes are not expected to impact local government.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The amendment to Rule 0120-01-03(1) allows a person gaining practical experience in an office of a practicing architect to use the title "architectural associate".

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

There is no known state or federal law mandating the promulgation of this rule.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

This amendment will directly affect persons gaining practical experience in an office of a practicing architect and the offices that employ such persons. The Board urges adoption of this amendment.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

There are no known opinions of the Attorney General and Reporter or any judicial ruling that directly relates to this rule.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

This rule is not estimated to have a probable increase or decrease in state or local government revenue and expenditures.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

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Tennessee Department of Commerce and Insurance
Davy Crockett Tower, 4th Floor
500 James Robertson Pkwy, Nashville, TN 37243
roxana.gumucio@tn.gov

Ashley Geno, Assistant General Counsel
Tennessee Department of Commerce and Insurance
Davy Crockett Tower, 12th Floor
500 James Robertson Pkwy, Nashville, TN 37243
ashley.geno@tn.gov

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Roxana Gumucio, Executive Director
Ashley Geno, Assistant General Counsel

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Roxana Gumucio, Executive Director
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- (I)** Any additional information relevant to the rule proposed for continuation that the committee requests.

There is no known additional relevant information.



**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
OFFICE OF LEGAL COUNSEL
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CONFIDENTIAL AND PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

MEMORANDUM

TO: File

FROM: Ashley Geno, Assistant General Counsel

DATE: February 1, 2019

**SUBJECT: Regulatory Flexibility Act, Tenn. Code Ann. §§ 4-5-401 et seq.
Regulatory Flexibility Analysis
Rule 0120-01-.03(1)
Tennessee Board of Architectural and Engineering Examiners**

The Regulatory Flexibility Act, Tenn. Code Ann. §§ 4-5-401 et seq. requires that prior to initiating the rulemaking process pursuant to Tenn. Code Ann. §§ 4-5-202(a)(3) and 4-5-203(a), all agencies shall review all proposed rules and the effect that the proposed rule has on small businesses. The Act requires that “each agency shall employ a regulatory flexibility analysis utilizing regulatory methods that accomplish the objectives of applicable statutes while minimizing any adverse impact on small business.”

The Act further provides that the agency shall consider, without limitation, certain methods of reducing the impact of the proposed rule on small businesses while remaining consistent with health, safety and well-being and those methods are as follows: the extent to which the rule or rules may overlap, duplicate, or conflict with other federal, state, and local governmental rules; the clarity, conciseness, and lack of ambiguity in the rule or rules; the establishment of flexible compliance and/or reporting requirements for small businesses; the establishment of friendly schedules or deadlines for compliance and/or reporting requirements for small businesses; the consolidation of simplification of compliance or reporting requirements for small businesses; the establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule; and the unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

Description of Proposed Rule:

The proposed amendment to Rule 0120-01-03(1) allows a person gaining practical experience in an office of a practicing architect to use the title “architectural associate”.

Regulatory Flexibility Analysis - Methods of Reducing Impact of Rules on Small Businesses:

Each agency shall employ a regulatory flexibility analysis utilizing regulatory methods that accomplish the objectives of applicable statutes while minimizing any adverse impact on small business. The agency shall consider, but not be limited to, each of the following methods of reducing the impact of the proposed rule on small businesses while remaining consistent with health, safety, and well-being:

1. The extent to which the rule may overlap, duplicate, or conflict with other federal, state, and local governmental rules:

It is anticipated that the amended rule will not overlap, duplicate, or conflict with other federal, state, or local government rules.

2. Clarity, conciseness, and lack of ambiguity in the rule:

The amended rule has been drafted to be clear, concise, and unambiguous.

3. The establishment of flexible compliance and reporting requirements for small businesses:

The amended rule is not anticipated to alter the standard practices of reporting and recordkeeping currently utilized by small businesses as it does not make or alter any compliance or reporting requirement.

4. The establishment of friendly schedules or deadlines for compliance and reporting requirements for small businesses:

The amended rule is not anticipated to establish unfriendly schedules or unreasonable deadlines for compliance and reporting requirements for small businesses as it does not establish such.

5. The consolidation or simplification of compliance or reporting requirements for small businesses:

The amended rules are not anticipated to alter the standard practices of reporting and recordkeeping currently utilized by small businesses.

6. The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule:

The amended rule does not establish performance standards for small businesses.

7. The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs:

The amended rule is not anticipated to create any entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

PROF	PROF_DESC	COMPLAINT	ADDED	RECEIVED	TOTAL_AGE	DESCRIPTION	AGING
1202	Professional Engineer	201605395	9/14/2016	9/12/2016	868	Legal-Formal Charges Authorize	-347.2
1201	Professional Architect	201705942	9/7/2017	9/6/2017	509	Legal-Case Reviewed	-248.2
1202	Professional Engineer	201705944	9/7/2017	9/6/2017	509	Legal-Case Reviewed	-67.2
1202	Professional Engineer	201802657	4/24/2018	4/24/2018	279	Legal-Formal Charges Authorize	-140.2
1202	Professional Engineer	201804339	6/29/2018	6/29/2018	213	Legal-Litigation Monitoring	-108.2
1202	Professional Engineer	201804341	6/29/2018	6/29/2018	213	Legal-Litigation Monitoring	-108.2
1202	Professional Engineer	201804666	7/17/2018	7/16/2018	196	Legal-Formal Charges Authorize	-56.2
1201	Professional Architect	201806068	8/23/2018	8/23/2018	158	Legal-Present to Board	-85.2
1202	Professional Engineer	201807449	10/19/2018	10/19/2018	101	Legal-Investig. Report Rec'd	-30.2
1202	Professional Engineer	201808002	11/14/2018	11/14/2018	75	Legal-Case Rec'd from Staff	-26.2
1202	Professional Engineer	201808240	11/22/2018	11/26/2018	63	Legal-Case Rec'd from Staff	-12.2
1201	Professional Architect	201808424	11/30/2018	12/3/2018	56	Legal-Case Rec'd from Staff	-19.2
1202	Professional Engineer	201808609	12/6/2018	12/6/2018	53	Legal-Case Rec'd from Staff	-19.2
1202	Professional Engineer	201900504	1/18/2019	1/18/2019	10	Staff-Response Requested	33.8
1201	Professional Architect	201900564	1/21/2019	1/22/2019	6	Staff-Refer to Legal	-0.2
1201	Professional Architect	201900566	1/21/2019	1/22/2019	6	Staff-Refer to Legal	-0.2
1202	Professional Engineer	201900557	1/21/2019	1/22/2019	6	Staff-Refer to Legal	0.8
1202	Professional Engineer	201900563	1/21/2019	1/22/2019	6	Staff-Refer to Legal	-0.2
1205	Engineering Firm	201900556	1/21/2019	1/22/2019	6	Staff-Response Requested	33.8
1202	Professional Engineer	201900706	1/25/2019	1/25/2019	3	Staff-Date Received	1.8

FY2019 Case and Complaint Performance Measure as of December 31, 2018

Profession Name	Profession	December 31, 2018 Case Count	December 31, 2018 On Time Case Count	Percentage On Time	November 30, 2018 Case Count	November 30, 2018 On Time Case Count	Prior Month Percentage On Time
A&E	1201 Count	18	18	100.00%	14	14	100.00%
A&E	1202 Count	69	68	98.55%	52	51	98.08%
A&E	1203 Count	1	1	100.00%	0	0	#DIV/0!
A&E	1204 Count	3	2	66.67%	4	3	75.00%
A&E	1205 Count	28	28	100.00%	21	21	100.00%
A&E	1207 Count	0	0	#DIV/0!	0	0	#DIV/0!
A&E	1208 Count	1	1	100.00%	0	0	#DIV/0!
A&E Total		120	118	98.33%	91	89	97.80%

A&E CLOSURES BY LETTERS OF CAUTION

Complaint Number	Letter Mailed
201808550	12/6/2018
201808573	12/6/2018
201808559	12/6/2018
201808574	12/6/2018
201808566	12/6/2018
201808569	12/6/2018
201808553	12/6/2018
201808570	12/6/2018
201808606	12/7/2018
201808786	12/13/2018
201900523	1/22/2019
201900529	1/22/2019
201900526	1/22/2019
201900553	1/22/2019
201900555	1/22/2019
201900552	1/22/2019
201900510	1/22/2019
201900554	1/22/2019
201900508	1/22/2019
201900558	1/22/2019
201900560	1/22/2019
201900561	1/22/2019

Number of Registrants and Firms

Architects		In-State	Out-of-State	Total
	11/22/2016	1510	2285	3795
	9/28/2017	1535	2310	3845
	9/17/2018	1590	2416	4006
	11/29/2018	1586	2406	3992
	1/29/2019	1584	2404	3988

Engineers				
	11/22/2016	7232	8313	15545
	9/28/2017	7345	8571	15916
	9/17/2018	7493	9119	16612
	11/29/2018	7447	9128	16575
	1/29/2019	7363	9061	16424

Landscape Architects				
	11/22/2016	204	179	383
	9/28/2017	203	195	398
	9/17/2018	208	216	424
	11/29/2018	209	212	421
	1/29/2019	208	209	417

Interior Designers				
	11/22/2016	368	40	408
	9/28/2017	363	42	405
	9/17/2018	366	39	405
	11/29/2018	355	40	395
	1/29/2019	351	39	390

Totals (Registrants)				
	11/22/2016	9314	10817	20131
	9/28/2017	9446	11118	20564
	9/17/2018	9657	11790	21447
	11/29/2018	9597	11786	21383
	1/29/2019	9506	11713	21219

Architectural Firms				
	11/22/2016	444	1311	1755
	9/28/2017	452	1408	1860
	9/17/2018	459	1461	1920

Engineering Firms				
	11/22/2016	961	2964	3925
	9/28/2017	981	3237	4218
	9/17/2018	993	3498	4491

Landscape Arch Firms				
	11/22/2016	56	113	169
	9/28/2017	58	121	179
	9/17/2018	56	125	181

Totals (Firms)				
	11/22/2016	1461	4388	5849
	9/28/2017	1491	4766	6257
	9/17/2018	1508	5084	6592

Architects, Engineers, Interior Designers

SURPLUS/DEFICIT

FISCAL YEAR BEGINS:

JUL 2018

	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	YEARLY
A&E Revenues TREND													
Licensing Revenue	\$ 136,740	\$ 92,385	\$ 88,335	\$ 101,835	\$ 101,095	\$ 142,425	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 662,815
Case Revenue	\$ 500	\$ 1,250	\$ -	\$ 1,000	\$ -	\$ 1,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,250
State Reg Fee	\$ (9,360)	\$ (7,110)	\$ (6,010)	\$ (7,090)	\$ (6,900)	\$ (10,100)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (46,570)
TOTAL REVENUE	\$ 127,880	\$ 86,525	\$ 82,325	\$ 95,745	\$ 94,195	\$ 133,825	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 620,495
A&E Expenses TREND													
Edison Exp Total:	\$ 33,738	\$ 42,229	\$ 43,643	\$ 53,125	\$ 44,636	\$ 45,282	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 262,653
701-702 Sal Benefits	31,166	28,982	30,895	31,162	29,585	31,660	0	0	0	0	0	0	183,449
72500,72203 Technology	0	234	248	231	213	207	0	0	0	0	0	0	1,133
Other	2,572	13,013	12,499	21,732	14,838	13,415	0	0	0	0	0	0	78,070
Admin Costbacks Total:	\$ 10,486	\$ 35,598	\$ 45,376	\$ 47,492	\$ 29,471	\$ 29,314	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 197,736
701-702 Sal Benefits	0	12,441	13,149	13,478	10,631	11,706	0	0	0	0	0	0	61,406
72500,72203 Technology	0	8,920	21,110	28,293	12,220	9,809	0	0	0	0	0	0	80,353
Other	10,486	14,236	11,117	5,720	6,619	7,799	0	0	0	0	0	0	55,978
Centralized Complaints	\$ 370	\$ 447	\$ 371	\$ 349	\$ 850	\$ 826	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,214
Legal Costbacks	\$ 1,654	\$ 4,056	\$ 11,265	\$ 9,224	\$ 5,182	\$ 5,706	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 37,087
Investigations	\$ -	\$ -	\$ -	\$ -	\$ 310	\$ (1)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 308
Field Enforcement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Customer Service Center	\$ 1,441	\$ 2,443	\$ 2,340	\$ 2,728	\$ 3,610	\$ 2,861	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,422
TOTAL EXPENDITURES	\$ 47,689	\$ 84,773	\$ 102,995	\$ 112,917	\$ 84,059	\$ 83,987	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 516,420
Net Surplus/Deficit	\$ 80,191	\$ 1,752	\$ (20,670)	\$ (17,172)	\$ 10,136	\$ 49,838	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 104,075

Historical Trend

Licensing & Case Revenue

FY 2018	\$ 112,415	\$ 103,740	\$ 86,905	\$ 103,650	\$ 92,860	\$ 125,165	\$ 162,100	\$ 106,850	\$ 115,255	\$ 95,740	\$ 127,305	\$ 155,415	\$ 1,387,400
FY 2017	\$ 115,840	\$ 97,210	\$ 98,643	\$ 100,720	\$ 97,243	\$ 124,348	\$ 133,030	\$ 143,230	\$ 138,415	\$ 96,650	\$ 120,900	\$ 145,840	\$ 1,412,069
FY 2016	\$ 136,656	\$ 70,596	\$ 49,385	\$ 57,700	\$ 86,960	\$ 137,985	\$ 145,925	\$ 114,430	\$ 121,690	\$ 90,715	\$ 126,535	\$ 143,550	\$ 1,282,127

Expenditures

FY 2018	\$ 54,425	\$ 67,747	\$ 62,719	\$ 68,754	\$ 71,915	\$ 74,988	\$ 66,656	\$ 55,114	\$ 298,406	\$ 178,673	\$ 60,823	\$ 184,818	\$ 1,245,038
FY 2017	\$ 54,579	\$ 77,811	\$ 57,542	\$ 69,939	\$ 66,371	\$ 53,724	\$ 49,003	\$ 70,997	\$ 400,698	\$ 78,609	\$ 75,930	\$ 63,484	\$ 1,118,686
FY 2016													

Notes:

<u>Complaint #</u>	<u>Respondent</u>	<u>Deposit Date</u>	<u>Amount</u>	<u>Regulatory Board</u>			
2018052641	GERALD T WYNNE	12/4/2018	\$	500.00	A & E	RP	
2018072951	Steve Hockett	12/18/2018	\$	500.00	A&E	cc	
2018069351	MATTHEW HATFIELD	12/28/2018	\$	500.00	A&E	DF	CONSENT

3351012001 - Architects & Engineers		Expenditures:												Closing Period 991	Accrual	Requisitions/ Encumbrances	Year-to-Date Total	Percentage Expended to Date	
		July Period 1	August Period 2	September Period 3	October Period 4	November Period 5	December Period 6	January Period 7	February Period 8	March Period 9	April Period 10	May Period 11	June Period 12						
	Work Plan																		
3351012001	Regular Salaries and Wages (70100)	265,000.00	18,655.19	19,455.20	18,405.19	21,115.57	20,656.43	21,018.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	119,306.01	45.02%
3351012001	Longevity (70102)	12,000.00	2,400.00	0.00	2,400.00	0.00	2,600.00	700.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,100.00	67.50%
3351012001	Overtime (70104)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!
3351012001	Employee Benefits (702)	115,000.00	10,110.57	9,526.69	10,090.02	10,046.17	6,328.71	9,941.13	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	56,043.29	48.73%
	Payroll Expenditures	392,000.00	31,165.76	28,981.89	30,895.21	31,161.74	29,585.14	31,659.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	183,449.30	46.80%
3351012001	Travel (703)	32,000.00	301.91	3,917.46	2,250.03	7,069.40	535.01	4,478.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	18,552.12	57.98%
3351012001	Printing, Duplicating & Film Proc. (704)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!
3351012001	Utilities and Fuel (705)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!
3351012001	Communications & Shipping (706)	20,000.00	1,359.68	1,335.72	1,202.06	1,538.32	820.35	1,821.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,077.42	40.39%
3351012001	Maint., Repairs and Svcs by Others (707)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!
3351012001	Third Party Prof. & Admin. Svcs (708)	65,000.00	0.00	3,855.69	5,157.99	9,260.00	8,202.92	2,390.51	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	28,867.11	44.41%
3351012001	Supplies and Office Furniture (709)	3,100.00	0.00	0.00	0.00	27.03	1,030.57	608.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,665.80	53.74%
3351012001	Rentals and Insurance (710)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!
3351012001	Motor Vehicle Operation (711)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!
3351012001	Awards and Indemnities (712)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!
3351012001	Grants and Subsidies (713)	350,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
3351012001	Unclassified Expenses (714)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!
3351012001	Inventory (715)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!
3351012001	Equipment (716)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!
3351012001	Land (717)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!
3351012001	Buildings (718)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!
3351012001	Lost Discounts (719)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!
3351012001	Highway Construction (720)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!
3351012001	Training of State Employees (721)	4,000.00	450.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	450.00	11.25%
3351012001	Computer Related Items (722)	5,000.00	0.00	168.79	87.09	87.09	87.09	87.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	517.15	10.34%
3351012001	State Prof. Svcs. (725)	345,000.00	23,602.11	17,919.82	46,598.61	63,329.38	64,167.33	43,660.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,931.00	0.00	262,208.26	76.00%
	Other Expenditures	824,100.00	25,713.70	27,197.48	55,295.78	81,311.22	74,843.27	53,045.41	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,931.00	0.00	320,337.86	38.87%
	TOTAL EXPENDITURES	1,216,100.00	56,879.46	56,179.37	86,190.99	112,472.96	104,428.41	84,704.97	0.00	0.00	0.00	0.00	0.00	0.00	2,931.00	0.00	0.00	503,787.16	41.43%



Definition of Interior Design

Abbreviated Definition of Interior Design

Interior design encompasses the analysis, planning, design, documentation, and management of interior non-structural/non-seismic construction and alteration projects in compliance with applicable building design and construction, fire, life-safety, and energy codes, standards, regulations, and guidelines for the purpose of obtaining a building permit, as allowed by law. Qualified by means of education, experience, and examination, interior designers have a moral and ethical responsibility to protect consumers and occupants through the design of code-compliant, accessible, and inclusive interior environments that address well-being, while considering the complex physical, mental, and emotional needs of people.

Full Definition of Interior Design

Interior design is a distinct profession with specialized knowledge applied to the planning and design of interior environments that promote health, safety, and welfare while supporting and enhancing the human experience. Founded upon design and human behavior theories and research, interior designers apply evidence-based methodologies to identify, analyze, and synthesize information in generating holistic, technical, creative, and contextually-appropriate design solutions.

Interior design encompasses human-centered strategies that may address cultural, demographic, and political influences on society. Interior designers provide resilient, sustainable, adaptive design and construction solutions focusing on the evolution of technology and innovation within the interior environment. Qualified by means of education, experience, and examination, interior designers have a moral and ethical responsibility to protect consumers and occupants through the design of code-compliant, accessible, and inclusive interior environments that address well-being, while considering the complex physical, mental, and emotional needs of people.

Interior designers contribute to the interior environment with knowledge and skills about space planning; interior building materials and finishes; casework, furniture, furnishings, and equipment; lighting; acoustics; wayfinding; ergonomics and anthropometrics; and human environmental behavior. Interior designers analyze, plan, design, document, and manage interior non-structural/non-seismic construction and alteration projects in compliance with applicable building design and construction, fire, life-safety, and energy codes, standards, regulations, and guidelines for the purpose of obtaining a building permit, as allowed by law.

Interior design includes a scope of services which may include any or all of the following tasks:

Definition of Interior Design

- **Project Management:** Management of project budget, contracts, schedule, consultants, staffing, resources, and general business practices. Establish contractually independent relationships to coordinate with, and/or hire allied design professionals and consultants.
- **Project Goals.** Understand, document, and confirm the client's and stakeholders' goals and objectives, including design outcomes, space needs, project budget, and needs for specific or measurable outcomes.
- **Data Collection:** Collect data from client and stakeholders by engaging in programming, surveys, focus groups, charrette exercises, and benchmarking to maximize design outcomes and occupant satisfaction.
- **Existing Conditions:** Evaluate, assess, and document existing conditions of interior environments.
- **Conceptualization:** Application of creative and innovative thinking that interprets collected project data and translates a unique image or abstract idea as a design concept, the foundation of a design solution. The concept is then described using visualization and communication strategies.
- **Selections and Materiality:** Selection of interior building products, materials, and finishes; furniture, furnishings, equipment, and casework; signage; window treatments, and other non-structural/non-seismic interior elements, components, and assemblies. Selections shall be made based on client and occupant needs, project budget, maintenance and cleaning requirements, lifecycle performance, sustainable attributes, environmental impact, installation methods, and code-compliance.
- **Documentation:** Develop contract documents for the purposes of communicating design intent and obtaining a building permit, as allowed by law. Documentation by phases may include schematic, design development, and construction drawings and specifications. Drawings may consist of floor plans, partition plans, reflected ceiling plans, and finish plans; furniture, furnishings, and equipment plans; wayfinding and signage plans; code plans; coordination plans; and elevations, sections, schedules, and details illustrating the design of non-load-bearing / non-seismic interior construction and/or alterations.
- **Coordination:** Overseeing non-structural/non-seismic interior design scope in concert with the scope of allied design professionals and consultants, including, but not limited to, the work of architects, mechanical, electrical, plumbing, and fire-protection engineers and designers, and acoustical, audio-visual, low-voltage, food service, sustainability, security, technology, and other specialty consultants. Coordination can include, but is not limited to:
 - Placement, style and finish of mechanical, electrical, plumbing, and fire-protection devices, fixtures, and appurtenances (i.e., accessories) with the design of the interior environment.
 - Ceiling materials and heights; interior partition locations.
 - Acoustical appropriateness of spatial arrangements, construction, and finish materials.
 - Working closely with contractors to respect budgetary constraints and contribute to value engineering efforts.
- **Contract Administration:** Administration of the contract as the owner's agent, including the distribution and analysis of construction bids, construction administration, review of contractor

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payment applications, review of shop drawings and submittals, field observation, punch list reports, and project closeout.

- **Pre-Design and/or Post-Design Services:** Tasks intended to measure success of the design solution by implementing various means of data collection, which may include occupant surveys, focus groups, walkthroughs, or stakeholder meetings. Collection and reporting findings can range from casually to scientifically gathered, depending on the project's scope and goals.

Glossary of Terms

Allied design professionals or consultants: persons within related design disciplines (e.g., architects, engineers, landscape architects, and graphic designers) as well as experts from supporting disciplines (e.g., acoustics, communications, technology, security, ergonomics, branding, and food service) who may be part of a multi-disciplinary design team or hired for specific tasks.

Benchmarking: examination of possible design strategies or proposed design solutions relative to best practices and industry standards.

Code-compliant: the planning and design of an interior environment that abides by all applicable codes as they have been adopted by the local jurisdiction. Compliance often also involves meeting requirements from other state/provincial or national/federal entities as interpreted by the local code official or plan review office. This term is broadly applied as referring to meeting standards, regulations, and guidelines, in addition to codes.

Contextually-appropriate design solutions: an approach to design decision-making that involves consideration of environmental, social, cultural, economic, ecological, and political conditions that may influence and be influenced by the design solution.

Contract documents: in addition to documentation of the design scope (refer to Documentation tasks, above), contract documents define administration of bids or contracts as the agent of a client. They identify project scope, timeline, schedule, process, and key parties (i.e., owner, agent, design team, etc.).

Design and human behavior theories and research: theories and/or models that have been established through research and are used as the framework or grounding for design concepts and design decision-making. Design theories (e.g., Color Theory and Gestalt Theory), the elements and principles of design, and human behavior theories (e.g., Meaning of Place Theory, Environmental Preference Theory, and Human Ecosystem Model) are examples. Research includes both qualitative and quantitative evidence

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and data obtained and analyzed from observations, surveys, focus groups, case or precedent studies, and peer-reviewed literature either developed by the interior designer or from a secondary source.

Human experience: influence of the moment-to-moment physical and sensory elements found within the intimate details of interior space that impact an occupant's emotions, health, and overall feeling.

Human-centered strategies: design solutions that result from understanding occupants' needs and behaviors that influence their performance, satisfaction, and well-being, among other personal and social outcomes. Evidence from design and human behavior theories and research, and first-hand information gathered from the occupants and other stakeholders are considered and applied.

Non-structural/non-seismic construction and alteration: interior elements or components that are not load-bearing or do not assist in the seismic design and do not require design computations for a building's structure. It excludes the structural frame supporting a building. Common non-structural elements or components include, but are not limited to, ceiling and partition systems. These elements employ normal and typical bracing conventions and are not part of the structural integrity of the building but may support loads attached to it such as cabinetry, shelving, or grab bars. This relates to a newly constructed interior environment or to the planning and design of an existing interior environment that is to be renovated or remodeled.

Pre-design and/or post-occupancy evaluation/review: identify what is needed prior to design and/or evaluation of the outcomes of the design solution to determine if it will meet/met the client's goals and occupants' needs, etc. It could involve interviews, focus groups, or surveys among other means.

Resilient: integrate design strategies to an environment that are able to withstand and recover quickly when faced with a natural, manufactured, cyber, or physical disaster.

Sustainable: design that seeks to minimize the negative environmental impact of the interior environment through efficiency and moderation in the use of materials, energy, and reuse of space.

Visualization and communication strategies: the visual communication of concepts, ideas, and solution utilizing 2-dimensional or 3-dimensional drawings, graphic imagery, verbal, and written communication. Communication can be executed digitally or by hand and presented virtually or as hard copies.

Wayfinding: the design strategy used to influence building occupants to navigate in unfamiliar surroundings and may include signage (i.e., wall or ceiling mounted plaques or banners that include directional instructions and names/numbers that identify a space or direction), landmarks (e.g., a fountain, staircase), or use of interior elements (i.e., space, light, and color) to guide them.