



**TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
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**Board Meeting Minutes for April 8, 2021
Telephonic Meeting**

Tennessee Board of Architectural and Engineering Examiners met on April 8, 2021, Telephonic Meeting. Director Michael Schulz called the meeting to order at 9:03 am and the following business was transacted:

BOARD MEMBERS PRESENT: Ricky Bursi, Stephen King, Alton Hethcoat, Robert Campbell, Blair Parker, Frank Wagster, Brian Tibbs, Rob Barrick, Melanie Doss, Ben Brychta, Rick Thompson

BOARD MEMBERS ABSENT:

STAFF MEMBERS PRESENT: Michael Schulz, Maria Bush, Wanda Phillips, Morgan Calles, Stuart Huffman

ROLL CALL / AGENDA

Ricky Bursi called the meeting to order. Michael Schulz called roll.

Guests were acknowledged.

Agenda

Blair Parker would like to add Landscape Architecture under the committee section.

STATEMENT OF NECESSITY

Read by Maria Bush

Minutes

Ben Brychta made a motion to approve the minutes from February 4, 2021. Robert Campbell second this motion. The motion was carried by roll call vote.

Rule Making Hearing

0120-01-.10 EDUCATION AND EXPERIENCE REQUIREMENTS – ENGINEER is amended by adding the following language so that, as amended, section (2) of the rule shall read:

- (2) (a) In general, “progressive experience in the practice of engineering” consists of engineering experience which is supervised by a registered professional engineer falling within the categories described in subparagraphs (a)-(d). Greater weight is given to the Practical Application and Theory component.

(a) Practical Application of Theory includes:

1. Analysis – operating conditions; performance assessment; feasibility studies; constructability; value engineering; safety; environmental issues; economic issues; risk assessment; reliability.
2. Design -Construction plan or specification preparation; product specifications; component selection; maintenance and social implications of final product.
3. Testing – developing or specifying testing procedures; verifying functional specifications; implementing quality control and assurance; maintenance and replacement evaluation.
4. Implementation – of engineering principles in design, construction, or research; performance of engineering cost studies; process flow and time studies; implementation of quality control and assurance; safety issues; environmental issues.
5. Systems Application – evaluation of components of a larger system; evaluation of the reliability of system parts; design and evaluation of equipment control systems while considering ergonomics, utility, manufacturing tolerances, and operating and maintenance concerns; the engineering required to establish programs and procedures for the maintenance and management of buildings, bridges, and other types of structures where failure or improper operation would endanger the public health and safety.
6. Time in the Engineering Process – difficulties of workflow; scheduling; equipment life; corrosion rates and replacement scheduling.
7. Knowledge and Understanding – codes, standards, regulations, and laws that govern applicable engineering activities.

(b) Management of Engineering includes:

1. Planning – developing concepts; evaluating alternative methods.
2. Scheduling – preparing task breakdowns and schedules.
3. Budgeting and Contracting – cost estimating and control; contract development.
4. Supervising – organizing human resources; motivating teams; directing and coordinating project resources.

5. Project Control – complete or partial project control.

6. Risk Assessment – assessment of risk associated with the progression of the project.

(c) Communication Skills includes:

1. Accumulation of project knowledge through interpersonal communication with supervisors, clients, subordinates, or team interaction.

2. Transmission of project knowledge in verbal or written methods to clients, supervisors, subordinates, the general public, or team members. Examples include but are not limited to meetings, written reports, public hearings and reporting or findings and suggestions, other written correspondence and/or verbal briefings.

(d) Social Implications of Engineering includes:

1. Promoting and safeguarding the health, safety, and welfare of the public as demonstrated in daily work activities.

2. Demonstrating an awareness of the consequences the work performed may incur and a desire to mitigate or eliminate any potential negative impact.

3. Following a code of ethics that promotes a high degree of integrity in the practice of professional engineering.

(e) The Board may grant toward experience requirements for registration as an engineer one (1) year of credit for completing one of the following:

1. Graduation with a Master's degree (or higher) in engineering from an approved curriculum;

2. Up to one (1) year of qualified experience obtained in an established cooperative education program, which is carried out within the framework of an approved engineering curriculum, and which has been approved by the Board; or

3. Three (3) years or more qualified experience obtained prior to graduation under the direct supervision of a licensed engineer.

(f) (b) No partial credit will be awarded for experience which does not fully meet the criteria listed in 0120-01-.10(2)(e) 1-3. Applicants are limited to gaining one (1) year of credit from the options listed in 0120-01-.10(2)(e) 1-3 towards progressive experience in the practice of engineering. At least one (1) year of engineering experience must be completed in the United States. Unless otherwise noted above, an applicant's engineering experience must be obtained after graduation with the qualifying degree and completed by the date of the examination.

Rob Barrick makes the motion to adopt the hearing language that was read and send out. Robert Campbell second this motion. The motion was carried by roll call vote.

Robert Campbell makes the motion to adopt the regulatory flexibility addendum and the economic impact statement. Rob Barrick second this motion. The motion was carried by roll call vote.

Robert Campbell makes the motion to adopt the impact on local government statement and the information required by the joint government operations committee. Rob Barrick second this motion. The motion was carried by roll call vote.

Grant Extension Request

Michael Schulz advised we have two universities requesting extensions, the University of Tennessee Chattanooga, and East Tennessee State University.

Todd Doman from University of Tennessee Chattanooga (UTC):

Requesting an extension for the upcoming year, to use the grant money that was requested to help support the students' travel to competitions and conferences. This was not used due to the pandemic.

Alton Hethcoat requested information on if there a time frame this needs to be used, and if we can carry the grant over into another fiscal year, what are the protocols.

Michael Schulz advised in the past if the money was not used by the end of the term, the money would be returned and not carried over. Last year there were a few extensions that were granted due to Covid-19, that went further into the year.

Maria Bush advised Sheryl Hooper is our contract attorney, but it is not allowed. A request can always be made and see how it come back, but from prior years the funds are not allowed to be carried over.

Alton Hethcoat is wondering if we could ask that they resubmit their application and alter the funding. Then have a grant committee meeting to review and approve them for the June board meeting. Maria Bush advised this was done last year.

Michael Schulz advised we have already received official amended proposals from both universities.

Bradley Harris is one of the faculty members who submitted the proposal has also made a backup plan for the grant money.

Dean Isham from East Tennessee State University (ETSU):

The grant money that we were unable to use, was to help a local museum do some upgrading on some of either site. We can move this project to the fall semester and that experience with a real client.

Frank Wagster is needing to know how much the carry-over money was. The trip total is 1,600 but the total grant was 4,060.

Dean Isham advised the grant extension is only for the trip total. They are still working on getting the rest of the money spent by the deadline.

Alton Hethcoat advised it appears we will not be able to go past June 30th, the deadline for your trips. Unless you are going to take the trips before. We would ask for you to amend your previous request to exclude that component, but to add something to fill that dollar amount.

Rick Thompson is concerned that we are just giving away money that was not needing. I believe if they were not spent, this money should be returned.

Alton Hethcoat advised we are wanting to allow them to use those funds for other important needs for their department. These items could have been a somewhat critical but not as high priority as the items that were submitted.

Alton Hethcoat asking the two representatives if they have other items that are needed for their departments, that this grant money can be used for that was not part of the original application.

Bradley Harris from UTC advised yes, we had a group of faculty meetings discusses, that the money we had allotted for maintenance for existing equipment is greater than what we forecasted. We were going to shift the funds. This way we would not propose spending the money on something completely new, but just shifting it towards our maintenance.

Dean Isham from ETSU advised it will be difficult to meet the strict requirements when the students are leaving in two and half weeks. We are in good shape on equipment, but we can figure something out.

Frank Wagster made a motion to let the Architects and Engineer staff review the revised proposals and make the decision and report back to the board. Blair Parker second this motion. The motion was carried by roll call vote.

PROFESSIONAL SOCIETY REPORTS

Don Baltimore from Tennessee Interior Design through Education and Advocacy (TN IDEA) reported monitoring legislated this year. We have nothing major that we have pushed. We are interested in helping the Architects and Engineer board and other associations with any assistance that is needed from us. We are anxious to see what legislature will be adjourning at the end of February. We are

continuing to meet, but this is being done by zoom and WebEx. We are working our best to still get our continued education and news out to our memberships.

Ashley Cates Executive director of the American Institute of Architects (AIA TN) reported we are still motoring bills and legislation. We are excited about the fact that the governor is supporting capital projects, improvements, and maintenance projects across the state. For our continued education, we are going to have a virtual conference at the end of August. We just wrapped a speak-up series at the beginning of March, on advocacy and making it in the local and state levels. We are rolling out a disaster assistance training program in June. It will be the afternoon of June 3rd, 2021, and the morning of June 4th, 2021. We are trying to get this approved by TNSAVE to be able to get architects, engineers, contractors, and all over the above trained. So, when a disaster strikes, they will be covered under the state.

Kasey Anderson, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN) reporting for Nathan Ridley from the TN chapter of the American Society of Landscape Architects (ASLA-TN) as he has a bill on the floor this morning. The governor is releasing his administration amendment, which includes his budget.

Kasey Anderson, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN) reported ECEC's National Spring Conference and Legislative Summit will be virtual. Chris Wallace, who is our host on fox News is doing a fireside chat. We have CEO round tables, and there will be a lot of focus on infrastructure priorities that include the American job plan. Since the last board meeting, we have had 437 people show up for virtual PDH sessions. Our chapters are still meeting monthly across the state. We did a session on communicating with non-engineers, done by Shannon Looney who is a PE and a fellow NSDE. We also had a PE from Keller North America who did a case study on retaining wall failure at a bog box store, and how they went through the resulting emergency stabilization Program. On February 22nd, 2021 we are hosting a Southeast Regional Ethics seminar with Rebecca Bowman. She is the Senior Director for ethical and professional practice at NSDE. She will examine some case studies that involve ethical principles, including evaluation of ethical decision-making, consequences of those decisions, and the effects on the profession that resulted from those decisions. The smaller chapters are starting to meet in person. This month we are honoring the latest set of individuals who have passed the PE exam, new engineers to Tennessee. The larger chapters are going to hold off another month to see if we can get those in person since they are more meaningful. NSPE is starting to look at the engineer's creed that is used by people around the country. Their diversity and inclusion task force committee has some somewhat controversial recommendations. ACC session will be in the middle of

June and TSP will be towards the end of June. The engineer conference will be on September 12th-14th, 2021. We are shooting for it to be in person.

Blair Parker advised in Nathan Ridley's absence that the Tennessee ASLA is hosting the National ASLA meeting on November 22nd, 2021. We are hoping this will be an in-person meeting.

LEGAL REPORT (attached)

DIRECTOR'S REPORT

Financial Information

January 2021 reviewed by board members separately.

Announcements

Assistant Commissioner Alex Martin has joined us.

We have a special video from Governor Bill Lee congratulating the architects and engineers for 100 years of service as of tomorrow April 9, 2021.

Assistant Commissioner Alex Martin advised he appreciates the services that you all contribute to the state, a very important board protecting the health and welfare of our great state. As an engineer himself, the governor has a special appreciation for the work that the board has done.

Michael Schulz announced we also have a proclamation received from the governor as well. This will be posted to our website.

State of Tennessee Proclamation by the Governor

WHEREAS, the Tennessee State Board of Examiners for Architects and Engineers was founded in Nashville, Tennessee on April 9, 1921 to facilitate registration and safeguard the public; and

WHEREAS, this regulatory body serves business and government to improve the lives of Tennesseans; and

WHEREAS, in collaboration with many professional associations, the state registration board members have stayed true to their mission to protect the health, safety, and welfare of individuals in and around the built environment throughout its history; and

WHEREAS, the programs and services developed by this body and adopted by the registrants have set the standards of practice for Architects, Engineers, Landscape Architects, and Interior Designers in the state of Tennessee;

NOW, THEREFORE, I, Bill Lee, Governor of the State of Tennessee, do hereby proclaim April 9, 2021 as a day to honor the 100th Anniversary of the Tennessee State Board of Examiners for Architects and Engineers and encourage all citizens to join me in this worthy observance

COMMITTEE REPORTS

Architects

Rick Thompson advised the committee meeting was held on Tuesday, April 6, 2021. We had two topics for discussion being the definition of architecture and the reference manual of the TBAE for the building design and all of those referencing back to the 1985 standard building code for occupancies.

Frank Wagster advised we review the definition that NCARB proposed. It is in their proposed model law revisions, that they are planning to send to approval at the NCARB annual meeting in June. There might be some portions of it that might be a problem for the State Attorney General, due to the verbiage that reads something like the practice architecture and I'm generalizing but includes but not limited to. Using verbiage that leaves an open-ended definition. Maria Bush will look at the aspect of it. NCARB advised that it is just a model recommendation, but it is up to the state board to come up with their own amended version or they can use it exactly like it is. No decision has been made yet. Hoping to have something by July 1st, 2021. We also discuss TCA 62-2-1 that refers to how to determine the type of occupancy for a building. The way that it is written mentions that the 1985 standard building code would be used to determine the type of occupancy. This does not say what the requirements are, but the Tennessee Board of Architects and Engineers has a manual. This does quote verbatim all definitions of the type of occupancy and has some aspects that do not agree with present-day building codes. Right now, the Fire Marshals are using the 2012 international building code and the 2012 NFPA 101. Our suggestion is to revise the TCA 62-2-102 to say that the building occupancy types are defined by the building code that is adopted by the Tennessee State Fire Marshal.

Frank Wagster also announced NCARB has its annual meeting in June. This is probably going to be a hybrid NCARB meeting. This will be held in Los Angeles California. They will announce it in May if this is going to be in-person or not.

Interior Design

Melanie Doss wanted to speak on the definition of interior design. CIDQ (council on the national level) defines what interior design is. We are reviewing their definition and establishing one for the State of Tennessee Interior Design. Maria Bush will review this definition.

Engineer Committee

Stephen King advised met on March 16th, 2021 as we continue to discuss alternative pathways to licensure. We are looking at four-year engineering technology degrees, master's in engineering degrees, foreign degrees, and

decoupling. We also meet on April 7th, 2021 for four hours. We reviewed two applications, discussed the upcoming NCEES Southern Zone meeting. This will happen next week on zoom. Ricky Bursi will be our voting member for the officer election or anything else that comes up. The Annual NCEES meeting will be held in person from August 18th-21st, 2021 in New Orleans. NCEES is only allowing two delegates from each board to attend. We do anticipate we will be making a recommendation for a Tennessee code change that we have been discussing and reviewing with Maria Bush. As we move forward some of the items will require law change and rules changes.

Chris Walden asks the board if they know when their recommendation will be made about the different ways for licensure and how is this being communicated with the organization's professional organizations.

Steven King advises the plan is to work with the staff on this. We have had meetings with deans from across the state about particularly technology issues. We hope to get a recommendation that at some point can be shared with others. We do not have a prediction of when this might be. I can say that we have been spending a great deal of time to get there.

Michael Schulz advised once the committee has approved language there will be a public comment process just like any other changes.

Maria Bush wanted to add that the statute change will come first to allow a lot of these changes to happen. If the administration does pick up statute change, they choose which ones to submit to the governor every year. That would be this summer and then picked up in legislative sometime next year. Those are not available for public comment.

Landscape Architects

Blair Parker advised we did not meet since the last meeting, but we have two items of discussion. Maria Bush has assembled some suggested language or amendment to the statute which follows suit on the architectural side, TCA 62-2-802, and TCA 62-2-304. These items I would like to review with the committee member and request we meet before the next board meeting on June 3rd, 2021. Wanting to meet on May 27th, 2021 to review this information. We are still working on the definition. We are just needing a little more input from ASLA.

OLD BUSINESS

Definitions

This was covered in the above committee reports.

NEW BUSINESS

Brian Tibbs advised new committee appointments.

Alton Hethcoat for interior design committee. Alton Hethcoat accepted.

Rob Barrick for nominations and definitions committee. Rob Barrick accepted.

Blair Parker for the Chair of the definitions committee. Blair Parker accepted.

Ricky Bursi for continuing education committee. Ricky Bursi accepted.

ADJOURNMENT

There being no other business, Ben Brychta moved for an adjournment of the meeting at 12:17 pm.