



MINUTES OF A MEETING OF THE  
TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS  
Davy Crockett Tower  
Nashville, Tennessee  
Thursday, December 8, 2016

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**CALL TO ORDER**

Susan Ballard, Chair, called the regular meeting of the Tennessee Board of Architectural and Engineering Examiners to order at 9:04 a.m. on December 8, 2016, at the Davy Crockett Tower, in Nashville, Tennessee. A quorum was declared present.

The following **Board members** were present:

Susan Ballard	Registered Interior Designer
Robert Campbell, Jr.	Professional Engineer
Philip Lim	Professional Engineer
Blair Parker	Registered Landscape Architect
Rick Thompson	Registered Architect
Brian Tibbs	Registered Architect
Frank Wagster	Registered Architect
Kathryn Ware	Professional Engineer

The following **Board member** was absent:

Susan Maynor	Public Member
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The following **Associate Engineer members** were present:

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

The following **Board staff** was present:

John Cothron	Executive Director
Sundra Dunlap	Administrative Assistant
Wanda Garner	Administrative Assistant
Benjamin Glover	Legal Counsel
Wanda Phillips	Office Manager

The following **guests** were present for part or all of the meeting:

Kasey Anderson, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN)  
Don Baltimore, Tennessee Interior Design Education and Advocacy (TN IDEA)  
Ashley Cates, American Institute of Architects-Tennessee (AIA-TN)  
Chris Gwaltney, P.E., representing the American Society of Civil Engineers (ASCE) Tennessee Section  
Bill Lockwood, R.L.A.  
Jerome Headley, R.A.

Dianna Headley  
Hal Balthrop, P.E.

### **PRESENTATION OF EMERITUS CERTIFICATES**

Chair Susan Ballard presented emeritus certificates to Hal Balthrop, Jerome Headley and Bill Lockwood.

### **CONSENT AGENDA** (attached)

Motion was made by Mr. Campbell and seconded to approve the minutes of the October 7, 2016 meeting. The motion passed unanimously.

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

### **PROFESSIONAL SOCIETY REPORTS**

Kasey Anderson, Ashley Cates and Don Baltimore, reported on the activities of the TSPE/ACEC-TN, AIA-TN and TN IDEA, respectively. Ms. Anderson noted that she has received complaints about the lack of a test center at Tennessee Technological University in Cookeville for students sitting for the Fundamentals of Engineering (FE) examination. Mr. Cothron stated that he would reach out to NCEES regarding the possibility of establishing a test center in Cookeville.

### **LEGAL CASE REPORT** (presented by Ben Glover) (attached)

1. *Case No. 2016070911* *Complaint #201607091*  
Motion was made by Mr. Wagster and seconded to authorize a formal hearing with authority to settle the case with a Consent Order with a five hundred dollar (\$500) civil penalty and a requirement to take and pass the Board's laws and rules exam within ninety (90) days of the execution of the Consent Order. The motion passed unanimously.
2. *Case No. 2016054091* *Complaint #201605409*  
Mr. Wagster recused himself.  
Motion was made by Mr. Thompson and seconded to close the case. The motion passed.

### **DIRECTOR'S REPORT**

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

- Mr. Cothron stated that the licensing agreement with the Japan PE/FE Examiners Council was signed on November 19, 2016, and that he will ask the department's Communications Director to issue a press release regarding the agreement.
- Proposed rules approved by the Board in February 2016 are scheduled to take effect on January 26, 2017.
- Mr. Cothron noted that he recently received a follow-up call from Senator Brian Kelsey's office regarding the reintroduction of a bill allowing persons holding a master's degree in engineering to qualify for engineer registration.

*Financial Data* was presented for informational purposes only. (attached)

*Complaint Data* was presented for informational purposes only. (attached)

*Licensing Data* was presented for informational purposes only. (attached)

## COMMITTEE REPORTS

The minutes of each Committee meeting follow these minutes.

- *Engineer Committee Report*  
The Engineer Committee, through Ms. Reinbold, reported on topics discussed.
- *Grants Committee Report*  
The Grants Committee, through Ms. Ballard, moved to approve Special Project Grant Proposal 2017-1 (Low-Income Community Design Studio), and to approve the proposed grant distribution, which will authorize the distribution of \$331,700 in grant funds. The motion passed unanimously.

Ms. Ballard reported that Assistant Commissioner Brian T. McCormack encouraged the committee to consider the reduction or elimination of application fees before requesting an increase in the grants appropriation amount. Motion was made by Mr. Campbell and seconded to charge the Finance Committee with studying the possible reduction or elimination of fees. The motion passed unanimously. Mr. Thompson suggested that the committee should consider freezing fees, as well.

Ms. Ware encouraged the use of grant funds to help promote licensure (e.g., requiring that a portion of grant funds be utilized to pay FE exam costs for students).

- *Architect Committee Report*  
The Architect Committee, through Mr. Thompson, reported on Committee discussions.

## UNFINISHED BUSINESS

- *Action Items* (attached)  
The action items taken from the October meeting were reviewed and the required action had either been taken or is in process.
  - Mr. Cothron provided the results of his research on the history of the Design Competitions/Requests for Proposals/Requests for Qualifications policy and which jurisdictions allow unlicensed design professionals to participate in design competitions or respond to RFPs or RFQs. Mr. Glover then discussed the meaning of “offer to practice” in this context. Ms. Reinbold suggested that this issue should be referred to the Law and Rules/Policies Committee for further discussion, and the Board concurred.
  - Mr. Glover reviewed a legal opinion on the submission of historical data and hourly rates in response to a Request for Qualifications (RFQ). Motion was made by Mr. Campbell and seconded to release legal counsel’s opinion regarding the submission of historical data and hourly rates and to add this information to the Frequently Asked Questions about Qualifications-Based Selection. The motion passed.

## NEW BUSINESS

- *Potential Rule Changes*
  - Mr. Glover reviewed potential rule changes.
  - Mr. Glover will remove the proposed continuing education rule pending discussion by the Continuing Education Committee.

- *Authorization of Travel and Speakers*
  - No authorizations were required.
  
- *Report on Council for Interior Design Qualification (CIDQ) Annual Meeting (attached)*

Ms. Ballard submitted a written report, and she announced that the UT Knoxville College of Architecture and Design School of Interior Design is planning to change its name to the School of Interior Architecture. UT Chattanooga and the University of Memphis are also moving in this direction. Use of this term is a matter of concern to several state registration boards.
  
- *October 2017 Board Meeting*

Mr. Cothron reported that the Vanderbilt University School of Engineering is unable to host the October 2017 Board meeting due to a lack of available meeting space. Mr. Cothron was asked to contact Vanderbilt to see if space would be available at another location on their campus.

The meeting adjourned at 11:05 a.m.

#### ATTACHMENTS

October 5-7, 2016 Committee and Meeting Minutes  
Complaints for Board Decision  
Legal Case Report  
Financial Data  
Complaint Data  
Licensing Data  
Action Items (from the December Meeting)  
Engineer Committee Meeting Minutes  
Grants Committee Meeting Minutes  
Architects Committee Meeting Minutes  
CIDQ Meeting Report



MINUTES  
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS  
ENGINEER COMMITTEE MEETING  
Davy Crockett Tower  
Nashville, Tennessee  
Wednesday, December 7, 2016

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**CALL TO ORDER**

Laura Reinbold, P.E., Committee Chair, called the Engineer Committee meeting to order at 1:00 p.m. on December 7, 2016, in Room 1-B of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Engineer Board members** were present:

Laura Reinbold, P.E.	Chair, Middle TN Associate Member
Ricky Bursi, P.E.	West TN Associate Member
Robert Campbell, P.E.	East TN Member
Stephen King, P.E.	East TN Associate Member
Philip Lim, P.E.	West TN Member
Kathryn Ware, P.E.	Middle TN Member

A quorum was present.

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

John Cothron	Executive Director
Benjamin Glover	Legal Counsel
Wanda Phillips	Administrative Manager

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

**NEW BUSINESS**

**APPLICATIONS AND AUDITS FOR DISCUSSION**

- **Michael James Howell** (Exam) – Following discussion of the applicant’s experience, a motion was made by Mr. Lim and seconded to approve the applicant to sit for the Principles and Practice of Engineering (PE) exam. The motion carried unanimously.
- **Nilesh Kumar Patel** (Comity) – Following discussion of the applicant’s educational deficiency, a motion was made by Mr. King and seconded to ask the applicant to submit information on professional society and civic involvement and to complete one basic science course. The motion carried unanimously.

Mr. Campbell and Mr. King volunteered to review the Engineer Committee policy regarding fulfillment of humanities/social sciences (general education) deficiencies for discussion at the next committee meeting in February 2017.

- **Jeb Tyler Stuart** (Exam) – Committee members agreed to review the application when it is complete.

#### **UNFINISHED BUSINESS**

#### **ATTENDANCE AT 2017 NCEES SOUTHERN ZONE MEETING**

Mr. Cothron noted that Assistant Commissioner Brian T. McCormack had requested that the Board not attend the 2017 Northeast/Southern Zone Joint Interim Meeting in St. Thomas, Virgin Islands, due primarily to public perception concerns. Following discussion regarding the importance of attending NCEES meetings, the committee members affirmed their desire to send three (3) delegates to this meeting, and expressed their willingness to meet with Assistant Commissioner McCormack to discuss the matter. Mr. Cothron was asked to follow up with Assistant Commissioner McCormack.

#### **FUNDAMENTALS OF ENGINEERING (FE) EXAM WAIVER**

At the October 2016 meeting, the committee had asked Mr. Cothron to research how many jurisdictions have an exemption from the FE exam, how many applicants apply under the FE waiver provision, and how eliminating this waiver would impact comity registration. Mr. Cothron reported as follows:

- The majority of U.S. jurisdictions currently have a waiver provision for the FE exam; the specifics of these provisions vary widely.

- Board staff cannot easily determine how many applicants apply under the FE waiver provision since these applications are not flagged as such.
- Eliminating the waiver would enhance mobility for Tennessee PEs applying in states without a waiver provision, but it would hinder mobility for out-of-state PEs applying for registration in Tennessee.

Committee members agreed to continue to monitor developments in other states, but to not pursue elimination of the FE exam waiver provision in Tenn. Code Ann. § 62-2-401(a)(2) at this time.

#### **LICENSING AGREEMENT WITH JAPAN PE/FE EXAMINERS COUNCIL (JPEC)**

Mr. Cothron reported that JPEC has signed the Memorandum of Understanding, and the agreement with JPEC is now in effect.

#### **ENERGY SERVICE COMPANIES AND ENGINEERING REGISTRATION LAWS**

Mr. Cothron reported that he has contacted the Association of Energy Engineers (AEE) regarding the committee's request that an AEE representative attend a future committee meeting to discuss the certifications they offer, and he is waiting on their response.

#### **NEW BUSINESS, cont.**

#### **LEGISLATIVE UPDATE**

Mr. Cothron reported that he recently received a follow-up communication from Sen. Brian Kelsey's office regarding the reintroduction of a bill allowing persons holding a master's degree in engineering to qualify for engineer registration.

#### **PROFESSIONAL SOCIETY REPORT**

Chris Gwaltney informed the committee that ASCE is concerned about the decline in the number of candidates sitting for the FE exam. It was noted that grant funds are available to help students with exam costs, and the cost of the FE exam will be decreasing in 2018.

**ELECTRONIC SEALS AND SIGNATURES**

Mr. Campbell stated that the Tennessee Department of Transportation (TDOT) is exploring different ways to handle electronic seals and signatures, and may need to meet with the Board in the near future to discuss potential changes to the Seals rule.

**Adjourn.** Ms. Reinbold adjourned the meeting at 2:38 p.m.



MINUTES  
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS  
GRANTS TO HIGHER EDUCATION COMMITTEE MEETING  
Davy Crockett Tower  
Nashville, Tennessee  
Wednesday, December 7, 2016

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**CALL TO ORDER**

Susan Ballard, Committee Chair, called the Grants to Higher Education Committee meeting to order at 4:05 p.m. on December 7, 2016, in Room 1-B of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present for part or all of the meeting:

Susan Ballard, R.I.D.  
Philip Lim, P.E.  
Blair Parker, R.L.A.  
Frank Wagster, R.A.

A quorum was present.

The following **Board staff** was present:

John Cothron                      Executive Director  
Benjamin Glover                Legal Counsel

**Visitors present:** Brian T. McCormack, Assistant Commissioner of Regulatory Boards Division; Bill Huddleston, CPA, Regulatory Boards Director of Accounting.

**UNFINISHED BUSINESS**

**PROPOSAL TO INCREASE GRANTS APPROPRIATION**

In regard to the Board's request to increase the grants appropriation to \$500,000, Assistant Commissioner Brian T. McCormack encouraged the committee to consider the reduction or elimination of application fees before requesting an increase in the appropriation amount. The committee agreed to present this recommendation to the Board.

Mr. Parker arrived at 4:28 p.m.

**NEW BUSINESS**

**REVIEW OF GRANT APPLICATIONS**

Following review and discussion of the grant applications, a motion was made by Mr. Lim and seconded to recommend approval of Special Project Grant Proposal 2017-1 (Low-Income Community Design Studio). The motion carried unanimously.

A motion was made by Mr. Wagster and seconded to recommend rejection of Special Project Grant Proposal 2017-2 (Engineering Test Facility Equipment Upgrade), on the basis that only two professions were included (architecture and engineering) and because there was little to differentiate this proposal from a standard request for equipment funding. The motion carried unanimously.

A motion was made by Mr. Lim and seconded to recommend approval of the proposed Grant Distribution (attached), which will authorize the distribution of \$331,700 in grant funds. The motion carried unanimously.

**Adjourn.** The Chair adjourned the meeting at 5:11 p.m.

Grants to Higher Education Committee Minutes, December 7, 2016

<b>2016-17 PROPOSED GRANT DISTRIBUTION</b>								
<b>Equipment/Library Resources/Fees</b>								
Total:	\$ 300,000	(additional \$10,000 available to fund 1% minimum--\$3,000--for programs)						
<b>Architecture Distribution \$ 57,900</b>								
	<u>50% divided equally</u>	<u>Enrollment</u>	<u>%</u>	<u>Request</u>	<u>Enroll Amt</u>	<u>Grant</u>		
UT Knoxville	\$ 14,475	274	72.49	\$ 50,578	\$ 20,986	\$ 35,461		
U of Memphis	\$ 14,475	104	27.51	\$ 28,312	\$ 7,964	\$ 22,439		
<i>Totals</i>	\$ 28,950	378	100		\$ 28,950	\$ 57,900		
<b>Landscape Arch Distribution \$ 6,000</b>								
	<u>Enrollment</u>	<u>Request</u>			<u>Grant</u>			
UT Knoxville	19	Combined with Arch.			\$ 6,000			
<b>Interior Design Distribution \$ 6,300</b>								
<u>Institution</u>	<u>50% divided equally</u>	<u>Enrollment</u>	<u>%</u>	<u>Request</u>	<u>Enroll Amt</u>	<u>1% Min. Amt.</u>	<u>Grant</u>	
UT Knoxville	\$ 525	113	24.95	Combined	\$ 786	\$ 1,689	\$ 3,000	
UT Chattanooga	\$ 525	90	19.87	\$ 3,000	\$ 626	\$ 1,849	\$ 3,000	
MTSU	\$ 525	82	18.1	\$ 3,975	\$ 570	\$ 1,905	\$ 3,000	
O'More	\$ 525	72	15.89	\$ 3,000	\$ 501	\$ 1,974	\$ 3,000	
ETSU	\$ 525	54	11.92	\$ 3,426	\$ 375	\$ 2,100	\$ 3,000	
U of Memphis	\$ 525	42	9.27	Combined	\$ 292	\$ 2,183	\$ 3,000	
<i>Totals</i>	\$ 3,150	453	100		\$ 3,150	\$ 11,700	\$ 18,000	
<b>Engineering Distribution \$ 229,800</b>								
<u>Institution</u>	<u>50% divided equally</u>	<u>Enrollment</u>	<u>%</u>	<u>Request</u>	<u>Enroll Amt</u>	<u>Grant</u>		
UT Knoxville	\$ 10,446	2751	28.18%	\$ 50,000	\$ 32,379	\$ 42,825		
TN Tech	\$ 10,446	1978	20.26%	\$ 49,996	\$ 23,279	\$ 33,725		
UT Chattanooga	\$ 10,446	1297	13.29%	\$ 29,645	\$ 15,270	\$ 25,716		
U of Memphis	\$ 10,446	1034	10.59%	\$ 30,000	\$ 12,168	\$ 22,614		
Vanderbilt	\$ 10,446	1007	10.31%	\$ 29,914	\$ 11,846	\$ 22,292		
TSU	\$ 10,445	697	7.14%	\$ 19,849	\$ 8,204	\$ 18,649		
CBU	\$ 10,445	288	2.95%	\$ 20,000	\$ 3,390	\$ 13,835		
MTSU	\$ 10,445	268	2.75%	\$ 14,500	\$ 3,160	\$ 13,605		
UT Martin	\$ 10,445	200	2.05%	\$ 15,065	\$ 2,355	\$ 12,800		
Lipscomb	\$ 10,445	198	2.03%	\$ 20,000	\$ 2,332	\$ 12,777		
Union	\$ 10,445	44	0.45%	\$ 15,000	\$ 517	\$ 10,962		
<i>Totals</i>	\$ 114,900	9762	100.00%		\$ 114,900	\$ 229,800		
<b>Total with 1% minimum funding: \$ 311,700</b>								
<i>Discussion/Methodology:</i>								
1. \$300,000 distributed among professions based on number of active & inactive registrants as of 7/1/16.								
2. Distribution calculated by dividing 50% of allotment among the schools equally, then distributing the remaining 50% based on % of enrollment.								
3. Programs with grant amount below 1% of total (\$3,000) given additional funding to raise grant to \$3,000.								
<b>Special Project Grants</b>								
Total:	\$ 20,000	(one grant of \$20,000)						
<b>Grand Total (Equipment/Library Resources/Fees/Special Projects):</b>					<b>\$ 331,700</b>			



MINUTES  
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS  
ARCHITECT COMMITTEE MEETING  
Davy Crockett Tower  
Nashville, Tennessee  
Thursday, December 8, 2016

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**CALL TO ORDER**

Rick Thompson, Committee Chair, called the Architect Committee meeting to order at 8:40 a.m. on December 8, 2016, in Room 1A of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

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

A quorum was present.

The following **Board staff** was present:

John Cothron	Executive Director
Benjamin Glover	Legal Counsel

**NEW BUSINESS**

Mr. Thompson welcomed Mr. Tibbs to the Board and noted that applications had been distributed for independent review.

**REPORT ON NCARB MEMBER BOARD CHAIRS/MEMBER BOARD EXECUTIVES SUMMIT**

Mr. Thompson and Mr. Cothron reported on the NCARB Member Board Chairs/Member Board Executives Summit, which was held in Columbus, Ohio on October 27-29, 2016.

**Adjourn.** The Chair adjourned the meeting at 8:54 a.m.