

Notice of February 15-16, 2017 meeting of the Board of Architectural and Engineering Examiners.
Posted to the Board of Architectural & Engineering Examiners' web site on February 7, 2017.



**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS**

500 JAMES ROBERTSON PARKWAY
DAVY CROCKETT TOWER
NASHVILLE, TENNESSEE 37243

Telephone: 615-741-3221 Fax: 615-532-9410

Program Website: <http://www.tn.gov/commerce/section/architects-engineers>

AGENDA

**BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
NOTICE OF BOARD MEETING**

Davy Crockett Tower, Conference Room 1-B
500 James Robertson Parkway
Nashville, Tennessee 37243

Wednesday, February 15, 2017

1:00 P.M.

ENGINEER COMMITTEE MEETING

Members: Ricky Bursi, Robert Campbell, Stephen King, Philip Lim, Laura Reinbold, Kathryn Ware

CALL TO ORDER – Laura Reinbold, Chair
NEW BUSINESS

- Review of Criteria for Fulfillment of Humanities/Social Sciences (General Education) Deficiencies
- Applications and Audits for Review, Discussion and Signature
- Electronic Seals and Signatures Requirements
- Qualifications of Continuing Education Instructors
- 2016 Examination Results
- Report on NCEES Board Presidents' Assembly

The listed order of items and times on the agenda are subject to change, as the Board reserves the right to move to the next agenda items due to cancelations or deferrals.

Board meetings will be conducted by permitting participation of the Board members by electronic or other means of communication if necessary. Any member participation by electronic means shall be audible to the public at the location specified above. The Department of Commerce and Insurance is committed to principles of equal access. If you need assistance with attending this meeting due to a disability please contact the Department's ADA Coordinator at (615) 741-0481.

UNFINISHED BUSINESS

- Attendance at 2017 NCEES Southern Zone Meeting
- Energy Service Companies and Engineering Registration Laws

ADJOURNMENT

4:00 P.M.

FINANCE COMMITTEE MEETING

Members: Philip Lim, Susan Ballard, Robert Campbell, Rick Thompson

CALL TO ORDER – Philip Lim, Chair

NEW BUSINESS

- Reduction or Elimination of Fees

ADJOURNMENT

Davy Crockett Tower, Conference Room 1-A

500 James Robertson Parkway

Nashville, Tennessee 37243

Thursday, February 16, 2017

8:00 A.M.

LAW AND RULES/POLICIES COMMITTEE MEETING

Members: Rick Thompson, Robert Campbell, Blair Parker, Susan Ballard, Laura Reinbold, Brian Tibbs, Susan Maynor

CALL TO ORDER – Rick Thompson, Chair

NEW BUSINESS

- Review of Design Competitions/RFPs/RFQs Policy
- Repeal of Policies Moved to Rules
- Potential Rule Changes

ADJOURNMENT

9:00 A.M.

BOARD MEETING

CALL TO ORDER – Susan Ballard, Chair

- Roll Call
- Acknowledge Guests
- Announcements
- Review Agenda for Changes and/or Additions

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CONSENT AGENDA – John Cothron, Executive Director

- Minutes from December 2016 Board Meeting
- Staff Complaint Report

PUBLIC COMMENT

PROFESSIONAL SOCIETY REPORTS

LEGAL CASE REPORT

DIRECTOR'S REPORT – John Cothron

- Licensing Data
- Complaint Data
- Financial Data

LEGISLATIVE UPDATE – John Cothron

ENGINEER COMMITTEE REPORT – Laura Reinbold

FINANCE COMMITTEE REPORT – Philip Lim

LAW AND RULES/POLICIES COMMITTEE REPORT – Rick Thompson

UNFINISHED BUSINESS

- Action Items – John Cothron
- Qualifications-Based Selection FAQs
- Potential Rule Changes
- October 2017 Meeting Location

NEW BUSINESS

- Reapplication Requirements – John Cothron
- Call for Officer Nominations – Susan Ballard
- Authorization of Travel and Speakers

ADJOURNMENT

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**Criteria for Fulfillment of the ABET Humanities/Social Sciences
(General Education) Requirement
(in lieu of completing additional college coursework)**

Progressive engineering experience in the U.S., if applicant has practiced over five (5) years in the U.S. = **0.5 semester hour per year**

Involvement in one (1) civic or professional organization in the U.S. = **0.5 semester hour per year**

Passing tests for U.S. citizenship = **1 semester hour**

Continuing education in ethics/humanities/social sciences (earned within 2 years of application date) = **1 semester hour per 15 PDH's**

Advanced degree from a U.S. institution = **9 semester hours**

CLEP credits will be accepted to fulfill up to 12 semester hours of humanities/social sciences deficiencies only if they are offered by a regionally accredited college or university and appear on the official college or university transcript.

Adopted 12/10/08

Revised and adopted 4/22/09

Revised and adopted 12/9/09

Revised and adopted 10/14/15

CPE Solutions, LLC - dba (Professionals Publishing Group) - (Process Engineering Consultants)

Certificate of Completion

This certificate is presented to
[REDACTED]
for successful completion of
Superconductors - Ron Finger

Field of Study: Civil Engineering

Delivery Method: Group Internet-Based, Group Live

Date: 10/7/2014

PDH Credits: 1

PDH Sponsor Info:
*Florida: #111 *Louisiana
*North Carolina: S-0460
*New York #112



Derek Finger

CPE Solutions, LLC - dba (Professionals Publishing Group) - (Process Engineering Consultants)

Certificate of Completion

This certificate is presented to
[REDACTED]
for successful completion of
Engineered Structural Components - Ron Finger

Field of Study: Civil Engineering

Delivery Method: Group Internet-Based, Group Live

Date: 11/4/2014

PDH Credits: 1

PDH Sponsor Info:
*Florida: #111 *Louisiana
*North Carolina: S-0460
*New York #112



Derek Finger

CPE Solutions, LLC - dba (Professionals Publishing Group) - (Process Engineering Consultants)

Certificate of Completion

This certificate is presented to

██████████

for successful completion of

Storm Water Management - Ron Finger

Field of Study: Civil Engineering

Delivery Method: Group Internet-Based, Group Live

Date: 3/24/2015

PDH Credits: 1

PDH Sponsor Info:
*Florida: #111 *Louisiana
*North Carolina: S-0460
*New York #112



Derek Finger

CPE Solutions, LLC - dba (Professionals Publishing Group) - (Process Engineering Consultants)

Certificate of Completion

This certificate is presented to
[REDACTED]
for successful completion of
Forensic Engineering - Ron Finger

Field of Study: Civil Engineering

Delivery Method: Group Internet-Based, Group Live

Date: Tuesday, April 07, 2015

PDH Credits: 1



Derek Finger

PDH Sponsor Info:
*Florida: #111 *Louisiana
*North Carolina: S-0460
*New York #112

CPE Solutions, LLC - dba (Professionals Publishing Group) - (Process Engineering Consultants)

Certificate of Completion

This certificate is presented to

██████████

for successful completion of

Implementing Workplace Safety Culture - Ron Finger, Presenter

Field of Study: Health And Safety

Delivery Method: Group Internet-Based, Group Live

Date: 4/21/2015

PDH Credits: 2

PDH Sponsor Info:
*Florida: #111 *Louisiana
*North Carolina: S-0460
*New York #112



Derek Finger

CPE Solutions, LLC - dba (Professionals Publishing Group) - (Process Engineering Consultants)

Certificate of Completion

This certificate is presented to
[REDACTED]
for successful completion of

Composite Engineered Materials - Ron Finger, Presenter

Field of Study: Civil Engineering

Delivery Method: Group Internet-Based, Group Live

Date: 5/12/2015

PDH Credits: 1

PDH Sponsor Info:
*Florida: #111 *Louisiana
*North Carolina: S-0460
*New York #112



Derek Finger

CPE Solutions, LLC - dba (Professionals Publishing Group) - (Process Engineering Consultants)

Certificate of Completion

This certificate is presented to
[REDACTED]
for successful completion of
High Rise Design - Ron Finger

Field of Study: Architectural

Delivery Method: Group Internet-Based, Group Live

Date: 6/9/2015

PDH Credits: 2

PDH Sponsor Info:
*Florida: #111 *Louisiana
*North Carolina: S-0460
*New York #112



Derek Finger

CPE Solutions, LLC - dba (Professionals Publishing Group) - (Process Engineering Consultants)

Certificate of Completion

This certificate is presented to

[REDACTED]

for successful completion of
Ethical Engineering Principles - Ron Finger

Field of Study: Laws And Ethics

Delivery Method: Group Internet-Based, Group Live

Date: 6/23/2015

PDH Credits: 1

PDH Sponsor Info:

*Florida: #111 *Louisiana

*North Carolina: S-0460

*New York #112



Derek Finger

CPE Solutions, LLC - dba (Professionals Publishing Group) - (Process Engineering Consultants)

Certificate of Completion

This certificate is presented to
[REDACTED]
for successful completion of
Accident And Injury Protection - Ron Finger

Field of Study: Project Management

Delivery Method: Group Internet-Based, Group Live

Date: 7/7/2015

PDH Credits: 2

PDH Sponsor Info:

*Florida: #111 *Louisiana

*North Carolina: S-0460

*New York #112



Derek Finger

2016 EXAM RESULTS											
Fundamentals of Engineering (Jan-Dec 2016)				ALL CANDIDATES				SENIOR STUDENTS			
ALL CANDIDATES			School	Total	Pass	Pass Rate	Total	Pass	Pass Rate		
Total	Pass	Pass Rate	TTU	144	73	51%	78	34	44%		
673	440	65%	TSU	19	4	21%	2	1	50%		
Certifications Issued: 315			UT KNOX	120	90	75%	73	55	75%		
			UT CHATT	57	34	60%	18	12	67%		
			UT MART*	34	27	79%	34	27	79%		
FE Candidates 2014: 326			U OF MEM	54	29	54%	22	15	68%		
Certifications Issued 2014: 248			VAN	64	62	97%	49	47	96%		
FE Candidates 2015: 481			CBU	18	11	61%	6	4	67%		
Certifications Issued 2015: 322			LU	35	23	66%	31	22	71%		
			UNION	17	15	88%	16	14	88%		
			OTHER	103	67	65%					
			UNKNOWN	8	5	63%					
*Among first time test takers at UTM, 25 out of 31 passed (81% pass rate)											
Principles and Practice of Engineering (April 2016)											
ALL CANDIDATES				FIRST TIME TAKERS				REPEAT TAKERS			
Discipline	Total	Pass	Pass Rate	Total	Pass	Pass Rate	National	Total	Pass	Pass Rate	National
CHE	9	5	56%	8	5	63%	74%	1	0	0%	33%
CIV	112	60	54%	61	41	67%	67%	51	19	37%	37%
ELE	30	9	30%	12	6	50%	65%	18	3	17%	32%
ENV	1	0	0%	0	0		64%	1	0	0%	21%
IND	1	1	100%	1	1	100%	78%	0	0		13%
MEC	29	18	62%	21	14	67%	73%	8	4	50%	40%
TOTAL	182	93	51%	103	67	65%		79	26	33%	
Structural Engineering (16-hour)											
ALL CANDIDATES				FIRST TIME TAKERS				REPEAT TAKERS			
Component	Total	Acceptable Results	Pass Rate	Total	Acceptable Results	Pass Rate	National	Total	Acceptable Results	Pass Rate	National
VERTICAL	6	2	33%	3	2	67%	49%	3	0	0%	30%
LATERAL	12	3	25%	5	2	40%	47%	7	1	14%	35%
<i>Note: To pass the Structural exam, an acceptable result must be obtained on both the vertical and lateral components.</i>											
<i>3 candidates passed the Structural exam this administration.</i>											

Principles and Practice of Engineering (Oct 2016)												
ALL CANDIDATES				FIRST TIME TAKERS				REPEAT TAKERS				
Discipline	Total	Pass	Pass Rate	Total	Pass	Pass Rate	National	Total	Pass	Pass Rate	National	
CHE	5	3	60%	2	2	100%	71%	3	1	33%	32%	
CIV	125	64	51%	81	52	64%	66%	44	12	27%	34%	
CSE	4	3	75%	3	3	100%	79%	1	0	0%	45%	
ELE	31	16	52%	21	13	62%	67%	10	3	30%	39%	
ENV	6	4	67%	5	3	60%	62%	1	1	100%	37%	
FIR	5	2	40%	2	2	100%	64%	3	0	0%	38%	
MEC	20	15	75%	14	13	93%	76%	6	2	33%	47%	
MET	1	1	100%	1	1	100%	67%	0	0		57%	
NUC	2	2	100%	0	0		71%	2	2	100%	70%	
TOTAL	199	110	55%	129	89	69%		70	21	30%		
Structural Engineering (16-hour)												
ALL CANDIDATES				FIRST TIME TAKERS				REPEAT TAKERS				
Component	Total	Acceptable Results	Pass Rate	Total	Acceptable Results	Pass Rate	National	Total	Acceptable Results	Pass Rate	National	
VERTICAL	4	2	50%	3	2	67%	48%	1	0	0%	27%	
LATERAL	9	3	33%	1	1	100%	38%	8	2	25%	31%	
<i>Note: To pass the Structural exam, an acceptable result must be obtained on both the vertical and lateral components.</i>												
<i>3 candidates passed the Structural exam this administration.</i>												

Test Apps 1010
 FY 13-16

FY		1010	Fee	Total Rev
2016	1201	107	30 \$	3,210
	1202	269	30 \$	8,070
	1203	6	30 \$	180
				<u>\$ 11,460</u>

4 yr average revenue \$ 10,530
 Average yearly increase 7%

Increase over prior year 4%

		1010		
2015	1201	92	30 \$	2,760
	1202	271	30 \$	8,130
	1203	6	30 \$	180
				<u>\$ 11,070</u>

Increase over prior year 9%

		1010		
2014	1201	74	30 \$	2,220
	1202	255	30 \$	7,650
	1203	10	30 \$	300
				<u>\$ 10,170</u>

Increase over prior year 8%

		1010		
2013	1201	58	30 \$	1,740
	1202	251	30 \$	7,530
	1203	5	30 \$	150
				<u>\$ 9,420</u>

Intern Apps 1010
FY 13-16

2016	Apps	Fee	Total Rev
1208	322	15 \$	4,830

4 yr average revenue \$ 9,379
Average yearly increase -28%

\$ 4,830

Increase over prior year -36%

2015	Apps	Fee	Total Rev
1208	506	15 \$	7,590

\$ 7,590

Increase over prior year -35%

2014	Apps	Fee	Total Rev
1208	779	15 \$	11,685

\$ 11,685

Increase over prior year -13%

2013	Apps	Fee	Total Rev
1208	894	15 \$	13,410

\$ 13,410

Comity Apps 1020
 FY 13-16

2016	Apps	Fee	Total Rev
1201	227	55 \$	12,485
1202	661	55 \$	36,355
1203	17	55 \$	935
			<u>\$ 49,775</u>

4 yr average revenue \$ 43,711
 Average yearly increase 11%

Increase over prior year 8%

2015	Apps	Fee	Total Rev
1201	185	55 \$	10,175
1202	634	55 \$	34,870
1203	19	55 \$	1,045
			<u>\$ 46,090</u>

Increase over prior year 9%

2014	Apps	Fee	Total Rev
1201	175	55 \$	9,625
1202	573	55 \$	31,515
1203	23	55 \$	1,265
			<u>\$ 42,405</u>

Increase over prior year 16%

2013	Apps	Fee	Total Rev
1201	132	55 \$	7,260
1202	511	55 \$	28,105
1203	22	55 \$	1,210
			<u>\$ 36,575</u>

**BUDGET PROJECTION
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS**

PROJECTIONS WITHOUT EXAM/FE APPL. FEES		HISTORICAL DATA			PROJECTIONS		
Beginning FY 2018		FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
REVENUE							
ALL PROFESSIONS		1,462,109	1,544,275	1,292,783	1,551,905	1,576,287	1,620,665
STATE REGULATORY FEE		(93,300)	(100,690)	(91,340)	(92,710)	(94,101)	(95,512)
		1,368,809	1,443,585	1,201,443	1,459,195	1,482,186	1,525,152
EXPENDITURES							
REGULAR SALARIES & WAGES		262,709	253,519	239,330	245,313	251,446	257,732
PART-TIME SALARIES & WAGES (PER DIEM)		12,850	12,850	13,550	13,550	13,550	13,550
EMPLOYEE BENEFITS		116,098	112,988	100,000	102,500	105,063	107,689
TRAVEL		40,462	39,899	44,105	45,428	46,791	48,195
PRINTING & DUPLICATING		375	66	-	200	200	200
COMMUNICATIONS & SHIPPING COSTS		21,467	23,087	16,305	16,000	16,000	16,000
MAINTENANCE & REPAIRS		230	17	140	100	100	100
THIRD PARTY PROFESSIONAL SERVICES		182,361	59,164	61,058	62,000	62,000	62,000
SUPPLIES & OFFICE FURNITURE		2,540	796	1,240	1,500	1,500	1,500
RENTALS & INSURANCE		1,851	1,358	3,950	1,500	1,500	1,500
GRANTS & SUBSIDIES		300,000	300,000	290,851	331,700	350,000	350,000
TRAINING OF STATE EMPLOYEES		5,680	4,970	8,130	8,000	8,000	8,000
COMPUTER RELATED ITEMS		2,221	609	988	1,000	12,000	1,000
STATE PROFESSIONAL SERVICES		52,446	47,192	43,165	50,000	50,000	50,000
TOTAL DIRECT EXPENDITURES		1,001,290	856,514	822,813	878,791	918,149	917,466
COST BACKS							
DEPARTMENT		208,238	278,665	157,271	159,630	162,025	164,455
INVESTIGATIONS		3,297	7,845	-	-	-	-
LEGAL		45,605	-	73,469	74,571	75,690	76,825
CORE/CUSTOMER SERVICE CTR		88,954	-	9,751	10,000	10,000	10,000
TOTAL EXPENDITURES		1,347,384	1,143,023	1,063,304	1,122,992	1,165,864	1,168,746
SURPLUS		21,425	300,561	138,139	336,203	316,323	356,407
ACCUMULATED RESERVE		1,213,000	1,513,561	1,651,701	1,987,903	2,304,226	2,660,633

Budget Projection Calculations

# registrants	<u>2017</u>	<u>2018</u>	<u>2019</u>	
Arch	3593	3647	3702	
Eng	14167	14380	14595	
LA	371	377	382	
RID	381	366	351	
active, inactive only	18512	18769	19030	
1/2 renew each yr	9256	9384	9515	x \$140
	\$ 1,295,840	\$ 1,313,811	\$ 1,332,110	
# exam applicants				
Arch	114	122	131	
Eng	288	308	330	
LA	7	7	8	
	409	438	468	x \$30
	\$ 12,270	\$ 13,129	\$ 14,048	
# comity/initial/reapps				
Arch	268	297	330	
Eng	777	862	957	
LA	21	23	26	
RID	21	23	26	
	1087	1207	1339	x \$195
	\$ 211,965	\$ 235,281	\$ 261,162	
# FE apps	322	325	325	x \$15
	\$ 4,830	\$ 4,875	\$ 4,875	
Misc. (late fees, etc.)	\$ 13,000	\$ 13,195	\$ 13,393	
Civil penalties (avg.)	\$ 14,000	\$ 14,000	\$ 14,000	
FY Totals	\$ 1,551,905	\$ 1,576,287	\$ 1,620,665	
<i>Exam/FE fees not included in totals for FY 2018 and FY 2019</i>				



State of Tennessee
Department of Commerce and Insurance
Board of Architectural and Engineering Examiners
500 James Robertson Parkway Nashville, TN 37243-1142
800-256-5758 615-741-3221 (Nashville Area) 615-532-9410 (Fax)
<http://www.tn.gov/commerce/boards/ae/>

DESIGN COMPETITIONS/REQUESTS FOR PROPOSALS (RFP)/REQUESTS FOR QUALIFICATIONS (RFQ)

A person who is properly registered or licensed as an architect, engineer or landscape architect in another jurisdiction but who is not registered in Tennessee may participate in a design competition or submit RFPs or RFQs in Tennessee so long as prior to participating in the design competition or submitting RFPs or RFQs, the person files an application for registration (without the application fee and supporting documentation) with the Board and certifies therein his or her intent to complete the application process and obtain registration in Tennessee prior to executing any contract that may result from the design competition, RFP or RFQ. In no event may a person who is not registered by the Board enter into a contract to provide architectural, engineering or landscape architectural services in Tennessee.

Adopted 1-19-06
Revised and adopted 2-19-09

A&E BOARD POLICIES MOVED TO RULES

January 2017

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

1. CONSTRUCTION DOCUMENTS AND USE OF THE SEAL

Pursuant to Rule 0120-2-.08(2)(a), the registrant is required to stamp with his/her seal all original sheets of any bound or unbound set of construction documents. The Board considers that some drawings or sketches are not in the construction documents category when they communicate concepts only and are not to be used for consideration in a machine, process or building project. However, any drawings prepared for the purpose of formal submittal to regulatory authorities (i.e., codes, fire marshals, etc.) as representative of fabrication or construction must be sealed by the registrant. It is recommended that drawings that are not construction documents be clearly designated "preliminary – not for construction" or by some other means indicating the drawings are not complete.

For the purpose of this policy, "working drawings or plans" means "construction documents."

Adopted 4-28-88

Revised and adopted 10-4-97

Revised and adopted 04-25-02

Revised and adopted 05-18-06

Incorporated into Rule 0120-02-.08 Seals:

- (9) All working or partially completed plans, or any drawings that are not construction documents, shall be designated "preliminary – not for construction," "for review only," "draft," or other designation clearly indicating that the drawings are not complete.*

2. INACTIVE STATUS

The Tennessee State Board of Architectural and Engineering Examiners, in the absence of regulations prescribing an "inactive" status of registration, construes Chapter 529, Section 8, of the Public Acts of 1992, to permit registered architects, engineers and landscape architects who are not actively engaged in the practice of their respective professions in the State of Tennessee to claim an exemption from the professional privilege tax established therein by presenting the Board with a certified affidavit attesting to such inactive status. The Board interprets the term "inactive" to preclude any activity constituting the practice of architecture, engineering or landscape architecture requiring registration under the provisions of Tennessee Code Annotated, Title 62, Chapter 2.

Any registrant who has claimed "inactive" status in the manner described above may not engage in any activity constituting the practice of architecture, engineering or landscape architecture in the State of Tennessee requiring registration under Tennessee Code Annotated, Title 62, Chapter 2, without first notifying the Board as to a change to "active" status. The registrant is required to pay the renewal fee even while on "inactive" status.

Any registrant who misrepresents his or her "inactive" status or, after having claimed "inactive" status, engages in the practice of architecture, engineering or landscape architecture in this state without giving prior written notification to the Board as to a change to "active" status, shall be deemed to be guilty of misconduct in the practice of their respective profession for the purposes of Tennessee Code Annotated, Section 62-2-308, and subject to disciplinary action by the Board.

AFFIDAVIT ESTABLISHING INACTIVE STATUS

STATE OF _____

COUNTY OF _____

I, _____, Certificate No. _____, and Social Security No. _____, hereby certify that: I do not engage in the practice of architecture, engineering or landscape architecture in the State of Tennessee in that I do not engage in any of the activities requiring me to be registered as an architect, engineer or landscape architect, under Tennessee Code Annotated, Title 62, Chapter 2, and that I have read and understand the above-stated policy of the Tennessee Board of Architectural and Engineering Examiners as to attesting to "inactive" status for the purpose of claiming an exemption from the professional privilege tax established in Tennessee Code Annotated § 67-4-1701 et. seq., as amended by Chapter 856, Section 7, of the Public Acts of 2002. I further certify that I understand that while holding an "inactive" registration, I will still be required to pay the applicable registration renewal fee and I may not use the title "architect," "engineer," or "landscape architect" in the State of Tennessee.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, _____

NOTARY PUBLIC

My Commission Expires: _____

Adopted 5-12-92
Revised and adopted 1-19-06
Revised and adopted 12-8-11

Incorporated into Rule 0120-01-.25 Renewal of Registration:

(6) Inactive Status.

- (a) *A registrant may place the registrant's certificate, if in good standing, in inactive status during the biennial license renewal cycle by filing a form designated by the Board. No fee shall be required to establish inactive status. The registrant with an inactive certificate is still required to pay the biennial registration renewal fee.*
- (b) *A registrant holding an inactive certificate shall follow the requirements pertaining to payment or non-payment of the professional privilege tax established in T.C.A. § 67-4-1701 et. seq., in accordance with T.C.A. § 67-4-1702(b).*
- (c) *A registrant holding an inactive certificate may not engage in any activity constituting the practice or offer to practice engineering, architecture, or landscape architecture in the State of Tennessee without first notifying the Board, in writing, as to a change to "active" status and satisfying the continuing education requirements of Rule 0120-05-.08(d).*

3. LAW AND RULES EXAM

Required in All Formal Disciplinary Actions

The Board asked that all Consent, Agreed, and Final Orders include language requiring respondent(s), at the discretion of the Board, to take and successfully pass, with a minimum score of 80%, the law and rules exam.

Adopted 5-16-96

Revised and adopted 10-4-97

Incorporated into Rules 0120-02-.10 and 0120-04-.12 Other Enforcement Actions:

With respect to any registrant, the Board may, in addition to or in lieu of any other lawful disciplinary action, take enforcement action against any registrant who is a respondent in a disciplinary case. Other enforcement actions may include, but are not limited to, the following:

- (1) *Passage of a laws and rules examination with a minimum passing score of 80%;*

4. MULTIPLE REGISTRANTS' SEALS ON A DOCUMENT

If a registrant has been in responsible charge of work done on a document, the registrant's seal should be on it. Where multiple registrants in responsible charge provide content on the same document, all such registrants should seal the document, and, if there is any question, description of the areas of responsibility should be included.

Cover Page: A registrant is not required to seal the cover page of a set of construction documents unless the cover page contains architectural, engineering, or landscape architectural information (i.e. building code information). All registrants in responsible charge who work on a set of specifications are required to seal either the cover page of the specifications, or the cover page(s) for the section(s) of the specifications they produce.

For the purpose of this rule, "working drawings or plans" means "construction documents."

Adopted 1-26-89

Revised and adopted 10-4-97
Revised and adopted 4-23-98
Revised and adopted 4-25-02
Revised and adopted 5-18-06
Revised and adopted 7-20-06

Incorporated into Rule 0120-02-.08 Seals:

- (1) *When multiple registrants contribute to a project, each registrant shall sign and seal the portions of the project for which that registered consultant is responsible. When multiple registrants in responsible charge provide content on the same document, all such registrants should seal the document, and, if there is any question, a description of the areas of responsibility should be included. All registrants in responsible charge who work on a set of specifications are required to seal either the cover page of the specifications, or the cover page(s) for the section(s) of the specifications they produce.*

5. ORIGINAL SHEETS, DEFINITION OF

The words "all original sheets" in Rule 0120-2-.08(2)(a) mean "tracings or reproducible sheets."

Adopted 5-10-91

Incorporated into Rule 0120-02-.08 Seals:

- (2) *The registrant shall stamp with the registrant's seal the following documents:*
- (a) *All original sheets of any bound or unbound set of working drawings or plans; original sheets shall include tracings or other reproducible sheets;*

6. PROTOTYPICAL PLANS, COMPUTER AIDED DESIGN, AND UNITED STATES POSTAL SERVICES KIT OF PARTS

The substantial portion of any project sealed by an architect, engineer, or landscape architect should be developed under his or her responsibility. The use of predrawn detail items or detail units by a registrant who has reviewed and accepted same, as long as the health, safety, and welfare of the public are protected, is allowed.

Adopted 3-30-90
Revised and adopted 10-4-97
Revised and adopted 4-25-02

Incorporated into Rule 0120-02-.08 Seals:

- (6) (a) *Responsible Charge. Plans, specifications, drawings, reports or other documents will be deemed to have been prepared under the responsible charge of a registrant only when: . . .*
5. *Contributions of information or predrawn detail items or detail units that are incidental to and intended to be integrated into a registrant's technical submissions are from trusted sources (including, but not limited to, manufacturers, installers, consultants,*

owners, or contractors), are subject to appropriate review, and are then coordinated and integrated into the design by the registrant.

7. REGISTRATION EXPIRED IN ANOTHER STATE, TENNESSEE RESIDENTS

A person who lives in Tennessee, whose registration has expired in the state where he or she passed the exam, may apply in the State of Tennessee as a new applicant; the Board will decide on a case-by-case basis if it will accept exam(s) passed by the applicant in another state.

Adopted 11-2-90

Revised and adopted 10-4-97

Incorporated into Rule 0120-01-.04 Applications – General:

(4) An individual who was previously registered in another jurisdiction but whose registration has expired may apply in Tennessee as a new exam applicant. The Board shall decide on a case-by-case basis if it shall accept exam(s) passed in another jurisdiction.

(5) Individuals who are currently registered in another state may apply by comity in accordance with T.C.A. § 62-2-304.

8. USE OF TITLE IF REGISTERED IN OTHER JURISDICTIONS

Tennessee Code Annotated §§ 62-2-102(a) and 62-2-103 prohibit individuals who are not registered to practice architecture, engineering or landscape architecture in this state from making public use of the title “architect,” “engineer” or “landscape architect,” or any appellation thereof which gives or is designed to give the impression that the person using same is an architect, engineer or landscape architect in Tennessee.

The Board has determined that individuals who are not registered in Tennessee, but who hold a like unexpired certificate of qualification or registration in another state, territory or possession of the United States, or another country, may use the title “architect,” “engineer” or “landscape architect,” provided that the jurisdiction(s) in which they are registered is/are written or printed after the title so as not to mislead the public regarding their credentials. The listing of jurisdictions after the title is not required on correspondence, business cards or other communication from an out-of-state office, provided that the individual is registered in that jurisdiction. However, these individuals are cautioned that they must become registered in Tennessee before offering architectural, engineering or landscape architectural services to the public.

Adopted 10-19-07

Revised and adopted 12-11-08

Incorporated into Rule 0120-01-.03 Individuals Registered in Other Jurisdictions:

(1) Unless properly registered, individuals shall not make use of the title “engineer,” “architect,” “landscape architect,” or any appellation thereof that gives the impression that the individual is an architect, engineer, or landscape architect in Tennessee. Individuals not registered in Tennessee but registered in other jurisdictions may use these titles so long as the jurisdiction in which they are registered is clearly specified

so as not to mislead the public regarding their credentials. This clarification is not required on communications from an out-of-state office, provided that the individual is registered in that jurisdiction.

- (2) Individuals registered in other jurisdictions cannot offer or perform architectural, engineering, or landscape architectural services to the public in Tennessee unless they are either acting as consulting associates in accordance with T.C.A. § 62-2-103(2) or working under the responsible charge of a Tennessee registrant.*

(Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to http://sos.tn.gov/sites/default/files/forms/Rulemaking_Guidelines_August2014.pdf)

Amendment

Rule 0120-01-.04 Applications is amended by deleting paragraph (2) in its entirety and substituting, instead, the following language so that, as amended paragraph (2) shall read:

~~(2) Any application submitted which lacks required information or reflects a failure to meet any requirement will be held in "pending" status until satisfactorily completed within a reasonable period of time, not to exceed five (5) years from the date of application.~~

(2) (a) Comity applications and reapplications for registration as an engineer, architect, and landscape architect and applications for engineer intern certification shall expire one (1) year from the date of application. Upon written request by the applicant, an extension of time may be granted for good cause as determined by the Board.

(b) Applications to sit for professional examinations shall expire five (5) years from the date of application.

Authority: T.C.A. §§ 62-2-203(c) and 62-2-304.

Rule 0120-01-.09 References is amended by adding a new paragraph (5) to read as follows

(5) Letters of recommendation and reference forms submitted as part of or in supplement to an application for registration as an engineer, architect, or landscape architect shall be confidential and not subject to open records requests.

Authority: T.C.A. §§ 62-2-203(c) and 62-2-301(a).

Rule 0120-01-.10 Education and Experience Requirements – Engineer is amended by deleting paragraph (2) in its entirety and substituting, instead, the following language so that, as amended paragraph (2) shall read:

(2) In general, "progressive experience in the practice of engineering" consists of engineering experience which is supervised by a registered professional engineer. The Board may grant toward experience requirements for registration as an engineer one (1) year of credit for graduation with a Master's degree (or higher) in engineering from an approved curriculum or 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. At least one (1) year of engineering experience must be completed in the United States. A graduate level degree that is used, in part or in whole, to satisfy the education requirements for registration cannot also be used to satisfy the experience requirements for registration. 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.

Authority: T.C.A. §§ 62-2-203(c) and 62-2-401.

Rule 0120-01-.11 Education and Experience Requirements - Architect is amended by adding a new subparagraph (d) to paragraph (3) to read as follows:

- (d) For purposes of this paragraph, an architectural degree from a program accredited by the Canadian Architectural Certification Board (CACB), or from a program deemed substantially equivalent by the NAAB, is deemed to be equivalent to a degree from a NAAB-accredited program.

Authority: T.C.A. §§ 62-2-203(c), 62-2-501, 62-2-502 and 62-2-503.

Rule 0120-01-.15 Examinations Architect is amended by deleting the rule in its entirety and substituting, instead, the following language so that, as amended the rule shall read:

~~Examinations administered to candidates for registration as an architect will be prepared by the NCARB.~~

- (1) The NCARB shall prepare and administer examinations for candidates for registration as an architect. The use of materials, reference books, notes, calculators and equipment in such examinations shall be in accordance with instructions from the NCARB.
- (2) Applicants shall apply directly to NCARB for admittance to the examination needed for registration as an architect.

Authority: T.C.A. §§ ~~62-204~~62-2-203(c) and 62-20-504(a).

Rule 0120-01-.16 Examinations Landscape Architect is amended by deleting the rule in its entirety and substituting, instead, the following language so that, as amended the rule shall read:

~~Written examinations prepared by CLARB will be offered to applicants for registration as a landscape architect.~~

- (1) The CLARB shall prepare and administer examinations for candidates for registration as a landscape architect. The use of materials, reference books, notes, calculators and equipment in such examinations shall be in accordance with instructions from the CLARB.
- (2) Applicants shall apply directly to CLARB for admittance to the examination needed for registration as a landscape architect.

Authority: T.C.A. §§ ~~62-204~~62-2-203(c) and 62-20-804(a).

Rule 0120-04-.03 Applications is amended by adding a new paragraph (3) to read as follows:

- (3) Applications for registration as a registered interior designer shall expire one (1) year from the date of application. Upon written request by the applicant, an extension of time may be granted for good cause as determined by the Board.

Authority: T.C.A. §§ 62-2-203(c), 62-2-301(a), 62-2-904 and 62-2-905.

Rule 0120-04-.05 Experience Requirements is amended by adding a new subparagraph (e) to paragraph (5) read as follows:

- (e) Letters of recommendation and reference forms submitted as part of or in supplement to an application for registration as a registered interior designer shall be confidential and not subject to open records requests.

Authority: T.C.A. §§ 62-2-203(c) and 62-2-904(a).

Possible additions: Fee reductions or eliminations; changes to the continuing education rules.



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

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

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

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

2016-17 PROPOSED GRANT DISTRIBUTION								
Equipment/Library Resources/Fees								
Total:	\$ 300,000	(additional \$10,000 available to fund 1% minimum--\$3,000--for programs)						
Architecture Distribution \$ 57,900								
	<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		
Landscape Arch Distribution \$ 6,000								
	<u>Enrollment</u>	<u>Request</u>			<u>Grant</u>			
UT Knoxville	19	Combined with Arch.			\$ 6,000			
Interior Design Distribution \$ 6,300								
<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	
Engineering Distribution \$ 229,800								
<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		
Total with 1% minimum funding: \$ 311,700								
<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.								
Special Project Grants								
Total:	\$ 20,000	(one grant of \$20,000)						
Grand Total (Equipment/Library Resources/Fees/Special Projects):					\$ 331,700			



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

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.

Number of Registrants and Firms

Architects		In-State	Out-of-State	Total
	5/24/2016	1533	2287	3820
	9/28/2016	1521	2276	3797
	11/22/2016	1510	2285	3795
	2/9/2017	1519	2293	3812

Engineers				
	5/24/2016	7288	8389	15,677
	9/28/2016	7231	8297	15,528
	11/22/2016	7232	8313	15,545
	2/9/2017	7247	8340	15,587

Landscape Architects				
	5/24/2016	202	185	387
	9/28/2016	201	182	383
	11/22/2016	204	179	383
	2/9/2017	203	186	389

Interior Designers				
	5/24/2016	382	42	424
	9/28/2016	374	40	414
	11/22/2016	368	40	408
	2/9/2017	370	42	412

Totals (Registrants)				
	5/24/2016	9,405	10,903	20,308
	9/28/2016	9,327	10,795	20,122
	11/22/2016	9,314	10,817	20,131
	2/9/2017	9,339	10,861	20,200

Architectural Firms				
	5/24/2016	443	1244	1687
	9/28/2016	443	1287	1730
	11/22/2016	444	1311	1755
	2/9/2017	444	1331	1775

Engineering Firms				
	5/24/2016	938	2836	3774
	9/28/2016	955	2915	3870
	11/22/2016	961	2964	3925
	2/9/2017	966	2993	3959

Landscape Arch Firms				
	5/24/2016	52	103	155
	9/28/2016	55	108	163
	11/22/2016	56	113	169
	2/9/2017	56	115	171

Totals (Firms)				
	5/24/2016	1433	4183	5616
	9/28/2016	1453	4310	5763
	11/22/2016	1461	4388	5849
	2/9/2017	1466	4439	5905

**Board of Architectural and Engineering Examiners
Open Complaints**

	Profession	Complaint #	Received	Allegation	Status	Comments
1	Engineer	201402889	11/12/2014	Practice outside area(s) of competency.	Open-Legal	Litigation monitoring
2	Engineer	201604915	8/18/2016	Practice outside area(s) of competency; plan stamping.	Open-Legal	Board member review
3	Engineer	201605395	9/12/2016	Practice outside area(s) of competency.	Open-Legal	Board member review
4	Engineer	201606888	11/17/2016	Practice outside area(s) of competency; plan stamping.	Open-Legal	
5	Engineer	201606906	11/15/2016	Disciplined in another jurisdiction.	Open-Legal	
6	Engineer	201606933	11/16/2016	Misconduct; fraudulent practice.	Open-Legal	Board member review
7	Engineer	201700058	12/27/2016	Misconduct.	Open-Legal	
8	Engineer	201700067	1/6/2017	Practice on an expired license.	Open-Legal	
9	Eng Firm	201700298	12/28/2016	Disciplined in another jurisdiction.	Open-Staff	Issued letter of caution
10	Eng Firm	201700302	12/28/2016	Disciplined in another jurisdiction.	Open-Staff	Issued letter of caution
11	Eng Firm	201700304	12/28/2016	Disciplined in another jurisdiction.	Open-Staff	Issued letter of caution
12	Eng Firm	201700306	12/28/2016	Disciplined in another jurisdiction.	Open-Staff	Issued letter of caution
13	Eng Firm	201700517	1/25/2017	Disciplined in another jurisdiction.	Open-Staff	Issued letter of caution
14	Int Des	201604906	8/11/2016	Continuing education violation.	Open-Legal	
	Number over 180 days old without "clock stopping" action: 0 (0%)					
	Number of formal hearings authorized to be heard by ALJ: 0					
	Number of formal hearings authorized to be heard by Board: 0					
	Number in Investigations: 0					
	Percent on time (clock stopped within 180 days) last 18 months: 96.67%					

**SECOND QUARTER FISCAL YEAR 2017
FINANCIAL REPORT SUMMARY
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS**

Revenue:

- Licensing revenue for the second quarter of fiscal year 2017 increased \$63,566 from the second quarter of fiscal year 2016, due largely to the normalization of revenue following the issuance of early renewal notices prior to the implementation of our new licensing system in 2015.

Expenses:

- Personal services expenditures (staff salaries, per diems, employee benefits) remained consistent with the second quarter of fiscal year 2016.
- In-state travel expenses decreased \$3,602.
- Out-of-state travel expenses increased \$1,815.
- Communication costs decreased \$1,061.
- Third Party Professional Services decreased \$14,672. These expenses were higher last fiscal year due to formal hearing costs (court reporter and expert witnesses).
- Training of State Employees, which includes registration fees for national council meetings, increased \$1,475.
- Computer-Related Items increased \$4,378 due to the purchase of Adobe Professional software and Zendesk customer service software.
- State Professional Services expenses decreased \$7,360.
- Overall, direct expenditures increased \$3,305.
- The year-to-date reserve balance is \$426,688. The accumulated reserve at the end of FY 2016 was \$1,651,701.

**FY 2016-2017 PRELIMINARY FINANCIAL REPORT
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS**

	1ST QUARTER JULY-SEPT 2016	1ST QUARTER JULY-SEPT 2015	2ND QUARTER OCT-DEC 2016	2ND QUARTER OCT-DEC 2015	3RD QUARTER JAN-MAR 2017	3RD QUARTER JAN-MAR 2016	4TH QUARTER APR-JUNE 2017	4TH QUARTER APR-JUNE 2016	TOTALS
REVENUE									
A&E	\$ 319,683.14	\$ 256,637.36	\$ 343,133.13	\$ 282,645.00		\$ 382,045.00		\$ 365,756.00	
CASE AND COMPLAINT REVENUE	14,500.00	-	3,078.00	-		-		5,700.00	
STATE REGULATORY FEE	-	-	-	-		-		(91,340.00)	
	\$ 334,183.14	\$ 256,637.36	\$ 346,211.13	\$ 282,645.00		\$ 382,045.00		\$ 280,116.00	
EXPENDITURES									
REGULAR SALARIES & WAGES	\$ 63,995.00	60,117.72	\$ 62,495.00	\$ 58,932.00		60,688.00		59,592.00	
PART-TIME SALARIES & WAGES (PER DIEM)	3,050.00	3,250.00	3,000.00	3,650.00		2,500.00		4,150.00	
EMPLOYEE BENEFITS	25,818.66	24,610.38	25,682.01	24,490.27		25,988.88		24,910.61	
IN-STATE TRAVEL	4,617.11	5,434.53	8,752.26	12,354.56		3,625.81		8,651.34	
OUT-OF-STATE TRAVEL	6,868.38	9,078.70	3,974.99	2,159.86		1,460.19		1,339.96	
PRINTING & DUPLICATING	-	-	82.71	-		-		-	
COMMUNICATIONS & SHIPPING COSTS	4,002.72	3,288.28	3,434.24	4,495.32		3,832.30		4,689.16	
MAINTENANCE & REPAIRS	-	-	-	-		-		140.00	
THIRD PARTY PROFESSIONAL SERVICES	4,438.23	2,940.58	10,343.33	25,015.82		18,077.47		15,024.62	
SUPPLIES & OFFICE FURNITURE	734.34	301.76	420.14	45.58		379.99		512.74	
RENTALS & INSURANCE	-	-	-	78.32		234.96		3,637.06	
GRANTS & SUBSIDIES	-	-	-	(17,849.12)		308,700.00		-	
TRAINING OF STATE EMPLOYEES	1,750.00	4,375.00	1,800.00	325.00		2,765.00		665.00	
COMPUTER RELATED ITEMS	451.75	576.63	4,790.36	411.48		-		-	
STATE PROFESSIONAL SERVICES	8,411.47	10,720.03	4,793.57	12,153.78		8,532.42		11,758.47	
TOTAL DIRECT EXPENDITURES	\$ 124,137.66	\$ 124,693.61	\$ 129,568.61	\$ 126,262.87		436,785.02		135,070.96	
COST BACKS									
DEPARTMENT								157,271.00	
INVESTIGATIONS								-	
LEGAL								73,469.00	
CUSTOMER SERVICE CENTER								9,751.45	
TOTAL COST BACKS								240,491.45	
TOTAL EXPENDITURES	\$ 124,137.66	\$ 124,693.61	\$ 129,568.61	\$ 126,262.87		436,785.02		375,562.41	
YTD RESERVE	\$ 210,045.48	\$ 131,943.75	\$ 426,688.00	\$ 288,325.88		233,585.86		138,139.45	
BALANCE ADJUSTMENTS								-	
ACCUMULATED RESERVE								1,651,701.15	

NOTES: Training of State Employees includes registration fees for national council meetings; State Professional Services includes printing by state agencies and lease of office space.

MONTHLY EXPENDITURE DETAIL
FY 2016-2017

OCTOBER 2016

REGULAR SALARIES & WAGES	\$ 19,865.00
PART-TIME SALARIES & WAGES (PER DIEM)	\$ 1,700.00
EMPLOYEE BENEFITS	\$ 8,325.99
IN-STATE TRAVEL	
In-State Mileage	\$ 1,868.72
In-State Airfare	\$ -
In-State Meals & Incidentals	\$ 230.00
In-State Lodging	\$ -
In-State Travel--Other	\$ -
	\$ 2,098.72
OUT-OF-STATE TRAVEL	
Out-of-State Airfare	\$ 1,376.06
Out-of-State Travel--Other	\$ 20.00
Out-of-State Meals	\$ 189.00
Out-of-State Mileage	\$ -
Out-of-State Lodging	\$ 593.19
	\$ 2,178.25
PRINTING & DUPLICATING	\$ -
COMMUNICATIONS & SHIPPING COSTS	
Telecommunications	\$ -
Postal Charges	\$ 793.91
Freight & Express Charges	\$ -
	\$ 793.91
MAINTENANCE & REPAIRS	\$ -
THIRD PARTY PROFESSIONAL SERVICES	
Court Reporter Services	\$ -
Document Destruction Services	\$ 33.90
General Business Consulting Svcs	
Credit card fees (online renewal)	\$ 1,594.39
Dr. John W. Smith	\$ 100.00
Organization Memberships/Dues	
CLARB dues	\$ 4,530.00
Other Legal Services	\$ -
Other	\$ -
Consulting Services--Testing Services	\$ -
	\$ 6,258.29
SUPPLIES & OFFICE FURNITURE	
Office Supplies & Furniture	\$ 260.38
Operational Supplies	\$ -
Training Supplies	\$ -
Sensitive Minor Equipment	\$ -
	\$ 260.38
RENTALS & INSURANCE	
Rent or Lease of Buildings	\$ -
Rent or Lease of Reproduction Equipment	\$ -
	\$ -

MONTHLY EXPENDITURE DETAIL
FY 2016-2017

GRANTS & SUBSIDIES	\$	-	
TRAINING OF STATE EMPLOYEES			
In-Service Training	\$	-	
Out-Service Training	\$	-	
	\$	-	
COMPUTER RELATED ITEMS			
Maintenance of Equipment	\$	-	
Data Processing Supplies	\$	922.11	Adobe Prof. software
Rent or Lease of Data Processing Equip.	\$	78.32	
Data Processing Services (Non-State)	\$	3,633.29	Zendesk software
Sensitive Minor Computers	\$	-	
	\$	4,633.72	
STATE PROFESSIONAL SERVICES			
Data Processing Services (F&A, OIR)	\$	-	
Statewide Accounting Billing	\$	-	
Telephone Billing	\$	295.59	
Payroll Billing	\$	-	
Lock Box Billing	\$	-	
Attorney General Billings	\$	-	
Administrative Judges Billing (SOS)	\$	-	
Agency Internal Administrative Costs	\$	-	
Agency Internal Info Systems Costs	\$	-	
Printing & Reproduction by State Agencies	\$	-	
Rent or Lease of State Buildings	\$	2,631.40	
State-Owned Vehicle Charges	\$	-	
Other	\$	-	
	\$	2,926.99	
TOTAL OCTOBER 2016	\$	49,041.25	
NOVEMBER 2016			
REGULAR SALARIES & WAGES	\$	22,265.00	
PART-TIME SALARIES & WAGES (PER DIEM)	\$	500.00	
EMPLOYEE BENEFITS	\$	8,778.27	
IN-STATE TRAVEL			
In-State Mileage	\$	129.72	
In-State Airfare	\$	-	
In-State Meals & Incidentals	\$	1,544.36	Paris Landing
In-State Lodging	\$	2,708.42	Paris Landing
In-State Travel--Other	\$	99.00	
	\$	4,481.50	
OUT-OF-STATE TRAVEL			
Out-of-State Airfare	\$	-	
Out-of-State Travel--Other	\$	90.00	
Out-of-State Meals	\$	448.00	
Out-of-State Mileage	\$	-	
Out-of-State Lodging	\$	1,258.74	
	\$	1,796.74	
PRINTING & DUPLICATING	\$	-	

MONTHLY EXPENDITURE DETAIL
FY 2016-2017

COMMUNICATIONS & SHIPPING COSTS

Telecommunications	\$	-
Postal Charges	\$	1,717.89
Freight & Express Charges	\$	-
	\$	1,717.89

MAINTENANCE & REPAIRS

\$ -

THIRD PARTY PROFESSIONAL SERVICES

Court Reporter Services	\$	-
Document Destruction Services	\$	27.12
General Business Consulting Svcs		
Credit card fees (online renewal)	\$	1,967.44
Dr. John W. Smith	\$	100.00
Organization Memberships/Dues	\$	-
Other Legal Services	\$	-
Other	\$	-
Consulting Services--Testing Services	\$	-
	\$	2,094.56

SUPPLIES & OFFICE FURNITURE

Office Supplies & Furniture	\$	3.38
Operational Supplies	\$	153.00
Wireless headset		
Training Supplies	\$	-
Sensitive Minor Equipment	\$	-
	\$	156.38

RENTALS & INSURANCE

Rent or Lease of Buildings	\$	-
Rent or Lease of Equipment	\$	-
Rent or Lease of Reproduction Equipment	\$	-
	\$	-

GRANTS & SUBSIDIES

\$ -

TRAINING OF STATE EMPLOYEES

In-Service Training	\$	-
Out-Service Training	\$	1,800.00
NCEES reg. fees		
	\$	1,800.00

COMPUTER RELATED ITEMS

Maintenance of Equipment	\$	-
Data Processing Supplies	\$	-
Rent or Lease of Data Processing Equip.	\$	78.32
Data Processing Services (Non-State)	\$	-
Sensitive Minor Computers	\$	-
	\$	78.32

STATE PROFESSIONAL SERVICES

Data Processing Services (F&A, OIR)	\$	-
Statewide Accounting Billing	\$	-
Telephone Billing	\$	300.57
Payroll Billing	\$	-
Lock Box Billing	\$	-
Attorney General Billings	\$	-
Administrative Judges Billing (SOS)	\$	-
Agency Internal Administrative Costs	\$	-
Agency Internal Info Systems Costs	\$	-

MONTHLY EXPENDITURE DETAIL
FY 2016-2017

Printing & Reproduction by State Agencies	\$	503.99	
Rent or Lease of State Buildings	\$	765.00	Paris Landing conf. rooms
State-Owned Vehicle Charges	\$	-	
Other	\$	-	
	\$	1,569.56	

TOTAL NOVEMBER 2016 **\$ 45,238.22**

DECEMBER 2016

REGULAR SALARIES & WAGES	\$	20,365.00
PART-TIME SALARIES & WAGES (PER DIEM)	\$	800.00
EMPLOYEE BENEFITS	\$	8,577.75

IN-STATE TRAVEL

In-State Mileage	\$	1,448.54
In-State Airfare	\$	-
In-State Meals & Incidentals	\$	619.50
In-State Lodging	\$	-
In-State Travel--Other	\$	104.00
	\$	2,172.04

OUT-OF-STATE TRAVEL

Out-of-State Airfare	\$	-
Out-of-State Travel--Other	\$	-
Out-of-State Meals	\$	-
Out-of-State Mileage	\$	-
Out-of-State Lodging	\$	-
	\$	-

PRINTING & DUPLICATING

Printing by Vendors		
A Plus Reprographics	\$	82.71 copies of plans for complaint

COMMUNICATIONS & SHIPPING COSTS

Telecommunications	\$	-
Postal Charges	\$	890.76
Freight & Express Charges	\$	31.68
	\$	922.44

MAINTENANCE & REPAIRS

\$ -

THIRD PARTY PROFESSIONAL SERVICES

Court Reporter Services	\$	-
Document Destruction Services	\$	27.12
General Business Consulting Svcs		
Credit card fees (online renewal)	\$	1,863.36
Dr. Smith (transcript evaluation)	\$	100.00
Organization Memberships/Dues	\$	-
Other Legal Services	\$	-
Other	\$	-
Consulting Services--Testing Services	\$	-
	\$	1,990.48

SUPPLIES & OFFICE FURNITURE

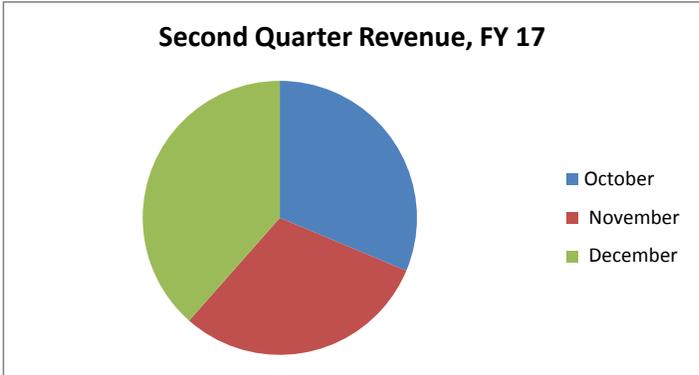
Office Supplies & Furniture	\$	3.38
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MONTHLY EXPENDITURE DETAIL
FY 2016-2017

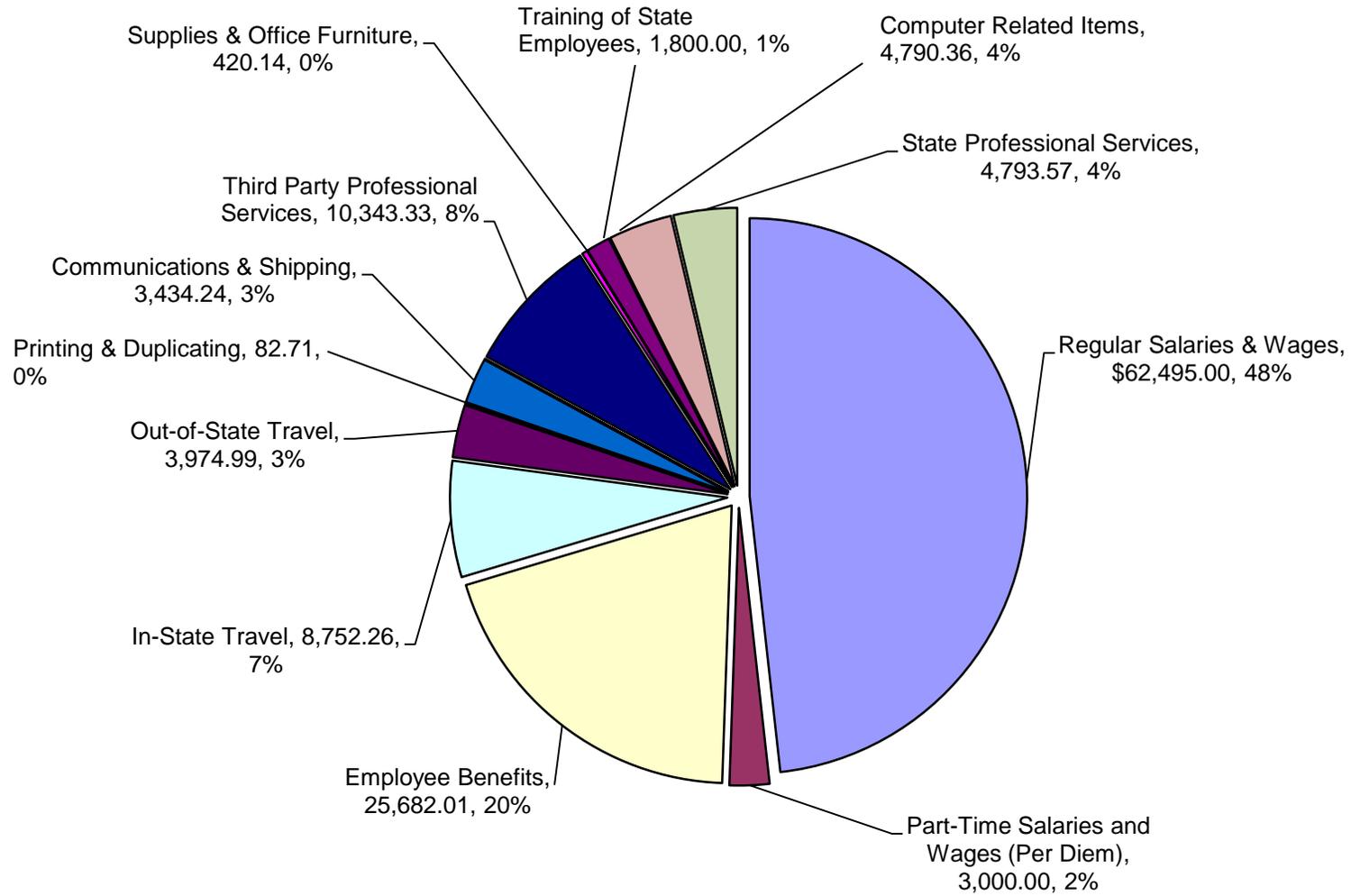
Operational Supplies	\$	-	
Training Supplies	\$	-	
Sensitive Minor Equipment	\$	-	
	\$	3.38	
RENTALS & INSURANCE			
Rent or Lease of Buildings	\$	-	
Rent or Lease of Reproduction Equipment	\$	-	
	\$	-	
GRANTS & SUBSIDIES			
	\$	-	
TRAINING OF STATE EMPLOYEES			
In-Service Training	\$	-	
Out-Service Training	\$	-	
	\$	-	
COMPUTER RELATED ITEMS			
Maintenance of Equipment	\$	-	
Data Processing Supplies	\$	-	
Rent or Lease of Data Processing Equip.	\$	78.32	copier costs
Data Processing Services (Non-State)	\$	-	
Sensitive Minor Computers	\$	-	
	\$	78.32	
STATE PROFESSIONAL SERVICES			
Data Processing Services (F&A, OIR)	\$	-	
Statewide Accounting Billing	\$	-	
Telephone Billing	\$	297.02	
Payroll Billing	\$	-	
Lock Box Billing	\$	-	
Attorney General Billings	\$	-	
Administrative Judges Billing (SOS)	\$	-	
Agency Internal Administrative Costs	\$	-	
Agency Internal Info Systems Costs	\$	-	
Printing & Reproduction by State Agencies	\$	-	
Rent or Lease of State Buildings	\$	-	
State-Owned Vehicle Charges	\$	-	
Other	\$	-	
	\$	297.02	
TOTAL DECEMBER 2016	\$	35,289.14	

**MONTHLY REVENUE BREAKDOWN
FY 2016-2017**

	A&E	Case & Complaint	Total
First Quarter			
July	\$ 124,730.00	\$ -	\$ 124,730.00
August	\$ 92,750.00	\$ 12,000.00	\$ 104,750.00
September	\$ 102,203.14	\$ 2,500.00	\$ 104,703.14
	\$ 319,683.14	\$ 14,500.00	\$ 334,183.14
Second Quarter			
October	\$ 108,390.00	\$ -	\$ 108,390.00
November	\$ 101,475.00	\$ 3,078.00	\$ 104,553.00
December	\$ 133,268.13	\$ -	\$ 133,268.13
	\$ 343,133.13	\$ 3,078.00	\$ 346,211.13
Third Quarter			
January			
February			
March			
Fourth Quarter			
April			
May			
June			
Total	\$ 662,816.27	\$ 17,578.00	\$ 680,394.27



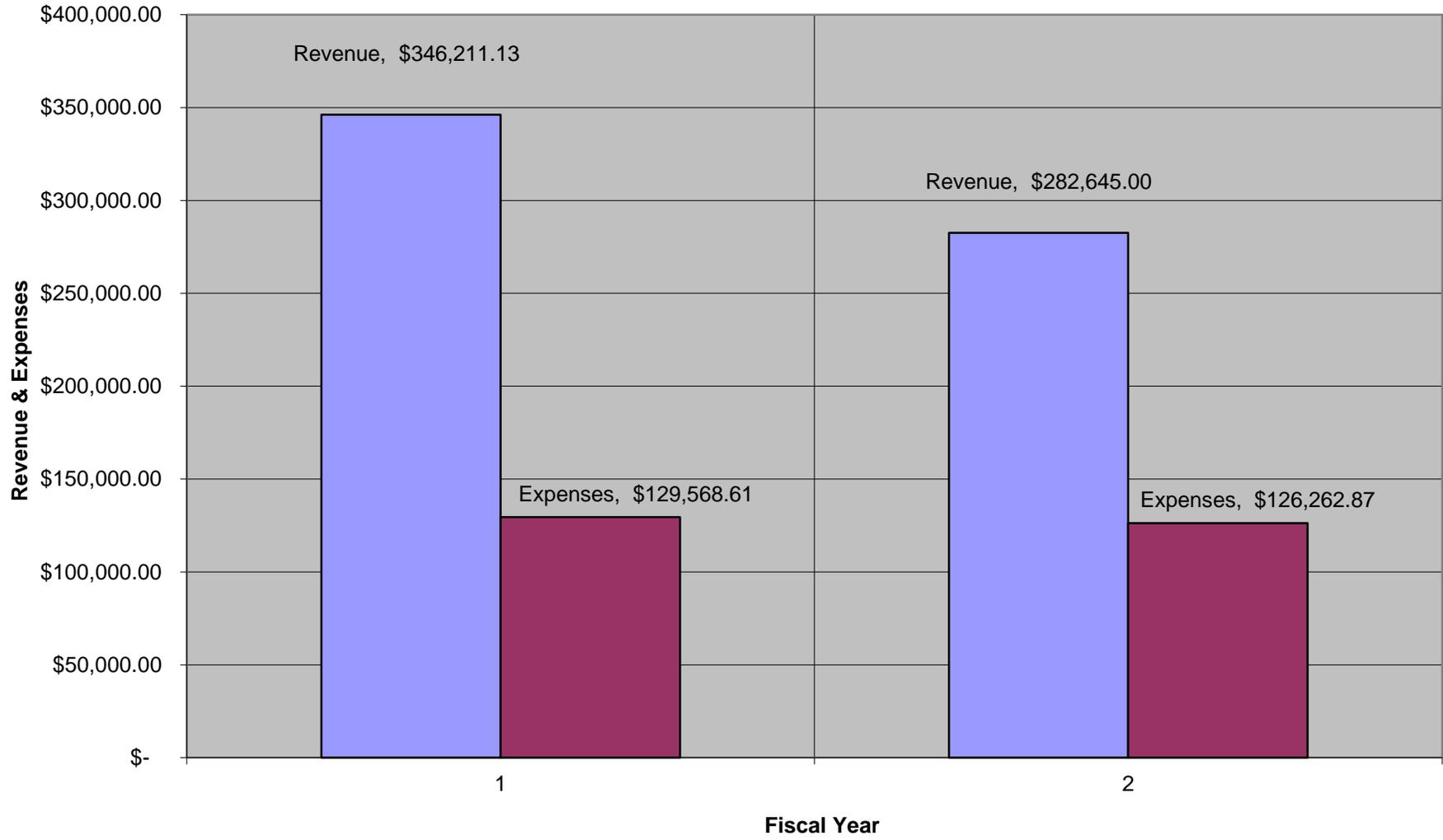
Expenditures--2nd Quarter, FY 2017
Total Direct Expenditures: \$129,568.61



2nd Quarter Comparison

FY 2017

FY 2016



2017 PENDING LEGISLATION

Bill Number(s)/Sponsor(s)	Description	House	Senate	Board Position
HB0300*/SB1188 Hawk/Norris	Professions and Occupations - As introduced, revises various professional regulatory provisions. Amends T.C.A. § 62-2-401(a)(1) to replace language stating that applicants for engineer registration must be certified as an engineer intern with language stating that applicants must have passed the FE exam.	Business and Utilities Subcommittee	Filed 2/9/17	
HB0597/SB0329* Lovell/Kelsey	Professions and Occupations - As introduced, specifies that a person who holds a master's degree in engineering from an approved institution, has a record of at least four years of progressive experience on certain engineering projects, and has obtained certification as an engineer intern must be registered as an engineer upon passage of an examination. - Amends T.C.A. § 62-2-401.	Filed 2/7/17	Commerce and Labor Committee	
HB0340/SB0040* Hulsey/Southerland	Public Contracts - As introduced, entitles a construction design professional to compensation for additional services provided to certain state agencies that are not included in a basic services agreement; provides for the adjudication of disputes between construction design professionals and state agencies by an administrative law judge. Includes Title 62 in the caption.	State Government Subcommittee	State and Local Government Committee	
HB0326*/SB1217 Hawk/Norris	Administrative Procedure (UAPA) - As introduced, authorizes commissioners and chief executive officers of administrative departments under which regulatory boards operate to review and either approve or veto rules that may constitute unreasonable restraints of trade.	Government Operations Committee	Filed 2/9/17	

HB0775*/SB1083 Powell/Lundberg	Fees - As introduced, creates the fee reduction and elimination examination task force to conduct a comprehensive study of the continued need for regulatory fees in this state. Includes Title 62 in the caption.	Filed 2/8/17	Filed 2/9/17	
HB0025/SB0015* Daniel/Green	Taxes, Privilege - As introduced, phases out the professional privilege tax over a four-year period, by reducing the amount of the tax by \$100 each year, for tax years that begin on and after June 1, 2017.	Finance, Ways & Means Subcommittee	FW&M Revenue Subcommittee (2/14/17)	
HB0013*/SB0364 Reedy/Roberts	Taxes, Privilege - As introduced, phases out the professional privilege tax over a four-year period, by reducing the amount of the tax by \$100 each year, for tax years that begin on and after June 1, 2017.	Finance, Ways & Means Subcommittee	Finance, Ways, & Means Committee	
HB0041*/SB0132 VanHuss/Bowling	Taxes, Privilege - As introduced, phases out the professional privilege tax over a five-year period, by reducing the amount of the tax by \$80 each year, for tax years that begin on and after June 1, 2017.	Finance, Ways & Means Subcommittee	Finance, Ways, and Means Committee	
HB0046*/SB0306 Clemmons/Kyle	Taxes, Privilege - As introduced, exempts individuals from the professional privilege tax for the first year in which they are licensed or registered in a taxable profession.	Finance, Ways & Means Subcommittee	FW&M Revenue Subcommittee	
HB1034/SB0205* VanHuss/Bowling	Taxes, Privilege - As introduced, eliminates the professional privilege tax for the tax year ending on May 31, 2018, and subsequent tax years.	Filed 2/9/17	FW&M Revenue Subcommittee (2/14/17)	
HB0060*/SB0546 Rogers/Ketron	Taxes, Privilege - As introduced, allows a person engaged in an occupation subject to the occupational privilege tax who is or is older than the age for full social security benefits and who earns no more than \$16,000 per year from the taxable occupation to receive a 75% rebate on that person's privilege tax.	Finance, Ways & Means Subcommittee (2/15/17)	Filed 2/7/17	

HB1408/SB1061* Weaver/Lundberg	Highways, Roads and Bridges - As introduced, removes the exemption from the competitive bidding requirement for design and consultant contracts entered into by the department of transportation. Includes Title 12 in the caption.	Filed 2/9/17	Filed 2/9/17	
HB1391*/SB1313 Jernigan/Yarbro	Economic and Community Development, Dept. of - As introduced, establishes the office of apprenticeship and work-study programs within the department; provides a tax credit to entities that participate in the programs; and reinstates certain apprenticeship programs for certain professional boards and commissions. Includes Title 62 in the caption.	Filed 2/9/17	Filed 2/9/17	

Section 7, Item 35 of the appropriations bill (HB0511/SB0483) earmarks \$350,000 for the Board's grants program.

HOUSE BILL 300

By Hawk

AN ACT to amend Tennessee Code Annotated, Title 62,
relative to professional licenses and regulations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-2-401(a)(1), is amended by deleting the language "and who has obtained certification as an engineer intern" and substituting instead the language "and passed an examination prepared by the National Council of Examiners for Engineering and Surveying involving the fundamentals of engineering".

SECTION 2. Tennessee Code Annotated, Section 62-3-110(b)(3), is amended by deleting the subdivision and substituting instead the following:

(3) Either:

(A) Has satisfactorily completed a course of one thousand five hundred (1,500) hours in a registered barber school or college; or

(B) Holds a valid Tennessee cosmetology license and has completed three hundred (300) hours in a registered barber school or college regarding the fundamentals of straight razor shaving and barbering technique.

SECTION 3. Tennessee Code Annotated, Section 62-4-110, is amended by deleting subsection (a) and substituting instead the following:

(a) Any person who desires a cosmetologist's license shall submit an application for examination to the board on the prescribed form. The application shall be accompanied by:

(1) A nonrefundable, nontransferable application/examination fee as set by the board;

(4) Direct the appraiser to perform the assignment in accordance with the USPAP; and

(5) Establish and comply with processes and controls reasonably designed to ensure that the AMC conducts its appraisal management services in accordance with the requirements of section 129E(a)-(i) of the Truth in Lending Act (15 U.S.C. § 1639e(a)-(i)) and regulations promulgated thereunder.

SECTION 15. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2017, the public welfare requiring it.

SENATE BILL 329

By Kelsey

AN ACT to amend Tennessee Code Annotated, Section 62-2-401, relative to licensure of engineers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-2-401(a), is amended by adding the following as a new subdivision:

() **Master's Degree from Approved Institution.** A person who holds a master's degree in engineering from an institution with an engineering program approved by the board as being of satisfactory standing, and with a specific record of four (4) years or more of progressive experience on engineering projects of a grade and character which indicates to the board that the applicant is competent to practice engineering, and who has obtained certification as an engineer intern, shall be admitted to a minimum eight-hour written examination, prepared by the National Council of Examiners for Engineering and Surveying, on the principles and practice of engineering. Upon passing such examination, the applicant shall be granted a certificate of registration to practice engineering in this state, provided the applicant is otherwise qualified.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.

SENATE BILL 40

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 5;
Title 6; Title 7; Title 12, Chapter 4 and Title 62,
relative to public works.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 4, is amended by adding the following as a new part:

12-4-1101.

As used in this part:

- (1) "Basic services agreement" means the standardized contract between a state agency and a designer for the design of a construction project;
- (2) "Designer" means a construction design professional under contract with, or selected by, a state agency for the design of a construction project; and
- (3) "State agency" means the University of Tennessee, the board of regents, or the state of Tennessee real estate and asset management division of the department of general services.

12-4-1102.

(a) A designer is entitled to additional compensation from a state agency for any industry standard and customary additional services provided to the state agency that are not included in, or reasonably inferred from, the terms of a basic services agreement.

(b) Except as otherwise provided in this subsection (b), as part of a solicitation, industry standard and customary additional services must not be included in the basic services provided by a designer under the terms of a basic services agreement prior to

the agreement being fully executed and signed. After the selection of a designer for the design of a construction project, and prior to the execution of a basic services agreement, a state agency and designer may negotiate in good faith for the inclusion of additional services in the basic services agreement that are not included in, or reasonably inferred from, the terms of the basic services agreement. If additional services are incorporated into a basic services agreement, the basic services agreement must specify the amount of compensation owed to the designer for the provision of additional services.

(c) If a state agency and designer have entered into a basic services agreement, and the state agency requires additional services of the designer that are not included in, or reasonably inferred from, the terms of the basic services agreement, the state agency may provide for the additional services at its own cost, contract with a third party to provide the additional services, or execute a written addendum to the basic services agreement with the designer authorizing the provision of the additional services by the designer. If a state agency executes a written addendum to a basic services agreement authorizing the provision of additional services by a designer under this subsection (c), the addendum must specify the amount of compensation owed to the designer for the provision of additional services.

12-4-1103.

(a) With respect to a basic services agreement:

(1) Building information modeling (BIM) deliverables categorized at a level of development (LOD) that is equal to or less than LOD 300, as specified by the American Institute of Architects (AIA), may be included in the basic services fee of a designer under a basic services agreement;

(2) Except as otherwise provided in this subdivision (a)(2), BIM deliverables categorized at an LOD that exceeds LOD 300, as specified by the AIA, must not be included in the basic services fee of a designer under the basic services agreement. If a state agency requires BIM deliverables categorized at

an LOD that exceeds LOD 300, the provision of such BIM deliverables by the designer is an additional service and the designer is entitled to additional compensation under § 12-4-1102(a);

(3) If a state agency requires additional embedded data in a model utilizing the Construction Operations Building Information Exchange or a similar format, regardless of whether the format is data-based or geometrically-based, the provision of such data by the designer is an additional service and the designer is entitled to additional compensation under § 12-4-1102(a);

(4) If a state agency requires a software license, the provision of each such license is a reimbursable expense of the designer;

(5) A designer is entitled to additional compensation from a state agency under § 12-4-1102(a) for any additional model development and enhancement during the construction phase;

(6) A designer is not entitled to additional compensation under § 12-4-1102(a) for typical as-built or post-construction documentation requirements; and

(7) A designer is entitled to additional compensation from a state agency under § 12-4-1102(a) for specific management or coordination requirements for a construction project, and such requirements may be negotiated on a project by project basis in accordance with §12-4-1102(b) or (c).

(b) If a designer provides BIM deliverables to a state agency under a basic services agreement or under an addendum to a basic services agreement, the BIM LOD provided by the designer must meet the current requirements of the AIA for that specific BIM LOD.

(c) A state agency shall review all terms and requirements of a basic services agreement or other contract for the design of a construction project prior to issuance of

the request for qualifications for the purpose of determining the potential cost impact that may be associated with unique modeling or data requirements relating to the design of the construction project.

12-4-1104.

If a contractual dispute arises between a designer and a state agency, either party may petition the secretary of state for a hearing before an administrative law judge. Not less than ten (10) days after receiving a petition, the secretary of state shall appoint an administrative law judge from the administrative procedures division of the office of the secretary of state. The administrative law judge shall schedule a hearing on the petition to be held not later than thirty (30) days after the appointment, unless the administrative law judge determines that a later date is necessary for good cause shown. The administrative law judge shall conduct the hearing in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3. An administrative law judge shall award reasonable costs and attorney's fees to a designer who prevails in a hearing conducted pursuant to this section.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it, and shall apply to any contract entered into or renewed on or after July 1, 2017.

HOUSE BILL 326

By Hawk

AN ACT to amend Tennessee Code Annotated, Title 4,
relative to the doctrine of state action antitrust
immunity.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 4, is amended by adding the following language as a new, appropriately designated section:

(a) As used in this section:

(1) "Regulatory board" means any state board, commission, council, committee, or similar entity or body established by statute or rule that issues any license, certificate, registration, certification, permit, or other similar document for an occupation, profession, business, or trade in this state or otherwise regulates or controls any occupation, profession, business, or trade in this state.

"Regulatory board" does not mean:

(A) The state board of law examiners, created by § 23-1-101;

(B) The board of professional responsibility, created by rule 9, section 4 of the rules of the supreme court; or

(C) The board of judicial conduct, created by § 17-5-201; and

(2) "Supervising official" means the commissioner or chief executive officer of the administrative department under which a regulatory board operates or to which a regulatory board is administratively attached, or the commissioner's or officer's designee.

(b) Each supervising official shall ensure that the actions of regulatory boards that displace competition are consistent with a clearly articulated state policy, as follows:

(1) With respect to any rule promulgated by a regulatory board that may constitute a potentially unreasonable restraint of trade so as to require further review, the supervising official shall:

(A) Review any available evidentiary record, such as meeting minutes, public comment, or other justification for rulemaking and, if necessary, direct the regulatory board or other involved persons or entities to supplement the evidentiary record;

(B) Conduct a review of the substance of the rule, de novo and on the merits, for the sole purpose of determining whether the action is consistent with a clearly articulated state policy or law established by the general assembly with respect to the regulatory board; and

(C) In writing:

(i) Approve the rule if the supervising official determines that it is consistent with a clearly articulated state policy or law established by the general assembly with respect to the regulatory board;

(ii) Veto the rule if the supervising official determines that it is not consistent with a clearly articulated state policy or law established by the general assembly with respect to the regulatory board; or

(iii) Remand the rule to the regulatory board for additional information, further proceedings, or modification, as is necessary to ensure that the action is consistent with a clearly articulated state policy or law established by the general assembly with respect to the regulatory board.

(2) With respect to any action, other than rulemaking, taken by a regulatory board the supervising official shall:

(A) Evaluate whether the action may constitute a potentially unreasonable restraint of trade that requires further review; and

(B) Upon determining that an action requires further review pursuant to subdivision (b)(2)(A):

(i) Provide notice to the regulatory board within ten (10) business days of the date the action was taken that the action is subject to further review;

(ii) Review the full evidentiary record regarding the action and, if necessary, supplement the evidentiary record or direct the regulatory board or other involved persons or entities to supplement the evidentiary record;

(iii) Conduct a review of the substance of the action, de novo and on the merits, for the sole purpose of determining whether the action is consistent with a clearly articulated state policy or law established by the general assembly with respect to the regulatory board; and

(iv) In writing:

(a) Approve the action if the supervising official determines that it is consistent with a clearly articulated state policy or law established by the general assembly with respect to the regulatory board;

(b) Veto the action if the supervising official determines that it is not consistent with a clearly articulated state policy or law established by the general assembly with respect to the regulatory board; or

(c) Remand the action to the regulatory board for additional information, further proceedings, or modification, as is necessary to ensure that the action is consistent with a clearly articulated state policy or law established by the general assembly with respect to the regulatory board.

(c) The supervising official may not:

(1) Be licensed by, participate in, or have a financial interest in the occupation, profession, business, or trade regulated by the regulatory board whose action is subject to review under this section; or

(2) Be a voting or ex officio member of the regulatory board whose action is subject to review under this section.

(d) The supervising official's duties established pursuant to this section shall be carried out in a reasonably prompt manner and in accordance with any time limitations set forth in this section.

(e) Any approval, veto, or remand pursuant to subdivision (b)(1)(C) must be accompanied by written justification for such action. No rule subject to this section may be filed by a regulatory board with the secretary of state pursuant to § 4-5-207 or § 4-5-208, without being approved pursuant to this section.

(f) If, within ten (10) business days of the date an action is taken, the supervising official provides notice to the chair of the regulatory board that the action is subject to further review pursuant to subdivision (b)(2)(B), the action shall take effect upon the supervising official's approval but shall not take effect if the supervising official vetoes or remands the action.

(g) The supervising official's approval, veto, or remand of a regulatory board's action pursuant to subdivision (b)(2)(B)(iv) must include written justification for the decision and shall constitute the regulatory board's action with respect to that matter.

(h) A regulatory board must provide to the supervising official adequate notice of its meetings.

(i) The supervising official must provide written notice to the chairs of the government operations committees of the senate and house of representatives of any veto of a rule or action pursuant to this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

HOUSE BILL 775

By Powell

AN ACT to amend Tennessee Code Annotated, Title 4; Title 49; Title 62; Title 63; Title 68 and Title 70, relative to the creation of the fee reduction and elimination examination task force.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) There is created the fee reduction and elimination examination task force, referred to in this section as the "task force", to conduct a comprehensive study of the continued need for regulatory fees in this state, including but not limited to, fees being imposed on the practice of professions and occupations.

(b) The task force shall be composed of at least three (3) members but no more than five (5) members as follows:

(1) The comptroller of the treasury or the comptroller's designee, who shall serve as an ex officio member and shall convene the first meeting of the task force;

(2) One (1) member of the house of representatives, to be appointed by the speaker of the house of representatives; and

(3) One (1) member of the senate, to be appointed by the speaker of the senate.

(c) The appointing authorities may appoint up to two (2) additional persons to serve as members of the task force, both of whom must be licensed to practice in a profession or occupation in this state.

(d) The appointing authorities shall establish the task force no later than July 1, 2017, and the comptroller of the treasury shall convene the first meeting of the task force.

(e) The comptroller of the treasury shall be responsible for the coordination of the task force, including, but not limited to, facilitating communications among task force members.

(f) The comptroller of the treasury shall report the task force's findings and recommendations, including recommended legislation or rules, to the general assembly by June 30, 2018.

(g) This section shall be repealed July 1, 2018.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL 15

By Green

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 4, Part 17, relative to the privilege tax imposed on persons engaged in certain occupations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-1703, is amended by deleting subsection (a) and substituting instead the following:

(a)

(1) For purposes of this part, the tax year begins on June 1 of each year and ends on May 31 of the following year. The privilege tax established by this part is due and payable on June 1 following the end of the tax year. Taxes paid after June 1 are delinquent.

(2) The privilege tax imposed by this part shall be:

For any tax year ending on or before May 31, 2017	\$400
For the tax year ending on May 31, 2018	\$300
For the tax year ending on May 31, 2019	\$200
For the tax year ending on May 31, 2020	\$100
For any tax year ending on or after May 31, 2021	\$0

SECTION 2. Tennessee Code Annotated, Section 67-4-1703, is further amended by deleting the language "in the amount of four hundred dollars (\$400)" from subsection (b) and substituting instead the language "in the amount set by subsection (a)".

SECTION 3. Tennessee Code Annotated, Title 67, Chapter 4, Part 17, is amended by adding the following as a new section:

(a) This part does not apply to any person who engages in a vocation, profession, business, or occupation listed in § 67-4-1702(a) on or after June 1, 2020.

(b) This section does not absolve any taxpayer of liability for any tax duly levied by this part during any tax year ending before June 1, 2020.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to privilege taxes due and payable after May 31, 2017.

HOUSE BILL 13

By Reedy

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 4, Part 17, relative to the privilege tax imposed on persons engaged in certain occupations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-1703, is amended by deleting subsections (a) and (b) and substituting instead the following:

(a)

(1) For purposes of this part, the tax year begins on June 1 of each year and ends on May 31 of the following year. The privilege tax established by this part is due and payable on June 1 following the end of the tax year. Taxes paid after June 1 are delinquent.

(2) The privilege tax imposed by this part shall be:

For any tax year ending on or before May 31, 2017	\$400
For the tax year ending on May 31, 2018	\$300
For the tax year ending on May 31, 2019	\$200
For the tax year ending on May 31, 2020	\$100
For any tax year ending on or after May 31, 2021	\$0

(b) Any person who is licensed or registered for two (2) or more professions taxed pursuant to this part shall not be required to pay more than one (1) tax in an amount set by subsection (a).

SECTION 2. Tennessee Code Annotated, Section 67-4-1703, is further amended by adding the following new subsection:

(g) No tax shall be levied upon the privilege of engaging in a vocation, profession, business, or occupation listed in § 67-4-1702(a) on or after June 1, 2020; provided, however, this subsection (g) shall not be construed to absolve any taxpayer of liability for any tax duly levied by this part during any tax year ending before June 1, 2020.

SECTION 3. Tennessee Code Annotated, Title 67, Chapter 4, Part 17, is amended by adding the following as a new section:

This part does not apply to any person who engages in a vocation, profession, business, or occupation listed in § 67-4-1702(a) on or after June 1, 2020.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to privilege taxes due and payable after May 31, 2017.

HOUSE BILL 41

By VanHuss

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 4, Part 17, relative to the privilege tax imposed on persons engaged in certain occupations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-1703, is amended by deleting subsections (a) and (b) and substituting instead the following:

(a)

(1) For purposes of this part, the tax year begins on June 1 of each year and ends on May 31 of the following year. The privilege tax established by this part is due and payable on June 1 following the end of the tax year. Taxes paid after June 1 are delinquent.

(2) The privilege tax imposed by this part shall be:

For any tax year ending on or before May 31, 2017	\$400
For the tax year ending on May 31, 2018	\$320
For the tax year ending on May 31, 2019	\$240
For the tax year ending on May 31, 2020	\$160
For the tax year ending on May 31, 2021	\$80
For any tax year ending on or after May 31, 2022	\$0

(b) Any person who is licensed or registered for two (2) or more professions taxed pursuant to this part shall not be required to pay more than one (1) tax in an amount set by subsection (a).

SECTION 2. Tennessee Code Annotated, Section 67-4-1703, is further amended by adding the following new subsection:

(g) No tax shall be levied upon the privilege of engaging in a vocation, profession, business, or occupation listed in § 67-4-1702(a) on or after June 1, 2021; provided, however, this subsection (g) shall not be construed to absolve any taxpayer of liability for any tax duly levied by this part during any tax year ending before June 1, 2021.

SECTION 3. Tennessee Code Annotated, Title 67, Chapter 4, Part 17, is amended by adding the following as a new section:

This part does not apply to any person who engages in a vocation, profession, business, or occupation listed in § 67-4-1702(a) on or after June 1, 2021.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to privilege taxes due and payable after May 31, 2017.

HOUSE BILL 46

By Clemmons

AN ACT to amend Tennessee Code Annotated, Title 67,
Chapter 4, Part 17, relative to the privilege tax
imposed on persons engaged in certain
occupations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-1708, is amended by adding the following language as a new subsection:

() Notwithstanding this part to the contrary, the privilege tax levied by this part does not apply to a person in the first year the person is registered or licensed in a vocation, profession, business, or occupation listed in § 67-4-1702(a).

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it, and shall apply to privilege taxes due and payable after such date.

SENATE BILL 205

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 4, Part 17, relative to the privilege tax imposed on persons engaged in certain occupations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-1703, is amended by deleting subsection (a) and substituting instead the following:

(a)

(1) For purposes of this part, the tax year begins on June 1 of each year and ends on May 31 of the following year. The privilege tax established by this part is due and payable on June 1 following the end of the tax year. Taxes paid after June 1 are delinquent.

(2) The privilege tax imposed by this part shall be:

For any tax year ending on or before May 31, 2017	\$400
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For any tax year ending on or after May 31, 2018	\$0
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SECTION 2. Tennessee Code Annotated, Section 67-4-1703, is further amended by deleting the language "in the amount of four hundred dollars (\$400)" from subsection (b) and substituting instead the language "in the amount set by subsection (a)".

SECTION 3. Tennessee Code Annotated, Title 67, Chapter 4, Part 17, is amended by adding the following as a new section:

(a) This part does not apply to any person who engages in a vocation, profession, business, or occupation listed in § 67-4-1702(a) on or after June 1, 2017.

(b) This section does not absolve any taxpayer of liability for any tax duly levied by this part during any tax year ending before June 1, 2017.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to privilege taxes due and payable after May 31, 2017.

HOUSE BILL 60

By Rogers

AN ACT to amend Tennessee Code Annotated, Title 67,
Chapter 4, Part 17, relative to occupational
privilege taxes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-1703, is amended by
designating subsection (a) as subdivision (a)(1) and by adding the following new subdivision
(a)(2):

(2)

(A) A person who is licensed or registered to practice a profession upon
which a privilege tax is imposed by this part is eligible to receive a seventy-five
percent (75%) rebate of the annual tax paid if the person:

- (i) During the year for which the tax is imposed, is or exceeds the
minimum age established for receiving full-benefit social security; and
- (ii) Receives no more than sixteen thousand dollars (\$16,000) per
year in annual income from the taxable occupation. On July 1, 2019, the
maximum amount of income from the taxable occupation established by
this subdivision (a)(2)(A)(ii) shall be adjusted in accordance to reflect the
percentage of change in the average consumer price index (all items —
city average) as published by the United States department of labor,
bureau of labor statistics, between calendar year 2018 and calendar year
2019. Each succeeding July 1, a similar adjustment shall be made upon
the percentage of change in the average consumer price index between

the two (2) calendar years preceding July 1 of the year in which the adjustment is made.

(B) If a person paying the privilege tax imposed by this part is also claiming the tax rebate provided by this subdivision (a)(2), the person shall submit the required proof of eligibility for the rebate to the commissioner at the same time as the tax is paid.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall be applicable to professional privilege taxes that are due in 2018 and each year thereafter.

SENATE BILL 1061

By Lundberg

AN ACT to amend Tennessee Code Annotated, Title 12
and Title 54, relative to design and consultant
contracts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 54-1-130, is amended by deleting the last sentence of the section, which presently reads:

Nothing in this section shall be construed to require competitive bidding of design and consultant contracts.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Current statute:

54-1-130. Allowable overhead, costs and rates for design and consultant contracts.

In order to promote engineering and design quality and to ensure the maximum benefits of competition by professional engineering and design service firms, the commissioner of transportation is authorized to establish cost principles to be used to determine the reasonableness and allowability of various costs, including overhead rates, salary limits, allowable expense reimbursements and other costs the commissioner may deem necessary to regulate as they are applicable to design and consultant contracts. The overhead rates for professional engineering and design service firms shall not exceed one hundred forty-five percent (145%) of the consultant's direct labor costs. Nothing in this section shall be construed to require competitive bidding of design and consultant contracts.

SENATE BILL 1313

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 49; Title 62 and Title 67, relative to
apprenticeship and work-study programs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 7, is amended by adding the following language as a new section:

(a) There is established within the department of economic and community development the office of apprenticeship and work-study programs.

(b)

(1) There is a director of the office, who shall be appointed by the executive director of the Tennessee higher education commission (THEC) and who shall serve at the pleasure of the executive director.

(2) The staff of the office shall be appointed by the director, subject to the joint approval of the executive director of THEC and the commissioner.

(c) The office has the following functions and duties:

(1) Promote federally certified apprenticeship and work-study programs to assist industries that have needs for such programs, either through traditional apprenticeship programs administered by the department, work-study programs administered by the department of education;

(2) Establish industry consortiums in which the apprenticeship and work-study programs are organized by industry, and where companies can participate to best meet their individual needs;

(3) Maintain complete and consistent program data on the:

(A) Number of persons placed in apprenticeship and work-study programs established under subdivision (c)(1);

(B) Amount of tax credits authorized under § 67-4-2009(9), such information to be provided to the office by the department of revenue in accordance with the department's applicable laws regarding confidentiality; and

(C) Number of job placements that result from student participation in apprenticeship and work-study programs established pursuant to this section;

(4) Employ such personnel as may be necessary to implement and administer this section, with expenses to be paid from funding received pursuant to subsection (d); and

(5) Perform such other functions and duties as may be necessary for the administration of apprenticeship and work-study programs under this section.

(d)

(1) The activities and expenses of the office may be jointly funded by the participating industries through a fee in an amount determined through rule by the department. The office shall collect fees pursuant to this subsection (d) in an amount sufficient to pay the cost of operating the office.

(2) The office may seek any available grants and other sources of funding to implement and administer this section.

(e) The office shall work in conjunction with the division of regulatory boards of the department of commerce and insurance to accomplish the functions and duties set out in subsection (c).

(f) The office shall be audited in conjunction with the audit of the department by the comptroller of the treasury for purposes of title 4, chapter 29.

(g) As used in this section:

(1) "Commissioner" means the commissioner of economic and community development;

(2) "Department" means the department of economic and community development; and

(3) "Office" means the office of apprenticeship and work-study programs.

(h) The department shall promulgate rules to implement this section in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 76, is amended by deleting Part 2 and substituting instead the following:

62-76-201.

(a) The boards and commissions created in this title, in consultation with the division of regulatory boards, shall develop and maintain an apprentice program for use by such boards and commissions.

(b) The program developed pursuant to subsection (a) shall include, but not be limited to, the subjects of:

(1) Apprenticeship training;

(2) Supervisory standards;

(3) Occupational instruction;

(4) Wages and benefits;

(5) Licensure; and

(6) The role of the division of regulatory boards in implementing and maintaining the program.

(c) Each of the boards and commissions shall submit a report on the status of the apprentice program to the speaker of the senate, the speaker of the house of

representatives, the government operations committees of the senate and house of representatives, the commissioner of commerce and insurance, the commissioner of health, and the commissioner of labor and workforce development on or before December 31 of each year. The report shall include the following:

(1)

(A) The reason the apprentice program was created; and

(B) The reason the apprentice program is no longer in effect, if applicable;

(2) Historical data on the apprentice program since its creation, including:

(A) The number of persons participating in the program each year; and

(B) Program outcomes, including the percentage of program participants who have continued in their chosen fields;

(3) A description of the apprentice program and its objectives; and

(4)

(A) The number of persons licensed in each profession regulated by such boards and commissions for the existing calendar year; and

(B) The number of persons employed in each profession regulated by such boards and commissions for the existing calendar year.

SECTION 3. Tennessee Code Annotated, Section 67-4-2009, is amended by adding the following language as a new subdivision:

(9)

(A) Subject to appropriations and the limitation in subdivision (9)(C), there shall be allowed against the sum total of the taxes imposed by the Franchise Tax Law of 1999, compiled in part 21 of this chapter, and by this part,

a credit equal to four percent (4%) of the cost of participating in an apprenticeship and work-study program established by the office of apprenticeship and work-study created pursuant to Section 1 of this act;

(B) The credit taken on any franchise and excise tax return, however, must not exceed fifty percent (50%) of the combined franchise and excise tax liability shown by the return before the credit is taken. Any unused credit may be carried forward in any tax period until the credit is taken. However, the credit shall not be carried forward for more than fifteen (15) taxable years;

(C)

(i) The total amount of credit provided to all taxpayers under this subdivision (9) must not exceed one million dollars (\$1,000,000) for any calendar year;

(ii) If the total amount of credit claimed by all taxpayers for any calendar year exceeds the limitation in this subdivision (9)(C), the credit to be received by each taxpayer must be the product of one million dollars (\$1,000,000) multiplied by the quotient of the credit claimed by the taxpayer divided by the total of all credits claimed by all taxpayers;

(iii) For purposes of applying the limitation in this subdivision (9)(C), a taxpayer must submit an application for the credit allowed under this subdivision (9), in the form prescribed by the department, by October 15 following the calendar year in which an apprenticeship or work-study program was offered. No credit must be allowed under this subdivision (9) to any taxpayer that fails to submit the application by October 15;

(iv) By December 15 following the October 15 deadline set forth in subdivision (9)(C)(iii), the department shall notify the taxpayer of the amount of the credit allowed; and

(v) At any time during the applicable limitations period set out in § 67-1-1501(b), the department is authorized to conduct audits or require the filing of additional information necessary to substantiate or adjust the amount of the credit taken by a taxpayer;

SECTION 4. Section 3 of this act shall take effect January 1, 2018, the public welfare requiring it. All other provisions of this act shall take effect upon becoming a law, the public welfare requiring it.

Action Items (February 2017)

John Cothron

- Invite a representative of the Association of Energy Engineers (AEE) to attend an Engineer Committee meeting to discuss the certifications they offer.
- Route revised *Reference Manual* to proper authorities for review.
- Research which jurisdictions allow unlicensed design professionals to participate in design competitions or respond to RFPs or RFQs.
- Follow up with Assistant Commissioner Brian T. McCormack regarding attendance at the 2017 NCEES Northeast/Southern Zone Joint Interim Meeting in St. Thomas, Virgin Islands.
- Draft contracts to distribute grant funds to the schools.
- Contact NCEES regarding the possibility of establishing a test center in Cookeville.
- Issue a press release regarding the licensing agreement with the Japan PE/FE Examiners Council.
- Contact the Vanderbilt University School of Engineering to see if space would be available at another location on their campus for the October 2017 Board meeting.

Legal Counsel

- Add information regarding the submission of historical data and hourly rates in response to a RFQ to the Frequently Asked Questions about Qualifications-Based Selection.
- Draft proposed rule changes (removing the proposed continuing education rule pending discussion by the Continuing Education Committee).
- Review the different procurement models for state projects as presented by State Architect Peter Heimbach and how they relate to qualifications-based selection of design professionals.

Ricky Bursi/Robert Campbell

- Write a newsletter article regarding the experience requirements for engineer registration.

Robert Campbell/Stephen King

- Review the Engineer Committee policy regarding fulfillment of humanities/social sciences (general education) deficiencies for discussion at the next committee meeting in February 2017.

Finance Committee

- Discuss the possible reduction or elimination of fees.

Law and Rules/Policies Committee

- Review the Design Competitions/Requests for Proposals/Requests for Qualifications policy.

Continuing Education Committee

- Discuss proposed changes to the continuing education rules, including a proposal to allow or require all professions to report continuing education hours on a calendar year basis and to eliminate carryover hours.

2018 Legislative Proposal: Eliminate the experience duration requirement in the law (T.C.A. § 62-2-501) for architect exam applicants, and require simply completion of the Intern Development Program (IDP)/Architectural Experience Program (AXP) for these applicants.



STATE OF TENNESSEE
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FREQUENTLY ASKED QUESTIONS ABOUT QUALIFICATIONS-BASED SELECTION FOR PUBLIC PROJECTS AS DEFINED BY T.C.A. § 12-4-107(a)

1. To what projects does T.C.A. § 12-4-107(a) apply?

T.C.A. § 12-4-107 applies to all contracts for architectural, engineering and construction services procured by any municipal corporation, county, state, development district, utility district, human resource agency, or other political subdivision created by statute. ~~Some communications from the Board refer to “public works projects,” which should not be understood in the narrow sense of projects typically associated with public works departments. The term “public works” is used in the general sense of any project paid for by government funds for public use. The statute does not actually use the term “public works.”~~

2. What has changed? Is the Board of Architectural and Engineering Examiners imposing a new requirement?

The requirement to select design professionals for public projects through qualifications-based selection is not a new requirement. This requirement has been in the law for many years, and the Board of Architectural and Engineering Examiners is not imposing any additional requirements on the state or local jurisdictions. The only change is that, effective March 11, 2013, the Board may now discipline registered architects, engineers, and landscape architects for failing to comply with ~~T.C.A. § 12-4-107(a) and~~ Rule 0120-02-.02(6).

3. Does T.C.A. § 12-4-107(a) encompass studies and other services that do not involve the preparation of sealed plans?

Any study or service that requires professional architectural, engineering, or landscape architectural services and expertise that requires the seal of a

registrant, or if these professional services are offered by the proposer, would fall under the scope of the statute.

4. Does T.C.A. § 12-4-107(a) apply to public school systems and public building authorities?

Yes. T.C.A. § 12-4-107 applies to all contracts for professional services by any municipal corporation, county, state, development district, utility district, human resource agency, or other political subdivision created by statute.

5. Does T.C.A. § 12-4-107(a) apply to non-profit organizations that receive public funds, such as charter schools?

No. T.C.A. § 12-4-107 applies only to contracts for professional services by any municipal corporation, county, state, development district, utility district, human resource agency, or other political subdivision created by statute. It does not apply to private non-profit organizations, regardless of the source of funding. However, although T.C.A. § 12-4-107(a) does not require qualifications-based selection in these instances, the conditions of the source of funding, such as a governmental grant, may still require qualifications-based selection.

6. Does T.C.A. § 12-4-107(a) apply to landscape architectural services?

~~Yes. Although the statute does not specifically reference landscape architectural services, it may be safely assumed that such services are included due to the overlap among the architectural, engineering, and landscape architectural professions, and the fact that similar qualifications and standards apply to all three design professions. Additionally, Rule 0120-02-.02(6) does reference landscape architectural services. The statute does not directly address landscape architectural services; however, it appears that such services might constitute "construction services" due to the overlap among the architectural, engineering, and landscape architectural professions, and the fact that similar qualifications and standards apply to all three design professions. Additionally, Rule 0120-02-.02(6) does reference landscape architectural services.~~

7. Does T.C.A. § 12-4-107(a) apply to interior design services?

No. The statute does not reference interior design services, and the Board of Architectural and Engineering Examiners does not regulate the practice of interior design—only use of the title “registered interior designer.”

8. Is it permissible for a registrant to provide a description of intended compensation (i.e., whether you charge a fixed fee, percentage, etc.) in response to a RFQ/RFP for a public project?

~~Yes, provided that a specific monetary amount or percentage is not included in the response. Generally, the Board takes the position that providing only a description of the method of compensation without providing specific monetary amount or percentage would not allow an entity to evaluate the proposal on any basis other than the competence and qualifications of the registrant to provide the services in violation of Rule 0120-02-.02(6); however, each individual situation would depend on the specific facts.~~

9. Is it permissible for a registrant to submit hourly rates and an estimate of man-hours required to complete a design project in response to a RFQ/RFP for a public project?

~~No. T.C.A. § 12-4-107(a) and Rule 0120-02-.02(6) preclude a registrant from submitting any information that could be used to determine compensation in response to a RFQ/RFP for a public project. Generally, the Board takes the position that providing hourly rates and an estimate of man-hours required to complete a design project in response to a RFQ/RFP for a public project would allow an entity to evaluate the proposal on any basis other than the competence and qualifications of the registrant to provide the services in violation of Rule 0120-02-.02(6).~~

10. Is it permissible for a registrant to submit a price in a sealed envelope in response to a RFQ/RFP for a public project?

~~No. Registrants may only state compensation to a prospective client in direct negotiation following selection based on qualifications. To the extent that providing the information, even in a sealed envelope, would enable a governmental entity to evaluate the proposal on any basis other than the competence and qualifications of the registrant, providing such information may be in violation of Rule 0120-02-.02(6).~~

11. Does the following procedure comply with T.C.A. § 12-4-107 and Rule 0120-02-.02(6)?

A jurisdiction requests responses to a RFQ. Responses are evaluated to prequalify firms for participation in the RFP process.

Prequalified proposers then submit formal proposals (RFPs)—including fees— for consideration and final selection.

No. The prequalification procedure outlined above would not comply. In accordance with T.C.A. § 12-4-107(a), once the public body (client) has selected the most qualified design professional/firm, it may request a fee proposal from that firm. The agency may then negotiate a satisfactory contract with the selected firm. If an agreement cannot be reached and the negotiations are formally terminated, the agency may then proceed to select the next most qualified design professional/firm on the list and continue negotiations until an agreement is reached. However, a procedure in which the agency wishes to contract with as many qualified respondents as possible, multiple firms are selected, and a contract is negotiated with each firm separately following selection based on qualifications would be in compliance.

12. What alternate methods are available for determining possible architectural, engineering, or landscape architectural costs?

- a. Enlist the aid of a professional or agency such as a Development District in determining the scope of the project for a RFQ. This should allow a realistic budget for the entire project, including construction, so that price surprises are minimized.
- b. State the budget range for professional services in the RFQ. The budgeted amount allows the design professional to determine if they can meet the stated requirements within the budget range and minimizes review time for the municipality.
- c. Use standard cost basis schedules such as used by the State Building Commission or Rural Development to determine expected design costs. These schedules have been used for many years by both governments and design professionals to establish reasonable compensation for projects of various sizes.

13. Is it unethical for one firm/registrant to sit in on a proposal interview for another firm/registrant (a competitor)? Would this be a violation of the Rules of Professional Conduct?

Although such conduct is unprofessional, it does not violate the Rules of Professional Conduct. No, this does not violate the Rules of Professional Conduct; however, the Board would respectfully discourage such action.

14. Does Rule 0120-02-.02(6) apply only to individual design professionals, or does it also apply to corporations, partnerships, and firms?

The rule applies to both individual design professionals and corporations, partnerships, and firms registered in the State of Tennessee (see Rule 0120-02-.01 Applicability).

15. What disciplinary action may result from a violation of Rule 0120-02-.02(6)?

Formal discipline could range from a civil penalty (\$100-\$1,000 per violation) to suspension or even revocation, depending on the nature of the violation. ~~for repeated, grave offenses.~~ The Board considers mitigating and aggravating factors when determining discipline.

16. Can price be considered when selecting a design professional for a public project?

The law does not prevent jurisdictions from negotiating price on projects requiring professional services. Upon selecting the most qualified design professional, the jurisdiction may then negotiate compensation with the registrant/firm. If the contracting agency and most highly qualified firm are unable to negotiate a fair and reasonable contract, the agency may formally terminate negotiations and undertake negotiations with the next most qualified firm, continuing the process until an agreement is reached. The initial selection, however, must be based upon qualifications.

17. Does T.C.A. § 12-4-107(a) and Rule 0120-02-.02(6) apply to transportation planning services for Metropolitan Planning Organizations?

See response to question #3.

18. Does T.C.A. § 12-4-107(a) and Rule 0120-02-.02(6) apply to subconsultants who do not contract directly with a government agency?

No, based on the Board's current interpretation of understanding of the statute. T.C.A. § 12-4-107(a) applies only to contracts between a state or local government agency and an architect/engineer/landscape architect. If a registrant is not entering into a contract with a governmental entity, then they may include a fee in their proposal for a public project. However, in keeping with the spirit of

the law, the Board urges registrants to select subconsultants on the basis of their qualifications.

19. What is an appropriate way for a registrant to respond to a request for a price?

If a registrant becomes aware of a state or local agency that is requesting a fee in a proposal for a public project, this should be brought to the attention of the Board office. In such cases, Board staff will send a letter to the agency issuing the RFP asking them to eliminate fees from their request. The Board has no jurisdiction over state and local government agencies, but, in most cases, the issuing agency will voluntarily remove the requirement to submit fees and reissue the request. Registrants may wish to provide information on Tenn. Code Ann. § 12-4-107(a) and Rule 0120-02-.02(6) to prospective clients so they will understand why submittals for public projects are non-responsive on the issue of fees. State professional societies may also offer assistance in educating government agencies regarding qualifications-based selection.

20. May a registrant submit historical data or hourly rates to an agency soliciting bids or qualifications prior to selection in response to a bid letting for architectural, engineering, and construction services controlled by T.C.A. § 12-4-107(a)?

~~19.~~ Rule 0120-02-.02(6) of the Board states that, in a bid letting controlled by T.C.A. § 12-4-107(a), “[a] registrant may not submit any information as part of a proposal for a public project to the state or any of its political subdivisions that would enable the governmental entity to evaluate the proposal on any basis other than the competence and qualifications of the registrant to provide the services required, thereby precluding participation in any system requiring a comparison of compensation.” Each complaint is reviewed on its individual merits; however, depending on the individual facts of a case, to the extent that providing historical data or hourly rates “enable the governmental entity to evaluate the proposal on any basis other than the competence and qualifications of the registrant to provide the services required”, providing such information may be in violation of the rule and, as such, may result in disciplinary action against the registrant. Historical data which does not enable the evaluation on a basis other than competency or qualifications would not be prohibited.

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The above responses reflect the Board of Architectural and Engineering Examiners' interpretation of T.C.A. § 12-4-107, as necessary to enforce Rule 0120-02-.02(6), and were adopted on June 12, 2014, and revised and adopted on October 10, 2014, June 4, 2015, ~~and~~ August 12, 2015, and February 16, 2017. The above responses should not be viewed as comprehensive, and registrants are urged to contact the Board office for questions that are not addressed in this document. This document is not intended to create any substantive or procedural rights, enforceable by any party in administrative and judicial litigation with the State of Tennessee. The Tennessee Board of Architectural and Engineering Examiners reserves the right to act at variance with these FAQs and to review any case or complaint before it on the specific facts of that matter.