



MINUTES OF A MEETING OF THE
TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
Vanderbilt University
308 Featheringill Hall
Nashville, Tennessee
Friday, October 6, 2017

CALL TO ORDER

Frank Wagster, Chair, called the regular meeting of the Tennessee Board of Architectural and Engineering Examiners to order at 9:10 a.m. on October 6, 2017, at 308 Featheringill Hall, on the Vanderbilt University campus, in Nashville, Tennessee. A quorum was declared present.

The following **Board members** were present:

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 Ballard	Registered Interior Designer
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The following **Associate Engineer members** were present:

Ricky Bursi	Professional Engineer
Stephen King	Professional Engineer

The following **Board staff** was present:

John Cothron	Executive Director
Wanda Garner	Administrative Assistant
Wanda Phillips	Office Manager
Elizabeth Goldstein	Legal Counsel
Shilina Brown	Legal Counsel

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

Kasey Anderson, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN)

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

Ashley Cates, American Institute of Architects Tennessee Chapter (AIA-TN)

Don Baltimore, Tennessee Interior Design Education and Advocacy (TN IDEA)

Nathan Ridley, American Society of Landscape Architects TN (ASLA-TN)

K. Arthur Overholser, Ph.D., P.E., Senior Associate Dean, Vanderbilt University School of Engineering

Mickey Sullivan, P.E., representing ACEC-TN
Steve Field, P.E., representing ACEC-TN
Terrance Hill, Kimley-Horn
Douglas O. Bell, P.E., TTL, Inc.
Jerry Alan Thigpen
Fuller Hanan, representing the AIA Middle TN Emerging Professionals Committee
Carol Pedigo, AIA Middle TN
Charles D. Polk, Secretary of AIA-TN

Senior Associate Dean Overholser greeted the Board, and guests introduced themselves.

Mr. Cothron announced that Ricky Bursi has been appointed to replace Philip Lim as the Engineer Board member representing West Tennessee, and that Alton Hethcoat has been appointed to replace Laura Reinbold as the Associate Engineer member representing Middle Tennessee. The appointments will become official upon receipt of their oaths of office.

No changes or additions were made to the agenda.

OPEN FORUM/PUBLIC COMMENTS

- *Terrance Hill*, who at this time does not qualify for engineer licensure in Tennessee, suggested that expanding the education requirements for licensure and “decoupling” the experience and examination requirements would be advantageous to him and others.
- *Mickey Sullivan and Steve Field* each expressed concern that the Qualifications-Based Selection (QBS) FAQs had been removed from the Board’s website and requested that they be returned as soon as possible. They asked if the Board could request an opinion from the Attorney General on the questions addressed in the QBS FAQs and/or on the proper enforcement authority for QBS. Mr. Campbell responded that Rule 0120-02-.02(6), which was reviewed by the Attorney General’s office prior to being filed, provides some guidance on QBS.
- *Charles Polk*, reported that members of AIA and others are considering alternative titles to “Intern Architect.” Mr. Polk is seeking more feedback from across the state. Mr. Thompson responded that the Architect Committee will continue to discuss the issue.
- *Fuller Hanan* urged the Board to carefully consider pre-licensure titles.
- *Jerry Thigpen* asked the Board to reconsider complaints that he submitted in 2015. Mr. Campbell asked Mr. Thigpen to submit any information to the Board office.

The open forum closed at 9:37 a.m.

CONSENT AGENDA (attached)

Motion was made by Mr. Thompson and seconded to approve the minutes of the August 10, 2017 meeting. The motion passed unanimously.

PROFESSIONAL SOCIETY REPORTS

Kasey Anderson reported the activities of the TSPE/ACEC-TN. She announced that

- Principles and Practice of Engineering (PE) and Fundamentals of Engineering (FE) exam review classes are underway;
- the Tennessee Engineers’ Conference was well attended; and
- a committee has been formed to discuss “decoupling” of the experience and

examination requirements for registration.

Don Baltimore reported that TN IDEA has no legislative plans for 2018 and will work with the other societies.

Nathan Ridley reported the activities of the ASLA-TN.

Ashley Cates reported the activities of the AIA-TN. They continue to

- urge firms to encourage licensure;
- recognize new licensees;
- discuss the pre-licensure titling issue; and
- support QBS enforcement efforts.

LEGAL CASE REPORT (presented by Sara Page and Shilina Brown) (attached)

1. *Case No. #2017060641* *Complaint #201703064*
Motion was made by Mr. Tibbs and seconded to authorize a civil penalty in the amount of \$1,000.00 for unlicensed use of the term/title "architect" and "architecture," to be settled by Consent Order or a formal hearing. The motion passed unanimously.
2. *Case No. #2017048661* *Complaint #201704866*
Motion was made by Ms. Ware and seconded to close the case. The motion passed unanimously.
3. *Case No. #2017055821* *Complaint #201705582*
Motion was made by Mr. Thompson and seconded to close the case. The motion passed unanimously.
4. *Case No. #2017055841* *Complaint #201705584*
Motion was made by Ms. Ware and seconded to close the case. The motion passed unanimously.
5. *Case No. #2017047311* *Complaint #201704731*
Motion was made by Mr. Campbell and seconded to close the case. The motion passed unanimously.
6. *Case No. #2017044101* *Complaint #201704410*
Motion was made by Mr. Tibbs and seconded to close the case. The motion passed unanimously.

RE-PRESENTATION

1. *Case No. #2017020561* *Complaint #201702056*
Motion was made by Mr. Campbell and seconded to uphold the authorization for a \$500.00 civil penalty and the requirement for the respondent to take and pass the laws and rules examination, and to retract the Letter of Instruction previously issued to the complainant. Following discussion, the motion was withdrawn.

A motion was made by Mr. Campbell and seconded to authorize an informal conference with the respondent and to retract the Letter of Instruction previously issued to the complainant. The motion passed unanimously.

Break 10:50 a.m. – 11:15 a.m.

DIRECTOR'S REPORT

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

- Board members were informed of past and future annual council meetings and outreach activities.
- Mr. Cothron reported that staff is now working from home three days a week as part of an Alternative Workplace Solutions (AWS) initiative.
- *Complaint Data* was presented for informational purposes only. (attached)
- *Licensing Data* was presented for informational purposes only. (attached)
- *Financial Data* was presented for informational purposes only. (attached)

Board members asked Mr. Cothron to invite the Division's Director of Accounting to the December meeting to discuss Board revenues and expenditures, the Board's reserve balance, and possible fee reductions. It was suggested that this could occur at a Finance Committee meeting scheduled immediately prior to the December Board meeting.

UNFINISHED BUSINESS

- *Action Items* (attached)
The action items taken from the August meeting were reviewed and the required action had either been taken or is in process. Ms. Goldstein noted that the Attorney General's office had questions about the proposed reference confidentiality rules, and that she would have more information on the proposed rules at the December meeting.
- *Committee Assignments*
Mr. Wagster made the following committee assignments:
 - Engineer Committee Chair – Ricky Bursi
 - Nominations Committee Chair – Rick Thompson (replacing Philip Lim)
 - Grants to Higher Education Committee – Brian Tibbs (replacing Philip Lim)
 - Law and Rules/Policies Committee – Kathy Ware (replacing Laura Reinbold)
 - Outreach Committee – remove Frank Wagster
 - Continuing Education Committee – add Stephen King

Ms. Ware requested that guests be asked to identify themselves for the record when they enter meetings. She also asked about the possibility of establishing an application review schedule.

Mr. King asked if associate members could assist in the review of applications, and Ms. Goldstein offered to research the role of the associate members.

Mr. Tibbs left the meeting at 11:45 a.m.

NEW BUSINESS

- *Qualifications-Based Selection FAQs Update*
Mr. Cothron announced that the QBS FAQs have been removed from the Board website for further legal review. Ms. Goldstein explained that the department was concerned about the FAQs being used in a manner implying that the Board regulates QBS, when the QBS statute does not give the Board that authority. Mr. Campbell stated that the Board needs to provide guidance to registrants on how the QBS rule will be enforced. Ms. Goldstein stated that she would keep the Board informed on the issue.
- *Authorization of Travel and Speakers/2018 Proposed Travel* (attached)

Motion was made by Mr. Lim and seconded to accept the 2018 proposed travel plan with the addition of the Executive Director to the list of attendees for the CLARB Annual Meeting. The motion passed unanimously.

- *Application/Examination Deadline Dates (attached)*
Motion was made by Mr. Campbell and seconded to accept the application/examination deadline dates. The motion passed unanimously.

COMMITTEE REPORTS

The minutes of each committee meeting follow these minutes.

Landscape Architect Committee

The Landscape Architect Committee, through Mr. Parker, reported on topics discussed.

Architect Committee

The Architect Committee, through Mr. Thompson, reported on topics discussed.

Mr. Thompson reported that the Architect Committee is in agreement with the AIA's position that supports the title of "Architectural Associate" for those who have earned a degree from a program accredited by the National Architectural Accrediting Board (NAAB), or who have met the education/experience requirements in their jurisdiction, and are participating in the National Council of Architectural Registration Boards' experience requirements. Ms. Goldstein agreed to research if use of this title would comply with the statute and report to the Board in December.

Engineer Committee

The Engineer Committee, through Mr. Bursi, reported on topics discussed.

On behalf of the Committee, a motion was made by Mr. Campbell and seconded to direct legal counsel to draft an amendment to Rule 0120-01-.10 to allow, at the Board's discretion, a maximum of one (1) year of experience credit for three (3) years or more of progressive engineering experience obtained prior to graduation with the qualifying degree. A proposed rule will be drafted for consideration at the December meeting.

Continuing Education Committee

The Continuing Education Committee, through Mr. Wagster, reported on topics discussed.

The Committee, through Mr. Wagster, moved to adopt the continuing education rulemaking hearing notice drafted by legal counsel (attached) and to hold the rulemaking hearing on December 7, 2017. The motion passed unanimously by roll call vote, as follows:

Robert Campbell, Jr.	Aye
Philip Lim	Aye
Blair Parker	Aye
Rick Thompson	Aye
Frank Wagster	Aye
Kathryn Ware	Aye

Law and Rules/Policies Committee

The Law and Rules/Policies Committee, through Mr. Thompson, reported on topics discussed.

Grants to Higher Education Committee

The Grants to Higher Education Committee, through Mr. Wagster, reported on topics discussed.

The Committee, through Mr. Wagster, moved to approve the grant distribution as presented (attached). The motion passed unanimously.

Finance Committee

The Finance Committee, through Mr. Parker, reported on topics discussed.

Outreach Committee

The Outreach Committee, through Mr. King, reported on topics discussed. The location of the October 2018 meeting with deans and program directors is still to be determined.

The meeting adjourned at 12:50 p.m.

ATTACHMENTS

August 2017 Board Meeting Minutes

Legal Case Report

Complaint Data

Licensing Data

Financial Data

Action Items

2018 Proposed Travel

Application/Examination Deadline Dates

Notice of Rulemaking Hearing

Proposed Grant Distribution