



MINUTES OF A MEETING OF THE
TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
Davy Crockett Tower
Nashville, Tennessee
Thursday, February 12, 2015

CALL TO ORDER

Richard Thompson, Chair, called the regular meeting of the Tennessee Board of Architectural and Engineering Examiners to order at 9:05 a.m. on February 12, 2015, at the Davy Crockett Tower in Nashville, Tennessee. A quorum was declared present.

The following **Board members** were present:

Susan Ballard	Registered Interior Designer
Hal Balthrop	Professional Engineer
Robert Campbell, Jr.	Professional Engineer
Jerome Headley	Registered Architect
Philip Lim	Professional Engineer
Bill Lockwood	Registered Landscape Architect
Rick Thompson	Registered Architect
Frank Wagster	Registered Architect

The following **Board member** was absent:

Wilson Borden	Public Member
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The following **Associate Engineer members** were present:

Richard Bursi	Professional Engineer
Stephen King	Professional Engineer
Laura Reinbold	Professional Engineer

The following **Board staff** was present:

John Cothron	Executive Director
Ellery Richardson	Legal Counsel
Wanda Phillips	Office Manager
Wanda Garner	Administrative Assistant

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

Ashley Cates, American Institute of Architects of Tennessee (AIA-TN)
Candy Toler, Tennessee Society of Professional Engineers/American Council of Engineering
Companies of Tennessee (TSPE/ACEC-TN)
Chris Bainbridge, Director of Codes Enforcement

Bill Giannini, Deputy Commissioner, Department of Commerce and Insurance
Brian McCormack, Assistant Commissioner, Regulatory Boards Division
Bill Huddleston, CPA, Accounting Manager, Regulatory Boards Division

Guests were introduced.

Mr. Cothron announced that

- Staff member Joyce Shrum has returned from medical leave;
- Ellery Richardson is now the Board's staff attorney;
- Brian McCormack is the new Assistant Commissioner for Regulatory Boards, and
- Public Board member Wilson Borden is absent today because his wife is having surgery.

No changes/additions were made to the agenda.

CONSENT AGENDA (attached)

Motion was made by Mr. Lockwood and seconded to approve the minutes of the December 4, 2014 meeting. The motion passed unanimously.

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

MEETING WITH STATE FIRE MARSHAL'S OFFICE REPRESENTATIVES

Chris Bainbridge, Director of Codes Enforcement, via a question and answer session, informed Board members that

- he will review proposed revisions to the sprinkler shop drawings review policy;
- he is not aware of any major problems that Codes Enforcement is having with designers;
- the State Fire Marshal's Office (SFMO) is considering amending their rules to adopt new codes; they are recommending adoption of the 2012 International Building Code;
- the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) released a report last year opposing changes to fire sprinkler requirements for places of worship; and
- the SFMO is conducting safety inspections of marinas and boat docks to ensure compliance with applicable codes.

Mr. Bainbridge also reviewed some legislation of interest to the SFMO and the Board.

PROFESSIONAL SOCIETY REPORTS

Candy Toler, TSPE/ACEC-TN, reported on the status of pending legislation:

- SB0095/HB0084—Authorizes public institutions of higher education and the department of general services to participate in, sponsor, conduct, or administer cooperative purchasing agreements with other states or local governments for the procurement of certain goods or services, including architectural or engineering services. The Board expressed concern that, as introduced, the bill may circumvent qualifications-based selection of architectural and engineering services. Ms. Toler noted that the

Department of General Services will request an amendment to delete architectural and engineering services from the bill.

Motion was made by Mr. Campbell and seconded to oppose SB0095/HB0084 as introduced, but to support the exclusion of architectural and engineering services. The motion passed unanimously.

- SB0345/HB0228—Designates the welcome center at Johnsonville State Historic Park in honor of former state representative John C. Tidwell.
- SB0836/HB0477—Requires that edges of steps into certain public buildings constructed, purchased, or leased by the state or its political subdivisions after July 1, 2015, be marked with yellow paint to assist persons with vision impairment. Ms. Toler remarked that the bill is poorly worded, and Mr. Thompson stated that it could pose a slip and fall hazard.
- SB0620/HB0628—Exempts local jurisdictions that have an established codes department from audit of its records and transactions by the state fire marshal; removes a provision of law stating that state building codes supersede all less stringent provisions of municipal ordinances.

Motion was made by Mr. Balthrop and seconded to oppose SB0620/HB0628. The motion passed unanimously.

- SB0978/HB0823—Increases, from \$25,000 to \$100,000, the threshold for public works projects that require a registered architect, registered engineer, or registered landscape architect. Mr. Bursi noted that he attended a meeting on this issue with officials from the City of Bartlett; the city's primary concern is with the replacement of heating, ventilation, and air conditioning (HVAC) units.
- Legislation may be introduced to reduce seismic requirements in the Memphis area, which are viewed by many homebuilders as costly and burdensome. AIA-TN and TSPE/ACEC-TN are likely to oppose this legislation, if filed (it could be filed as an amendment to another bill). Mr. Campbell remarked that affordability is a legitimate concern.
- Ms. Toler reported that the bill from last session that would have removed fire sprinkler requirements from places of worship under certain circumstances (SB1749/HB1649) has not, as yet, been reintroduced.

Ashley Cates, Executive Vice President of AIA-TN reported that they are working with the State Architect's office on designer contract and fee schedule revisions. She noted that Senate Joint Resolution 77 recognizes Candy Toler on the occasion of her retirement.

DIRECTOR'S REPORT

1. Mr. Cothron reported his activities and those of his staff and Board members.
2. *Licensing Data* was presented for informational purposes only. (attached)
3. *Complaint Data* was presented for informational purposes only. (attached)
4. *Financial Data* was presented for informational purposes only. (attached)

LEGISLATIVE UPDATE

Copies of *pending legislation* of interest to the Board were submitted. (attached)

ENGINEER COMMITTEE REPORT

The Engineer Committee, through Mr. Balthrop, reported on topics discussed. The minutes of the Engineer Committee meeting follow these minutes. (attached)

LAW AND RULES/POLICIES COMMITTEE REPORT

The Law and Rules/Policies Committee, through Mr. Thompson, reported on topics discussed. The minutes of the Law and Rules/Policies Committee meeting follow these minutes. (attached)

BUDGET PRESENTATION

Deputy Commissioner Bill Giannini and Assistant Commissioner Brian McCormack, reviewed the financial status of the Board.

UNFINISHED BUSINESS

1. *Action Items* (attached)

The action items taken from the December meeting were reviewed and the required action had either been taken or is in process.

- (a) Ms. Ballard reported that she will continue to work with AIA-TN to help establish a fee schedule for Registered Interior Designers.
- (b) Mr. Lockwood reported that applicants who have more diversified experience tend to have a higher pass rate on Section 4 (Grading, Drainage and Construction) of the Landscape Architecture Registration Exam (LARE).

2. *Rulemaking Update* (attached)

Ms. Richardson explained that the rulemaking hearing rules filed last year, in which the \$15 engineer intern application fee was inadvertently omitted, have been stayed and have a new effective date of May 1, 2015. The Secretary of State's office may allow a correction of the error in the rules. Ms. Richardson suggested that the Board could file proposed rules for the additional changes under consideration. Proposed rules take effect 90 days after filing without a rulemaking hearing unless a petition for a public hearing is filed by 25 persons who will be affected by the rule, an association of 25 or more members, a municipality or by a majority vote of any standing committee of the General Assembly.

Motion was made by Mr. Balthrop and seconded to approve the proposed rule changes and, in lieu of a rulemaking hearing, to file the proposed rules with the Secretary of State pursuant to T.C.A. § 4-5-202. The motion passed unanimously.

The proposed rules will be published via the Board's website, newsletter and e-mail notification.

3. *Qualifications-Based Selection* (attached)

Ms. Richardson reported on a meeting with Ashley Carter in the Attorney General's

office to discuss qualifications-based selection (QBS). Ms. Carter agreed with the Board's position regarding subconsultants, but she stated that the QBS law (T.C.A. § 12-4-107) may not apply to public school systems. T.C.A. § 49-2-203(a)(3)(C) prescribes the specific procedures to be utilized by local education agencies in contracts for professional services. Ms. Carter recommended revision of the QBS rule to clearly prohibit submission of fee information with a proposal. Discussion was deferred for further scrutiny of legal implications.

LEGAL CASE REPORT (presented by Ellery Richardson) (attached)

1. *Case No. L14-AEL-RBS-2014031381* *Complaint #201403138*
Motion was made by Mr. Lim and seconded to close the case. The motion passed unanimously.

2. *Case No. L14-AEL-RBS-2014028361* *Complaint #201402836*
Motion was made by Mr. Headley and seconded to close the case with a Letter of Caution including a citation of the appropriate authorities. The motion passed unanimously.

3. *Case No. L14-AEL-RBS-2014028891* *Complaint #201402889*
Motion was made by Mr. Lockwood and seconded to place the case in litigation monitoring status pending resolution of the civil case. The motion passed unanimously.

4. *Case No. L14-AEL-RBS-2014031161* *Complaint #201403116*
Motion was made by Mr. Campbell and seconded to authorize a formal hearing with the authority to settle with a Consent Order for a civil penalty of five hundred dollars (\$500.00) and a requirement to take and pass the Board's law and rules examination. The motion passed unanimously.

Cases Under Board Member Review

5. *Case No. L14-AEL-RBS-2014021241* *Complaint #201402124*
6. *Case No. L14-AEL-RBS-2014021242* *Complaint #201402124*
The case was reviewed by Ms. Reinbold, assisted by Mr. Bursi. Mr. Bursi disclosed that, although he knows the respondent, he felt that he could provide an objective review. Motion was made by Mr. Headley and seconded to close the case. The motion passed unanimously.

7. *Case No. L14-AEL-RBS-2014026091* *Complaint #201402609*
Motion was made by Mr. Campbell and seconded to issue a Letter of Caution to the Respondent and, at the April Board meeting, consider whether the Board has the authority to discipline the owner. The motion passed unanimously.

Break: 12:15-12:33 p.m.

8. *Case No. L14-AEL-RBS-2014026301* *Complaint #201402630*

Motion was made by Mr. Wagster and seconded to issue a Letter of Caution. The motion passed unanimously.

9. *Case No. L14-AEL-RBS-2014017901* *Complaint #201401790*

Case No. L14-AEL-RBS-2014017902 *Complaint #201401790*

Motion was made by Mr. Lockwood and seconded to close the case. The motion passed unanimously.

10. *Case No. L13-AEL-RBS-2013022491* *Complaint #201302249*

11. *Case No. L13-AEL-RBS-2013022501* *Complaint #201302250*

Motion was made by Mr. Campbell and seconded to close the cases with a Letter of Instruction. The motion passed unanimously.

12. *Case No. L14-AEL-RBS-2014004821* *Complaint #201400482*

Motion was made by Mr. Lockwood and seconded to close the case but flag it in case the Respondent reapplies for licensure. The motion passed unanimously.

13. *Case No. L14-AEL-RBS-2014023691* *Complaint #201402369*

14. *Case No. L14-AEL-RBS-2014023692* *Complaint #201402369*

Motion was made by Mr. Lim and seconded to keep the Consent Order and defer any additional action until the April meeting. The motion passed unanimously.

NEW BUSINESS

1. *Call for Officer Nominations*

Mr. Thompson announced that a Nominations Committee meeting will be scheduled for April.

2. *Authorization of Travel and Speakers*

Motion was made by Mr. Lockwood and seconded to authorize Mr. Cothron and Mr. Campbell to speak to members of the Knoxville Branch of the American Society of Civil Engineers (ASCE) on March 27, 2015, and to seek mileage reimbursement. The motion passed unanimously.

Motion was made by Mr. Lockwood and seconded to authorize Mr. Balthrop to speak to senior engineering students at Tennessee Technological University in Cookeville in March and to seek mileage reimbursement. The motion passed unanimously.

3. *October 2015 Meeting Dates (Retreat/Board Meeting at University of Tennessee Chattanooga)*

Motion was made by Ms. Ballard and seconded to change the October 2015 meeting dates to October 14-16, 2015. The motion passed unanimously.

4. *Correspondence from Joseph Tomasello, P.E., re: IRC Code Certification (attached)*

Mr. Headley noted that, in general, a registrant cannot seal what the registrant did not design. Mr. Bursi commented that the Sealing Manufactured Product Details, Review Letters, and Shop Drawings policy may be relevant to the discussion. Mr. Campbell stated that a registrant cannot certify that a design will work—only that it is built according to plans—and he suggested that perhaps the certification form should be modified.

Motion was made by Mr. Balthrop and seconded for the Engineer Committee members to meet with Mr. Tomasello and representatives of the Town of Collierville in April. The motion passed unanimously.

5. *New Application Forms (attached)*

The Architect and Landscape Architect Committees will consider the new applications and submit their recommendation for Board decision at the April meeting.

The Chair adjourned the meeting at 1:25 p.m.

Attachments

December Minutes

Complaints for Board Decision

Licensing Data

Complaint Data

Financial Data

Pending Legislation

SB0081/HB0071

SB0095/HB0084

SB0474/HB0787

SB0556/HB0678

Action Items

Notice of Rulemaking Hearing

QBS Q&A's

Legal Report

Joseph Tomasello's letter of 1/22/15

Early Architect and Landscape Architect Exam

Eligibility application forms for approval



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
ENGINEER COMMITTEE MEETING
Davy Crockett Tower- Conference Room 1B
Nashville, Tennessee
Wednesday, February 11, 2015

CALL TO ORDER

Hal Balthrop, P.E., Committee Chair, called the Engineer Committee meeting to order at 1:05 p.m. on February 11, 2015 in Room 1B of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

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

A quorum was present.

The following **Board staff** was present:

John Cothron	Executive Director
Ellery Richardson	Legal Counsel
Wanda Phillips	Administrative Manager

NEW BUSINESS

APPLICATIONS FOR DISCUSSION

- **BROWN, April Michelle (Exam)** Application was previously approved by Mr. Lim. The committee concluded that the experience submitted by Ms. Brown did not include enough application of engineering theory through design, and requested that she submit detailed information regarding her experience.

- **GERGES, Rafik Refaat (Comity)** Application was previously disapproved because of educational deficiencies, and Mr. Gerges appealed the Board’s decision. The committee instructed Ms. Phillips to request that Mr. Gerges submit information regarding civic involvement that may address the deficiencies.
- **O’NEILL, Gerald C. (Comity)** Applicant’s degree is in civil engineering technology. The application was disapproved.
- **WHEELER, Julian Edward (Exam)** Application was approved.
- **YONTZ, Raymond Reese (Exam)** Application was previously approved by Mr. Lim. The committee requested that Mr. Yontz submit more information elaborating on his experience in updating and reviewing regulations.

2014 EXAMINATION RESULTS

The committee reviewed Fundamentals of Engineering, Principles and Practice of Engineering, and Structural Engineering examination results for 2014.

Mr. Lim arrived at 2:10 p.m.

REPORT ON NCEES BOARD PRESIDENTS’ ASSEMBLY

Mr. Balthrop attended the National Council of Examiners for Engineering and Surveying (NCEES) Board Presidents’ Assembly in Atlanta, Georgia on February 6-7, 2015. He reported that attendees received an update on computer-based testing, efforts to standardize continuing education requirements among jurisdictions, international exam administrations, and NCEES marketing and public outreach efforts.

- Mr. Balthrop received an inquiry from Walter Ashford, who is a registered engineer in another jurisdiction with a graduate degree in engineering. Mr. Ashford contacted him to verify if he would meet Tennessee’s registration requirements after he completes a B.S. degree in engineering. The committee agreed that he would qualify for registration after completing the bachelor’s degree since the order in which registration requirements are completed is not considered for comity applicants.
- Mr. Cothron received an e-mail from Dr. John W. Smith regarding use of the title “Utilities Engineer” by an employee of the Town of Collierville on the town’s website. The employee is not a registered engineer. Mr. Cothron was instructed to send a letter of information to the employee stating that posting the title “engineer” on a website constitutes holding oneself out to the general public as an engineer, and requesting that the employee remove the title “engineer” from the town’s website.

- Robert Campbell and Hal Balthrop were designated to attend the NCEES regional meeting as NCEES-funded delegates. Ricky Bursi and John Cothron will attend as state-funded delegates.
- Ricky Bursi discussed SB0978/HB0823, which increases, from \$25,000 to \$100,000, the threshold for public works projects that require a registered architect, registered engineer, or registered landscape architect. Mr. Bursi noted that he attended a meeting on this issue with officials from the City of Bartlett; the city's primary concern is with the replacement of heating, ventilation, and air conditioning (HVAC) units.

UNFINISHED BUSINESS

REVISIONS TO STANDARD OF CARE FOR FIRE SPRINKLER SYSTEM DESIGN RE: DELEGATED DESIGN OF FIRE SPRINKLER SYSTEMS

The committee members agreed that the word "Division" in the first paragraph of the Sprinkler Shop Drawings Plans Review policy should be changed to "Division of Fire Prevention" for clarity. The proposed policy revisions will now be sent to the State Fire Marshal's Office, sprinkler contractors and engineering societies for comment.

DECOUPLING OF EXPERIENCE AND EXAMINATION REQUIREMENTS FOR PE REGISTRATION

The committee discussed options for pursuing legislation to allow decoupling of the experience and examination requirements. Committee members agreed to ask Candy Toler, Executive Director of the Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN), for a response to the decoupling presentation delivered in December.

DEFINITIONS OF PRACTICE

A majority of committee members opposed adding definitions of practice to the law.

PROPOSED COMITY STATUTE REVISION

The committee took no exception to the proposed comity statute revision.

Adjourn. The Chair adjourned the meeting at 4:10 p.m.



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
LAW AND RULES/POLICIES COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Thursday, February 12, 2015

CALL TO ORDER

Rick Thompson, Committee Chair, called the Law and Rules/Policies Committee meeting to order at 8:20 a.m. on February 12, 2015, in Room 1A of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Robert Campbell, Jr., P.E.
Jerry Headley, R.A.
Bill Lockwood, R.L.A.
Laura Reinbold, P.E., Associate Member
Rick Thompson, R.A.
Susan Ballard, R.I.D.

A quorum was present.

The following **Board staff** was present:

John Cothron	Executive Director
Ellery Richardson	Legal Counsel

UNFINISHED BUSINESS

DEFINITIONS OF PRACTICE

Mr. Thompson reported that Ashley Cates, Executive Vice President of the American Institute of Architects of Tennessee (AIA-TN), will provide the AIA definition of practice for discussion. Further discussion was deferred until the AIA definition is received. Mr. Campbell stated that the engineers are not supportive of adding definitions to the law.

PROPOSED COMITY STATUTE REVISION

Mr. Thompson noted that the architects are supportive of the change. He will ask Ashley Cates for AIA-TN's position on the proposal.

Adjourn. The Chair adjourned the meeting at 8:30 a.m.



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
PUBLICATIONS COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Thursday, February 12, 2015

CALL TO ORDER

Stephen King, Committee Chair, called the Publications Committee meeting to order at 1:25 p.m. on February 12, 2015, in Room 1A of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Susan Ballard, R.I.D.
Ricky Bursi, P.E., Associate Member
Stephen King, P.E., Associate Member
Bill Lockwood, R.L.A.

A quorum was present.

The following **Board staff** was present:

John Cothron Executive Director
Ellery Richardson Legal Counsel

UNFINISHED BUSINESS

REFERENCE MANUAL REVISIONS

Committee members reviewed the *Reference Manual for Building Officials and Design Professionals* and designated sections to be revised by staff and committee members as follows:

- John Cothron—Introduction, The Requirements for Building Design (adding occupancy definitions)

- Bill Lockwood—Most Commonly Asked Questions #24 (expand based on Robert Campbell’s newsletter article regarding electronic seals and signatures); Appendix H (Design and Practice Policies)
- Stephen King—Most Commonly Asked Questions #32, #33, and #34
- Ricky Bursi—Standard of Care for Fire Sprinkler System Design; Appendix G (Engineering Exemption Policy for Fire Sprinkler System Design)—pages 21-31
- Rick Thompson—Appendix E (Cover Sheet for Plans Submissions)

Mr. Cothron was asked to send out a Word document to all committee members to facilitate revision and to schedule another committee meeting in April.

Adjourn. The Chair adjourned the meeting at 2:00 p.m.