



TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS

500 JAMES ROBERTSON PARKWAY

NASHVILLE, TENNESSEE 37243

615.741.3600

Board Meeting Minutes for October 6, 2022
First Floor Conference Room 1-A
Davy Crockett Tower

Tennessee Board of Architectural and Engineering Examiners met on October 6, 2022, and the following business was transacted:

BOARD MEMBERS PRESENT: Alton Hethcoat, Robert Campbell, Blair Parker, Frank Wagster (telephonically), Brian Tibbs, Rob Barrick, Melanie Doss, Rick Thompson, Jason Carder, Ashraf Elsayed

BOARD MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Glenn Kopchak, Stuart Huffman, Heidi Overstreet, Dalia Villarreal

CALL TO ORDER / ROLL CALL / NOTICE OF MEETING

Rick Thompson called the meeting to order at 9:00 am and Director Glenn Kopchak took roll call.

ANNOUNCEMENTS

The board took a moment to recognize Ricky Bursi for his service of over ten (10) years and Steve King for his service of twelve (12) years.

AGENDA

Rob Barrick made a motion to adopt the agenda with several edits. This was seconded by Robert Campbell. The motion passed by unanimous voice vote.

NCEES EMERITUS NOMINATION

Ricky Bursi currently serves on the NCEES MBA committee and would need to be recognized by the board as an Emeritus member to continue his work without interruption and lend his expertise both in committee and on the floor at the NCEES annual meeting should that be necessary. Robert Campbell made a motion to install Ricky as Emeritus member with a term end date of 06/30/2026. This was seconded by Rob Barrick. The motion passed by unanimous voice vote.

AUGUST MINUTES

Blair Parker made a motion to adopt the August minutes. This was seconded by Brian Tibbs. The motion passed by unanimous voice vote.

GRANT PRESENTATIONS

The universities that submitted grant proposals for FY23 presented their proposals and answered questions from the board.

PROFESSIONAL SOCIETY REPORTS

Ashley Cates, Executive Director of the American Institute of Architects (AIA-TN), provided updates regarding the recent annual meeting and announced that the National Organization of Minority Architects (NOMA) would be meeting in Nashville from October 26-30.

Nathan Ridley, from the TN chapter of the American Society of Landscape Architects (ASLA-TN), provide various updates to include introducing the new CLARB uniformed standard for licensure.

Kasey Anderson, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN) reported updates for her organization to include providing a summary of the recently held Tennessee Engineers' Conference at Franklin, TN.

DIRECTOR'S REPORT

Budget Report

Director Kopchak summarized the line items indicated in revenues and expenditures for the benefit of the new members. Since meeting in August, there was only one additional month of financials to review. When compared year to year for the same period, it all appeared to be trending normally.

Election of Officers

The Nominations Committee presented the following nominations: Rick Thompson (Chair), Melanie Doss (Vice Chair), and Rob Barrick (Secretary). Director Kopchak further advised the board that the newly appointed chair will appoint respective chairs and members for each application review committee and those standing committees as needed with those assignments being noticed very soon.

Robert Campbell made a motion to approve the nominations presented. This was seconded by Blair Parker. The motion passed by unanimous voice vote.

2023 NCARB Regional Summit

The meeting will be hosted by Region 6/WCARB and will be held in Honolulu, HI, from March 2-4. Three (3) delegates will be funded by NCARB, which currently include two (2) board members and one (1) Member Board Executive (MBE). Brian Tibbs and Frank Wagster were selected as the two (2) primary members with Rick Thompson serving as an alternate.

Melanie Ross made a motion to approve travel to this meeting for the two (2) board members selected and the MBE. This was seconded by Blair Parker. The motion passed by unanimous voice vote.

GRANTS TO HIGHER EDUCATION COMMITTEE

The committee reconvened with physical quorum to approve the grants allocation.

LEGAL

Legal Report (presented by Stuart Huffman)

1. 2022035261

First Licensed: 12/01/1984

Expiration: 08/31/2024

Type of License: Professional Engineer

History (5 yrs.): None.

Out-of-state Respondent self-reported that they stamped plans for one Tennessee project while the license was expired. The license expired on 9/30/2018. Respondent has since renewed the license.

Reviewed by Board member: Stephen King

Mitigating Factors: Immediately renewed the license.

Aggravating Factors: Practicing on an expired license.

Recommendation: Authorize a civil penalty of \$500.00 for stamping a plan on an expired license.

Board Decision: Concur.

2. 2022038471

First Licensed: 03/19/2013

Expiration: N/A

Type of License: Engineering Firm

History (5 yrs.): 2018 – One complaint closed with a letter of caution for discipline from another state’s licensing board.

Respondent was disciplined in Louisiana for practicing on an expired license. Respondent notified this Board within 30 days of settlement and compliance. Due to the Respondent having a history with a Letter of Caution in 2018, this matter was referred to legal.

Reviewed by Board member: Alton Hethcoat

Mitigating Factors: No activity in TN; Notified the Board of discipline in a timely matter.

Aggravating Factors:

Recommendation: Send Letter of Caution.

Board Decision: Concur.

RE-PRESENTATIONS

3. 2019099681

First Licensed: 09/07/2005

Expiration: 09/30/2017

Type of License: Professional Landscape Architect

History (5 yrs.): None.

Complainant alleges Respondent is performing unlicensed landscape architect work after his license expired on 9/31/2017. Respondent failed to pay for his renewal. Social media sites and the company website references Respondent as a "landscape architect" and uses the phrase "landscape architecture" when providing design services. Research on social media reveals that Respondent has designed 22 projects in Tennessee under the expired license.

Reviewed by Board member: Blair Parker

Mitigating Factors:

Aggravating Factors: No response to the Board

Recommendation: Authorize a civil penalty of \$22,000.00 for designing 22 projects under an expired license and using the designation of Landscape Architect while unlicensed. Also, request that Respondent renew his license within 30 days.

Board Decision: Approved.

New Information: This matter was filed for a formal hearing to be heard at the December 2022 Board meeting. Respondent's attorneys reached out to discuss a possible resolution to this matter. Respondent states that in 2017, the license renewal notification was sent to a previous address and he did not realize that it was to be renewed. Respondent was not the one that usually handled renewal and therefore it was an oversight. In 2019, Respondent's daughter was diagnosed with a debilitating disease causing expensive medical treatment. About this time, Respondent received a proposed consent order but did not have the financial means to pay. Respondent further believes he was not practicing landscape architecture because he was only designing residential pools and working under a licensed contractor. He assures this Board that he never used a landscape architect seal. Due to the financial burden, Respondent decided to simply remove references to "landscape architect" on the internet and work solely as a designer. To this end, Respondent attempted to correct references of being a "landscape architect" online, such as changing the logo to remove the words "landscape architect," removing ASLA and RLA from credentials, taking "landscape architect" out of references in professional media, and discussing the need to remove the term "landscape architect" with the website vendor. Respondent states that there was no intention of trying to practice landscape architecture without a license. Respondent is embarrassed that he did not handle this matter

in 2019, knows he should have, and understands the consequences that he should endure.

Respondent wishes to resolve this matter and become compliant with this Board's regulations. Respondent has begun the process of renewal, including collecting references, finishing and submitting PDHs, and updating his CLARB record. Respondent has offered to enter into a written settlement agreement, pay a \$10,000 penalty within 30 days, reinstate his landscape architect license as soon as possible, pay all registration penalties, renew his association memberships, and any other further requests from the Board.

New Recommendation: Authorize the written settlement agreement to be filed with the ALJ with the following terms: pay a \$10,000 penalty within 30 days, reinstate landscape architect license within 60 days, pay all registration penalties, renew association memberships, and pass the Laws and Rules Exam.

New Board Decision: Concur.

Redline Rules (attached)

Director Kopchak mentioned that the engineers committee had a very robust discussion regarding the finer details of both positions as it pertains to additional pathways, particularly the master's pathway which requires eight (8) years of experience. Rob Barrick made a motion to approve the redline rules as presented. This was seconded by Brian Tibbs. The motion passed by majority vote. Those voting in favor were as follows: Brian Tibbs, Rob Barrick, Melanie Doss, and Rick Thompson. Robert Campbell and Blair Parker voted in opposition. Dr. Ashraf Elsayed abstained.

COMMITTEE REPORTS

Engineer Committee

Committee Chair Rob Barrick provided a brief report indicating that the redline rules were debated and that the application before them requiring a disciplinary action review was approved given that the applicant had satisfied his terms in the other jurisdictions and was actively licensed in other states where the board shares reciprocity.

Grants to Higher Education Committee

Committee Chair Alton Hethcoat reported that the committee reviewed the grant proposals and recommendations for allocation and approved accordingly. Rob Barrick made a motion to approve and authorize the grant awards to the subsequent universities. This was seconded by Melanie Doss. The motion passed by unanimous voice vote.

NEW BUSINESS

Melanie Doss reminded the board that the Council for Interior Design Qualification (CIDQ) Annual Meeting will be held in Los Angeles, CA from November 11-13, 2022, and that another board member was authorized to attend if there was availability and interest.

Robert Campbell notified the board that he was invited to speak in Murfreesboro, TN, on December 7th, at a Middle Tennessee Electric (MTE) event regarding ethics. Rob Barrick made a motion to

approve Mr. Campbell's travel to the meeting. This was seconded by Blair Parker. The motion passed by unanimous voice vote.

ADJOURNMENT

There being no additional business, Rick Thompson adjourned the meeting at 3:00 p.m.

ATTACHMENTS

Registration Requirements and Procedures Chapter 0120-01
Rules Redline- Decoupling and Technology Degrees

**RULES OF
THE STATE BOARD OF
ARCHITECTURAL AND ENGINEERING
EXAMINERS**

**CHAPTER 0120-01
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0120-01-01 DEFINITIONS. As used in this Chapter:

- (1) "BOARD" shall mean the Tennessee Board of Examiners for Architects and Engineers created by Chapter No. 263 of the "Public Act of 1979".
- (2) "NCEES" shall mean the National Council of Examiners for Engineering and Surveying.
- (3) "NCARB" shall mean the National Council of Architectural Registration Boards.
- (4) "CLARB" shall mean the Council of Landscape Architectural Registration Boards.
- (5) Engineering includes the term professional engineering, the practice of engineering, and the practice of professional engineering by registrants.
 - (a) Professional engineering, the practice of engineering, and the practice of professional engineering may be used interchangeably and mean any service or creative work, the adequate performance of which requires engineering education, training, examination, and the experience in the application of special knowledge of the mathematical, physical, and engineering sciences.
 - (b) Services or creative work may be referred to as consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of air, land, and/or water, teaching the principles and methods of engineering design, engineering surveys, and the inspection of construction for the purpose of determining in general if the work is proceeding in compliance with the contract documents.
 - (c) Services or work rendered, either private or public, involves safeguarding the health, safety, and welfare of the public.
 - (d) Engineering includes other professional services as may be necessary to the planning, progress, inspection, observation, and completion of an engineered work or system.

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(Rule 0120-01-.01, continued)

- (e) Commissioning of an engineered system or structure is considered the practice of engineering.
- (f) The practice of engineering may include the review and coordination of technical submissions prepared by others, including the work of other professionals working with or under the direction of an engineer with professional regard to judging the ability of each professional to execute their aspect of work so as to protect the health, safety and welfare of the public, when such coordination involves multiple disciplines.
- (g) Only those registrants who are qualified to protect the health, safety, and welfare of the public via the provision of services or creative work may do so. Qualifications are based equally on the three foundational requirements for registration, in the areas of Education, Experience, and Examination.
- (h) A person who practices any branch of engineering by verbal claim, sign, advertisement, letterhead, or card, or in any way represents themselves to be an engineer or, through the use of some other title, implies that they are an engineer or that they are licensed under this chapter, or who holds themselves out as able to perform, or does perform, any engineering services or work, or any other service designated by the practitioner which is recognized as engineering, shall be construed to practice or offer to practice engineering within the meaning and intent of the Chapter.
- (i) The practice of engineering is hereby explicitly defined to include the following:
 - 1. Consultation, investigation, evaluation, analysis, planning, and/or related tasks in support of the development of engineered works or systems;
 - 2. Providing an expert witness or opinion relative to engineered works or systems;
 - 3. Tasks in support of testing and evaluation of materials for construction or other engineering use;
 - 4. Design, conceptual design, and/or conceptual design coordination of engineered works or systems:
 - (i) Development or optimization of plans and specifications for engineered works or systems;
 - (ii) Planning the use of or alteration of air, land, or water, or the design or analysis of works or systems for the use, or alteration of air, land, or water
 - (iii) Performing a study which has design elements included in No. 1, above, for engineered works or systems;
 - (iv) Tasks in support of construction, alteration, or repair of real property, using design elements included in No. 1, above, for engineered works or systems;

(Rule 0120-01-.01, continued)

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- (v) Tasks in support of preparations of an Operations and Maintenance Manual, using design elements included in No. 1, above, for engineered works or systems;
 - (vi) Tasks in support of the review of the construction of or installation of engineered works to monitor compliance with drawings and specifications;
 - (vii) A service, design, analysis, or other work, as determined by the Board, performed for a public or private entity in connection with a utility, structure, building, machine, equipment, process, system, work, project, or industrial or consumer product, or equipment of a mechanical, electrical, electronic, chemical, nuclear, hydraulic, pneumatic, geotechnical, or thermal nature;
 - (viii) Surveying incidental to the practice of engineering, excluding the surveying of real property for the establishment of land boundaries, rights of way, easements, and the dependent or independent surveys or resurveys of the public land survey system; or
 - (ix) Architecture and landscape architecture that is incidental to the practice of engineering, and which:
 - (I) can be safely and competently performed by the licensee without jeopardizing the health, safety, and welfare of the public; and
 - (II) is work which the licensee is fully qualified to provide on the basis of education, examination, and experience.
- (6) The practice of architecture shall be defined as the art and science of designing, in whole or in part, the exterior and interior of buildings and the site around them, in a manner that protects the public health, safety, and welfare. The practice of architecture includes providing or offering to provide planning services, developing concepts, preparing documents that define form and function, coordinating consultants, and construction administration.
- (a) Planning services include, but are not limited to, programming and planning.
 - (b) Developing concepts includes, but is not limited to, preliminary studies, pre-design, investigations, and evaluations. Considerations for developing concepts may include, but are not limited to the following:
 - 1. Overall design of buildings and related sites.
 - 2. Building classification (e.g., building occupancy, type of construction).
 - 3. Building circulation and exiting (e.g., corridors, stairways, exit width, travel distance).
 - 4. Life safety considerations of building components (e.g., requirements for sprinklers, fire ratings fire walls, separations, fire alarms, smoke control).
 - 5. Interior space planning.

(Rule0120-01-.01, continued)

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6. Interior and exterior finish materials (e.g., durability, function, aesthetics, fire ratings).
 7. Environmental impacts (e.g., sound attenuation, quality of living, impact on natural surroundings, sustainability).
 8. Barrier free design and accessibility requirements.
- (c) Preparing documents that define form and function includes, but is not limited to, Drawings and Technical Submissions, including the requirements of the authorities having jurisdiction. The documents prepared may include, but are not limited to the following:
1. Site layout and site drawings (e.g., parking, zoning requirements, grading, building layout, coordination of utilities).
 2. Preparing working drawings and specifications for all aspects of a building shell and interior.
- (d) Coordinating consultants includes, but is not limited to, the coordination of any elements of Technical Submissions prepared by others and overall project coordination.
- (e) Construction administration includes, but is not limited to, evaluation of the construction to determine that the work is proceeding in accordance with the contract documents.
- (f) Design, conceptual design, and/or conceptual design coordination of architecture works or systems:
1. Engineering and landscape architecture that is incidental to the practice of architecture, and which:
 - (i) can be safely and competently performed by the licensee without jeopardizing the health, safety, and welfare of the public; and
 - (ii) is work which the licensee is fully qualified to provide on the basis of education, examination, and experience.
- (g) Construction activities that are not the practice of architecture include activities that do not interpret or revise the Architect's sealed and signed Technical Submissions. Examples include, but are not limited to:
1. Administration, review, and oversight of construction-related activities, such as those responsibilities defined in the contracts between contractor and owner;
 2. Contractor Pay Applications;
 3. Change Order costs;
 4. Schedule adherence;
 5. Site access requirements; and/or
 6. Site safety.

(Rule 0120-01-.01, continued)

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- (7) The practice of landscape architecture means the art and science of investigating and designing, in whole or in part outdoor spaces in a manner that protects the public health, safety and welfare.
- (a) To practice landscape architecture is to render or offer to render professional services of master and regional planning, property evaluation, developing concepts, designing and administering of outdoor spaces by application of mathematical, physical and social-sciences principles, evaluation, planning, and design; it includes preparing, filing, and administering plans, drawings, specifications, permits, and other project related contract documents that direct, inform or advise on the functional use, construction and preservation of natural and built environments.
- (b) Landscape architecture involves the relationships of people, flora and fauna, and physical elements, with emphasis on the function, preservation, conservation, restoration, and enhancement of the physical environment, by arranging land and water and the elements thereon, including the alignment of roadways and trails and the location of buildings and the site area around them including service areas, barrier free design and accessibility requirements, parking areas, walkways, steps, ramps, pools, and other structures, and the grading of the land, surface and sub-soil drainage, erosion control, planting, reforestation, and the preservation of the natural landscape ecology and environment, in accordance with the accepted professional standard of public health, welfare, and safety.
- (c) Design, conceptual design, and/or conceptual design coordination of landscape architecture works or systems:
1. Engineering and architecture that is incidental to the practice of landscape architecture, and which:
 - (i) can be safely and competently performed by the licensee without jeopardizing the health, safety, and welfare of the public; and
 - (ii) is work which the licensee is fully qualified to provide on the basis of education, examination, and experience.
- (d) Activities that are not considered the practice of landscape architecture include activities that do not interpret or revise the landscape architect's sealed and signed technical submission. Examples include, but are not limited to:
1. Acting under the supervision of a licensee or any employee of a person lawfully engaged in the practice of landscape architecture and who in either event does not assume responsible charge of design or supervision;
 2. Engaging in the practice of planning as customarily provided by municipal and regional planners; and
 3. Engaging in nursery occupations, gardeners or landscape contractors from preparing planting plans and items incidental to their duties, so long as the provisions of T. C. A. § 62-2-102(b)(1)(B) are met.

Authority: T.C.A. § 62-2-203(c). **Administrative History:** Original rule was certified May 3, 1974. Repeal and refiled October 2, 1978; effective January 29, 1979. Repeal and refiled January 14, 1980; effective February 28, 1980. Amendment filed December 9, 1991; effective January 23, 1992. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed September 15, 2015; effective December 14, 2015.

0120-01-.02 APPLICABILITY. Unless otherwise indicated, the provisions of this Chapter shall apply to ~~August~~October, 2024-2022 (Revised)

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all applicants for registration as an engineer, architect, or landscape architect and for certification as an engineer intern.

Authority: T.C.A. § 62-2-203(c). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997; effective May 27, 1997.

0120-01-.03 CLARIFICATIONS TO OFFERING TO PRACTICE.

- (1) The following items are not considered offering to practice architecture, engineering, or landscape architecture, provided that the architect, engineer or landscape architect is registered in another jurisdiction:
 - (a) Advertising in publications or electronic media, provided there is no holding out of professional services in jurisdictions where not registered.
 - (b) Responding to letters of inquiry regarding requests for proposals or requests for qualifications, provided there is written disclosure that the architect, engineer, or landscape architect is not registered in Tennessee and the response is limited to inquiries regarding scope of project and to demonstrate interest.
 - (c) Responding to letters of inquiry from prospective clients, provided there is written disclosure that the architect, engineer, or landscape architect is not registered in Tennessee and the response is limited to inquiries regarding scope of project and to demonstrate interest.
 - (d) Using the title "engineer," "architect," "landscape architect," or any appellation thereof, provided that the individual using the title is registered in another jurisdiction and clearly specifies the jurisdiction in which they are registered following the title so as not to mislead the public regarding their credentials.
 - (e) Using the title "engineer," "architect," "landscape architect," or any appellation thereof in communications from an office in the jurisdiction where registration is held.
 - (f) Any person gaining practical experience in an office of a practicing architect may use the title, appellation or designation "architectural associate".
- (2) Notwithstanding paragraph (1), proposals may not be submitted, contracts signed, nor work commenced until the architect, engineer, or landscape architect becomes registered in Tennessee, unless the architect, engineer, or landscape architect is either acting as a consulting associate in accordance with T.C.A. § 62-2-103(2) or working under the responsible charge of a Tennessee registrant.

Authority: T.C.A. §§ 62-2-101, 62-2-103, and 62-2-203(c). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed October 15, 1986; effective November 29, 1986. Amendment filed March 13, 1997; effective May 27, 1997. Repeal filed November 17, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay of the effective date; new effective date May 1, 2015. Amendments filed October 28, 2016; effective January 26, 2017. Amendments filed April 25, 2018; to have been effective July 24, 2018. However, the GOC filed a 45-day stay of the effective date of the rule; new effective date September 7, 2018. Amendments filed August 1, 2019; effective October 30, 2019.

0120-01-.04 APPLICATIONS - GENERAL.

- (1) Applications for registration and certification are available on the Board website and upon request from the office of the Board.
- (2) (a) Comity applications and reapplications for registration as an engineer, architect, and

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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.
- (3) Any application submitted may be withdrawn; provided, however, that the application fee will not be refunded.
- (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.

Authority: T.C.A. §§ 62-2-203(c), 62-2-301, and 62-2-304. **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed June 10, 1982; effective July 26, 1982. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997; effective May 27, 1997. Amendment filed November 17, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay of the effective date; new effective date May 1, 2015. Amendments filed October 28, 2016; effective January 26, 2017. Amendments filed April 25, 2018; effective July 24, 2018.

0120-01-.05 APPLICATIONS - ENGINEER.

- (1) An applicant for registration as an engineer shall submit with the application a nonrefundable application fee of thirty dollars (\$30.00). An applicant who has passed the required examination(s) shall also pay a biennial registration fee of one hundred forty dollars (\$140.00) and shall receive a certificate of registration.
- (2) An applicant for registration as an engineer by comity shall pay a nonrefundable application fee of fifty-five dollars (\$55.00) and, if approved, a biennial registration fee of one hundred forty dollars (\$140.00) and shall receive a certificate of registration.
- (3) The deadline for receipt of applications from candidates who must be examined prior to registration as an engineer shall be determined annually by the Board after the Board receives notification from the National Council of Examiners for Engineers and Surveyors (NCEES) of the dates of the examinations.
- (4) The following is considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as an engineer:
 - (a) A graduate of an engineering curriculum of four (4) years or more, approved by the board as being of satisfactory standing, after passing examinations prepared by NCEES involving both the fundamentals and the principles and practices of engineering, and with four (4) years or more of progressive experience on engineering projects of grade and character indicating the applicant may be competent to practice engineering.
 - (b) A graduate of an approved engineering curriculum of four (4) years or more, after passing an examination prepared by NCEES involving the principles and practices of engineering, and with a specific record of twelve (12) years or more of progressive experience on engineering projects of a grade and character that indicates the applicant may be competent to practice engineering.
 - (c) A graduate of a curriculum of four (4) years leading to a baccalaureate degree, approved by the board as being of satisfactory standing, accompanied with the completion of post-graduate coursework in engineering curriculum leading to a

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master's degree or higher in engineering approved by the board as being of satisfactory standing, after passing examinations prepared by NCEES involving both the fundamentals and principles and practices of engineering, and with eight (8) years or more of progressive experience on engineering projects of grade and character indicating the applicant may be competent to practice engineering.

1. The board may approve an applicant having less than eight (8) years of experience if the applicant's education and experience are that of a grade and character that indicates to the board that the applicant may be competent to practice engineering;
or

(a)(d) A graduate of an ABET ETAC accredited engineering technology curriculum of four (4) years or more, approved by the board as being of satisfactory standing; and who holds a post-graduate degree in engineering from an ABET EAC accredited undergraduate engineering program approved by the board as being of satisfactory standing, after passing an examination prepared by NCEES involving both the fundamentals and principles and practices of engineering; and with a specific record of eight (8) years or more of experience on engineering projects of a grade and character indicating the applicant may be competent to practice engineering and acquired under the supervision of a licensed professional engineer.

Authority: T.C.A. §§ 62-2-203(c), 62-2-301(a), 62-2-401(a), and 62-2-404(b). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed October 21, 1992; effective December 5, 1992. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed May 20, 2004; effective August 3, 2004. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed November 17, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay of the effective date; new effective date May 1, 2015.

0120-01-.06 APPLICATIONS - ENGINEER INTERN.

Individuals may apply for certification as an engineer intern. An applicant who has passed the required examination and has met the other legal requirements shall receive a certificate.

Authority: T.C.A. §§ 62-2-203(c), 62-2-402(b), and 62-2-404(c)(2). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed June 9, 1981; effective July 24, 1981. Amendment filed November 18, 1983; effective December 18, 1983. Amendment filed October 15, 1986; effective November 29, 1986. Amendment filed October 21, 1992; effective December 5, 1992. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997;

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effective May 27, 1997. Repeal and new rule filed November 17, 2014; effective February 15, 2015. On January 27, 2015 the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay of the effective date; new effective date May 1, 2015. Emergency rule creating a 180-day of stay of the effective date of the amendment filed April 30, 2015; effective through October 27, 2015. Emergency rule expired October 27, 2015; reverted to rule filed November 17, 2014. Amendment filed September 15, 2015; effective December 14, 2015. Amendments filed April 25, 2018; effective July 24, 2018.

0120-01-07 APPLICATIONS - ARCHITECT.

- (1) An applicant for registration as an architect shall submit with the application a nonrefundable application fee of thirty dollars (\$30.00). An applicant who has passed the required examination(s) shall also pay a biennial registration fee of one hundred forty dollars (\$140.00) and shall receive a certificate of registration.
- (2) An applicant for registration as an architect by comity shall pay a nonrefundable application fee of fifty-five dollars (\$55.00) and, if approved, a biennial registration fee of one hundred forty dollars (\$140.00) and shall receive a certificate of registration.

Authority: T.C.A. §§ 56-1-302(b), 62-2-203(c), 62-2-301(a), 62-2-307, and 62-2-504(e). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed June 9, 1981; effective July 24, 1981. Amendment filed November 18, 1983; effective December 18, 1983. Amendment filed November 28, 1984; effective February 12, 1985. Amendment filed October 15, 1986; effective November 29, 1986. Amendment filed October 21, 1992; effective December 5, 1992. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997; effective May 27, 1997. Amendment filed February 26, 1999; effective May 12, 1999.

0120-01-08 APPLICATIONS - LANDSCAPE ARCHITECT.

- (1) An applicant for registration as a landscape architect shall submit with the application a nonrefundable application fee of thirty dollars (\$30.00). An applicant who has passed the required examination(s) shall also pay a biennial registration fee of one hundred forty dollars (\$140.00) and shall receive a certificate of registration.
- (2) An applicant for registration as a landscape architect by comity shall pay a nonrefundable application fee of fifty-five dollars (\$55.00) and, if approved, a biennial registration fee of one hundred forty dollars (\$140.00) and shall receive a certificate of registration.

Authority: T.C.A. §§ 56-1-302(b), ~~56-1-302(h)~~, 62-2-203(c), 62-2-301(a), 62-2-307, and 62-2-804(d) and (e). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed November 28, 1984; effective February 12, 1985. Amendment filed October 15, 1986; effective November 29, 1986. Amendment filed October 21, 1992; effective December 5, 1992. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997; effective May 27, 1997. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed March 14, 2005; effective May 28, 2005. Amendment filed December 11, 2012; effective March 11, 2013. Amendment filed November 17, 2015; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay of the effective date; new effective date May 1, 2015.

0120-01-09 REFERENCES.

- (1) References named in applications for registration must be acquainted with the technical ability of the applicant, but need not be residents of the State of Tennessee. A minimum of five (5) references for architect, engineer, and landscape architect applicants shall be

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submitted. References from relatives will not be considered. No reference will be considered if prepared more than two (2) years prior to the date of application.

- (2) Three (3) such references must be registered architects or engineers with registration and experience in the applicant's field(s) of experience; except, however, that applicants for registration as a landscape architect may use references who are registered engineers, architects or landscape architects.
- (3) A maximum of three (3) references shall be obtained from an employer listed by the applicant. The Board prefers references from both the applicant's current employer/supervisor and a past employer/supervisor, if available.
- (4) If a reference reply is uncomplimentary, derogatory, or unfavorable of the applicant, the applicant may be required to furnish additional references. If subsequent replies are unfavorable, the applicant will be scheduled for an interview with the Board for further consideration.

Authority: T.C.A. §§ 62-2-203(c) and 62-2-301(a). **Administrative History:** Original rule filed May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed September 16, 2008; effective November 30, 2008. Amendment filed November 17, 2014; effective February 15, 2015. On January 27, 2015; the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay of the effective date; new effective date May 1, 2015. Amendments filed October 28, 2016; effective January 26, 2017.

0120-01-.10 EDUCATION AND EXPERIENCE REQUIREMENTS-ENGINEER.

- (1) (a) Accredited engineering programs. An engineering curriculum of four (4) years or more which was accredited by the Engineering Accreditation Commission (EAC) [or the Engineering Technology Accreditation Commission \(ETAC\)](#) of the Accreditation Board for Engineering and Technology (ABET) (or its predecessor) at the time of graduation, or graduation was not more than two (2) academic years prior to accreditation, may be approved by the Board as being satisfactory.
- (b) Nonaccredited engineering programs.—An engineering curriculum of four (4) years or more which is a non-ABET accredited program shall be referred at the applicant's expense to a person or entity approved by the Board and qualified to evaluate equivalency to an ABET accredited engineering program for evaluation and recommendation. If the curriculum for the degree at the time of the applicant's graduation is substantially equivalent to ABET accreditation requirements, the application shall be reviewed in accordance with the requirements for applicants holding engineering degrees from institutions which do not have ABET accredited engineering programs in consideration of the factors outlined below.
- (c) In reviewing applicants holding degrees from nonaccredited engineering programs, whether obtained in the United States or otherwise, which are substantially equivalent to degrees from ABET accredited programs, the Board may consider the following factors:
 1. Evidence of having obtained the statutory minimum acceptable progressive professional experience of a grade and character which indicates to the Board that the applicant may be competent to practice engineering; and
 2. At least five (5) references from individuals having knowledge of the applicant's technical competence as an engineer on projects of a grade and character which

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indicates to the Board that the applicant may be competent to practice engineering.

(d) Applicants meeting the above requirements shall be reviewed by the Board for determination of eligibility for either the Fundamentals of Engineering examination or the Principles and Practice of Engineering examination or for registration by comity.

~~(e) An engineering technology program, whether four (4) or two (2) years in length, is not considered by the Board to be an acceptable curriculum.~~

~~(f)~~(e) Programs that allow credit for work experience and experiential learning (with the exception of cooperative education programs), or which are not part of an institution that is accredited or recognized as a degree-granting institution of higher learning within a national territory or in the United States, are not considered by the Board to be acceptable curricula.

~~(g)~~(f) Engineering degrees from programs accredited by the Canadian Engineering Accreditation Board (CEAB) that were awarded in or after 1980 are considered substantially equivalent and do not require evaluation.

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

(a) Practical Application of Theory includes:

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

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- (b) Management of Engineering includes:
1. Planning – developing concepts; evaluating alternative methods.
 2. Scheduling – preparing task breakdowns and schedules.
 3. Budgeting and Contracting – cost estimating and control; contract development.
 4. Supervising – organizing human resources; motivating teams; directing and coordinating project resources.
 5. Project Control – complete or partial project control.
 6. Risk Assessment – assessment of risk associated with the progression of the project.
- (c) Communication Skills includes:
1. Accumulation of project knowledge through interpersonal communication with supervisors, clients, subordinates, or team interaction.
 2. Transmission of project knowledge in verbal or written methods to clients, supervisors, subordinates, the general public, or team members. Examples include but are not limited to meetings, written reports, public hearings and reporting or findings and suggestions, other written correspondence and/or verbal briefings.
- (d) Social Implications of Engineering includes:
1. Promoting and safeguarding the health, safety, and welfare of the public as demonstrated in daily work activities.
 2. Demonstrating an awareness of the consequences the work performed may incur and a desire to mitigate or eliminate any potential negative impact.
 3. Following a code of ethics that promotes a high degree of integrity in the practice of professional engineering.
- (e) The Board may grant toward experience requirements for registration as an engineer one (1) year of credit for completing one (1) of the following:
1. Graduation with a Master's degree (or higher) in engineering from an approved curriculum;
 2. Up to one (1) year of qualified experience obtained in an established cooperative education program, which is carried out within the framework of an approved engineering curriculum, and which has been approved by the Board; or
 3. Three (3) years or more qualified experience obtained prior to graduation under the direct supervision of a licensed engineer.
- (f) No partial credit will be awarded for experience which does not fully meet the criteria listed in 0120-01-.10(2)(e)1.-3. Applicants are limited to gaining one (1) year of credit from the options listed in 0120-01-.10(2)(e)1.-3. towards progressive experience in the practice of engineering. At least one (1) year of engineering experience must be

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completed in the United States. Unless otherwise noted above, an applicant's engineering experience must be obtained after graduation with the qualifying degree and completed by the date of the examination.

Authority: T.C.A. §§ 62-2-203(c), 62-2-203(d), and 62-2-401. **Administrative History:** Original rule filed May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed November 20, 1989; effective January 4, 1990. Amendment filed December 9, 1991; effective January 23, 1992. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997; effective May 27, 1997. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed March 14, 2005; effective May 28, 2005. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed December 18, 2007; effective March 1, 2008. Amendment filed September 16, 2008; effective November 30, 2008. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed March 9, 2011; effective June 7, 2011. Amendment filed November 15, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay of the effective date; new effective day May 1, 2015. Amendments filed April 25, 2018; effective July 24, 2018. Amendments filed August 9, 2018; effective November 7, 2018. Amendments filed May 14, 2021; effective August 12, 2021.

0120-01-.11 EDUCATION AND EXPERIENCE REQUIREMENTS- ARCHITECT.

- (1) For purposes of evaluating the education and experience of applicants for examination and registration as an architect, the Board may utilize the "Table of Equivalents" contained in Appendix "A" to Circular of Information No. 1, published in July 1983 by the National Council of Architectural Registration Boards (NCARB), except to the extent that such document conflicts with any applicable statute.
- (2) Accredited architecture programs. An architecture program which was accredited by the National Architectural Accrediting Board (NAAB) at the time of graduation, or graduation was not more than two (2) academic years prior to accreditation, may be approved by the Board as being satisfactory. For purposes of this paragraph, a state-supported school of architecture approved by the Tennessee Higher Education Commission is deemed to have an accredited degree curriculum.
- (3) Non-accredited architecture programs.
 - (a) For purposes of T.C.A. §§ 62-2-501(2) and 62-2-502(b), an architectural curriculum of four (4) years or more which is a non-NAAB accredited program shall be referred at the applicant's expense to a person or entity approved by the Board and qualified to evaluate equivalency to an NAAB accredited program for evaluation and recommendation. If the curriculum for the degree at the time of the applicant's graduation is equivalent to NAAB accreditation requirements, the application shall be reviewed in accordance with the requirements for applicants holding architecture degrees from institutions which do not have NAAB accredited architecture programs in consideration of the factors outlined below.
 - (b) In reviewing a non-accredited architectural curriculum, the Board may approve either an architectural curriculum of not less than four (4) years offered by a school of architecture as part of an architectural curriculum toward a NAAB accredited degree or its equivalent.
 - (c) In reviewing applicants holding degrees from non-accredited architecture programs, whether obtained in the United States or otherwise, which are substantially equivalent to degrees from NAAB accredited programs, the Board may consider the following factors:

(Rule 0120-01-.11, continued)

1. Evidence of having obtained the statutory minimum acceptable practical experience in architectural work, and

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[\(Rule 0120-01-.11.continued\)](#)

2. At least five (5) references from individuals having knowledge of the applicant's technical competence as an architect.
- (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.
- (4) For purposes of T.C.A. § 62-2-501(3), an approved "architecture-related curriculum" is an architectural engineering or architectural engineering technology curriculum accredited by the Accreditation Board for Engineering and Technology (ABET).
- (5) Effective December 1, 1984, an applicant for the required examination for registration as an architect must have completed the Intern-Architect Development Program (IDP) of the NCARB prior to registration.
- (6) An applicant for registration by comity shall submit proof acceptable to the board of having obtained the practical experience in architectural work required by T.C.A. §§ 62-2-501 and 62-2-502.
- (7) In general, "practical experience in architectural work" consists of architectural experience which is supervised by a registered architect and meets the requirements of T.C.A. § 62-2-503. Architecture teaching with full-time faculty status in a college or university offering an approved architectural curriculum of four (4) years or more may be considered, at the discretion of the Board, as practical experience in architectural work.
- (8) The Board shall review applicants meeting the above requirements for determination of eligibility for either the Architect Registration Examination prepared by NCARB or for registration by comity.

Authority: T.C.A. §§ 62-2-203(c), 62-2-501, 62-2-502, and 62-2-503. **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed July 19, 2002; effective October 2, 2002. Repeal and new rule filed March 14, 2005; effective May 28, 2005. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed December 18, 2007; effective March 1, 2008. Amendment filed November 17, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay of effective date; new effective date May 1, 2015. Amendment filed September 15, 2015; effective December 14, 2015. Amendments filed October 28, 2016; effective January 26, 2017. Amendments filed April 25, 2018; effective July 24, 2018.

0120-01-.12 EDUCATION AND EXPERIENCE REQUIREMENTS- LANDSCAPE ARCHITECT.

The education and experience requirements for applicants for registration as a landscape architect shall be those prescribed in T.C.A. §§ 62-2-801, 62-2-802 and 62-2-803. All practical experience requirements must be completed prior to registration. Landscape architecture teaching with full-time faculty status in a college or university offering an approved landscape architectural curriculum of four (4) years or more may be considered, at the discretion of the Board, as practical experience in landscape architectural work.

Authority: T.C.A. §§ 62-2-203(c), 62-2-801, 62-2-802, and 62-2-803. **Administrative History:** Original rule filed May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal

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and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed November 18, 1983; effective December 18, 1983. Amendment filed November 20, 1989; effective January 4, 1990. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed September 15, 2015; effective December 14, 2015.

0120-01-.13 EXAMINATIONS - GENERAL.

- (1) If an applicant passes the required examination(s) and is not approved for registration, the applicant's application will be held pending. Such applicant may request to appear before the full Board at its next scheduled meeting.
- (2) An applicant's examination results may be invalidated and an applicant may be prohibited from taking the examination for a period of time as determined by the Board for violations of examination policies, procedures, and candidate agreements, including, but not limited to:
 - (a) Communicating with another examinee during administration of the examination;
 - (b) Copying another examinee's answers or permitting another examinee to copy one's answers;
 - (c) Possessing unauthorized devices or materials during the examination;
 - (d) Impersonating an examinee or permitting an impersonator to take the examination on one's behalf;
 - (e) Removing any secured examination materials from the examination room;
 - (f) Unauthorized disclosure of examination questions or content;
 - (g) Failure to cooperate with the Board's or any appropriate examination authority's investigation of examination irregularities;
 - (h) Disruptive or abusive behavior; or
 - (i) Other actions that would compromise the integrity or security of the examination.
- (3) Any licensure examination taken and passed in another jurisdiction by the examinee, while the examinee is barred from taking an examination in Tennessee, will not be acceptable for licensure purposes in Tennessee.

Authority: T.C.A. §§ 62-2-203(c) and 62-2-301(a). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed December 11, 2012; effective March 11, 2013. Amendment filed September 15, 2015; effective December 14, 2015.

0120-01-.14 EXAMINATIONS- ENGINEER, ENGINEER INTERN.

- (1) The NCEES prepares the examinations administered to candidates for registration as an engineer or certification as an engineer intern. The use of materials, reference books, notes, calculators and equipment in such examinations shall be in accordance with instructions by the NCEES.

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REGISTRATION REQUIREMENTS AND PROCEDURES

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(Rule 0120-01-.14, continued)

- (2) The passing score on both the "Fundamentals of Engineering" and "Principles and Practice of Engineering" examinations shall be determined by the NCEES and shall be reported as "pass" or "fail."
- (3) A candidate who passes either the "Fundamentals of Engineering" examination or the "Principles and Practice of Engineering" examination may retain credit for passing such examination indefinitely.

Authority: T.C.A. §§ 62-2-203(c), 62-2-401(a), 62-2-405, and 62-2-405(c). **Administrative History:** Original rule filed May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed November 18, 1983; effective December 18, 1983. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed December 9, 1991; effective January 23, 1992. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997; effective May 27, 1997. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed May 20, 2004; effective August 3, 2004. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed November 27, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay of the effective date; new effective date May 1, 2015.

0120-01-.15 EXAMINATIONS- ARCHITECT.

- (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. §§ 62-2-203(c) and 62-20-504(a). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendments filed April 25, 2018; effective July 24, 2018.

0120-01-.16 EXAMINATIONS- 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. §§ 62-2-203(c) and 62-20-804(a). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendments filed April 25, 2018; effective July 24, 2018.

0120-01-.17 REPEALED.

Authority: T.C.A. § 62-2-203(c). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed October 21, 1992; effective December 5, 1992. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed September 16, 2008; effective November 30, 2008. Repeal filed November 17, 2015; effective May 1, 2015.

0120-01-.18 REPEALED.

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Authority: T.C.A. § 62-2-203(c). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Repeal filed October 15, 1986; effective November 29, 1986.

0120-01-.19 REPEALED.

Authority: T.C.A. § 62-2-203(c). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed March 13, 1997; effective May 27, 1997. Repeal filed November 17, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay; new effective date May 1, 2015.

0120-01-.20 REEXAMINATION - ENGINEER.

The "Principles and Practice of Engineering" examination is graded as a whole. A candidate for registration as an engineer who fails the examination must retake the examination in its entirety.

Authority: T.C.A. §§ 62-2-203(c) and 62-2-405(c). **Administrative History:** Original rule filed January 14, 1980; effective February 28, 1980. Amendment filed June 9, 1981; effective July 24, 1981. Amendment filed November 18, 1983; effective December 18, 1983. Amendment filed November 28, 1984; effective February 12, 1985. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed December 9, 1991; effective January 23, 1992. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed November 17, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay; new effective date May 1, 2015.

0120-01-.21 REPEALED.

Authority: T.C.A. §§ 62-2-203(c), 62-2-404, and 62-2-405(c). **Administrative History:** Original rule filed January 14, 1980; effective February 28, 1980. Amendment filed June 9, 1981; effective July 24, 1981. Amendment filed November 18, 1983; effective December 18, 1983. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed December 9, 1991; effective January 23, 1992. Amendment filed October 21, 1992; effective December 5, 1992. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997; effective May 27, 1997. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed November 17, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay; new effective date May 1, 2015. Repeal filed September 15, 2015; effective December 14, 2015.

0120-01-.22 REEXAMINATION - ARCHITECT.

- (1) Policy. Reexamination of candidates for registration as an architect will be permitted in accordance with the policy prescribed by the NCARB.

Authority: T.C.A. §§ 62-2-203(c) and 62-2-504. **Administrative History:** Original rule filed January 14, 1980; effective February 28, 1980. Amendment filed November 18, 1983; effective December 18, 1983. Amendment filed October 15, 1986; effective November 29, 1986. Amendment filed February 26, 1999; effective May 12, 1999.

0120-01-.23 REEXAMINATION - LANDSCAPE ARCHITECT.

- (1) Policy. Reexamination of candidates for registration as a landscape architect will be permitted in accordance with the policy prescribed by the CLARB.

~~(Rule 0120-01-.23, continued)~~

Authority: T.C.A. §§ 62-2-203(c) and 62-2-804(e). **Administrative History:** Original rule filed January 14, 1980; effective February 28, 1980. Amendment filed November 28, 1984; effective February 12, 1985. Amendment filed October 15, 1986; effective November 29, 1986. Amendment filed December 9, 1991;

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effective January 23, 1992. Amendment filed March 14, 2005; effective May 28, 2005. Amendment filed December 11, 2012; effective March 11, 2013.

0120-01-.24 DUPLICATE CERTIFICATES OF REGISTRATION.

- (1) Upon written request from an architect, engineer, ~~or~~ landscape architect, or interior designer, accompanied by a fee of twenty-five dollars (\$25.00), a new certificate of registration to replace any lost, destroyed or mutilated certificate will be issued.
- (2) Upon written request from an engineer intern, accompanied by a fee of fifteen dollars (\$15.00), a new certificate to replace any lost, destroyed or mutilated certificate will be issued.
- (3) All replacement certificates issued pursuant to this rule will be marked "duplicate."

Authority: T.C.A §§ 62-2-203(c) and 62-2-305. **Administrative History:** Original rule filed January 14, 1980; effective February 28, 1980. Amendment filed November 18, 1983; effective December 18, 1983. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997; effective May 27, 1997.

0120-01-.25 RENEWAL OF REGISTRATION.

- (1) All certificates of registration issued to engineers, architects, ~~s and~~ landscape architects, and interior designers are subject to biennial renewal (every two (2) years) in accordance with the provisions of T.C.A. § 56-1-302(b).
- (2) An architect, engineer, ~~or~~ landscape architect, or interior designer may renew a current, valid registration by submitting a renewal form approved by the board, the required renewal fee, and evidence of having completed the number of professional development hours (PDH's) required by rule 0120-05-.04.
- (3) Fees for biennial renewal of certificates of registration shall be as follows:

Engineer	\$140.00
Architect	\$140.00
Landscape Architect	\$140.00
<u>Interior Designer</u>	<u>\$140.00</u>
- (4) The penalty fee for late renewal shall be in the amount of ten dollars (\$10.00) for each month or fraction of a month which lapses during the six (6)-month late renewal period before payment is tendered.
- (5) Retirement Status.
 - (a) A registered certificate holder (over age 62) may place the registrant's certificate, if in good standing, in retirement status during the biennial license renewal cycle by filing a form designated by the Board. No fee shall be required. Such registrant shall renew the registrant's certificate by so notifying the Board.
 - (b) A registrant holding a retired certificate may refer to oneself as an engineer, architect, or landscape architect, including on correspondence and business cards, provided that the word "retired" is used in conjunction with the title. However, a holder of a retired certificate may not engage in or offer to engage in the practice of engineering,

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architecture or landscape architecture as defined by T.C.A. § 62-2-102. Practice or offer to practice in violation of this subparagraph shall be considered to be misconduct and may subject the registrant to disciplinary action by the Board.

(c) A registrant holding a retired certificate may not engage in any activity constituting the practice or offer to practice of engineering, architecture, ~~or landscape architecture~~ or interior design in the State of Tennessee without first notifying the Board, in writing, as to a change to "active" status, satisfying the continuing education requirements of rule 0120-05-08(1)(d), and paying the biennial registration renewal fee.

~~(c)(d)~~ A interior design registrant holding a retired certificate may refer to oneself as a "Registered Interior Designer" including on correspondence and business cards, provided that the word "retired" is used in conjunction with the title.

(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)(b)~~ A registrant holding an inactive certificate may not engage in any activity constituting the practice or offer to practice engineering, architecture, ~~or landscape architecture~~ or interior design 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(1)(d).

Authority: T.C.A. §§ 62-2-203(c) and (d), 62-2-307(c), 67-4-1701, and 67-4-1702. **Administrative History:** Original rule filed January 14, 1980; effective February 28, 1980. Amendment filed June 10, 1982; effective July 26, 1982. Amendment filed October 15, 1986; effective November 29, 1986. Amendment filed November 20, 1989; effective January 4, 1990. Amendment filed October 21, 1992; effective December 5, 1992. Amendment filed January 19, 1995; effective April, 1995. Amendment filed March 13, 1997; effective May 27, 1997. Amendment filed May 20, 2004; effective August 3, 2004. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed December 11, 2012; effective March 11, 2013. Amendment filed September 15, 2015; effective December 14, 2015. Amendments filed October 28, 2016; effective January 26, 2017.

0120-01-.26 REPEALED.

Authority: T.C.A. § 62-2-203(c). **Administrative History:** Original rule filed November 20, 1989; effective January 4, 1990. Repeal filed November 17, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay of the effective date; new effective day May 1, 2015.

0120-01-.27 NOTIFICATION TO THE BOARD.

(1) A registrant or applicant for registration shall notify the Board in writing within thirty (30) calendar days of any change of name, mailing address, e-mail address, or phone number. Registrants and applicants are encouraged to notify the Board of a change of employment.

Authority: T.C.A. §§ 62-2-203(c) and 62-2-207. **Administrative History:** Original rule filed March 13, 1997; effective May 27, 1997. Repeal and new rule filed November 17, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance's Division of Regulatory

August, 2021 (Revised)

Commented [SH1]: Can one refer to oneself as an Engineer, Architect, etc with an inactive status provided it's in conjunction with the title?

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Boards filed a 75-day stay of the effective date; new effective date May 1, 2015.

0120-01-.28 MILITARY APPLICATIONS–SPOUSES–EXPIDITED REGISTRATION.

- (1) An applicant for registration meeting the requirements of T.C.A. § 4-3-1304(d)(1) may:
 - (a) Be issued a certificate of registration upon application and payment of all fees required for the issuance of such registration if, in the opinion of the Board, the requirements for licensure of such other state are substantially equivalent to that required in Tennessee; or
 - (b) Be issued a temporary permit as described herein if the Board determines that the applicant's registration does not meet the requirements for substantial equivalency, but that the applicant could perform additional acts, including – but not limited to – education, training, or experience, in order to meet the requirements for the certificate of registration to be substantially equivalent. The Board may issue a temporary permit upon application and payment of all fees required for issuance of a regular certificate of registration of the same type which shall allow such person to perform services as if fully registered for a set period of time that is determined to be sufficient by the Board for the applicant to complete such requirements.
 1. After completing those additional requirements and providing the Board with sufficient proof thereof as may be required, a full certificate of registration shall be issued to the applicant with an issuance date of the date of the original issuance of the temporary permit and an expiration date as if the full certificate of registration had been issued at that time, provided that the applicant is otherwise qualified.
 2. A temporary permit shall be issued for a period no longer than the length of a renewal cycle for a full certificate of registration of the same type.
 3. A temporary permit shall expire upon the date set by the Board and shall not be subject to renewal except through the completion of the requirements for substantial equivalency as required by the Board or by an extension of time granted for good cause by the Board.
 4. Should an extension to a temporary permit cause the permit to be in effect longer than the renewal cycle of a full certificate of registration, then the holder of the temporary permit shall file a renewal application with such documentation and fees, including completion of continuing education, as are required by the Board for all other renewals of a full certificate of registration of the same type.
- (2) Military education, training, or experience completed by a person described at T.C.A. § 4-3-1304(d)(1)(B)(ii)(a)-(c) shall be accepted toward the qualifications, in whole or in part, to receive any certificate of registration issued by the Board if such military education, training, or experience is determined by the Board to be substantially equivalent to the education, training, or experience required for the issuance of such certificate of registration.
- (3) (a) Any registrant who is a member of the national guard or a reserve component of the armed forces of the United States called to active duty whose registration expires during the period of activation shall be eligible to be renewed upon the registrant being released from active duty without:
 1. Payment of late fees or other penalties; or
 2. Obtaining continuing education credits when:

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- (i) Circumstances associated with the person's military duty prevented the obtaining of continuing education credits and a waiver request has been submitted to the Board; or
 - (ii) The person performs the registered occupation as part of such person's military duties and provides documentation sufficient to demonstrate such to the Board.
- (b) The certificate of registration or permit shall be eligible for renewal pursuant to this paragraph for six (6) months from the person's release from active duty.
- (c) Any person renewing under this paragraph shall provide the Board such supporting documentation evidencing activation as may be required by the Board prior to renewal of any certificate of registration pursuant to this paragraph.

Authority: T.C.A. §§ 62-2-203(c) and (d) and 4-3-1304(d), (e), and (f). **Administrative History:** Original rule filed May 21, 2015; effective August 19, 2015.

0120-01-.29 REPEALED.

Authority: T.C.A. §§ 4-5-208(a)(2) and 62-2-203(c). **Administrative History:** Emergency rule filed April 30, 2015; effective through October 27, 2015. Emergency rule expired October 27, 2015; rule 1020-01-.29 is no longer effective. Repeal filed September 15, 2015; effective December 14, 2015.