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# - PROPOSED RULES TAKE EFFECT -

The State Board of Architectural and Engineering Examiners adopted the following proposed rules at the February 11, 2016 regularly scheduled meeting. These rules were filed with the Secretary of State on October 28, 2016, and became effective on January 26, 2017.

- **Rule 0120-01-.03** was amended to provide clarification on the correct use of the titles "engineer," "architect," or "landscape architect" by individuals registered in other jurisdictions. This change incorporates an existing Board policy into the rules.
- **Rule 0120-01-.04** Applications General was amended to state that an individual who was previously registered in another jurisdiction but whose registration has expired may apply in Tennessee as a new exam applicant, and the Board will decide on a case-by-case basis if it will accept the exam(s) passed in another jurisdiction. This change incorporates an existing Board policy into the rules.
- **Rule 0120-01-.09** References was amended to state that the Board "prefers [rather than "requires"] references from both the applicant's current employer/supervisor and a past employer/supervisor, if available."

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# **UPCOMING MEETINGS**

May 31-June 2 ......Committee/Board Meetings/Hearings August 9-11 .....Committee/Board Meetings/Hearings October 4-6 ......Planning Session/Board Meeting (Vanderbilt University) December 6-8 ......Committee/Board Meetings/Hearings

Unless otherwise indicated, all meetings are held in Nashville, Tennessee, in the Davy Crockett Tower, 500 James Robertson Parkway. Please contact the Board office at 615-741-3221 or 800-256-5758 to verify times and locations, as the meeting schedule is subject to change.

Meeting agendas are available on the Board's website. (www.tn.gov/commerce/section/architects-engineers).

# PROPOSED RULES TAKE EFFECT continued from page 1\_

• **Rule 0120-01-.11** Education and Experience

**Requirements - Architect** was amended to state that the Board "may" (rather than "will") 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), in evaluating an applicant's education and experience. This change was made to resolve a possible conflict between the rule and the changes to the Intern Development Program (now known as the Architectural Experience Program) that took effect on June 29, 2016.

- **Rule 0120-01-.25** Renewal of Registration was amended to incorporate the Board's policy regarding inactive status.
- Rules 0120-02-.07 Misconduct and 0120-04-.10 Professional Conduct were amended to add a new subparagraph stating that registrants may be deemed by the Board to be guilty of misconduct for providing false testimony or information to the Board.
- Rule 0120-02-.08 Seals was amended to define "original sheets," to clarify that the original cover or index page(s) for design calculations that are submitted for review shall be sealed, and to incorporate the Board's "Multiple

Registrants' Seals on a Document" policy into the rule. The rule was also amended to require that drawings that are not construction documents be clearly designated "preliminary-not for construction," "for review only," "draft," or by some other means indicating the drawings are not complete, and to clarify the placement of electronic signatures and dates of signatures on documents.

- Rules 0120-02-.09 and 0120-04-.11 Civil Penalties were amended to make the range of civil penalties uniform, and to state that the Board may consider prior disciplinary action in any jurisdiction, repeated violations, self-reporting of the offense, cooperation with the Board's investigation, and any corrective action taken in determining the amount of civil penalty to be assessed.
- Rules 0120-02-.10 and 0120-04-.12 Other Enforcement Actions were amended to state that the Board may, in addition to or in lieu of any other lawful disciplinary action, require registrants to pass a laws and rules examination with a minimum passing score of 80%.
- Rules 0120-05-.06 Types of Acceptable Continuing Education, 0120-05-.07 Credits, and 0120-05-.11 Disallowance were amended

to allow continuing education credit for patents granted (up to 10 PDH's per biennium) and authoring accepted licensing examination items (up to 5 PDH's per biennium) and to decrease the amount of time to earn continuing education credits after a deficiency is discovered from 180 days to 90 days. The rules were also amended to state that up to 10 PDH's per biennium may be claimed for each published peer-reviewed paper, article, or book, and a maximum of 5 PDH's per biennium may be claimed for each published paper, article, or book that is not peerreviewed. These changes were made partly to bring the rules into greater conformity with the model regulations adopted by NCARB and the National Council of **Examiners for Engineering** and Surveying (NCEES).

• Rule 0120-04-.09 Registration without Examination, the "grandfathering" rule for registered interior designers, is repealed. This rule applied only to persons who applied for registration prior to January 1, 1994 (see T.C.A. § 62-2-905), and is now obsolete.

# The complete language of the rules is available on the Board's website

(http://www.tn.gov/commerce/section/ar chitects-engineers).

# Image: Second secon

Susan K. Ballard, ASID, RID, NCIDQ Registered Interior Designer Board Member

The social media world consists of two main segments: social networking and social media outlets. There are numerous types of social media outlets available for individuals to access in today's world, including *Facebook, Houzz, Pinterest, Twitter, Instagram, LinkedIn, Google+, Wikipedia and YouTube*, just to name a few. Social networks allow an individual to connect with friends and family or groups with the same interests, while social media gives individuals the opportunity to upload and post videos, quotes, pictures and links to other posts on a network.

When addressing this subject, two questions immediately present themselves:

- How can social media affect the practice of design?
- What ethical implications are involved with design and social media?

As design professionals, we are proud of our design projects, and social media is a great way to showcase these projects. But we must also remember that photos of our projects are at the discretion of the client or owner. <u>As a professional, we must</u> <u>always have permission from the owner or manager, preferably in</u> writing, to take photos of the project. Secondly, one must also <u>have express permission, preferably in writing, to post the photos</u> to any type of website, social media or to be used in the promotion of your firm. Finally, make sure that <u>the client has</u> <u>granted use of their name</u> on the project. Never use their name or address without express consent. The professional conduct rule for registered interior designers (Rule 0120-04-.10) reads as follows:

(5) The registrant shall not divulge any confidential information about the client or the client's project, or utilize photographs or specifications of the project without the express permission of the client; provided, however, this provision shall not apply to those specifications, drawings or photographs over which the designer retains proprietary rights or the designer is required by law or in connection with an investigation by the Board to furnish.

Another consideration with social media is giving credit to all members of the design team. As a professional, if you have teamed with another design professional, they must be given credit as part of the design team. This issue is addressed in Rules 0120-02-.06(2) (cited below) and 0120-04-.10(11). All registrants should

read these rules carefully, as they have recently been amended:

(2) The registrant shall not falsify or permit misrepresentation of the registrant's or the registrant's associates' academic or professional qualifications to a prospective or existing client or employer. The registrant shall not misrepresent or exaggerate the registrant's degree of responsibility in or for the subject matter of present or prior assignments.

- (a) It shall be the responsibility of each registrant to clearly and appropriately state prior professional experience of the registrant and/or the firm the registrant is representing in presenting qualifications to prospective clients, both public and private. If a registrant uses visual representations of prior projects or experience, all registrants whose seal appears on plans, specifications and/or contract documents must be clearly identified.
- (b) A registrant who has been an employee of another design firm may not claim unconditional credit for projects contracted for in the name of the previous employer. The registrant shall indicate, next to the listing for each project, that individual experience gained in connection with the project was acquired as an employee. Additionally, the registrant shall provide the time frame in which the project was performed, identify the previous design firm, and describe the nature and extent of the registrant's participation in the project.
- (c) A registrant who was formerly a principal in a firm may legitimately make additional claims provided the registrant discloses the nature of ownership in the previous design firm (e.g., stockholder, director or officer) and identifies with specificity the registrant's responsibilities for that project.
- (d) A registrant who presents a project that has received awards recognition must comply with the requirements of this rule with regard to project presentation to the public and prospective clients.
- (e) Projects which remain unconstructed and which are listed as credit shall be listed as "unbuilt" or by a similar designation.

The Board of Architectural and Engineering Examiners may impose civil penalties for misconduct violations related to misrepresentation of one's work or posting confidential information about a client or a client's project without the client's permission. Registrants found in violation of the regulations may be assessed a civil penalty ranging from \$500-\$1,000 for each separate violation. Keep in mind that each day of continued violation may constitute a separate violation (Rules 0120-02-.09 and 0120-04-.11).



### **DESIGN ETHICS AND SOCIAL MEDIA** continued from page 3

Finally, registrants should also advise non-registrants in their office to beware of using titles on social media that either state or imply that they are registered architects, engineers, landscape architects, or interior designers. Public use of such titles prior to registration violates Tenn. Code Ann. §§ 62-2-102(a), 62-2-103, 62-2-105(c), and 62-2-903, and could result in the assessment of civil penalties.

Although social media is an excellent tool for design professionals, it must be used properly. In the world of social media, a single act can have far-reaching ethical consequences. Think before you post! For further reading and information on ethics and social media:

- Vallor, Shannon, "Social Networking and Ethics," The Stanford Encyclopedia of Philosophy (Spring 2016 Edition), Edward N. Zalta (ed.), http://plato.stanford.edu/archives/spr2016/entries/ethicssocial-networking/.
- 2 "23 Types of Social Media Sites," http://onbloggingwell.com/23-types-of-social-media-sites/.
- 3 Grahl, Tim. "The 6 Types of Social Media," http://timgrahl.com/the-6-types-of-social-media/.

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# NATIONAL COUNCILUPDATE

The Tennessee Board of Architectural and Engineering Examiners is an active member of the following national regulatory councils: the National Council of Architectural Registration Boards (NCARB), the National Council of Examiners for Engineering and Surveying (NCEES), the Council of Landscape Architectural Registration Boards (CLARB), and the Council for Interior Design Qualification (CIDQ). The national councils assist member boards by developing uniform national examinations and model laws and regulations, among other responsibilities. Following are updates on significant activities of the national councils over the past year:

### NCARB

The Intern Development Program (IDP) has been overhauled and renamed. Now known as the Architectural Experience Program (AXP), the revised experience program for aspiring architects consists of six broad practice-based areas that correspond with the six divisions of the new licensing exam, Architect Registration Examination® (ARE®) 5.0. This update is one of several NCARB has made to its experience program over the past few years, namely: streamlining the number of required hours from 5,600 to 3,740; the ability to report experience beyond six months and up to five years; accepting AXP credit for paid academic internships; and enabling licensure candidates to earn AXP credit after high school and regardless of a project's duration. For more information on NCARB's experience program, visit www.ncarb.org/experience. After four years of development, the latest version of the Architect Registration Examination® (ARE®), ARE 5.0, launched on November 1, 2016. To adapt to changes in the profession, ARE 5.0 content has been restructured into six divisions organized around architectural practice and the progression of a typical project: Practice Management, Project Management, Programming & Analysis, Project Planning & Design, Project Development & Documentation, and

Construction & Evaluation. NCARB will continue to administer ARE 4.0 until June 30, 2018. This 20-month period of dual delivery will enable current candidates to finish the exam in a way that best suits their needs. For more information about ARE 5.0 visit www.ncarb.org/ARE5.

- At the 2016 NCARB Annual Meeting, delegates voted to approve a Mutual Recognition Arrangement with Australia and New Zealand, enabling U.S. architects to earn reciprocal licenses abroad. The Tennessee Board voted to sign the Arrangement at the October 2016 Board meeting, and the Arrangement became effective on January 1, 2017, after it was accepted by a majority of NCARB Member Boards.
- Delegates at the 2016 NCARB Annual Meeting also made several changes to NCARB's official documents, incorporating updates to the ARE and the AXP. In addition, delegates approved resolutions to provide emeritus status for retired architects and added new provisions to registration requirements for military personnel.
- The Broadly Experienced Architect (BEA) and Broadly Experienced Foreign Architect (BEFA) programs have been replaced with new alternatives to the NCARB certification requirements.
- Effective June 29, 2016, AXP and NCARB Certificate fees were simplified and reduced. The total cost of the ARE has also been reduced with the launch of ARE 5.0. The total cost of ARE 5.0 (six divisions) is \$1,260, versus \$1,470 for ARE 4.0 (seven divisions).
- NCARB launched an alternative path to licensure for experienced professionals on June 29, 2016. Under the AXP, aspiring architects can earn full credit for experience reported within eight months, and half credit for experience beyond eight months and up to five years. This new option opens the door for those with experience beyond five years to seek licensure through submission of an e-Portfolio.

### NCEES

• A motion passed at the 2016 NCEES Annual Meeting to set the

# IMPORTAN **REGISTRATION RENEWAL INFORMATION**

The Tennessee Department of Commerce and Insurance recently implemented a new licensing system, dubbed the Comprehensive Online Regulatory and Enforcement (CORE) system. One of the most exciting features of this new system is the new online licensing services system (http://core.tn.gov/). CORE provides consumers with the capability to apply for licenses, renew licenses, change addresses, request duplicate licenses, among other features, and is a significant improvement over the old online renewal system.

#### The benefits of the new online system include:

- 24/7 service
- All major credit cards and e-checks are accepted
- There are no additional processing fees (say goodbye to the Internet convenience fee!)
- The system is more secure (an Individual/Organization number provided on the renewal letter or the last four digits of a Social Security Number is required to create an account)
- Retired registrants may now renew online
- The system allows online applications

As a result of these enhancements, the Board discontinued mailing paper renewal forms to registrants in November 2015. In lieu of a renewal form, registrants now receive a letter notifying them that they are eligible to renew online. As in the past, renewal notices are mailed out approximately two (2) months prior to the registration expiration date. If you are not sure when your registration expires, you may verify your registration expiration date online at http://verify.tn.gov/. Registrants may still request a paper renewal form using an automated phone system (instructions are provided on the renewal notification).

In order to renew online, you will first need to register a new account. Once you have logged in to your new account, choose the appropriate board or commission, and use the following information to access your license:

- License number
- ZIP code on file
- Indiv/Org ("Entity") Number (provided on the renewal notice)

Video tutorials are available for those in need of more detailed instructions. We hope that all registrants will take advantage of this new system!



### **Online Licensing Services**



#### Sign-up and manage your licenses

Welcome to the Online Licensing Services System. If you are a new user and wish to use this system please sign up to create your online account.

If you are an existing user sign-in or if you have forgotten your user ID or password use the links in the 'Returning User' section to help you.

Video Tutorials

Register New Account New Application for License License Renewal

## NATIONAL COUNCIL UPDATE continued from page 4 $_-$

computer-based Principles and Practice of Engineering (PE) exam price at \$375, and the Fundamentals of Engineering (FE) exam price at \$175 (a \$50 reduction), effective January 2018. Motions also passed to adopt position statements on sustainability and remote sensing technologies and to make funding changes for NCEES meetings.

- A motion that would have added language to the Model Law and Model Rules for structural engineers parallel to that of professional engineers and professional surveyors failed at the 2016 Annual Meeting.
- The PE exams will transition to a computer-based format beginning in 2018, starting with the Chemical and Nuclear exams. Other exams will follow until all have been transitioned in about 2023.

### CLARB

- CLARB is working to update and improve their Model Law. Proposed revisions will be presented for adoption at the 2017 Annual meeting.
- CLARB conducted a global task analysis of the practice of landscape architecture in 2016, which is used to determine content for the Landscape Architect Registration Exam. Landscape architects from 58 countries responded to the task analysis survey.

### CIDQ

- Thomas Banks, CAE FASID, has been hired as the new Executive Director of CIDQ. Mr. Banks, who has most recently served as Vice President at ForrestPerkins, a leader in luxury hotel, resorts and multi-residential projects, was Chief Operating Officer and Deputy Executive Director of the American Society of Interior Designers (ASID) from 1998-2014.
- A new pathway to NCIDQ certification has been developed for educators in which teaching counts for up to 50% of the required experience.
- Fourth year senior students are now eligible to apply and take the Interior Design Fundamentals Exam (IDFX).
- Effective in 2017, the testing windows for the IDFX and Interior Design Professional Exam (IDPX) have been expanded to last the entire months of April and October.
- The Practicum exam will be transitioned to a computerized format in fall 2017, and will also adopt a month long testing window at that time.
- The Alternative Application Review Program (AARP) has been developed to provide an alternate path to NCIDQ certification for broadly experienced interior designers who do not qualify under the standard routes.
- The number of NCIDQ examination candidates continues to increase, and the total number of NCIDQ certificate holders now exceeds 30,000.

# A & E B O A R D LEGISLATIVE UPDATE

The Tennessee General Assembly recently made changes to statutes which may impact you as a holder of a license with the Board. These new changes set out in the following Public Chapters specifically amend the Tennessee Code Annotated as set forth below.

Public Chapter No. 610 extends the Board of Examiners for Architects and Engineers until June 30, 2020, and establishes a minimum attendance requirement for board members to fifty (50%) percent of actually held meetings. This law became effective on March 22, 2016. A copy of the new law is available for review on the website of the Tennessee Secretary of State here: http://share.tn.gov/sos/acts/109/pub/pco610.pdf

**Public Chapter No. 838**, makes several clean-up amendments to the laws of the Division of Regulatory Boards. This bill specifically amends Tennessee Code Annotated section 62-2-304, by the addition of section (b), which allows the Board to accept reciprocity for a registered architect if they hold an NCARB certification when the requirements of their home jurisdiction are not equivalent. This law became effective on July 1, 2016. A copy of the new law available for review on the website of the Tennessee Secretary of State here:

### http://share.tn.gov/sos/acts/109/pub/pc0838.pdf

Public Chapter No. 1053, known as the "Right to Earn a Living Act," requires that on or before December 31, 2016, each state licensing authority (state board, commission, council or committee) submit all existing or pending regulations to the chairs of the Government Operations Committees and that the committees perform a study of all submitted regulations and, at their discretion, conduct a hearing regarding any such regulation. During the review of the entry regulations, the committees shall consider whether an entry regulation is not required by state or federal law, is unnecessary to protect the public health, safety or welfare, has the purpose or effect of unnecessarily inhibiting competition or arbitrarily denying entry into the profession, if such regulation could be accomplished by less restrictive means or if the regulation is outside the scope of the licensing authority's statutory authority. If a regulation meets one of those factors, the committees may disapprove of the regulation and request that the authority amend or repeal it. If the licensing agency does not initiate compliance with the committees' request within ninety (90) days or does not comply within a reasonable amount of time, the committees may then vote to request that the General Assembly suspend all or part of the agency's rulemaking authority. Beginning January 1, 2018, each licensing authority must submit all new entry regulations to the committees prior to a "Sunset" hearing being held. This Act took effect upon passage, April 28, 2016. A copy of the new law is available for review on the website of the Tennessee Secretary of State here:

http://share.tn.gov/sos/acts/109/pub/pc1053.pdf

# BOARD AWARDS MORE THAN **\$300,000** TO TENNESSEE UNIVERSITIES

Board of Architectural and Engineering Examiners Has Awarded \$3.2M since 2002

### NASHVILLE – April 20, 2016 – Grants totaling \$308,700 will be awarded to 12 Tennessee universities from the Tennessee Department of Commerce & Insurance's (TDCI) Board of Architectural and Engineering Examiners.

The Board's annual grant awards help support and foster greater interest in the fields of architecture, engineering, landscape architecture, and interior design among Tennessee students. Since the program's inception in 2002, the Board has awarded over \$3.2 million that may be used by universities to purchase computers for students, laboratory or instructional equipment, library resources, or to pay intern development program fees or examination fees for students in accredited programs. Funding is provided from the Board's revenues or reserve funds.

"Education is the foundation for developing the knowledge and skills needed to practice the design professions and to protect the public's health, safety, and welfare," said Board Executive Director John Cothron. "The Board welcomes the opportunity to assist in the education of architecture, engineering, landscape architecture, and interior design students across all of Tennessee."

### The following universities will receive funding:

• Christian Brothers University— \$14,738 to the School of Engineering. Funds will be utilized to purchase triaxial testing equipment for soils, electronics laboratory hardware, and a computer with software.

• **Lipscomb University**—\$13,691 to the College of Engineering. Funds will be utilized to pay Fundamentals of Engineering (FE) examination fees for students and to purchase a bench top hole saw tube and pipe notcher, a circuit board printer, and a shop hydraulic press. The FE exam is typically the first step in the process leading to licensure as a Professional Engineer (PE), and may be taken by students in the senior year of an engineering curriculum.

### • Middle Tennessee State University—\$3,000 to the College of Behavioral and Health Sciences for the interior design program. Funds will be utilized to purchase a student computer for the resource library, reference materials, and computer-related items.

• **O'More College of Design**—\$3,000 to the School of Interior Design. Funds will be utilized to purchase a 3D laser printer.

### • Tennessee State University— \$19,915 to the College of Engineering. Funds will be utilized to purchase equipment for the Architectural Engineering laboratory for structural and materials testing, including laboratory mixers, a curing box, molds, a compressometer/extensometer, a digital strain gauge set, and a concrete corrosion mapping system.

• Tennessee Technological University—\$37,322 to the College of Engineering. Funds will be utilized to purchase video teleconferencing equipment to facilitate distance education partnerships with other higher-education institutions in Tennessee.

• Union University—\$12,161 to the Department of Engineering. Funds will be utilized to pay FE examination fees for students and to purchase a vertical mill and accessories.

• University of Memphis—\$22,136 to the College of Engineering; \$24,476 to the



College of Communication and Fine Arts for the architecture and interior design programs. Funds will be utilized to purchase laser traffic sensors for the College of Engineering, and computer workstations for the architecture and interior design programs.

• University of Tennessee-

**Chattanooga**—\$26,761 to the College of Engineering and Computer Science; \$3,000 to the College of Health, Education and Professional Studies for the interior design program. Funds will be utilized to purchase Chemical Engineering laboratory equipment for a new biologyrelated lab station and a new materials synthesis lab station, and student workstations, computer monitors, and design studio supplies for the interior design program.

• University of Tennessee-

**Knoxville**—\$45,124 to the College of Architecture and Design; \$43,512 to the College of Engineering. Funds will be utilized pay FE examination fees for students and to purchase a gas chromatograph system and SMART podium interactive displays for the College of Engineering, and computer software, a plotter, and large LCD displays for the College of Architecture and Design.

• University of Tennessee-Martin— \$14,749 to the College of Engineering and Natural Sciences. Funds will be utilized to purchase a traffic monitor and multifunction data acquisition devices.

• Vanderbilt University—\$25,115 to the School of Engineering. Funds will be utilized to pay FE examination fees for students and to purchase a printed circuit board (PCB) prototyping system.

The Tennessee General Assembly and Governor Haslam authorized funding for the grants (2015 Public Acts, Chapter 427, Section 7, Item 28).

### Formal Disciplinary Actions Taken by the Board

David C. Baum, R.A. #102102 Milwaukee, Wisconsin

VIOLATION: Disciplined in another jurisdiction. Tenn. Code Ann. § 62-2-308(a)(1)(F) and Rule 0120-02-.07(5)(b).

PENALTY: \$500 civil penalty; must take and pass the Board's law and rules exam.

CONSENT ORDER: September 30, 2016

James C. Bauman, P.E. #21536 Oak Ridge, Tennessee

VIOLATION: Practice outside area(s) of competence. Rule 0120-02-.03.

PENALTY: \$1,000 civil penalty; must take and pass the Board's law and rules exam.

CONSENT ORDER: April 1, 2016

Robin Daniel Bell, P.E. #115387 Greer, South Carolina

VIOLATION: Failure to notify Board of felony conviction within sixty (60) days of the action. Rule 0120-02-.07(5)(a).

PENALTY: \$500 civil penalty; must take and pass the Board's law and rules exam.

CONSENT ORDER: May 31, 2016

John H. Comperry, R.A. #21752 Clarksville, Tennessee

VIOLATION: Practice outside area(s) of competence. Tenn. Code Ann. § 62-2-308(a)(1)(B), (a)(1)(E), and rules 0120-02-.02(1) and 0120-02-.03.

PENALTY: \$5,000 civil penalty; pay hearing costs up to \$6,000; must take and pass the Board's law and rules exam.

FINAL ORDER: August 24, 2015

Guanda L. Ellis, Sr., P.E. #16819 Fayetteville, Georgia

VIOLATION: Failure to supply required documentation of continuing education hours claimed during audit process. Registration had been previously renewed based on certification of having obtained the required hours. Tenn. Code Ann. § 62-2-308(a)(1)(A), (a)(1)(E), and rules 0120-05-.04(2), 0120-05-.10(3), and 0120-02-.02(4).

PENALTY: \$2,000 civil penalty; must take and pass the Board's law and rules exam.

CONSENT ORDER: September 17, 2015

Todd Fogelberg, P.E. #107605 Brentwood, Tennessee

VIOLATION: Applied the seal of another registrant without the other registrant's knowledge and consent. Rule 0120-02-.08(4).

PENALTY: \$500 civil penalty; must take and pass the Board's law and rules exam.

CONSENT ORDER: January 25, 2016

Thomas E. Lovelace, P.E. #102769 Rosemark, Tennessee

VIOLATION: Practice outside area(s) of competence. Rule 0120-02-.03.

PENALTY: \$1,000 civil penalty; must take and pass the Board's law and rules exam.

CONSENT ORDER: September 26, 2016

Stephen P. Maslan, P.E. #19053 Kansas City, Missouri

VIOLATION: Disciplined in other jurisdictions. Tenn. Code Ann. § 62-2-308(a)(1)(F) and rule 0120-02-.07(5)(b).

PENALTY: Two-year suspension; \$700 civil penalty.

AGREED ORDER: June 9, 2016

Ronald Allen Miller, P.E. #20768 Knoxville, Tennessee

VIOLATION: Practiced engineering on an expired certificate of registration. Tenn. Code Ann. §§ 62-2-101 and 62-2-105.

PENALTY: \$100 civil penalty; take and pass the Board's law and rules exam.

CONSENT ORDER: November 14, 2016

Paul J. Plummer, R.A. #11674 Nashville, Tennessee

VIOLATION: Practiced architecture on an expired certificate of registration. Tenn. Code Ann. §§ 62-2-101 and 62-2-105.

PENALTY: \$500 civil penalty; take and pass the Board's law and rules exam.

CONSENT ORDER: September 12, 2016

Erin A. Schumacher, R.I.D. #1168 Nashville, Tennessee

VIOLATION: Failure to supply required documentation of continuing education hours claimed during audit process. Registration had been previously renewed based on certification of having obtained the required hours. Rule 0120-05-.04.

PENALTY: \$500 civil penalty; bring all continuing education hours current and submit proof within 90 days; automatic audit of continuing education hours at next renewal; take and pass the Board's law and rules exam.

CONSENT ORDER: March 16, 2016

William Lawrence Toney, Jr., R.A. #101515 Colwich, Kansas

VIOLATION: Practiced architecture on an expired certificate of registration. Tenn. Code Ann. §§ 62-2-101 and 62-2-105.

PENALTY: \$500 civil penalty; take and pass the Board's law and rules exam.

CONSENT ORDER: April 7, 2016

Jacob Franklin Vincent, P.E. #114598 Gallatin, Tennessee

VIOLATION: Practiced engineering on an expired certificate of registration. Tenn. Code Ann. §§ 62-2-101 and 62-2-105.

PENALTY: \$500 civil penalty; take and pass the Board's law and rules exam.

CONSENT ORDER: November 30, 2016



The Board and Staff wish to extend our sympathies to the families and friends of these individuals who have honored their professions:

### Robert D. Holsaple, R.A. #3016, Knoxville, TN (1926-2015)

The Board was saddened to hear that former Board member Robert D. Holsaple passed away on December 27, 2015, at the age of 89. He was a well-respected architect who was one of the founding members of then McCarty Holsaple McCarty Architects. He was a member of several boards, and served as Chair of the Tennessee Board of Architectural and Engineering Examiners in 1983-84 and 1988-89. He also taught at the UT Knoxville College of Architecture and Design. He will be greatly missed by architects, friends and family alike.

### ARCHITECTS

Don William Duncan, #104919, Columbus, GA Robert B. Dupree, #21651, Dallas, TX James A. Embry, #5909, Sevierville, TN Richard Wesley Fawley, #102938, Sarasota, FL Britton Reid Herring, #105081, Dyersburg, TN William C. Martin, #6834, Knoxville, TN Robert C. Parrott, #5068, Knoxville, TN Joel L. Payne, #102947, Jackson, TN William D. Price, #8714, Blountville, TN Charles Ross, II, #7353, Knoxville, TN

### ENGINEERS

Joseph R. Anderson, #22963, Germantown, TN William M. Baldwin, #116886, Tallahassee, FL Joe M. Barron, #22898, Greenville, SC

Samuel E. Bettis, #6445, Charleston, TN Richard Lee Blackwell, #111630,

#### Harrisonburg, VA

Brian Scott Brown, #109511, Lexington, SC Johnny R. Chester, #5072, Memphis, TN Cornelius Q. Cobb, #11919, Clinton, TN John W. Cox, #8305, Cordova, TN Nelson E. Davenport, #2710, Joelton, TN Donald D. Davis, #4700, Red Boiling Springs, TN Craig Alan Depken, #106328, Chattanooga, TN Robert C. Goss, #7711, Decatur, AL Wesley G. Grace, #8302, Memphis, TN Harold L. Graham, #4410, Pinehurst, TX Darrel L. Grice, #13715, Memphis, TN Ronald F. Hansing, #20660, Elkhart, IN Michel Elizabeth Holder, #104070, Chickamauga, GA W. Henry Huddleston, #2319, Murfreesboro, TN Jerry D. Hughes, #6419, Franklin, TN Francis M. Jackson, #7022, Tullahoma, TN Roy F. Johns, #7953, Coraopolis, PA James Mitchell Mancari, High Point, NC Todd R. Olson, #105538, Green Bay, WI Robert B. Paullus, #20774, Olive Branch, MS John L. Phillips, #6772, Germantown, TN James Joseph Porebski, #109443, Pompano Beach, FL Elmer H. Rogers, #8615, Columbia, TN Charles A. Sipe, #6507, Kingsport, TN Joseph P. Thomas, #4708, Arlington, TN James R. Wallace, #115447, Tucker, GA Joseph H. White, #14894, Mount Juliet, TN LANDSCAPE ARCHITECTS

Peter Lindsay Schaudt, #533, Chicago, IL

If you have a name that should be recognized in this section, please contact the Board office.

### NEWS FROM *The department of revenue*

### Study of the Professional Privilege Tax

Public Chapter 1024 directed the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) to conduct a study of the professional privilege tax and to report this study to the Speakers of the Senate and House of Representatives, and the Chairs of the Finance, Ways and Means Committees of both houses by January 1, 2017. The study examined: (1) The history of the professional privilege tax in this state; (2) the intent of the professional privilege tax; (3) other states' laws imposing a professional privilege tax or similar tax; and (4) alternatives for eliminating or phasing out the professional privilege tax. This law became effective on April 28, 2016. The TACIR report is available online at https://www.tn.gov/assets/entities/tacir/att achments/2016\_ProPrivilegeTax.pdf.

#### Notification of Privilege Tax Due

Public Chapter 1010

(http://share.tn.gov/sos/acts/109/pub/pc1010.pdf) requires the Department of Revenue to notify taxpayers by mail or e-mail of the amount of professional privilege tax owed, the due date and any electronic filing or payment requirements. This notification must be made on or before May 1 of each year. This law became effective on July 1, 2016.

### New Tax Filing Website Launched

The Tennessee Department of Revenue launched a new tax filing website called TNTAP, or the Tennessee Taxpayer Access Point, in March 2017. Taxpayers may file the \$400 professional privilege tax, due each year by June 1, using the new website. TNTAP offers many convenient features, including an account number online search, online good standing verification, and printable receipts of payment. For more information, please visit www.tntapinfo.com.

See more news updates on the Tennessee Department of Revenue's website at http://www.tn.gov/revenue/news.



Proposed rules filed on September 15, 2015, became effective on December 14, 2015. A summary of the rule changes was published in the 2015 Issue 1 newsletter. The text of the rules is available on the Board's website

(http://www.tn.gov/commerce/section/ar chitects-engineers).

At the June 2, 2016, Board meeting, Susan K. Ballard, ASID, RID, NCIDQ, was elected to serve as Board Chair; Frank W. Wagster, AIA, was elected to serve as Vice Chair; and Philip Lim, PE, was elected to serve as Secretary. All officers will serve from July 1, 2016, to June 30, 2017. **Susan K. Ballard, ASID, RID, NCIDQ** (Knoxville, Tennessee) was recently reappointed to serve as the registered interior designer member of the Board. Ms. Ballard will serve until June 30, 2020.

**Stephen J. King, PE** (Knoxville, Tennessee) was recently reappointed to serve as an associate engineer member representing East Tennessee. Mr. King will serve until June 30, 2020.

**Susan Hadley Maynor** (Memphis, Tennessee) was recently appointed to serve as a public member of the Board, replacing Wilson Borden. Ms. Maynor will serve until June 30, 2019. **R. Blair Parker, PLA** (Memphis, Tennessee) was recently appointed to serve as the landscape architect member of the Board, replacing Bill Lockwood. Mr. Parker will serve until June 30, 2020.

**Brian Tibbs, RA** (Nashville, Tennessee) was recently appointed to serve as an architect member representing Middle Tennessee, replacing Jerome Headley. Mr. Tibbs will serve until June 30, 2020.

**Kathryn S. Ware, PE** (Nashville, Tennessee) was recently appointed to serve as an engineer member representing Middle Tennessee, replacing Hal Balthrop. Ms. Ware will serve until June 30, 2020.



# **Information On Examinations**

The Board would appreciate your sharing information about these professional examinations with interns in your office.

### ARCHITECTURE

In order to sit for the Architect Registration Examination (ARE), candidates must first establish a record with the National Council of Architectural Registration Boards (NCARB), including enrollment in the Architectural Experience Program (AXP, formerly known as IDP). Candidates must then submit an application to the Tennessee Board for exam authorization. **The ARE, AXP, and the required experience must be completed prior to registration.** 

### ARE 4.0 Exam Results (9/8/15 - 11/6/16)

	Total	Pass	% Pass
Constr. Doc. & Services	.134	.71	.53%
Prog., Planning & Practice	.97	.61	.63%
Structural Systems		.49	.62%
Bldg. Design & Const. Sys	.77	.43	.56%
Schematic Design	.65	.53	.82%
Site Planning & Design		.67	.76%
Building Systems		.49	.62%

### ENGINEERING

### • Fundamentals of Engineering Examination (FE) -

The FE exam is now offered in a computer-based format throughout the year at Pearson VUE test centers. Applicants for the FE exam no longer apply to the Tennessee Board for authorization to sit for the FE exam. Applicants now register for the exam directly with NCEES at www.ncees.org and then apply to the Tennessee Board for Engineer Intern certification after passing the exam.

### • Principles and Practice of Engineering (PE) and Structural Engineering (SE) Examinations –

PE and SE exam applicants must first apply to the Tennessee Board for authorization to sit. The application deadline for new applicants for the spring PE/SE exams is December 1. The fall deadline is June 15. All supporting documents (references, transcripts, etc.) are due in the Board office within thirty (30) days after the application deadline. **The exams will be given in Nashville, Knoxville, and Memphis on:** 

October 27-28, 2017 & April 13-14, 2018

# Examinations continued from page 10

To facilitate scheduling of the exams, retake requests should be received by the Board office by February 1 for the spring exam and by August 15 for the fall exam. Registrants wishing to take other exam disciplines must submit an application to add an exam discipline (available at the Board's website) by January 1 for the spring exam and by July 15 for the fall exam. **All exam fees are now paid directly to NCEES when reserving a seat for the exam.** 

Following approval by the Tennessee Board to sit for an exam, applicants must register with NCEES at www.ncees.org to pay the exam fee and reserve a seat for the exam. For information regarding exam study materials, which calculators are permitted in the examination room and exam specifications, please visit the NCEES website.

### **EXAM RESULTS**

### Fundamentals of Engineering

	Tota	al Pass	s % Pass
January-December 2015			
January-December 2016			65%

#### **Principles and Practice of Engineering**

October 2015	Total	Pass	% Pass
Chemical	.9	.7	
Civil	.126	.59	47%
Control Systems	.10	.6	60%
Electrical & Computer	.40	.18	45%
Environmental	.9	.5	56%
Fire Protection	.4	.2	50%
Mechanical	.33	.20	61%
Mining & Mineral Processing	.1	.0	0%
Nuclear	.1	.0	0%
All Disciplines	.233	.117	50%

April 2016	Total	Pass	% Pass
Chemical	.9	.5	56%
Civil	.112	.60	54%
Electrical & Computer	.30	.9	30%
Environmental	.1	.0	0%
Industrial	.1	.1	100%
Mechanical	.29	.18	62%
All Disciplines	.182	.93	51%

October 2016	Total	Pass	% Pass
Chemical	.5	.3	60%
Civil	.125	.64	51%
Control Systems	.4	.3	75%
Electrical & Computer	.31	.16	52%
Environmental	.6	.4	67%
Fire Protection	.5	.2	40%
Mechanical	.20	.15	75%
Metallurgical & Materials	.1	.1	100%
Nuclear	.2	.2	100%
All Disciplines	.199	.110	55%

Structural Engineering (16-hour)				
October 2015	Total	Acceptable %Pass		
		Result		
Vertical Component		4		

### April 2016

Vertical Component	6	2	
Lateral Component.		3	

### October 2016

Vertical Component4	
Lateral Component9	

**Note:** To pass the Structural exam, an acceptable result must be obtained on both the vertical and lateral components. 6 candidates passed the Structural exam in the October 2015, April 2016, and October 2016 exam administrations.

National pass rates are available on the NCEES website (www.ncees.org).

### LANDSCAPE ARCHITECTURE

In order to sit for the Landscape Architect Registration Examination (LARE), candidates must first establish a record with the Council of Landscape Architectural Registration Boards (CLARB) and then submit an application to the Tennessee Board for exam authorization. The LARE and the required experience must be completed prior to registration.

Additional information regarding the LARE, including current fees and exam dates, is available at CLARB's website (www.clarb.org).

### Exam Results (8/15-12/16)

	Total	Pass	% Pass
Section 1	 10	8	80%
Section 2	 5	5	100%
Section 3	 11	7	64%
Section 4	 11	6	55%

### **INTERIOR DESIGN**

The National Council for Interior Design Qualification (NCIDQ) exam is offered every spring and fall. The exam is divided into three sections: the Interior Design Fundamentals Exam (IDFX), the Interior Design Professional Exam (IDPX), and a Practicum Exam (PRAC). Candidates may apply for the exam at http://www.cidq.org/. After passing the exam and becoming NCIDQ certified, certificate holders may apply to the state board for registration as a registered interior designer.

### Exam Results (Fall 2015)

	Total	Pass	% Pass
IDFX	 20	13	65%
IDPX	 19	11	58%
Practicum	 11	6	55%

#### Exam Results (Spring 2016)

	Total	Pass	% Pass
IDFX	14	8	57%
IDPX	13	7	54%
Practicum	16	9	56%

# **NEW REGISTRANTS**

The Board and staff congratulate the following registrants who passed their respective professional examinations and were registered between July 1, 2015, and December 31, 2016:

### ARCHITECTS (Architect Registration Examination)

Halie Nicolle Anderson Jennifer Marie Atcher John Blythe H. Bailey Laura Elizabeth Batson Brandon Alan Bell Joshua Nicholas Bellaire Forrest Whitfield Bennett Aaron P. Campbell Andrew Joseph Carimi David Benjamin Cates Matthew Clay Childress Jerry Lee Coleman, Jr. Jacob Lee Davis Ellen Dill Devoe Asia N. Dixon Matthew Whitten Edwards Ferran Basany Espin Meghan Elizabeth Frederick Phillip Edward Granke Stephen Adam Gravley Samuel Clark Grefseng John Matthew Hadley Matthew Curtis Hagler John Hollis Halford Wade D. Harder Jared Charles Hueter Alexandra Peeples Hunt Brent Lee Hunter Thomas Dolan Ingram Chad Rowry Jones Juliany Wibisono Jordan Arya Ashley Kabiri Sejin Kim Paul Marcus Legan Tyler Frederick LeMarinel Theresa Carolyn Lind Vinicio Jonatan Liriano Steven R. Littleton Benjamin Curran Lorance Benjamin Garrett Luttrell Jason Thomas Morris Nicholas Michael Morrissey Peter Alan Osickey Khamphanh Panyavong Travis Estes Parker, III Zachary Michael Parrott

John Bradley Province Ronald Scott Randell Matthew Todd Schutz William Palmer Sealock Lori Ann McClure Smith Zachary Philip Smith Joseph Steven Staats Samuel Todd Steele Richard Adam Stowe David Tyler Thayer Stephen Goff Townsend Ivan Nikolov Vanchev William Zachary Ward Jason Richard Weeks Alanna Scudder Wolohon Matthew Wesley Zink

### ENGINEERS (Principles and Practice of Engineering Examinations)

Austin Archer Acuff Jonathan Boyd Adams Alper Akin Larry Duane Allen Megan Desiree Allphin Ahmad Mohamed Alsharif Brandon Mitchell Armstrong Nathan Cody Arnold Brittany Kathleen Austin Matthew James Austin Kelly Ann Babcock Hunter Britt Bailey Richard Edward Bazar III Michael Loren Bednarcyk Joshua Stephen Bettis Cheryl Ranae Birks Brittany Wood Bishop Brett Alan Blanchard Lawson Sanford Bordley Jeffrey Donald Bostrom Daniel Kenneth Bouch Harrison Lee Boyd John Paul Brito Andy M. Brophy Marvin Louis Brown, Jr. Matthew Stephen Brown Gregory Allen Browning Brian Ray Buchanan

Kevin Jon Burgers Kevin Christopher Burress Corey Douglas Bush Tony Lynn Callis II Phillip Lesley Casterline Matthew David Chance Timothy James Cochran Stephen William Collings David Wade Collins Paul Joseph Conway III Christopher Scott Craig Jordan Reed Crain Hunter Ingram Dale Alanna Hughes Daley Jeremiah John Davis Jessica C. Davis Phillip Michael Davis Ryan Joe Davis Carl Layne Dawson Joshua Thomas Dobson Thomas Seth Dobyns Clayton Pierce Dowell Mark Daniel Drumm David Andrew Duncan Heath Adam Duncan Jesse D. East Megan Kathryn Edwards Ian Hideaki Esaki Nicholas Wayne Ethridge Robert Allen Evans Marshall Douglas Fall Bradley Scott Faulk Samuel Edward Felton Seth A. Fischer Amy Marie Fiscor Justin Kapr Ford **Richard Clayton Foster** Steven Thomas Fox Blake McKinley Francis Mark Adam Frankosky Justin Robert Frazier **Bobby Gene Gaines** Richard Dudley Gamble, Jr. Rabo K. Garba Branden Chad Garcia Justin Matthew Garrard David Michael Gilbert Anthony Michael Grappin Joshua Evans Green Walter Jason Griffin

Anthony Boucher Groft Eugene Pidgeon Halford Robert Travis Hamby Tyler Keith Haraway Lynn Joaquin Harkey Emily Boswell Harrell Paige Michele Harris Brandon Joseph Hartline Benjamin Graham Hassler Christopher Raymond Haynes Edward Chapman Henderson Terrell William Hendren Shannon Swann Henry Michael Robert Hickey Jameelah Lanette Hudson Cole M. Hunt Thomas Jay Hurless, Jr. John Lewis Irving Sulaiman Rofail Jaser Caleb Edward Jones Leslie Sheree Jones Rick D. Jordan Daniel G. Keaton Christopher Michael Kelley John William Kelly Melissa De Alejandro Kelly Nathan Lee Kennedy Charles Matthew Ketchum Christopher Todd Kidder Taylor Batson Kidwell Chad Joseph Kiger Thelas Kimble Michael David Kimbrough Patrick Thomas Kontovich Jonathan David Lane Bryan Thomas Lavigne Joshua Terry Lee James Scott Leverette Sisi Liang Melissa Ann Lindquist Alex Christopher Lipe Nancy Renee Lloyd Travis Anthony Lloyd William Adam Logan Drew Alan Loizeaux Charles Daniel Longserre, Jr. Robert Curtis Lovelace Benjamin Clyde Luke Alan Wyatt Maher Justin Dewayne Maiden

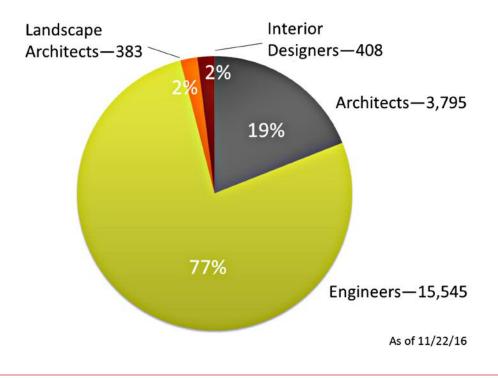
### **NEW REGISTRANTS** continued from page 12 \_

Allen Lee Malcomb George Fred Malouf, Jr. James Robert Manseill Jeffrey Allen Marks Joshua Ray Martin Matthew Philip Massaro William E. S. McCloy Andrew McElhenny Joseph Michael McHale Scott James McKnight Kyle Scott McLemore Michael Jason Mellons Brad Alan Morgan Joshua Lee Morgan Ross Cambre Muirhead Jonathan P. Neuman Justin Blake Newell Robert Clark Nidiffer Michael Ekenechukwu Okaro Patrick Joseph O'Leary Andrew David Oppenheim Joshua Thomas Ozment Jeremiah V. Parunak Sandip R. Patel Joshua Christopher Paz Robert E. Pelosi Kenneth Spencer Perkins Matthew Charles Pewsey

Ernie L. Pierce III Brent Steven Pilon Luke Raley Poe Justin Wayne Pope Nicholas Stephen Popkowski Goran Popovic Thomas Brent Porter Casey Jerome Pounders William David Prettyman, Jr. Derek Dewain Pryor Russell Ian Ragghianti Mark Andrew Randall Jarred A. Reber Jonathan Mark Roberts Mark Daniel Roberts Kory Allan Robinson Marco Antonio Robles-Tassara Seth Langford Rozell Joseph Andrew Sanford Dustin J. Scruggs Sangappa Jayanna Shamanur Timothy Robert Shattuck Matthew Henry Shearon Bennett Ross Shewmake Brent Destin Shields Casey Foster Shockey Bradley Thomas Short

Ethan William Skaggs Christopher Lee Slate Adam Moore Smith Mark Hunter Sporer Kollan Lee Spradlin Michael Aaron Spruill Patrick Daniel Starnes Brandon Lamar Stevens Bret Mathis Stock Grady C. Stout Jonathan Quinn Stratton Egbert Louis Strieper Adam Carl Sutherland Andrew Clark Taylor Joe Thomas Temples, Jr. Rutherford Lewis Thompson Nathaniel Robert Tilton Andrea Kay Tinn Diana Lori Trombly James Parker Trombly Christopher Michael Tucker Michael Thomas Underwood Ellyn Lindsey Veal Isaac Franklin Wade Jacob Eugene Walgenbach Melvin Elmo Walker III Robert Leslie Warnock Steven Michael Watson

### **REGISTRANTS AT A GLANCE**



Kimberly Anne Welch Jason Mark Whitehouse Jared Michael Williams Jacob Alten Williamson Christopher Michael Wilson Robert Andrew Wiseman Brandon Wesley Wright Nathan Earl Wright Kristopher David Young George F. Yousef Tyler Matthew Zimmerman

### LANDSCAPE ARCHITECTS (Landscape Architect Registration Examination)

Patrick Carder Brown Christopher Lee Chandler Tipton Cole Fowlkes Heather Houser Grimes Michael Jackson Hammond Kyle Austin Jacobson Mamie Austin Kostka Michael Joel Payne Annette Renee Whitehurst

### REGISTERED INTERIOR DESIGNERS (National Council for Interior Design Qualification Examination)

Brandy Sobley Abruzzo Rebecca Brewer Andrews Kearra Beth Barkley Melissa G. Davis Lynley Rebecca Hammes Haley Jones Haverstock Lindsay Marie Hunter Mary Margaret Inman Jessica Ohgren Langdon Lauren Wyatt Lewis Melanie Suzanne Newport Justin Steven Orton Millie Sue Pridmore Mary Elizabeth Raccuglia Mary Elizabeth Robinson Amanda Jo Simmons Paula Jo Smith Melissa Mustafa Staats Hannah Murphy Wall Ashley Susanne Wood Kristina Marie Wright

### FREQUENTLY ASKED QUESTIONS **FREQUENTLY ASKED QUESTIONS FREQUENTLY ASKED QUESTIONS**

### As a registrant, am I required to report violations of the laws and rules to the Board?

Yes. Rule 0120-02-.02(3) states, "A registrant possessing knowledge of a violation of T.C.A. Title 62, chapter 2, or this chapter, shall report such knowledge to the Board in writing and shall cooperate with the Board in furnishing such further information or assistance as it may require."

### How long am I required to maintain continuing education records?

Rules 0120-02-.02(4) and 0120-05-.10(3) require registrants to maintain continuing education records for a period of four (4) years, and to provide such records to the Board for audit verification purposes within thirty (30) days of the Board's request.



### The Board of Architectural and Engineering Examiners has a new website:

http://www.tn.gov/commerce/section/architects-engineers. The entire TN.gov website was recently redesigned to make it easier for you to find information.

In addition to its regulatory and enforcement roles, the Board also has a public outreach function. Board members and staff are available to speak to a variety of groups, including students, interns, building and code officials, professional and technical societies, and design professionals regarding registration requirements, professional conduct/ethics, requirements for building design, and other related topics. You may request a speaker online at

http://www.tn.gov/commerce/article/comm-speaker-request, or send your request to Executive Director John Cothron at john.cothron@tn.gov.

### **Tennessee Board of** Architectural and **Engineering Examiners**

Susan K. Ballard, ASID, RID, NCIDQ, Chair Frank W. Wagster, AIA, Vice Chair Philip K. S. Lim, PE, Secretary Robert G. Campbell, Jr., PE Susan Hadley Maynor, Public Member R. Blair Parker, PLA **Richard D. Thompson, AIA** Brian Tibbs, AIA Kathryn Ware, PE

> **Associate Board Members Richard Bursi**, PE Stephen J. King, PE Laura R. Reinbold, PE

John Cothron, Executive Director and Editor

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