

**Minutes of a Meeting of the
Tennessee Board of Architectural and Engineering Examiners
Andrew Johnson Tower
Nashville, Tennessee**

April 14, 2011

Board Members Present

Hal Balthrop, Professional Engineer
Robert Campbell, Jr., Professional Engineer
James Hastings, Registered Architect
Philip Lim, Professional Engineer
Bill Lockwood, Registered Landscape Architect
David Schuermann, Registered Architect
Leslie Shankman-Cohn, Registered Interior Designer
Richard Thompson, Registered Architect
Brenda Wood, Public Member

Associate Board Members Present

Dennis Henderson, Professional Engineer
Alton Hethcoat, Professional Engineer
Carlton Norris, Professional Engineer

Staff Present

Robert Herndon, Legal Counsel
John Cothron, Executive Director
Wanda Phillips, Administrative Manager
Wanda Garner, Administrative Assistant

Guests

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

Candy Toler, Tennessee Society of Professional Engineers/American Council of
Engineering Companies of Tennessee (TSPE/ACEC-TN)
Don Baltimore, Tennessee Interior Design Coalition (TIDC)
Nathan Ridley, Tennessee Chapter American Society of Landscape Architects
(ASLA -TN)
Keeling Baird, Administrative Services Assistant, Commerce and Insurance

CALL TO ORDER

Brenda Wood, chair, called the meeting to order at 9:08 a.m. A quorum of Board members was present, and the meeting, having been duly convened, was ready to proceed with business.

No changes were made to the meeting agenda.

CONSENT AGENDA

1. *Approval of Minutes* (attached)

Motion was made by Ms. Shankman-Cohn and seconded by Mr. Lockwood, to accept the minutes of the February 17, 2011, meeting as written. The motion passed unanimously.

2. *Approval of the Staff Complaint Report* (attached)

Motion was made by Mr. Schuermann and seconded by Mr. Lockwood, to accept the Complaints for Board Decision as presented. The motion passed unanimously.

PROFESSIONAL SOCIETY REPORTS

1. *Candy Toler, TSPE/ACEC-TN*, explained that SB0172/HB0242, the bill to extend the "sunset" date of the Board of Architectural and Engineering Examiners, is going through the legislative process and has no doubt that it will pass. Two additional qualifications for Board member nominees are under consideration: 1) there be no record of formal disciplinary action against him/her, and 2) he/she should be actively involved in a professional society for at least five (5) years. Changes to the method by which the governor selects Board members are also under discussion.

Ms. Toler submitted a written statement showing the status of several bills that were of interest to Board members.

AIA had its "Day on the Hill" on April 13th.

The TSPE/ACEC-TN Joint Annual Meeting is scheduled for August 24-26.

2. *Nathan Ridley, ASLA-TN*, stated that he is confident that SB0172/HB0242, the bill to extend the "sunset" date of the Board of Architectural and Engineering Examiners will pass, although the Senate is still considering changes to the Board member appointment process that would make it optional for the Governor to appoint members from lists of nominees submitted by the representative professional societies.

ASLA-TN is scheduling a meeting to be held in September in Knoxville.

Kate Hendrix is the new executive director of ASLA-TN.

Mr. Ridley further reported that the University of Tennessee landscape architecture graduate program expects accreditation when the first class of students graduates this year (2011).

3. *Don Baltimore, TIDC*, reported that he and Connie Wallace of AIA-TN will be meeting to discuss concerns regarding HB1741/SB0867, the Licensed Interior Designers Act.

DIRECTOR'S REPORT

1. Mr. Cothron submitted the following report:

- It was announced this week that Assistant Commissioner Steven Majchrzak has been promoted to Deputy Commissioner. He will continue to serve as Regulatory Boards Director until a new Assistant Commissioner is appointed. Gary L. West has been appointed Assistant Commissioner of Fire Prevention.

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- The grant guidelines will need to be revised to allow grants for programs within two years of receiving accreditation.
- Grant contracts have been approved and funds have been distributed to all the schools with the exception of Tennessee State University.
- Bill Lockwood attended the Council of Landscape Architectural Registration Boards Spring Meeting in Denver, CO on February 25-26, 2011.
- Jim Hastings, Rick Thompson and I attended the National Council of Architectural Registration Boards' Joint Regional Meeting in Jersey City, NJ on March 11-12, 2011.
- Hal Balthrop, Alton Hethcoat and I have been approved to attend the National Council of Examiners for Engineering and Surveying Southern Zone Meeting in Austin, TX on April 28-30, 2011.
- Robert Campbell and I spoke at an American Society of Mechanical Engineers chapter meeting in Kingsport on March 23, regarding engineering licensure and regulation.
- I have submitted a request for Rick Thompson and me to attend the National Council of Architectural Registration Boards (NCARB) Annual Meeting in Washington, DC on June 22-25, 2011. David Schuermann will attend at NCARB expense.
- I have been invited to speak at the Tennessee Section Institute of Transportation Engineers (TSITE) summer meeting at Fall Creek Falls State Park on Friday, July 22, regarding engineering licensure and regulation. Robert Campbell has indicated that he would also be available to attend.
- In regard to travel reimbursement for speaking engagements, the Assistant Commissioner of Regulatory Boards has ruled that such expenses will no longer be paid unless the Board previously authorized the travel and designated the speaker(s) to speak on behalf of the Board.

Motion was made by Mr. Schuermann and seconded by Mr. Lockwood, to authorize Mr. Balthrop to speak at Tennessee Tech in October 2011, and Messrs. Campbell and Cothron to speak at the aforementioned TSITE meeting in July. The motion passed unanimously.

2. *Legislative Update* (attached) was submitted for informational purposes only.
3. *Licensing Data* (attached) was submitted for informational purposes only.
4. *Complaint Data* (attached) was submitted for informational purposes only.
5. *Financial Report* (attached) was submitted by Mr. Lim for informational purposes only.

Break – 10:05 -10:20

OLD BUSINESS

Action Items (attached)

Action items from the February 17, 2011 meeting are in progress.

NEW BUSINESS

1. *Officer Nominations*

The Nominating Committee presented the following nominees for officers of the Board:

Chair.....David Schuermann
Vice Chair..... Philip Lim
Secretary..... Bill Lockwood

If Mr. Schuermann is not reappointed to the Board, Mr. Thompson will be the nominee for Chair.

2. *CLARB Spring Meeting Report* (attached)

Mr. Lockwood submitted a written report.

3. *NCARB Regional Meeting Report* (attached)

Mr. Cothron submitted a written report. He stated that there was much discussion about developing uniform continuing education standards. Board members were interested in exploring the ideas expressed and asked that it be made a topic for discussion at the Board’s Fall Retreat.

4. *Renewal and Firm Disclosure Form Revisions* (attached)

Motion was made by Mr. Lockwood and seconded by Mr. Hastings, to adopt the revised Renewal of Registration form. Staff will ask that a revision date be put on the form. The motion passed unanimously.

Motion was made by Mr. Schuermann and seconded by Mr. Hastings, to replace “Please” in the last sentence of the firm disclosure form with the words, “You are required to...,” written in bold type and to include a new revision date. The motion passed unanimously.

LEGAL CASE REPORT (presented by Robert Herndon) (attached)

Litigation Case Update

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| 1. <i>Case #L00-AEL-RBS-2000035981</i> | <i>Complaint #200003598</i> |
| <i>Case #L00-AEL-RBS-2000043321</i> | <i>Complaint #200004332</i> |
| <i>Case #L00-AEL-RBS-2003158771</i> | <i>Complaint #200315877</i> |

Motion was made by Mr. Lim and seconded by Mr. Thompson, to assess a civil penalty in the amount of \$500.00 for each confirmed instance of practice with an expired license in violation of TCA § 62-2-102(b) (total civil penalty of \$1,500.00) and to require the respondent to take and pass the engineer law and rules exam. The motion passed unanimously.

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| 2. <i>Case #L07-AEL-RBS-2007071631</i> | <i>Complaint #200707163</i> |
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Motion was made by Mr. Lockwood and seconded by Mr. Hastings, to assess a civil penalty in the amount of \$1,000.00 for each confirmed instance of misuse of the professional seal (\$2,000.00) and to require the respondent to take and pass the engineer law and rules examination. The motion passed unanimously.

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Result of Informal Conference

1. *Case #L10-AEL-RBS-2010033101*

Complaint #201003310

Motion was made by Mr. Balthrop and seconded by Mr. Campbell, to authorize a Consent Order for voluntary revocation in consideration of the scope of the negligent activity and its potential impact on the public safety and a civil penalty of \$10,000.00 in consideration of the number of possible individual offenses.

The motion passed with a majority of affirmative votes. The roll call vote was as follows:

For the motion

Hal Balthrop
Robert Campbell, Jr.
Philip Lim
Bill Lockwood
Leslie Shankman-Cohn

Against the motion

Jim Hastings
David Schuermann
Rick Thompson
Brenda Wood

Revisited Cases

1. *Case #L10-AEL-RBS-2010035501*

Complaint #201003550

Motion was made by Mr. Hastings and seconded by Mr. Thompson, to close the case and flag the file for review by the Board should there be an attempt to reapply. The motion passed unanimously.

2. *Case #L10-AEL-RBS-2010035581*

Complaint #201003558

Motion was made by Mr. Thompson and seconded by Mr. Hastings, to accept an Agreed Order for a civil penalty of \$500.00 plus litigation costs and a requirement to take and pass the architect law and rules examination. The motion passed unanimously.

3. *Case #L10-AEL-RBS-2010035591*

Complaint #201003559

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

New Cases

1. *Case #L11-AEL-RBS-2011003441*

Complaint #201100344

Motion was made by Mr. Hastings and seconded by Mr. Thompson, to issue a Letter of Warning, a Consent Order for a civil penalty of \$500.00, and a requirement to take and pass the architect law and rules examination. The motion passed unanimously.

2. *Case #L11-AEL-RBS-2011005261*

Complaint #201100526

Motion was made by Mr. Thompson and seconded by Mr. Lim, to issue a Consent Order for a civil penalty of \$1,000.00 OR the Board will accept a voluntary surrender of the Respondent's license. The motion passed unanimously.

The meeting adjourned at 12:00 noon.

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ATTACHMENTS

Minutes from February 17, 2011, Board Meeting
Staff Complaint Report
Legislative Update
Legislative Update (submitted by Candy Toler)
Licensing Data
Complaint Data
Financial Data
Action Items
CLARB Spring Meeting Report
NCARB Regional Meeting Report
Renewal and Firm Disclosure Form Revisions
Legal Case Report