



TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
615-741-3600

**Board Meeting Minutes for August 9, 2018
First Floor Conference Room 1-A
Davy Crockett Tower**

Tennessee Board of Architectural and Engineering Examiners met on August 9, 2018, in the first floor conference room of Davy Crockett Tower in Nashville, Tennessee. Mr. Campbell called the meeting to order at 9:15 a.m. and the following business was transacted:

BOARD MEMBERS PRESENT: Susan Ballard, Ricky Bursi, Robert Campbell, Jr., Grant Minchew, Blair Parker, Rick Thompson, Brian Tibbs, Frank Wagster, Kathy Ware, Stephen King

BOARD MEMBERS ABSENT: Alton Heathcoat

STAFF MEMBERS PRESENT: Roxana Gumucio, Liz Goldstein, Sara Page, Wanda Garner

ROLL CALL / AGENDA

Mr. Campbell provided the notice of meeting and Ms. Garner called roll. Guests were acknowledged.

No changes were made to the agenda.

MINUTES

Motion was made by Mr. Wagster and seconded by Ms. Ballard to adopt the minutes from the June 14, 2018 meeting as submitted. The motion passed unanimously.

PROFESSIONAL SOCIETY REPORTS

Ashley Cates from American Institute of Architects Tennessee Chapter (AIA-TN) provided a brief summary of the general activities of AIA-TN and of upcoming meetings.

Don Baltimore from Tennessee Interior Design through Education and Advocacy (TN IDEA) announced the CIDQ (Council for Interior Designers Qualification) meeting scheduled to meet in Nashville in November.

Kasey Anderson, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN) provided a brief summary of the general activities of TSPE/ACEC-TN. She announced an upcoming Conference in September and an engineering exam review course to be provided this fall which will be available both in a classroom and online format.

Nathan Ridley from the TN chapter of the American Society of Landscape Architects (ASLA-TN) reported that the ASLA-TN Convention was well attended. He commented on recent state elections and the importance of knowing who your elected officials are. He also announced that the national convention in October will be held in Philadelphia.

LEGAL CASE REPORT (presented by Sara Page)

1. 2018019371

First Licensed: 10/18/2011

Expiration: 10/31/2019

Type of License: Professional Architect

History (5 yrs.): N/A

Reviewer: Frank Wagster

This complaint was opened as a matter of course upon receipt of a notice from the State's Fire Marshall's Office indicating Respondent sealed multiple disciplines. Respondent indicated that the project was simple because it was for the cosmetic renovation of identical apartment units. The mechanical, electrical, and plumbing plans were general since the intent was simply the replacement of the already-existing fixture with updated items.

The plans were sent for review for competence. Frank Wagster reviewed the plans, and noted that areas of the technical engineering plans were general, and they did not include details that would be expected from a licensed engineer. Ultimately, since the plans were intended for construction, much of the details would have to be assumed or filled in by the builder. The plans noted in many areas that the features are to be done "as per code" or as required" rather than specifically indicating what code would require, or advising that the builder contact a licensed engineer for further assistance. Mr. Wagster also noted that the scope of work seemed larger than indicated by Respondent. Rather than a renovation, this project encompassed a gutting of multiple apartment and community buildings, with some walls being added or rearranged to provide accessibility. Additionally there are notes for sidewalk, parking, and drainage improvements.

Mitigating Factors: (1) No consumer harm reported.

Aggravating Factors: (1) Larger project than indicated by Respondent.
(2) Plans vague in many areas including electrical.

Recommendation: Close upon issuance of a letter of warning, indicating Respondent must either expand his competency in this type of work or contract with competent registrants.

Board Decision: Close upon issuance of a letter of warning, and specifically point to renovation language on the website. Also, Respondent shall take and pass the laws and rules examination.

2. 2018033171

Type of License: Unlicensed

History (5 yrs.): N/A

Reviewer: None.

This complaint was opened internally. The complaint alleged Respondent advertised itself as an architect. A review of all websites and available advertisements did not reveal any instances of illegal title use.

Mitigating Factors: None.

Aggravating Factors: None.

Recommendation: Close.

Board Decision: Concur.

3. 2018045431

Type of License: Unlicensed

History (5 yrs.): N/A

Reviewer: None.

A licensee filed this complaint after seeing Respondent list his title as "construction engineer" on his handyman page. Respondent responded to state that he was unsure what he did wrong, and that he was an engineer during his service in the military. Legal counsel reached out to better explain the restrictions on the title, "engineer," and asked him to edit his advertisements to remove the title. Legal has not heard back from Respondent at this time, but it has only been a week.

Mitigating Factors: None.

Aggravating Factors: None.

Recommendation: Close upon issuance of a letter of instruction.

Board Decision: Concur.

RE-PRESENTS

4. 2017056361

Type of License: Unlicensed

History (5 yrs.): N/A

Complainant purchased residential plans from Respondent. Respondent is located in Missouri, and had home plans available for purchase online. Complainant purchased the plans then paid a Tennessee entity to build the home and modify the plans. The builder asked for an updated set of the plans which resulted in a fee dispute between Respondent and the consumer.

Respondent does utilize the phrase, "Architectural" in its name, but it is a Missouri entity, and the name does not violate Missouri law. This matter was already reviewed by the Attorney General in Missouri. Respondent did not offer any services in Tennessee requiring an architectural license, and it

was contacted by the consumer who found it online. Respondent's website expressly states it is not a licensed firm.

Mitigating Factors: (1) Plans were found on a general website and purchased.
(2) Website contained disclaimer.
(3) Ultimately the issue is a fee dispute.
(4) Firm is not in violation of Missouri law.

Aggravating Factors: (1) None.

Previous Recommendation: Discuss

Previous Board Decision: Defer.

New Recommendation: Close.

New Commission Decision: Concur.

5. 2017018981

First Licensed: 09/18/1981

Expiration: 12/31/2017

Type of License: Land Surveyor

History (5 yrs.): N/A

The Complainant is a city official and a registered professional engineer. Respondent is a registered land surveyor, but not a registered engineer. Respondent sent construction plan sheets for the expansion of a Tennessee automobile dealership, all sealed with Respondent's land surveyor seal. A calculations sheet was submitted with a separate registered engineer's seal. The city official believed Respondent was working under the responsible charge of the registered engineer that sealed the calculations. Later, Complainant received a second submittal of the plan sheets and calculations and most of the sheets were sealed by both the Respondent and a registered engineer; however, one of the detail sheets which included a retaining wall detail was sealed by only the Respondent.

Respondent responded and stated the site plan was for storm water management and the Respondent did not understand why it was necessary to have an engineer certification and tried to contact the Complainant to discuss further. The Respondent did not receive any response from the Complainant and later corrected the problem in subsequent submittals. The Respondent stated the second submittal was a typical gravity retaining wall and there was no design detail by the engineer and it did not include a designing for the wall and no dimensions or implied design parameters were established. The Respondent stated there was no need for an engineer to certify the drawing. Respondent agrees the first submittal did need an engineer certification and this was corrected in the second submittal. The Respondent stated there was never any intention to deceive the city or the Board. The Respondent stated the Respondent has been licensed as a land surveyor since 1981 and most of Respondent's work has been in the civil engineering field and the Respondent has never had a complaint filed against the Respondent.

Mitigating Factors: None.

Aggravating Factors: None

Recommendation: Close with the ability to reopen after the Land Surveyors Board considers the complaint.

Board Decisions: Concur.

UPDATE: The Land Surveyors Board reviewed this matter, and issued the Respondent a letter of instruction regarding TENN. COMP. R. & REGS. 0820-03-.08, which states in pertinent part as follows:

(5) When the document contains more than one sheet, the first or title page shall be sealed and signed by the registrant who was in responsible charge. In addition, each sheet shall be sealed and signed by the registrant or registrants responsible for that sheet. Two or more registrants may affix their signatures and seals, provided that the registrants designate by note under the seals the specific subject matter for which each is responsible. When a firm performs the work, each sheet shall be sealed and signed by the registrant or registrants who were in responsible charge of that sheet as required by T.C.A. § 62-18-122(b).

(6) The seal and signature shall be placed on work only when it was under the registrant's responsible charge. The registrant shall sign and seal only work within the registrant's area(s) of competence.

New Recommendation: Reopen the complaint against Respondent land surveyor, and match the Land Surveyor's Board by issuing a letter of warning regarding unlicensed practice of engineering. Additionally, open a complaint against the registered engineer and close upon issuance of a letter of warning regarding multi-registrant sheet descriptions.

New Board Decisions: Reopen the complaint against Respondent, and open a complaint against the Registered Engineer.

Rules Update

Ms. Goldstein provided an update in regards to HB2248/SB2465, referred to as the "Fresh Start Act", which generally speaking will not allow for denying an applicant for licensure due to a felony unrelated to the license for which the applicant applied.

Ms. Goldstein reported that the following Proposed Rule changes went into effect on July 24, 2018:

- Tenn. Comp. R. & Regs. 0120-01-.04 is amended to reduce the length of time that comity applications, reapplications, and engineering intern applications are held in a "pending" status with the Tennessee Board of Architectural and Engineering Examiners ("Board") from five (5) years to one (1) year.
- Tenn. Comp. R. & Regs. 0120-01-.06 is amended to eliminate a \$15.00 application fee for engineer interns.
- Tenn. Comp. R. & Regs. 0120-01-.10 is amended to disallow a graduate level degree used to satisfy the education requirements to also be used to satisfy the experience requirement for registration.

- Tenn. Comp. R. & Regs. 0120-01-.11 is amended to allow an architectural degree from a program accredited by the Canadian Architectural Certification Board (CACB) or a program substantially similar under the NAAB to be equivalent to a degree from a NAAB-accredited program.
- Tenn. Comp. R. & Regs. 0120-01-.15 and 0120-01-.16 are amended to allow applicants to apply to sit and test for required examinations directly with the testing entity. Without this rule, applicants must apply with the Board and the testing entity.
- Tenn. Comp. R. & Regs. 0120-04-.03 is amended to add an expiration of one (1) year for applications and reapplications for registration as a registered interior designer. Extensions may be granted as determined by the Board upon written request.

DIRECTOR'S REPORT

2019 Meeting Dates

Motion was made by Mr. Wagster and seconded by Ms. Ballard to return the April meeting to the schedule making it six meetings for the year and to reschedule the December meeting to the 11th and 12th. The motion passed unanimously.

Break 10:40-10:58 a.m.

Budget

Financial data was presented for informational purposes.

Administrative Complaint Report

Motion was made by Mr. Thompson and seconded by Mr. Tibbs to close the complaints as presented. The motion passed unanimously.

Update on Grants

The Grants Committee, through Ms. Ballard, reported that the Committee reviewed Grant applications. Final approvals will be made at the October meeting. Ms. Ballard reported that at this point the Committee is under budget.

Topic List for October Meeting

Ms. Gumucio acknowledged receiving and including Mr. Campbell's topic suggestions into the Retreat agenda. Board members made additional suggestions.

NCARB Region 3 MBE - October 2018 (Member Board Executive)

Motion was made by Mr. Wagster and seconded by Mr. Tibbs to authorize Ms. Gumucio and Mr. Thompson to attend the NCARB Region 3 MBE in St. Louis, MO. The motion passed unanimously.

Other Travel Authorizations

Motion was made by Mr. Thompson and seconded by Mr. Bursi to authorize Mr. Campbell to speak to those attending the Tennessee Department of Transportation's Graduate Transportation Associate Program about the Board's mission and the path to licensure. The motion passed unanimously.

Mr. Parker announced that the Annual meeting of the Council of Landscape Architect Registration Boards (CLARB) will meet in Toronto, Ontario September 27-29, 2018.

Motion was made by Ms. Ballard and seconded by Mr. Bursi to authorize Mr. Campbell and Ms. Ware to participate in a panel discussion at the Tennessee Engineers' Conference on September 16-18, 2018 in Franklin, TN.

Motion was made by Mr. Wagster and seconded by Mr. Bursi to authorized Ms. Ballard to attend the CIDQ (Council for Interior Designers Qualification) in Nashville, TN on November 9-10, 2018.

ENGINEER COMMITTEE REPORT

The Engineer Committee, through Mr. Bursi, reported that the Committee reviewed applications and discussed

- NCEES's motions for changes to Model Law rules;
- NCEES's consideration to lower the price of the engineer exams;
- confidentiality of references;
- anonymous complaints, and
- process for applications with special circumstances.

ARCHITECT COMMITTEE REPORT

The Architect Committee, through Mr. Thompson, reported that the committee discussed an applicant's request to waive the requirement for references from three registered architects. The request was denied because Rule 0120-01-0.09(2) requires references from three registered architects.

ADJOURNMENT

There being no other business, Mr. Campbell adjourned the meeting at 11:49 a.m.