



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

Board Meeting Minutes for December 6, 2018
First Floor Conference Room 1-A
Davy Crockett Tower

Tennessee Board of Architectural and Engineering Examiners met on December 6, 2018, in the first floor conference room of Davy Crockett Tower in Nashville, Tennessee. Mr. Campbell called the meeting to order at 9:00 a.m. and the following business was transacted:

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

BOARD MEMBER ABSENT: Grant Minchew

STAFF MEMBERS PRESENT: Roxana Gumucio, Ashley Jenó, Sara Page, Wanda Garner

ROLL CALL / AGENDA

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

MINUTES (attached)

Motion was made by Mr. Wagster and seconded by Mr. Thompson to adopt the minutes from the October 5, 2018 meeting after correcting a typo. The motion carried unanimously.

PROFESSIONAL SOCIETY REPORTS

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 including

- Risk Management seminars being held across the state;
- the forming of a committee to study decoupling, and
- they are transitioning to working with the newly elected governor and the legislators.

Ashley Cates, American Institute of Architects Tennessee Chapter (AIA-TN), stated that

- they are transitioning to working with the newly elected governor and the legislators;
- the Day on the Hill will be March 5, 2019;
- they are creating a three-year strategic plan, and
- the AIA TN Conference is scheduled for July 17-19, 2019 in Knoxville.

Don Baltimore from Tennessee Interior Design through Education and Advocacy (TN IDEA) announced that the TN IDEA would monitor and support any legislation that is pertinent to the Board's interests.

Nathan Ridley from the TN chapter of the American Society of Landscape Architects (ASLA-TN) urged the Board members to become acquainted with state legislators especially the twenty-eight new members.

Chris Gwaltney, representing the American Society of Civil Engineers, thanked Ms. Gumucio and Mr. Hethcoat for speak to engineering students at Lipscomb University about licensure.

LEGAL CASE REPORT (presented by Ashley Jen0)



**STATE OF TENNESSEE
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CONFIDENTIAL - ATTORNEY WORK PRODUCT

TO: Tennessee Board of Architectural and Engineering Examiners
FROM: Ashley Geno, Assistant General Counsel
DATE: December 6, 2018
SUBJECT: December 2018 Legal Report

- 2018069351**
First Licensed: 07/17/1997
Expiration: 07/31/2017 (reapplication in process)
Type of License: Professional Engineer
History (5 yrs.): None.
Reviewer: None.

Respondent's registration expired on July 31, 2017. Respondent reapplied on August 23, 2018. In his expired license affidavit, Respondent noted that he did practice engineering on his expired license. By letter dated August 28, 2018, Respondent explained that the combination of him moving in the past year and either not receiving his renewal notice or losing it in the move resulted in him mistakenly believing his renewal was not due until 2018. He further advised that his failure to renew his license was a onetime inadvertent oversight and that he will take the necessary actions to prevent this from happening in the future.

Mitigating Factors: Self-reported.

Aggravating Factors: None.

Recommendation: Authorize formal hearing. Authorize a civil penalty in the amount of \$500 for practicing on an expired license. Respondent is also to take and pass the laws and rules examination.

2. **Board Decision: Approved.**
2018072951
First Licensed: unlicensed
Expiration:
Type of License:
History (5 yrs.): None.
Reviewer: None.

The complaint alleged the Respondent was using the title “civil engineer” without being licensed to do so. In support of this allegation, a snip from a Facebook page was provided in which Respondent stated “My name is [Respondent] and my profession is that of a Civil Engineer, working on natural gas pipelines...”

In response, Respondent admitted he is not licensed by this Board. Respondent explained he did not intend to use the title “engineer” to any personal or professional gain, but any use of the word “engineer” was intended to be descriptive in nature and used during the course of political speech.

Respondent further explained that after consulting with an attorney on this matter, he has removed all questioned posts from his Facebook page.

Mitigating Factors: Posts have been removed.

Aggravating Factors: None.

Recommendation: Letter of warning.

Board Decision: Authorization for a formal hearing. Authorization of a civil penalty in the amount of \$500 for unlicensed use of the title.

REPRESENTS

1. **2018043391 (“Respondent 1”) (SRP)**
First Licensed: 01/06/2016
Expiration: 01/31/2020
Type of License: Professional Engineer
History (5 yrs.): None.
Reviewer: Robert Campbell

2018043411 (“Respondent 2”) (SRP)
First Licensed: 06/16/2017
Expiration: 06/30/2019
Type of License: Professional Engineer
History (5 yrs.): None.
Reviewer: Robert Campbell

Previous Entry:

Complainant is Respondents’ former employer. Complainant filed complaints against Respondent after discovering Respondents had planned to open their own firm while employed with Complainants. Respondents have now followed through on that plan and started their own company. Complainant alleged Respondent

violated their trust and abused their position to acquire clients. The matters raised by Complainant are civil in nature, and would be better addressed in the court system.

Mitigating Factors: None.

Aggravating Factors: None.

Original Recommendation: Close.

Board Decision: Place this matter into litigation monitoring.

UPDATE:

The civil matter was quickly settled after the original presentation, with no fault placed on any parties in the settlement provided. No new information was provided that raised any potential violations.

New Recommendation: Close.

Board Decision: Approved.

2. 2018046661

First Licensed: 09/20/1988

Expiration: 03/31/2019

Type of License: Professional Engineer

History (5 yrs.): None.

Reviewer: Steve King

Previous Entry:

A complaint alleged Respondent agreed to do an inspection on a residential home, but that he did not inspect the required supports or observe under the house. The initial complaint was not very detailed, but it included a copy of a home inspector's report. The report noted that a beam support under the floor was supported by a steel jack on only one end, and is moving freely on the other. The report also noted that the support beam was added under the living room supported by 4x4s. The inspector noted that they do not appear adequate for the weight and they are on soil rather than a concrete pad.

The Respondent responded and stated he was hired for the limited purpose of observing and reviewing the completed framing for an existing load-bearing wall that was removed in the living room and the required LCL framing to support it. Specifically, he stated the contractor hired him to check the size of the beam framing and its support column for the removal of the wall. Legal contacted Respondent in order to ask for copies of his working papers and pictures, and to ask what his process was in evaluating the footing and soil under the column supports. Respondent responded to state he did not have photographs or working papers, and that the evaluation of the footing and the soil under the column supports was beyond the scope of what he was hired to perform.

Mitigating Factors: (1) Contractor was included in communication and did not contradict the scope of work.

Aggravating Factors: (2) No working papers were produced to indicate any testing or measurements.

Previous Recommendation: Authorize a civil penalty in the amount of \$750 for failure to take into proper consideration the health, safety, and welfare of the public by conducting a partial review of a support system.

Previous Board Decision: Authorize a civil penalty in the amount of \$1,000 for failure to take into proper consideration the health, safety, and welfare of the public by conducting a partial review of a support system. Respondent must also take and pass the laws and rules examination.

New Information: An informal conference was held with Respondent. Through the meeting, it became clear that Respondent did review the beam and its supports. Respondent was confused by the questions from legal counsel previously, and believed the inquiry on supports were related to the secondary supports shown in the home inspector's reports, hence, Respondent's denial of his review of those. Respondent appears to have conducted a competent review and the previous recommendation was based on a misunderstanding of facts between legal counsel and Respondent.

New Recommendation: Close.

Board Decision: Approved.

Proposed Rules

Rules previously submitted are now in effect.

Motion was made by Mr. Thompson and seconded by Ms. Ware to authorize the legal division to schedule, at the earliest possible date, a hearing regarding proposed rule changes to the requirements for professional development hours. Motion passed unanimously.

DIRECTOR'S REPORT

Complaint Data (attached)

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

Licensing Data (attached)

Licensing Data was presented for informational purposes.

Financial Data (attached)

Financial Data was presented for informational purposes.

2019 Proposed Travel

- CIDA Annual Meeting is scheduled to meet in San Antonio, TX on November 7-9, 2019. The Registered Interior Designer member and the Board's attorney will attend.
- NCARB Regional Meeting is scheduled to meet in Nashville, TN on March 6-8, 2019. Three Architect Board members and one staff member will attend.
- NCARB Annual Meeting is scheduled to meet in Washington, DC on June 19-22, 2019.
- NCEES Southern Zone Meeting is scheduled to meet in Boise, ID on May 16-18, 2019. Three funded delegates and two non-funded persons will attend.

- NCEES Annual Meeting is scheduled to meet in Washington, DC on August 14-17, 2019.
- ASLA Meeting will be scheduled to meet in November. Mr. Parker will attend.
- CLARB Annual Meeting will meet in September. Mr. Parker and one other Board member will attend.

Motion was made by Mr. Bursi and seconded by Mr. Tibbs to approve travel reimbursement for Mr. Campbell to attend the NCEES Board Presidents' Assembly and Education meeting in Atlanta, GA on February 8-10, 2019. The motion passed unanimously.

Future Meeting with the Deans

Ideas were shared regarding ways to make the Meeting with the Deans more productive.

CIDQ Jurisdiction Portal

Ms. Gumucio announced that the CIDQ (Council for Interior Design Qualification) now has a website to which member Boards may go for information relative to interior designers' qualifications for licensure.

COMMITTEE REPORTS

Engineer Committee Report

The Committee, through Mr. Bursi, report that the Committee discussed

- Definitions of engineering and incidental engineering and
- To seal or not to seal reports and exemptions

The Committee elected Alton Hethcoat as Chair of the Engineer Committee to take office in February, 2019.

GENERAL DISCUSSION

Engineering Definitions

Mr. Campbell appointed Ms. Ware, Mr. Wagster and Mr. Parker to the Definitions Committee with Ms. Ware being the Chair. A time to meet is to be determined.

CIDQ Annual Report (Council for Interior Design Qualification)

Ms. Ballard reported items discussed at the CIDQ Annual meeting.

- CIDQ is redefining the definition of interior design.
- CIDQ has developed a data base on which applicants can add documents relevant to work history and education. Member Boards have access to this data base.
- Exams are given in seventy-nine countries around the world and an exam for French speaking applicants has been launched.
- Since the CIDQ data base contains addresses for all NCIDQ Certificate holders, Ms. Ballard suggests that staff contact the unlicensed interior designers and encourage licensure.
- Some states have student Intern board members.
- Ms. Ballard gave statistics that show the ratio of salaries of unlicensed interior designers to the salaries of licensed interior designers is very low.

Panel Discussion at Christian Brothers University

Mr. Bursi reported that he and three other registered engineers were on a panel that spoke to students at Christian Brothers University to discuss the merits of taking the Fundamental of Engineering exam.

Mr. Bursi told the Board that one of the panelists, an electrical engineer from IBM, spoke of software engineering and how it will affect, and is, affecting our lives; thus, Board member should be aware of health, safety and welfare issue that will arise.

ADJOURNMENT

There being no other new business, Mr. Campbell adjourned the meeting at 11:32 a.m.

ATTACHMENTS