



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

**Board Meeting Minutes for October 5, 2018  
First Floor Conference Room 1-A  
Davy Crockett Tower**

Tennessee Board of Architectural and Engineering Examiners met on October 5, 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, Grant Minchew, Rick Thompson, Frank Wagster, Kathy Ware, Alton Hethcoat, Stephen King,

**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.

**ANNOUNCEMENTS**

Tony Glandorf, Chief Counsel, announced that Ashley Geno has been assigned as the Board's attorney.

At the request of Mr. Bursi, the Chair added a QBS (Quality Based Selection) report as an agenda item at the beginning of the Committee Reports.

**MINUTES** (attached)

Motion was made by Mr. Wagster and seconded by Mr. Thompson to adopt the minutes from the August 9, 2018 meeting as corrected. The motion carried unanimously.

**PROFESSIONAL SOCIETY REPORTS**

Don Baltimore from Tennessee Interior Design through Education and Advocacy (TN IDEA) announced that the Tennessee chapter of the American Society of Interior Designer is holding a State Convention on October 18-19, 2018 at Cheekwood Botanical Garden where awards will be given for commercial and student design projects. Mr. Baltimore also noted that October has been proclaimed by Governor Bill Haslam as Interior Design Awareness Month.

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.

- TSPE has been recognizing new registrants at local chapters of TSPE meetings;

- the Engineer Exam Review Course, which is being live streamed from Lipscomb University, proved to be cost effective, and
- the Engineer Excellence Awards banquet and a celebration of the 50<sup>th</sup> anniversary of ACEC will be held in Nashville on October 26, 2018.

Nathan Ridley from the TN chapter of the American Society of Landscape Architects (ASLA-TN) announced

- the new officers of the ASLA TN;
- that the Annual Meeting will be in Memphis on April 25-26, 2019, and
- the National ASLA is meeting in Philadelphia this October 19-22, 2018.

Mr. Ridley urged all to vote in the upcoming elections.

Ashley Cates could not be present.

### **LEGAL CASE REPORT** (presented by Sara Page)

**1. 2018046351 (“Respondent’s Employer”)**  
**First Licensed: 02/22/1991**  
**Expiration: 01/31/2007 (INACTIVE)**  
**Type of License: Professional Engineer**  
**History (5 yrs.): None**

**2018046151 (“Respondent”)**  
**First Licensed: N/A**  
**Expiration: N/A**  
**Type of License: N/A**  
**History (5 yrs.): None.**

A State University filed this complaint against Respondent. Respondent invited a former professor to link in with her on LinkedIn. Complainant states that Respondent’s LinkedIn page listed Respondent as holding a certification as an “Engineer in Training,” employed with Respondent Employer, and holding both a Bachelor’s and Master’s in Civil Engineering in 2012 and 2014 respectively from the Complainant University. Legal counsel for Complainant states that their records reflect that Respondent attended the University from 2006 to 2010, but never completed a degree. Additionally, Respondent is not a registered Engineering Intern.

Respondent responded to state that her LinkedIn page no longer exists, and that she never worked as an engineer for Respondent Employer. Additionally, Respondent resigned from her job after being placed on administrative leave. Respondent Employer responded to state they were unaware of the misrepresentations of Respondent, and that they had placed her on leave pending her ability to reconcile her records with the University. Respondent Employer stated that Respondent was never employed as an engineer, and at the time of her resignation, her job title was an “Estimator.”

After receiving the response, legal conducted additional research. Respondent identified herself in Facebook posts as both a civil and structural engineer. Respondent expressly stated she was a civil engineer with Respondent Employer. Respondent also has a biography in a Top 20 under 30 article in which she has her employment listed as a structural engineer with Respondent Employer.

In light of the above, legal reached out to Respondent for an additional response. Respondent responded again to state that the use of the title was her mistake. She stated that she was not aware the title, “engineer” was restricted. Additionally, Respondent claims that any publication was without her approval, and she would have corrected the title if she was given an opportunity. However, Respondent copied the language from the Top 20 under 30 article into her LinkedIn page, including the misused title, indicated Respondent was aware of the

publication and the title it chose. Respondent did not address her misrepresentations regarding degrees earned on her now-deleted LinkedIn page.

Mitigating Factors: (1) Deleted LinkedIn page.

Aggravating Factors: (1) Misrepresentations of qualifications appear extensive, and difficult to reconcile that Respondent was unaware of the title restrictions in light of her community involvement in the profession and previous educational experience.

**Recommendation: As to Respondent Employer, close. As to Respondent, authorize a civil penalty in the amount of \$1,000 for improper use of the title, “engineer,” without holding a license.**

**Board Decision: CONCUR**

2. **2018060821**  
**First Licensed: 01/14/2010**  
**Expiration: 01/31/2018 (EXPIRED)**  
**Type of License: Professional Engineer**  
**History (5 yrs.): None.**  
**Reviewer: None.**

Respondent self-reported that he sealed two precast shop drawings after his registration expired. Respondent states he was unaware the registration was expired until he initiated a renewal with another jurisdiction. Respondent immediately self-reported, informed his employer, and ceased use of the seal while awaiting renewal.

Mitigating Factors: (1) Self-Reported.  
(2) Limited number of sealed projects in light of length of expiration.

Aggravating Factors: None.

**Recommendation: Authorize a civil penalty in the amount of \$500 for practicing on an expired registration. Respondent must also take and pass the laws and rules examination.**

**Board Decision: CONCUR**

3. **2018052641**  
**First Licensed: 07/25/2006**  
**Expiration: 07/31/2014 (Invalid – Failure to Renew)**  
**Type of License: Professional Engineer**  
**History (5 yrs.): None.**  
**Reviewer: None.**

Respondent’s firm was absorbed by a new firm, and upon review of the records, the new firm realized Respondent had failed to renew his license in a timely manner. Respondent had sealed a set of plans in 2014, and started plans in 2017. Upon learning his license was expired. Respondent hired a licensed engineer to take over responsibility for the 2017 project. Respondent is working to renew his license, but has run into issues with NCEES’s system. Respondent stated that he moved from a large firm to his own firm, and fell behind on the administrative side of maintain his license. He did not realize his license had lapsed.

Mitigating Factors: (1) Hired an engineer to take over a project immediately upon learning on the lapse.

Aggravating Factors: (1) Did not self-report.

**Recommendation: Authorize a civil penalty in the amount of \$500 for practicing on an expired registration. Respondent must also take and pass the laws and rules examination.**

**Board Decision: CONCUR**

4. **2018046661**  
**First Licensed: 09/20/1988**  
**Expiration: 03/31/2019**  
**Type of License: Professional Engineer**  
**History (5 yrs.): None.**  
**Reviewer: Steve King**

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.

**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.**

**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.**

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

**2018043411 ("Respondent 2")**  
**First Licensed: 06/16/2017**

**Expiration: 06/30/2019**  
**Type of License: Professional Engineer**  
**History (5 yrs.): None.**  
**Reviewer: Robert Campbell**

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.

**Recommendation: Close.**

**Board Decision: Place this matter into litigation monitoring.**

6. **2018060781**  
**First Licensed: 07/23/2013**  
**Expiration: 07/31/2015 (Invalid – Failure to Renew)**  
**Type of License: Professional Engineer**  
**History (5 yrs.): None.**  
**Reviewer: None.**

Respondent self-reported practicing on an expired license. Respondent sealed one project. Respondent stated that it was an oversight, and it is his first lapse on this or any of his registrations in any other state.

Mitigating Factors: (1) Self-Reported.  
(2) Only one project.

Aggravating Factors: None.

**Recommendation: Authorize a civil penalty in the amount of \$500 for practicing on an expired registration. Respondent must also take and pass the laws and rules examination.**

**Board Decision: CONCUR**

7. **2018060681**  
**First Licensed: N/A**  
**Expiration: N/A**  
**Type of License: N/A**  
**History (5 yrs.): None.**  
**Reviewer: None.**

Complainants paid Respondent a \$600 deposit for residential plan drafting. Respondent never produced the plans for Complainants. Respondent is not licensed, but the plans did not require a registered architect to draft them since they were for a smaller single-family residential project. All research into Respondent shows that he does not indicate he is an architect, so no title misuse was located. As a result, the Board lacks jurisdiction in this matter, and Complainants would be best served pursuing this matter in civil court.

Mitigating Factors: None.

Aggravating Factors: None.

**Recommendation: Close.**

**Board Decision: CONCUR**

8. **2017018981 (“Respondent Land Surveyor”)**  
**First Licensed: 09/18/1981**  
**Expiration: 12/31/2017**  
**Type of License: Land Surveyor**  
**History (5 yrs.): Letter of Instruction related to this matter.**  
**Reviewer: Stephen King**

**2018061921 (“Respondent Engineer”)**  
**First Licensed: 01/01/1993**  
**Expiration: 12/31/2019**  
**Type of License: Professional Engineer**  
**History (5 yrs.): None.**  
**Reviewer: Stephen King**

The Complainant is a city official and a registered professional engineer. Respondent Land Surveyor and Respondent Engineer own a firm together. Respondent Land Surveyor sent construction plan sheets for the expansion of a Tennessee automobile dealership, all sealed with Respondent Land Surveyor’s land surveyor seal. A calculations sheet was submitted with Respondent Engineer’s seal. The city official believed Respondent Land Surveyor 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 Land Surveyor and Respondent Engineer; however, one of the detail sheets which included a retaining wall detail was sealed by only the Respondent Land Surveyor.

Respondent Land Surveyor responded and stated the site plan was for storm water management and the Respondent Land Surveyor did not understand why it was necessary to have an engineer certification and tried to contact the Complainant to discuss further. The Respondent Land Surveyor did not receive any response from the Complainant and later corrected the problem in subsequent submittals. Respondent Land Surveyor stated the second submittal was a typical gravity retaining wall and there was no design detail by Respondent Engineer, and it did not include a designing for the wall and no dimensions or implied design parameters were established. The Respondent Land Surveyor stated there was no need for an engineer to certify the drawing. Respondent Land Surveyor and Respondent Engineer agree that the first submittal did need an engineer certification and this was corrected in the second submittal. Respondents state that there was never any intention to deceive the city or the Board. The Respondent Engineer added that both Respondents worked in collaboration in order to produce the plans, with each party adding the elements related to their profession.

The Land Surveyors Board reviewed this matter, and issued the Respondent Land Surveyor a letter of instruction regarding TENN. COMP. R. & REGS. 0820-03-.08.

Mitigating Factors: None.

Aggravating Factors: None.

**Recommendation: Close upon issuance of letters of warnings to each party related to the proper sealing of plans. Respondent Engineer shall take and pass the laws and rules examination.**

**Board Decision: CONCUR**

**9. 2018030541**

**First Licensed: 08/27/1980**

**Expiration: 11/30/2018**

**Type of License: Professional Engineer**

**History (5 yrs.): 2013 – Letter of Caution for improper use of electronic seals**

**Reviewer: Ricky Bursi, Alton Hethcoat**

Respondent was hired by Complainant, a church, to produce civil site plans. The pastor filed a complaint alleging that the plans did not fit the church's needs and stated that the contract was not a standard AIA form. The pastor specifically pointed at the Respondent's inclusion of a retention pond as a particular problem he had. Respondent responded in detail and explained his process of developing the plans and the steps he took with the multiple local and state agencies that were required for approvals. The original agreement was for a less than one acre site. A year into the development of the plans, the pastor wanted to change the scope to 4.7 acres.

The plans and process were reviewed by both Mr. Bursi and Mr. Hethcoat, and both found that Respondent had acted appropriately and professionally, and the conflicts seem to have mainly arise from Complainant's lack of experience with this type of project and professional service.

Mitigating Factors: None.

Aggravating Factors: None.

**Recommendation: Close.**

**Board Decision: CONCUR**

**DIRECTOR'S REPORT**

*Complaint Data* (attached)

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

Mr. Campbell requested that a complaint report that gives matrix information be submitted at each Board meeting.

*Licensing Data*

Licensing Data was presented for informational purposes.

Ms. Ballard asked for a report that shows status changes of registered interior designers.

Mr. Parker asked that data reports be dated.

*Financial Data*

Mr. Campbell requested a breakdown of the cost for having the Board Retreat in Nashville as compared to meeting in a state park.

Ms. Ware expressed concern that, although the data shows an increase in the number of registrants, revenue, firms, disciplinary cases, etc., the level of support for staff is stationary and may jeopardize the Board's mission of protecting the public's health, safety and welfare.

#### *Authorization of Travel and Speakers*

No authorizations were needed.

#### *2019 Proposed Travel*

Mr. Campbell asked Mr. Bursi, Mr. Parker, Mr. Thompson and Ms. Ballard to compile the dates and locations of their respective professional meetings for 2019 and forward to Ms. Gumucio.

#### *Application/Examination Deadline Dates*

Principles and Practice of Engineering/Structural Engineering Exams

*Exam Dates (pencil-and-paper exams)*

April 5, 2019 -- PE, SE Vertical

April 6, 2019 -- SE Lateral

October 25, 2019 -- PE, SE Vertical

October 26, 2019 -- SE Lateral

*Computer Based Testing (CBT)*

Year-round -- Chemical, Environmental

*Computer Based Testing (CBT)*

Single-day

October 15, 2019 -- Nuclear, Petroleum

#### *Application Deadlines*

Spring Exam December 1 (January 1 for supporting documentation)

Fall Exam June 15 (July 15 for supporting documentation)

#### *Applications to Add an Exam Discipline Deadlines*

Spring Exam January 1

Fall Exam August 1

#### *Retake Request Deadlines*

Spring Exam February 1

Fall Exam August 15

***Note: If a deadline falls on a Saturday, Sunday, or a state holiday, the deadline will be extended until the close of business on the next business day.***

**Break 10:40-10:50 a.m.**

#### **QBS (Quality Based Services)**

The work committee needs direction, documents, deliverable dates, etc. and Legal needs to review and approve documents prior to their being put online.

## **INTERIOR DESIGNER COMMITTEE REPORT**

The Interior Designer Committee, through Ms. Ballard, reported that many schools have developed programs they call Interior Architecture and that some individuals are using this term in their titles and in the names of their firms. She asked legal counsel to provide guidance on the use of this illegal term.

## **LANDSCAPE ARCHITECT COMMITTEE REPORT**

The Landscape Architect Committee, through Mr. Parker, suggested that it would help if the continuing education certificates would indicate whether the courses addressed HSW (health, safety and welfare) issues.

The Committee asked legal counsel to explore changes to rules or statutes that would give the Board flexibility when evaluating an applicant's education and experience for licensure.

## **ARCHITECT COMMITTEE REPORT**

The Architect Committee, through Mr. Thompson, reported that the committee discussed PDH (professional development hours) conflicts, name-use violations, and law and rules classifications of RFP/RFQ (request for proposal/request for quotation).

## **ENGINEER COMMITTEE REPORT**

The Engineer Committee, through Mr. Bursi, reported that

- the Committee discussed revising policy language regarding the acceptance of humanity credits;
- it revised the Engineer Intern application for senior year students. The law will be reviewed in the future regarding the requirement for engineer intern certification;
- it discussed a new law regarding what constitutes offering or not offering to practice. The Law and Rules Committee decided to leave the rule as is;
- the Committee will develop a definition of the practice of engineering, and
- the Committee discussed the process in which an applicant may take the PPE (Principles and Practice of Engineering) exam before meeting the four-year experience requirement (decoupling).

The committee asked staff to contact states who allow decoupling and inquire if there are any HSW benefits to decoupling and to, also, seek input from NCEES (National Council of Examiners for Engineering and Surveying).

Request was made for staff to poll the Deans regarding holding the Meeting with the Deans annually.

Mr. Wagster and Ms. Ware were tasked with compiling definitions from states that have definitions of architecture and engineering, respectfully.

## **GRANTS TO HIGHER EDUCATION COMMITTEE REPORT**

The Grants to Higher Education committee, through Ms. Ballard:

- commended the Deans for their presentations and reports on how the grant funds were used and for relating the benefit it has been to the students;
- remarked that the Special Grant was complete, and
- reminded the Board that it previously revised and approved the grant budget.

Because of the increase in enrollment of 1200 students across the board and an increase of about 1500 registrants the Committee moved to increase the grant appropriation by \$50,000.00 raising it to \$400,000 for 2019. The motion passed unanimously.

Ms. Ware remarked that the presentations made by the Deans were exceptional and the money being spent has made a positive impact on the citizenry of Tennessee. She praised Ms. Ballard for her work on a "very good spend."

Mr. Campbell noted that the recent renewal fee reduction will not impact the Board's financial stability.

### **CONTINUING EDUCATION COMMITTEE REPORT**

The Continuing Education committee, through Mr. Wagster, reported that the committee discussed the advantage of having continuing education certificates note whether the session is HSW.

Board members conceded that HSW policies should be reexamined.

### **LAW AND RULES/POLICIES COMMITTEE REPORT**

The Law and Rules/Policies committee, through Mr. Thompson, asked Ms. Goldstein to speak to a revision to Rule 0120-01-.03 Clarifications to Offering to Practice.

In order to make a rulemaking submission to the Secretary of State procedurally correct, motion was made by Mr. Thompson and seconded by Mr. Tibbs to separate the rulemaking package which contained an amendment regarding the use of the term "Architect Associate" from the rulemaking package which contained changes to the Co-Op credit allocation and resubmit to the Secretary of State separately. The motion passed unanimously.

Tony Glandorf, Chief Counsel, explained how a registrant is to report continuing education hours when the registrant reports on a renewal cycle and when the registrant reports by the calendar year. Motion was made by Mr. Tibbs and seconded by Mr. Thompson to accept Mr. Glandorf's alternative approach to reporting PDHs so that the architects' rules mirror those in the other professions. The motion passed unanimously.

The proposed Seals rules have been approved and will go into effect October 23, 2018.

### **FINANCE COMMITTEE REPORT**

The Finance Committee, through Mr. Parker, reported that Board is financially stable and that the Board has approved a submittal to the Appropriation Committee for an additional \$50,000 in the Grants Fund.

### **OUTREACH COMMITTEE REPORT**

The Outreach Committee, through Mr. King reported that

- it will look into the status of the legal review of the updated Reference Manual for Building Officials and Design Professional;
- it is looking for outreach ideas, and

- because the meeting with the Deans was so well received it will consider suggestions for improving the experience such as allotting more time or meeting more often.

**OTHER**

Mr. Campbell asked Mr. Minchew to serve on the Nominations Committee and Mr. Hethcoat to serve on the Grants to Higher Education Committee.

**ADJOURNMENT**

There being no other new business, Mr. Campbell adjourned the meeting at 12:16 p.m.

**ATTACHMENTS**