



MINUTES OF A MEETING OF THE
TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
Davy Crockett Tower
Nashville, Tennessee
Wednesday, August 12, 2015

CALL TO ORDER

Robert Campbell, Chair, called the regular meeting of the Tennessee Board of Architectural and Engineering Examiners to order at 1:10 p.m. on August 12, 2015, at the Davy Crockett Tower in Nashville, Tennessee. A quorum was declared present.

The following **Board members** were present:

Susan Ballard	Registered Interior Designer
Hal Balthrop	Professional Engineer
Robert Campbell, Jr.	Professional Engineer
Jerome Headley	Registered Architect
Philip Lim	Professional Engineer
Bill Lockwood	Registered Landscape Architect
Rick Thompson	Registered Architect
Frank Wagster	Registered Architect

The following **Associate Engineer members** were present:

Richard Bursi	Professional Engineer
Stephen King	Professional Engineer
Laura Reinbold	Professional Engineer

The following **Board staff** was present:

John Cothron	Executive Director
Ellery Richardson	Legal Counsel
Wanda Phillips	Office Manager
Wanda Garner	Administrative Assistant

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

Kasey Anderson, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN)
Don Baltimore, Tennessee Interior Design Coalition (TIDC)
Ashley Cates, American Institute of Architects-Tennessee (AIA-TN)
Nathan Ridley, American Society of Landscape Architects- Tennessee (ASLA-TN)

Guests were introduced.

Mr. Cothron announced that Ricky Bursi, Robert Campbell and Frank Wagster were reappointed to serve on the Board until June 30, 2019.

Agreeing to an addition to the agenda, the Chair allowed Mr. Balthrop to move that the Board approve an emeritus certificate for Public Board member Wilson Borden, who rotated off the Board on June 30, 2015. The motion was seconded and passed unanimously.

CONSENT AGENDA (attached)

Motion was made by Mr. Lockwood and seconded to approve the minutes of the June 4, 2015 meeting as amended. The motion passed unanimously.

Motion was made by Mr. Lockwood and seconded to approve the Complaints for Board Decision. The motion carried unanimously.

PROFESSIONAL SOCIETY REPORTS

Ashley Cates reported on activities of the *AIA-TN* and stated that it continues to work with the State Architect's office on state contract revisions.

Don Baltimore, reporting on activities of the *TIDC*, announced that the American Society of Interior Designers is holding a convention in Nashville in October.

Kasey Anderson reported on activities of the *ASPE/ACEC-TN* and stated that

- the Annual Conference of TSPE/ACEC-TN will meet in Murfreesboro on September 18-19, 2015;
- TSPE and NSPE (National Society of Professional Engineers) want to go on record as opposing NCEES's (National Council of Examiners for Engineering and Surveying) motion to establish structural-specific licensure, and
- decoupling of the experience and examination requirements for PE licensure needs more study.

Nathan Ridley reported on activities of the *ASLA-TN* and announced that the *ASLA-TN* Conference will meet in Nashville on October 15-16, 2015.

LEGAL CASE REPORT (presented by Ellery Richardson) (attached)

1. *Case No. L15-AEL-RBS-2015007201* *Complaint #201500720*
Motion was made by Mr. Lockwood and seconded to close the case. The motion passed unanimously.
2. *Case No. L15-AEL-RBS-2015004461* *Complaint #201500446*
Motion was made by Mr. Thompson and seconded to close the case. The motion passed

unanimously.

3. *Case No. L15-AEL-RBS-2015011371* *Complaint #201501137*

4. *Case No. L15-AEL-RBS-2015011381* *Complaint #201501138*

Motion was made by Mr. Lockwood and seconded to close the cases. The motion passed unanimously.

5. *Case No. L15-AEL-RBS-2015014571* *Complaint #201501457*

Motion was made by Mr. Thompson and seconded to authorize a formal hearing with authority to settle the matter with a Consent Order for suspension of the respondent's certificate of registration until all continuing education requirements were completed and to take and pass the Board's law and rules exam. Following discussion, Mr. Thompson withdrew his motion.

Motion was made by Ms. Ballard and seconded to authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of two thousand dollars (\$2,000.00) and to take and pass the Board's law and rules exam. The motion passed unanimously.

INFORMAL CONFERENCE (*Case No. L13-AEL-RBS-2013005781*)

After a discussion with Bruce Wayne Hulsart, PE, regarding his competency, motion was made by Mr. Balthrop and seconded to close the case with a Letter of Caution and to request that Mr. Hulsart take and pass the Board's law and rules exam. The motion passed with Mr. Thompson voting "no". Following additional discussion, Ms. Richardson stated that she would explore other options available to the Board in this case.

Break 2:57-3:09 p.m.

REVIEW OF FORMAL HEARING PROCEDURES

In advance of a formal hearing, Chief Counsels Mark Green and Anthony Glandorf reviewed the procedures of such a hearing.

DIRECTOR'S REPORT

1. Mr. Cothron reported his activities and those of his staff and Board members.
2. *Complaint Data* was presented for informational purposes only. (attached)

ENGINEER COMMITTEE REPORT (attached)

The Engineer Committee, through Mr. Balthrop, reported on topics discussed. The minutes of the Engineer Committee meeting follow these minutes.

ARCHITECT COMMITTEE REPORT (attached)

The Architect Committee, through Mr. Wagster, reported on topics discussed. The minutes of the Architect Committee meeting follow these minutes.

UNFINISHED BUSINESS

- *Action Items* (attached)
The action items taken from the April meeting were reviewed and the required action had either been taken or is in process.
 - a. Ms. Richardson submitted an *Informal Opinion* regarding the discipline of a non-registrant who adds a title to plans. (attached)

Motion was made by Mr. Headley and seconded to refer the case in question to a local District Attorney for possible action against the owner for forgery. The motion passed unanimously.
 - b. *Qualifications-Based Selection* (attached)
 - i. The Board concluded that the answer to FAQ #3 is correct.
 - ii. Board members concurred to delete the last sentence of FAQ #9: “However, it is permissible to submit hourly rates if an estimate of man-hours is not provided.”
 - iii. Motion was made by Mr. Balthrop and seconded to add, as the last sentence to FAQ #19: “The above responses should not be viewed as comprehensive, and registrants are urged to contact the Board office for questions that are not addressed in this document.” The motion passed unanimously.

NEW BUSINESS

- *Committee Assignments*
Mr. Campbell, Chair, made the following committee assignments:
 - Frank Wagster – chair of the Finance Committee
 - Philip Lim – chair of the Nominations Committee
 - Wilson Borden will be replaced with a newly appointed Public Member.
- *October Agenda* (attached)
The starting time on Thursday and Friday morning was changed to at 8:30 a.m.
- *2016 Meeting Schedule* (Attached)
Motion was made by Mr. Lockwood and seconded to accept the proposed 2016 Meeting Schedule. The motion passed unanimously.
- *Report on 2015 NCARB (National Council of Architectural Registration Boards) Annual Meeting* (attached)
Motion was made by Mr. Balthrop and seconded to accept the written NCARB Annual Meeting Report. The motion passed unanimously.
- *Authorization of Travel and Speakers*
Motion was made by Mr. Lim and seconded to authorize Hal Balthrop and Laura Reinbold to speak at the Tennessee Engineers’ Conference on September 18, 2015, and to authorize the individuals identified by the Engineer Committee to serve as observers

at ABET accreditation visits to represent the Board as observers. The motion passed unanimously.

The meeting adjourned at 4:50 p.m.

Attachments

FORMAL HEARING
TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
Davy Crockett Tower
Nashville, Tennessee
Thursday, August 13, 2015

Call to Order

The Tennessee Board of Architectural and Engineering Examiners met in the Davy Crockett Tower in Nashville, TN on August 13, 2015, for a formal hearing. The meeting convened at 9:40 a.m. with Chair Robert Campbell presiding. Richard Thompson was absent. Frank Wagster and Stephen King recused themselves. A quorum of Board Members was present.

The following **Board members** were present:

Susan Ballard	Registered Interior Designer
Hal Balthrop	Professional Engineer
Robert Campbell, Jr.	Professional Engineer
Jerome Headley	Registered Architect
Philip Lim	Professional Engineer
Bill Lockwood	Registered Landscape Architect
Frank Wagster	Registered Architect

The following **Associate Engineer members** were present:

Richard Bursi	Professional Engineer
Stephen King	Professional Engineer
Laura Reinbold	Professional Engineer

The following **Board staff** was present:

John Cothron	Executive Director
Ellery Richardson	Legal Counsel
Wanda Phillips	Office Manager

FORMAL HEARING

John H. Comperry, R.A. 21752
Case #201206681, 2014017611

Docket #12.10.129982A
Complaint #20120668, 201401761

A formal hearing began in the matter of John H. Comperry. Mr. Comperry is charged with sealing design plans for projects deemed to be outside his areas of competence. The "Proposed Findings of Fact and Conclusions of Law" is attached.

Administrative Law Judge Mary Collier presided.
Robyn Ryan represented the State.
John H. Comperry represented himself.

Ms. Ryan distributed a copy of the "State's Proposed Findings of Fact" and the "State's Proposed Conclusions of Law" to the Board.

The following witnesses were sworn in prior to their giving testimony:

John Cothron, Executive Director, Tennessee Board of Architectural and Engineering Examiners
W. Michael Davis, Registered Architect
Bruce Sanders, Contractor
Bobby Wall, Contractor
Fred Weis, Professional Engineer
Ted Wynne, Professional Engineer

Exhibits were presented when appropriate.

The case was heard and arguments were made. Deliberations followed Judge Collier's instructions.

Findings of Fact

1. Motion was made by Mr. Balthrop and seconded to accept Proposed Findings Fact #1, as true, that Mr. Comperry is a licensee of the Board, having been granted a license as a registered architect, number 21752. The motion passed unanimously.
2. Motion was made by Mr. Lim and seconded to accept Proposed Findings Fact #2, as true, that Complaint number 201206681 was opened after the State was alerted that Mr. Comperry was stamping design projects for projects deemed to be outside his area of competence as reviewed by an architect and an engineer, both members of the Board. The motion passed unanimously.
3. Motion was made by Ms. Ballard and seconded to accept Proposed Findings Fact #3 as true. An amended motion was made by Mr. Balthrop and seconded to reword the first sentence to read, "Specifically, Respondent used his professional stamp on a number of drawings for projects that were outside Respondent's area of competency, some of which included engineering designs." The motion passed unanimously.
4. Motion was made by Mr. Balthrop and seconded to accept Proposed Findings Fact #4 as true, that complaint number 2014017611 was opened based on information provided to the State showing that in June 2014 Respondent affixed his seal on multiple pages of design documents regarding a project for Addison at Rossview, located in Clarksville, Tennessee. The motion passed unanimously.
5. Motion was made by Mr. Lockwood and seconded to accept Proposed Findings Fact #5, as true, that from October 2011 to July 2014, Respondent affixed his seal on multiple pages of design documents for a project for Hickory Wild Clubhouse located in Clarksville, Tennessee. The motion passed unanimously.
6. Motion was made by Mr. Campbell and seconded to amend Proposed Findings Fact #6 to read, "Respondent's education and/or experience was not sufficient to allow Respondent to meet engineering standard of care for the following projects and did not meet the minimum level of competency:
Cumberland Youth Camp
Security Seed

Hickory Wild clubhouse
Addison at Rossvie
Mt. Pisgah”

The motion passed unanimously.

7. Motion was made by Mr. Lockwood and seconded to delete Proposed Findings Fact #7. The motion passed unanimously.
8. Motion was made by Ms. Ballard and seconded to add the fact that Mr. Comperry attempted to contact the Board to determine what projects he could and could not stamp. The motion passed unanimously.

Mr. Lim left at 5:42 p.m. prior to the vote on #8.

Conclusions of Law

Count One

Motion was made by Mr. Headley and seconded to accept (1) through (5) of this Conclusion of Law. The motion passed unanimously.

Motion was made by Mr. Headley and seconded to delete (6). The motion passed unanimously.

Count Two

Motion was made by Ms. Ballard to accept this Conclusion of Law. The motion passed unanimously.

Count Three

Motion was made by Ms. Ballard to accept this Conclusion of Law. The motion passed unanimously.

Count Four

Motion was made by Mr. Balthrop to accept this Conclusion of Law. The motion passed unanimously.

Discipline

Motion was made by Mr. Balthrop and seconded to assess, against Mr. Comperry, a civil penalty in the amount of one thousand dollars (\$1,000.00) per project (for which there were five); thus, a total of five thousand dollars (\$5,000.00) pursuant to *Tennessee Code Annotated (T.C.A.) §56-1-308 and Tennessee Comprehensive Rules and Regulations. §0120-02-.09*. The motion passed unanimously.

Motion was made by Ms. Ballard and seconded that an assessment for investigatory and hearing costs against the Respondent, *pursuant to Tennessee Code Annotated (T.C.A.) §56-1-311 and Tennessee Comprehensive Rules and Regulations. §0780-5-11-.01*, be imposed with a cap of six thousand dollars (\$6,000.00). The motion passed with Mr. Campbell and Mr. Headley voting against. (three to two)

Motion was made by Mr. Balthrop and seconded that the Respondent take and pass the Board's law and rules exam within sixty days. The Respondent's license will be suspended pending compliance. The motion passed unanimously.

Motion was made by Mr. Lockwood and seconded that the Respondent pay hearing costs in an amount of up to six thousand dollars (\$6,000.00) together with the civil penalties totaling eleven thousand dollars (\$11,000.00) within twelve months from the effective date of the Final Order. The Respondent's license shall be suspended pending full compliance with this Order. The motion passed unanimously.

Policy Statement

Motion was made by Mr. Balthrop and seconded to adopt the following policy reasons for the Board's decision:

Based on the facts presented in this hearing, Respondent has failed to meet the standard of care by practicing outside Respondent's area of competence. In doing such, he has compromised the public's health, safety and welfare.

The motion passed unanimously.

The formal hearing of John H. Comperry was concluded at 7:22 p.m.
The meeting adjourned at 7:22 p.m.

Attachments



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
ENGINEER COMMITTEE MEETING
Davy Crockett Tower- Conference Room 1A
Nashville, Tennessee
Wednesday, August 12, 2015

CALL TO ORDER

Hal Balthrop, P.E., Committee Chair, called the Engineer Committee meeting to order at 9:05 a.m. on August 12, 2015 in Room 1A of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Hal Balthrop, P.E.	Chair, Middle TN Member
Robert Campbell, P.E.	East TN Member
Philip Lim, PE	West TN Member
Ricky Bursi, P.E.	West TN Associate Member
Stephen King, P.E.	East TN Associate Member
Laura Reinbold, P.E.	Middle TN Associate Member

A quorum was present.

The following **Board staff** was present:

John Cothron	Executive Director
Ellery Richardson	Legal Counsel
Wanda Phillips	Administrative Manager

Visitor present: George Garden, Tennessee Department of Environment and Conservation (TDEC)

NEW BUSINESS

MEETING WITH TDEC REPRESENTATIVES TO DISCUSS ENGINEERING EXPERIENCE OF TDEC APPLICANTS

George Garden, Chief Engineer of the Division of Water Resources in TDEC, stated that the department is encouraging engineer registration among its employees. Challenges that their engineers face in pursuing registration include a lack of direct PE supervision and the fact that they do not perform many of the typical duties of a consulting engineer. TDEC is offering a review course for the Environmental PE exam as part of their efforts to promote licensure. The committee emphasized the need for specific experience descriptions on the application and asked Mr. Garden to communicate to applicants that they should use their technical supervisors as references and not their managers.

APPLICATIONS FOR DISCUSSION

- **April Michelle Brown** (Exam) – Mr. Campbell and Mr. Balthrop wanted to discuss her experience. The committee concluded that she needs to lay out her progressive design experience and resubmit the application.
- **Lawson Sanford Bordley** (Exam) – Approved
- **Glenn Alford Church, II** (Comity) – Applicant’s degree is an engineering technology degree. The committee discussed the application in June, and it was suggested that if the University of Florida could verify that he completed all course work required for an EAC/ABET accredited degree, then the Board would reconsider his application. Mr. Church had a letter submitted from the University of Florida, and Board also had Mr. Church’s transcripts evaluated by Dr. John W. Smith. The application was disapproved.
- **Carl Layne Dawson** (Exam) – Application was approved by Mr. Balthrop. The committee decided that he needs to submit a more detailed description of his engineering design experience.
- **Kamiran Saleem Doski** (Exam) – A NCEES evaluation of Mr. Doski’s transcript from Mosul University in Iraq shows his degree is deficient two courses in math/basic sciences and four (4) semester hours in general education. Mr. Doski asked the Board to waive the deficiencies. The committee agreed to waive the general education deficiency; however, he will need to complete two calculus-based physics courses.
- **Abigail Elizabeth Henson** (Exam) – Mr. Lim and Mr. Campbell reviewed the application and found very little progressive engineering design experience. The applicant submitted more information on her experience, which was reviewed by the committee. The committee concluded that more information is needed before a decision can be made.

- **Lutfur Rahman Khandakar** (Comity) – A NCEES evaluation shows the applicant’s degree is deficient six (6) hours in math/basic sciences and thirteen (13) hours in general education. He has a graduate engineering degree from the University of Colorado at Boulder and requested that the Board use the graduate degree as the qualifying degree. The committee stated the he must complete all deficiencies.
- **Ali Omar** (Potential Exam Applicant) – A NCEES evaluation of transcripts from Amsterdam University and Tennessee State University indicate that the combined program is deficient seven (7) hours in math/basic sciences and sixteen (16) hours in general education coursework. Mr. Omar requested that the Board review his course work and inform him of any deficiencies that he will need to remedy. The committee requested that the transcripts be forwarded to Dr. John W. Smith for evaluation and recommendation.
- **Laura Jane Pearce** (Exam) – The applicant has not passed the FE exam and has only 11 years and 2 months of engineering experience. The committee decided that she would need to update her experience to sit for the April 2016 exam.
- **Jean Bart Ruiter** (Comity) – The applicant’s undergraduate degree is in engineering technology. He has graduate degrees in Civil and Agricultural engineering. Mr. Ruiter requested that the Board use his graduate degrees as the qualifying degrees. The application was disapproved.
- **Shailesh Jayantilal Shah** (Reapply) – Mr. Shah’s application for registration was previously approved under a law allowing a master’s degree in engineering as the qualifying degree. This law has since expired, and Mr. Shah allowed his registration to lapse. The application was approved since Mr. Shah met the education requirements in place at the time of his original registration in Tennessee [see Tenn. Code Ann. § 62-2-307(e)].
- **Bradley Spencer** (Potential Exam Applicant) – Mr. Spencer corresponded with both Mr. Campbell and Wanda Phillips regarding the direct PE supervision qualification but did not feel that the answers he received were sufficient. The committee instructed Ms. Phillips to thank him for his inquiries and to cite the law and rules pertaining to direct PE supervision. Additionally, Ms. Phillips was asked to inform Mr. Spencer that the Board has provided all the information they can at this time without actually reviewing his application, and they look forward to reviewing his application in the future.

The committee recessed at 11:30 a.m., and reconvened at 5:00 p.m.

NCEES ANNUAL MEETING MOTIONS

Motions to be presented at the 2015 National Council of Examiners for Engineering and Surveying (NCEES) Annual Meeting were reviewed. The following motions prompted discussion and/or action:

- Advisory Committee on Council Activities (ACCA) Motion 1—Charges a committee or task force with amending the NCEES *Model Law* and *Model Rules* to provide for a protected Structural Engineer title and restricted structural engineering practice. By consensus, the committee agreed to oppose this motion.
- Future of Surveying Task Force Motions 1 and 2—Motions to promote surveying education and licensure. By consensus, the committee agreed to support these motions.
- Board of Directions Motion—Authorizes the negotiation of a contract with the Egyptian Engineering Syndicate to offer the FE exam in Egypt to graduates of the country's engineering programs, regardless of whether they are accredited by the ABET Engineering Accreditation Commission. The committee agreed to support this motion if the FE exam is used only for assessment purposes by non-accredited programs, but not if it leads to licensure.
- ACCA Motion 3—Moves that a Special Committee on Bylaws be charged with proposing amendments at the 2016 annual meeting to incorporate language into the *Bylaws* to create an International Affiliate Organization membership category. The committee requested that this motion be removed from the consent agenda in order to clarify its intent.
- ACCA Motion 5—Moves that Professional Policy 5 and Position Statement 17, regarding Expedited Comity Licensure, be amended to include structural engineers and professional surveyors along with professional engineers. The committee asked for clarification regarding whether this motion is connected to ACCA Motion 1.
- ACCA Motion 8—A motion establishing a new position statement relative to future education requirements for engineering licensure. The committee requested that this motion be removed from the consent agenda in order to clarify its intent.
- Uniform Procedures and Legislative Guidelines (UPLG) Motion 31—Moves that the *Model Law* and *Model Rules* be amended to redefine licensure requirements for comity applicants based on proof of minimal competency. The committee agreed to support this motion.

OBSERVERS FOR ABET ACCREDITATION VISITS

The following Board members were selected to serve as observers at upcoming ABET accreditation visits:

- Christian Brothers University (November 1-3)—Ricky Bursi
- Lipscomb University (October 25-27)—Laura Reinbold
- Tennessee State University (November 15-17)—Hal Balthrop

Action was deferred on the other agenda items until the October committee meeting.

Adjourn. The Chair adjourned the meeting at 5:30 p.m.



MINUTES
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
ARCHITECT COMMITTEE MEETING
Davy Crockett Tower
Nashville, Tennessee
Wednesday, August 12, 2015

CALL TO ORDER

Frank W. Wagster called the Architect Committee meeting to order at 12:35 p.m. on August 12, 2015, in Room 1A of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Rick Thompson, R.A., Chair
Jerry Headley, R.A.
Frank W. Wagster, R.A.

A quorum was present.

The following **Board staff** was present:

John Cothron Executive Director
Ellery Richardson Legal Counsel

NEW BUSINESS

APPLICATION FOR DISCUSSION

- **Joshua W. Stewart** (Comity) – The applicant has a B.S. in Architectural Studies, which is considered a pre-professional degree in architecture. The committee approved the application.

DISCUSS RE: THE IDP EXPERIENCE PORTFOLIO DOCUMENTATION METHOD

The National Council of Architectural Registration Boards (NCARB) requested feedback on a proposal that would provide a new experience path for professionals with valid work experience that falls outside the current limits of the Intern Development Program (IDP).

Architect Committee Minutes, August 12, 2015

Motion was made by Mr. Wagster and seconded to approve the concept as proposed by NCARB. The motion passed unanimously. Mr. Cothron was instructed to inform NCARB of the committee's decision.

Adjourn. The Chair adjourned the meeting at 1:00 p.m.