



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

Board Meeting Minutes for August 8, 2019
First Floor Conference Room 1-A
Davy Crockett Tower

Tennessee Board of Architectural and Engineering Examiners met on August 8, 2019, in the first floor conference room of Davy Crockett Tower in Nashville, Tennessee. Mr. Parker called the meeting to order at 9:00 a.m. and the following business was transacted:

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

BOARD MEMBERS ABSENT: Alton Hethcoat

STAFF MEMBERS PRESENT: Roxana Gumucio, Stuart Huffman, Wanda Garner

ROLL CALL / AGENDA

Mr. Parker provided the notice of meeting and Ms. Garner called roll.

Guests were acknowledged.

Ms. Gumucio announced that Grant Minchew resigned from his position as Public Member of the Board.

Mr. Parker announced that he would attend the Board's Sunset hearing.

There were no changes to the agenda

MINUTES (attached)

Motion was made by Ms. Ballard and seconded by Mr. Wagster to approve the June 27, 2019 minutes. The motion carried unanimously.

PROFESSIONAL SOCIETY REPORTS

Don Baltimore from Tennessee Interior Design through Education and Advocacy (TN IDEA) provided a brief summary of the general activities of TN-IDEA.

Ashley Cates, American Institute of Architects Tennessee Chapter (AIA-TN),) provided a written summary of the general activities of AIA-TN which was read into the record by Mr. Wagster.

Ms. Cates asked if the Board could send an e-mail to registrants regarding access to the online QBS (Qualifications-Based Selection) Manual. Ms. Gumucio informed the Board of two methods that can be used to notify registrants and the general public who have "signed up" to receive information.

Nathan Ridley from the TN chapter of the American Society of Landscape Architects (ASLA-TN) provided a brief summary of the general activities of ASLA-TN.

LEGAL CASE REPORT (presented by Shilina Brown)



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
OFFICE OF LEGAL COUNSEL
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
TELEPHONE (615) 741-3072 FACSIMILE (615) 741-4000

CONFIDENTIAL - ATTORNEY WORK PRODUCT

TO: Tennessee Board of Architectural and Engineering Examiners

FROM: Shilina Brown, Assistant General Counsel

DATE: August 8, 2019

SUBJECT: August 2019 Legal Report

1. 2019053981

First Licensed: 01/02/2004

Expiration: 01/31/2020

Type of License: Professional Engineer

History (5 yrs.): None.

Entity #367435

A complaint was filed against the Respondent for failure to provide the report for an inspection of a foundation after being paid for the engineering services. Complainant contacted the Respondent and was told it would be provided. Thereafter, the Respondent refused to respond to any of the Complainant's phone calls, texts, or e-mails. The Respondent provided a response and the Respondent suffers from migraines and due to a recent medication change, has not been able to work and this was why there was a delay and lack of response to the Complainant. The Respondent stated provided the report to the Complainant. Later, the Complainant sent our office an e-mail requesting withdrawal of the complaint because the complaint was resolved.

This complaint was reviewed by Board Member Stephen J. King.

Mitigating Factors: A report was provided to the Complainant.

Aggravating Factors:

Recommendation: Close.

Board Decision: **CONCUR**

2. 2019054451

First Licensed: 06/03/2014

Expiration: 06/30/2021

Type of License: Professional Engineer

History (5 yrs.): None.

Entity #377958

Respondent's registration expired on June 30, 2018. Respondent reapplied on March 1, 2019. In the expired license affidavit, Respondent noted the Respondent had practiced engineering on an expired license, but in a follow-up e-mail the Respondent stated the Respondent had actually not practiced under an expired license and employed by a large corporation as a design engineer. The Respondent stated that the Respondent stamped drawings for a business prior to the expiration of the license. After the license expired, the contractor for the project requested moving the unit location to another area and it required the Respondent to re-submit a stamped letter stating it could be moved so long as it met the equipment manufacturer's guidelines and the IMC fresh air intake regulation. The Respondent only issued the letter during the period the license was expired. The Respondent advised that the failure to renew the license was a one-time inadvertent oversight and will take the necessary action to prevent this from happening in the future.

This complaint was reviewed by Board Member Stephen J. King.

Mitigating Factors: Self-reported.

Aggravating Factors:

Recommendation: Authorize a civil penalty in the amount of \$500 for unlicensed practice to be settled informally by Consent Order with authority to proceed to a contested case proceeding if the Respondent does not agree to the informal settlement.

Board Decision: **CONCUR**

3. 2019054991

First Licensed: 02/23/1996

Expiration: 06/30/2021

Type of License: Professional Engineer

History (5 yrs.): None.

Entity #364317

Respondent's registration expired on February 28, 2018 and realized it was expired on February 19, 2019. Respondent reapplied immediately and is currently licensed with an expiration date of June 30, 2021. The expired license affidavit submitted by the Respondent stated the Respondent had sealed several specifications and engineering studies, however, since discovering the license was expired, no documents were sealed by the Respondent.

This complaint was reviewed by Board Member Alton Hethcoat.

Mitigating Factors: Self-reported.

Aggravating Factors:

Recommendation: Authorize a civil penalty in the amount of \$500 for unlicensed practice to be settled informally by Consent Order with authority to proceed to a contested case proceeding if the Respondent does not agree to the informal settlement.

Board Decision: **DEFER TO OCTOBER 2019 MEETING**

4. 2019054531

First Licensed: 11/16/2011

Expiration: 11/30/2019

Type of License: Professional Architect

History (5 yrs.): None.

Entity #3548

The Respondent was sanctioned by National Council of Architectural Registration Boards ("NCARB") with a formal private reprimand. The Respondent failed to report a prior disciplinary action in two other jurisdictions within the required time period. NCARB noted that the Respondent expressed frustration over the need to track disclosure obligations among multiple states and claimed it was an oversight, but failed to acknowledge the seriousness of the matter. Respondent stated the Board was advised upon the Respondent's initial licensure in Tennessee in 2011 of all disciplinary actions taken against the Respondent in all jurisdictions.

Mitigating Factors: The original complaint opened by NCARB against the Respondent was closed with a formal letter of reprimand.

This complaint was reviewed by Board Member Brian Tibbs.

Aggravating Factors:

Recommendation: Close.

Board Decision: CONCUR

5. 2019055791

First Licensed: 01/23/2018

Expiration: 01/31/2020

Type of License: Professional Engineer

History (5 yrs.): None.

Entity #994561

A complaint was filed against the Respondent by the former employer. The employer claims the Respondent lied about working in an “engineering firm,” copied hundreds of confidential files and proprietary information to an external drive and loaded them onto the new employers’ computer system, conspired with other former and soon to be former employees to extract other proprietary information, stole customer drawings from the complainant employer, changed the login credentials for the complainant employer’s auto desk vault workgroup which gives access to the complainant employers’ computer systems from the new employers system and locking out complainant employer from vault server, used photos of the complainant employer tests to mark the Respondent’s LinkedIn account, stole vendor pricing files, stole job invoicing logs for engineering and testing projects going back seven years, wiped a laptop clean and reset it to factory settings, and destroying company property. The complainant employer had to hire a third-party forensic IT professional to restore the laptop and to show file paths to confirm all computer activity engaged in by the Respondent. The IT professional confirmed that information was transferred to the new competitor employers’ computers. The complainant employer has filed a civil suit against the Respondent for these actions.

The Respondent provided a five-page detailed response and stated that the complainant employer misrepresented facts and circumstances surrounding the departure of the Respondent. The Respondent stated all licensed engineers working in the Memphis, Tennessee office of the complainant employer resigned in March 2018. The Respondent stated that the complainant employer manager that filed the complaint made it a “miserable work environment” for all employees. The complainant employer had legal proceedings instituted against his new employer, also a former employee of the complainant employer’s firm and the Respondent. The civil lawsuit filed against them alleges conspiracy by the new employer by taking confidential information to be used to obtain a competitive advantage against the complainant employer. Also, it was routine for the “[m]y documents” folder to be routinely backed up to the Respondent’s laptops while they were working for the employer. Also, because of the lawsuit

and the court ordered IT audit of whether or not there was confidential information, etc., the Respondent and the new employer agreed to voluntarily delete certain documents. The Respondent stated the lawsuit was baseless and malicious. The complainant employer has been unable to prove any confidential information was stolen. In fact, the parties had settled the matter, but now the complainant employer is demanding the payment of \$31,000 for the costs associated with the IT audit ordered by the court. The Respondent has refused to settle the case and rejected the offer to pay \$31,000 to the complainant employer. The Respondent provided a detailed response to each allegation by the complainant employer and there is nothing to substantiate or corroborate the allegations in the complaint. There was no proof of any confidential documents being stolen and the IT expert confirmed the documents were not stolen. Also, there were no documents on the laptops that were deemed to be confidential information. The Respondent also provided letters from his attorney confirming many of the facts and detailed responses made by the Respondent.

This complaint was reviewed by Board Member Robert Campbell, Jr.

Mitigating Factors: The Respondent has no history prior disciplinary action or any prior complaints filed against him during the licensure period.

The complainant employer waited 16 months to file the complaint with this Board against the Respondent.

Aggravating Factors:

Recommendation: **Close**

Board Decision: **DEFER TO OCTOBER 2019 MEETING**

6. 2019055801

First Licensed: 01/07/2014

Expiration: 01/31/2020

Type of License: Professional Engineer

History (5 yrs.): None.

Entity #374053

A complaint was filed against the Respondent by the former employer. The employer claims the Respondent lied about working in an “engineering firm,” copied hundreds of confidential files and proprietary information to an external drive and loaded them onto the new employers’ computer system, conspired with other former and soon to be former employees to extract other proprietary information, stole customer drawings from the complainant employer, changed the login credentials for the complainant employer’s auto desk vault workgroup which gives access to the complainant employers’ computer systems from the new employers system and locking out complainant employer from vault server, used photos of the complainant employer tests to mark the Respondent’s LinkedIn account, stole vendor pricing files, stole job invoicing logs for engineering and testing projects going back seven years, wiped a laptop clean and reset it to

factory settings, and destroying company property. The complainant employer had to hire a third-party forensic IT professional to restore the laptop and to show file paths to confirm all computer activity engaged in by the Respondent. The IT professional confirmed that information was transferred to the new competitor employers' computers. The complainant employer has filed a civil suit against the Respondent for these actions.

The Respondent provided a five-page detailed response and stated that the complainant employer misrepresented facts and circumstances surrounding the departure of the Respondent. The Respondent stated all licensed engineers working in the Memphis, Tennessee office of the complainant employer resigned in March 2018. The Respondent stated that the complainant employer manager that filed the complaint made it a "miserable work environment" for all employees. The complainant employer had legal proceedings instituted against his new employer, also a former employee of the complainant employer's firm and the Respondent. The civil lawsuit filed against them alleges conspiracy by the new employer by taking confidential information to be used to obtain a competitive advantage against the complainant employer. Also, it was routine for the "[m]y documents" folder to be routinely backed up to the Respondent's laptops while they were working for the employer. Also, because of the lawsuit and the court ordered IT audit of whether or not there was confidential information, etc., the Respondent and the new employer agreed to voluntarily delete certain documents. The Respondent stated the lawsuit was baseless and malicious. The complainant employer has been unable to prove any confidential information was stolen. In fact, the parties had settled the matter, but now the complainant employer is demanding the payment of \$31,000 for the costs associated with the IT audit ordered by the court. The Respondent has refused to settle the case and rejected the offer to pay \$31,000 to the complainant employer. The Respondent provided a detailed response to each allegation by the complainant employer and there is nothing to substantiate or corroborate the allegations in the complaint. There was no proof of any confidential documents being stolen and the IT expert confirmed the documents were not stolen. Also, there were no documents on the laptops that were deemed to be confidential information. The Respondent also provided letters from his attorney confirming many of the facts and detailed responses made by the Respondent. The Respondent stated the complainant employer manager has a vendetta against certain former employees.

This complaint was reviewed by Board Member Ricky Bursi.

Mitigating Factors: The Respondent has no history prior disciplinary action or any prior complaints filed against him during his engineering career.

The complainant employer waited 16 months to file the complaint with this Board against the Respondent.

Aggravating Factors:

Recommendation: **Close.**

Board Decision: **DEFER TO OCTOBER 2019 MEETING**

7. 2019027861

Unlicensed

Type of License: Architect

History (5 yrs.): None.

Entity #1289136

Respondent and Respondent firm engaged in providing services as an unlicensed architectural/engineer firm, architect and engineer. Complainant stated that the Respondent provided two estimates for proposed projects with the totals exceeding \$25,000. An investigation was conducted by the Department and the Respondent was non-cooperative, however, admitted to the Investigator that the Respondent was unlicensed.

This complaint was sent to the Investigations Division, Department of Commerce & Insurance for an investigation..

Mitigating Factors:

Aggravating Factors: Respondent refused to cooperate with our investigation.

Recommendation: Authorize a civil penalty in the amount of \$1,000 for unlicensed practice for the individual and the firm by informal settlement by Consent Order and authorization to file a formal contested case proceeding against the Respondent.

Board Decision: **DEFER TO OCTOBER 2019 MEETING/ISSUE A CEASE AND DESIST LETTER**

8. 2019046431

First Licensed: 12/18/2015

Expiration: 12/31/2019

Type of License: Interior Designer

History (5 yrs.): None.

Entity #1119094

Complaint filed by an interior design firm against an employee who began working for a new employer and used pictures of work done by the Complainant architectural firm's on the new employer's website without giving proper credit for work or proper credit for work to the firm and/or explanation of responsibilities, exaggeration of responsibilities, and use of photography without permission/license. The Complainant claims the Respondent only worked on projects indirectly while employed with the Complainant and the role was indirect because the Respondent was a supervisor of the employees doing the actual design, technical and project management. The Complainant sent a cease and desist letter to the Respondent prior to filing the complaint.

The Respondent provided a response and stated all projects and photographs were removed from the current employer's website and all computing equipment has been returned to the

Complainant, as requested in the cease and desist letter. The Respondent stated this was a misunderstanding and the Respondent's understanding was that the Respondent would continue to work with the Complainant architectural firm as a consultant. The Respondent stated there were no stipulations or limitations imposed by the Complainant after leaving the firm and during the period the Respondent was consulting for them and understood that the Respondent was free to pursue other contract opportunities. The Respondent claims the projects listed on the new employer's website were approved by the Complainant's Communications Manager.

Mitigating Factors:

Aggravating Factors:

Recommendation: Close upon issuance of a letter of caution to the Respondent for potential violations of Rules 0120-04-.10(4) (not engage in any form of false or misleading advertising) and 0120-04-.10(5)(not use photographs or specifications of the project without the express permission of the client), 0120-04-.10(11) (not misrepresent or exaggerate the registrant's degree or responsibility in or for the subject matter of present or prior assignments).

Board Decision: DEFER TO OCTOBER 2019 MEETING. SEND TO BOARD MEMBER FRANK WAGSTER FOR REVIEW.

9. 201905680

First Licensed: N/A

Expiration: N/A

Type of License: Engineering Firm

History (5 yrs.): None.

Entity #380168

Complaint filed against the Respondent for damage caused to homeowner's foundation that was not properly disclosed by Respondent structural engineering company to the Complainant. The Complainant purchased the home and was told to get a structural engineering firm to check the foundation. The Respondent issued a report and stated there was nothing to be concerned about and stated the only thing necessary was to remove the tree in front of the house that was causing the basement wall under the office to bow. When the complainant got a quote, the Complainant was told the same company had been there before and there was a report by the Respondent issued a month prior to when the Complainant purchased the home and the report was much more extensive and had substantially more information, including that it would cost much more than the \$4,000 for the installation of the steel piers to correct the problem with the basement wall. The Respondent issued a prior report just one month prior and never shared the more detailed report with the Complainant. Upon obtaining the quote or the structural repairs, it was going to cost the Complainant \$30,000 to fix the foundation.

The Respondent provided a response and stated the Complainant was informed of the problems with the foundation in the report that was issued. The report clearly identified that there were

problems with the foundation walls and they were failing due to extensive lateral pressure being applied to the walls. The report also stated there was water intrusion in the crawlspace area that it was affecting the elevation of the interior piers. The Respondent stated that the Complainant was not told it was a solid home and there is no reference to a tree or installation of steel piers. The Respondent does not provide estimates for the cost of repairs and directs all clients to contact a licensed general contractor to obtain an estimate for the work recommended in a report. The Respondent stated that if there was any mention of cost, it would have been clearly stated in the report as a range of potential cost. According to the Respondent, the allegation concerning another prior report being issued by the Respondent was misconstrued by the Complainant because the Respondent discussed this with the Complainant and explained that a prior report was issued by the Respondent firm, however, it was by a different engineers. Both reports identified the foundation walls were failing and there was movement and settlement along the interior piers. The first report included a different scope of work and referenced floor levelness. The Respondent was not asked to evaluate the doors and separate of floors by the Complainant and these conditions may not have existed at the time of the inspection in June 2017. Also, the Respondent could not share the previous report with the Complainant because their contract for professional services includes a confidentiality clause that prevents them from sharing the information from a previous site visit and report without written permission from our prior client. Also, the scope of work for the prior client rendered by a different professional engineer was not the exact same as for the Complainant because it included inspecting the foundation for structural integrity and checking the floor for any sloping. The Respondent stated the scope of work with the Complainant was clearly set forth in the contract and only included verifying piers in crawlspace being structurally sound, feasibility of turning garage into basement and adding garage to the back of the home and lastly, verifying whether two walls were not load bearing walls.

Mitigating Factors:

Aggravating Factors:

Recommendation: Close.

Board Decision: **DEFER TO OCTOBER 2019 MEETING**

RE-PRESENTATIONS

10. 2019038131

First Licensed: 01/01/1993

Expiration: 06/30/2018

Type of License: Professional Architect

History (5 yrs.): None.

Entity #7875

The Respondent self-reported practicing architecture on an expired license. The Respondent explained that the Respondent was not aware his licensed expired until the Respondent attempted to access the State Fire Marshal portal and post a project.

Mitigating Factors: Self-reported.

Aggravating Factors:

Recommendation: Authorize a civil penalty in the amount of \$500 for practicing on an expire license. Respondent is also to take and pass the laws and rules examination. Authorize formal hearing if civil penalty and exam requirements are not met.

Board Decision: Defer to August 2019 meeting.

New Information: The Respondent's registration expired on September 28, 2018 and was renewed on April 11, 2019. During the period the Respondent was unlicensed, the Respondent signed two projects while the license was expired. One project was an architectural portion on January 4, 2019 and the second project was for mechanical renovations and the architectural portion dealt with interior changes to the server room and other miscellaneous changes and it was signed on July 12, 2018. The primary function in both projects was the coordination of structural, mechanical, electrical and fire protection engineering along with partitions, ceilings, and miscellaneous interior changes.

Board Decision: **DEFER TO OCTOBER 2019 MEETING**

11. 2019038151

First Licensed: 06/04/2014

Expiration: 06/30/2018 (Reapply in Progress)

Type of License: Professional Architect

History (5 yrs.): None.

Entity #8365

A complaint was opened after it was discovered that the Respondent was practicing on an expired license. In response to the complaint, the Respondent was embarrassed by this situation and did not realize the license had expired. The Respondent submitted a request for reinstatement.

Mitigating Factors:

Aggravating Factors: Did not self-report.

Recommendation: 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. Authorize formal hearing if civil penalty and exam requirements are not met.

Board Decision: Defer to August 2019 meeting.

New Information: The Respondent's license expired on December 28, 2018 and was renewed on May 6, 2019. During the unlicensed period, the Respondent engaged in fourteen residential projects in the Memphis and Germantown, Tennessee area during his period of licensure.

New Board Decision: CLOSE

12. 2019021691

First Licensed: 06/21/2004

Expiration: 03/31/2021

Type of License: Professional Engineer

History (5 yrs.): None.

Entity #365529

The Respondent self-reported on a re-application that the Respondent practiced engineering on an expired license. The Respondent also submitted a list of twenty one (21) projects that the Respondent worked on while the Respondent's license was expired.

Mitigating Factors: Self-reported.

Aggravating Factors: 21 projects.

Recommendation: Authorize a civil penalty in the amount of \$500 per for practicing on an expired license. Respondent is also to take and pass the laws and rules examination. Authorize formal hearing if civil penalty and exam requirements are not met.

Board Decision: Authorize a civil penalty in the amount of \$500 per incident for practicing on an expired license for a total civil penalty amount of \$10,500. Respondent is also to take and pass the laws and rules examination. Authorize formal hearing if civil penalty and exam requirements are not met.

New and Updated Information: The Respondent submitted a two-page letter and 56 pages of photos and medical bills to our office concerning the period the Respondent was unlicensed, the Respondent's situation and the high civil penalty. The Respondent stated the non-renewal was not timely and was accidental. The Respondent's license expired at the end of June, 2018 and was renewed in March 2019. The Respondent takes full responsibility and stated it may have been also because the Respondent changed an e-mail address in November 2017 and did not receive the e-mail notification. The Respondent discovered the license lapsed on February 27, 2019 and immediately self-reported. This was two months after the 6 month grace period. The Respondent believes the civil penalty levied is excessive because of self-reporting, the bulk of the projects certified were small, private projects, provided a complete list of all the projects, it was incorrectly stated that he was unlicensed for a two year period during the last board meeting and also due to the

Respondent's extenuating circumstances related to the health of the two children. The Respondent has two children with an autonomic nervous system disorder called "Postural Orthostatic Tachycardia Syndrome (POTS)." The family has been dealing with the disorder for the last three years and gone to see specialists at Vanderbilt, Children's Hospital in Knoxville, Duke Medical Center and their treating cardiologist in Washington, D.C. One of the daughter's, who is 16 years old has a central intravenous line and takes two liters of saline daily to maintain her life. Both of the children take at least 20 prescription medications daily to maintain their various autonomic systems. On December 31, 2018, the last day of the six-month grace period was the first-day of an eight day stay at Children's Hospital. The family has also incurred hundreds of thousands of dollars in medical expenses (after payment by the insurance company). The Respondent provided the Board copies of some of the expenses for prescription costs and medical insurance. Some are paid and some still need to be paid. The Respondent acknowledges it is the Respondent's own fault for not renewing the license timely, but it was unintentional and the Respondent self-reported. In light of the above, the Respondent respectfully requests that the Board reconsider the civil penalty assessed at the prior Board meeting based on these extenuating circumstances.

Recommendation: Discuss.

New Board Decision: WAIVE ALL CIVIL PENALTY AMOUNTS. AUTHORIZE INFORMAL SETTLEMENT BY CONSENT ORDER WITH REQUIREMENT THE RESPONDENT TAKE AND PASS THE LAWS AND RULES EXAMINATION. AUTHORIZE A FORMAL HEARING IF RESPONDENT DOES NOT SETTLE BY CONSENT ORDER OR TAKE AND PASS THE LAWS AND RULES EXAMINATION.

Mr. Bursi noted an increase in cases brought before the Board regarding respondents practicing on an expired license because they, simply, forgot to pay the renewal fee. Board members surmised several reasons for this and suggested that a reminder notice be sent. Staff will consider its options.

Break 10:40-10:55 a.m.

RULES

Mr. Huffman reported that proposed Rule 0120-01-03 (1)(f), which states that any person gaining practical experience in an office of a practicing architect may use the title, appellation, or designation "architectural associate," will become effective October 30, 2019.

Mr. Bursi clarified that Rule 0120-01-10 (2) (a)(3) became effective in 2018. The Rule, in part, reads, "... the Board may grant toward experience requirements for registration as an engineer one year of credit for completing three years or more qualified experience obtained prior to graduation under the direction supervision of a licensed engineer."

DIRECTOR'S REPORT

Financial Data (attached)

Financial data was presented for informational purposes only. The fiscal year 2019 will end June 30, 2019. A final report will be presented at the October meeting.

Complaint Data (attached)

Administrative complaints that have been opened will be presented at the October meeting.

Grant Letters (attached)

The Board reviewed language in letters to be sent to colleges and universities that request grant funds and directed Ms. Gumucio to e-mail them to the Deans. The process will change for the 2020 distribution of funds because State law requires that monies stemming from grants must be used for programs as well as equipment.

COMMITTEE REPORTS

Engineer Committee

The Engineer Committee, through Mr. Campbell, reported on topics discussed.

- Applications were reviewed
- Phillip Cameron from the State Fire Marshal's Office discussed fire alarms, sprinkler systems and modular home inspections.
- The Committee considered NCEES's opinion that engineering technology degrees are basically equivalent to engineering degrees.

Architect Committee

The Architect Committee, through Mr. Thompson, explained that the Integrated Path to Architectural Licensure (IPAL) is an option within a NAAB-accredited program that gives students the opportunity to complete the requirements for licensure while earning a degree. Though the Architect Committee supports the IPAL a change in the law would be required before considering an applicant qualified for registration as an architect.

The Committee reviewed the procedure for approving re-applicants whose registration in another jurisdiction has expired.

Definitions Committee

The Committee, through Ms. Ware, stated that the Committee expects to have the definition of engineering ready for discussion by the Engineering Committee in December.

Ms. Ware asked Ms. Gumucio to reach out to Kasey Anderson, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN) regarding initiating discussions at Chapter meetings about definitions of engineering.

GENERAL DISCUSSION

American Society of Landscape Architects (ASLA) Annual Conference

Motion was made by Mr. Campbell and seconded by Mr. Wagster to authorize Mr. Parker to attend the ASLA Annual Conference in San Diego, CA on November 15-18, 2019. The motion passed unanimously.

National Interior Design Qualification (NCIDQ) Annual Meeting

Ms. Ballard was previously approved to attend the NCIDQ Annual Meeting in San Antonio, TX on November 7-9, 2019.

October Meeting with the Deans

Motion was made by Mr. Campbell and seconded by Ms. Ballard to invite Deans or their designated representatives to attend a meeting with the Board on October 3, 2019 from 11:00 a.m.- 1:00 p.m. (lunch provided) to discuss several suggested topics and how they relate to the Board and the universities. The motion passed unanimously.

ADJOURNMENT

There being no other business, Mr. Parker adjourned the meeting at 12:15 p.m.

ATTACHMENTS

Minutes of June 27, 2019 meeting

Legal Case Report

Financial Data

Complaint Data



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
OFFICE OF LEGAL COUNSEL
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
TELEPHONE (615) 741-3072 FACSIMILE (615) 741-4000

CONFIDENTIAL - ATTORNEY WORK PRODUCT

TO: Tennessee Board of Architectural and Engineering Examiners
FROM: Shilina Brown, Assistant General Counsel
DATE: August 8, 2019
SUBJECT: August 2019 Legal Report

1. **2019053981 Paul David Tucker**
First Licensed: 01/02/2004
Expiration: 01/31/2020
Type of License: Professional Engineer
History (5 yrs.): None.
Entity #367435

A complaint was filed against the Respondent for failure to provide the report for an inspection of a foundation after being paid for the engineering services. Complainant contacted the Respondent and was told it would be provided. Thereafter, the Respondent refused to respond to any of the Complainant's phone calls, texts, or e-mails. The Respondent provided a response and the Respondent suffers from migraines and due to a recent medication change, has not been able to work and this was why there was a delay and lack of response to the Complainant. The Respondent stated provided the report to the Complainant. Later, the Complainant sent our office an e-mail requesting withdrawal of the complaint because the complaint was resolved.

This complaint was reviewed by Board Member Stephen J. King.

Mitigating Factors: A report was provided to the Complainant.

Aggravating Factors:

Recommendation: Close.

Board Decision: CONCUR

2. 2019054451 Brian Phillip Fitzgerald

First Licensed: 06/03/2014

Expiration: 06/30/2021

Type of License: Professional Engineer

History (5 yrs.): None.

Entity #377958

Respondent's registration expired on June 30, 2018. Respondent reapplied on March 1, 2019. In the expired license affidavit, Respondent noted the Respondent had practiced engineering on an expired license, but in a follow-up e-mail the Respondent stated the Respondent had actually not practiced under an expired license and employed by a large corporation as a design engineer. The Respondent stated that the Respondent stamped drawings for a business prior to the expiration of the license. After the license expired, the contractor for the project requested moving the unit location to another area and it required the Respondent to re-submit a stamped letter stating it could be moved so long as it met the equipment manufacturer's guidelines and the IMC fresh air intake regulation. The Respondent only issued the letter during the period the license was expired. The Respondent advised that the failure to renew the license was a one-time inadvertent oversight and will take the necessary action to prevent this from happening in the future.

This complaint was reviewed by Board Member Stephen J. King.

Mitigating Factors: Self-reported.

Aggravating Factors:

Recommendation: Authorize a civil penalty in the amount of \$500 for unlicensed practice to be settled informally by Consent Order with authority to proceed to a contested case proceeding if the Respondent does not agree to the informal settlement.

Board Decision: CONCUR

3. 2019054991 Joseph White Nims III

First Licensed: 02/23/1996

Expiration: 06/30/2021

Type of License: Professional Engineer

History (5 yrs.): None.

Entity #364317

Respondent's registration expired on February 28, 2018 and realized it was expired on February 19, 2019. Respondent reapplied immediately and is currently licensed with an expiration date of June 30, 2021. The expired license affidavit submitted by the Respondent stated the Respondent had sealed several specifications and engineering studies, however, since discovering the license was expired, no documents were sealed by the Respondent. The Respondent sealed five projects during the unlicensed period.

This complaint was reviewed by Board Member Alton Hethcoat.

Mitigating Factors: Self-reported.

Aggravating Factors:

Recommendation: Authorize a civil penalty in the amount of \$500 for unlicensed practice to be settled informally by Consent Order with authority to proceed to a contested case proceeding if the Respondent does not agree to the informal settlement.

Board Decision: **DEFER TO OCTOBER 2019 MEETING**

4. 2019054531 David Eugene Evans

First Licensed: 11/16/2011

Expiration: 11/30/2019

Type of License: Professional Architect

History (5 yrs.): None.

Entity #3548

The Respondent was sanctioned by National Council of Architectural Registration Boards ("NCARB") with a formal private reprimand. The Respondent failed to report a prior disciplinary action in two other jurisdictions within the required time period. NCARB noted that the Respondent expressed frustration over the need to track disclosure obligations among multiple states and claimed it was an oversight, but failed to acknowledge the seriousness of the matter. Respondent stated the Board was advised upon the Respondent's initial licensure in Tennessee in 2011 of all disciplinary actions taken against the Respondent in all jurisdictions.

Mitigating Factors: The original complaint opened by NCARB against the Respondent was closed with a formal letter of reprimand.

This complaint was reviewed by Board Member Brian Tibbs.

Aggravating Factors:

Recommendation: Close.

Board Decision: CONCUR

5. 2019055791 Matthew Addison Garner

First Licensed: 01/23/2018

Expiration: 01/31/2020

Type of License: Professional Engineer

History (5 yrs.): None.

Entity #994561

A complaint was filed against the Respondent by the former employer. The employer claims the Respondent lied about working in an “engineering firm,” copied hundreds of confidential files and proprietary information to an external drive and loaded them onto the new employers’ computer system, conspired with other former and soon to be former employees to extract other proprietary information, stole customer drawings from the complainant employer, changed the login credentials for the complainant employer’s auto desk vault workgroup which gives access to the complainant employers’ computer systems from the new employers system and locking out complainant employer from vault server, used photos of the complainant employer tests to mark the Respondent’s LinkedIn account, stole vendor pricing files, stole job invoicing logs for engineering and testing projects going back seven years, wiped a laptop clean and reset it to factory settings, and destroying company property. The complainant employer had to hire a third-party forensic IT professional to restore the laptop and to show file paths to confirm all computer activity engaged in by the Respondent. The IT professional confirmed that information was transferred to the new competitor employers’ computers. The complainant employer has filed a civil suit against the Respondent for these actions.

The Respondent provided a five-page detailed response and stated that the complainant employer misrepresented facts and circumstances surrounding the departure of the Respondent. The Respondent stated all licensed engineers working in the Memphis, Tennessee office of the complainant employer resigned in March 2018. The Respondent stated that the complainant employer manager that filed the complaint made it a “miserable work environment” for all employees. The complainant employer had legal proceedings instituted against his new employer, also a former employee of the complainant employer’s firm and the Respondent. The civil lawsuit filed against them alleges conspiracy by the new employer by taking confidential information to be used to obtain a competitive advantage against the complainant employer. Also, it was routine

for the “[m]y documents” folder to be routinely backed up to the Respondent’s laptops while they were working for the employer. Also, because of the lawsuit and the court ordered IT audit of whether or not there was confidential information, etc., the Respondent and the new employer agreed to voluntarily delete certain documents. The Respondent stated the lawsuit was baseless and malicious. The complainant employer has been unable to prove any confidential information was stolen. In fact, the parties had settled the matter, but now the complainant employer is demanding the payment of \$31,000 for the costs associated with the IT audit ordered by the court. The Respondent has refused to settle the case and rejected the offer to pay \$31,000 to the complainant employer. The Respondent provided a detailed response to each allegation by the complainant employer and there is nothing to substantiate or corroborate the allegations in the complaint. There was no proof of any confidential documents being stolen and the IT expert confirmed the documents were not stolen. Also, there were no documents on the laptops that were deemed to be confidential information. The Respondent also provided letters from his attorney confirming many of the facts and detailed responses made by the Respondent.

This complaint was reviewed by Board Member Robert Campbell, Jr.

Mitigating Factors: The Respondent has no history prior disciplinary action or any prior complaints filed against him during the licensure period.

The complainant employer waited 16 months to file the complaint with this Board against the Respondent.

Aggravating Factors:

Recommendation: Close

Board Decision: **DEFER TO OCTOBER 2019 MEETING**

6. 2019055801 Jordan Gregory Terry

First Licensed: 01/07/2014

Expiration: 01/31/2020

Type of License: Professional Engineer

History (5 yrs.): None.

Entity #374053

A complaint was filed against the Respondent by the former employer. The employer claims the Respondent lied about working in an “engineering firm,” copied hundreds of confidential files and proprietary information to an external drive and loaded them onto the new employers’ computer system, conspired with other former and soon to be former employees to extract other proprietary information, stole customer drawings from the

complainant employer, changed the login credentials for the complainant employer's auto desk vault workgroup which gives access to the complainant employers' computer systems from the new employers system and locking out complainant employer from vault server, used photos of the complainant employer tests to mark the Respondent's LinkedIn account, stole vendor pricing files, stole job invoicing logs for engineering and testing projects going back seven years, wiped a laptop clean and reset it to factory settings, and destroying company property. The complainant employer had to hire a third-party forensic IT professional to restore the laptop and to show file paths to confirm all computer activity engaged in by the Respondent. The IT professional confirmed that information was transferred to the new competitor employers' computers. The complainant employer has filed a civil suit against the Respondent for these actions.

The Respondent provided a five-page detailed response and stated that the complainant employer misrepresented facts and circumstances surrounding the departure of the Respondent. The Respondent stated all licensed engineers working in the Memphis, Tennessee office of the complainant employer resigned in March 2018. The Respondent stated that the complainant employer manager that filed the complaint made it a "miserable work environment" for all employees. The complainant employer had legal proceedings instituted against his new employer, also a former employee of the complainant employer's firm and the Respondent. The civil lawsuit filed against them alleges conspiracy by the new employer by taking confidential information to be used to obtain a competitive advantage against the complainant employer. Also, it was routine for the "[m]y documents" folder to be routinely backed up to the Respondent's laptops while they were working for the employer. Also, because of the lawsuit and the court ordered IT audit of whether or not there was confidential information, etc., the Respondent and the new employer agreed to voluntarily delete certain documents. The Respondent stated the lawsuit was baseless and malicious. The complainant employer has been unable to prove any confidential information was stolen. In fact, the parties had settled the matter, but now the complainant employer is demanding the payment of \$31,000 for the costs associated with the IT audit ordered by the court. The Respondent has refused to settle the case and rejected the offer to pay \$31,000 to the complainant employer. The Respondent provided a detailed response to each allegation by the complainant employer and there is nothing to substantiate or corroborate the allegations in the complaint. There was no proof of any confidential documents being stolen and the IT expert confirmed the documents were not stolen. Also, there were no documents on the laptops that were deemed to be confidential information. The Respondent also provided letters from his attorney confirming many of the facts and detailed responses made by the Respondent. The Respondent stated the complainant employer manager has a vendetta against certain former employees.

This complaint was reviewed by Board Member Ricky Bursi.

Mitigating Factors: The Respondent has no history prior disciplinary action or any prior complaints filed against him during his engineering career.

The complainant employer waited 16 months to file the complaint with this Board against the Respondent.

Aggravating Factors:

Recommendation: Close.

Board Decision: DEFER TO OCTOBER 2019 MEETING

7. 2019027861 Architectural and Engineering Design (Paul Ditrapani)

Unlicensed

Type of License: Architect

History (5 yrs.): None.

Entity #1289136

Respondent and Respondent firm engaged in providing services as an unlicensed architectural/engineer firm, architect and engineer. Complainant stated that the Respondent provided two estimates for proposed projects with the totals exceeding \$25,000. An investigation was conducted by the Department and the Respondent was non-cooperative, however, admitted to the Investigator that the Respondent was unlicensed.

This complaint was sent to the Investigations Division, Department of Commerce & Insurance for an investigation.

Mitigating Factors:

Aggravating Factors: Respondent refused to cooperate with our investigation.

Recommendation: Authorize a civil penalty in the amount of \$1,000 for unlicensed practice for the individual and the firm by informal settlement by Consent Order and authorization to file a formal contested case proceeding against the Respondent.

Board Decision: DEFER TO OCTOBER 2019 MEETING/ISSUE A CEASE AND DESIST LETTER

8. 2019046431 Kristina Marie Wright

First Licensed: 12/18/2015

Expiration: 12/31/2019

Type of License: Interior Designer

History (5 yrs.): None.

Entity #1119094

Complaint filed by an interior design firm against an employee who began working for a new employer and used pictures of work done by the Complainant architectural firm's on the new employer's website without giving proper credit for work or proper credit for work to the firm and/or explanation of responsibilities, exaggeration of responsibilities, and use of photography without permission/license. The Complainant claims the Respondent only worked on projects indirectly while employed with the Complainant and the role was indirect because the Respondent was a supervisor of the employees doing the actual design, technical and project management. The Complainant sent a cease and desist letter to the Respondent prior to filing the complaint.

The Respondent provided a response and stated all projects and photographs were removed from the current employer's website and all computing equipment has been returned to the Complainant, as requested in the cease and desist letter. The Respondent stated this was a misunderstanding and the Respondent's understanding was that the Respondent would continue to work with the Complainant architectural firm as a consultant. The Respondent stated there were no stipulations or limitations imposed by the Complainant after leaving the firm and during the period the Respondent was consulting for them and understood that the Respondent was free to pursue other contract opportunities. The Respondent claims the projects listed on the new employer's website were approved by the Complainant's Communications Manager.

Mitigating Factors:

Aggravating Factors:

Recommendation: Close upon issuance of a letter of caution to the Respondent for potential violations of Rules 0120-04-.10(4) (not engage in any form of false or misleading advertising) and 0120-04-.10(5)(not use photographs or specifications of the project without the express permission of the client), 0120-04-.10(11) (not misrepresent or exaggerate the registrant's degree or responsibility in or for the subject matter of present or prior assignments).

Board Decision: DEFER TO OCTOBER 2019 MEETING. SEND TO BOARD MEMBER FRANK WAGSTER FOR REVIEW.

9. 201905680 Structural Engineering and Inspections, LLC

First Licensed: N/A

Expiration: N/A

Type of License: Engineering Firm

History (5 yrs.): None.

Entity #380168

Complaint filed against the Respondent for damage caused to homeowner's foundation that was not properly disclosed by Respondent structural engineering company to the Complainant. The Complainant purchased the home and was told to get a structural engineering firm to check the foundation. The Respondent issued a report and stated there was nothing to be concerned about and stated the only thing necessary was to remove the tree in front of the house that was causing the basement wall under the office to bow. When the complainant got a quote, the Complainant was told the same company had been there before and there was a report by the Respondent issued a month prior to when the Complainant purchased the home and the report was much more extensive and had substantially more information, including that it would cost much more than the \$4,000 for the installation of the steel piers to correct the problem with the basement wall. The Respondent issued a prior report just one month prior and never shared the more detailed report with the Complainant. Upon obtaining the quote or the structural repairs, it was going to cost the Complainant \$30,000 to fix the foundation.

The Respondent provided a response and stated the Complainant was informed of the problems with the foundation in the report that was issued. The report clearly identified that there were problems with the foundation walls and they were failing due to extensive lateral pressure being applied to the walls. The report also stated there was water intrusion in the crawlspace area that it was affecting the elevation of the interior piers. The Respondent stated that the Complainant was not told it was a solid home and there is no reference to a tree or installation of steel piers. The Respondent does not provide estimates for the cost of repairs and directs all clients to contact a licensed general contractor to obtain an estimate for the work recommended in a report. The Respondent stated that if there was any mention of cost, it would have been clearly stated in the report as a range of potential cost. According to the Respondent, the allegation concerning another prior report being issued by the Respondent was misconstrued by the Complainant because the Respondent discussed this with the Complainant and explained that a prior report was issued by the Respondent firm, however, it was by a different engineers. Both reports identified the foundation walls were failing and there was movement and settlement along the interior piers. The first report included a different scope of work and referenced floor levelness. The Respondent was not asked to evaluate the doors and separate of floors by the Complainant and these conditions may not have existed at the time of the inspection in June 2017. Also, the Respondent could not share the previous report with the Complainant because their contract for professional services includes a confidentiality clause that prevents them from sharing the information from a previous site visit and report without written permission from our prior client. Also, the scope of work for the prior client rendered by a different professional engineer was not

the exact same as for the Complainant because it included inspecting the foundation for structural integrity and checking the floor for any sloping. The Respondent stated the scope of work with the Complainant was clearly set forth in the contract and only included verifying piers in crawlspace being structurally sound, feasibility of turning garage into basement and adding garage to the back of the home and lastly, verifying whether two walls were not load bearing walls.

Mitigating Factors:

Aggravating Factors:

Recommendation: Close.

Board Decision: **DEFER TO OCTOBER 2019 MEETING**

RE-PRESENTATIONS

10. 2019038131 William H. Wilkerson

First Licensed: 01/01/1993

Expiration: 06/30/2018

Type of License: Professional Architect

History (5 yrs.): None.

Entity #7875

The Respondent self-reported practicing architecture on an expired license. The Respondent explained that the Respondent was not aware his licensed expired until the Respondent attempted to access the State Fire Marshal portal and post a project.

Mitigating Factors: Self-reported.

Aggravating Factors:

Recommendation: Authorize a civil penalty in the amount of \$500 for practicing on an expire license. Respondent is also to take and pass the laws and rules examination. Authorize formal hearing if civil penalty and exam requirements are not met.

Board Decision: Defer to August 2019 meeting.

New Information: The Respondent claimed registration expired on September 28, 2018 and was renewed on April 11, 2019. During the period the Respondent was unlicensed, the Respondent signed two projects while the license was expired. One project was an architectural portion on January 4, 2019 and the second project was

for mechanical renovations and the architectural portion dealt with interior changes to the server room and other miscellaneous changes and it was signed on July 12, 2018. The primary function in both projects was the coordination of structural, mechanical, electrical and fire protection engineering along with partitions, ceilings, and miscellaneous interior changes.

Board Decision: **DEFER TO OCTOBER 2019 MEETING**

11. 2019038151 David Warner Anderson

First Licensed: 06/04/2014

Expiration: 06/30/2018 (Reapply in Progress)

Type of License: Professional Architect

History (5 yrs.): None.

Entity #8365

A complaint was opened after it was discovered that the Respondent was practicing on an expired license. In response to the complaint, the Respondent was embarrassed by this situation and did not realize the license had expired. The Respondent submitted a request for reinstatement.

Mitigating Factors:

Aggravating Factors: Did not self-report.

Recommendation: 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. Authorize formal hearing if civil penalty and exam requirements are not met.

Board Decision: Defer to August 2019 meeting.

New Information: The Respondent's license expired on December 28, 2018 and was renewed on May 6, 2019. During the unlicensed period, the Respondent engaged in fourteen residential projects in the Memphis and Germantown, Tennessee area during his period of licensure.

New Board Decision: **CLOSE**

12. 2019021691 Christopher Alan Sharp

First Licensed: 06/21/2004

Expiration: 03/31/2021

Type of License: Professional Engineer

History (5 yrs.): None.

Entity #365529

The Respondent self-reported on a re-application that the Respondent practiced engineering on an expired license. The Respondent also submitted a list of twenty one (21) projects that the Respondent worked on while the Respondent's license was expired.

Mitigating Factors: Self-reported.

Aggravating Factors: 21 projects.

Recommendation: 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. Authorize formal hearing if civil penalty and exam requirements are not met.

Board Decision: Authorize a civil penalty in the amount of \$500 per incident for practicing on an expired license for a total civil penalty amount of \$10,500. Respondent must also take and pass the laws and rules examination. Authorize formal hearing if civil penalty and exam requirements are not met.

New and Updated Information: The Respondent submitted a two-page letter and 56 pages of photos and medical bills to our office concerning the period the Respondent was unlicensed, the Respondent's situation and the high civil penalty. The Respondent stated the non-renewal was not timely and was accidental. The Respondent's license expired at the end of June, 2018 and was renewed in March 2019. The Respondent takes full responsibility and stated it may have been also because the Respondent changed an e-mail address in November 2017 and did not receive the e-mail notification. The Respondent discovered the license lapsed on February 27, 2019 and immediately self-reported. This was two months after the 6 month grace period. The Respondent believes the civil penalty levied is excessive because of self-reporting, the bulk of the projects certified were small, private projects, provided a complete list of all the projects, it was incorrectly stated that he was unlicensed for a two year period during the last board meeting and also due to the Respondent's extenuating circumstances related to the health of the two children. The Respondent has two children with an autonomic nervous system disorder called "Postural Orthostatic Tachycardia Syndrome (POTS)." The family has been dealing with the disorder for the last three years and gone to see specialists at Vanderbilt, Children's Hospital in Knoxville, Duke Medical Center and their treating cardiologist in Washington, D.C. One of the daughter's, who is 16 years old has a central intravenous line and takes two liters of saline daily to maintain her life. Both of the children take at least 20 prescription medications daily to maintain their various autonomic systems. On December 31, 2018, the last day of the six-month

grace period was the first-day of an eight day stay at Children's Hospital. The family has also incurred hundreds of thousands of dollars in medical expenses (after payment by the insurance company). The Respondent provided the Board copies of some of the expenses for prescription costs and medical insurance. Some are paid and some still need to be paid. The Respondent acknowledges it is the Respondent's own fault for not renewing the license timely, but it was unintentional and the Respondent self-reported. In light of the above, the Respondent respectfully requests that the Board reconsider the civil penalty assessed at the prior Board meeting based on these extenuating circumstances.

Recommendation: Discuss.

New Board Decision: WAIVE ALL CIVIL PENALTY AMOUNTS.
AUTHORIZE INFORMAL SETTLEMENT BY CONSENT ORDER WITH REQUIREMENT THE RESPONDENT TAKE AND PASS THE LAWS AND RULES EXAMINATION. AUTHORIZE A FORMAL HEARING IF RESPONDENT DOES NOT SETTLE BY CONSENT ORDER OR TAKE AND PASS THE LAWS AND RULES EXAMINATION.

Architects, Engineers, Landscape Architects, & Interior Designers

SURPLUS/DEFICIT

FISCAL YEAR BEGINS: JUL 2018

		Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	YEARLY	IND %
A&E Revenues TREND															
Licensing Revenue		\$ 136,740	\$ 92,385	\$ 88,335	\$ 101,835	\$ 101,095	\$ 142,425	\$ 166,490	\$ 121,695	\$ 117,020	\$ 111,140	\$ 144,975	\$ 141,370	\$ 1,465,505	
Case Revenue		\$ 500	\$ 1,250	\$ -	\$ 1,000	\$ -	\$ 1,500	\$ -	\$ -	\$ 1,000	\$ 2,500	\$ 1,000	\$ -	\$ 8,750	
State Reg Fee		\$ (9,200)	\$ (7,060)	\$ (5,990)	\$ (7,010)	\$ (6,850)	\$ (10,040)	\$ (11,950)	\$ (7,860)	\$ (8,290)	\$ (7,500)	\$ (9,400)	\$ (10,990)	\$ (102,140)	
TOTAL REVENUE		\$ 128,040	\$ 86,575	\$ 82,345	\$ 95,825	\$ 94,245	\$ 133,885	\$ 154,540	\$ 113,835	\$ 109,730	\$ 106,140	\$ 136,575	\$ 130,380	\$ 1,372,115	0%
A&E Expenses TREND															
Edison Exp Total:		\$ 33,738	\$ 42,229	\$ 43,643	\$ 53,125	\$ 44,636	\$ 45,282	\$ 54,303	\$ 43,326	\$ 365,856	\$ 59,720	\$ 41,093	\$ 48,772	\$ 875,722	
701-702 Sal Benefits		31,166	28,982	30,895	31,162	29,585	31,660	35,475	31,880	30,863	31,563	30,812	31,633	375,675	
72500,72203 Technology		0	1,104	1,171	810	1,531	1,398	963	1,136	1,843	1,517	2,262	6,455	20,190	
Other		2,572	12,143	11,577	21,153	13,520	12,224	17,865	10,311	333,150	26,639	8,020	10,684	479,857	
Admin Costbacks Total:		\$ 10,486	\$ 35,598	\$ 45,376	\$ 47,492	\$ 29,471	\$ 29,314	\$ 20,162	\$ 22,456	\$ 22,283	\$ 21,869	\$ 25,544	\$ 29,880	\$ 339,929	
701-702 Sal Benefits		7,333	12,441	13,149	13,478	10,631	11,706	8,942	9,342	9,091	9,486	10,368	2,377	118,344	
72500,72203 Technology		0	8,920	21,110	28,293	12,220	9,809	5,274	6,290	4,147	4,936	6,956	18,055	126,011	
Other		3,153	14,236	11,117	5,720	6,619	7,799	5,945	6,824	9,046	7,447	8,220	9,448	95,574	
Centralized Complaints		\$ 370	\$ 447	\$ 371	\$ 349	\$ 850	\$ 826	\$ 3,633	\$ 1,087	\$ 896	\$ 334	\$ 7	\$ 548	\$ 9,720	
Legal Costbacks		\$ 1,654	\$ 4,056	\$ 11,265	\$ 9,224	\$ 5,182	\$ 5,706	\$ 3,356	\$ 5,425	\$ 3,939	\$ 6,380	\$ 3,682	\$ 5,511	\$ 65,378	
Investigations		\$ -	\$ -	\$ -	\$ -	\$ 310	\$ (1)	\$ (13)	\$ (8)	\$ (7)	\$ (6)	\$ 130	\$ 889	\$ 1,294	
Field Enforcement		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Customer Service Center		\$ 1,441	\$ 2,443	\$ 2,340	\$ 2,728	\$ 3,610	\$ 3,082	\$ 3,273	\$ 2,380	\$ 2,143	\$ 3,053	\$ 2,957	\$ 3,280	\$ 32,729	
TOTAL EXPENDITURES		\$ 47,689	\$ 84,773	\$ 102,995	\$ 112,917	\$ 84,059	\$ 84,208	\$ 84,714	\$ 74,666	\$ 395,110	\$ 91,350	\$ 73,412	\$ 88,879	\$ 1,324,772	-
Net Surplus/Deficit		\$ 80,351	\$ 1,802	\$ (20,650)	\$ (17,092)	\$ 10,186	\$ 49,677	\$ 69,826	\$ 39,169	\$ (285,380)	\$ 14,790	\$ 63,163	\$ 41,501	\$ 47,343	

18 Year End Reserve Balance:

2,081,015 2,161,367 2,163,169 2,142,519 2,125,427 2,135,613 2,185,289 2,255,116 2,294,284 2,008,904 2,023,694 2,086,857 2,128,358

Historical Trend

Licensing & Case Revenue

FY 2018	\$ 112,415	\$ 103,740	\$ 86,905	\$ 103,650	\$ 92,860	\$ 125,165	\$ 162,100	\$ 106,850	\$ 115,255	\$ 95,740	\$ 127,305	\$ 155,415	\$ 1,387,400
FY 2017	\$ 115,840	\$ 97,210	\$ 98,643	\$ 100,720	\$ 97,243	\$ 124,348	\$ 133,030	\$ 143,230	\$ 138,415	\$ 96,650	\$ 120,900	\$ 145,840	\$ 1,412,069
FY 2016	\$ 136,656	\$ 70,596	\$ 49,385	\$ 57,700	\$ 86,960	\$ 137,985	\$ 145,925	\$ 114,430	\$ 121,690	\$ 90,715	\$ 126,535	\$ 143,550	\$ 1,282,127

Expenditures

FY 2018	\$ 54,425	\$ 67,747	\$ 62,719	\$ 68,754	\$ 71,915	\$ 74,988	\$ 66,656	\$ 55,114	\$ 298,406	\$ 178,673	\$ 60,823	\$ 211,430	\$ 1,271,650
FY 2017	\$ 54,579	\$ 77,811	\$ 57,542	\$ 69,939	\$ 66,371	\$ 53,724	\$ 49,003	\$ 70,997	\$ 400,698	\$ 78,609	\$ 75,930	\$ 63,484	\$ 1,118,686

Notes:

3351012001 - Architects & Engineers		Work Plan	Expenditures:												Requisitions/ Encumbrances			Year-to-Date		Percentage Expended to Date
			July Period 1	August Period 2	September Period 3	October Period 4	November Period 5	December Period 6	January Period 7	February Period 8	March Period 9	April Period 10	May Period 11	June Period 12	Closing Period 991	Accrual	Total	Date		
3351012001	Regular Salaries and Wages (70100)	265,000.00	18,655.19	19,455.20	18,405.19	21,115.57	20,656.43	21,018.43	20,541.07	21,540.96	20,592.08	21,240.98	20,541.08	21,401.70	0.00	245,163.88	92.51%			
3351012001	Longevity (70102)	12,000.00	2,400.00	0.00	2,400.00	0.00	2,600.00	700.00	3,738.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,838.00	98.65%		
3351012001	Overtime (70104)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!		
3351012001	Employee Benefits (702)	115,000.00	10,110.57	9,526.69	10,090.02	10,046.17	6,328.71	9,941.13	11,196.09	10,338.87	10,271.05	10,322.43	10,270.97	10,230.91	0.00	0.00	118,673.61	103.19%		
	Payroll Expenditures	392,000.00	31,165.76	28,981.89	30,895.21	31,161.74	29,585.14	31,659.56	35,475.16	31,879.83	30,863.13	31,563.41	30,812.05	31,632.61	0.00	0.00	0.00	375,675.49	95.84%	
3351012001	Travel (703)	32,000.00	301.91	3,917.46	2,250.03	7,069.40	535.01	4,478.31	0.00	1,664.60	352.60	2,862.88	0.00	2,557.24	0.00	0.00	25,989.44	81.22%		
3351012001	Printing, Duplicating & Film Proc. (704)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!	
3351012001	Utilities and Fuel (705)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!	
3351012001	Communications & Shipping (706)	20,000.00	1,359.68	1,335.72	1,202.06	1,538.32	820.35	1,821.29	1,105.52	1,640.58	2,866.67	955.83	1,489.88	1,911.57	0.00	0.00	18,047.47	90.24%		
3351012001	Maint., Repairs and Svcs by Others (707)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!	
3351012001	Third Party Prof. & Admin. Svcs (708)	65,000.00	0.00	3,855.69	5,157.99	9,260.00	8,202.92	2,390.51	13,679.50	3,412.35	2,557.79	12,257.31	2,422.78	2,771.13	0.00	0.00	65,967.97	101.49%		
3351012001	Supplies and Office Furniture (709)	3,100.00	0.00	0.00	0.00	0.00	27.03	1,030.57	608.20	0.00	0.00	967.86	56.25	953.80	12.78	0.00	3,656.49	117.95%		
3351012001	Rentals and Insurance (710)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!	
3351012001	Motor Vehicle Operation (711)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!	
3351012001	Awards and Indemnities (712)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!	
3351012001	Grants and Subsidies (713)	350,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	322,755.00	7,272.00	0.00	0.00	0.00	330,027.00	94.29%		
3351012001	Unclassified Expenses (714)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!	
3351012001	Inventory (715)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!	
3351012001	Equipment (716)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!	
3351012001	Land (717)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!	
3351012001	Buildings (718)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!	
3351012001	Lost Discounts (719)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!	
3351012001	Highway Construction (720)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	#DIV/0!	
3351012001	Training of State Employees (721)	4,000.00	450.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	235.00	0.00	0.00	0.00	0.00	685.00	17.13%		
3351012001	Computer Related Items (722)	5,000.00	0.00	168.79	87.09	87.09	87.09	87.09	87.09	81.70	150.04	87.09	87.09	5.39	0.00	0.00	1,015.55	20.31%		
3351012001	State Prof. Svcs. (725)	345,000.00	23,602.11	17,919.82	46,598.61	63,329.38	64,167.33	43,660.01	42,661.21	35,641.67	36,085.23	33,922.50	36,954.18	42,403.37	0.00	300.00	487,245.42	141.23%		
	Other Expenditures	824,100.00	25,713.70	27,197.48	55,295.78	81,311.22	74,843.27	53,045.41	57,533.32	42,440.90	365,970.19	57,413.86	41,907.73	49,661.48	0.00	300.00	0.00	932,634.34	113.17%	
	TOTAL EXPENDITURES	1,216,100.00	56,879.46	56,179.37	86,190.99	112,472.96	104,428.41	84,704.97	93,008.48	74,320.73	396,833.32	88,977.27	72,719.78	81,294.09	0.00	300.00	0.00	1,308,309.83	107.58%	

PROF_DESC	COMPLAINT	RECEIVED	AGE	DESCRIPTION	AGING
Professional Architect	201705942	06-SEP-17	698	Legal-Case Reviewed	-437.21
Professional Architect	201806068	23-AUG-18	347	Legal-Present to Board	-274.21
Professional Architect	201808424	03-DEC-18	245	Legal-Formal Charges Authorize	-122.21
Professional Architect	201903813	01-MAY-19	96	Legal-Present to Board	-9.21
Professional Architect	201903815	01-MAY-19	96	Legal-Present to Board	-9.21
Professional Architect	201905453	17-JUN-19	49	Legal-Case Rec'd from Staff	-5.21
Professional Engineer	201605395	12-SEP-16	1057	Legal-Formal Charges Authorize	-171.21
Professional Engineer	201705944	06-SEP-17	698	Legal-Case Reviewed	-256.21
Professional Engineer	201802657	24-APR-18	468	Legal-Formal Charges Authorize	-329.21
Professional Engineer	201804339	29-JUN-18	402	Legal-Litigation Monitoring	-297.21
Professional Engineer	201804341	29-JUN-18	402	Legal-Litigation Monitoring	-297.21
Professional Engineer	201902169	18-MAR-19	140	Legal-Consent Order Proposed	17.79
Professional Engineer	201902175	18-MAR-19	140	Legal-Consent Order Proposed	17.79
Professional Engineer	201902353	22-MAR-19	136	Legal-Case Reviewed	-73.21
Professional Engineer	201903991	07-MAY-19	90	Legal-Closed No Action	
Professional Engineer	201905398	14-JUN-19	52	Legal-Case Rec'd from Staff	-12.21
Professional Engineer	201905445	17-JUN-19	49	Legal-Case Rec'd from Staff	-12.21
Professional Engineer	201905499	18-JUN-19	48	Legal-Case Rec'd from Staff	-12.21
Professional Engineer	201905579	20-JUN-19	46	Legal-Case Rec'd from Staff	1.79
Professional Engineer	201905580	20-JUN-19	46	Legal-Case Rec'd from Staff	1.79
Prof. Landscape Architect	201903816	01-MAY-19	96	Legal-Consent Order Proposed	17.79
Architectural Firm	201902786	04-APR-19	123	Legal-Investig. Report Rec'd	2.79
Architectural Firm	201906182	17-JUL-19	19	Staff-Response Requested	20.79
Engineering Firm	201905680	25-JUN-19	41	Staff-Complaint Received	-33.21
Interior Designer	201904643	21-MAY-19	76	Legal-Case Rec'd from Staff	-19.21