



**TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
615.741.3600**

Board Meeting Minutes for December 2, 2021,
First Floor Conference Room 1-A
Davy Crockett Tower

Tennessee Board of Architectural and Engineering Examiners met on December 2, 2021. Director Michael Schulz called the meeting to order at 9:00 am and the following business was transacted:

BOARD MEMBERS PRESENT: Ricky Bursi, Stephen King, Alton Hethcoat, Blair Parker, Frank Wagster, Brian Tibbs, Rob Barrick, Melanie Doss, Ben Brychta, Robert Campbell

BOARD MEMBERS ABSENT: Rick Thompson

STAFF MEMBERS PRESENT: Michael Schulz, Maria Bush, Caleb Darnell, Morgan Calles, Stuart Huffman, Megan Maleski, Kara Evans

ROLL CALL / AGENDA

Ricky Bursi called the meeting to order. Michael Schulz called roll.

Agenda

Blair Parker advised we need to add the definitions committee to the committee section.

Guests Acknowledged

Minutes

Rob Barrick made a motion to approve the minutes from October 7, 2021. Blair Parker second this motion. Robert Campbell abstained due to not attending the meeting. The motion was carried unanimously.

Dr. Malhas

Dr. Malhas from Christian Brothers University Engineering Program talked about how they spent their grant money from last year.

PROFESSIONAL SOCIETY REPORTS

Nathan Ridley, from the TN chapter of the American Society of Landscape Architects (ASLA-TN), reported we just had our national meeting here in Nashville with about 3700 registrants. The national CEO says that they want to build an association that's an advocacy association. We have had two special legislative sessions. Like Robert Campbell has mentioned the Mega site in West Tennessee is one of them. The City of Spring Hill Tennessee had a population of about a thousand until General Motors was located there. The most recent census number there is at 50,000. Staten Tennessee is the closest city to the Mega Site and has a population of about 438. Governor Lee has already made some of his appointments. 60 days ago, Ford thought they were going to start the work. The second session was about COVID. Most of this discussion is about the big employers requiring vaccination and masks. Which is still in limbo. The regular session will start on January 11, 2022 and go until the first of May. They must pass is the budget appropriations bill. The first part will be some redistricting, in which voters choose their elected officials. We will have our executive committee next week. Blair Parker wanted to thank Ms. Ridley for attending the conference.

Don Baltimore, from Tennessee Interior Design through Education and Advocacy (TN IDEA), reported when I was with the general assembly back in the mid-1970s, we did the district after the census came out (which was not done on a computer program) we were only able to use maps. Want to wish everyone Happy Holidays. We have no plans to push any legislation and we will be watching for any impacts on the interior designers. We did have the governor issue a proclamation designating once again October as interior design awareness month with the fire safety month. Melanie Doss wanted to thank him for coming today and working with him this year.

Robert Campbell advised that Kasey mentioned she was in a Knoxville Chapter meeting this morning. The Tennessee Society of Professional Engineers has separated from the National Society of Professional Engineers to where we only have a state organization. One reason was there were some things they did that Tennessee and other states were not included. It was very national-centric and didn't seek out our input or others and, NSP has not given the support. We might see TSP and NSP from now on.

LEGAL REPORT (attached)

DIRECTOR'S REPORT

Financial Information

Individuals reviewed the data provided.

Conferences-NCEES SZ/Greenville/ASLA/NCIDQ

Michael Schulz wants permission from the board for Maria Bush and him to attend an NCEES Annual meeting in Oklahoma City. There is also an MBE meeting at the NCEES Headquarters in Greenville, which will be in February. The one in Oklahoma City will be in the Spring. Greenville meeting will be fully funded by NCEES. The Southern Zone meeting in Oklahoma City would include member delegates, Maria Bush, and Michael Schulz. Ricky Bursi will be attending the Southern Zone meeting, which will be fully funded by NCEES as well. Robert Campbell made a motion to allow Michael Schulz and Ricky Bursi to attend the Southern Zone Meeting in Greenville South Carolina and represent the board. Blair Parker second this motion. The motion was carried unanimously.

Robert Campbell is wanting to know if they also need to decide on who else wants to attend the Southern Zone during this meeting of the next committee meeting, they have. We are unsure how many people we can send. We are wanting to send as many people as possible. The deadline is January 12th for the funded delegate form. Michael Schulz advised we could do it now or we can do a special meeting. Ricky Bursi advised Robin Barrick might get funded in a separate category as being a new board member who has not been to an NCEES meeting. Ricky Bursi is unsure if he would be funded if he is on the MBA committee.

Frank Wagster wanted to bring up that the NCARB has a regional meeting on March 3rd, 2022 but is unsure where it will be held. Michael Schulz advised it is just a save the date kind of email. Frank Wagster is going to contact NCARB to see where the meeting is being held. Rick Thompson is currently at a meeting in Washington DC with NCARB.

Robert Campbell wants to know when the Southern Zone meeting is. Michael Schulz advised they are April 21 to 23, 2022. Alton Hethcoat wants to know how many funded delegates we have and states that Robin Barrick might have an exemption due to being the first time and Ricky Bursi maybe for being on the MBA board. Michael Schulz advised it does not say who but says for the zone meeting each board could submit three funded delegates. Michael Schulz advised the email he received says "a reminder to you as an MBA you do not need to name yourself as a funded delegate. MBAs are automatically funded, as an MBA you will receive your funded information invitation when registration opens in January." Michael Schulz advised we can wait until the February meeting. Robert Campbell stated if we need to have a quick zoom call or miss any deadlines. Robert Campbell does feel like it would be a good idea to have all the board members there and would be great for Maria to attend as well. If we can all go and just have the 3 funded and we pay for the other 2, we would need to ask for permission from the board. Alton Hethcoat advised in his experience, most of the other boards always have all the board members attend. Michael Schulz is going to reach out to NCEES and see for the three funded members spots are taken. Ricky Bursi states Michael Schulz would not take one and is unsure if Robin Barrick would be due to his first-time attendee. They often fund that without including that in our number of three. Also, this might not

count Ricky Bursi as a spot due to him being on the MBA committee. If they count Ricky Bursi (MBA), Michael Schulz (MBA), and Robin Barrick (First-time), then Maria Bush, Alton Hethcoat, and Stephen King would take the 3 funded spots. If they don't take it that way, then we would be asking for the state to fund the others. Maria Bush advised they might be limited due to covid but will be happy to attend. Maria Bush does not want to take anybody's spot. Alton Hethcoat does suggest that Maria Bush attend, due to there being a legal session, which is very valuable. Michael Schulz advised all of this must be done by January 12, 2022. Michael Schulz advised being prepared to have a meeting in the next week or two.

Committees

New Committee assignments for the changes. This will be in effect for the next set of meetings. Michael Schulz advised the board can conduct and has conducted in the past a large amount of business in the full board meeting. Michael Schulz advised he thinks we can dissolve these standing committees except for higher education. Rulemaking is done together and is part of the meeting packet. The law and rules are debated at the professional committee level, and they don't go to the laws and rules and policies committee. We can lighten our committee load considerably by dissolving these standing committees. The finance committee sees the document that you just saw. There is no fiscal responsibility given to the finance committee. Michael says he can move everything to 1 day as opposed to spreading it out over a day and a half. Robert Campbell advised he does agree on some of these but wants to make sure we do not have any policies or operating procedures that require certain things on the nominating committee. We might need to amend some policies. Robert Campbell is okay with the finance committee, but the nomination committee may be one where we must adjust the policy. Michael Schulz advised some of these would be potentially necessary on a needed basis. Grants and outreach will be necessary to meet on a semi-regular basis. Definitions is a standalone committee right now, but hopefully, we won't need them that much after the next meeting. Most of the items in the committee meeting are covered again in the board meetings. Robert Campbell advised most of these committees just meet one time a year or maybe twice. Michael Schulz advised they will check the policies. Most of the meetings are done at the professional level and then again at the board meeting. Alton Hethcoat states Laws and Rules, continued education, definitions are conducted at the professional committees. These can be done during those meetings and then brought to the full board meeting. Frank Waster thinks the Continue Education committee can go. There is not a need for any changes. Frank Wagster suggests we could keep them all and just meet whenever they need to meet. Robin Barrick wants to know if the committee has a charter. Maria Bush advised not statutorily in the rules, but there are bylaws of the board which would just essentially be a policy and yes, they are not binding, and you have the description to amend the bylaws. Robin Barrick does believe this can be done in one day except for special circumstances which could be brought forward. Ricky Bursi stated the grants committee, outreach committee, nominations committee, and temporary definitions committee have a role to play in the other and be absorbed into the disciplinary committee. Michael Schulz advised we can do a vote today pending Maria Bush's analysis and could go into effect potentially, or she can come back and say we can't

do this. Maria Bush advised under our by-laws there are standing committees and do not see a reason to completely dissolve or abolish them by the vote but just not meet and just meet when needed. Michael Schulz advised we could keep this committee assignment we can have it done just in case. Robert Campbell advised we do not need to vote on anything today, but to possibly come up with something to talk about in the next board meeting. Ricky Busri advised for the October meetings it was more of a brainstorming time to plan. Maria Bush will review the policies and will bring this back to the February Board Meeting.

Michael Schulz advised we have 1 current job opening which has been posted and will close next week. Wanda Phillips and Cindy Toombs both retired within the last meeting and this one. We are currently making it work.

Blair Parker wants to make sure they are required to still make their hotel Reservations. The Vanderbilt Holiday Inn was not happy that his ID said expired in 2020. Michael Schulz advised he would get something in writing for them.

Ricky Bursi stated they are excited to work with the new staff.

Michael Schulz advised the CONUS rate applies no matter where you stay. If you go over the rate, you will be held responsible. Frank Wagster wants to know where the other board members are going to stay. The board members will need to book their rooms as soon as possible.

COMMITTEE REPORTS

Interior Design Committee

Melanie Doss advised they discussed the definition that was prepared. We made some amendments before the Definition Committee. We discussed some recent activity in North Carolina in their legislation that passed for a practice act for interior designers. It allows them to stamp specific drawing types. Since we are not a practice act, we are a title act in Tennessee. CIDQ encourages us to use North Carolina some of their language in our definition. Don Baltimore had prepared some definition proposals for us previously, and some of that was incorporated. We are waiting for Maria Bush to have this definition and put it into a format this.

Architect Committee

Brain Tibbs stated they formatted their definition, and we are still looking over, and waiting for society (AIA) to finish making some comments. And should be done in February. Also approved is an application for reinstatement.

Engineer Committee

Robin Barrick stated we reviewed an application with a foreign degree and approved this comity application. Our Potential law and rules changes have been given to Maria Bush and heading in the proper channels. We went over the definitions and we have submitted them to the definition committee. We did only make one change to it.

Outreach Committee

Stephen King meets and talks about the newsletter. Advised Michael Schulz made communication with the communication department. We have a newsletter on the website from 2018 and might be able to model it after it. We will be coming to the board members to solicit suggestions for written articles for significant topics. Talked with Melanie Doss about individuals using the wrong term of interior architects. The committee is open to the board member's suggestions. We are wanting to have it for this summer and have it done once a year. Robert Campbell thanks the board and staff for the newsletter coming back. This newsletter just needs to be a few pages, nothing long. Ricky Bursi advised having everyone think of an article that you could write about. We are going to make some hard assignments at the February board meeting.

Definition Committee

Blair Parker stated Maria Bush has gone through each definition and adjusted a few things here and there. The definition committee has not seen each other definitions until yesterday. This was beneficial to hear the other committee's definitions. We looked at the language from the other professions. Maria Bush has some more reviewing and will bring this back to the board once this has been done. We will have our professional society's looking at this in the meantime.

OLD BUSINESS

Nothing discussed.

ADJOURNMENT

There being no other business, Ricky Bursi moved for an adjournment of the meeting at 10:28 am.



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: Stuart Huffman, Associate General Counsel
DATE: December 2, 2021
SUBJECT: December 2021 Legal Report

1. **2021065481 (SH)**
First Licensed: 10/30/2000
Expiration: 09/30/2023
Type of License: Professional Engineer
History (5 yrs.): None.
Entity # 358300

Respondent's license expired on 11/30/2020 and has admitted to stamping plans on a project in 7/2021 while the license was expired. Respondent states it was an oversight and immediately stopped work in Tennessee. Respondent's license has since been reinstated on 9/23/2021.

Reviewed by Board member: Stephen King

Mitigating Factors: Immediately stopped work in TN; Reinstated license.

Aggravating Factors: Practicing on an expired license.

Recommendation: Authorize a civil penalty of \$500.00 for practicing on an expired license.

Board Decision:

2. **2021063721 (SH)**
First Licensed: 10/18/1994
Expiration: 10/31/2022
Type of License: Professional Landscape Architect
History (5 yrs.): None.
Entity # 376689

Respondent was mailed an audit letter on 3/17/2021 for the audit period of 11/1/2018 through 10/31/2020. Respondent states he thoroughly documented his PDH activities and made an online submittal on 5/6/2021 with 34.5 hours identified for the audit period.

After administrative review, it was determined that some PDH did not qualify and proof of exact hours on other submissions were missing. Respondent was given 90 days to resubmit and clarify the requested missing information. Respondent subsequently submitted the necessary information but it was more than 90 days, so this complaint was opened. Respondent, in his response to the complaint, stated he must have missed the previous communication and had no intention to ignore.

The original submission contained more than the required 24 PDH necessary and was approved on 5/28/2021. The additional information was submitted two days after the 90-day deadline and approved.

Reviewed by Board member: Blair Parker

Mitigating Factors: In compliance with PDH requirements

Aggravating Factors:

Recommendation: Close.

Board Decision: