



## **TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS**

**500 JAMES ROBERTSON PARKWAY**

**NASHVILLE, TENNESSEE 37243**

**615.741.3600**

Board Meeting Minutes for October 6, 2022  
First Floor Conference Room 1-A  
Davy Crockett Tower

Tennessee Board of Architectural and Engineering Examiners met on October 6, 2022, and the following business was transacted:

**BOARD MEMBERS PRESENT:** Alton Hethcoat, Robert Campbell, Blair Parker, Frank Wagster (telephonically), Brian Tibbs, Rob Barrick, Melanie Doss, Rick Thompson, Jason Carder, Ashraf Elsayed

**BOARD MEMBERS ABSENT:** None

**STAFF MEMBERS PRESENT:** Glenn Kopchak, Stuart Huffman, Heidi Overstreet, Dalia Villarreal

### **CALL TO ORDER / ROLL CALL / NOTICE OF MEETING**

Rick Thompson called the meeting to order at 9:00 am and Director Glenn Kopchak took roll call.

### **ANNOUNCEMENTS**

The board took a moment to recognize Ricky Bursi for his service of over ten (10) years and Steve King for his service of twelve (12) years.

### **AGENDA**

Rob Barrick made a motion to adopt the agenda with several edits. This was seconded by Robert Campbell. The motion passed by unanimous voice vote.

### **NCEES EMERITUS NOMINATION**

Ricky Bursi currently serves on the NCEES MBA committee and would need to be recognized by the board as an Emeritus member to continue his work without interruption and lend his expertise both in committee and on the floor at the NCEES annual meeting should that be necessary. Robert Campbell made a motion to install Ricky as Emeritus member with a term end date of 06/30/2026. This was seconded by Rob Barrick. The motion passed by unanimous voice vote.

## **AUGUST MINUTES**

Blair Parker made a motion to adopt the August minutes. This was seconded by Brian Tibbs. The motion passed by unanimous voice vote.

## **GRANT PRESENTATIONS**

The universities that submitted grant proposals for FY23 presented their proposals and answered questions from the board.

## **PROFESSIONAL SOCIETY REPORTS**

Ashley Cates, Executive Director of the American Institute of Architects (AIA-TN), provided updates regarding the recent annual meeting and announced that the National Organization of Minority Architects (NOMA) would be meeting in Nashville from October 26-30.

Nathan Ridley, from the TN chapter of the American Society of Landscape Architects (ASLA-TN), provide various updates to include introducing the new CLARB uniformed standard for licensure.

Kasey Anderson, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN) reported updates for her organization to include providing a summary of the recently held Tennessee Engineers' Conference at Franklin, TN.

## **DIRECTOR'S REPORT**

### **Budget Report**

Director Kopchak summarized the line items indicated in revenues and expenditures for the benefit of the new members. Since meeting in August, there was only one additional month of financials to review. When compared year to year for the same period, it all appeared to be trending normally.

### **Election of Officers**

The Nominations Committee presented the following nominations: Rick Thompson (Chair), Melanie Doss (Vice Chair), and Rob Barrick (Secretary). Director Kopchak further advised the board that the newly appointed chair will appoint respective chairs and members for each application review committee and those standing committees as needed with those assignments being noticed very soon.

Robert Campbell made a motion to approve the nominations presented. This was seconded by Blair Parker. The motion passed by unanimous voice vote.

### **2023 NCARB Regional Summit**

The meeting will be hosted by Region 6/WCARB and will be held in Honolulu, HI, from March 2-4. Three (3) delegates will be funded by NCARB, which currently include two (2) board members and one (1) Member Board Executive (MBE). Brian Tibbs and Frank Wagster were selected as the two (2) primary members with Rick Thompson serving as an alternate.

Melanie Ross made a motion to approve travel to this meeting for the two (2) board members selected and the MBE. This was seconded by Blair Parker. The motion passed by unanimous voice vote.

## **GRANTS TO HIGHER EDUCATION COMMITTEE**

The committee reconvened with physical quorum to approve the grants allocation.

## **LEGAL**

**Legal Report** (presented by Stuart Huffman)

### **1. 2022035261**

**First Licensed: 12/01/1984**

**Expiration: 08/31/2024**

**Type of License: Professional Engineer**

**History (5 yrs.): None.**

Out-of-state Respondent self-reported that they stamped plans for one Tennessee project while the license was expired. The license expired on 9/30/2018. Respondent has since renewed the license.

**Reviewed by Board member: Stephen King**

Mitigating Factors: Immediately renewed the license.

Aggravating Factors: Practicing on an expired license.

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

**Board Decision: Concur.**

### **2. 2022038471**

**First Licensed: 03/19/2013**

**Expiration: N/A**

**Type of License: Engineering Firm**

**History (5 yrs.): 2018 – One complaint closed with a letter of caution for discipline from another state’s licensing board.**

Respondent was disciplined in Louisiana for practicing on an expired license. Respondent notified this Board within 30 days of settlement and compliance. Due to the Respondent having a history with a Letter of Caution in 2018, this matter was referred to legal.

**Reviewed by Board member: Alton Hethcoat**

Mitigating Factors: No activity in TN; Notified the Board of discipline in a timely matter.

Aggravating Factors:

**Recommendation: Send Letter of Caution.**

**Board Decision: Concur.**

### **RE-PRESENTATIONS**

**3. 2019099681**

**First Licensed: 09/07/2005**

**Expiration: 09/30/2017**

**Type of License: Professional Landscape Architect**

**History (5 yrs.): None.**

Complainant alleges Respondent is performing unlicensed landscape architect work after his license expired on 9/31/2017. Respondent failed to pay for his renewal. Social media sites and the company website references Respondent as a "landscape architect" and uses the phrase "landscape architecture" when providing design services. Research on social media reveals that Respondent has designed 22 projects in Tennessee under the expired license.

Reviewed by Board member: Blair Parker

Mitigating Factors:

Aggravating Factors: No response to the Board

Recommendation: Authorize a civil penalty of \$22,000.00 for designing 22 projects under an expired license and using the designation of Landscape Architect while unlicensed. Also, request that Respondent renew his license within 30 days.

Board Decision: Approved.

**New Information:** This matter was filed for a formal hearing to be heard at the December 2022 Board meeting. Respondent's attorneys reached out to discuss a possible resolution to this matter. Respondent states that in 2017, the license renewal notification was sent to a previous address and he did not realize that it was to be renewed. Respondent was not the one that usually handled renewal and therefore it was an oversight. In 2019, Respondent's daughter was diagnosed with a debilitating disease causing expensive medical treatment. About this time, Respondent received a proposed consent order but did not have the financial means to pay. Respondent further believes he was not practicing landscape architecture because he was only designing residential pools and working under a licensed contractor. He assures this Board that he never used a landscape architect seal. Due to the financial burden, Respondent decided to simply remove references to "landscape architect" on the internet and work solely as a designer. To this end, Respondent attempted to correct references of being a "landscape architect" online, such as changing the logo to remove the words "landscape architect," removing ASLA and RLA from credentials, taking "landscape architect" out of references in professional media, and discussing the need to remove the term "landscape architect" with the website vendor. Respondent states that there was no intention of trying to practice landscape architecture without a license. Respondent is embarrassed that he did not handle this matter

in 2019, knows he should have, and understands the consequences that he should endure.

Respondent wishes to resolve this matter and become compliant with this Board's regulations. Respondent has begun the process of renewal, including collecting references, finishing and submitting PDHs, and updating his CLARB record. Respondent has offered to enter into a written settlement agreement, pay a \$10,000 penalty within 30 days, reinstate his landscape architect license as soon as possible, pay all registration penalties, renew his association memberships, and any other further requests from the Board.

**New Recommendation:** Authorize the written settlement agreement to be filed with the ALJ with the following terms: pay a \$10,000 penalty within 30 days, reinstate landscape architect license within 60 days, pay all registration penalties, renew association memberships, and pass the Laws and Rules Exam.

**New Board Decision:** Concur.

### **Redline Rules**

Director Kopchak mentioned that the engineers committee had a very robust discussion regarding the finer details of both positions as it pertains to additional pathways, particularly the master's pathway which requires eight (8) years of experience. Rob Barrick made a motion to approve the redline rules as presented. This was seconded by Brian Tibbs. The motion passed by majority vote. Those voting in favor were as follows: Brian Tibbs, Rob Barrick, Melanie Doss, and Rick Thompson. Robert Campbell and Blair Parker voted in opposition. Dr. Ashraf Elsayed abstained.

## **COMMITTEE REPORTS**

### **Engineer Committee**

Committee Chair Rob Barrick provided a brief report indicating that the redline rules were debated and that the application before them requiring a disciplinary action review was approved given that the applicant had satisfied his terms in the other jurisdictions and was actively licensed in other states where the board shares reciprocity.

### **Grants to Higher Education Committee**

Committee Chair Alton Hethcoat reported that the committee reviewed the grant proposals and recommendations for allocation and approved accordingly. Rob Barrick made a motion to approve and authorize the grant awards to the subsequent universities. This was seconded by Melanie Doss. The motion passed by unanimous voice vote.

## **NEW BUSINESS**

Melanie Doss reminded the board that the Council for Interior Design Qualification (CIDQ) Annual Meeting will be held in Los Angeles, CA from November 11-13, 2022, and that another board member was authorized to attend if there was availability and interest.

Robert Campbell notified the board that he was invited to speak in Murfreesboro, TN, on December 7<sup>th</sup>, at a Middle Tennessee Electric (MTE) event regarding ethics. Rob Barrick made a motion to

approve Mr. Campbell's travel to the meeting. This was seconded by Blair Parker. The motion passed by unanimous voice vote.

#### **ADJOURNMENT**

There being no additional business, Rick Thompson adjourned the meeting at 3:00 p.m.

#### **ATTACHMENTS**