



**TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
615.741.2241**

Board Meeting Minutes for December 7, 2023
First Floor Conference Room 1-A
Davy Crockett Tower

Tennessee Board of Architectural and Engineering Examiners met on December 7, 2023, and the following business was transacted:

BOARD MEMBERS PRESENT: Alton Hethcoat, Blair Parker, Frank Wagster, Brian Tibbs, Rob Barrick, Melanie Doss, Rick Thompson (Virtual), Jason Carder, Ashraf Elsayed, Jeff Nalley, James Collins, Eddie Jett

BOARD MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Glenn Kopchak, Stuart Huffman, Heidi Overstreet, Alexandria Griffey, Tammy Roehrich, Ashley Trobaugh, Philip Allocco

COMMITTEE MEETINGS

INTERIOR DESIGN COMMITTEE

CALL TO ORDER/ROLL CALL

Melanie Doss called the meeting to order at 9:03 am and Director Glenn Kopchak took roll call.

Artificial Intelligence

Melanie Doss provided comments regarding the Interior Design Qualification (CIDQ) annual meeting that was hosted in Louisville, KY, from November 10 - 11, 2023. At the conference, the effects of AI, integration of AI into the business, and the misuse/abuse of AI were discussed. Melanie Doss also informed the board that there has been an uptick of individuals sitting for examination since the pandemic.

NEW BUSINESS

No new business was presented.

ENGINEER COMMITTEE

CALL TO ORDER/ROLL CALL

Rob Barrick called the meeting to order at 9:28 am and Director Glenn Kopchak took roll call.

Appellations

Rob Barrick provided a summary of the board's discussion regarding appellation for the use of the word "Engineer". The board mentioned that NCEES and other states have adopted the term "Professional Engineer" instead of "Engineer" since there appear to be various uses of "Engineer" that are exempt, like those that under responsible charge, whereas "Professional Engineer" denotes professional licensure. If this were to be adopted in TN, such action would likely require a change in statute and was therefore deferred to appropriate jurisdiction.

NEW BUSINESS

No new business was presented.

BOARD MEETING

CALL TO ORDER / ROLL CALL / NOTICE OF MEETING

Melanie Doss called the meeting to order at 10:03 am and Director Glenn Kopchak took roll call.

Announcements

Director Kopchak announced that the next board meeting on February 8, 2024, will be held at the Ellington Agricultural Center, Ed Jones Auditorium. Director Kopchak then presented a plaque to recognize the service of former board member Robert Campbell.

The board broke for a 10-minute recess.

AGENDA

Blair Parker made a motion to accept the agenda. This was seconded by Brian Tibbs. The motion passed by unanimous voice vote.

OCTOBER MINUTES

James Collins made a motion to edit the October minutes by replacing the word "minutes" with "agenda" under the heading "Agenda". This was seconded by Blair Parker. The motion passed by unanimous voice vote.

PROFESSIONAL SOCIETY REPORTS

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 celebration of the Engineers' Excellence Award, with Burns Cooley Dennis being the grand concepter recipient, and Kasey Anderson also announced an upcoming Senior Principles Forum that will take place on Friday, January 12, 2024, at the Nashville Marriot at Vanderbilt University, which will include discussion about adopting AI into firms.

Ashley Cates, Executive Director of the American Institute of Architects (AIA-TN), provided updates regarding the 2024 planning retreat and announced that there will be an upcoming Enrichment

Conference held in Knoxville, TN on August 7 - 9, 2024.

Nathan Ridley, TN Chapter of the American Society of Landscape Architects (ASLA-TN), provided updates and upcoming events for the ASLA-TN.

Claudia Lofton, President Elect of Advocacy at International Interior Design Association (IIDA-TN Chapter), and Hannah Durham, President Elect of American Society of Interior Designers (ASID), reported updates for their organizations to include providing community outreach and an upcoming state conference scheduled for September 19, 2024, at 1410 Event Venue.

DIRECTOR'S REPORT

Budget Report

Director Kopchak summarized the financial report for fiscal year 2023. Director Kopchak reported that during fiscal year 2023, there was a surplus each month and a reallocation resulting in the chargeback minus expenses. That reallocation is for grant money that was not spent, therefore refunded back to the program.

NCEES 2024 Southern Zone Meeting

The meeting will be held in Asheville, NC on April 4 - 6, 2024. Brian Tibbs made a motion to approve travel for Jason Carder, Eddie Jett, and Rob Barrick. This was seconded by Frank Wagster. The motion passed by unanimous voice vote.

NCARB Educators and Practitioners Conference

The meeting will be held in Charlotte, NC on February 3, 2024. Blair Parker made a motion to approve travel for Frank Wagster, Brian Tibbs, and Rick Thompson. This was seconded by Rob Barrick. The motion passed by unanimous voice vote.

Conference Updates

No additional conference updates were provided.

COMMITTEE REPORTS

Please see summary provided above.

PUBLIC COMMENT PERIOD RELATED TO ITEMS ON THE AGENDA

Paul Wisniewski addressed the board to express interest in a pathway to licensure as an architect that includes a 2-year degree, which would require a change in statute.

LEGAL

Legal Report (presented by Stuart Huffman)

1. 2023035981

First Licensed: 10/03/1992

Expiration: 11/30/2024

Type of License: Professional Engineer

History (5 yrs.): 2021 – One complaint closed with letter of warning for failure to provide clear scope of project to client.

Complainant contracted with Respondent on 03/28/2022 for site plans to show grading, water, SWPPP NOI, and for landscaping for the RV Park. Complainant alleges Respondent submitted plans that were not buildable and there were manholes 25' out of the ground. Complainant has been trying to work with Respondent for over a year and still does not have workable plans. Complainant also claims Respondent changed the payee on a check payable to the State for permits because it had to be paid online.

Respondent worked on plans from Spring of 2022 until June 13th and received a site plan/ project approval for 125 RV units following Complainant's wishes and direction. Respondent began to make construction plans shortly with level mass grade scenario approved with retaining walls and gravel roads. Respondent was attempting to make it affordable for Complainant to build. Complainant received grading quotes and decided to slope the RV park much more. Respondent regraded to accommodate. The entire layout and grades had to be redone from scratch to achieve this. The city sewer department told Respondent that manholes were needed. Complainant did not want manholes and recently ordered Respondent to take manholes out of the project, because other RV Parks do not have them. The city is maintaining the project must have public sewer standards met, even on the private side of the Pump Station with force main. The Planning Commission approved the project with manholes, Complainant does not want to pay for additional services needed to fully complete project. In early June Complainant and Respondent met at the office and Complainant stated the city is requesting a State Permit to start grading. A few days later, Respondent met with Complainant to have the SWPPP NOI TDEC permit signed. Respondent spent several hours on the TDEC website trying to upload docs and determined that TDEC no longer accepts checks and fees are paid online. Complainant informed Respondent of changes with the entry location and the electric info from the co-op. The plans that were uploaded to TDEC, and supplied by Complainant, were draft only as plans were in state of flux in June. Complainant wanted to remove storm pipes and inlets so Respondent prepared plans that was minimal and were sent to the city department for review. Once Respondent completed the SWPPP again with changes from June 8, 2023, until July 26, 2023, Respondent tried again to upload. Respondent deposited the permit check into the business account to pay for the fees online. Respondent was not able to successfully upload with the changes made until July 27 for TDEC review. Respondent indicates that the parties have spoken and vowed to work together on the project. Respondent will provide a new agreement with Complainant due to many changes wanted in order to be cost effective. Respondent further emphasizes the plans Complainant submitted were not the plans approved and reflect attempts to get base right before final hydraulic and sewer work can be completed without changing 30 sheets now multiple times.

Reviewed by Board member: Alton Hethcoat

Mitigating Factors:

Aggravating Factors:

Recommendation: Discuss

Board Decision: Defer to the February meeting.

2. 2023038491

First Licensed: N/A (Unlicensed)

Expiration: N/A

Type of License: Professional Engineer

History (5 yrs.): None.

Complainant alleges Respondent is holding themselves out as a professional engineer while not being registered. Respondent was hired by a municipality as a "Traffic Engineer". It was not the action of the Respondent that named the position, it was the municipality. Once the municipality learned of the issue, they renamed Respondent's position as a "Planning Manager".

Reviewed by Board member: Jason Carder

Mitigating Factors: No violations found; No fault to Respondent.

Aggravating Factors:

Recommendation: Letter of Caution to inform Respondent to refrain from mentioning engineer on social media until registered.

Board Decision: Concur.

3. 2023041901

First Licensed: 01/19/2021

Expiration: 01/31/2025

Type of License: Professional Engineer

History (5 yrs.): None.

Complaint was opened after Respondent was audited for PDH on 5/10/2023, however did not respond within 30 days. A citation was sent to Respondent, but Respondent claims he did not receive the audit letter or a paper copy of the citation due to moving to another state. A courtesy reminder was sent via email on 9/18/2023 because there had been no response to the citation. Respondent states he had the certificates showing compliance with the PDH but the system was not allowing him to submit. The certificates showing PDH compliance were finally received. Respondent states he was in the middle of moving and there were problems with communicating with the Board therefore he should not be penalized.

Reviewed by Board member: Rob Barrick

Mitigating Factors: Communication issues and was PDH compliant.

Aggravating Factors:

Recommendation: Close

Board Decision: Concur.

4. 2023034161

First Licensed: 01/01/1993

Expiration: 07/31/2025

Type of License: Professional Architect

History (5 yrs.): None.

Respondent self-reported that he had been practicing on an expired license since March 31, 2021. Respondent discovered there was a problem with the registration while making application for a project with the Tennessee State Fire Marshal's Office. Respondent stamped plans on 31 projects from April 1, 2021 through July 11, 2023. Respondent has since renewed his license.

Reviewed by Board member: Brian Tibbs

Mitigating Factors: Self-reported

Aggravating Factors: Practicing on an expired license.

Recommendation: Authorize a civil penalty of \$3,100.00 by Consent Order and formal charges for practicing on an expired license and pass the Laws and Rules Exam.

Board Decision: Review stamped projects and re-present at the next Board meeting.

New Information: The Board requested a review of the penalty to keep discipline consistent.

New Recommendation: Authorize a civil penalty of \$7,750.00 (\$250 per project) by Consent Order and formal charges for practicing on an expired license and pass the Laws and Rules Exam.

New Board Decision: Concur.

NEW BUSINESS

Director Kopchak introduced the possibility of a change to the current comity policy that will permit administrative approval where there is a complete NCEES, NCARB, CLARB, or CIDQ certificate that has already verified the applicant's education, exams, and experience.

ADJOURNMENT

Melanie Doss adjourned the meeting at 11:40 a.m.