



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

Board Meeting Minutes for December 5, 2024
First Floor Conference Room 1-A
Davy Crockett Tower

Tennessee Board of Architectural and Engineering Examiners met on December 5, 2024, and the following business was transacted:

BOARD MEMBERS PRESENT: Alton Hethcoat, Blair Parker, Frank Wagster, Brian Tibbs, Melanie Doss, Rick Thompson, Jason Carder, Dr. Ashraf Elsayed, Jeff Nalley, James Collins, Eddie Jett

BOARD MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Glenn Kopchak, Laura Martin, Heidi Overstreet, Alexandria Griffey, Tammy Roehrich, Ashley Trobaugh

ENGINEER COMMITTEE MEETING

CALL TO ORDER

James Collins called the meeting to order at 9:00 am, and Director Glenn Kopchak took roll call.

Application Review

Alton Hethcoat made a motion to allow Miguel A. Trevino to continue in the application process. This was seconded by Dr. Ashraf Elsayed. The motion passed by unanimous vote.

Mapping Data

Jason Carder will craft language to update Engineer reference manual to address mapping and LiDAR data.

NEW BUSINESS

No new business was presented.

BOARD MEETING

CALL TO ORDER

Jason Carder called the meeting to order at 9:30 am, and Director Glenn Kopchak took roll call and read the notice of meeting into the record.

Announcements

Director Glenn Kopchak introduced the administrative staff. The Board recognized the service of administrative staff and expressed their gratitude for the past year. They further recognized Melanie Doss for her work as chairman and welcomed Jason Carder as he begins his tenure in that role.

AGENDA

Brian Tibbs made a motion to approve the agenda. This was seconded by Frank Wagster. The motion passed by unanimous voice vote.

OCTOBER MINUTES

Brian Tibbs made a motion to adopt the October minutes with one minor edit identified by James Collins. This was seconded by Blair Parker. The motion passed by unanimous voice vote.

PROFESSIONAL SOCIETY REPORTS

Suzanne Herron, President of American Society of Civil Engineers (ASCE-TN), reported updates and upcoming events. She also announced that 9 colleges attended the TN Student Conference, with the University of Memphis placing 1st in the competition.

Ashley Cates, Executive Vice President of the American Institute of Architects (AIA-TN), provided updates regarding the McKissock endowment fund that helps to increase diversity within the profession. Recipients will be announced by the end of the year. Additionally, Ashley Cates announced that TNSAVE (TN Structural Assessment Visual Evaluation) volunteered in East TN for disaster relief for individuals rebuilding homes.

Nathan Ridley, TN Chapter of the American Society of Landscape Architects (ASLA-TN), reported updates for his organization to include providing notice of their the upcoming annual meeting in Nashville, TN.

Anita Ryan, President-Elect of American Society of Interior Designers (ASID), reported updates and upcoming events for ASID. She further announced that their holiday party will be on December 12, 2024, at Thistle Farms. On January 23-24, 2025, there will be a new professional development initiative called "Rise and Refine".

DIRECTOR'S REPORT

Budget Report

Director Kopchak summarized the financial reporting for both the prior fiscal year in reserves and for current available reporting for FY25 (July through October). Director Kopchak reported that the uptick in expenses for line items listed under "Other" and "Technology" in October were respectively due to the board being billed for CLARB annual dues and online application enhancements.

Transcripts Policy

Director Glenn Kopchak informed the board that the last update to the transcript policy occurred in 2013. The policy requires transcripts to be received directly from the institution rather than the applicant. No additional changes were made.

NCEES Southern Zone Interim Meeting

The meeting will be held in Little Rock, AR, on April 24-26, 2024. Blair Parker made a motion to approve travel for Jason Carder, Eddie Jett, James Collins, Alton Hethcoat, and Dr. Ashraf Elsayed. This was seconded by Richard Thompson. The motion passed by unanimous voice vote.

CIDQ Annual Meeting Update

Melanie Doss provided comments regarding the CIDQ annual meeting that took place in Chicago, IL, on November 8-9, 2024. Melanie Doss stated that the organization celebrated their 50-year anniversary and highlighted some of the topics discussed: Passing of model legislation, Template for jurisdictions as well as non-jurisdictions, and the importance of hiring certified professional interior designers.

Melanie Doss will be serving as the director of CIDQ for two (2) years beginning January 2025. As a result, Frank Wagster will serve as the TN representative in her place.

LEGAL

Legal Report (presented by Laura Martin)

1. **2024027561**
2024030711
First Licensed: N/A (Unlicensed)
Expiration: N/A
Type of License: Professional Engineer
History (5 yrs.): None.

Both complaints relating to the online platform Upwork.

Engineering complaint- complainant is a member of the public who had contracted for the services of an engineer via the freelance site "Upwork." Complainant had contracted with a person who referred to himself by the name of a registered engineer within the State. As Complainant proceeded with their communications with the freelancer it became apparent to Complainant that the Respondent did not appear to be who he was advertising himself to be. Complainant then took it upon themselves to research the name which was being used by the freelancer and to locate the contact information for the actual registered engineer by that name in the State of Tennessee. The registered engineer told Complainant they had no knowledge of the project. Complainant terminated the agreement with the freelancer because of their conversations with the properly registered engineer. Complainant in this matter does not have a copy of the contract with the freelancer and the freelancer cannot be located on the Upwork site any longer.

Architect complaint- complainant is a licensed architect in Tennessee who was contacted by a city to confirm site plans. The architect informed the city and the company that had submitted plans that they did NOT create these plans, and that clearly someone else was using their stamp and forged their signature. The company that submitted the plans pulled the plans immediately and has been cooperating with our investigator telling us that they had contracted with an architect on Upwork. With the limited details that the company was able to get from their contract with the individual on Upwork our investigator attempted to track down the person who had used someone's stamp. In the end, while we were able to get some details, we are not able to nail down who this person is exactly. Their profile has been removed from Upwork at this time.

Reviewed by Board member: N/A

Mitigating Factors: None.

Aggravating Factors: Unlicensed activity, fraudulent use of a registered engineer's information.

Recommendation: Close. At this time, we are unable to determine who the identity of the would-be respondents be for these complaints. While closure is recommended, legal can document the limited details used on the profiles that were on Upwork and monitor the situation with the intention to reopen these complaints if additional information on their identities is revealed.

Board Decision: Issue a letter of instruction to Upwork.

2. 2024048551

First Licensed: 04/25/1987

Expiration: 08/31/2026

Type of License: Professional Architect

History (5 yrs.): None.

Respondent reported on his application for renewal that he had practiced architecture while his registration was in an expired status. Respondent provided a list of the three projects on which he worked during this inactive period. These projects were of the following square footage: 2590, 4312, 5000. Respondent admitted to having stamped all three projects but clarified that he probably did not need to because of the projects relative sizes being exempt from licensure requirements and that his projects are residential in nature. He stated in response that he had stamped these projects because it made them appear more official.

Reviewed by Board member: Rick Thompson

Mitigating Factors: Respondent self-reported when he submitted for re-instatement.

Aggravating Factors: Respondent has on record a prior consent order for practicing while his license was expired.

Recommendation: Authorize formal charges and the settlement thereof through Consent Order and civil penalty in the amount of \$1,500.00 with this amount being reflective of a \$500.00 civil penalty for each plan sealed while in an expired status. Take and pass the Laws and Rules Examination.

Board Decision: Concur.

3. 2024035961

First Licensed: 12/09/2016

Expiration: 12/31/2024

Type of License: Professional Architect

History (5 yrs.): 2024 - One complaint placed in litigation monitoring for possible civil litigation.

October summary:

The Complainant in this matter is within a code's office within the western region of Tennessee to which Respondent submitted sealed plans for review. The Complaint itself alleges concerns of incompetence on part of Respondent to have effectuated the mechanical, electrical, plumbing, and fire prevention plans which were submitted under Respondent's singular seal. The associated project is, by general description, the remodel of a 4,000 sq. ft. four story building intended to be classified as an R-2 building. Respondent is registered only as an architect, and the sealing of plans which included all the planning factors by only an architect appeared abnormal to Complainant. However, Respondent did provide to the code's office an attestation of competence associated with the completion of the plans in their entirety.

Respondent in this matter provided an initial response to the Complaint which expressed confusion as to what the Complaint was alleging. Counsel followed up with Complainant to request evidence of Respondent's competence to effectuate mechanical, electrical, plumbing, and fire prevention plans. Respondent provided a letter in response outlining first what the plans included: a change in occupancy status to R-2 and the addition of a smokeproof stairway. Additionally, Respondent provided a list of other projects, which are similar in scale to the project at issue, which he states the "SCCE" approved in the past without issue alongside a general affirmation of competency related to his firm. Finally, Respondent expressed that the at issue plans has already been approved and if there were concerns present these should have been raised in the review process, not to the via the Complaints process with the Board, as this has caused Respondent delay in its project.

In the process of review, it was also noted that Respondent's signature fails to meet the requirement of it exceeding the circumference of the seal, as outlined within Tenn. Comp. Rules and Reg. 0120-02-.08.

Additional information relating to the complainant's experience and education was requested on October 15th. A follow up email requesting this information was sent on November 21st. Currently the respondent has not yet contacted our office with those materials.

Reviewed by Board member: James Collins

Mitigating Factors:

Aggravating Factors: Has not responded to our office.

Recommendation: Authorize formal charges and the settlement thereof through Consent Order and civil penalty in the amount of \$1,000.00, with this amount being reflective of a \$500.00 civil penalty for violation of T.C.A. § 62-2-101(failure to register as an architect prior to practicing as such, associated with the actual practice of architecture) as well as a \$500.00 penalty for violation of T.C.A. § 62-105(b)(1) (offered to practice architecture prior to registration, held oneself out as an architect prior to registration as such).

Board Decision: Concur.

4. 2024053701

First Licensed: 09/25/2019

Expiration: 09/30/2026

Type of License: Professional Landscape Architect

History (5 yrs.): None.

Respondent in this matter self-reported that he had practiced on an expired license. Respondent appears to have sealed two sets of plans in July 2024, related to gas station locations, during the period when his registration was expired. All other plans submitted to the Board for review were sealed within a timeframe which Respondent's registration was active.

Reviewed by Board member: Blair Parker

Mitigating Factors: Respondent self-reported.

Aggravating Factors: Respondent sealed two plans while in an expired status.

Recommendation: Authorize formal charges and the settlement thereof through Consent Order and civil penalty in the amount of \$1,000.00 with this amount being reflective of a \$500.00 civil penalty for each set of plans sealed while in an expired status. Take and Pass the Laws and Rules exam.

Board Decision: Concur.

5. 2024054301

First Licensed: N/A

Expiration: N/A

Type of License: Engineering Firm

History (5 yrs.): 2022 – One complaint closed with letter of warning for self-reporting discipline by another state's licensing board.

Respondent was disciplined in the State of Wyoming for having provided services for 99 projects without valid business registration. Respondent was assessed a \$9,000 civil penalty as a result. It appears Respondent had not been aware of the firm licensure requirement in the State of Wyoming, but the individual PE who represents the firm within the State has been licensed there since 2004. Respondent appears to have also been disciplined in 2023 by the Board in South Carolina. Respondent properly reported the SC discipline to the Board in Tennessee in 2023.

Reviewed by Board member: Alton Hethcoat

Mitigating Factors: Respondent self-reported.

Aggravating Factors: Respondent failed to properly educate themselves on the rules and regulations of another State.

Recommendation: Letter of Caution.

Board Decision: Concur.

6. 2024047271

First Licensed: 09/14/2022

Expiration: 09/30/2026

Type of License: Professional Architect

History: None.

Respondent in this matter is alleged to have improperly utilized the plans of another firm, infringing upon their intellectual property rights and committing theft. Complainant in this matter later retracted the complaint after having reviewed the contract between the purchasing entity and Complainant. Complainant discovered, in the process of contract review, that the rights to the plans had been transferred to the purchaser in the process of the transaction. The purchaser had directed Respondent to utilize the plans. The two parties to this complaint agree that the use of the plans was proper under the terms of the contract.

Reviewed by Board member: Alton Hethcoat

Mitigating Factors: Respondent was responsive to the complaint. The complaint was withdrawn.

Aggravating Factors: None.

Recommendation: Close

Board Decision: Concur

Retrospective Rules

Rick Thompson made a motion to accept the rules as presented with several additional amendments and grant approval to set a rulemaking hearing. Those amendments included several items such as

proper formatting for the engineer definitions, correction of an autocorrect to reflect the exclusion of boundary surveying, and redlining of carryover PDH language and the use of “resident” when referring to firms. This was seconded by Dr. Ashraf Elsayed. The motion passed by unanimous voice vote.

COMMITTEE REPORTS

Please see summary provided above.

PUBLIC COMMENT PERIOD RELATED TO ITEMS ON THE AGENDA

There were no comments from the public.

ADJOURNMENT

There being no new business, Jason Carder adjourned the meeting at 12:00 p.m.