



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

Board Meeting Minutes for October 3, 2024
First Floor Conference Room 1-A
Davy Crockett Tower

Tennessee Board of Architectural and Engineering Examiners met on October 3, 2024, and the following business was transacted:

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

BOARD MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Glenn Kopchak, Ariel Carter, Chloe Sink, Heidi Overstreet, Alexandria Griffey, Tammy Roehrich, Megan Maleski

COMMITTEE MEETINGS

ENGINEER COMMITTEE

CALL TO ORDER/ROLL CALL

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

APPLICATION REVIEWS

Application #1

Alton Hethcoat made a motion to allow Heinere Howard Ah-Sha to continue in the application process. This was seconded by Eddie Jett. The motion passed by unanimous vote.

Application #2

James Collins made a motion to deny Christopher Mark Hahn's application per TCA 62-2-308. This was seconded by Jason Carder. The motion passed by unanimous voice vote.

Application #3

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

Application #4

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

NEW BUSINESS

No new business was presented.

GRANTS TO HIGHER EDUCATION COMMITTEE

CALL TO ORDER/ROLL CALL

Alton Hethcoat called the meeting to order at 10:00 am, and Director Glenn Kopchak took roll call.

GRANTS PROPOSAL REVIEWS

Alton Hethcoat stated that the committee has allocated the \$400,000 in grants to the 17 applications received via the pro rata formula taking into account the enrollment of each program in concert with the amount requested. Dr. Ashraf Elsayed made a motion to accept the grant distribution as presented. This was seconded by Brian Tibbs. The motion passed by unanimous voice vote.

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 10:30 am and Director Glenn Kopchak took roll call.

ANNOUNCEMENTS

Director Glenn Kopchak informed the board that associate members can make motions during board meetings but will need a voting member to second their vote. Additionally, he introduced Chloe Sink as the Staff and Disciplinary Counsel for the A&E board.

AGENDA

Alton Hethcoat made a motion to approve the agenda. This was seconded by Jason Carder. The motion passed by unanimous voice vote.

AUGUST MINUTES

Eddie Jett made a motion to adopt the August minutes. This was seconded by Frank Wagster. The motion passed by unanimous voice vote.

PROFESSIONAL SOCIETY REPORTS

Nathan Ridley, TN Chapter of the American Society of Landscape Architects (ASLA-TN), reported

updates for his organization to include providing the upcoming National meeting in Washington, DC and State meeting that will be held in Knoxville, TN in April 2025. Additionally, he encourages everyone to get out and vote in the upcoming election.

Hannah Durham, President Elect of American Society of Interior Designers (ASID), and Claudia Lofton, President of Advocacy at International Interior Design Association (IIDA-TN Chapter), provided a summary of national meetings that were held on August 11-13, 2024, in Denver, Colorado, with an emphasis towards leadership training opportunities. Additionally, Hannah Durham announced that Claudia Lofton received the Humanitarian Award at the Interior Design state conference.

GRANT PRESENTATIONS

The universities that submitted grant proposals for FY25 presented their proposals and answered questions from the board.

The board recessed for a 5-Minute Break

Deputy Commissioner Toby Compton briefly addressed the board and thanked them for their contributions to the industry and their service and further discussed various initiatives and efforts within the Department of Commerce and Insurance.

DIRECTOR'S REPORT

2025 NCARB & CLARB Meetings

Rick Thompson made a motion to approve travel for the architect and landscape architect members. This was seconded by Jason Carder. The motion passed by unanimous voice vote.

CONFERENCE UPDATES

NCEES Annual Meeting

James Collins provided comments regarding the NCEES Annual Meeting that took place on August 14 - 17, 2024, highlighting the Northeast Zone's motion to allow the appropriate committee to consider ETAC/ABET degrees to qualify under Model Law. A majority of the jurisdictions voted in favor to move to committee for further consideration.

TN Engineers' Conference

Director Kopchak provided comments regarding the TN Engineers' Conference which included an A&E Board Roundtable that took place in Franklin, TN on October 1, 2024. Director Kopchak highlighted some of the topics discussed: board composition and mission, minimum requirements, consumer due diligence, enforcement, UK Mutual Recognition Agreement, and AI.

CLARB Annual Meeting

Blair Parker provided comments regarding the CLARB annual meeting that took place in Buffalo, NY on September 19 - 21, 2024. Blair Parker highlighted some of the topics discussed: Unified Standard regarding alternative pathways for licensure, International Council on Regulation (ICOR) and their work regarding practice overlap, and his work on the committee for review of the CLARB bylaws.

COMMITTEE REPORTS

Please see summary provided above.

Alton Hethcoat made a motion to approve and authorize the grant awards to the subsequent universities and to express interest in an increase for allocation to \$450,000 in the next appropriations bill. This was seconded by Jason Carder. The motion passed by unanimous voice vote.

PUBLIC COMMENT PERIOD RELATED TO ITEMS ON THE AGENDA

There were no presentations from the public.

Lunch Break (1:00-1:30)

LEGAL

Legal Report (presented by Aerial Carter and Chloe Sink)

1. 2024035921 (AC)

First Licensed: 01/01/1993

Expiration: 06/30/2026

Type of License: Professional Engineer

History (5 yrs.): None.

This matter was administratively opened. The Respondent's license expired July 31, 2023. On June 25, 2024, the Respondent applied for reinstatement. On the application for reinstatement, the Respondent was asked if they practiced in Tennessee since their license was expired and they answered "yes."

The Respondent stated that it was an oversight on their part for not registering and paying all fees. The response did not specify any projects that the Respondent worked on while unlicensed. Counsel requested additional information.

The Respondent stated that they worked on two projects. The first was a project that involved construction quality assurance oversight for the placement of soil over a construction/demolition waste fill. The work was performed in May of 2023, but the report wasn't stamped and submitted until August 16, 2023. The second project was an expansion of a construction demolition where they made revisions that involved adding labels, details, and clarifications of the drawings. The Respondent provided comments on the project in July, October, and November of 2023 and a final revision was approved in January of 2024. The Respondent attached documents for the projects.

After a review of the documents, it was determined that the first project was basically a quality control and assurance review and recommendation based on information provided by other professional services. The second project included design and preparation of plans for the landfill. It is recommended that a civil penalty be assessed.

Reviewed by Board member: Alton Hethcoat

Mitigating Factors: No prior discipline.

Aggravating Factors: Expired license

Recommendation: Authorize a Civil Penalty of Two Hundred and Fifty (\$250.00) for the Respondent's review and recommendation provided for a project that occurred in May 2023, in violation of Tenn. Comp. R. & Regs. 0120-02-.07 (3); Authorize a Civil Penalty of Five Hundred Dollars (\$500.00) for the design and preparation of plans submitted by the Respondent in the second project, in violation of Tenn. Comp. R. & Regs. 0120-02-.07 (3); Require the Respondent to pass the Laws and Rules Exam.

Board Decision: Concur.

2. 2024035981 (CS)

First Licensed: 10/21/2018

Expiration: 07/31/2026

Type of License: Professional Engineer

History (5 yrs.): None.

Respondent in this matter reported in the process of their renewal that they had practiced engineering in the time which their license was expired. In response, Respondent admitted to having performed work on one project in the time which their license was expired. Respondent also expressed that they believed their license to still be active when they worked on this one project. In support of this oversight, Respondent noted licenses they possess which were issued by states other than Tennessee, reached their date of expiration in December of 2023, rather than an earlier month in 2023 as their license had in Tennessee.

Reviewed by Board member: Alton Hethcoat

Mitigating Factors: Reported on licensure renewal, self-reported.

Aggravating Factors: Worked on project while license expired.

Recommendation: Authorize formal charges and the settlement thereof through Consent Order and civil penalty of Five Hundred Dollars (\$500.00) for the singular project violation under Tenn. Code Ann. §62-2-308(a)(1)(F). Pass the Laws and Rules Exam.

Board Decision: Concur.

3. 2024047531 (CS)

First Licensed: N/A (Unlicensed)

Expiration: N/A
Type of License: Professional Architect
History (5 yrs.): None.

The Complaint in this matter was a referral from the Contractors Board, in which the original Complainant had alleged that their contractor had utilized an unlicensed architect for the designs associated with a 6,000 sq. ft. duplex within the Memphis region of Tennessee. This concern arose due to the fact that Complainant's residence, the duplex, is experiencing continuous flooding when poor weather is in the area. Respondent's signature was found on the plans submitted for this property with the code's office. The Respondent's personal and/or business name and address were unknown. No online presence was locatable for the Respondent. An investigation was dispatched in this matter to determine the identity of Respondent as well as the facts and circumstances surrounding the Complaint.

The Investigator in this matter was able to contact Respondent and determine their mailing address as well as an overview of the projects for which Respondent created designs within the State. Respondent had generated designs for seven (7) projects total, with one being their personal address. Only one design exceeded 5,000 sq. ft. in total area, accounting for the exemption outlined within T.C.A. § 62-2-105. Respondent clarified that they are a licensed architect in their home country of Venezuela and provided to the investigator their license number and educational history from their home country. Respondent further clarified that they did not know there were limits associated with the designing of residential properties for the personal owners of a property; only that the design of mechanical, electric, and plumbing were required to be licensed professionals in this residential context.

Respondent utilizes GR design as a DBA for signature, but this name represents them only in their individual capacity (these are the initials of Respondent). Respondent does not have a business license, does not have business cards, and does not advertise themselves as a firm.

Reviewed by Board member: Frank Wagster

Mitigating Factors: Respondent was cooperative with the investigation.

Aggravating Factors: Respondent effectuated designs on one property in a total area of more than 5,000 sq ft and held themselves out as an architect.

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.

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

Respondent in this matter is alleged to be operating as an engineer without having first properly registered with the Board. Complainant, in support of their Complaint submitted the minutes from the Bradley County local government meetings, within which the Respondent has signed on the line titled "County Engineer." These plans all appear associated with road planning within the County. Upon further investigation, counsel for Bradley County was able to provide clarity on Respondent's role within their local government. Respondent does work for the county, and is employed by the road superintendent. Respondent is not employed as an engineer in title. Counsel further clarified that their long-time county engineer was elected as the road superintendent in 2014, however, this individual was then defeated in 2022 and replaced by a new road superintendent. The forms have not been updated to reflect the removal of the County Engineer position, which is currently vacant. Respondent does not appear on social media, or other public facing interface, to be holding himself out as an engineer; nor does he appear to identify himself as such on the recordings of Bradley County meetings. Respondent has not provided response to this Complaint but is not subject to penalty for this failure as he is not a registrant.

Reviewed by Board member: James Collins

Mitigating Factors: The form which Respondent signed next to the County Engineer line has not been updated to reflect this position no longer existing in Bradley County, and as such Respondent cannot hold this designation.

Aggravating Factors: None.

Recommendation: Issue a Letter of Caution related to holding oneself out as an engineer prior to proper registration, highlighting the fact that Respondent should not continue to sign the County Engineer line, referencing to T.C.A. § 62-2-105 for guidance.

Board Decision: Concur.

5. 2024044181 (CS)

First Licensed: 12/08/2021
Expiration: 12/31/2025
Type of License: Professional Engineer
History (5 yrs.): None.

Complainant in this matter alleged Respondent had "totally changed [their] report after leaving the property and [Respondent] refuses to include all pic[tures]." The Report to which Complainant is referring is an insurance inspection which was conducted by Respondent on Complainant's property following a storm. Respondent responded to this Complaint stating they changed nothing in any report, provided all images they took of the property, and clarified that not all images were used because they

were simply duplicative or unnecessary for the report.

Reviewed by Board member: Eddie Jett

Mitigating Factors: Respondent was forthcoming with his response and information associated.

Aggravating Factors: None.

Recommendation: As there does not appear to be any violation present, close.

Board Decision: Concur.

RE-PRESENTATION

6. 2024007221 (AC)

First Licensed: 07/25/2017

Expiration: N/A

Type of License: Professional Engineering Firm

History: None.

Respondent self-reported that their license was suspended in another state due to tax related issues. This occurred on or around January 25, 2024. The Respondent stated that they are working with accountants regarding the issue and as of March 14, 2024, the license in the other jurisdiction has been reinstated.

Counsel recommends that this Respondent be assessed a civil penalty of Five Hundred Dollars (\$500.00) for violation of Tenn. Code Ann. §62-2-308(a)(1)(F).

Reviewed by Board member:

Mitigating Factors: Self Reporting; Disclosed disciplinary action; Respondent took corrective action.

Recommendation: Assess a Civil Penalty of Five Hundred Dollars (\$500.00) for violation of Tenn. Code Ann. §62-2-308(a)(1)(F).

Board Decision: Defer to an Engineering Board member for further review and re-present at the next Board meeting.

Reviewed by Board member: Eddie Jett

New Information: Previous counsel recommended that this matter be closed with a Letter of Caution which was reviewed by Board member Eddie Jett. Counsel contacted Eddie Jett to re-review this matter. It is recommended that this matter be closed with a Letter of Caution.

New Recommendation: Letter of Caution

New Board Decision: Concur.

7. 2024007141 (CS)

First Licensed: 01/26/1999

Expiration: 02/28/2026

Type of License: Professional Engineer

History (5 yrs.): None.

Respondent self-reported that they mistakenly failed to renew their license when it expired January 31, 2023. Respondent realized their mistake on January 31, 2024, when they attempted to renew their license and found that it was expired. Respondent communicated this to the board via telephone and email on February 1, 2024. Respondent has since re-applied and had their license re-instated. During the time when the license was lapsed, respondent provided engineering and stamped drawings for 19 projects without realizing their license was inactive. The respondent stresses this mistake was unintentional but entirely their responsibility.

Mitigating Factors: The respondent self-reported. The respondent clearly did not realize they were working on an expired license.

Aggravating Factors: Respondent practiced on an expired license for a full year.

Recommendation: Send a letter of caution.

Board Decision: Defer this matter to the next meeting and have an Engineer member review information regarding projects that were completed during the expired period.

Reviewing Board Member: James Collins

New Information: Review conducted by Board member. Respondent signed and sealed nineteen (19) sets of construction plans for public buildings as a structural engineer. Respondent was cooperative and provided a complete list of all projects completed during the time of expiration.

New Recommendation: Authorize formal charges and the settlement thereof through Consent Order and Civil Penalty in the amount of Seven Thousand Six Hundred Dollar (\$7,600.00) with this amount being reflective of a \$400.00 penalty for each project sealed within the period of expiration. Require Respondent to pass the Laws and Rules examination.

New Board Decisions: Concur.

8. 2023035981 (CS)

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.

New Information: Based on the review, the plans included numerous errors and omissions that would be critical to construction, as well as compliance with standard utility, drainage, grading, parking requirements that would normally be components of any Subdivision Regulations. More importantly, the errors and omissions would negatively impact the safe use of the facilities. Respondent also changed the name on a check that was issued by the Complainant to the State of TN for regulatory review fees, scratched out "State of Tennessee", inserted his own name, then cashed the check. When confronted by the Complainant, the Respondent stated that the State of TN would only take a credit card and was reimbursing himself for the cost of the review fee. When the Complainant checked with the State of TN, they found no record of the payment by credit card for the review fees.

New Recommendation: Authorize the voluntary surrender of the license for 6 months by Consent Order and formal charges and present the next set of stamped plans, after the suspension, to the Board for review.

New Board Decision: Authorize the voluntary suspension of Respondent's license for 6 months, with all projects to cease and desist. After the suspension, authorize probation for 6 months, with a list of all work product to be reviewed by the Board by Consent Order and formal charges. The Board will randomly select at least three (3) projects for expert review and present to the Board during the probationary period. Further, the Respondent shall take and pass the laws and rules exam.

New Information: Respondent has communicated via counsel that they have rejected the Consent Order in its present form, specifically as it pertains to the suspension of Respondent's license for six (6) months, the reason being that this is not an economically viable outcome for Respondent's business and associated employees. Respondent maintains that he did not submit any plans to the relevant planning commission which contained errors or code violations, that those plans which contained the errors were plans which were drafts to accommodate changes requested by the Complainant. Respondent admits that he changed the name on the check in error, and that he should have utilized better judgement prior to making this change.

New Recommendation: Authorize probation for 12 months, with a list of all work product to be reviewed by a reviewing firm at Respondent's expense. The Respondent shall transmit to the Board all record of these reviews on the last day of each month. Respondent shall not be subject to the opening of an administrative/board action in response to these reviews unless such reviews raise concerns of incompetence in half or more (50% or greater) of all Respondent's peer reviews conducted over the period of one year. Respondent shall pay a civil penalty in the amount of \$2,000.00 with this amount being reflective of a \$1,000 civil penalty for violation of Tenn. Comp. Rules and Reg. 0120-02-.03 (proper conduct of practice) associated with the editing of the check payment and \$1,000.00 for violation of Tenn. Comp. Rules and Reg. 0120-02-.03 (governing malpractice) for the sealing of plans which were not intended for submission and/or not clearly delineated to be in a stage of preparation rather than finality. Further, the Respondent shall take and pass the laws and rules exam.

New Board Decisions: **The Board rejected the proposed settlement offer. Authorize formal charges and the settlement thereof through Consent which includes the following terms: the voluntary suspension of Respondent's license for 6 months, with all projects to cease and desist. After the suspension, authorize probation for 6 months, with a list of all work product to be reviewed by the Board by Consent Order and formal charges. The Board will randomly select at least three (3) projects for expert review and present to the Board during the probationary**

period. Further, the Respondent shall take and pass the laws and rules exam.

ADDENDUM

PRESENTATION

A1. 2024035961 (CS)

First Licensed: 12/09/2016

Expiration: 12/31/2024

Type of License: Professional Architect

History (5 yrs.): None.

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.

Reviewed by Board members:

Rick Thompson

Eddie Jett

James Collins

Aggravating Factors:

Mitigating Factors:

Recommendation: Authorize written request for additional proof of experience and/or education

which substantiates Respondent's individual ability to effectuate and seal mechanical, electrical, plumbing, structural and fire prevention plans for re-presentation.

Board Decision: Concur.

Reference Manual Update

Since the Board does not conduct competency reviews with incomplete information that could interfere with active complaints or future complaints, Director Kopchak made a recommendation to edit the reference manual with language that would be less ambiguous. Frank Wagster made a motion to approve the recommendation. This was seconded by Rick Thompson. The motion passed by unanimous voice vote.

ADJOURNMENT

There being no new business, Melanie Doss adjourned the meeting at 3:15 p.m.