

**Minutes of a Meeting of the
Tennessee Board of Architectural and Engineering Examiners
Davy Crockett Tower, Room 160
Nashville, Tennessee**

April 22, 2010

Board Members Present

Hal Balthrop, Professional Engineer
James Hastings, Registered Architect
Philip Lim, Professional Engineer
Bill Lockwood, Registered Landscape Architect
David Schuermann, Registered Architect
Leslie Shankman-Cohn, Registered Interior Designer
Richard Thompson, Registered Architect
Brenda Wood, Public Member

Associate Board Members Present

Dennis Henderson, Professional Engineer
Alton Hethcoat, Professional Engineer
Carlton Norris, Professional Engineer

Staff Present

Robert Herndon, Legal Counsel
John Cothron, Executive Director
Wanda Phillips, Administrative Manager
Wanda Garner, Administrative Assistant

Guests

The following were present for all or part of the meeting:

Candy Toler, Tennessee Society of Professional Engineers/American Council of
Engineering Companies of Tennessee (TSPE/ACEC-TN)
Nathan Ridley, Tennessee Chapter American Society of Landscape Architects
(ASLA -TN)
Mark Willett

CALL TO ORDER

Brenda Wood, vice chair, called the meeting to order at 9:05 a.m. A quorum of Board members was present, and the meeting, having been duly convened, was ready to proceed with business.

Mr. Lockwood, seconded by Ms. Shankman-Cohn, moved to approve the agenda with no changes. The motion passed unanimously.

A moment of silence was observed in remembrance of Robert Campbell, Engineer Board member, who died on March 25, 2010.

CONSENT AGENDA

1. *Approval of Minutes* (attached)

Mr. Schuermann, seconded by Mr. Lockwood, moved to accept the minutes of the February 18, 2010, meeting as written. The motion passed unanimously.

2. *Approval of the Staff Complaint Report (attached)*

Mr. Thompson, seconded by Mr. Hastings, moved to accept the Complaints for Board Decision as presented. The motion passed unanimously.

PROFESSIONAL SOCIETY REPORTS

1. *Candy Toler*, TSPE/ACEC-TN, reported that
 - a. the bill to allow applicants with engineering technology degrees to sit for the Principles and Practice of Engineering exam (HB2686/SB2691) is not expected to pass;
 - b. the bill to permit architects, engineers, or contractors to provide construction management or advisor services for schools (HB2754/SB3070) was signed by the Governor;
 - c. a bill that would allow the title “Engineer” to be used in the name of a company when no Professional Engineer is on staff (HB3465/SB3819) was passed with an amendment limiting the bill’s application to firms in Tennessee in 1998 that manufacture and distribute Federal Aviation Administration approved avionic equipment;
 - d. A senate amendment to the Sunset bill (HB2593/SB2428) would change the Board’s statute to state that the Governor “may” appoint members from a list of nominees submitted by the representative professional society. It also prohibits lobbyists from serving on the Board. The House version does not contain these provisions. This bill is not likely to pass, meaning that the Board will go into “wind-down mode” for one year until extended by the legislature.
 - e. TSPE’s Annual Meeting is scheduled to be held in Murfreesboro on August 26-27, 2010, and
 - f. she is in the process of submitting a list of nominees to the governor from which he will select an engineer Board member to fill Robert Campbell’s position.

2. *Nathan Ridley*, ASLA-TN, stated that the ASLA-TN meeting will be held in Memphis, August 25-27, 2010.

DIRECTOR’S REPORT

1. Mr. Cothron submitted the following report:
 - Bill Lockwood attended the Council of Landscape Architectural Registration Boards (CLARB) Spring Meeting in Dallas, TX on February 26-27, 2010.
 - Rick Thompson attended the National Council of Architectural Registration Boards (NCARB) Regional Meeting in Jackson Hole, WY on March 18-20, 2010.
 - Hal Balthrop attended the National Council of Examiners for Engineering and Surveying (NCEES) Regional Meeting in Tampa, FL on April 8-10, 2010.

- I have submitted a request for David Schuermann and me to attend the NCARB Annual Meeting in San Francisco, CA on June 23-26, 2010, at state expense. Jim Hastings and Rick Thompson will be funded by NCARB.
- The National Council for Interior Design Qualification (NCIDQ) Board of Directors has decided to hold a virtual Annual Meeting this year in lieu of a face-to-face meeting due to NCIDQ's financial situation. They are planning to return to a face-to-face meeting in 2011.
- All the grant contracts have been approved and the schools have received the grant funds. I have requested that the department issue a media release about this year's grants.
- I will speak at the Tennessee Building Officials Association annual meeting on April 27, 2010, regarding changes to the *Reference Manual for Building Officials and Design Professionals* and other relevant issues.
- We have reverted to requiring the full Social Security Number on applications because this is a federal and state requirement for the purpose of administering the state's child support program. Other changes to the engineer application are in process.
- Mr. Cothron asked if the Board would like to print law and rule books this year.

Mr. Hastings, seconded by Mr. Schuermann, moved to distribute the Board's laws and rules via the Internet and not print the law and rule books. The motion passed unanimously.

Mr. Balthrop, seconded by Mr. Lim, moved that the Grants to Higher Education Committee discuss the grants appropriation at the Fall Retreat. The motion passed unanimously.

Mr. Cothron reviewed pending legislation (attached).

2. *Licensing Data* (attached) was submitted for informational purposes only.
3. *Complaint Data* (attached) was submitted for informational purposes only.
4. *Financial Data* (attached)

Mr. Cothron reviewed the financial report. He will obtain a breakdown of the cost backs for Board members' review.

OLD BUSINESS

1. Notice of Rulemaking Hearing

Board members discussed whether to include a rule change which would require registrants to include a notation below the seal noting the expiration date of their certificate of registration. Mr. Herndon reminded Board members that the purpose of a rulemaking hearing is to aid them in making such decisions.

Mr. Hastings, seconded by Mr. Lockwood, moved to accept the Economic Impact Statement as presented by Mr. Herndon. The motion passed unanimously.

The rulemaking hearing will be scheduled for June 17, 2010.

2. *Action Items* (attached)

- Mr. Cothron will draft a letter to colleges and universities
 - i. explaining the registration requirements of the Board;
 - ii. suggesting that colleges and universities encourage seniors to take the Fundamentals of Engineering (FE) Exam prior to graduation, and
 - iii. noting that the Board subsidizes the cost of taking the FE Exam.
- In an invitation asking the deans of Tennessee colleges and universities to attend a meeting with the Board in October in Memphis, Mr. Cothron will ask whether they require seniors to take the Fundamentals of Engineering Exam prior to graduation and, if so, which discipline(s) falls under the requirement.
- Ms. Shankman-Cohn, again, asked Board members to give her comments and/or specific reasons for their objection to the Interior Design bill. Ms. Shankman-Cohn offered to make available a copy of the original and/or a “mark-up” version of the bill for their use. Mr. Cothron will also send out other jurisdictions’ interior design practice acts for comparison.
- With the Economic Impact Statement having been adopted, Mr. Herndon will schedule the Rulemaking Hearing for June 17, 2010. (See *Notice of Rulemaking Hearing* under “Old Business.”)

NEW BUSINESS

1. *Memorial Resolution for Bob Campbell*

Mr. Lim read the following memorial resolution of gratitude for the service of Bob Campbell:

WE, The members of the Tennessee State Board of Architectural and Engineering Examiners do hereby certify that **Robert G. Campbell** served the Board, the engineering profession, and the Knoxville-area community unselfishly.

WHEREAS, He was a person of honor, dedication, and integrity; and

WHEREAS, He made significant contributions to the mission of protecting the health, safety, and welfare of the citizens of the State of Tennessee through his active participation on the Board and served as its Chair from July 21, 2005-June 30, 2006, Vice Chair from July 1, 2008-June 30, 2009, and as Chair of the Board from July 1, 2009-March 25, 2010; and

WHEREAS, He demonstrated loyalty and diligence to the Board, our applicants, and registrants; and

WHEREAS, He, as an active member, served in leadership positions in the Tennessee Society of Professional Engineers, the American Council of Engineering Companies of Tennessee, and the Knoxville Chapter of TSPE; and

WHEREAS, He served as an active member of the National Council of Examiners for Engineering and Surveying and was a member of the Committee on Examinations for Professional Engineers; and

WHEREAS, He was an active member of Norwood Baptist Church where he served as teacher, Treasurer, and Deacon; and

WHEREAS, He demonstrated love of family and friends; and

WHEREAS, He exhibited wisdom along with a wonderful sense of humor; and

WHEREAS, He told the best stories; now therefore, be it

RESOLVED, That Robert G. Campbell be commended for his distinguished service to his profession, his community, and the State of Tennessee, and his name and contributions not be forgotten.

Dated this the 22nd day of April, 2010, at Nashville, Tennessee.

Mr. Lim, seconded by Ms. Shankman-Cohn, moved the adoption of the resolution. The motion passed unanimously.

Board members and staff will make a memorial donation to the Engineering Scholarship Fund at the University of Tennessee at Knoxville.

2. *Correspondence from Daniel Compagno*

Mr. Cothron will respond to Mr. Compagno advising him of the current law and that the Board is taking his questions under advisement. With input from Board members and in consultation with the Engineer Committee, Mr. Cothron will submit a draft letter for approval of the full Board in June.

Break 10:30 – 10:50 a.m.

3. *Officer Nominations*

The office of chair is vacated by the death of Mr. Campbell; thus, Mr. Thompson, seconded by Mr. Lockwood, moved to elect the previously nominated slate of officers today. The motion passed unanimously.

The newly elected Board officers will serve April 22, 2010 – June 30, 2011.

Brenda Wood — Chair

David Schuermann — Vice Chair

Philip Lim — Secretary

4. *Council of Landscape Architectural Registration Boards (CLARB) Spring Meeting Report*

Mr. Lockwood attended CLARB's Spring Meeting in Dallas, Texas and submitted a written report (attached). He added that CLARB is doing many things to cut expenses.

5. *National Council of Architectural Registration Boards (NCARB) Regional Meeting Report*

Mr. Thompson attended NCARB's Regional Meeting in Jackson Hole, Wyoming and reported that housekeeping resolutions were discussed and voted upon. He stated further that NCARB is restructuring its internal organization and that contested elections are forthcoming.

6. *National Council of Examiners for Engineering and Surveying (NCEES) Zone Meeting*

Mr. Balthrop attended the Southern Zone meeting of NCEES in Tampa, Florida and reported that the Computer-Based Testing Task Force is recommending that the FE Exam be converted to a computer-based format at the earliest feasible date. He further reported that the following issues were discussed:

- The Engineering Education Task Force recommended the following as an alternative path to licensure after 2020 (as an alternative to the master's or equivalent requirement):
 - a Bachelor of Science (BS) degree from an accredited program with a minimum of 150 credit hours with 115 of those credit hours in math, science, and engineering and with at least 75 of the 115 credit hours specifically in engineering.
 - Or
 - a BS degree from an accredited program plus a prescribed number of technical development units and six years of experience with structured mentoring.
- Model Law revisions that would make it easier for persons in academia to gain NCEES certification.
- Industrial exemptions and its impact on industry at large.

LEGAL CASE REPORT (presented by Robert Herndon) (attached)

Reconsideration Request

1. Case # L09-AEL-RBS-2009001601

Complaint # 200900160

Mr. Hastings, seconded by Mr. Thompson, moved to uphold the original decision. The motion passed unanimously.

Results of Board Member Review

1. Case #L09-AEL-RBS-2009019341 *Complaint #200901934*
Case #L09-AEL-RBS-2009019342 *Complaint #200901934*

Mr. Hastings, seconded by Mr. Schuermann, moved to authorize an informal conference. The motion passed unanimously.

2. Case #L09-AEL-RBS-2009024181 *Complaint #200902418*
Case #L09-AEL-RBS-2009024182 *Complaint #200902418*
Case #L09-AEL-RBS-2009024183 *Complaint #200902418*

Mr. Lim, seconded by Ms. Shankman-Cohn, moved to authorize an informal conference. The motion passed unanimously.

New Complaints

1. Case #L10-AEL-RBS-2010007831 *Complaint #201000783*

Mr. Lim, seconded by Mr. Hastings, moved to approve a Consent Order for a civil penalty of \$500.00 for the one occurrence. The motion passed unanimously.

2. Case #L10-AEL-RBS-2010003231 *Complaint #201000323*

Mr. Thompson, seconded by Mr. Schuermann, moved to issue a Letter of Warning with a Cease and Desist order contained within. The motion passed unanimously.

Privilege Tax Delinquencies

Regarding the following cases, Mr. Thompson, seconded by Mr. Hastings, moved to approve a consent order to suspend registration until all delinquent privilege taxes are paid. The motion passed unanimously.

1. Case #L10-AEL-RBS-2010007231 *Complaint #201000723*
2. Case #L10-AEL-RBS-2010007351 *Complaint #201000735*
3. Case #L10-AEL-RBS-2010007361 *Complaint #201000736*
4. Case #L10-AEL-RBS-2010007371 *Complaint #201000737*
5. Case #L10-AEL-RBS-2010007381 *Complaint #201000738*
6. Case #L10-AEL-RBS-2010007391 *Complaint #201000739*
7. Case #L10-AEL-RBS-2010007401 *Complaint #201000740*

Results of Informal Conferences

1. Case #L09-AEL-RBS-2009020911 *Complaint #200902091*

Mr. Balthrop, seconded by Mr. Hastings, moved to issue a Letter of Warning containing a Cease and Desist order and a civil penalty of \$500 to close the case; additionally, ask the State Fire Marshal's Office to monitor the project for compliance with the "no review" approval, and open a complaint against the second architect involved in the case. The motion passed unanimously.

2. Case #L09-AEL-RBS-2009026961 *Complaint #200902696*

This case was deferred pending more information.

Outstanding Issue

1. Case #L07-AEL-RBS-2007056821

Complaint #200705682

On the recommendation of the Engineer Committee, Mr. Hastings, seconded by Mr. Lockwood, moved to deny the respondent's renewal of registration, close the case, and flag his file.

Mr. Herndon cited the section in the *Tennessee Code Annotated* which gives the Board authority to deny the respondent's renewal of registration:

62-2-308 Denial, suspension or revocation of certificate –
Reissuance –

(a)(1) The board may refuse to issue or renew, and revoke or suspend, the certificate of registration of any architect, engineer, landscape architect or registered interior designer registered under this chapter who is found guilty:

(A) Of any fraud or deceit in obtaining a certificate of registration;

(B) Of gross negligence, incompetency or misconduct in the practice of architecture, engineering, landscape architecture or in the use of the title "registered interior designer;" ...

(E) Of any violation of the rules adopted by the board;

The motion passed unanimously.

Mr. Lim, seconded by Mr. Balthrop, moved to adjourn. The motion passed unanimously. There being no further business to come before the meeting, the meeting was adjourned at 12:20 p.m.

ATTACHMENTS

Minutes of the February 18, 2010 meeting
Complaints for Board Decision
Legislative Update
Licensing Data
Complaint Data
Financial Data
Notice of Rulemaking Hearing
Action Items
Letter of Daniel Compagno of February 28, 2010
CLARB 2010 Spring Meeting Report
Legal Case Report