

**Minutes of a Meeting of the
Tennessee Board of Architectural and Engineering Examiners
Andrew Johnson Tower
Nashville, Tennessee**

August 18, 2011

Board Members Present

Hal Balthrop, Professional Engineer
Robert Campbell, Jr., 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

Board Members Absent

Richard Thompson, Registered Architect

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)
Don Baltimore, Tennessee Interior Design Coalition (TIDC)
Nathan Ridley, Tennessee Chapter American Society of Landscape Architects
(ASLA -TN)
Laura Betty, Litigator, Commerce and Insurance
Chris A. Gwaltney, PE, Lipscomb University, College of Engineering

CALL TO ORDER

David Schuermann, chair, called the meeting to order at 9:10 a.m. A quorum of Board members was present, and the meeting, having been duly convened, was ready to proceed with business.

No changes were made to the meeting agenda.

CONSENT AGENDA

1. *Approval of Minutes* (attached)

Motion was made by Mr. Hastings and seconded by Mr. Balthrop, to accept the minutes of the June 16, 2011, meeting as written. The motion passed unanimously.

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

Motion was made by Mr. Hastings and seconded by Ms. Shankman-Cohn, to accept the Complaints for Board Decision as presented. The motion passed unanimously.

PROFESSIONAL SOCIETY REPORTS

1. *Don Baltimore, TIDC*, reported that he and Connie Wallace of AIA-TN will form a task force to discuss concerns regarding HB1741/SB0867, the Licensed Interior Designers Act.

The Tennessee Chapter of the American Society of Interior Designers (ASID) will have a meeting next month at Cool Springs.

2. *Candy Toler, TSPE/ACEC*, submitted the following report:

- Only five applicants have signed up for the civil PE exam review course being offered by TSPE.
- The TSPE/ACEC-TN Annual Meeting is scheduled for August 24-26, 2011, in Franklin.
- The Industrial Exemption task force will meet on Friday, August, 26, 2011.
- ACEC is offering scholarships again this year.
- A call for entries has been distributed for the Engineering Excellence Awards.
- The Governor wrote an article on tort reform for the ACEC-TN newsletter.
- Members of the Metro Nashville Council who proposed a resolution supporting legislation to allow local governments to include price as a factor in awarding professional services contracts withdrew their resolution.

3. *Nathan Ridley, American Society of Landscape Architects Tennessee*, reminded Board members of the ASLA-TN Annual Meeting scheduled for October 20-21, 2011, in Knoxville.

4. David Schuermann, on behalf of Connie Wallace, informed the Board that the AIA-TN meeting held in Memphis was considered very successful.

DIRECTOR'S REPORT

1. Mr. Cothron submitted the following report:

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- Rick Thompson, David Schuermann and I attended the National Council of Architectural Registration Boards (NCARB) Annual Meeting in Washington, DC on June 22-25, 2011.
- Hal Balthrop, Robert Campbell, Jr., Robert Herndon and I have been approved to attend the National Council of Examiners for Engineering and Surveying (NCEES) Annual Meeting in Providence, RI on August 24-27, 2011. Mr. Campbell will be attending in place of Alton Hethcoat.
- Bill Lockwood and I have been approved to attend the Council of Landscape Architectural Registration Boards (CLARB) Annual Meeting in Chicago, IL on September 15-17, 2011.
- Robert Campbell, Jr. and I spoke at the Tennessee Section of the Institute of Transportation Engineers (TSITE) Summer Meeting at Fall Creek Falls State Park on July 22, regarding engineering licensure and regulation in Tennessee.
- I will send letters this month requesting grant proposals from state-funded universities for consideration at the October meeting.
- CLARB has announced major changes to the Landscape Architect Registration Examination (LARE). The exam will be reduced from five to four sections to better align the content of the LARE with current practice. Also, all four sections will be delivered by computer (two graphic sections are currently administered as paper-and-pencil exams). The last administration of the graphic sections will be in June 2012. Exams will be administered in test centers, meaning that Board staff will no longer have to administer portions of the exam.
- I have submitted a request to unfreeze a vacant Administrative Assistant position in our office.
- Timothy J. Cummings, P.E., of Nashville has been administratively suspended due to default on a student loan.

Mr. Cothron reported that the Joint Government Operations Committee has scheduled a sunset hearing for the Board on Wednesday, September 21, 2011. They have requested that a Board member and staff person attend. Mr. Cothron will notify the Board of the exact time and location of the meeting. David Schuermann and several other Board members agreed to attend the hearing.

Either Hal Balthrop or Alton Hethcoat will observe during an Accreditation Board for Engineering and Technology (ABET) accreditation visit at Union University on October 23-25, 2011. Motion was made by Mr. Hastings and seconded by Ms. Shankman-Cohn, to give consent to Mr. Balthrop or Mr. Hethcoat to attend the review at Union University and receive travel reimbursement. The motion passed unanimously.

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

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OLD BUSINESS

Action Items (attached)

Mr. Cothron reported that he had completed his assigned action items and that he and Mr. Herndon will determine if the contractor's law addresses undocumented design changes by contractors and will report their findings for discussion at the October meeting.

NEW BUSINESS

1. Committee Assignments

The Chair made the following committee assignments and stated that other changes will be determined when new Board members are appointed:

- (a) Mr. Hethcoat will chair the Grants to Higher Education Committee
- (b) Mr. Lockwood will chair the Licensure Outreach Committee

2. Emeritus Certificate for Brenda Wood

Motion was made by Mr. Lockwood and seconded by Mr. Campbell, to prepare and present an Emeritus Certificate to Brenda Wood in recognition of her service as the Public Member on the Board from August 6, 2007 through June 30, 2011. The motion passed unanimously.

Break – 10:15 -10:30 a.m.

3. Legislative Proposals (attached)

Motion was made by Mr. Campbell and seconded by Mr. Lim, to approve the proposed statutory changes. The motion passed unanimously.

4. October Meeting Agenda (attached)

A tentative agenda was presented to Board members in preparation for the Fall Planning Session to be held at the University of Tennessee in Knoxville in October.

5. 2012 Meeting Dates (attached)

Motion was made by Ms. Shankman-Cohn and seconded by Mr. Balthrop, to approve the proposed dates for Board Meetings for 2012. The motion passed unanimously. It was suggested that the Board's Fall Planning Session and Board Meeting be held at Fall Creek Falls State Resort Park (first choice) or the Tennessee Technological University in Cookeville (second choice).

6. Report on the National Council of Architectural Registration Boards (NCARB) Annual Meeting (attached)

Mr. Cothron submitted a written report.

7. *Engineering Exam Irregularity*

The Board was notified by NCEES that there may have been copying or collusion between two individuals who took the Fundamentals of Engineering (FE) exam in April. Based on the NCEES statistical analysis and interviews with both examinees by members of the Engineering Committee, Mr. Cothron, and Mr. Herndon, motion was made by Mr. Balthrop and seconded by Mr. Campbell, that

- the exam results of candidate #12972-92947 be released since evidence did not support the allegation of copying/collusion, and
- based on statistical information provided by NCEES, the exam results of candidate #12811-89883 be invalidated and the candidate be placed on proctor watch.

The motion passed unanimously.

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

Result of Litigation Activity

1. *Case #L02-AEL-RBS-2002067151* *Complaint #200206715*

Motion was made by Mr. Balthrop and seconded by Mr. Schuermann, to close the case without action. The motion passed unanimously.

Board Member-Reviewed Cases

1. *Case #L11-AEL-RBS-2011003591* *Complaint #201100359*

After discussion and amendments, motion was made by Mr. Hastings and seconded by Mr. Lockwood to issue a Letter of Reprimand and a Consent Order for a civil penalty of \$2,000 along with a requirement to provide the Board with a letter from either the appropriate building official or an independent design professional (architect or engineer) certifying the facility is structurally sound; the Respondent must also take and pass the Board's law and rules examination for engineers. The motion passed unanimously.

New Cases

1. *Case #L11-AEL-RBS-2011020161* *Complaint #201102016*

Motion was made by Mr. Lockwood and seconded by Ms. Shankman-Cohn to close the case with a Letter of Warning. The motion passed unanimously.

2. *Case #L11-AEL-RBS-2011020351* *Complaint #201102035*

Motion was made by Mr. Lockwood and seconded by Ms. Shankman-Cohn to issue a Consent Order for suspension to practice engineering in Tennessee for a period of six months, followed by automatic reinstatement at its conclusion, and a requirement to take and pass the Board's law and rules examination for engineers. The motion passed unanimously.

3. *Case #L11-AEL-RBS-2011021661* *Complaint #201102166*

Motion was made by Mr. Lockwood and seconded by Ms. Shankman-Cohn to approve a Consent Order for a civil penalty of five hundred dollars (\$500.00) per occurrence for a total of one thousand five hundred dollars (\$1,500.00), and a

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requirement to take and pass the Board's law and rules examination for architects. The motion passed unanimously.

4. *Case #L11-AEL-RBS-2011021751*

Complaint #201102175

Motion was made by Mr. Hastings and seconded by Mr. Lockwood to issue a Consent Order for suspension to practice engineering in Tennessee for a period of six months, and a requirement to take and pass the Board's law and rules examination for engineers. The motion passed unanimously.

New Privilege Tax Delinquency Cases

Motion was made by Mr. Lockwood and seconded by Ms. Shankman-Cohn to issue a Consent Order to suspend registration until all delinquent privilege taxes are proven to be made current (Cases 1-15) and to authorize a formal hearing for Case #16. The motion passed unanimously.

1. *Case # L11-AEL-RBS-2011021501*

Complaint #201102150

2. *Case # L11-AEL-RBS-2011021511*

Complaint #201102151

3. *Case # L11-AEL-RBS-2011021521*

Complaint #201102152

4. *Case # L11-AEL-RBS-2011021531*

Complaint #201102153

5. *Case # L11-AEL-RBS-2011021541*

Complaint #201102154

6. *Case # L11-AEL-RBS-2011021551*

Complaint #201102155

7. *Case # L11-AEL-RBS-2011021561*

Complaint #201102156

8. *Case # L11-AEL-RBS-2011021571*

Complaint #201102157

9. *Case # L11-AEL-RBS-2011021581*

Complaint #201102158

10. *Case # L11-AEL-RBS-2011021591*

Complaint #201102159

11. *Case # L11-AEL-RBS-2011021611*

Complaint #201102161

12. *Case # L11-AEL-RBS-2011021621*

Complaint #201102162

13. *Case # L11-AEL-RBS-2011021631*

Complaint #201102163

14. *Case # L11-AEL-RBS-2011021641*

Complaint #201102164

15. *Case # L11-AEL-RBS-2011021651*

Complaint #201102165

16. *Case # L11-AEL-RBS-2011021671*

Complaint #201102167

The Board meeting adjourned at 12:00 noon.

ATTACHMENTS

Minutes from June 16, 2011 Board Meeting
Staff Complaint Report
Licensing Data
Complaint Data
Financial Data
Action Items
Legislative Proposals
October Meeting Agenda
2012 Meeting Dates
NCARB Annual Meeting Report
Legal Case Report