

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

June 17, 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

Associate Board Member Absent

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:

Don Baltimore, Tennessee Interior Design Coalition (TIDC)
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)
Connie Wallace, American Institute of Architects of Tennessee (AIA-TN)
Mrs. Robert Campbell, Sr. (Jane)
Robert Campbell, Jr., PE
Mark Willett

CALL TO ORDER

Brenda Wood, chair, called the meeting to order at 9:20 a.m. A quorum of Board members was present, and the meeting, having been duly convened, was ready to proceed with business.

Mr. Cothron announced that

- John McRae, Dean of the University of Tennessee, College of Architecture, is retiring as dean, but will stay on as a faculty member. Also, UT has welcomed a new Landscape Architecture Program Chair, Ken McCown;
- Georgia now has an interior design practice act, and
- a donation of \$700 had been made to the University of Tennessee at Knoxville Engineering Scholarship Endowment in memory of Bob Campbell.

The Chair agreed to Ms. Shankman-Cohn's request to add an agenda item to the Legal Report regarding a previously closed complaint.

Mr. Lim presented a memorial resolution to the family of Robert G. Campbell. It was accepted by Mr. Campbell's wife, Jane, and their son, Robert Campbell, Jr.

CONSENT AGENDA

1. *Approval of Minutes (attached)*

Mr. Lockwood, seconded by Mr. Hastings, moved to accept the minutes of the April 22, 2010, meeting as written. The motion passed unanimously.

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

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

PROFESSIONAL SOCIETY REPORTS

1. *Candy Toler, TSPE/ACEC-TN, gave a legislative report.*

- Failed: a bill to extend the sunset date for the Board (SB 2428/HB 2593).
- Passed: firms such as PS Engineering may use "engineer" (or any form of the word "engineer") in their name if their sole purpose is the manufacturing of avionic equipment for airplanes and they were in business in Tennessee in 1998 (SB 3819/HB 3465).
- Failed: a bill that would have allowed individuals with engineering technology degrees to sit for the Principles and Practice of Engineering exam (SB 2691/HB 2686).
- Passed: architects and engineers may provide construction management or advisor services for schools (SB 3070/HB 2754).

Ms. Toler reported that Robert Campbell, Sr., through the Knoxville Chapter of TSPE, was instrumental in starting a program called Vols4STEM (Volunteers for Science, Technology, Engineering, and Mathematics). In April about 500 teachers of science, technology, engineering and math visited engineering firms, laboratories, and science facilities, to enable them to better teach relevant material in the classroom, thus improving employability, and providing a more adequate workforce.

Ms. Toler invited all to attend the Annual Meeting of TSPE/ACEC-TN in Murfreesboro on August 25-27, 2010. The engineers had expressed an interest in

attending the joint TSPE/ACEC-TN Board meeting to discuss industrial exemptions, and Ms. Toler extended a special invitation to them.

2. *Nathan Ridley*, ASLA-TN, gave a brief description of the workings of the legislature and the possible influences of the upcoming elections as related to the Board. The ASLA-TN Annual Meeting will take place in Memphis on August 26-27, 2010.
3. *Don Baltimore*, TIDC, reiterated that he is concerned about the form in which the Sunset bill will pass; he believes that the bill should retain the provision requiring the Governor to appoint Board members from a list of nominees submitted by “the representative professional society.” Interior designers will be behind the effort to get this bill passed in a form that is acceptable.
4. *Connie Wallace*, AIA-TN, reported that
 - AIA-TN recently developed a Disaster Preparedness Plan, but it has generated little interest.
 - Mike Fitts, the State Architect, has retired. The Acting State Architect will likely remain for the rest of Governor Bredesen’s term.
 - AIA-TN will continue efforts to get the Sunset bill passed.
 - The AIA-TN Convention will be held in Murfreesboro on August 4-6, 2010.

DIRECTOR’S REPORT

1. Mr. Cothron submitted the following report:
 - a. All Board operations are back to normal after the flooding which caused our office to be relocated for about 3 ½ weeks.
 - b. David Schuermann and I have been approved to attend the National Council of Architectural Registration Boards (NCARB) Annual Meeting in San Francisco, California on June 23-26, 2010, at state expense. Jim Hastings and Rick Thompson will be funded by NCARB.
 - c. I have submitted a request for Hal Balthrop and me to attend the National Council of Examiners for Engineering and Surveying (NCEES) Annual Meeting in Denver, Colorado on August 18-21, 2010.
 - d. I will soon submit a request for Bill Lockwood and me to attend the Council of Landscape Architectural Registration Boards (CLARB) Annual Meeting in Baltimore, Maryland on August 26-28, 2010.
 - e. I spoke at the Tennessee Building Officials Association annual meeting in Gatlinburg on April 27, 2010, regarding changes to the *Reference Manual for Building Officials and Design Professionals* and other relevant issues. The building officials I talked to did not foresee any problems with the proposed rule change that would require registrants to include a notation below the seal noting the expiration date of the registrant’s license. A few expressed concern about architects having limited knowledge of codes.
 - f. The April engineering exam results (with the exception of the Structural II exam results) were received on June 4, and have been mailed out.
 - g. A rulemaking hearing has been scheduled for August 12.
 - h. A bill was passed in the legislature establishing a licensing program for soil scientists (SB 1916/HB 1420).

2. *Financial Data* (attached)

Mr. Lim and Mr. Balthrop reviewed a preliminary financial report of revenue and expenses for the third quarter of fiscal year 2010.

Mr. Lim recommended that, as a Fall Retreat agenda item, the Board discuss whether to print the newsletter, *Tennessee Design Lines*, or to generate only an electronic version.

OLD BUSINESS

1. *Action Items* (attached)

Mr. Cothron presented a draft letter (attached) to colleges and universities explaining the registration requirements of the Board, suggesting that colleges and universities encourage seniors to take the Fundamentals of Engineering (FE) Exam prior to graduation, and noting that the Board subsidizes the cost of taking the FE Exam. By consensus, the Board approved the letter.

The remaining action items had been completed.

2. Mr. Balthrop, seconded by Mr. Lockwood, moved to approve the draft letter to Daniel R. Compagno (attached), with the following inserted after number three (3):

The spirit of the law assumes that every engineer will abide by the intent of the law and the profession's canon of ethics in the prosecution of work and in the review and sealing of drawings and specifications.

The motion passed unanimously.

NEW BUSINESS

1. *October Meeting Agenda* (attached)

A tentative agenda for the October Annual Planning Session and Board Meeting was presented for review and recommendations. It was suggested that time be allowed for a discussion of the proposed interior design practice act. Mr. Balthrop requested that grant allocation methodology be discussed; specifically, he would like to discuss distributing funds based on the percentage of students sitting for the Fundamentals of Engineering exam at each institution. He also requested that industrial exemptions be added to the Engineer committee agenda.

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

New Complaints

1. *Case # L10-AEL-RBS-2010014661*

Complaint # 201001466

Mr. Lim, seconded by Mr. Lockwood, moved to issue a Letter of Warning against the practice of engineering without a current, active license. The motion passed unanimously.

2. *Case # L10-AEL-RBS-2010017831* *Complaint # 201001783*

Mr. Hastings, seconded by Ms. Shankman-Cohn, moved to approve a Consent Order for a civil penalty of five hundred dollars (\$500.00) for a combined one occurrence and to take and pass the Board's law and rules exam. The motion passed unanimously.

Mr. Thompson, seconded by Mr. Lockwood, moved to reopen a recently closed case (Case # 2009020951, Complaint # 200902095) because the respondent requested additional time to complete the continuing education requirement for renewal of her license. The motion passed unanimously.

Mr. Hastings, seconded by Mr. Thompson, moved to approve a Consent Order giving the respondent sixty (60) days from the date of the respondent's receipt of the Consent Order to bring professional development hours current; non-compliance will result in the revocation of her license. The motion passed unanimously.

Results of Board Member Review

1. *Case # L10-AEL-RBS-2010003191* *Complaint # 201000319*

Mr. Schuermann, seconded by Mr. Lockwood, moved to issue a Letter of Warning for a violation of *Tennessee Code Annotated (TCA) Section 62-2-601 (Practice – Disclosure)*. The motion passed unanimously. Board members requested that disciplinary action for firms not filing a disclosure form be discussed at the October meeting.

2. *Case # L10-AEL-RBS-2010005951* *Complaint # 201000595*
3. *Case # L10-AEL-RBS-2010005971* *Complaint # 201000597*
4. *Case # L10-AEL-RBS-2010006001* *Complaint # 201000600*

Mr. Schuermann, seconded by Mr. Hastings, moved to authorize a formal hearing. The motion passed unanimously.

Results of Informal Conferences

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

Mr. Schuermann, seconded by Ms. Shankman-Cohn, moved

- to issue to the respondent in the first case a Consent Order for a civil penalty of \$1,000.00 for a violation of *TCA, Section 62-2-102 (Practice and persons exempt from registration.)* in the use of the appellation "RLA" (registered landscape architect) while not licensed in Tennessee to do so, and
- to dismiss the second case for lack of grounds for discipline.

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. Mark Willett, who filed this complaint, was introduced to the Board and allowed to present his view of the details of the complaint.

Mr. Thompson, seconded by Mr. Hastings, moved to authorize a formal hearing and consider this matter a priority for the Board's consideration. The motion passed unanimously.

3. *Case # L10-AEL-RBS-2010017761* *Complaint # 201001776*

Mr. Hastings, seconded by Ms. Shankman-Cohn, moved to issue a Consent Order

- for a civil penalty of \$1,000.00;
- to take and pass the Board's law and rules exam;
- to complete twenty-eight (28) professional development hours for the 2011 renewal, four (4) of which must be ethics courses, and
- to submit to an automatic audit for the next license renewal cycle.

The motion passed unanimously.

Cases Requiring Board Member Review

1. *Case # L09-AEL-RBS-2009027251* *Complaint # 200902725*

Mr. Henderson will review newly acquired information for relevancy to the previous Board ruling.

2. *Case # L10-AEL-RBS-2010008891* *Complaint # 201000889*

Mr. Hastings will review to determine possible misconduct or incompetence.

3. *Case # L10-AEL-RBS-2010010041* *Complaint # 201001004*
Case # L10-AEL-RBS-2010010042 *Complaint # 201001004*

Mr. Schuermann will review to determine possible misconduct or incompetence.

4. *Case # L10-AEL-RBS-2010016481* *Complaint # 201001648*

Mr. Thompson will review to determine possible misconduct or incompetence.

5. *Case # L10-AEL-RBS-2010010171* *Complaint # 201001017*

Mr. Hethcoat will review to determine possible misconduct or incompetence.

The meeting adjourned at 12:35 p.m.

ATTACHMENTS

Minutes of the April 22, 2010 meeting
Complaints for Board Decision
Financial Data
Action Items
Letter of Daniel Compagno of February 28, 2010

Draft letter of response to Daniel Compagno
Tentative October Meeting Agenda
Legal Case Report

DISCUSSION TOPICS FOR THE RETREAT

To print the newsletter or distribute it electronically
Disciplinary action for firms not filing a disclosure form
Grants appropriation increase
Changes to grant allocation methodology
Interior Design practice act discussion
Industrial Exemptions for engineers