



TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
615-741-3600

**Board Meeting Minutes for April 4, 2019
First Floor Conference Room 1-A
Davy Crockett Tower**

Tennessee Board of Architectural and Engineering Examiners met on April 4, 2019, in the first floor conference room of Davy Crockett Tower in Nashville, Tennessee. Mr. Campbell called the meeting to order at 9:30 a.m. and the following business was transacted:

BOARD MEMBERS PRESENT:, Robert Campbell, Jr., Grant Minchew, Blair Parker, Brian Tibbs, Frank Wagster, Kathy Ware, Alton Hethcoat, Stephen King
Susan Ballard was present telephonically.

BOARD MEMBERS ABSENT: Ricky Bursi, Rick Thompson

STAFF MEMBERS PRESENT: Roxana Gumucio, Ashley Jenó, Wanda Garner

ROLL CALL / AGENDA

Mr. Campbell provided the notice of meeting, and Ms. Garner called roll.

Guests were acknowledged.

Ms. Gumucio announced that, since Ms. Ballard was present electronically, all voting would be by roll call.

No changes were made to the agenda.

MINUTES (attached)

After the misspelling of Ms. Ware's name on page 10 of the February 7, 2019 minutes was noted, Mr. Minchew moved to approve the February 7, 2019 minutes as corrected. Mr. Tibbs seconded, and the motion carried by unanimous roll call vote.

PROFESSIONAL SOCIETY REPORTS

Nathan Ridley from the TN chapter of the American Society of Landscape Architects (ASLA-TN) encouraged the Board to look closely at a bill entitled "The Right to Make a Living Act" that may have an impact on design professionals.

Mr. Ridley announced that the ASLA Conference will be held in Memphis in April 2019 and that the Landscape Architects' Day on the Hill is April 10, 2019.

LEGAL CASE REPORT (presented by Ashley Jenó) (attached)

1. Complaint #2019005571

Motion was made by Mr. Wagster and seconded by Ms. Ware to close the case. The motion passed unanimously by roll call vote.

2. Complaint #2019005631

Motion was made by Ms. Ware and seconded by Mr. Tibbs to authorize a formal hearing if the respondent does not accept the settlement offer of a civil penalty in the amount of \$500 for practicing on an expired license and to require that the respondent take and pass the laws and rules examination. The motion passed unanimously by roll call vote.

3. Complaint #2019005641

Motion was made by Mr. Tibbs and seconded by Mr. Minchew to authorize a formal hearing if the respondent does not accept the settlement offer of a civil penalty in the amount of \$500 for practicing on an expired license and to require that the respondent take and pass the laws and rules examination. The motion passed unanimously by roll call vote.

4. Complaint #2019005661

Motion was made by Mr. Tibbs and seconded by Mr. Minchew to authorize a formal hearing if the respondent does not accept the settlement offer of a civil penalty in the amount of \$500 for practicing on an expired license and to require that the respondent take and pass the laws and rules examination. The motion passed unanimously by roll call vote.

5. Complaint #2019007061

Motion was made by Ms. Ware and seconded by Mr. Tibbs to authorize a formal hearing if the respondent does not accept the settlement offer of a civil penalty in the amount of \$500 for practicing on an expired license and to require that the respondent take and pass the laws and rules examination. The motion passed unanimously by roll call vote.

6. Complaint #2019005041

Motion was made by Ms. Ware and seconded by Mr. Tibbs to close the case. The motion passed unanimously by roll call vote.

7. Complaint #201900861

Motion was made by Ms. Ware and seconded by Mr. Wagster to close the case with a Letter of Caution. The motion passed unanimously by roll call vote.

8. Complaint #2019010191

Motion was made by Mr. Tibbs and seconded by Mr. Minchew to authorize a formal hearing if the respondent does not accept the settlement offer of a civil penalty in the amount of \$500 for practicing on an expired license and to require that the respondent take and pass the laws and rules examination. The motion passed unanimously by roll call vote.

9. Complaint #2019009731

Motion was made by Mr. Wagster and seconded by Mr. Tibbs to close the case. The motion passed unanimously by roll call vote.

10. Complaint #2019015141

Motion was made by Mr. Parker and seconded by Mr. Minchew to authorize a formal hearing if the respondent does not accept the settlement offer of a civil penalty in the amount of \$500 for practicing on an expired license and to require that the respondent take and pass the laws and rules examination. The motion passed unanimously by roll call vote.

11. Complaint #2019015151

Motion was made by Mr. Wagster and seconded by Mr. Tibbs to authorize a formal hearing if the respondent does not accept the settlement offer of a civil penalty in the amount of \$500 for practicing on an expired license and to require that the respondent take and pass the laws and rules examination. The motion passed unanimously by roll call vote.

12. Complaint #2019008541

Motion was made by Mr. Parker and seconded by Mr. Minchew to close the case. The motion passed unanimously by roll call vote.

PROFESSIONAL SOCIETY REPORTS – continued

Ashley Cates from American Institute of Architects Tennessee Chapter (AIA-TN) reported that AIA National has released a study on QBS procurement.

Board members expressed concerns about answering OBS questions and were told to refer persons to the website.

Ms. Ware asked, “[If] a registrant [is] found in violation of the requirement not to bid professional services to an entity covered by the QBS requirement, by law, is that registrant in violation of law?”

Ms. Jenó answered that legal could not answer that kind of hypothetical question.

Motion was made by Mr. Parker and seconded by Ms. Ware that Legal research complaint history of registrants who have been disciplined by the Board for violation of the QBS rule. The motion passed unanimously by roll call vote.

The AIA TN Conference will be held in July in Knoxville and a strategic planning session in April will focus on licensure.

Don Baltimore, Tennessee Interior Design Education and Advocacy (TN IDEA), thanked the other associations and the Board for the work and cooperation in working on legislation affecting the design professions regulated by this Board.

Break: 10:44 am

Grant Minchew left the meeting.

LEGISLATIVE UPDATE

Ms. Jenó brought to the attention of the Board two bills that are being considered that may affect the Board: amendments to the Right to Earn a Living Act and a bill which would allow military services members and their spouses who are licensed in another jurisdiction to practice their profession in Tennessee before being licensed.

RULES

Motion was made by Mr. Tibbs and seconded by Mr. Wagster to adopt the Rule 0120-01-.03(1) which allows a person who is gaining practical experience in the office of a practicing architect to use the appellation or title, architectural associate. The motion passed unanimously by roll call vote.

Motion was made by Mr. Wagster and seconded by Ms. Ware to authorize Legal to set a Rule Making Hearing date. The motion passed unanimously by roll call vote.

DIRECTOR'S REPORT

Complaint Data (attached)

Motion was made by Mr. Tibbs and seconded by Mr. Webster to approve the Letters of Caution. The motion passed unanimously by roll call vote.

Complaint data was presented for informational purposes only.

Financial Data (attached)

Financial data was presented for informational purposes only.

Authorization of Travel and Speakers

Engineer Board members attending the NCEES Annual meeting were clarified.

Architect Board members attending the NCARB Annual meeting were clarified.

COMMITTEE REPORTS

Engineer Committee,

The Engineer Committee heard Jason Randal Creasy Needham plead his case of committing a felony, serving his time and making restitution. Heeding the recommendation of the Engineer Committee, motion was made by Mr. Wagster and seconded by Mr. Tibbs, to reinstate Mr. Needham's engineering license. The motion passed unanimously by roll call vote.

Engineers began discussion of developing guidelines and modifications of rules to, fairly and equitably, evaluate experience of potential registrants. The discussion will continue at the June meeting. The other professions were asked to join the discussion.

Mr. Campbell reported on topics discussed at the NCEES Presidents meeting such as impediments to licensure between jurisdictions.

In response to a question from a registrant, the committee stated that if an out-of-state licensed professional signs his/her name to a document, he/she should add "PE" and the name of his/her base state.

By consensus, the Committee agreed that if applicant Robert Leon Luebbbers' NJ Consent Order is closed then his application should be approved.

Definitions Committee

After meeting the open meetings requirements, the Definitions Committee, through Ms. Ware, reported that a phone conference was held with Mr. Wagster, Mr. Parker and Ms. Ballard.

Discussions regarding definitions for engineering, architecture, landscape architecture and interior designing continue. Request was made to have the Definitions Committee meet in June.

The Grants to Higher Education Committee

Ms. Gumucio reported that

- Letters asking for grant requests will be mailed to qualifying colleges and universities.
- Tennessee State University did not meet the requirements for receiving a grant and could be asked to refund the dollar amount issued to them.

Mr. Hethcoat and Mr. Parker agreed with Ms. Ballard that initial letters to the colleges/universities should note the importance of following the Grant Guidelines and of submitting documents in a timely manner and the ramifications of not heeding the Guidelines.

OPEN RECORDS AND PUBLIC MEETING ACT

Ms. Jenó cited the definition of open records and gave examples.

Ms. Jenó read the Public Meetings Act to the Board members.

NCARB CONFERENCE MEETING REPORT

Mr. Tibbs reported that the meeting held in Nashville was a success.

OTHER BUSINESS

Mr. Wagster pointed out that the *Building Officials Manual* gives definitions of types of occupancy found in the 1985 Standard Building Code and should be updated.

Mr. King pointed out that it cannot be changed because that edition of the code is stated in the law. Mr. Campbell added that it is used as a definition and not as a reference to the code to be used.

The Board suggested that the professional societies would be the avenue to get the law changed and gave suggestions for the wording such as, "...use the most current code adopted by the Tennessee State Fire Marshal's Office."

NOMINATIONS COMMITTEE

An election of officers of the Board will be held at the June meeting.

ADJOURNMENT

There being no other business, Mr. Campbell adjourned the meeting at 12:30 p.m.

ATTACHMENTS

Minutes of April 4, 2019 meeting
Legal Case Report
Complaint Data
Financial Data