



**TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS  
500 JAMES ROBERTSON PARKWAY  
NASHVILLE, TENNESSEE 37243  
615.741.3600**

Board Meeting Minutes for August 5, 2021,  
First Floor Conference Room 1-A  
Davy Crockett Tower

Tennessee Board of Architectural and Engineering Examiners met on August 5, 2021. Director Michael Schulz called the meeting to order at 9:03 am and the following business was transacted:

**BOARD MEMBERS PRESENT:** Ricky Bursi, Stephen King, Alton Hethcoat, Robert Campbell, Blair Parker, Frank Wagster, Brian Tibbs, Rob Barrick, Melanie Doss, Ben Brychta, Rick Thompson

**BOARD MEMBERS ABSENT:**

**STAFF MEMBERS PRESENT:** Michael Schulz, Maria Bush, Wanda Phillips, Morgan Calles, Stuart Huffman

**ROLL CALL / AGENDA**

Brian Tibbs called the meeting to order. Wanda Phillips called roll.

Guests were acknowledged Kasey Anderson in person.

**Agenda**

No changes to the agenda.

**Minutes**

Rick Thompson made a motion to approve the minutes from June 3, 2021. Robert Campbell second this motion. The motion was carried unanimously.

**PROFESSIONAL SOCIETY REPORTS**

Kasey Anderson, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN) reported engineer conference is September 12<sup>th</sup> thru the 14<sup>th</sup>. We are hoping to have you all take a possible vote to have some or all the engineer board members be allowed to come and speak at the conference on September 14<sup>th</sup>, 2021 at the professional engineer's luncheon during lunchtime. This will be at the Franklin Marriott in person. Our first time at the steel bridge forum is on October 14<sup>th</sup>, 2021. We will have a partnership with ACEC, TDOT, and the National Steelbridge Alliance. The opening session of the conference will be about the engineers and the I-40 bridge in Memphis. The Engineer Excellence Awards are on November 4<sup>th</sup>, 2021. On December 2<sup>nd</sup>, 2021 we will have a hybrid course on strategies risk with the local chapter AIA for 3 days. This will be live in Nashville on Atrium way. Our Leadership PE class will start back in January, more information will come out in the future. Now that more of the exams are online, we are having a hard time getting individuals to sign up for the class and wanting the board member's assistance on maybe a way for this to be fixed. Alton Hethcoat did not see it on the agenda for them to go to the luncheon and speak and was not sure if this needed a vote. Michael Schulz advised no vote is needed. Alton Hethcoat advised them to possibly videotape the PE classes, this way everyone has a chance, and this being online. Robert Campbell wants to add a conversation on the new CBT to the next committee meeting.

Nathan Ridley from the TN chapter of the American Society of Landscape Architects (ASLA-TN) reported our conference will be in Nashville from the 19<sup>th</sup> thru the 22<sup>nd</sup>. We have a special election in Hamilton County due to State Representative Mike Carter of Veteran Lawmaker passed this year. This will be on September 14<sup>th</sup> in house district 29 to fill the seat. The Republic candidate is Greg Vital, and the Democratic candidate is Deangelo Jelks. The legislative session will begin on January 11<sup>th</sup>, 2022. There will be no organizational recess. Governor Lee proposed budget will be due February 7<sup>th</sup>, 2022. The municipal technical advisory service in their newsletter June 2021, has a topic contracting for designing professional services in Tennessee.

**LEGAL REPORT** (attached)

**DIRECTOR'S REPORT**  
**Financial Information**

Individuals reviewed data provided this through April 2021. The fiscal year did end in June.

**Grants**

We had a grants meeting in June, which the notifications went out right after the meeting to 17 institutions. The deadline for the applications is September 3<sup>rd</sup>, 2021. This is hoping to be reviewed and turned around by the end of the month. This way we can vote and recommend after the October grants meeting during the full board meeting.

Closing out 2021 is going on right now, with the receipts coming in. So far, this has been a smooth process.

## **Conferences**

### **Landscape Architects**

Michael Schulz advised two conferences are coming up. CLARBS Annual Meeting will be in Phoenix Arizona, and we will need permission from the board for myself and Blair Parker to attend. As of now, this meeting is in person and if we have two of us attend, then that will allow access to everyone to attend virtual attendees.

Rick Thompson made a motion to approve the recommendation of travel. Robert Campbell second this motion. The motion was carried unanimously.

ASLA Conference is in Nashville, so there is no travel involved, but registration fees.

Robert Campbell made a motion to approve the recommendation of travel. Rick Thompson second this motion. The motion was carried unanimously.

### **NCEES Update (Voting delegates)**

Michael Schulz advised Maria Bush and him will not be able to attend this meeting due to the restrictions of being voting delegates only. Rob Barrick is not able to go and wants to know if someone else can go in his place or if he can attend virtually. Brian Tibbs advised it is okay to just send one person.

Rob Barrick made a motion to approve only one person to attend. Robert Campbell second this motion. The motion was carried unanimously.

### **NCARB**

Michael Schulz advised Maria and he was able to attend in person, and Rick Thompson attended virtually.

## **2022 Meeting Dates**

Possible dates for 2022

February 9,10

April 6,7

June 8,9

August 3,4

October 5,6,7

December 7-8

Robert Campbell advised he would like to review a different space for the retreat.

Robert Campbell has an issue with April 6<sup>th</sup> and Frank Wagster has an issue with the April dates as well.

Michael Schulz will email out dates to have the board members review and vote during the October board meeting.

### **October 2021 Meeting**

Michael Schulz wanted to know if this should be two days or should stay at three days. We want to make sure we do not shorten the time or feel rushed. We need to look at the same times we allocated last year and figure out if that was enough time or do, they need more time. Michael Schulz would shoot for Wednesday and Thursday, October 6-7, 2021.

## **COMMITTEE REPORTS**

### **Grants Committee**

Michael Schulz advised we had the meeting in June 2021. This was to discuss the amount we would give out, which is \$400,000. During the meeting, we determined a deadline, which was on the notifications sent to the universities.

### **Definitions Committee**

Michael Schulz advised this meeting was scheduled this morning, but this was canceled.

### **Engineer Committee**

Stephen King advised they have been working hard on the alternative for licensure. We reviewed two applications, the NCEES statement of cooperation (which was deferred until the October meeting for Maria Bush to review), and discussed our current process where we allow an applicant with a master's degree to have 3 years of experience rather than four years.

## **OLD BUSINESS**

No Old Business

## **NEW BUSINESS**

Brian Tibbs advised we need to have nominations for officers and vote during the October board meeting. Robert Campbell advised the nomination committee should meet before we decide. Rick Thompson advised we might need to have a meeting before the October meeting for the nomination committee. This could be done the day before the full board meeting as well, but Michael Schulz will be in touch on when this meeting will be.

## **ADJOURNMENT**

There being no other business, Rick Thompson moved for an adjournment of the meeting at 10:48 am. Robert Campbell second this motion. The motion was carried unanimously.



**STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
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**CONFIDENTIAL - ATTORNEY WORK PRODUCT**

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**TO: Tennessee Board of Architectural and Engineering Examiners**

**FROM: Stuart Huffman, Associate General Counsel**

**DATE: August 5, 2021**

**SUBJECT: August 2021 Legal Report**

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- 1. 2021032371 (SH)**  
**First Licensed: N/A (Unlicensed)**  
**Expiration: N/A**  
**Type of License: Professional Engineer**  
**History (5 yrs.): None.**  
**Entity # 2076497**

Complainant alleges Respondent was hired by a city to falsify a report concerning a leaning retaining wall that Complainant constructed. Complainant claims he built the wall as instructed by the building inspector. Respondent states in the alleged falsified report that the wall is against code and backfilled with clay. The report mentions no drainpipe yet Complainant claims there is. Further, Complainant alleges he was trying to fix the leaning wall however the building inspector allowed the building to be constructed in front of the wall. The building inspector eventually stopped construction because of the leaning wall and the Respondent was paid to lie about the wall construction.

Respondent denies any and all allegations. He states that he met onsite with the two attorneys involved with this matter to make an inspection of a leaning retaining wall. After the inspection, Respondent took the data and performed engineering calculations to analyze the wall construction to see if it meets the IBC requirements based upon field observations. Respondent claims the analysis and report were based upon the data that was collected on the date of the inspection, the IBC required loads, and standard engineering practices. The report is clear and represents the work performed and opinions based on professional experience of Respondent. Respondent believes he performed his duties diligently, ethically, and within the standard of care.

A review of the pictures and report verifies the Respondent's report looks properly and thoroughly done. His conclusion that the retaining wall is not adequate is correct based on the pictures of the leaning wall that is in the process of failing. The claims of the Complainant that the city inspectors told him how to build the wall and that the Respondent was paid to falsify a report are unproven. The Complainant claims that the soil behind the wall is well-drained gravel, and not clay as noted in the Respondent's report. The report includes calculations for both well-drained gravel and clay, and in both examples the stabilizing force of the wall is not adequate.

**Reviewed by Board member: Ricky Bursi**

Mitigating Factors: No violations found; Report is correct and within standard of care.

Aggravating Factors:

**Recommendation: Close.**

**Board Decision: Concur.**

2. **2021032971 (SH)**  
**First Licensed: 07/28/1993**  
**Expiration: 06/30/2022**  
**Type of License: Professional Engineer**  
**History (5 yrs.): None.**  
**Entity # 368233**

Complainant complains that Respondent placed their stamp, signature, and company name on construction drawings that they did not originally produce. Complainant produced the project plans with another contractor/builder and has no affiliation with Respondent. Complainant states the Respondent illegally submitted the project plans after stripping Complainant's firm name and stamp off for a permit. Complainant has no previous history with the builder who applied for the permit and used its plans.

Respondent states the drawings were presented by the builder to obtain a permit. Respondent reviewed the drawings completed by Complainant and found no foundation details showing size of footings, reinforcing rebars, size, number, and the compressive strength of the concrete. The first and second floor joists framing was wrong. Respondent claims the Complainant told them the design plans were stolen and demanded \$2,500 which the builder offered but Complainant later refused because they wanted the Respondent to pay. The builder refused to use the original plans after the mistakes found and states the Complainant is an Architect and not competent as a Structural Engineer.

Review found that the Respondent was approached by the builder after the Complainant's drawings were allegedly unacceptable. Respondent wiped the Complainant's business information and seal off the drawings and copied his own business information and Engineering seal to the drawings, to use them as his own. Since no revisions appear to be made to the drawings that now have the seal and signature of the Respondent, it appears that the Respondent has sealed drawings that were not prepared under his supervision.

**Reviewed by Board member: Frank Wagster**

Mitigating Factors:

Aggravating Factors: Stamped drawings of another registrant not under responsible charge.

**Recommendation: Authorize a civil penalty of \$2,000.00 which consists of \$500 each for violations of Rules 0120-02-.03(3), 0120-02-.08(5)(a), (6)(a) and (c). Respondent shall also take and pass the Laws and Rules Exam.**

**Board Decision: Concur.**

**3. 2021033951 (SH)**

**First Licensed: 08/07/2007**

**Expiration: 08/31/2021**

**Type of License: Professional Engineer**

**History (5 yrs.): None.**

**Entity # 357678**

Respondent performed inspections on a home built by Complainant at the homeowners' request. Complainant disagrees with the report by Respondent as did the findings of two other engineers Complainant requested to look at the property. The disagreement with findings is not the cause for the complaint, but in fact, it is the assumptions in the reports on 10/28/2020 and subsequent report on 11/30/2020. Complainant states the reports are full of assumptions and inaccuracies, stating, Respondent "thinks" certain things are required, references "possible" causes of "possible" problems, references "common practice" for building, "common" size cracks, "probable" remediation. Respondent allegedly based most of the "possible" problem analysis on information, some of which was faulty, from the homeowner. Complainant says Respondent also refers to building codes that do not exist, lack of items that do exist, and "probably" remediations that are based on "possible" problems.

Respondent explains that the homeowner filed a complaint and lawsuit against the Complainant for faulty workmanship (and other issues) and believes this is in retaliation. Respondent has performed three site inspections and found multiple issues. The main concern of the homeowner was vertical cracking in the basement retaining wall. The retaining wall is 8'-8" tall measured above the concrete slab on grade in the basement. There are 4 different vertical cracks in the basement wall which is essentially new construction (May 2020). Respondent also alleges Complainant stated in writing that they DID NOT use any vertical rebar in the 12" CMU retaining walls, even though the walls retaining approximately 8'-8" of un-balanced fill. Complainant further allegedly told homeowner, in writing or by phone, that they used NO REBAR in the foundations. There is a large crack in the concrete slab on grade in the basement that extends from the front retaining wall of the house to the rear wall of the house. Respondent states that based on the information given that assumptions sometimes need to be made especially when not present at the time of the build. Respondent believes its design and analysis using software proves that the walls are inadequate for the restrained condition if no rebar was used. Based on the tables that Respondent reference from the Code, it is inadequate to have no rebar and doesn't meet the ACI code minimums.

After review, the Respondent's engineering report is thorough, appears to be correct, well-documented, and uses appropriate language for someone inspecting work post-construction. The letters that rebut the Respondent's report are not as thorough as the Respondent's report.

**Reviewed by Board member: Ricky Bursi**

**Mitigating Factors:** No violations found; Engineer Report is correct and appropriate.

**Aggravating Factors:**

**Recommendation: Close.**

**Board Decision: Concur.**

**4. 2021036141 (SH)**

**First Licensed: 08/131993**

**Expiration: N/A**

**Type of License: Engineer Firm**

**History (5 yrs.): 2017 – One complaint closed with letter of caution for discipline by another state's licensing board.**

**Entity # 378396**

Respondent self-reported discipline from another state. Respondent received disciplinary action in 2019 from the Louisiana Professional Engineering and Land Surveying Board relating to its engineering credentials. Respondent failed to report the action in 2019 within 48 hours to the Wisconsin Examining Board. Wisconsin opened a complaint soon after but did not issue disciplinary action until April 12, 2021. Respondent self-reported the discipline to this Board on May 3, 2021.

This matter usually requires a Letter of Caution to be automatically issued by administration however there was a Letter of Caution issued within the last 5 years in 2017 for similar reasons requiring this matter to be presented to the Board. The discipline issued in Louisiana and Wisconsin was less than a suspension or revocation.

**Reviewed by Board member: Ricky Bursi**

**Mitigating Factors:** Self-reported within the time required; No complaints in Tennessee except LOC in 2017.

**Aggravating Factors:**

**Recommendation: Issue a Letter of Caution.**

**Board Decision: Concur.**

**5. 2021044651 (SH)**

**First Licensed: 04/18/2006**

**Expiration: 04/30/2008**



**Type of License: Professional Engineer**  
**History (5 yrs.): None.**  
**Entity # 366577**

Complainant alleges that Respondent has had an invalid PE license since 2008. Respondent joined an U.S. Federal Agency as an engineering officer and consistently presents himself as a licensed professional engineer. Complainant further alleges Respondent overstates his work, title and responsibilities as well as asserts a non-existent position with the U.S. Federal Agency on social media.

Respondent denies misrepresenting himself as a licensed PE and having a license is not a condition of employment with the particular U.S. Federal Agency. Engineers with this agency do not engage in design work directly, rather act as project managers for contracts that involve design or construction. Respondent does not stamp designs and is the reason why Respondent has not reinstated his license since 2013 when he joined the agency. With regard to "titles", as a Foreign Service Officer with the agency, Respondent's title is "Engineering Officer", as is every other engineer regardless of their rank. However, in the Foreign Service, one often takes on multiple official and unofficial titles depending on the role filled. Respondent recently changed his LinkedIn title to "Global Energy and Infrastructure Advisor" in anticipation of transferring into a role in the agency that was yet to be determined or defined. Respondent has neglected to revise it until he is slotted into an official role, which is currently underway. Engineering Officers who transfer back to Washington all fill roles that support the agency's missions globally with respect to infrastructure. However, to avoid any confusion, Respondent has replaced the LinkedIn title with Foreign Service Officer.

Respondent has continuously represented himself on social media and resumes as a PE however his federal employment does not require a PE. Respondent has recently applied for registration as of 6/16/2021.

**Reviewed by Board member: Stephen King**

Mitigating Factors: Exempt through employment; Applied for TN registration

Aggravating Factors: Holding out as PE on social media while not registered.

**Recommendation: Authorize a civil penalty of \$500.00 for using the appellation of Professional Engineer to the public while not registered.**

**Board Decision: Concur.**

6. **2021043491 (SH)**  
**First Licensed: 02/20/2001**  
**Expiration: 02/28/2017**  
**Type of License: Professional Engineer**  
**History (5 yrs.): None.**  
**Entity # 360394**

Complainant was hired to design a foundation for a plane hangar building. The vendor supplying the metal for the hangar presented structural drawings that were sealed by Respondent dated March 4,

2021. Respondent's license has been expired since 2017. The plans have since been re-stamped by a properly registered Engineer by the vendor.

Respondent admits to sealing the plans on an expired license. Respondent states they were unaware the license had expired and the vendor had no knowledge of the expiration. There is no evidence of knowingly providing services on the expired license and Respondent has never had a complaint filed against them in 32 years. Respondent states he has not stamped any other plans as he rarely obtains work in TN.

**Reviewed by Board member: Robert Campbell**

Mitigating Factors: Low risk to public; No prior history.

Aggravating Factors: Sealed plans on an expired license.

**Recommendation: Authorize a civil penalty of \$500.00 for stamping plans on an expired license. Respondent shall also take and pass the Laws and Rules Exam.**

**Board Decision: Concur.**