



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

**Board Meeting Minutes for June 3, 2021,  
Telephonic Meeting**

Tennessee Board of Architectural and Engineering Examiners met on June 3, 2021, Telephonic Meeting. Director Michael Schulz called the meeting to order at 9:08 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:** Maria Bush, Wanda Phillips, Morgan Calles, Stuart Huffman

**ROLL CALL / AGENDA**

Ricky Bursi called the meeting to order. Wanda Phillips called roll.

Guests were acknowledged.

**Agenda**

Frank Wagster made a motion to approve the Agenda. Robert Campbell second this motion. The motion was carried unanimously.

**Minutes**

Blair Parker made a motion to approve the minutes from April 8, 2021. Melanie Doss second this motion. The motion was carried unanimously.

**PROFESSIONAL SOCIETY REPORTS**

Nathan Ridley from the TN chapter of the American Society of Landscape Architects (ASLA-TN) reported Legislative had adjourned for the rest of the year on

May 5<sup>th</sup>, 2021, and will return January 11, 2022. There should be a special session this summer/fall dealing with recovery funds. The most important bill is the budget, for the pandemic, Tennessee Economics worked well. Some capital projects were refunded in cash. The most significant bill that would affect the design community was the one dealing with construction materials. It ended up affecting local governments on how they adopt ordinances and regulations. One of the amendments was adopted, this bill took effect May 4, 2021, in Public Chapter 332. For the Landscape Architects, their national conference is coming to Nashville November 19-22 in person.

Ashley Cates Executive director of the American Institute of Architects (AIA TN) reported we have been working on historical tax credit and this year the governor put it in the budget for a tax credit grant. The grants are opened, and individuals have been applying. We have a virtual conference at the end of August. We will have a live celebration at the end of October in Nashville.

Kasey Anderson, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN) reported they are in the process of 300 bills but only ended up working 70 of them. Tennessee conference will be in person September 12-14, 2021 at the Franklin Marriott. We will be doing our first ever steel bridge. This will be done in October. The Fall conference national will be in person October 26-31<sup>st</sup>.

Don Baltimore from Tennessee Interior Design through Education and Advocacy (TN IDEA) reported we are excited about the historical tax credit. We are ready to start back in person with meetings.

**LEGAL REPORT** (attached)

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

Individuals reviewed data provided

**Grants**

Not Discussed

**Conferences**

Blair Parker advised the board members that do not need to approve anything for Landscape Architects yet. The meeting will be in Nashville. CLARB meeting will be virtual this year.

Stephen King announced engineers have the NCEES meeting in New Orleans August 18-21, 2021. It was discussed that Ricky Bursi, Rob Barrick, and Michael Schulz will be attending.

Engineering Committee made a motion that Ricky Bursi, Rob Barrick, and Michael Schulz will be attending the NCEES conference. Stephen King second this motion. The motion was carried unanimously.

## **2022 Meeting Dates**

Not Discussed

## **COMMITTEE REPORTS**

### **Landscape Architects**

Blair Parker reported the statute changes that we have been working on with Maria Bush. Discussed the definitions of Landscape Architecture. The Landscape Architecture will be looking for someone who will help assist with education questions. Robert Campbell asked that we reach out to other groups about the definitions.

### **Interior Design**

Melanie Doss reported that they discussed the definition as well. They did have a comment that the definition was long. This is a 5-page definition. This definition comes from Council for Interior Design Qualifications (CIDQ). We determined we need a shorter Verizon and look at other state's definitions. Discussed stamping privileges, this was retracted in the past. Clarification on a special project grant and possible if this can continue.

Discussed the term Interior Architecture and how it is used. The programs are using this as their name. They are asking students to sign a waiver that they are aware they can not use the title "Interior Architect". Maria Bush did advise this is something the board should handle. The question for the board is the qualifications for an Interior Designer are education examination and practice. The education is from the accredited program. CIDQ is our accredited organization body, which is allowing the interior programs to use the term Interior Architecture. "Do we need to address this in our qualifications?" Melanie Doss can voice concern for this in their next conference. The universities are not telling the students they can use the name, but it is the name of the program. Alton Hethcoat advised this might need to be something the Architects needs to also weigh in on and possibly the American Institute of Architects (AIA) strongly recommend them to change the name. Rick Thompson advised he does not think it has been requested for AIA to write a letter, but he is going to reach out to a representative and discuss. Per Stuart Huffman, the board has a responsibility to protect the public of people practicing. The students are not practicing, which is the issue. Alton Hethcoat requested Maria Bush to create a letter for the next board meeting for them to review.

### **Engineer Committee**

Stephen King advised they have been reviewing the alternative path for licensure since December (or before that). We met on April 28, 2021, to talk about the technology degrees, a master's in engineering but not an undergraduate degree in engineering, foreign degrees and still discussing decoupling. We have reviewed

several drafts and Maria Bush finally made a draft and the committee has been approved. This is in the process of review. Including it for the governor's package for the legislature next session. Had a few applications for review on June 2, 2021.

## **OLD BUSINESS**

Assistant Commissioner Alex Martin joined and introduced himself. Alex Martin advised the Modernization Bill is going to return a lot of efficiencies to our division for the Regulatory Boards, which we are working on. We will have some additional changes to the program structure with the Merger Bill. He also wanted to acknowledge the work that the Architects and Engineer Board and Engineering Committee has done in looking for expanding pathways to licensure and decoupling.

### **Conferences**

Maria Bush is slotted to go with the Tennessee Land Surveyors board. Maria Bush and Michael Schulz are also attending the NCARB meeting this month.

### **Definitions**

Blair Parker advised we need to get this back in place and continue to work on the definitions. In October we should have a deeper discussion about the definitions and potentially be prepared to finalize these. Alton Hethcoat will be on the definitions committee from the engineering committee. Blair Parker requests to have the definitions on the agenda for the next board meeting. Maria Bush requests the most recent definitions for her review.

## **NEW BUSINESS**

### **Bid Specifications**

Robert Campbell wanted to discuss this "Bid Solicitation". The bid solicitation leaves several items up to the contractor. Robert Campbell asks "is this bid solicitation acceptable". The scope of work says that we are not preparing a construction document. But a bid specification is a construction document in my view. Rob Barrick advised that one the owner did not complain about the document and two, I do not think this work requires a stamp set of drawings. Robert Campbell advised that this might involve federal grant money which would require an engineer. Rob Barrick believes this is not something the board should take up, because we are unsure what is contracted for or what was expected. Ricky Bursi advised we do have a code where if it is over a certain amount of public money, they are required to have an engineer. Rob Barrick made a motion to open a complaint to discover more about this project. Robert Campbell second this motion. The motion was carried unanimously.

## **ADJOURNMENT**

There being no other business, Ben Brychta moved for an adjournment of the meeting at 11:41 am.



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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: June 3, 2021**

**SUBJECT: June 2021 Legal Report**

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- 1. 2021016031 (SH)**  
**First Licensed: N/A (Unlicensed)**  
**Expiration: N/A**  
**Type of License: Architectural Firm**  
**History (5 yrs.): None.**  
**Entity # 2061045**

On September 22, 2020 Complainant signed a contract Respondent. Accompanying the contract was a deposit of \$5,400. The contract contains the specifics to be provided pursuant to payment. On December 19, 2020 Complainant was required by contract to provide another \$3,600 subsequent to Respondent acquiring a building permit. In late January of 2021 Complainant terminated the contract having allegedly received nothing from Respondent for the now \$9,000 that was deposited. Complainant believes Respondent is operating a fraudulent business for the purposes of obtaining large deposits with the intent of not performing services. Complainant also has filed a lawsuit against Respondent in an effort to obtain a refund of the \$9,000.

Respondent denies the allegations and explains that the Complainant was referred to them by its subcontractor providing siding and deck services to Complainant. As part of the design build agreement the Complainant paid a \$5400.00 deposit that would cover time and effort to create a set of drawings that Respondent would ultimately price and build. The deposit also covered time to build and any site visits required to complete the drawings and budget. Respondent worked through the end of the year endeavoring to produce a set of plans that were agreeable to the Complainant. Complainant signed off on "Final" drawings multiple times only to ultimately change their mind and ask for additional "revisions". Respondent made the adjustments without question. Early in 2021, Respondent state they completed what was understood to be "Final" drawings and generated a budget for the Complainant.

The budget was agreed to, and a \$5000.00 deposit was requested to pay a company that was to provide with certain material for the project. At that time, the Complainant also shared the plans with the HOA for approval and Respondent pulled the building permit for the project. By contract, Respondent was due an additional \$3600.00 at permitting and an additional \$1800.00 as a final payment towards design services. The \$3,600.00 invoice was paid on 12/19/2020 but the \$1800.00 was not. Respondent continued to work with the Complainant to try and finalize the design and get the project out of the ground until unexpectedly the contract was terminated by Complainant on 02/01/2021 via email. Around this time, Respondent fired the subcontractor, alleging shoddy workmanship, and believes the subcontractor is slandering their business. A Cease and Desist order was sent to the subcontractor and request for damages. Respondent provided a great deal of “work product” showing the hours acquired. Respondent believes they acted in good faith and there is no fraud being conducted.

The review did not find any violations by Respondent and this matter seems to be a personal issue.

**Reviewed by Board member: Brian Tibbs**

Mitigating Factors: No violations found.

Aggravating Factors:

**Recommendation: Close.**

**Board Decision: Concur.**

2. **2021023511 (SH)**  
**First Licensed: 03/21/1990**  
**Expiration: 03/31/2023**  
**Type of License: Professional Engineer**  
**History (5 yrs.): None.**  
**Entity # 349464**

Respondent self-reported practicing on an expired license. Respondent failed to renew the license in 2018 and during the expired time provided civil engineering plans, grading and drainage, street/roadway plans, sanitary sewer, traffic control, foundation inspections, and construction detail plans as an employee of an engineer firm and then as a city engineer after 4/1/2020 up to renewal. Specifically, Respondent reported providing design, plans, and construction details for 6 subdivision projects, along with Engineering Inspection Letters for 9 subdivisions related to the foundations for various home sites.

**Reviewed by Board member: Alton Hethcoat**

Mitigating Factors: Self-Reported; no complaints associated with services provided.

Aggravating Factors: Provided engineering services on an expired license.

**Recommendation: Authorize a civil penalty in the amount of \$3,000 for the 6 subdivision plans sealed and \$900 for the inspection letters provided for a total civil penalty of \$3,900 and pass the Laws and Rules exam.**

**Board Decision: Concur.**

3. **2021011441 (SH)**  
**First Licensed: 12/08/2009**  
**Expiration: 02/28/2023**  
**Type of License: Professional Architect**  
**History (5 yrs.): None.**  
**Entity #1869**

Complainant inquired about Respondent's license when noticing that it had expired in December 2017. Respondent stated they did not know that it had expired. Respondent established an architect business in July 2020 while the license was expired. Respondent has since renewed the license in February 2021. Although Respondent prepared projects that did not require a seal while the license was expired, he did start an Architecture business. On the business website, Respondent stated he was "Lead Architect" and offering full architectural services while license was expired.

**Reviewed by Board member: Frank Wagster**

Mitigating Factors: No plans required to be sealed while license was expired.

Aggravating Factors: Listed appellations of "architect" and offered architectural services on business website while license was expired.

**Recommendation: Authorize a civil penalty of \$500 for offering architectural services while license was expired and pass the Laws and Rules exam.**

**Board Decision: Authorize a civil penalty of \$500 for offering architectural services while license was expired and \$500 for failure to use the firm disclosure form for a total civil penalty of \$1,000 and pass the Laws and Rules exam**

4. **2021020931 (SH)**  
**First Licensed: N/A (Unlicensed)**  
**Expiration: N/A**  
**Type of License: Professional Engineer**  
**History (5 yrs.): None.**  
**Entity # 2065904**

Complainant states a county was bidding HVAC replacement for public buildings and alleges an unlicensed individual prepared bid documents for the county to use. Respondent states they were solicited by the county to prepare bid specifications to attain bids for HVAC replacement at various schools. Bid specifications for newspapers ads were also prepared and allegedly signed by a Registered Engineer.

After reviewing it was determined that the firm has a TN business license, employs a Registered Engineer, but has not filed a Firm Disclosure Form with the Board. The specifications were not

stamped by the Registered Engineer. The Engineer only signed the cover letter submitted with the specifications and newspaper ad.

More concerning is that the specifications lacked to be complete and leave many things up to a contractor and supplier. A redacted copy of the specifications and the advertisement was submitted in the meeting packet and will be discussed as “New Business”.

**Reviewed by Board member: Robert Campbell**

**Mitigating Factors:** Registered Engineer employed with the firm.

**Aggravating Factors:** No Firm Disclosure Form filed, and the specifications were not stamped; incomplete.

**Recommendation:** Authorize a civil penalty for failure to file a Firm Disclosure Form in the amount of \$500, and a civil penalty for failure to stamp the specifications in the amount of \$500, for a total civil penalty of \$1,000 and pass the Laws and Rules exam.

**Board Decision:** **Concur.**