



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

Board Meeting Minutes for October 7, 2021,  
First Floor Conference Room 1-A  
Davy Crockett Tower

Tennessee Board of Architectural and Engineering Examiners met on October 7, 2021. Director Michael Schulz called the meeting to order at 1:00 pm and the following business was transacted:

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

**BOARD MEMBERS ABSENT:** Robert Campbell

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

**ROLL CALL / AGENDA**

Brian Tibbs called the meeting to order. Michael Schulz called roll.

Alton Hethcoat announced that we have two staff members (Wanda Phillips and Cindy Toombs) that have a combined service of 66 years and will be greatly missed by the board. Wishing them a deserved retirement.

**Agenda**

Michael Schulz makes a change to move Elect Officers until after the committee reports and also add next year's meeting dates to the old business.

**Guests Acknowledged**

## **Announcements**

Michael advised that we will have a small gap, where we are a little understaffed but we are working quickly to get adjusted.

## **Minutes**

Rick Thompson made a motion to approve the minutes from August 5, 2021. Blair Parker 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) wanted to thank the engineers on the board who participated in our last month's conference. We have a three-day conference at Franklin Marriott, which 581 people attended in person. We have a steel bridge forum ACEC is hosting next week with TDOT and the National Steel Bridge Institute. Our engineering excellence awards are on November 4<sup>th</sup>, 2021. We have 28 projects this year in different categories. We did the judging two weeks ago with 18 judges all from the public sector. We have invitations for the board to attend where we are acknowledging the 100<sup>th</sup> anniversary. December 2<sup>nd</sup>, 2021, we have some risk management seminars, which will be held hybrid. There is an infrastructure bill that congress has been debating on. If the bill passes Congress and is successful, the United States will need immediately 85,000 engineers. There are some issues and opportunities that come along with the redevelopment of the West Tennessee Mega Site with ford.

Nathan Ridley, from the TN chapter of the American Society of Landscape Architects (ASLA-TN), reported the National meeting of the American Society of Landscape Architects will be in Nashville from November 19, 2021, to November 22, 2021. There is an article that was published in the landscape architect's monthly magazine that I will send to Michael to share with the board. Special sessions on October 18<sup>th</sup>, 2021 and it will be to implement and provide funding for the incentives that the state's going to provide for the Memphis Regional Mega-Site for Louisville City. The project and construction will begin in December of this year and most likely won't be until 2025 until those vehicles come off the assembly line. This will be a net worth of 5 billion and expected to have 5000 employees. There might be another special session about Covid, due to the president's proposed executive order for any employer with more than 100 employees required the vaccine to work. Normally federal law trumps state laws.

Don Baltimore, from Tennessee Interior Design through Education and Advocacy (TN IDEA), reported we are meeting with our prime members ASID Tennessee chapter and IIDA Tennessee Chapter. We are having in-person meetings including our continued education. We will continue to monitor the special sessions.

Ashley Cates, Executive director of the American Institute of Architects (AIA TN) reported there is a publication with Architects and Engineers professions which is distributed to high school students in the middle Tennessee area. This is a test run

and will start moving outside of middle Tennessee. The magazine is due for an update, that we will be working on this in 2022. This is the second year for AIA to Jedi talks (Justice equity diversity and inclusion). We held our 2021 talk focusing on increasing diversity and how we can do that as a professional association, as well as employers and firms. There were about 60 people who attend the event. World Architecture month is this month and Governor Lee has proclaimed October Architecture month in Tennessee. We were planning on having our design awards this month, but this will now be virtual and maybe in early December.

### **LEGAL REPORT** (attached)

### **DIRECTOR'S REPORT**

#### **Financial Information**

Individuals reviewed the data provided. This is the year-end report which is through June 2021.

#### **Applicant/Examination Deadline Dates**

Michael Schulz advised there is still a few pencil and paper exams and that the deadline is December 1<sup>st</sup>, 2021 for the April 2022 exam and June 15, 2022, for the October 2022 exam.

#### **Conferences-CLARB, NCIDQ**

Michael Schulz had a great opportunity to attend the board's professional meetings.

Michael Schulz advised the NCIDQ was scheduled for November in Minneapolis, but they are now virtual, but requesting permission to attend with a \$50 registration fee but a max of \$150. Melanie Doss's registration fee will be complimentary. Ricky Bursi made a motion to approve the \$150 for the NCIDQ conference. Blair Parker second this motion. The motion was carried unanimously.

Michael Schulz wanted to just touch base on the ASLA conference. This has already been approved by the board and will be going on here in Nashville.

### **COMMITTEE REPORTS**

#### **Interior Design Committee**

Melanie Doss advised their focus was on the definition. The decision was made to work on the current definition based on the format. The proposed definition was too lengthy and make it one and a half pages. We will then submit this to legal counsel and then again in the December meeting.

#### **Landscape Architect Committee**

Blair Parker advised we reviewed the status of the statute change. Per legal it is still in the process, so that's good news. As Nathan Ridley advised earlier the National American Society of Landscape Architects meeting is being held on November 19<sup>th</sup> through November 22, 2021. I was also re-elected as chairman of the Landscape

Architecture Committee.

### **Architect Committee**

Rick Thompson advised that Frank Wagster submitted to us the definition with what was previously done, comments from NCARB, and the consumer guide. Maria Bush will review the language and will review it again in December.

### **Engineer Committee**

Stephen King advised we elected a new chair Rob Barrick. We talked about decoupling and how it will relate to comity applications. Maria will review this and get back to us in the next meeting.

### **Grants to Higher Education Committee**

Alton Hethcoat advised that the board allocated \$400,000 towards grants to higher education. There were 17 eligible universities invited to participate and we had 15 originally submit their grant request. We later found out another university had an electronic error and therefore we allowed them to submit a proposed request. Michael Schulz has tried to contact the last university to see if they had a similar problem, but no response yet. With the 16 we have received the total request is \$362,157. The grants of the higher education committee have recommended that we increase the amount to \$450,000. The finance committee approved this as part of the budget for next year. When we do the outreach, we need to make them aware of the \$450,000 budget and encourage them to ask for the money. We are needing authorization of the expenditure of the \$362,157. If Michael Schulz does determine that the one outstanding potential applicant is meant to apply, we can come back in December and amend the amount.

### **Continue Education Committee**

Frank Wagster advised we discussed the update of the rules for continued education.

### **Laws and Rules**

Rick Thompson advised we requested the change of the chair to be Robert Campbell.

### **Nominations Committee**

Rick Thompson advised of the officer nominations for the committees.

Architects Committee nominated Brian Tibbs.

Engineers Committee nominated Rob Barrick.

Interior Design Committee nominated Melanie Doss.

Landscape Architects Committee nominated Blair Parker.

Higher Education Committee is still Alton Hethcoat.

Law and Rules Committee nominated Robert Campbell.

Outreach Committee is still Stephen King.

Definitions Committee will reappoint Blair Parker. (There is still a vacancy on this committee)

Continue Education Committee is Frank Wagster.  
Finance Committee nominated Rick Thompson.  
Nominations committee nominated Melanie Doss.

Rick Thompson advised the current officers for the Chairman are Brian Tibbs, Vice-Chair Ricky Bursi, and Secretary Ben Brychta. Moving forward the new Chairman is Ricky Bursi, Vice-Chair Ben Brychta and Secretary Rick Thompson.

Rob Barrick made a motion to approve the officers. Frank Wagster second this motion. The motion was carried unanimously.

### **Finance Committee**

Blair Parker advised they review the overall finances, and we have a surplus that we are good for two and half years. We also have enough funds to reevaluate money for the grants program. Alton Hethcoat is asking Michael to research to find out who inside the organization prepares these financial statements to the legislature for review and approval. This way we can get a copy of what is prepared. Rick Thompson advised we did ask about this in the past to see if we lowered some fees on how this would impact us from the financial perspective. Alton Hethcoat advised if we can get this information if we can sit down before the next meeting and have a brief finance committee meeting just to review this.

### **Outreach Committee**

Stephen King advised that they discussed to try and resurrect the newsletter. We are going to try and attempt to have at least one newsletter per year. The summer will be the best time per staff. The committee will meet again and see what we should put in this newsletter. Alton Hethcoat advised in the first newsletter; we need to advise the members to be sure to change their address. This will include email and physical address.

### **Definitions Committee**

Blair Parker advised the discussion on assembling our definitions and going through the process, and in the end, come up with an overall definition for each of our disciplines. Engineers, Landscape Architects, and Architects have their definitions ready. Interior design will have theirs in place for the December meeting. Maria Bush will review the definitions we have in hand today.

### **OLD BUSINESS**

#### **2022 Meeting Dates**

February 9,10, 2022

April 13,14, 2022

June 8,9, 2022

August 3,4, 2022

October 5,6, 2022

December 7,8, 2022

Ben Brytcha made a motion to approve the 2022 Meeting dates. Rick Thompson second this motion. The motion was carried unanimously.

### **NCEES**

Maria Bush advised NCEES sent out a resolution of cooperation. This is a contract that they asked the boards to sign. The opinion from legal is that you're free to enter that resolution if the board chooses to. It wouldn't be a binding agreement. The deadline for this is the beginning of December. We did speak to the Land Surveyors board as well and advised them of the same information. Ricky Bursi asked for this to be at the Engineer Committee meeting in December.

### **General Discussion**

#### **Future Plans**

Ricky Bursi asked if Michael and he can sit down and talk about committee assignments.

Alton Hethcoat would like the October meeting to be at a different location. In the past, this has been done at some Universities. Ricky Busri advised that some state universities should have the capability to have the audio that we are needing. There might be a different cost at maybe a state park, that we can investigate.

#### **Special Announcements**

Stewart Huffman advised yesterday a notice for hearing was filed for a case that would be presented to the board and a sitting ALJ for the February meeting. This would start with the hearing and the board meeting would be after. This is not set and stone as it could be settled or continued but wanted to give the board notice. If we do have this, it would start at 9 am.

Michael Schulz wanted to thank Wanda Phillips for everything she has done.

Ricky Busri was asked to speak at UT Martin in November. The Engineering Dean asked me to speak to an engineering class about licensure and experience as an engineer. Maria Bush advised that this is fine, and you do not speak on behalf of the board.

### **ADJOURNMENT**

There being no other business, Brian Tibbs moved for an adjournment of the meeting at 3:00 pm.



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**TO:** Tennessee Board of Architectural and Engineering Examiners  
**FROM:** Stuart Huffman, Associate General Counsel  
**DATE:** December 2, 2021  
**SUBJECT:** December 2021 Legal Report

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1. **2021065481 (SH)**  
First Licensed: 10/30/2000  
Expiration: 09/30/2023  
Type of License: Professional Engineer  
History (5 yrs.): None.  
Entity # 358300

Respondent's license expired on 11/30/2020 and has admitted to stamping plans on a project in 7/2021 while the license was expired. Respondent states it was an oversight and immediately stopped work in Tennessee. Respondent's license has since been reinstated on 9/23/2021.

**Reviewed by Board member: Stephen King**

Mitigating Factors: Immediately stopped work in TN; Reinstated license.

Aggravating Factors: Practicing on an expired license.

**Recommendation: Authorize a civil penalty of \$500.00 for practicing on an expired license.**

**Board Decision:**

2. **2021063721 (SH)**  
**First Licensed: 10/18/1994**  
**Expiration: 10/31/2022**  
**Type of License: Professional Landscape Architect**  
**History (5 yrs.): None.**  
**Entity # 376689**

Respondent was mailed an audit letter on 3/17/2021 for the audit period of 11/1/2018 through 10/31/2020. Respondent states he thoroughly documented his PDH activities and made an online submittal on 5/6/2021 with 34.5 hours identified for the audit period.

After administrative review, it was determined that some PDH did not qualify and proof of exact hours on other submissions were missing. Respondent was given 90 days to resubmit and clarify the requested missing information. Respondent subsequently submitted the necessary information but it was more than 90 days, so this complaint was opened. Respondent, in his response to the complaint, stated he must have missed the previous communication and had no intention to ignore.

The original submission contained more than the required 24 PDH necessary and was approved on 5/28/2021. The additional information was submitted two days after the 90-day deadline and approved.

**Reviewed by Board member: Blair Parker**

Mitigating Factors: In compliance with PDH requirements

Aggravating Factors:

**Recommendation: Close.**

**Board Decision:**