



TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS

500 JAMES ROBERTSON PARKWAY

NASHVILLE, TENNESSEE 37243

615.741.3600

Board Meeting Minutes for August 4, 2022
First Floor Conference Room 1-A
Davy Crockett Tower

Tennessee Board of Architectural and Engineering Examiners met on August 4, 2022, and the following business was transacted:

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

BOARD MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Glenn Kopchak, Caleb Darnell, Stuart Huffman

CALL TO ORDER / ROLL CALL / NOTICE OF MEETING

Rick Thompson called the meeting to order at 10:00 am and Director Glenn Kopchak took roll call.

AGENDA

Robert Campbell made a motion to adopt the agenda with several revisions. This was seconded by Blair Parker. The motion passed by unanimous voice vote.

JUNE MINUTES

Rob Barrick made a motion to adopt the June minutes with one edit identified by Blair Parker. This was seconded by Brian Tibbs. The motion passed by unanimous voice vote.

PROFESSIONAL SOCIETY REPORTS

Kasey Anderson, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN) reported updates for her organization and industry and delivered messages received from Ashley Cates and Nathan Ridley with no comments from Don Baltimore. She also requested board members to speak at the Tennessee Engineers' Conference at Franklin, TN, from September 18-20. Campbell, Bursi, and Barrick agreed to participate.

Brian Tibbs made a motion to approve the Engineer members identified to attend the conference and speak. This was seconded by Blair Parker. The motion passed by unanimous voice vote.

DIRECTOR'S REPORT

Budget Report

Director Kopchak summarized the expenditure thus far and noted that the large expenditures listed in March are due to the allocation for those grants awarded during FY22. Everything else seems to be trending normally.

Reapplications

Per 62-2-307(e), upon reapplication, the board may waive additional examination, education, or experience obtained at the time of the applicant's original application in this state. Other than those reapplications that have an active license from reciprocal state, the board recommended that all reapplications that are within four (4) years of their expiration date shall submit proof of their required CE at the time of renewal and Healthy, Safety, and Welfare (HSW) rules apply where applicable.

Melanie Doss made a motion to accept recommendations. This was seconded by Brian Tibbs. The motion passed by unanimous voice vote.

Council of Landscape Architectural Registration Boards (CLARB) 2022 Annual Meeting

Omaha, NE (September 21-23)

American Society of Landscape Architects (ASLA) 2022 Conference

San Francisco, CA (Nov 11-14)

Brian Tibbs made a motion to approve Blair Parker to attend both the CLARB and ASLA Meetings. This was seconded by Frank Wagster. The motion passed by unanimous voice vote.

NCEES Associate Nomination

In accordance with the NCEES Bylaws (Section 3.021) there must be an associate designated in the absence of a board member at the zone or annual meeting, to provide representation on behalf of the board, have the privilege of the floor, and be able to serve on NCEES Standing Committees and Task Forces should that become necessary.

Rob Barrick made a motion to approve Glenn Kopchak to serve as the NCEES Associate. This was seconded by Robert Campbell. The motion passed by unanimous voice vote.

SCNCARB Regional Leadership Symposium

Salt Lake City, UT (Oct 13-15)

Rob Barrick made a motion to approve Rick Thompson and Brian Tibbs to attend with Frank Wagster as an alternate. This was seconded by Robert Campbell. The motion passed by unanimous voice vote.

LEGAL

Legal Report (presented by Stuart Huffman)

1. 2022022301

First Licensed: 06/22/2022

Expiration: 06/30/2024

Type of License: Professional Architect

History (5 yrs.): None.

Complainant, a Tennessee city official, reviewed a set of plans that was submitted by an Architect from Texas that is not registered in Tennessee. The set of plans was for a residential project showed the Respondent using the appellation of Architect. The residential project, being under 5,000 square feet, is exempt from having a registered Architect stamp the plans. Respondent thought it was exempt and never intended to claim being registered in Tennessee and states it is a one-time error. Respondent applied for comity to continue the project. Respondent was granted registration on 6/22/2022.

Reviewed by Board member: Frank Wagster

Mitigating Factors: Respondent has been properly registered. This was a one-time event that will not be repeated.

Aggravating Factors: Using appellation Architect without being registered.

Recommendation: Authorize a civil penalty of \$500.00 for using the appellation without being registered and pass the Laws and Rules Exam.

Board Decision: Concur

2. 2022023271

First Licensed: 11/12/1988

Expiration: 04/30/2024

Type of License: Professional Architect

History (5 yrs.):

Complainant hired Respondent to provide services for a daycare. Complainant alleges Respondent will not return calls to the general contractor and the State Fire Marshal which the lack of communication has delayed the project for two years. Complainant also alleges Respondent refuses to release the CAD as he feels he has paid for them.

Respondent denies the allegations and claims the actions of the Complainant have delayed the project and caused issues with the State Fire Marshal office. The Complainant had started construction work before hiring Respondent to assist in receiving the building permits to complete the construction. During an early site visit and discussion with Complainant, Respondent noted that a fire alarm system would be required. Another site visit was conducted, and Complainant had a fire alarm system installed. This system did not meet the required fire alarm system and was not permitted properly.

Respondent told Complainant not to do any work, since he had been given a stop work order in February 2021, until the State Fire Marshal Office and the city approved the project and issued the necessary paperwork. The city notified Respondent that educational occupancy without a fire suppression system does not allow a second floor. The existing second floor was being used for mechanical equipment and unfinished storage area. Respondent requested a Building Code Modification Request to allow the second floor that was for mechanical and storage. The request was rejected by the City, so Respondent requested additional funds from Complainant to have an engineer complete the sprinkler design for the second floor. The project was approved in October 2021 by the State Fire Marshal and by the City in May 2022. Respondent states the Complainant has requested additional revisions and has declined to further work with Complainant. Respondent provided a copy of the contract that shows the CAD files are product of the Respondent.

Reviewed by Board member: Brian Tibbs

Mitigating Factors: No violations found.

Aggravating Factors:

Recommendation: Close.

Board Decision: Concur

3. 2022022121

First Licensed: 07/28/1993

Expiration: 06/30/2024

Type of License: Professional Engineer

History (5 yrs.): 2021 - One complaint closed with recommendation for \$2,000 civil penalty and completion of laws and rules exam.

Complainant, an Architect, was alerted by the local city codes department to a set of plans that was submitted for permit. Complainant claims Respondent stamped the plans drafted by Complainant.

Respondent states that he provided a stamped separate drawing that was not designed by Complainant and involves structural engineering. Respondent further states the homeowner purchased the set of plans for their house and provided them to Respondent for structural engineering services. Respondent made notes, comments, and modifications to the set of plans, making sure to stamp his notes and modifications only. Respondent did not stamp any work drafted by the Complainant.

Reviewed by Board member: Stephen King

Mitigating Factors: No violations found.

Aggravating Factors:

Recommendation: Close.

Board Decision: Concur

4. 2022025081

First Licensed: N/A (Unlicensed)

Expiration: N/A

Type of License: Professional Architect

History (5 yrs.): None.

Complainant received a set of plans for a residential build that included a title block from an Architect registered in North Carolina and not in Tennessee. Complainant has now requested the plans to be sealed by a Tennessee licensed Architect.

Respondent is registered in North Carolina but not registered in Tennessee. Respondent owns a separate entity that offers pre-drawn home plans online where a customer can purchase these pre-drawn plans.

When reviewed it was determined that the set of plans advise on drawing sheets that they should be reviewed by a local architect or engineer for "site adaptation and local structural design requirements". The submitted plans presented were exempt, being under 5,000 square feet and one-family dwelling, until the local building authority added the requirement that the plans be sealed by an Architect registered in the State of Tennessee. Respondent's name being on the plans make no claims that the Respondent is an Architect licensed in Tennessee. There appears to be no violations.

Reviewed by Board member: Frank Wagster

Mitigating Factors: No violations found.

Aggravating Factors:

Recommendation: Close.

Board Decision: Concur

5. 2022024761

First Licensed: 03/20/1996

Expiration: 09/30/2021

Type of License: Professional Engineer

History (5 yrs.): None.

Respondent self-reported that he had been practicing on an expired license since 9/31/2021. Respondent became aware of the error when he submitted his renewal application. Respondent provided a list of seven (7) projects that were stamped while the license was expired.

Respondent renewed their registration on 7/12/2022.

Reviewed by Board member: Alton Hethcoat

Mitigating Factors:

Aggravating Factors: Practicing on an expired license.

Recommendation: Authorize a civil penalty of \$3,500.00 for stamping seven (7) projects while license was expired and pass the Laws and Rules Exam.

Board Decision: Concur

6. 2022022151

First Licensed: 09/11/2017

Expiration: 09/30/2019

Type of License: Professional Architect

History (5 yrs.): None.

Complainant is the architect for a comprehensive building shell of a retail center that will have individual suites. The owner of the property requested Complainant to review buildout drawings to verify that there are no coordination issues between the tenant space and the shell. Respondent submitted a stamped mechanical, plumbing, and electrical drawing for review. Complainant learned the Respondent's license expired in 2019.

Respondent states they were notified of the issue and did not take payment for the services rendered.

Reviewed by Board member: Brian Tibbs

Mitigating Factors:

Aggravating Factors: Submitted stamped drawings on an expired license.

Recommendation: Authorize a civil penalty of \$500.00 for stamping a plan while license was expired.

Board Decision: Concur

RE-PRESENTATIONS

7. 2020084201

First Licensed: N/A (Unlicensed)

Expiration: N/A

Type of License: Engineering Firm

History (5 yrs.): None.

Entity #2031823

Complainant hired Respondent to conduct a structural review of a slab/wall that was necessary for a building inspection. Respondent was paid \$400 to take pictures and provide a signed and sealed

inspection report. Respondent continued to promise delivery of the letter/report numerous times but failed to deliver when promised. Complainant waited one month for a one sentence report. Respondent offered a full refund however the funds have not been received by Complainant. Respondent is registered as a home inspector however is using the term "engineering" in the business name, email, and website.

Reviewed by Board member: Stephen King

Mitigating Factors: Registered as a home inspector

Aggravating Factors: No registration; using appellation "engineering" without registration

Recommendation: Authorize a civil penalty of \$1,000 for improperly using appellations and demand that appellations be removed from name, documentation, website, etc. Also, refer complaint to Home Inspector Licensing Program.

Board Decision: CONCUR

New Information: Both mail and email communication to the Respondent has been returned. The Respondent's HIL license has now fallen into an expired status as of 5/28/2022 and shows no sign of renewing. Respondent appears to be out of business and not using the appellation of "Engineering". The HIL program decided to close and flag its complaint in case the Respondent decided to renew his license. If Respondent renews the HIL complaint and this complaint will be reopened.

New Recommendation: Add this complaint number on the flag to the HIL license and close.

New Board Decision: Concur

Redline Rules

Redline Rules for decoupling and definitions were presented. Melanie Doss requested further edits to definitions which led into discussion about further edits regarding the recent public chapter that was passed allowing for additional pathways to licensing for engineers. Director Kopchak requested that the board submit their edits individually to allow him to cull into one proposal for the next meeting. Acting Chair Thompson reemphasized to the board the importance of completing this process by the next meeting.

(Board Recessed 10:43 - 11:30) for a break and to allow for Nominations Committee to meet.

COMMITTEE REPORTS

Engineer Committee

Rob Barrick provided an update that the additional pathway to licensure was discussed with an application currently under review for consideration. The committee further decided to wait until next meeting to produce a matrix that clarifies what undergraduate degrees could qualify with the master's degree pathway.

Nominations Committee

Per 62-2-204(b), the board shall elect annually from its members a chair, a vice chair and a secretary. The nominations committee recommended that Rick Thompson serve as Chair, Melanie Doss as vice chair, and Rob Barrick as secretary.

NEW BUSINESS

Council for Interior Design Qualification (CIDQ) Annual Mtg

Los Angeles, CA (Nov 11-13, 2022)

Robert Campbell made a motion to approve Melanie Doss to attend the Annual CIDQ Meeting. This was seconded by Blair Parker. The motion passed by unanimous voice vote.

The 2023 NCARB Regional Summit, hosted by Region 6/WCARB, will be in Honolulu, Hawaii on March 2-4, 2023. NCARB funds 2 board members and 1 member board executive (3 total) for each of these conferences. The board requested parameters and/or guidance from executive regarding attendance.

ADJOURNMENT

Brian Tibbs made a motion to adjourn at 11:44 am. This was seconded by Rick Thompson. The motion passed by unanimous voice vote.