



**STATE OF TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE  
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS  
ELLINGTON AGRICULTURAL CENTER, ED JONES AUDITORIUM  
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NASHVILLE, TENNESSEE 37220  
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Tennessee Board of Architectural and Engineering Examiners met on February 8, 2024, and the following business was transacted:

**BOARD MEMBERS PRESENT:** Alton Hethcoat, Blair Parker, Frank Wagster, Brian Tibbs (Virtual), Rob Barrick, Melanie Doss, Rick Thompson, Jason Carder, Ashraf Elsayed, Jeff Nalley, James Collins, Eddie Jett

**BOARD MEMBERS ABSENT:** None

**STAFF MEMBERS PRESENT:** Glenn Kopchak, Stuart Huffman, Heidi Overstreet, Alexandria Griffey, Tammy Roehrich

### **COMMITTEE MEETINGS**

#### **ENGINEER COMMITTEE**

#### **CALL TO ORDER/ROLL CALL**

Rob Barrick called the meeting to order at 9:02am and Director Glenn Kopchak took roll call.

#### **Appellations**

At the last meeting, the board mentioned that NCEES and other states have adopted the term "Professional Engineer" instead of "Engineer" since there appear to be various uses of "Engineer" that are exempt, like those that under responsible charge, whereas "Professional Engineer" denotes professional licensure. Since this would likely require a change in statute, the board decided that adopting the use of "Engineer Associate" modeled after Rule 0120-01-.03(1)(f) may also be an option, while maintaining consistency across the various design professions.

#### **Comity Application Reviews**

Alton Hethcoat made a motion to grant administration authority to approve comity and model law applications that meet all statutory requirements. This was seconded by Jason Carder. The motion passed by unanimous voice vote.

## **NEW BUSINESS**

Alton Hethcoat reviewed an open complaint with the board, recommending a six-month suspension. After discussion regarding the work performed by the respondent, to include the concerns of competency, and threat to the public, the topic was tabled for further discussion during the legal report portion of the board meeting.

## **ARCHITECT COMMITTEE**

### **CALL TO ORDER/ROLL CALL**

Since Brian Tibbs could not be physically present, Rick Thompson called the meeting to order at 9:37 am and Director Glenn Kopchak took roll call.

### **NCARB Regional Realignment**

Rick Thompson discussed realignment as a state and region. Frank Wagster made a motion to recommend remaining in the Southeastern Region. This was seconded by Rick Thompson. The motion passed by unanimous voice vote.

## **NEW BUSINESS**

No new business was presented.

## **BOARD MEETING**

### **CALL TO ORDER / ROLL CALL / NOTICE OF MEETING**

Melanie Doss called the meeting to order at 10:10 am and Director Glenn Kopchak took roll call.

### **Announcements**

Director Kopchak announced that an upcoming rulemaking hearing is scheduled for August 8, 2024.

### **AGENDA**

Dr. Ashraf Elsayed made a motion to add the "Tennessee ASLA Conference" agenda item after the budget report. This was seconded by Rob Barrick. The motion passed by unanimous voice vote.

### **DECEMBER MINUTES**

Rob Barrick made a motion to approve the December minutes. This was seconded by Blair Parker. 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 to include providing a summary of the recently held Senior Principles Forum that took place on January 12, 2024, at the Nashville Marriot at Vanderbilt University, with one of the big discussions being about adopting AI into firms. Kasey Anderson also announced that the week of February 18-24, 2024, is "E Week", which celebrates Engineers across the state.

Ashley Cates, Executive Director of the American Institute of Architects (AIA-TN), provided updates regarding the focus on licensure and developing the pipeline at the recent board retreat that took

place in November. The board will recognize newly licensed Architects, with a complimentary registration and an award for their accomplishments. Ashley Cates also announced an upcoming hip hop camp, scheduled for summer 2024 and will be hosted in Chattanooga, TN. The hip hop camp is geared towards middle and high school students with an interest in architecture.

Kathy Sander, President Elect of Advocacy at International Interior Design Association (IIDA-TN Chapter), reported updates for their organizations to include providing a wellness event scheduled for March 1, 2024, and the National Conference scheduled for August 11-13, 2024, in Denver, CO.

## **DIRECTOR'S REPORT**

### **Budget Report**

Director Kopchak summarized the financial report for October through December. Director Kopchak reported that the October line item under technology was rather large due to the board being billed for CORE enhancements and Reg Access. The month of December shows reallocation resulting in grant money that was not spent, therefore refunded back to the program.

### **Tennessee ASLA Conference**

The American Society of Landscape Architects (ASLA) state conference is scheduled for April 11-12, 2024, in Nashville, TN. Frank Wagster made a motion to approve travel for Blair Parker. This was seconded by Jeff Nalley. The motion passed by unanimous voice vote.

### **Comity Application Reviews**

Rob Barrick made a motion to grant administration authority to approve comity and model law applications where there exists a NCEES, NCARB, CLARB, or CIDQ certificate with record of satisfactory completion of the education, examination, and experience requirements per our statute. This was seconded by Blair Parker. The motion passed by unanimous voice vote.

### **Reapplications**

Rob Barrick made a motion to update administration authority to include reapplications for all design professions received within five (5) years of the date of expiration instead of the previously approved four (4) years. This was seconded by Frank Wagster. The motion passed by unanimous voice vote.

## **COMMITTEE REPORTS**

Please see summary provided above.

## **PUBLIC COMMENT PERIOD RELATED TO ITEMS ON THE AGENDA**

There were no presentations from the public.

## **LEGAL**

**Legal Report** (presented by Stuart Huffman)

### **1. 2023060901**

**First Licensed: 11/08/2016**

**Expiration: 11/30/2025**  
**Type of License: Professional Engineer**  
**History (5 yrs.): None.**

Respondent self-reported to be practicing on an expired license when missing the renewal date of 11/30/2022. Respondent maintained all PDH. Respondent stamped two sets of erosion control plans for waste/borrow sites that were requirements for a construction general permit application. Respondent has since renewed the license on 11/29/2023.

**Reviewed by Board member: Eddie Jett**

Mitigating Factors: self-reported

Aggravating Factors: practicing on an expired license

**Recommendation: Authorize a civil penalty of \$1,000.00 by Consent Order and formal charges for practicing on an expired license and pass the Laws and Rules Exam.**

**Board Decision: Concur.**

**2. 2023060911**

**First Licensed: 01/22/2019**  
**Expiration: 01/31/2021**  
**Type of License: Professional Engineer**  
**History (5 yrs.): None.**

Respondent answered "yes" to practicing on an expired license when submitting a renewal application. Respondent explains that the answer was a misunderstanding and stated that he was licensed in the past and let his license expire while employed with a manufacturing firm. Respondent's duties as an employee are engineering calculations, specify equipment, generate drawings, and other engineering tasks, however, nothing is required to be approved by a professional engineer. All work is for internal use at the plant. Respondent's position uses the appellation of "Engineer", but all work is handled in house and not directed to the general public. There is no evidence that Respondent is using the appellation outside of employment.

**Reviewed by Board member: Jason Carder**

Mitigating Factors: no violations; employee with work being in-house

Aggravating Factors:

**Recommendation: Send Letter of Caution as a reminder to avoid using appellation of Engineer outside of employment until properly registered.**

**Board Decision: Concur.**

**3. 2023061721**

**First Licensed: 12/10/2020**

**Expiration: 12/31/2025**

**Type of License: Professional Engineer**

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

Respondent self-reported to be practicing on an expired license when missing the renewal date of 12/31/2022. Respondent stamped two site plans and one field observation letter during the expiration period. Respondent has since renewed the license on 12/4/2023.

**Reviewed by Board member: Eddie Jett**

Mitigating Factors: self-reported

Aggravating Factors: practicing on a an expired license

**Recommendation: Authorize a civil penalty of \$1,250.00 by Consent Order and formal charges for practicing on an expired license and pass the Laws and Rules Exam.**

**Board Decision: Concur.**

**4. 2023062131**

**First Licensed: 01/10/2015**

**Expiration: 12/31/2025**

**Type of License: Professional Engineer**

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

Respondent self-reported to be practicing on an expired license when missing the renewal date of 1/31/2023. Respondent inadvertently listed the expiration as 12/31/2023 on a list of 20 states currently registered. Respondent states no reports or drawings were stamped in Tennessee and maintained all PDH. Respondent has since renewed the license on 12/6/2023.

**Reviewed by Board member: Jason Carder**

Mitigating Factors: self-reported; no reports or drawings stamped

Aggravating Factors:

**Recommendation: Send Letter of Caution reminding Respondent to be aware of renewal.**

**Board Decision: Concur.**

**5. 2023063291**

**First Licensed: 10/13/2000**

**Expiration: 12/31/2025**

**Type of License: Professional Engineer**

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

Respondent self-reported to be practicing on an expired license when missing the renewal date of 10/31/2022. Respondent learned that payment had not been made from a 2023 in-house employment audit. Respondent stamped plans on two projects during the expiration period. Both projects involved load bearing concrete tilt-up wall panel buildings with metal roof deck, open web steel roof joists and joist girders, interior steel HSS shape columns with conventional shallow footings. Respondent has since renewed the license on 12/13/2023.

**Reviewed by Board member: Dr. Ash**

Mitigating Factors: self-reported

Aggravating Factors:

**Recommendation: Authorize a civil penalty of \$1,000.00 by Consent Order and formal charges for practicing on an expired license and pass the Laws and Rules Exam.**

**Board Decision: Concur.**

**6. 2024000431**

**First Licensed: 04/24/2019**

**Expiration: 01/31/2023**

**Type of License: Professional Architect**

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

Respondent self-reported to be practicing on an expired license when missing the renewal date of 4/30/2023. Respondent explains that the original project started in 2019 but nothing was done until 2023. The client needed an update on the building code listed on the index sheet and had a change for the structural engineer. Total work done on Respondent's part was changing the IBC code year on index sheet and update a detail to match structural change. The revisions were made and sent back to the client. Respondent's license has since been renewed on 1/3/2024.

**Reviewed by Board member: Frank Wagster**

Mitigating Factors: self-reported; small revisions on plans

Aggravating Factors:

**Recommendation: Authorize a civil penalty of \$250.00 by Consent Order and formal charges for practicing on an expired license and pass the Laws and Rules Exam.**

**Board Decision: Concur.**

**RE-PRESENTATIONS**

**7. 2023035981**

**First Licensed: 10/03/1992**

**Expiration: 11/30/2024**

**Type of License: Professional Engineer**

**History (5 yrs.): 2021 – One complaint closed with letter of warning for failure to provide clear scope of project to client.**

Complainant contracted with Respondent on 03/28/2022 for site plans to show grading, water, SWPPP NOI, and for landscaping for the RV Park. Complainant alleges Respondent submitted plans that were not buildable and there were manholes 25' out of the ground. Complainant has been trying to work with Respondent for over a year and still does not have workable plans. Complainant also claims Respondent changed the payee on a check payable to the State for permits because it had to be paid online.

Respondent worked on plans from Spring of 2022 until June 13th and received a site plan/ project approval for 125 RV units following Complainant's wishes and direction. Respondent began to make construction plans shortly with level mass grade scenario approved with retaining walls and gravel roads. Respondent was attempting to make it affordable for Complainant to build. Complainant received grading quotes and decided to slope the RV park much more. Respondent regraded to accommodate. The entire layout and grades had to be redone from scratch to achieve this. The city sewer department told Respondent that manholes were needed. Complainant did not want manholes and recently ordered Respondent to take manholes out of the project, because other RV Parks do not have them. The city is maintaining the project must have public sewer standards met, even on the private side of the Pump Station with force main. The Planning Commission approved the project with manholes, Complainant does not want to pay for additional services needed to fully complete project. In early June Complainant and Respondent met at the office and Complainant stated the city is requesting a State Permit to start grading. A few days later, Respondent met with Complainant to have the SWPPP NOI TDEC permit signed. Respondent spent several hours on the TDEC website trying to upload docs and determined that TDEC no longer accepts checks and fees are paid online. Complainant informed Respondent of changes with the entry location and the electric info from the co-op. The plans that were uploaded to TDEC, and supplied by Complainant, were draft only as plans were in state of flux in June. Complainant wanted to remove storm pipes and inlets so Respondent prepared plans that was minimal and were sent to the city department for review. Once Respondent completed the SWPPP again with changes from June 8, 2023 until July 26, 2023, Respondent tried again to upload. Respondent deposited the permit check into the business account to pay for the fees online. Respondent was not able to successfully upload with the changes made until July 27 for TDEC review. Respondent indicates that the parties have spoken and vowed to work together on the project. Respondent will provide a new agreement with Complainant due to many changes wanted in order to be cost effective. Respondent further emphasizes the plans Complainant submitted were not the plans approved and reflect attempts to get base right before final hydraulic and sewer work can be completed without changing 30 sheets now multiple times.

Reviewed by Board member: Alton Hethcoat

Mitigating Factors:

Aggravating Factors:

Recommendation: Discuss

Board Decision: Defer to the February meeting.

**New Information:** Based on the review, the plans included numerous errors and omissions that would be critical to construction, as well as compliance with standard utility, drainage, grading, parking requirements that would normally be components of any Subdivision Regulations. More importantly, the errors and omissions would negatively impact the safe use of the facilities. Respondent also changed the name on a check that was issued by the Complainant to the State of TN for regulatory review fees, scratched out "State of Tennessee", inserted his own name, then cashed the check. When confronted by the Complainant, the Respondent stated that the State of TN would only take a credit card and was reimbursing himself for the cost of the review fee. When the Complainant checked with the State of TN, they found no record of the payment by credit card for the review fees.

**New Recommendation:** Authorize the voluntary surrender of the license for 6 months by Consent Order and formal charges and present the next set of stamped plans, after the suspension, to the Board for review.

**New Board Decision:** Authorize the voluntary suspension of Respondent's license for 6 months, with all projects to cease and desist. After the suspension, authorize probation for 6 months, with a list of all work product to be reviewed by the Board by Consent Order and formal charges. The Board will randomly select at least three (3) projects for expert review and present to the Board during the probationary period. Further, the Respondent shall take and pass the laws and rules exam.

## **NEW BUSINESS**

Director Kopchak announced that there is a possibility of a UK Mutual Recognition Agreement with NCEES stating that, near the end of the year after the NCEES Annual Meeting, further information will be provided.

The board expressed a continued interest in tracking any developments regarding artificial intelligence.

## **ADJOURNMENT**

Melanie Doss adjourned the meeting at 12:00 p.m.