



**STATE OF TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE
TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
615.741.2241**

Board Meeting Minutes for April 3, 2024
First Floor Conference Room 1-A
Davy Crockett Tower

Tennessee Board of Architectural and Engineering Examiners met on April 3, 2024, and the following business was transacted:

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

BOARD MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Glenn Kopchak, Stuart Huffman, Heidi Overstreet, Alexandria Griffey, Tammy Roehrich, Ashley Trobaugh, Philip Allocco

BOARD MEETING

CALL TO ORDER / ROLL CALL / NOTICE OF MEETING

Melanie Doss called the meeting to order at 9:07 am and Director Glenn Kopchak took roll call.

ANNOUNCEMENTS

Director Kopchak announced an upcoming AI Governance Seminar/Training Session at 1:00pm on June 6, 2024. Training is scheduled to take place on the 11th floor of the Davy Crockett building, conference room to be determined.

AGENDA

Rick Thompson made a motion to add discussion of NCARB, CLARB, and NCIDQ certificate status and programs that are not Council for Interior Design Accreditation (CIDA) accredited to "New Business" at the end of the agenda. This was seconded by Rob Barrick. The motion passed by unanimous voice vote.

FEBRUARY MINUTES

Brian Tibbs made a motion to approve the February minutes. This was seconded by Dr. Ashraf

Elsayed. 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 passed bills that will affect the Architect and Engineers board, ACEC Leadership PE class in Knoxville scheduled for June 10 - June 12, 2024, and the upcoming Engineers conference at the Franklin Marriot scheduled for September 29 - October 1, 2024.

Ashley Cates, Executive Director of the American Institute of Architects (AIA-TN), provided updates regarding the educational webinar for Architects and Engineers to learn more about the process and procedures. Ashley Cates also announced that the State Fire Marshall office has introduced a rulemaking hearing for April 29, 2024, for the International Building Codes (IBC) to be updated to the school safety statute that passed last year.

Nathan Ridley, from the TN chapter of the American Society of Landscape Architects (ASLA-TN), announced that April is Landscape Architect Month, and the annual conference will be April 11-12, 2024, in Nashville, TN. Nathan Ridley also provided an update on the Tennessee legislative session.

Ray Tant, Past President of American Society of Civil Engineers, TN Section, provided updates for his organization regarding continuing education seminars and fundraisers to promote scholarships for students. Ray Tant encourages all members to continue to attend the various engineer conferences available to them, and to look up the 2022 - 2023 TN Infrastructure Report card.

Claudia Lofton, VP of Advocacy at International Interior Design Association (IIDA-TN Chapter) and Tiffanie Clegg, Representative for ASID, reported on upcoming events that will focus on advocacy, the importance of keeping certifications up to date, and other items pertinent to Interior Design.

DIRECTOR'S REPORT

Budget Report

Director Kopchak summarized the financial report for the month of January. Director Kopchak reported that the increase of expenditures was due to annual membership dues fees for NCEES and CIDQ. There were no items of concern, and the board is trending in surplus.

Conference Travel

NCEES Annual Meeting

The NCEES Annual Meeting is scheduled for August 14 - 17, 2024, in Chicago, IL. Rob Barrick made a motion to approve travel for Jason Carder, Eddie Jett, and James Collins. This was seconded by Dr. Ashraf Elsayed. The motion passed by unanimous voice vote.

NCARB Annual Meeting

The NCARB Annual Meeting is scheduled for June 13 - 15, 2024, in Chicago, IL. Rick Thompson made a motion to approve travel for Brian Tibbs, Rick Thompson, and Frank Wagster. This was seconded by Blair Parker. The motion passed by unanimous voice vote.

CLARB Annual Meeting

The CLARB Annual Meeting is scheduled for September 19 - 21, 2024, in Buffalo, NY. Brian Tibbs made a motion to approve travel for Blair Parker. This was seconded by Jason Carder. The motion passed by unanimous voice vote.

ASLA Annual Meeting

The ASLA Annual Meeting is scheduled for October 6 - 9, 2024, in Washington, DC. Frank Wagster made a motion to approve travel for Blair Parker. This was seconded by Brian Tibbs. The motion passed by unanimous voice vote.

CIDQ Annual Meeting

The CIDQ Annual Meeting is scheduled to be held in Chicago, IL, dates to be determined. Brian Tibbs made a motion to approve travel for Melanie Doss. This was seconded by Frank Wagster. The motion passed by unanimous voice vote.

Conference Update

Director Glenn Kopchak provided an update to the board about the NCARB Regional Summit. He reported that there were three major topics of discussion: Regional Realignment, Alternative Pathways to Licensure, and Artificial Intelligence.

PUBLIC COMMENT PERIOD RELATED TO ITEMS ON THE AGENDA

There were no presentations from the public.

LEGAL

Legal Report (presented by Stuart Huffman)

1. 2023063341 (SH)

First Licensed: 01/01/1993

Expiration: 12/31/2025

Type of License: Professional Architect

History (5 yrs.): 2020 – One complaint closed with letter of caution for failure to disclose previous disciplinary history to another state's licensing board.

Respondent self-reported having been issued discipline in another state on the TN renewal application. Respondent applied to renew license in Iowa and responded no disciplinary action since the last renewal, which Respondent thought was one year. Iowa issued a new disciplinary action to deny renewal because Respondent failed to include the action from 2 years ago due to renewal being biennial. Previously, Respondent was issued a LOC in 2020 when he reported that Colorado suspended him for disciplinary actions in MS, AL, and MO.

Respondent states he has retired from private practice and is now employed with a TN company. He states he is allowing all other licenses to lapse except for TN.

Reviewed by Board member: Frank Wagster

Mitigating Factors: Self-Reported; Disclosed disciplinary action and license was approved.

Aggravating Factors:

Recommendation: Send Letter of Caution and pass the Laws and Rules Exam.

Board Decision: Concur.

2. 2024000381 (SH)

First Licensed: 03/17/2015

Expiration: 01/31/2026

Type of License: Professional Engineer

History (5 yrs.): None.

Respondent self-reported working on an expired license however no plans were sealed in Tennessee during the expiration period.

Reviewed by Board member: Eddie Jett

Mitigating Factors: Self-reported and no plans sealed.

Aggravating Factors:

Recommendation: Send Letter of Warning and pass the Laws and Rules Exam.

Board Decision: Concur.

3. 2024001611 (SH)

First Licensed: 03/17/1991

Expiration: 10/31/2022

Type of License: Professional Engineer

History (5 yrs.): None.

Respondent self-reported working on an expired license. Respondent sealed residential grading designs on 10 projects during the expiration period.

Reviewed by Board member: Eddie Jett

Mitigating Factors: Self-reported

Aggravating Factors: Sealed plans while expired

Recommendation: Authorize a civil penalty of \$4,000.00 (\$400 per project) by Consent Order and formal charges for practicing on an expired license and pass the Laws and Rules Exam.

Board Decision: Concur.

4. 2024013531 (SH)

First Licensed: 05/28/2014

Expiration: 05/31/2020

Type of License: Professional Engineer

History (5 yrs.): None.

Respondent reported that he had been practicing on an expired license when renewing. Respondent later found out that his license expired but did not fully understand the term "practicing". Respondent states that during the expiration period, his involvement in the field of Computer Engineering continued, but not in a capacity that involved undertaking responsibilities or roles requiring licensure in TN. Respondent states he did not engage in activities that entailed signing off on projects or work as a licensed professional engineer within TN.

Reviewed by Board member: Alton Hethcoat

Mitigating Factors: No plans sealed during expiration period

Aggravating Factors:

Recommendation: Send Letter of Warning and pass the Laws and Rules Exam.

Board Decision: Concur.

5. 2023057981 (SH)

First Licensed: 05/05/2003

Expiration: 09/30/2024

Type of License: Professional Engineer

History (5 yrs.): None.

Complainant is working on a new car wash in Alabama and was provided with this set of plans as a reference of a previous project that was built in Tennessee. Respondent sealed the Plumbing, HVAC, electrical, and structural drawings, which Complainant states is unusual for one engineer to be proficient for all disciplines. After review of the documents, Complainant alleges significant inadequacies and code violations in design. Specific items noted are: 1) toilet is vented horizontally below slab, 2) clothes washer has 2" outlet but 1" drain and no vent, 3) mop sink not vented, 4) no isolation valve on wall hydrant, 5) Gas piping oversized for loads, 6) HVAC plans do not provide required outside air, 7) no power to HVAC equipment, and 8) no light switches or controls for energy code compliance.

Respondent's design group consists of himself, a Designer, a Contractor, and various owners and developers with engagement through the Contractor. The Designer, with extensive experience in all aspects of Civil, Structural, Mechanical, and Electrical design for these typical projects, is under Respondent's responsible charge.

The drawings in question were distributed as "prototypical" to an unengaged Architect, outside of our group, by the car wash supplier without Respondent's knowledge or permission. The Architect failed to contact Respondent for permission, nor did he obtain the CAD files to reproduce the drawings.

The revised plans for the car wash in Tennessee were eventually approved and has had no issues in the last three years since being built.

Reviewed by Board member: Rob Barrick

Mitigating Factors: No violations found

Aggravating Factors:

Recommendation: Send Letter of Caution.

Board Decision: Concur.

6. 2024002371 (SH)

First Licensed: 11/26/2018

Expiration: 01/31/2026

Type of License: Professional Landscape Architect

History (5 yrs.): None.

Respondent self-reported working on an expired license. Respondent states that three projects were sealed during the expiration period. Respondent stated he applied for renewal on 11/29/2022 (which was verified) but thought he had paid the fee. It was determined that the fee was not paid therefore resulting in the expiration.

Reviewed by Board member: Blair Parker

Mitigating Factors: Self-reported; Possible online application issues

Aggravating Factors: Sealed plans while expired

Recommendation: Authorize a civil penalty of \$750.00 (\$250 per project) by Consent Order and formal charges for practicing on an expired license.

Board Decision: Concur.

7. 2024010051 (SH)

First Licensed: 01/10/2003

Expiration: 02/28/2026

Type of License: Professional Engineer

History (5 yrs.): None.

Respondent self-reported working on an expired license. Respondent's license expired in January 2023. Respondent moved in March of 2021 and forgot to update their mailing address. Respondent learned of the expiration obtaining information for a request for qualifications from a potential client in February of 2024. Respondent states that six plans were sealed during the expiration period, which were mainly specifications and engineering analysis.

Reviewed by Board member: Eddie Jett

Mitigating Factors: Self-reported

Aggravating Factors: Sealed plans while expired

Recommendation: Authorize a civil penalty of \$3,000.00 (\$500 per project) by Consent Order and formal charges for practicing on an expired license and pass the Laws and Rules Exam.

Board Decision: Concur.

8. 2023057951 (SH)

First Licensed: N/A (Unlicensed)

Expiration: N/A

Type of License: Professional Architect

History (5 yrs.): None.

Complainant hired Respondent on 1/25/2023 to draw plans for an addition to the house. Complainant paid Respondent \$2,200 for an initial deposit. On 5/1/2023, Complainant paid an additional \$2,000 for drawings for construction. Upon submission to the local Codes Department, it was discovered that Respondent is unlicensed and advertises as an architect. The website shows numerous appellations of "Architect" and "Architecture". Respondent has not provided a response.

Reviewed by Board member: Brian Tibbs

Mitigating Factors:

Aggravating Factors: Using appellations without being licensed.

Recommendation: Authorize a civil penalty of \$145,000.00 (\$1,000 per day since complaint filed) and remove all appellations from website by Consent Order and formal charges for using appellations without being licensed.

Board Decision: Concur.

Legislative Update

Stuart Huffman briefed that if passed, SB2498/HB2578 becomes effective July 1, 2024, for a period of 1 year, expiring on June 30, 2025. The bill creates an additional registration pathway for graduates of unaccredited engineering technology curriculums of four (4) years, approved by the board as being of

satisfactory standing, with twelve (12) years or more of experience on engineering projects. Additionally, the applicant must also pass the Fundamentals of Engineering (FE) exam and the Principles and Practice of Engineering (PE).

NEW BUSINESS

Director Kopchak announced two items of discussion affecting the Interior Design Board: how to determine which non-CIDA accredited programs are substantially equivalent, and active certification. Regarding active certification, the board informed Melanie Doss of the importance and benefits of enrollment in CLARB, NCARB, and NCEES, noting the benefits in the transmittal process for comity applications. Lastly, Director Kopchak briefed that the board is not an accrediting body for non-CIDA accredited programs. He shared that it would best be evaluated by NCIDQ, or a third-party expert.

ADJOURNMENT

Melanie Doss adjourned the meeting at 11:03 a.m.