

**Tennessee Board of Architectural and Engineering Examiners
Board Meeting
Davy Crockett Tower
Nashville, Tennessee**

August 20, 2009

Board Members Present

Hal Balthrop, Professional Engineer
James Hastings, Registered Architect
Bill Lockwood, Registered Landscape Architect
David Schuermann, Registered Architect
Leslie Shankman-Cohn, Registered Interior Designer
Richard Thompson, Registered Architect
Brenda Wood, Public Member

Board Member Absent

Bob Campbell, Professional Engineer
Philip Lim, Professional Engineer

Associate Board Members Present

Dennis Henderson, Professional Engineer
Carlton Norris, Professional Engineer

Associate Board Member Absent

Raymond White, Professional Engineer

Staff Present

Robert Herndon, Legal Counsel
John Cothron, Executive Director
Wanda Phillips, Administrative Manager
Wanda Garner, Administrative Assistant

Guests

Don Baltimore, Tennessee Interior Design Coalition (TIDC)
Candy Toler, Tennessee Society of Professional Engineers/American Council of
Engineering Companies of Tennessee (TSPE/ACEC-TN)
Nathan Ridley, Tennessee Chapter American Society of Landscape Architects (ASLA -
TN)
Connie Wallace, American Institute of Architects of Tennessee (AIA-TN)

CALL TO ORDER

Brenda Wood, vice-chair, called the meeting to order at 9:15 a.m. Roll call determined that a quorum was present.

Mr. Cothron announced that Philip Lim has been reappointed to the Board, and will serve until June 30, 2013.

Mr. Cothron stated that former Engineer Board member, William Stockard, would not be present to accept the Emeritus Certificate.

No further changes were made to the agenda.

CONSENT AGENDA

1. *Approval of Minutes* (attached)

Mr. Lockwood, seconded by Mr. Thompson, moved to accept the minutes of the June 25, 2009, meeting as written. The motion passed unanimously.

2. *Approval of the Staff Complaint Report* (attached)

Mr. Schuermann, seconded by Ms. Shankman-Cohn, moved to accept the Complaints for Board Decision as presented. The motion passed unanimously.

PROFESSIONAL SOCIETY REPORTS

1. *Candy Toler, TSPE/ACEC-TN*, made the following announcements:

- A list of names for the Dispute Resolution Panel has been submitted to Mr. Cothron.
- TSPE is offering a review course for the Professional Engineer civil exam in Nashville. The Minnesota Society of Professional Engineers is offering Webinar courses for the mechanical and civil PE exams.
- TSPE has nominated Alton Hethcoat and Randal Braker for Associate Engineer Board member, representing Middle Tennessee, to replace Raymond White, whose term has expired.

2. *Don Baltimore, TIDC*, stated that he had nothing major to report.

3. *Nathan Ridley, ASLA-TN*, stated that they are watching, with interest, several special legislative elections. The ASLA-TN Annual Conference is scheduled for October.

4. *Connie Wallace, AIA-TN*, announced that

- Metro Nashville has passed an ordinance adopting the International Building Code. She acknowledged Terry Cobb, Metro's Director of Codes and Building Safety, for his effort in getting the ordinance passed, and
- Connecticut and New York are among three states that have proposals for eliminating their architectural boards for budgetary reasons; six or seven other states are merging their boards with other professions.

At Ms. Wallace's suggestion, Mr. Schuermann, seconded by Mr. Hastings, moved that the Architectural and Engineering Board hold a joint meeting with the Contractors Board to discuss legislative issues. The motion passed unanimously.

Mr. Schuermann, Mr. Hastings, Ms. Shankman-Cohn, and Mr. Balthrop volunteered to help plan the joint meeting. Ms. Wallace will act as facilitator.

DIRECTOR'S REPORT

1. Mr. Cothron submitted the following report:
 - Philip Lim and I attended the National Council of Examiners for Engineering and Surveying Annual Meeting in Louisville, KY on August 12-15.
 - Bill Lockwood and I have been approved to attend the Council of Landscape Architectural Registration Boards Annual Meeting in Seattle, WA on September 10-12.
 - The 2009 edition of the *Reference Manual for Building Officials and Design Professionals* is in the process of being printed and distributed.
 - We are still awaiting Attorney General approval of the rule changes approved at the February Board meeting.
 - We recently learned that the August 2009 renewal notices were not mailed out. The notices have now been reprinted and mailed. Registrants affected will be given extra time to renew without incurring a late renewal penalty.
 - Possible bills that may be introduced next year:
 - A bill allowing engineering technology degrees.
 - A bill allowing individuals with a master's degree in engineering to sit for the Fundamentals of Engineering exam.
 - A bill that would allow firms that design and manufacture products for the aircraft industry to use the word "engineering" in the firm name without employing a Professional Engineer and filing a disclosure form.
2. *Financial Data* (attached) was submitted and reviewed by Mr. Balthrop.
3. *Licensing Data* (attached) was submitted for informational purposes only.

OLD BUSINESS

1. *Action Items* (attached)
Required action had been taken on all action items.

NEW BUSINESS

1. *National Council of Examiners for Engineering and Surveying (NCEES) Annual Meeting Report*

Mr. Cothron submitted a written report (attached).

Mr. Balthrop suggested that a discussion of ways to encourage faculty licensure be placed on the Fall Planning Session agenda. Mr. Cothron will ask for input from deans to aid the discussion.

2. *Report on Meeting with Assistant Commissioner*

Ms. Wood reported that Assistant Commissioner Steven Majchrzak addressed the complaint process, customer service issues, and licensing issues at the meeting with board chairs on August 19, 2009. Mr. Majchrzak wants to speed up the processing of complaints and get rid of the backlog. Mr. Herndon stated that this Board does not have a significant backlog of complaints. He added that the Department plans to hire four attorneys to do only litigation (hearings).

Break: 9:45-10:15 a.m.

3. *Agenda for October Planning Session (attached)*
Rules for Discussion (at October Planning Session) (attached)

Board members were asked for additional agenda topics to be discussed at the Fall Planning Session.

- Mr. Balthrop suggested sending letters to Tennessee colleges and universities informing them of the registration requirements.
- Mr. Lockwood and Mr. Schuermann asked that a discussion of allowing evaluation of non-accredited landscape architectural degrees be added to the agenda.
- Mr. Balthrop would like to explore application format modifications.
- Board members would like to address the travel issue by means of a “position paper” in which decision makers recognize that issues addressed by national councils affect Tennessee laws and impact the health, safety and welfare of Tennesseans. Board members want to consider, among other things, the financial impact of this Board as compared with other boards in the Department and with the boards in surrounding states. Mr. Cothron will collect financial data to aid the discussion.

Mr. Schuermann, seconded by Mr. Lockwood, moved to add the above topics to the agenda for the October Planning Session. The motion passed unanimously.

Possible rule changes were submitted for consideration at the October Planning Session.

In answer to a question, Mr. Cothron stated that he has not received a status report regarding the Sunset review of the Board.

4. *Letter from Mark Scheuer, PS Engineering (attached)*
Letter from Ricky Jones, Associate Manager, Atlanta Aircraft Certification Office (attached)

Mr. Henderson, seconded by Mr. Hastings, moved to give Mr. Scheuer a six-month grace period in which he may continue using the word, “engineering” in the name of his firm with stipulations:

- He may not offer any services requiring a registered professional engineer;

- He must report to the Board by January 20, 2010, on the status of his attempt to either pass the Principles and Practice of Engineering Exam and/or to hire a Tennessee registered professional engineer; and
- He must submit an application for the spring exam in the event he doesn't pass the fall exam.

The motion passed with Mr. Schuermann opposing.

LEGAL CASE REPORT (presented by Robert Herndon) (attached)

Mr. Herndon filed charges against an individual who had not paid the Professional Privilege Tax for three years. The person responded by offering the following:

- He will pay his back taxes in installments (as allowed by the Department of Revenue);
- He will place his license on an inactive status and pay required biennial renewal fees; and
- He will not practice in Tennessee until the taxes are paid.

Mr. Balthrop, seconded by Mr. Lockwood, moved to accept the above terms, as offered, plus, a suspension of his Tennessee certificate of registration, commensurate with his proposed payment schedule, and a civil penalty of \$500. The suspension will be lifted when he has paid in full. The motion passed unanimously.

1. *Case #L09-AEL-RBS-2009003951* *Complaint #200900395*

Mr. Thompson, second by Ms. Shankman-Cohn, moved to accept the Consent Order and close the case. The motion passed unanimously.

2. *Case #L09-AEL-RBS-2009006351* *Complaint #200900635*

Mr. Hastings, seconded by Mr. Lockwood, moved to issue a Consent Order offering a civil penalty of \$500.00. The motion passed unanimously.

3. *Case #L09-AEL-RBS-2009007641* *Complaint #200900764*
Case #L09-AEL-RBS-2009007642 *Complaint #200900764*
Case #L09-AEL-RBS-2009007643 *Complaint #200900764*

Mr. Schuermann, seconded by Mr. Thompson, moved to issue a Letter of Caution to the Respondents and for the principals to take and pass the Law and Rules Exam. The motion passed unanimously.

4. *Case #L09-AEL-RBS-2009011071* *Complaint #200901107*
Case #L09-AEL-RBS-2009011072 *Complaint #200901107*

Mr. Lockwood, seconded by Mr. Schuermann, moved to dismiss and close the case for lack of evidence of misconduct. The motion passed unanimously.

5. *Case #L08-AEL-RBS-2008027051* *Complaint #200802705*

Mr. Thompson, seconded by Ms. Shankman-Cohn, moved to issue a Consent Order for a civil penalty of \$1,000.00. After discussion, the Board asked to defer the case

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allowing further investigation of the amount of work the Respondent may have done beyond the expiration date of his license. Mr. Thompson withdrew his motion.

Ms. Wood, seconded by Mr. Lockwood, moved to adjourn. The motion passed unanimously.

The meeting adjourned at 11:25 p.m.

ATTACHMENTS

Minutes of the June 25, 2009 Meeting
Complaints for Board Decision
Licensing Data
Financial Data
Action Items
NCEES Annual Meeting Report
Proposed Agenda for October Planning Session
Rule Changes for Discussion at the October Planning Session
Mark Scheuer's letter of August 17, 2009
Ricky Jones' letter of July 23, 2009
Legal Case Report