

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

June 25, 2009

Board Members Present

Hal Balthrop, Professional Engineer
Bob Campbell, Professional Engineer
James Hastings, Registered Architect
Philip Lim, Professional Engineer
Bill Lockwood, Registered Landscape Architect
David Schuermann, Registered Architect
Leslie Shankman-Cohn, Registered Interior Designer
Richard Thompson, Registered Architect

Board Member Absent

Brenda Wood, Public Member

Associate Board Members Present

Dennis Henderson, Professional Engineer
Carlton Norris, Professional Engineer
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)
Connie Wallace, American Institute of Architects of Tennessee (AIA-TN)

CALL TO ORDER

Jim Hastings, chair, called the meeting to order at 9:05 a.m. Roll call determined that a quorum was present.

No changes were made to the agenda.

CONSENT AGENDA

1. *Approval of Minutes (attached)*

Mr. Campbell, seconded by Mr. Lockwood, moved to accept the minutes of the April 23, 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*, gave Board members a list of bills that may be of interest to engineers (attached). She pointed out that the construction management bill (HB1705/SB1577) was amended to including architects and engineers.

Ms. Toler announced that

- Tom Needham was elected president of TSPE and Ed Hargraves was elected president of ACEC-TN;
- Each year ACEC-TN gives a \$1,000 scholarship to an engineering student. Recently the state level winner of that scholarship advanced to the national level of ACEC and won a \$10,000 scholarship to graduate school; and
- The sponsor of HB0771/SB0821, a bill which imposes the National Fire Protection Association Standards, may pursue the bill in 2010.
- The State Fire Marshal's Office is moving forward with electronic plans submission.
- A list of nominees has been submitted for the West Tennessee engineer position on the board, but they are still working on the list for the Middle Tennessee associate engineer position.

2. *Connie Wallace, AIA-TN*, reported that

- She will have more to report after the AIA-TN Convention which is scheduled for July 29-August 1, 2009, in Knoxville;
- AIA-TN plans to develop new strategies for government advocacy. They want to better catch and track legislation;
- Rick Thompson has been nominated to serve another term on the Board;
- The construction management issue remains a problem, and may need to be addressed with the Contractors Board at some point; and
- AIA-TN has been disappointed with the handling of stimulus funds.

3. *Don Baltimore, TIDC*, reported that the Tennessee Interior Design Act, which seeks to allow only qualified persons to use the title "interior designer," and to design and do specifications for large commercial spaces, will be pursued next year.

DIRECTOR'S REPORT

1. Mr. Cothron submitted the following report:

- All of the grant contracts have been approved and grant funds have been distributed. A media release regarding the grants received an unexpected amount of coverage in the press.

- The request to raise the grants appropriation to \$250,000 was denied. The \$200,000 appropriation is included in this year's appropriations bill (SB2355/HB2392).
 - Philip Lim and I have been approved to attend the National Council of Examiners for Engineering and Surveying (NCEES) Annual Meeting in Louisville, KY on August 12-15.
 - Attorney General opinions have been placed on the Board website, and we are in the process of placing FAQs on the website, as well.
 - The Spring/Summer 2009 edition of the newsletter has been distributed.
 - The rule changes approved at the February Board meeting are still in the Attorney General's office for review.
 - The Council of Landscape Architectural Registration Boards (CLARB) has launched a new website and database, which includes a disciplinary database. The new system will allow only Board-approved candidates to sit for the multiple-choice exams. National disciplinary databases now exist for all four professions regulated by the Board.
 - Approximately 30% of registrants eligible for online renewal are now renewing online.
 - Nathan Ridley of the American Society of Landscape Architects-Tennessee (ASLA-TN) reports that the ASLA-TN Conference is scheduled for October 7-9, 2009, at the Renaissance Hotel in Nashville. He will have more details in August.
2. *Legislative Update* (attached)
- Mr. Cothron reported that the "sign" bill (SB0059/HB0867) and the construction management bill (SB1577/HB1705) passed with amendments.
3. *Financial Data* (attached) was submitted and reviewed by Mr. Lim. Mr. Cothron pointed out that the Board's revenue was down substantially in April.

OLD BUSINESS

1. *Action Items* (attached)
- Required action had been taken on all action items
2. *Reference Manual Revisions* (attached)
- Mr. Campbell, seconded by Mr. Thompson, moved to approve the Reference Manual revisions with the following amendments:
- Page 6, d: insert the most recent date of revision: 6/25/2009.
 - Page 13: replace the word, "drawings" in the first sentence with the word, "documents."
 - Page 14, 4: reword the sentence so that it reads, "...or these plans and specifications are in connection with reflected ceiling plans, furnishings, the fabrication of non-structural elements within the interior spaces of buildings, or space utilization not affecting life safety."

- Page 36: in the first sentence, insert the word, “self supporting” before the word, “structure.”
- Page 36: delete the last sentence of the first paragraph.

The motion passed unanimously.

Break 10:05 – 10:20 a.m.

NEW BUSINESS

1. Officer Elections

Mr. Thompson, seconded by Mr. Schuermann, moved that the following slate for officers of the Board for 2009-2010 be elected by acclamation:

Chair — Bob Campbell
Vice Chair — Brenda Wood
Secretary — Philip Lim

The motion passed unanimously. The newly elected officers will take office on July 1, 2009.

2. National Council of Examiners for Engineering and Surveying (NCEES) Southern Zone Meeting Report

Mr. Norris reported that the requirement for a master’s degree or its equivalent in the NCEES Model Law is still the main topic of discussion. The Southern Zone would prefer that the Accreditation Board for Engineering and Technology (ABET) require more hours for accreditation.

Under discussion also was whether to allow an engineer intern to apply and take the Principles and Practice of Engineering exam prior to having met the experience requirement. Mr. Hastings remarked that allowing architect interns to take the Architect Registration Exam prior to having met the experience requirement has been well received.

3. National Council of Architectural Registration Boards Annual Meeting Report

Mr. Cothron submitted a written report (attached).

4. Correspondence from Neal Robertson re: Firm Disclosures (attached)

Mr. Cothron will respond that the Board discussed the law concerning firm disclosure and registered engineers in charge of service and concluded that *Tennessee Code Annotated* 62-2-602 requires a “resident” (i.e., full-time) registrant in responsible charge at any and each place of business. Mr. Robertson may offer services as a sole practitioner under his own name, but he cannot be in responsible charge of more than one firm. Mr. Schuermann suggested that the response include a refutation of Mr. Robertson’s statement that the Board is robbing him, “... of the protection which I sought in the first place when I formed my new company.”

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

1. *Case #L07-AEL-RBS-2007056821* *Complaint #200705682*
Mr. Lockwood, seconded by Mr. Campbell, moved to dismiss the case upon receipt of voluntary surrender documentation. The motion passed unanimously.
2. *Case #L09-AEL-RBS-2009001601* *Complaint #200900160*
Mr. Campbell, seconded by Ms. Shankman-Cohn, moved to authorize an informal conference. The motion passed unanimously.
3. *Case #L09-AEL-RBS-2009007221* *Complaint #200900722*
Mr. Schuermann, seconded by Mr. Campbell, moved to dismiss and close the case. The motion passed unanimously.
4. *Case #L09-AEL-RBS-2009007641* *Complaint #200900764*
Case #L09-AEL-RBS-2009007642 *Complaint #200900764*
Case #L09-AEL-RBS-2009007643 *Complaint #200900764*
Mr. Campbell, seconded by Mr. Schuermann, moved that an engineer Board member review these cases. The motion passed unanimously.
5. *Case #L09-AEL-RBS-2009008861* *Complaint #200900886*
Ms. Shankman-Cohn, seconded by Mr. Lockwood, moved to dismiss the case with a Letter of Caution. The motion passed unanimously.
6. *Case #L09-AEL-RBS-2009009401* *Complaint #200900940*
Mr. Lockwood, seconded by Mr. Schuermann, moved that an engineer Board member review the case for evidence of misconduct. The motion passed unanimously.
7. *Case #L09-AEL-RBS-2009010431* *Complaint #200901043*
Mr. Lim, seconded by Mr. Campbell, moved to dismiss the case with a Letter of Caution. The motion passed with Mr. Schuermann opposing. (See after Item #8.)
8. *Case #L09-AEL-RBS-2009010601* *Complaint #200901060*
Mr. Thompson, seconded by Ms. Shankman-Cohn, moved to dismiss and close the case with a Letter of Caution. The motion passed unanimously.

Mr. Schuermann, seconded by Mr. Lockwood, moved to reopen Item #7 and amend the motion to dismiss the case, instead, with a Letter of Instruction. The motion passed unanimously.
9. *Case #L09-AEL-RBS-2009011891* *Complaint #200901189*
Mr. Campbell, seconded by Ms. Shankman-Cohn, moved to dismiss the case with a Letter of Reprimand. The motion passed unanimously.

Mr. Balthrop, seconded by Mr. Campbell, moved to adjourn. The motion passed unanimously.

The meeting adjourned at 12:20 p.m.

ATTACHMENTS

Minutes of the April 23, 2009 Meeting
Complaints for Board Decision
Short List of Bills of Interest to Engineers (submitted by Candy Toler)
Pending Legislation
SB1577
Amendment Number 3 to HB 1705
Public Chapter No. 268 (SB0059)
Financial Data
Action Items
Reference Manual Revisions
NCARB Annual Meeting Report
Neal Robertson's e-mail of 6/20/09
Legal Case Report