

# AGENDA



## Construction Law Forum 2025: Let's Get Technical

Tennessee Bankers Association - Barrett Training Center  
211 Athens Way, Ste. 100  
Nashville, TN 37228  
January 24, 2025

---

**Program Producers:** Jerry Martin, Attorney at Law

**Total Credits:** 5.5 General 1 Dual

---

8 - 8:30 a.m. CT

### Registration & Breakfast

8:30 - 9:30 a.m. CT

### Environmental Issues in Construction and Development

**1 General**

*For the past several years, Tennessee has been experiencing incredible growth, leading to increasing pressure to build on brownfields or in locations that may have potential water issues. This CLE will discuss the legal framework for conducting appropriate environmental due diligence, regulatory requirements from TDEC's Division of Water Resources, managing onsite contamination during construction, and the administrative enforcement process.*

Stephanie Durman, Tennessee Department of Environment and Conservation  
Ellery Richardson, Tennessee Department of Environment and Conservation

9:30 - 9:45 a.m. CT

### Break

9:45 - 10:45 a.m. CT

### General Licensing Requirements and the Application Process

**1 General**

This session will cover an overview of licensing requirements. We will use the new license application as a basis of discussion. We will discuss other applications and any common issues we encounter such as (but not limited to) financial statement issues and changes in ownership.

Christopher Burkart, Board of Licensing Contractors, Tennessee Department of Commerce and Insurance

Kyle Johnson, Office of Legal Counsel, Tennessee Department of Commerce and Insurance

10:45 - 11 a.m. CT

### Break

11 a.m. - 12 p.m. CT	<b>Violations and Hearings</b>
<b>1 General</b>	<p>This session will cover an overview of unlicensed and licensee contractor disciplinary violations, the consumer complaint process, and the formal hearing process with the administrative procedure division. During this session, we will exam the different types of violations and common misconceptions, civil penalty ranges, and authority for suspension or revocation of a license. Additionally, we will discuss the initiation of an administrative action for disciplinary violations, motion practice and discovery during the pendency of the action, and the formal hearing in front of an Administrative Judge.</p> <p>Christopher Burkart, Board of Licensing Contractors, Tennessee Department of Commerce and Insurance</p> <p>Kyle Johnson, Office of Legal Counsel, Tennessee Department of Commerce and Insurance</p>
12 - 12:45 p.m. CT	<b>Lunch</b>
12:45 - 1:45 p.m. CT	<b>OSHA Citations: Defend and Prevail</b>
<b>1 General</b>	<p>This session will provide attendees with an overview of a typical OSHA inspection, from OSHA's initial visit to issuance of a citation. Attendees will learn best practices for counseling clients through an inspection as well as defending against citations.</p> <p>Kelly Gilliam, Amazon</p>
1:45 - 2 p.m. CT	<b>Break</b>
2 - 3 p.m. CT	<b>Claims Against Public Work and Tennessee Department of Transportation Projects</b>
<b>1 General</b>	<p>Tennessee's Mechanics' and Materialmen's Lien rights are not available against public work projects of the state, county or city or their commissions, divisions and departments. Instead, the only recourse available for any laborer or furnisher of labor or material is to make a claim against the surety bond secured for the public work project pursuant to the Public Contracts statute found in TCA Section 12-4-201, et seq. This Code Section applies to all state, county and city public work projects, except when it does not. For example, an entirely different statute (Section 54-5-101, et seq) applies to Tennessee Department of Transportation projects. This session is designed to help you successfully navigate these statutes to protect your clients.</p> <p>Jerry Martin, Martin &amp; Jones</p>
3 - 3:15 p.m. CT	<b>Break</b>
3:15 - 3:45 p.m. CT	<b>Case Law Update</b>
<b>.5 General</b>	<p>"Technical" is the name of the game when it comes to case updates. Hear about some of the most technical cases to come out of the Courts of Appeal in 2024 along with a few you may want to keep on your radar.</p> <p>Theresa Critchfield, TLC Law Office Regan Steeple, Evans Petree</p>
3:45 - 4 p.m. CT	<b>Break</b>
4 - 5 p.m. CT	<b>Ethics</b>
<b>1 Dual</b>	<p>Description coming soon...</p> <p>Thomas Hall, Sherrard Roe Voight Harbison</p>