

Nebraska Board of Engineers and Architects
Board Meeting Minutes - April 20, 2018

CALL TO ORDER

The meeting was held at 215 Centennial Mall South, 5th Floor Conference Room, Lincoln, Nebraska. Chair Klein called the meeting to order at 8:30 a.m. and noted the location of the Public Meeting Statutes. Notice of the meeting was published in the Lincoln Journal Star in compliance with the Open Meetings Act.

Member Roll Call: Jennifer Klein, Chair; Lenora Isom, Vice-Chair; Jan Bostelman, Secretary; Mark Champion; Brian Kelly; Krista Kester; Randy Peters; Daniel Thiele. Absent: None.

Staff Present: Jon Wilbeck, Executive Director (ED); Lindy Rauscher, Compliance Officer (CO); Sandra Weaver, Business Manager; Jean Lais, Administrative Assistant; Molly Mayhew, Public Information Officer (PIO).

PUBLIC PRESENT - None

The following appeared before the Board:

Rich Lombardi, Legislative Liaison, American Communications Group, Inc.

A. CONSENT AGENDA

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Action: Approval of Consent Agenda

Motion by Isom, second by Thiele to approve the consent agenda. Voting Yes: Peters, Thiele, Bostelman, Champion, Isom, Kelly, Kester, Klein. Voting No: None. Absent: None.

B. MEETING REPORTS

Ad Hoc Committee Reports

Legislative

Legislative Liaison Lombardi reported the Second Session of the 105th Nebraska Legislature adjourned sine die on April 18, 2018. The Legislature considered 1,136 bills during the 2017-2018 biennium. A list of adopted bills of interest to the Board and a list of 2018 Interim Studies by Committee were provided. LB 299, which included amendment AM2674 advanced on April 18, 2018. The Governor has until April 23 to approve or veto the bill. ED Wilbeck noted some biennium budget timing concerns for costs associated with LB 299 requirements. LB 751, which changes agency duties with respect to adoption of rules and regulations and budget adjustment bills, was summarized by Lombardi.

Other Meeting Reports

Bostelman reported the Radon Resistant New Construction Task Force met in March and finalized language in a recommendation to the Governor, the Department of Health and Human Services Committee, and the Urban Affairs Committee of the Nebraska Legislature. The wording provides exemptions where architects and professional engineers need to be involved. A final copy will be forwarded to the Board. A sponsor will be sought to introduce a legislative bill in 2019.

C. OLD BUSINESS

Database conversion update

ED Wilbeck reported looking at exporting data to OnBase. The Board of Geologists is scheduled to go to production on May 30, the Board of Engineers and Architects on June 30, and the State Board of Landscape Architects on July 31.

Appointment of funded delegates for NCEES Annual Meeting

The NCEES Annual Meeting will be held August 15-18, 2018, in Scottsdale, AZ. NCEES will fund three delegates and also members who have never attended an NCEES Annual Meeting and were appointed to the Board since August 15, 2016 (24 months before the meeting). Funded delegates are required to attend all

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business sessions and the funded first-time attendees are required to attend the First-Time Attendee Luncheon and all business sessions.

Action

Motion by Kester, second by Bostelman to appoint Thiele and Klein as the funded delegates, Bostelman and Peters as funded first-time attendees, and to authorize ED Wilbeck to attend the NCEES Annual Meeting. Voting Yes: Peters, Thiele, Bostelman, Champion, Isom, Kelly, Kester, Klein. Voting No: None. Absent: None.

Candidates for NCEES President-Elect

Action

Motion by Kester, second by Isom to task the Board's NCEES Central Zone Interim Meeting delegates to cast their vote for Kevin Nelson, as NCEES President-Elect unless new information warrants a different vote. Voting Yes: Peters, Thiele, Bostelman, Champion, Isom, Kelly, Kester, Klein. Voting No: None. Absent: None.

Potential Operational Planning topics

Planning topics for the Operational Planning meeting were discussed. The agenda and Information packets will be provided early next week. The meeting will be held at the Prem S. Paul Research Center at Whittier School in Conference Room 344, on April 30, 2018, at 9:00 a.m.

D. NEW BUSINESS

NCEES reaches settlement with test prep company

The National Council of Examiners for Engineering and Surveying (NCEES) and a test preparation company for certain NCEES exams have reached an \$800,000 settlement agreement regarding allegations of the unauthorized use of copyrighted practice questions belonging to NCEES. The agreement was finalized March 15, 2018.

NCARB Annual Meeting information

NCARB's 99th Annual Business Meeting will be held June 28-30, 2018, in Detroit, MI. An agenda and conference information was provided. The deadline for registration is May 16, 2018. Funded delegates must book travel plans 21 days in advance.

Spring Newsletter draft

PIO Mayhew provided a draft of *The Nebraska Professional* newsletter for Board review. Revisions will be made as discussed.

Potential rule changes

ED Wilbeck provided a draft of proposed revisions to the Board's rules and regulations for review. Discussion will take place at the Board's Operational Planning Meeting on April 30, 2018.

2018 Travel and per diem authorization

Authorization for delegates and attendees for the NCEES Annual Meeting was approved under Old Business.

E. COMPLIANCE

Information

April 2018 Compliance Cases
Summary of Open Cases

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Executive Session – Commenced at 9:51 a.m.

Action:

Motion by Bostelman, second by Isom to enter into executive session for discussion of compliance investigations and partner-agency processes not a matter of public information to prevent needless injury to the reputation of those involved. The limitation for going into executive session was restated by Chair Klein. Voting Yes: Peters, Thiele, Bostelman, Champion, Isom, Kelly, Kester, Klein. Voting No: None. Absent: None.

Compliance Issue

Project Review 04-01

Discussed in executive session.

Active Cases: Summary & Documentation

CO Rauscher provided no new updates for Case 16.02.

Case 17.20, Cases 14.03 & 14.13, Case 17.13, Case 17.15, Case 17.17, Case 17.19, Case 17.23, Case 17.25, Case 17.26, Case 18.01, 18.02, Case 18.03, Case 18.04, Case 18.05, and Case 18.06 were discussed in executive session.

Klein recused herself from the review of Case 17.20 at 10:24 a.m. and returned to the meeting after discussion was completed.

Other Compliance Issues

The Partner-Agency Process Summary was discussed in executive session.

Executive Session – Concluded at 12:10 p.m.

Action

Motion by Kester, second by Isom to close executive session for discussion of compliance investigations and partner-agency processes not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Peters, Thiele, Bostelman, Champion, Isom, Kelly, Kester, Klein. Voting No: None. Absent: None.

Action: Approval of Compliance Case Disposition

Motion by Isom, second by Thiele to dismiss Project Review 04-01 on the basis that it is an exempt project not subject to the practice requirements of the Act. Voting Yes: Peters, Thiele, Bostelman, Champion, Isom, Kelly, Kester, Klein. Voting No: None. Absent: None.

Motion by Bostelman, second by Kester to initiate formal proceedings in Case 14.03 and 14.13. Voting Yes: Peters, Bostelman, Champion, Isom, Kelly, Kester, Klein. Abstain: Thiele. Voting No: None. Absent: None.

Motion by Bostelman, second by Kester to add revisions as discussed and approve the Order of Disciplinary Action in Case 17.15. Voting Yes: Peters, Thiele, Bostelman, Champion, Isom, Kelly, Kester, Klein. Voting No: None. Absent: None.

Motion by Kester, second by Bostelman to direct legal counsel to initiate formal proceedings in Case 17.19. Voting Yes: Peters, Thiele, Bostelman, Champion, Isom, Kelly, Kester, Klein. Voting No: None. Absent: None.

Motion by Bostelman, second by Isom to dismiss Case 17.25 with no disciplinary action. Voting Yes: Peters, Thiele, Bostelman, Champion, Isom, Kelly, Kester, Klein. Voting No: None. Absent: None.

Motion by Kester, second by Peters to direct legal counsel and ED Wilbeck to draft a proposed settlement agreement based on discussion of Case 17.26. Voting Yes: Peters, Thiele, Bostelman, Champion, Isom, Kelly, Kester, Klein. Voting No: None. Absent: None.

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Motion by Kester, second by Bostelman to notify the Respondent in Case 18.01 that Board Rule 5.4.3.2 requires suspension of their Nebraska license concurrent with a revocation of the NCARB Certificate. Voting Yes: Peters, Thiele, Bostelman, Champion, Isom, Kelly, Kester, Klein. Voting No: None. Absent: None.

F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-17056 Rebecca Anne Alvarez, Civil; E-17016 Sarah Louise Belway, Civil; E-17074 Anthony Frederick Bentivegna, Civil; E-17047 Jonahan David Brown, Electrical and Computer; E-17053 Tyler Douglas Bruton, Structural; E-17067 Brian Frederick Caney, Electrical; E-17061 Carson Joseph Carpenter, Mechanical; E-17051 David Francis Citro, Civil; E-17044 Eugene Victor Constantine, Mechanical; E-17017 Scott Edward Dillon, Fire Protection; E-17057 John Marvin Ellingson, Civil; E-17014 Lon Steven Erlandson, Civil; E-17059 Steven Michael Fiske, Civil; E-17062 Scott Gregory Franklin, Civil; E-17015 Jeff Alan Gardner, Civil; E-17019 Matthew David Garee, Electrical and Computer; E-17052 Melody Mary Glasscock, Mechanical; E-17055 Robert Derek Hammond, Civil; E-17071 Derek Richard Hartzell, Civil; E-17066 Ryan Daniel Kleinjan, Electrical and Computer; E-17064 Thomas Robert Laufenberg, Civil; E-17048 Jason William Mahn, Civil; E-17065 Jennifer Ann Martin, Civil; E-17045 Marcus Lee McCrary, Electrical; E-17020 John Robert Messineo, Jr; E-17046 Stephen James Mobley, Civil; E-17073 Christopher Scott Nocks, Civil; E-17049 Kelli Anne Osterloo, Electrical and Computer, E-17072 Shannon Wade Pierce, Civil; E-17058 Alek Louis Pochowski, Civil; E-17018 Steven Vance Sallwasser, Electrical; E-17068 Eric Paul Sanderson, Civil; E-17050 Kyle Rober Shatzer, Civil; E-17060 Douglas Preston Steward, Civil; E-17069 Thomas Scott Stoneburner, Civil; E-17070 Vut Andrew Tan, Civil; E-17043 Daniel Eugene Tappendorf, Civil; E-17063 James Barry Truesdell, Civil; E-17054 Petros Efstratios Tsoukalas, Civil.

Licensure of Architects by NCARB Certification

Approved: A-4891 Kathy Lynn Anderson; A-4901 Lori Danielle Arnold; A-4898 Eric Todd Beaulieu; A-4906 Steven Merle Feeler; A-4899 Trevor Mitchell Frank; A-4904 Terance Albert Gruenhagen; A-4897 Kevin Wayne Harney; E-4890 Matthew Scott Jennings; A-4895 Allan Robert Krueger; A-4903 William John O'Leary; A-4905 Jeannette Kathleen Sutherland; A-4907 Charles Jesse Todd; A-4896 Steven Lee Vetter; A-4902 Erick Paul Wockenfuss.

Temporary Permits

Approved: T-584 William Danny Kelley, NM, Engineer.

Engineer Intern Enrollment

Approved: Reese Stearn Meyer, NE.

Certificates of Authorization

Approved: CA3952 Lowry Engineering PLLC; CA3953 MEP Engineers LLC; CA3954 PlainJoe Studios Architecture Inc; CA3955 Satchell Engineering & Associates Inc; CA3956 Engineering Economics Inc; CA3957 Bergmann Associates Architects Engineers Landscape Architects & Surveyors DPC; CA3958 Chemnology LLC; CA3959 Brice Engineering LLC; CA3960 Design Build Group Inc; CA3961 Geiger Architecture; CA3962 Facility Solutions Group Inc; CA3963 Giffels-Webster Engineers Inc; CA3964 Architectural Consortium LLC; CA3965 JR Messineo Engineering LLC; CA3966 Studio3877 PLLC; CA3967 Pie Consulting & Engineering; CA3968 Cloward H20; CA3969 Northland Consulting Engineers LLP; CA3970 ACI/Boland Inc; CA3971 A2studio Architects PLLC; CA3972 FSA LLC; CA3973 Armstrong Consultants Inc.

Licensure/Examination

Licensure of Professional Engineers by Comity

Approved: Robert Kenneth Drake, Jr; Mechanical, KS; Christopher Lee Storms, Electrical and Computer, IA; Brandy Marie Sutherland, Civil, KS.

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Licensure of Professional Engineers by Experience

Approved: Kurt Nicholas Braun, Civil, CA; Adrian Brown, Civil, CO; Keli Renee Carr, Electrical, TN; Robert Edward Chester, Civil, PA; Robert Joseph Grummel, Structural, OR; John Vernon Reints, Mechanical, IL; Brian Calvin Wood, Civil, IL.

Licensure by Reinstatement – None

ARE Exam Approvals

Approved: Connor Nicholas Griess, NE; Luz Cristina Gutierrez, NE; Kenneth Scott Kirkpatrick, NE.

PE/SE Exam Approvals – None

Special Cases

Licensure of Professional Engineers by MLE

Approved: Matthew Earl Thomas, Civil, CA; Travis Anthony Wren, Civil, MO.

Licensure of Professional Engineers by Experience

Approved: Martin Roberto Ocon, Civil, GA.

ARE Exam Approvals

Approved: Amanda Clair Kottas, NE; Adam Allen Overmiller, NE.

Certificates of Authorization

Approved: Corle Building Systems; Freeland Harris Consulting Engineers of Kentucky, Inc; Industrial TurnAround Corporation d/b/a ITAC; J.S. Held LLC.

Action: Approval of Applications

Motion by Kester, second by Bostelman to approve applications as recommended by staff with clarification that the special MLE applications of Matthew Thomas and Travis Wren were approved for licensure with a discipline of civil engineering. Voting Yes: Peters, Thiele, Bostelman, Champion, Isom, Kelly, Kester, Klein. Voting No: None. Absent: None.

Champion left the meeting at 12:20 p.m.

G. FINANCIAL MATTERS

Financial Reports

FY 2017-18 Financial Profile, as of March 2018

Budget Status Report, as of March 2018

MTD General Ledger Detail Report, March 2018

Fund Summary Report, March 2018

ED Wilbeck reviewed the March 2018 reports with the Board.

Action: Approval of Financial Reports

Motion by Thiele, second by Peters to approve the financial reports as presented. Voting Yes: Peters, Thiele, Bostelman, Isom, Kelly, Kester, Klein. Voting No: None. Absent: Champion.

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next regular monthly meeting will be held on May 18, 2018, 215 Centennial Mall S, 5th Floor, Large Conference Room, at 8:30 a.m. Kelly noted

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he will need to leave early during the May meeting. The Operational Planning Meeting is scheduled for Monday, April 30, 2018.

A roster of Board members and the current travel reimbursement policy were provided.

ED Wilbeck announced the Governor had not made a final decision on an appointment for the Board's public member.

Individuals and organizations authorized to practice as of April 5, 2018:

Professional Engineers: 7,912
Architects: 1,856
Certificates of Authorization: 2,148
Temporary Permits: 29

Examination Information/Results

The Monthly Pass/Fail Report for March 2018 for the Nebraska ARE 4.0 and 5.0 divisions showed 22 exams taken and 12 exams passed.

In the first quarter of 2018, the ARE 4.0 Yearly Pass/Fail Report showed 28 attempted exams and 15 exams passed and the ARE 5.0 Yearly Pass/Fail Report showed 28 attempted exams and 19 exams passed.

A total of 88 ARE candidates had open eligibilities as of April 1, 2018.

The FE Exam Registration Numbers and Pass Rate History Report showed a first-time pass rate of 82.8% and a retake pass rate of 40.1% for Nebraska.

Other information


The Board's Facebook Analytics Report showed 565 people were reached between March 12, 2018 and April 8, 2018.

The Website Dashboard Report indicated the Board's website had 2,924 total visits during the month of March 2018.

Approved Board policies as of the March 23, 2018, were provided.

ADJOURNMENT

The meeting was adjourned at 12:41 p.m.


Jan L. Bostelman, Secretary