

Nebraska Board of Engineers and Architects
Board Meeting Minutes - May 18, 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 8:31 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; Brian Kelly; Randy Peters; Daniel Thiele. Absent: Mark Champion, Brett Foley.

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 COMMENT – *None.*

A. CONSENT AGENDA

April 20, 2018 Meeting Minutes

April 30, 2018 Operational Planning Meeting Minutes

Action: Approval of Consent Agenda

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

B. MEETING REPORTS

Committee Reports

New committee assignments and charges

Chair Klein appointed Board committees for 2018-2019 as follows:

- Legal Services Search – Kelly, Klein, Champion
- Legislative – Kelly, Thiele, Isom
- Decoupling – Thiele, Bostelman, Klein, Peters
- Outreach – Foley, Champion, Peters
- Executive – Klein, Isom, Bostelman

The Outreach Committee will submit its recommendations to the Board at the August meeting for budgeting purposes.

Other Meeting Reports

Radon Resistant New Construction Task Force recommendation

The Radon Resistant New Construction Task Force created by 2017 LB 9, met a total of four times to develop minimum standards for radon resistant new construction. Bostelman reported the Task Force submitted their recommendation statement to the Governor, to the Health and Human Services Committee of the Legislature, and to the Urban Affairs Committee of the Legislature. The recommendation plan will be used by the Legislature during the 2019 legislative session to establish minimum standards for radon resistant new construction in statute. A copy of the recommendation statement was provided to the Board.

C. OLD BUSINESS

Database conversion update

ED Wilbeck reported staff was testing in the CAT system in OnBase. Testing comments have been sent to the developers. A meeting was recently held with the developers to discuss processing engineer and architect examinations. ED Wilbeck will set up a meeting with the OCIO IT manager to discuss concerns with the conversion.

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NCARB final resolutions for consideration

The NCARB Board of Directors voted to move forward with four resolutions for Member Board consideration at the NCARB annual business meeting in June. After review, the Board authorized its delegates to vote in support of the resolutions as follows:

- Resolution 2018-01 NCARB *Legislative Guidelines and Model Law/Model Regulations Amendment* – HSW Category Realignment
- Resolution 2018-02 *Certification Guidelines* Amendment – Revision to the EESA Requirement for the Education Alternative to Certification
- Resolution 2018-03 Amendment and Restatement of the *NCARB Model Rules of Conduct* – Exhibit A: Proposed Changes to the *NCARB Rules of Conduct*
- Resolution 2018-04 Amendment and Restatement of the *NCARB Bylaws* – Exhibit B: Proposed Changes to the *NCARB Bylaws*.

ED Wilbeck will compare the final resolutions as they relate to Board rules regarding the code of practice for any debate points and bring back information to the August Board meeting.

Action

Motion by Thiele, second by Isom to authorize the delegates to support the resolutions at the NCARB Annual Meeting in June unless conditions change to warrant opposition to any resolution. Voting Yes: Thiele, Bostelman, Isom, Kelly, Peters, Klein. Voting No: None. Absent: Champion, Foley.

NCEES Central Zone Meeting recap

ED Wilbeck provided the Board a summary of the NCEES Central Zone Meeting held May 3-5, 2018, in Rapid City, SD. Highlights include:

- A webinar on resolutions to be voted on at the 2018 Annual Meeting in August will be held June 5, 2018, at 10:00 a.m. CDT. ED Wilbeck will provide a link to Board members.
- No significant changes may be recommended to NCEES Emeritus member term limits except to add eligibility for past presidents to serve on committees. The Board will discuss this issue before the national NCEES meeting in August.
- The NCEES Education Committee may recommend changing the NCEES Continuing Professional Competency (CPC) Standard guidelines to allow participation in an accrediting organization for acceptable continuing education activity.
- The Examination Policies and Procedures (EPP) Committee may recommend discontinuing the PE Software exam.
- The Uniform Procedure and Legislative Guidelines Committee may recommend that research conducted in industry and government should count as experience for purposes of licensure.
- Ohio's Dean Ringle was elected by the Central Zone as NCEES President-Elect and Iowa's Marlon Vogt was elected as the Central Zone Vice President.

Proposed rule change draft

The Board reviewed an update of the proposed rules and regulations draft as discussed at the Operation Planning Meeting. ED Wilbeck will send the draft to interested stakeholders. Once there is consensus, the Board will make the necessary updates and approve the rules and regulations. After Board approval, staff will prepare and submit documents as required for a public rulemaking hearing.

ED Wilbeck will find out what other states require for continuing professional competency (CPC) and bring the information back to the Board.

D. NEW BUSINESS

Occupational Board Reform Act response / LR401

The Board reviewed LR 401. The purpose of the study is to identify the lawful occupations and the occupational regulations, which are subject to the Occupational Board Reform Act enacted by LB 299, 2018,

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to prepare forms for the occupational boards and the standing committees of the Legislature to comply and prepare for implementation of the Act. ED Wilbeck reported meeting with other independent agency directors to discuss the bill. Concerns were sent to Senator Ebke with an offer to help with the study. Isom suggested reaching out to Ebke's legislative assistant as well.

Emeritus Board member designation

Action

Motion by Peters, second by Isom to designate Krista Kester as an Emeritus Board member. Voting Yes: Thiele, Bostelman, Isom, Kelly, Peters, Klein. Voting No: None. Absent: Champion, Foley.

The Board discussed ways to recognize Kester's service. PIO Mayhew will check on a suggested recognition gift.

Consideration of continuing education credit for Newsletter

The Board received a request to consider offering continuing education credit for reading the Board's newsletter. The Missouri architect and engineering board awards .5 CEU to each licensee who thoroughly reads its newsletter. As documentation, the licensee is required to complete and print a "CEU/PDH/PDU Certificate found in the newsletter. The Board will consider implementation in the 2019 spring newsletter with a possible announcement in the 2018 fall newsletter.

New Licensee Ceremony update

ED Wilbeck reported changes in planning for the Capitol Ceremony due to the growing size of the ceremony and undergoing construction at the Warner Chamber. The Capitol Rotunda has been reserved in case the Warner Chamber is not available. The reception will be moved to the Scottish Rite, located next to the State Office Building and one block north of the State Capitol. Because of the growing number of licensees and time constraints, staff recommended eliminating the keynote speaker at this year's ceremony. The ceremony is scheduled on Friday, November 2, 2018, at 3:00 p.m.

2018 Travel and per diem authorization

ED Wilbeck reported being selected as a member of the NCARB Member Board Executive (MBE) Committee. Funding will be provided by NCARB. Committee service commences after the NCARB Annual Meeting in June.

Action: Approval of Travel and Per Diem

Motion by Isom, second by Kelly to authorize ED Wilbeck to serve on the 2018-19 NCARB MBE Committee as requested. Voting Yes: Thiele, Bostelman, Isom, Kelly, Peters, Klein. Voting No: None. Absent: Champion, Foley.

E. COMPLIANCE

Information

May 2018 Compliance Cases
Summary of Open Cases

Executive Session – Commenced at 9:58 a.m.

Action:

Motion by Thiele, second by Bostelman to enter into executive session for discussion of compliance investigations, partner-agency processes, and disciplinary disclosures 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: Thiele, Bostelman, Isom, Kelly, Peters, Klein. Voting No: None. Absent: Champion, Foley.

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Active Cases: Summary & Documentation

Case 17.20, Cases 14.03 & 14.13, Case 16.02, Case 17.17, Case 17.19, Case 17.23, Case 17.26, Case 18.01, Case 18.02, Case 18.03, Case 18.04, Case 18.05, Case 18.06 were discussed in executive session.

No updates were provided for open cases 17.13 and 17.15.

Klein recused herself from the review of Case 17.20 at 10:25 a.m. and returned to the meeting at 10:32 a.m. after discussion ended.

Kelly left the meeting at 11:05 a.m.

Other Compliance Issues

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

Disciplinary action disclosures were reviewed and discussed in executive session.

Executive Session – Concluded at 11:41 a.m.

Action

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

Action: Approval of Compliance Case Disposition

Motion by Isom, second by Bostelman to approve the petition for disciplinary action as revised for Cases 14.03 & 14.13 and hold a formal hearing at the August 10, 2018 meeting. Voting Yes: Bostelman, Isom, Peters, Klein. Voting No: None. Abstain: Thiele. Absent: Champion, Foley, Kelly.

Motion by Isom, second by Thiele to extend the order of disciplinary action for 12 months in Case 16.02. Voting Yes: Bostelman, Isom, Peters, Klein. Voting No: None. Abstain: Thiele. Absent: Champion, Foley, Kelly.

Motion by Bostelman, second by Isom to approve the petition for disciplinary action for Case 17.19 and hold a formal hearing on June 22, 2018. Voting Yes: Thiele, Bostelman, Isom, Peters, Klein. Voting No: None. Absent: Champion, Foley, Kelly.

Motion by Bostelman, second by Thiele to authorize legal counsel to negotiate the settlement agreement as amended for Case 17.26. Voting Yes: Thiele, Bostelman, Isom, Peters, Klein. Voting No: None. Absent: Champion, Foley, Kelly.

Motion by Bostelman, second by Thiele to authorize architectural and engineering remediation in Case 18.02 and require a plan of action within 30 days. Voting Yes: Thiele, Bostelman, Isom, Peters, Klein. Voting No: None. Absent: Champion, Foley, Kelly.

Motion by Bostelman, second by Thiele to authorize architectural remediation in Case 18.04 and require a plan of action within 30 days. Voting Yes: Thiele, Bostelman, Isom, Peters, Klein. Voting No: None. Absent: Champion, Foley, Kelly.

Motion by Thiele, second by Peters to dismiss Case 18.05 without disciplinary action. Voting Yes: Thiele, Bostelman, Isom, Peters, Klein. Voting No: None. Absent: Champion, Foley, Kelly.

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Motion by Bostelman, second by Thiele to authorize architectural and engineering remediation in Case 18.06 and require a plan of action within 30 days. Voting Yes: Thiele, Bostelman, Isom, Peters, Klein. Voting No: None. Absent: Champion, Foley, Kelly.

F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-17106 Brian Christopher Abbott, Civil; E-17095 Himanshu Kishore Bhartiya, Electrical; E-17075 Christopher Louis Clements, Electrical and Computer; E-17090 Clayton Frederick Clements, Mechanical; E-17103 Leon Wayne Creel, Civil; E-17099 Farirai Dube, Electrical; E-17101 Craig Bamford Frithsen, Civil; E-17096 Allen Joseph Hefley, Civil; E-17102 Jeffrey Neil Hillson, Structural; E-17108 Michael William Hollingshead, Civil; E-17109 Justin Sean Kababik, Mechanical; E-17091 Rebecca Anne Kollars, Fire Protection; E-17104 Richard Edward Kwiatkowski, Structural; E-17092 San Kyu Lee, Mechanical; E-17100 William Jameson Oviatt, Civil; E-17094 Anthony Aaron Schenk, Civil; E-17076 Thomas Bradley Shakespeare, Mechanical; E-17105 Mark Andrew Skelskey, Civil; E-17092 Calvin Joseph Straub, Civil; E-17098 James Francis Trasher, Civil; E-17110 Charles Henry Volk, III, Mechanical; E-17097 Thomas Bradley Watford, Electrical and Computer; E-17107 Joseph Pallo Zufall, Civil.

Licensure of Architects by NCARB Certification

Approved: A-4913 Bryan Jacob Falk; A-4917 Patrick James Giordana; A-4916 Ward Mikell Isaacson; A-4912 Kazi Imaad Jaweed; A-4908 Kapil Khanna; A-4910 Allan Luke Renzi; A-4915 Kevin David Thueringer; A-4911 Joel Charles Torielli.

Temporary Permits

Approved: T-585 Robert Dennis Clary, WY, Engineer; T-586 Joseph Henry Petty, IL, Architect.

Engineer Intern Enrollment

Approved: Alexander Thomas Bleyhl, NE; Brian Jacob Goodbarn, NE; Anton Charles Hassebrook, NE; Austin Thomas Kuecher, IA; Jian Li, NE; Ee Zhen Loo, CA; Robert Magallon, III, NE; Joseph Allen Richard, NE; Benjamin Thomas Stahr, NE.

Certificates of Authorization

Approved: CA3974 Mainstay Engineering Group Inc; CA3975 Uzman Engineering LLC; CA3976 RDHammond Consulting and Engineering LLC; CA3977 Lubenon Gobster Dominiak & Associates Inc; CA3978 Maser Consulting PA; CA3979 DGI-Menard Inc; CA3980 Encompass Design Inc; CA3981 JS Held LLC; CA3982 Freeland Harris Consulting Engineers of Kentucky Inc; CA3983 Corle Building Systems; CA3984 Industrial TurnAround Corporation; CA3985 Adrian Brown Consultants Inc; CA3986 Pacland-Portland Inc; CA3987 WARE Industries Inc; CA3988 Finn Design Group Inc; CA3989 Grummel Engineering LLC; CA3990 Guy Engineering Services Inc; CA3991 QAI Laboratories Inc; CA3992 Strucural Consultants LLC; CA3993 LPC Architectural Inspections LLC; CA3994 T&Z Consulting Services LLC; CA3995 Navitas LLC; CA3996 WJCA Inc; CA3997 Plant Engineering Consulting Services LLC.

Licensure/Examination

Licensure of Professional Engineers by Initial Licensure

Approved: Benedict Robert Vacha, Civil.

Licensure of Professional Engineers by Comity

Approved: Jacob Frederick Clouse, Civil, MO.

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Licensure of Professional Engineers by Experience

Approved: Scott Robert Armstrong, Civil, TX; Ivan David Droessler, Civil, IA; Gregory Lee Holden, Civil, IA; Paul Leslie Hundley, Jr, Mechanical, SC; Donald Peter Lomax, Mechanical, OH; Nicholas Michael Santoleri, Electrical, PA; Cary Donald Sayre, Civil, MO; Douglas Gene Somerhalder, Electrical, OK.

Licensure by Reinstatement

Approved: E-8749 Katharine Jane Fischer, Civil; E-12319 Jeffrey Gerard Sutterer, Civil; E-10877 Douglas Charles Wagner, Civil; A-2475 Tony Lenard Callaway; A-2254 Alfred Richard Pauline, Jr.

ARE Exam Approvals

Approved: Adrian Matthews Ferguson, NE.

PE/SE Exam Approvals Approved: Christopher John Maras, NE, Control Systems; Rasekh Rahim Zadeh, KS, Structural VL.

Special Cases

Certificates of Authorization

Approved: Troike-Rostedt Engineering, Inc.

Licensure of Professional Engineers by Experience

Approved: Tod Jeseeph Henning, Civil, TX.

Licensure of Professional Engineers by Comity

Approved: Timothy Ray Johnston, Mechanical, CO.

Continuing education audit reconsideration request

Denied: A one-hour ethics class will be required to complete the continuing education audit for the renewal of license A-3487.

Action: Approval of Applications

Motion by Isom, second by Thiele to approve staff recommendations for the applications and audit reconsideration request. Voting Yes: Thiele, Bostelman, Isom, Peters, Klein. Voting No: None. Absent: Champion, Foley, Kelly.

G. FINANCIAL MATTERS

Financial Reports

FY 2017-18 Financial Profile, as of April 2018

Budget Status Report, as of April 2018

MTD General Ledger Detail Report, April 2018

Fund Summary Report, April 2018

Financial reports were presented to the Board. ED Wilbeck reported preparation for the 2019-2021 biennium budget will begin soon.

Action: Approval of Financial Reports

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

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next regular monthly meeting will be held on June 22, 2018, 215 Centennial Mall S, 5th Floor, Large Conference Room, at 8:30 a.m. Kelly and Thiele will not be able to attend the June meeting.

An updated roster of Board members and the current travel reimbursement policy was provided.

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Notification was received from the Governor's Office that Brett Foley was appointed as the new public member of the Board. His term will expire on February 28, 2023.

Individuals and organizations authorized to practice as of May 4, 2018:

Professional Engineers: 7,963

Architects: 1,867

Certificates of Authorization: 2,171

Temporary Permits: 31

Examination Information/Results

The Monthly Pass/Fail Report for April 2018 for the Nebraska ARE 4.0 and 5.0 showed 23 exam divisions taken and 14 passed.

A total of 90 ARE candidates had open eligibilities as of May 1, 2018.

As of April 2018, the Nebraska ARE 4.0 Yearly Pass/Fail Report showed 42 exam divisions attempted and 23 passed and the Nebraska ARE 5.0 Yearly Pass/Fail Report showed 37 exam divisions attempted and 25 passed.

Other information

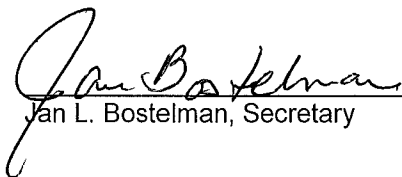
The Board's Facebook Analytics Report showed 145 people reached between April 8, 2018 and May 5, 2018.

The Website Dashboard Report indicated the Board's website had 2,756 total visits during the month of April 2018.

Approved Board policies as of April 20, 2018, were provided.

ADJOURNMENT

The meeting was adjourned at 11:58 a.m.



Jan L. Bostelman, Secretary