

Nebraska Board of Engineers and Architects
Board Meeting Minutes – June 22, 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; Brett Foley. Absent: Brian Kelly; Randy Peters; Daniel Thiele.

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

Katy Boggs, Executive Director; Karen Stelling, P.E., F.NSPE, President; Paul Vovk P.E., President-Elect, Nebraska Society of Professional Engineers (NSPE Nebraska)
Jeanne McClure, Executive Director, American Council of Engineering Companies (ACEC/Nebraska)

A. CONSENT AGENDA

May 18, 2018 Meeting Minutes

Action: Approval of Consent Agenda

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

B. MEETING REPORTS

Ad Hoc Committee Reports

Decoupling Committee

The Decoupling Committee held a meeting by telephone conference on June 7, 2018. ED Wilbeck summarized past Board efforts to enact decoupling provisions for professional engineers in the Engineers and Architects Regulation Act. Methods to continue discussion with the NeSPE Executive Board and the five Nebraska NeSPE chapters were discussed. ED Wilbeck will attempt to schedule a meeting with the chapters in early July.

Outreach Committee

A FY 2018-19 Outreach Marketing Plan draft was emailed on June 7 to the Outreach Committee. PIO Mayhew gave a brief overview of the Outreach Plan to the Board. PIO Mayhew and ED Wilbeck will go over the draft and send an update to committee members, and a committee meeting will be scheduled in July. Plan updates will be provided at future Board meetings.

Legal Services Search Committee

The Legal Services Search Committee will meet in July.

Other Meeting Reports

Ed Wilbeck reported speaking to the Nebraska Association of County Engineers, Highway Superintendents, and Surveyors in Valentine, Nebraska, on June 13, 2018, about the requirements of the Engineers and Architects Regulation Act. The presentation included clarification on when architects and professional engineers are required and information on the public works exemption noted in Neb. Rev. Stat. §§ 81-3445, 81-3449(4), and 81-3453(4).

Isom reported being selected as an NCARB National Architectural Accrediting Board (NAAB) Visiting Team Member.

Bostelman reported being selected for the 2018-2019 NCEES Examinations for Professional Engineers (EPE)

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Committee.

C. OLD BUSINESS

Database conversion report

ED Wilbeck met with representatives of the Office of the Chief Information Officer (OCIO) on May 23 and June 7, 2018, to discuss issues with the database development project. The focus will be revised to reflect individuals and organizations rather than applications. The order of development and implementation schedule was outlined.

Feedback on proposed rules

ED Wilbeck provided a copy of the summarization letter sent with proposed changes to Title 110, Rules and Regulations, sent to the Nebraska Society of Professional Engineers (NSPE Nebraska), the American Institute of Architects (AIA) Nebraska Chapter, and American Council of Engineering Companies – Nebraska (ACEC).

Jeanne McClure, ACEC Nebraska Executive Director, spoke to the Board about concerns with the proposed non-technical continuing education hours limit. The addition of Rule 9.3.4 would limit non-technical continuing education submissions to ten hours for professional engineers. ACEC Nebraska believes development of non-technical skills is critical for engineers, particularly those in leadership roles, and would like to see a more even split allowed for technical and non-technical continuing education submittals. Karen Stelling, NSPE Nebraska President, reiterated the importance of professional development hours, stating non-technical skills are particularly critical for professional engineers in leadership roles and organizations seeking non-technical as well as technical skills when hiring professional engineers. McClure asked the Board to also review restrictions for online training in Rule 9.3, since different types of online mediums for continuing education are becoming more common place. ED Wilbeck pointed out existing Rule 9.2.3.1, which clarifies that online courses with live interaction between instructor and attendees are not restricted under Rule 9.2.3.

Proposed rule changes

The Board's Legislative Committee will carefully review proposed revisions of the rules and regulations for needed changes. ED Wilbeck will send the ACEC Body of Knowledge to assist with the review.

Action: Approval of Proposed Rules and Regulations

Motion by Isom, second by Bostelman to table action on the proposed revisions to Title 110, Rules and Regulations, until the August 10, 2018 meeting. Voting Yes: Bostelman, Champion, Foley, Isom, Klein. Voting No: None. Absent: Kelly, Peters, Thiele.

Survey of continuing education requirements in other jurisdictions

ED Wilbeck provided maps reflecting architect and professional engineer continuing education requirements for various states. Information included states that allow submission of non-technical architectural and engineering continuing education activities.

NCARB 2018 Resolutions Webinar

NCARB provided a Resolutions Feedback Webinar on May 29 and June 6, 2018, to review the four Resolutions to be acted upon at the 2018 NCARB Annual Business Meeting, June 28-30, 2018, in Detroit, MI. A copy of NCARB's presentation used at the webinar was provided to the Board.

The Board gave delegates voting direction for NCARB Resolutions at the May 2018 meeting. ED Wilbeck will email NCARB's pre-annual meeting brief to members.

NCARB 2018 proposed Code of Conduct language compared to NBEA Rules

After comparing the NCARB 2018 proposed Code of Conduct language against the Board's rules and regulations, ED Wilbeck reported there appeared to be no major conflicts with existing rules in Chapter 5. The Legislative Committee will review the Code of Conduct in Chapter 5 to discuss incorporation of these

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model changes into the Board's Chapter 5 rules, and also determine if the word count can be reduced in addition to conducting careful review to reduce the possibility of misinterpreting a proposed rule.

LR401 update

ED Wilbeck reported communicating with the Nebraska Legislature's Judiciary Committee legal counsel on June 12. Presently, the laws establishing occupational boards or commissions are being catalogued and a tracking sheet is being created. ED Wilbeck will follow up to determine where the process is at and whether assistance can be provided with the LR401 study immediately after the NCARB Annual Meeting.

D. NEW BUSINESS

FY19 NCARB board dues and services

A list of the National Council of Architectural Registration Boards (NCARB) services for member boards was provided. Licensing board dues account for approximately 1.5 percent of the Council's revenue and are used toward the development of education, experience, examination, and certification criteria. Membership in the Council serves to ensure each jurisdiction has a voice in the development of model legislation and rules as well as changes to NCARB's programs and services.

Executive Session – Commenced at 9:43 a.m.

Action

Motion by Bostelman, second by Foley to enter into executive session to discuss the performance evaluation and compensation for the Executive Director 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: Bostelman, Champion, Foley, Isom, Klein. Voting No: None. Absent: Kelly, Peters, Thiele.

Executive Director performance evaluation and compensation

Discussed in executive session.

Executive Session – Concluded at 9:54 a.m.

Action

Motion by Isom, second by Foley to close executive session for discussion of the performance evaluation and compensation for the Executive Director not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Bostelman, Champion, Foley, Isom, Klein. Voting No: None. Absent: Kelly, Peters, Thiele.

Compensation will be deferred to the August meeting to allow the Executive Committee to have further discussion with the Board.

FY 2018-19 meeting agenda review authorization for Chair

Action

Motion by Isom, second by Bostelman to authorize the Board Chair or designated member to attend agenda review meetings with staff in FY 2018-19. Voting Yes: Bostelman, Champion, Foley, Isom, Klein. Voting No: None. Absent: Kelly, Peters, Thiele.

FY 2018-19 in-state travel authorization for Executive Director

Action

Motion by Isom, second by Bostelman to authorize Executive Director Jon Wilbeck for all in-state travel for official Board business during FY 2018-19. Voting Yes: Bostelman, Champion, Foley, Isom, Klein. Voting No: None. Absent: Kelly, Peters, Thiele.

2018 Travel and per diem authorization

Authorization requests:

- ED Wilbeck and Isom to attend the NCARB Board Chair/Executive Summit in St. Louis, MO, on October 12-13, 2018. Funding will be provided by NCARB.

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- Foley to attend the NCEES Annual meeting in Scottsdale, AZ, on August 15-18, 2018, as a first-time attendee. Funding will be provided by NCEES.

Action: Approval of Travel and Per Diem

Motion by Bostelman, second by Isom to authorize travel and per diem authorization as requested. Voting Yes: Bostelman, Champion, Foley, Isom, Klein. Voting No: None. Absent: Kelly, Peters, Thiele.

Request for eligibility letter to use “Engineers” in organization name - 81-3436(7)

Action

Motion by Isom, second by Bostelman to approve the request for an eligibility letter to allow the *Great Plains Chapter of the Society of Fire Protection Engineers, Inc.* to use the word *Engineers* in its organization name. Voting Yes: Bostelman, Champion, Foley, Isom, Klein. Voting No: None. Absent: Kelly, Peters, Thiele.

PE exam result miscommunication

ED Wilbeck brought an examinee’s P.E. exam result miscommunication to the attention of the Board. ED Wilbeck outlined changes to staff procedures to help prevent erroneous communication. It was reiterated that an examinee is also able to view their exam results on the NCEES website. Passage of the P.E. examination is a requirement for licensure by examination.

E. COMPLIANCE

Information

June 2018 Compliance Cases
Summary of Open Cases

Executive Session – Commenced at 10:23 a.m.

Action

Motion by Isom, second by Foley to enter into executive session for discussion of compliance investigations, project reviews, 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: Bostelman, Champion, Foley, Isom, Klein. Voting No: None. Absent: Kelly, Peters, Thiele.

Active Cases: Summary & Documentation

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 18.06, and Case 18.07 were discussed in executive session.

No updates were provided for open Cases 14.03 & 14.13, Case 17.13, 17.15, and 17:20.

Other Compliance Issues

Project Reviews 06-01, 06-02, 06-03, 06-04, 06-05, and 06-06 were reviewed in executive session.

The Partner-Agency Process Summary, the State Fire Marshal MOU Annual Meeting Summary and the disciplinary action disclosures were reviewed in executive session.

Executive Session – Concluded at 10:51 a.m.

Action

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

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Action: Approval of Compliance Case Disposition

Motion by Bostelman, second by Isom to dismiss and not impose disciplinary action previously identified in Case 16.02. Voting Yes: Bostelman, Champion, Foley, Isom, Klein. Voting No: None. Absent: Kelly, Peters, Thiele.

Motion by Bostelman, second by Isom to deny the counteroffer from the attorney in Case 17.26. Voting Yes: Bostelman, Champion, Foley, Isom, Klein. Voting No: None. Absent: Kelly, Peters, Thiele.

Motion by Bostelman, second by Isom to authorize ED Wilbeck to send a letter of clarification to the Respondent in Case 18.01 concerning voluntary license suspension or revocation as per Board Rule 5.4.3.2. Voting Yes: Bostelman, Champion, Foley, Isom, Klein. Voting No: None. Absent: Kelly, Peters, Thiele.

Motion by Bostelman, second by Foley to authorize architecture and engineering remediation in Case 18.07 and require a plan of action within 30 days. Voting Yes: Bostelman, Champion, Foley, Isom, Klein. Voting No: None. Absent: Kelly, Peters, Thiele.

Motion Bostelman, second by Champion to open compliance cases for Reviews 06-02, 06-03, and 06-04 for unlicensed practice. Voting Yes: Bostelman, Champion, Foley, Isom, Klein. Voting No: None. Absent: Kelly, Peters, Thiele.

F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-17166 Michael Ray Bailey, Civil; E-17113 Frank Joseph Camus, Civil; E-17126 Ethan Arthur Charpentier, Structural; E-17156 Peter Henry Christensen, Electrical and Computer; E-17184 Steven Francis Crang, Structural; E-17164 Larry Douglas Elliott, Electrical; E-17179 Juston Warren Fluckey, Structural; E-17183 John Parker Flynn, II, Mechanical; E-17127 Trevor P Hawkes, Civil; E-17174 Brett Robert Holt, Civil; E-17129 Norman Edward Kampbell, Civil; E-17131 Hugo Eduardo Mena Lopez, Electrical and Computer; E-17154 James Daley Meyer, III, Electrical and Computer; E-17111 Daniel Jerome Nelson, Civil; E-17132 Aliaksei Patsevich, Structural; E-17181 John Wilder Quillen, Jr, Electrical and Computer; E-17180 Robin Ranee Rogers, Civil; E-17112 Daniel James Smith, Civil; E-17130 John Albert Spence, Mechanical; E-17128 Brandon Mark Vacek, Civil; E-17157 Brian Anthony Wagner, Structural.

Licensure of Architects by NCARB Certification

Approved: A-4929 Craig Steven Ahigian; A-4923 Brian Lee Bumann; A-4921 Steven Wendall Clem; A-4930 Rayburn Jacob Donaldson; A-4924 Lettie Helen Harell; A-4931 Michael Stephen Hinchey; A-4918 Barbara Jean Joslin; A-4933 Robert Paul Junk; A-4922 Robert Lyman McDonald; A-4925 Miguel Antonio Rodriguez; A-4932 Lamberto Smigliani; A-4926 Glenn Eric Walker; A-4927 Edward Scott Wilms.

Temporary Permits

Approved: T-587 Theodore John Del Gaizo, PA, Engineer; T-588 Patrick Blake Steward, KS, Engineer; T-589 Chad Paul Glenn, KS, Architect; T-590 Ryan Patrick Hardie, OR, Engineer.

Engineer Intern Enrollment

Approved: Jacob Todd Eckstrom, NE; Aaron Michael Lechtenberger, NE; Christopher Michael Marker, NE; Spencer Karl Myrlie, NE; Derek Day Nelsen, NE; Ryan Brandon Ruenholl, NE; Shawn Steven Scherer, NE; Nicholas Gerard Steffensmeier, NE; Blake Walter Weatherly, NE.

Certificates of Authorization

Approved: CA3998 Craig Frithsen Engineering LLC; CA3999 Reliability Engineering LLC; CA4000 C Vargas and Associates Ltd Inc; CA4001 MLEA Inc; CA4002 Thompson Ventulett Stainback & Associates Inc; CA4003 Shakespeare Engineering LLC; CA4004 Amor Tower Inc; CA4005 Troike-Rostedt Engineering Inc; CA4006 BDH & Young Inc; CA4007 EVS Inc; CA4008 Ohlson Lavoie Corporation; CA4009 Robert E Chester

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Associates; CA4010 Berkebile Nelson Immenschuh McDowell; CA4011 Callaway Marketing Group LLC; CA4012 LH2 Architecture LLC; CA4013 Mi-tech Services Inc; CA4014 Driven Fire Consultants LLC; CA4015 Rehabilitation Resource Solutions LLC; CA4016 Relay Application Innovation Inc; CA4017 Powder River Development Services LLC; CA4018 Allstructure Engineering LLC.

Licensure/Examination

Licensure of Professional Engineers by Initial Licensure: *None.*

Licensure of Professional Engineers by Comity

Approved: Janelle Marie Clayton, Civil, KS; Michael Daniel Konrad, Civil, SD; James Charles Manzer, Civil, ME; Hakan Onel, Structural, MD; John William Robinson, Mechanical, TX; Adam Marshall Schart, Civil, KS.

Licensure of Professional Engineers by Experience

Approved: Douglas MacKenzie Crawford, Civil, NY; Evan Leroy Erskine, Chemical, MN; Victor Gabrielian, Mechanical, CA; Richard Michael Halecky, Electrical, PA; Timothy John Olson, Civil, ND; Michael Dean Redmond, Structural, OR.

Licensure by Reinstatement

Approved: A-3870 Daniel Charles Willrich.

ARE Exam Approvals: *None.*

PE/SE Exam Approvals

Approved: Mohammed Sadegh Amrollahi, NE, Civil; Shaddi Anthony Assad, NE, Structural VL; Nhung Le Bao Hoang, NE, Civil; Ian Robert Kirschner, CO, Electrical & Computer; Brian Joseph Nevole, NE, Mechanical; Nathan Daniel Poppe, NE, Mechanical; Tyler Patrick Reeh, NE, Electrical & Computer.

Special Cases

Certificates of Authorization

Approved: Building Envelope Consultants Ltd, WI

Licensure of Professional Engineers by NCEES MLE Designation

Approved: David Dean Werner, Mechanical; Lee William Wright, Civil.

Licensure of Professional Engineers by Comity

Approved: Alexandru Spahiu, Electrical and Computer, CO.

Engineer Intern Enrollment

Approved: Shrenik Prakash Savani, KS, Engineer Intern.

PE/SE Exam Approvals

Approved: Mary Emelda Chavez, NE, Civil.

Action: Approval of Applications

Motion by Isom, second by Foley to approve applications as recommended by staff and approve the issuance of a certificate of authorization for Building Envelope Consultants Ltd. Voting Yes: Bostelman, Champion, Foley, Isom, Klein. Voting No: None. Absent: Kelly, Peters, Thiele.

FINANCIAL MATTERS

Financial Reports

FY 2017-18 Financial Profile, as of May 2018

Budget Status Report, as of May 2018

MTD General Ledger Detail Report, May 2018

Fund Summary Report, May 2018: ED Wilbeck reviewed the May financial reports with the Board.

Action: Approval of Financial Reports

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

Other Financial Matters

Fee schedule review

Action: Approval of Current Fees

Motion by Isom, second by Bostelman to continue with the current fee schedule and review all fees again at the end of the next fiscal year. Voting Yes: Bostelman, Champion, Foley, Isom, Klein. Voting No: None. Absent: Kelly, Peters, Thiele.

Fees will remain as follows for FY2018-19:

Architect / Professional Engineer Comity License Application, Reinstatement Application	\$150
Architect / Professional Engineer License Renewal	\$80
Monthly Penalty for Late License Renewal.....	\$8 (maximum of \$80)
Architect / Engineer Temporary Permit Application	\$300
Engineer Intern (EI) Enrollment Application.....	\$30
Principles and Practice of Engineering (PE) Examination Application	\$30
Architect Registration Examination (ARE) Application	\$0
Architect Registration Examination (ARE) Re-approval Application.....	\$30
Certificate of Authorization, 1-5 Licensees	Application, \$100; Renewal, \$50
Certificate of Authorization, 6-10 Licensees	Application, \$200; Renewal, \$150
Certificate of Authorization, 11-49 Licensees	Application, \$300; Renewal, \$250
Certificate of Authorization, 50+ Licensees	Application, \$400; Renewal, \$350
Emeritus Status / Renewals.....	\$25
Duplicate Wall Certificate (Licensee or Engineer Intern).....	\$25
Returned Check Fee.....	\$30
Roster and/or Public Information Requests	As allowed by N.R.S. § 84-712
Verification of Examination and Licensure.....	\$0

Discussion of NBEA 2019-2021 biennium budget draft

ED Wilbeck reviewed the 2019-2021 biennium budget request projections with the Board. Issues to be identified in the budget narrative were summarized. The biennium budget instructions and projected rates from the Department of Administrative Services and the Office of the Chief Information Officer for service costs will be provided by the Budget Division by the end of June. Preliminary budget narratives must be completed by August 3. The final date for the biennium budget request to be submitted is September 15, 2018. Narrative and updated projections will be reviewed at the August meeting.

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next regular monthly meeting will be held on August 10, 2018, 215 Centennial Mall S, 5th Floor, Large Conference Room, at 8:30 a.m. A compliance hearing for Cases 14.03 and 14.13 will begin at 9:30 a.m.

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

Individuals and organizations authorized to practice as of June 7, 2018:

Professional Engineers:	8,042
Architects:	1,888
Certificates of Authorization:	2,180
Temporary Permits:	29

Examination Information/Results

The Monthly Pass/Fail Report for May 2018 for the ARE 4.0 and 5.0 showed 20 exams taken and eight exams passed.

Eighty-nine ARE candidates had open eligibilities as of June 1, 2018.

Other information

The Board's Facebook Analytics Report showed 264 individuals engaged from May 13, 2018 to June 9, 2018.

The Website Dashboard Report indicated the Board's website had 2,082 visitors in May 2018.

Approved Board policies as of May 18, 2018, were provided.

ADJOURNMENT

The meeting was adjourned at 12:30 p.m.



Jan L. Bostelman, Secretary