The Nebraska Professional

Nebraska Board of Engineers and Architects Newsletter  Fall 2015

Rewrite of Rules and Regulations
Krista Kester
Vice Chair, Public member

The E&A Act was amended by LB 23 during the 2015 Legislative Session in order to make it more understandable and to improve its organization. With those improvements finally passed and implemented, the Board has turned its attention to a similar re-write of the E&A Rules and Regulations.

The project has taken more than six months and has involved numerous meetings of the Board’s legislative committee and the Board as a whole. In addition, proposed changes were shared with a number of the professional societies [including AIA-NE, NeSPE, ACEC]. All of the societies had comments relating to the proposed changes, and the final version of the proposed changes reflect those comments. In particular, the Board had proposed moving to an annual renewal cycle that would include annual continuing education requirements. That proposal spawned universal resistance among the professional societies. As a result, the Board is no longer proposing the change, but will retain the biennial requirements that are currently in place.

The proposed rule changes can be found on the Board’s website, www.ea.nebraska.gov/PDFs/2015R&R. A public hearing on the proposed rules is scheduled for 8:30 a.m. on Friday, December 11, 2015, Room 1126 of the Nebraska State Capitol.

NCEES Installs Conzett as President

Michael Conzett, P.E., accepted the position of NCEES president at the conclusion of the organization’s 94th annual meeting, held August 19–22 in Williamsburg, Virginia. Having completed a one-year term as president-elect, he will now serve as president for 2015–16.

A resident of Omaha, Nebraska, Conzett has been a member of the Nebraska Board of Engineers and Architects since 2003. He is a former board chair as well as a former NCEES Central Zone vice president.

Conzett has been a licensed professional engineer since 1982. In 2014, he retired as vice president and senior project manager with HDR Inc. in Omaha, Nebraska, after 30 years of service.

Conzett is a graduate of Iowa State University, where he earned a bachelor’s degree in civil engineering and a master’s degree in sanitary engineering. He is also a member of the American Society of Civil Engineers.
The following speech was given by NBEA Board member Mike Conzett at the NCEES annual meeting.

Thank you for the opportunity to serve as your next president. I will do my best to live up to the faith you have in me to help lead this organization.

As I think back on the past years of involvement with the Nebraska PE board and NCEES, I must admit that it has been an enjoyable ride. I have said in the past that of all the extracurricular activities I have been involved with, both professionally and personally in my community, participation in NCEES work has probably been the most fulfilling. I am always impressed by the intelligent people who have been part of NCEES! Not only are you passionate about your professions, and about helping safeguard the public, but you are also passionate about all the great work you do for others outside the profession. I am blessed to be around all of you. This NCEES leadership gig was never really on my bucket list, but I am grateful to those who encouraged me along the way.

Tonight I have been given the opportunity to make a few remarks. I am not one who usually passes up an “open mike.” But as I speak to you, I do so with all humility, for I really have no magic potions or profound ideas for what I want us all to accomplish this coming year. What I do have, however, is what I hope we all have in this room: a passion for not only our great professions of engineering and surveying, but also for licensure. Licensure, in my way and in our way of thinking, is the pinnacle of a true professional.

First of all, I want to look at the coming year at some general issues important to licensing boards and to licensees. As I do this, I look through the rear-view mirror as well, for it is always important to see from where we have come, and for what we have accomplished in the past. I have been preceded by great NCEES leadership, and to them, I thank.

Surveying Licensure: We will continue to evaluate the conditions that contribute to the declining numbers of candidates seeking professional surveying licenses. We will try to get our arms around it by engaging interested stakeholders outside NCEES to develop a plan of action. The surveying profession is constantly dealing with new technologies, and we need to see how all this changes how licensed surveyors perform their work. It is not in the best interest of the public when any old person on the street can use available technology to perform surveying services without understanding the legal ramifications of doing so. Additionally we look forward to the computer-based PS exam in Oct. 2016, and the development of a nation surveying education award.

Engineering Licensure: We will continue to diligently work our way toward development of computer-based PE exams. Many tasks need to be accomplished before we are ready, especially how to handle supplied reference manuals electronically. I am excited by the potential for computer-based PE exams to be better at testing experience vs. strictly academic knowledge through the design of more innovative-type test items. We will conduct a survey to assess interest in a separate exam to test knowledge of professional practice topics. We will continue to look at the issues related to separate licensure for structural engineers.

Emerging Leaders of Engineering and Surveying: I am excited about engaging this group of bright and energetic young professionals who represent the thinking of the next generation. It is important for us to know how they feel about our important issues. We can learn much from them and I know they will learn much from us.

In General: I am assembling a special task force to develop guidelines regarding how we can use existing financial reserves to promote the value of licensure. Also, I really want to continue upgrading the quality of continuing education content, but first we must especially continue to work hard at removing administrative obstacles for multi-state licensees. This hinders mobility, which is another important area for us to continue our hard work. The Education and MBA committees are charged to work jointly on this. In addition, NCEES is actively working to be the leading voice in the international licensure discussion. This issue of mobility of licensed professionals will be even more
in the cross-hairs of the regulated community in the coming year, as I would like to now turn to more of a philosophical look at the future of licensure.

Last month I attended NSPE’s national conference in Seattle. NSPE and NSPS are the two national organizations whose missions are most closely aligned with ours. NSPE’s mission is to define the PE license as the highest measure of professionalism and qualification to protect public health, safety and welfare; to promote awareness and recognition of the value and meaning of the license; and to protect the integrity of the profession and the welfare of the public by vigorously opposing the practice of engineering by unqualified persons, and advocating the highest standards of licensure, ethics, and professional practice.

Sounds a lot like NCEES, doesn’t it? The only real difference between the organizations is the approach. NSPE approaches it from the perspective of the engineering profession. They exist to serve the profession.

We approach it from the regulatory side. We exist as a resource to help state boards serve the public.

The theme of the NSPE conference was “The Future of the Professional Engineer”, but they had a sub-theme which was their big focus. That sub-theme was: Is Licensure Relevant? And How Do We Make It More Relevant?

So, like I said, NCEES is similar to NSPE. We, like them, are interested in advancing licensure. They ask how can licensure be made more relevant? For us, I would ask how can we better show the importance of licensure to the public? A minor point without much distinction? Perhaps. This question to me seems more important than ever, given what has been happening recently relative to a movement to eliminate, or severely restrict, licensure across the broad spectrum.

In July a report was prepared by the Department of the Treasury Office of Economic Policy, the Council of Economic Advisors, and the Department of Labor entitled “Occupational Licensing: A Framework for Policymakers”. In this well-researched and heavily-referenced report, the federal government explored the rise in occupational licensing and its economic consequences for the U.S. One of the conclusions made is that the benefits of licensing need to be balanced against the economic costs. Another one is varying licensure requirements by states can create barriers to workers moving across state lines and inefficiencies for business and the economy as a whole. This is what we call “mobility”.

There is much to digest in this report but suffice it to say that a considerable amount of attention is going to be paid to licensure. We also saw this recently when the Supreme Court of the United States ruled against the NC dental licensing board and in Indiana where challenges were made to licensure this past spring. I am happy to report that I just got word that professional engineers are no longer in Indiana’s rifle scope.

Now, we all believe that the engineering and licensure professions are much different those other run-of-the-mill occupations. There are lots of uncertainties that we will need to navigate through and we hope that when the dust settles we will rise above the fray and be OK. It would be naïve of us, however, to assume that we really don’t have to be too concerned about this issue. We need to think otherwise.

I believe we should work even harder to enhance mobility. We absolutely need to be more diligent in reducing barriers and obstacles for engineers and surveyors who have multiple licenses. I fully realize opening statutes to enhance mobility is fraught with traps and is a hard thing to do. But as JFK said in his speech at Rice University in 1962, “we choose to go to the moon and do the other things not because they are easy, but because they are hard and because that challenge is one we are willing to accept.” Well, we are not going to the moon, but we must be willing to accept the hard work to enhance mobility, because if we don’t, others will find a way to do it for us. And we might not like how that is done. NCEES, as a national resource, is in a great position to help

We all must be willing to embrace change and to continue to advance licensure when the world changes around us.

(continued on page 4)
This idea of change may seem to fly in the face of the government study. If we change, then won’t legislators see that as a barrier to entry and an unreasonable cost to the public? I would propose just the opposite. The world continues to change and progress (or digress?) around us. So if we resist change, we do so at our own risk. If we resist change, for whatever reason, professional engineering and surveying will no longer be relevant or important. And others outside our influence will dictate our relevance and importance or our irrelevance and unimportance. We can’t allow this situation to paralyze us into inaction.

So while uniformity and mobility is important to all of us, as it is to the authors of the study, we can’t afford to be complacent and not progress in the advancement of licensure. Change can be a threat to increased mobility, as not all of the states will accept change simultaneously. But what has to be equally important to us as mobility, is to provide leadership for the future in areas related to best practices in: Education, Experience, and Examination. I assert that it is imperative that NCEES continues to Raise the Bar in all three of the licensure components. Reasonable people can disagree (yes, and even argue) about how we raise the bar in these areas, but we dare not argue about whether or not the bar should be raised. If we fail to do this because of fear of change, then we are not serving the public well.

For the public deserves and even demands that our licenses exist to protect them. And if we don’t respond to our changing world (the same world the public lives in) then we are abdicating our responsibility to them.

Do all engineers and surveyors need to be licensed? The answer to that is No. However, I sincerely believe that the world is in a better place and the public is better served when more engineers and surveyors are licensed. But we certainly shouldn’t dumb down the requirements to make this happen. Just the opposite.

In closing, I would like to answer the questions posed earlier. Is licensure important? And relevant? The answer to this is a resounding Yes.

Licensure is important, why? Because it makes a person smarter? No. Because it makes a person more qualified, or more experienced? No and No.

In closing, I would like to answer the questions posed earlier. Is licensure important? And relevant? The answer to this is a resounding Yes.

Licensure is important because it compels us to think differently about the work we do every day. It forces us to exercise our ethical muscles every time we place our signature or seal on a drawing or report. It reminds us of our duty to place the interest of the public over and above our duty to any other party. And finally, licensure is a privilege, not a right. Licensure is important because it should make us behave and act differently. For we have something to lose, our license, along with our reputation and livelihood.

Thank you for your dedication to the work of your state board and NCEES. We have done great things in the past and we will continue to do great things in the future. I look forward to working with all of you this year. Together we will do our part to advance engineering and surveying licensure.

Licensure is important because it compels us to think differently about the work we do every day.
Time to Architecture Licensure Continues to Drop

Reprinted from NCARB
On October 5, 2015, NCARB sent an abbreviated version of the following letter to the Wall Street Journal in response to an opinion piece about the timeline to licensure.

Associate Dean and Professor Frank J. Mruk’s “Architect Licensing Needs a Gut Rehab” (op-ed, Sept. 29) is correct that the path to licensure must evolve. However, his assertion that the decline in student enrollment is tied to the profession’s “outdated, costly and time-consuming qualification process,” is in and of itself outdated and potentially misleading.

Professor Mruk chose to selectively quote our NCARB by the Numbers data to support his assumptions. A comprehensive analysis by the National Council of Architectural Registration Boards (NCARB), suggests that shifts in enrollment are historically linked to economic conditions. Each year more architecture schools are being added to the system, which conversely decreases the pool of student applicants per program. Yet while it is true that 2014 saw a slight drop in enrollment, the number of people pursuing licensure is at an all-time high. We believe this is due to an improved economy, coupled with recently streamlined elements of licensure.

Consider this: Last year, more than 37,000 aspiring architects were on the path to licensure—a record number. Similarly, a 2014 survey of U.S. licensing boards revealed that since the beginning of the latest economic recovery period, the profession has experienced the third-consecutive year of growth in the number of registered architects, which currently totals 107,581.

NCARB supports Professor Mruk’s call to re-evaluate the path to licensure, which is why the organization has made great strides to modernize current requirements and continues to do so. Over the past several years, NCARB has set several key changes in motion. Most notably, we reduced internship hours by one-third; shortened our examination retake wait period from six months to 60 days; and are preparing to rollout the next version of a modernized, practice-based licensure exams. And in a continued effort to streamline the path to licensure, 13 accredited architecture schools will soon integrate internship and examination into their curricula. Professor Mruk’s program, and all other accredited programs, have been invited to join this initiative, which will position students to achieve licensure at graduation.

Our data show these steps are working. The average age of newly licensed architects has been dropping for several years. At the same time, in 2014 the number of exam completions reached a six-year high, with most people completing the test in 2.5 years.

As the practice of architecture evolves, we will continue to assess our programs and make improvements where needed without jeopardizing the health, safety and welfare of the public. While the path to licensure is not meant to be easy, it should be both accessible and attainable—a goal of which I think the entire profession can agree.

President Dennis S. Ward, AIA, NCARB
National Council of Architectural Registration Boards
Florence, South Carolina

Linzell joins NBEA

Governor Pete Ricketts has appointed Dr. Daniel Linzell, PE, FASCE, to a five year term as the engineer education member of the Nebraska Board of Engineers and Architects. Linzell began his term in June. “We are pleased with the appointment of Dr. Linzell,” said NBEA Executive Director Steve Masters. “Linzell brings a unique perspective to the Board as a highly regarded engineer and educator.”

Linzell is the Voelte-Keegan Chair of the Department of Civil Engineering at the University of Nebraska. He earned his Ph.D. in Civil Engineering from the Georgia Institute of Technology in 1999; his M.S. in Civil from Georgia Tech in 1995; and his B.S. in Civil Engineering from The Ohio State University in 1990. From 1999 through June 2013, Linzell served as a faculty member at Pennsylvania State University in their Department of Civil and Environmental Engineering. He previously worked for Burgess and Niple, Ltd., in Columbus, Ohio, where he performed condition and forensic structural inspections and rehabilitation designs of bridges, buildings and other infrastructure systems.

In addition to his work with the Board, Linzell currently serves as Chair of Structures Stability Research Council’s Task Group 04: Stability of Metal Bridges and Bridge Components and on the ASCE Composite Construction and Bridge and Tunnel Security Committees.
The following cases were reviewed for compliance by the Nebraska Board of Engineers and Architects, and resolved via the action noted. These summaries are provided for licensee education and information, and should not be interpreted as a full description of the cases described. In cases where disciplinary action was taken by the Board per Neb. Rev. Stat. § 81-3444, the names of the individuals and/or organizations involved are included.

**Case #14.04:**
**Violation of E&A Act**
**Summary:** A design firm filed a complaint that another firm had contracted with one of its former clients and used its preliminary design as the basis for a redesign without the original firm’s permission.
**Action:** The Board reviewed the documentation submitted and found no probable cause that a violation of the Act had occurred.

**Case #14.09:**
**Unlicensed Practice of Engineering**
**Summary:** The Board initiated a case after it discovered a Nebraska-licensed Architect had submitted plans that included the Architect’s seal on civil, mechanical, electrical and plumbing design sheets.
**Action:** After reviewing the documentation on several similar city-approved projects by the same Architect throughout the state, the Board determined it was appropriate to inform the Architect that in the future all pages must conform to the Act, which does not allow cross-discipline practice between architecture and engineering.

**Case #14.04:**
**Violation of E&A Act**
**Summary:** A design firm filed a complaint that another firm had contracted with one of its former clients and used its preliminary design as the basis for a redesign without the original firm’s permission.
**Action:** The Board reviewed the documentation submitted and found no probable cause that a violation of the Act had occurred.

**Case #15.03:**
**Unauthorized Organizational Practice**
**Summary:** A Board initiated a complaint after it was discovered an out-of-state firm had been working on a Nebraska-based project for more than five years without a Certificate of Authorization.
**Action:** The Board assessed in arrears fees to cover the time period of the Nebraska project. Once the fees were paid, the case was dismissed.

**Case #15.05:**
**Unauthorized Organizational Practice of Architecture**
**Summary:** The Board opened a case after discovering an unauthorized organization individual was offering architectural services on Facebook.
**Action:** The Board dismissed the complaint after communicating with the business owner the requirements to use variations of the word architecture. The business owner changed his Facebook page, website and business cards.

**Case #15.06:**
**Misuse of Title & Unauthorized Organizational Practice**
**Summary:** A complaint that was submitted alleged an out-of-state architect, whose Nebraska license and CA had expired, was advertising on the Internet that the architect was licensed in Nebraska and that the architect’s firm was authorized to offer and perform services in Nebraska.
**Action:** The Board reviewed the information submitted and the website in question. The Board determined the website was outdated and because the site was corrected prior to its meeting, the Board dismissed the complaint.

**Case #15.07:**
**Unlicensed Practice**
**Summary:** A complaint submitted by staff requested Board review to determine if the work performed by a non-licensee was the practice of architecture.
**Action:** The Board determined the scope of work was not the practice of architecture and dismissed the case for lack of probable cause.

**Case #15.10:**
**Unlicensed Practice of Architecture**
**Summary:** A complaint was initiated after an out-of-state architect submitted plans for city approval bearing an out-of-state seal.
**Action:** The Board determined the out-of-state architect had properly transferred the project to a Nebraska licensee per Board Rule 6.2, Prototypical Projects, and dismissed the complaint.

**Case #15.12:**
**Expired Certificate of Authorization**
**Summary:** The Board initiated a complaint after an organization that had been providing services in Nebraska applied for a new Certificate of Authorization after its original had been expired for more than five years.
**Action:** Per Board policy, a complaint was initiated by the Board for the organizational practice with an expired Certificate of Authorization. The Board assessed in arrears fees and dismissed the case.

**Case #15.13:**
**Unlicensed Practice**
**Summary:** A complaint was filed alleging that federal employees changed sealed drawings for a project to be constructed on federal property located in Nebraska.
**Action:** The Board dismissed the case for lack of jurisdiction.
**Case #15.15:**
**Misrepresentation by CE provider**

**Summary:** A complaint was filed after an architect received a continuing education catalog by a company claiming to be approved by all state boards.

**Action:** The Board dismissed the case after deciding it would be more effective to educate licensees than to pursue action against one provider. Board Rule 9.5.1, in part, reads: “No pre-approval of offerings will be issued.”

**Case #15.20:**
**Unprofessional Conduct**

**Summary:** A complaint was filed alleging an architect failed to pay property taxes.

**Action:** The Board found no probable cause that a violation of the Act had occurred and dismissed the case.

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**Licensure Updates**

**Architects By Exam**

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<td>Timothy M. Williams</td>
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**Professional Engineers By Exam**

**Agricultural & Biological**

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**Civil**

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**Mechanical**

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**Deceased Licensees**

**Architect**

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**Engineer**

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**NAAB Reaccreditation**

The University of Nebraska’s College of Architecture recently received reaccreditation from the National Architectural Accrediting Board (NAAB). NAAB approved an 8-year term of accreditation for the College of Architecture’s M.Arch program.

“I’m delighted to say we received a very favorable NAAB visiting team report,” commented Jeffrey L. Day, Director of the Architecture program. The College’s next NAAB visit is scheduled for 2023.

Day added, “This positive report and reaccreditation is reflective of the admirable performance of our faculty, administration and advisory board and the relevant curriculum we provide our students.”

Obtaining an NAAB-accredited degree is essential to prepare for professional practice as it is accepted by all 54 U.S. registration boards, and required by 37 of them.

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**Obtaining an NAAB-accredited degree is essential to prepare for professional practice as it is accepted by all 54 U.S. registration boards, and required by 37 of them.**
On The Market

Their children came home, but not to stay, to get the house ready to put on the market, and they ripped up all the carpeting because of the cats, and piled it on the curb to be hauled away, beige, beige and beige, a mountain of stains soaked through to the backing, but what they did with all the cats is a mystery. They’re gone today, including the earless old tom I used to see slinking back home in the morning, not looking both ways before crossing, and the parents, too, gone with the cats.

Ted Kooser
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