Nebraska Board of Engineers and Architects

Board Meeting Agenda

January 12, 2018, 8:30 am

215 Centennial Mall South, 5th Floor Large Conference Room, Lincoln, NE

	CALL TO ORDER Open Meeting and Public Agenda Information Proof of public meeting notice publication	1-3
	The following will appear before the Board: 8:45 am - Rich Lombardi, Legislative Liaison, American Communications Group, Inc.	
	PUBLIC COMMENT	
A.	CONSENT AGENDA December 15, 2017 Meeting Minutes	A.1-8
В.	MEETING REPORTS Ad Hoc Committee Reports 2017-18 Board committee assignments and charges	B.1
	Legislative	
	Software	B.2-4
	Decoupling	ED Wilbeck
	Other Meeting Reports	
C	. OLD BUSINESS	
	Database conversion update	
D.	NEW BUSINESS	
	Legislative bill creating Building Codes Advisory Committee Selection of funded delegates for NCEES Central Zone Interim Meeting	
	NCEES Central Zone Interim Meeting information	D.12-15
	NCARB Regional Summit and MBE Workshop Information	D.16-23
	Selection of funded delegates for NCARB Regional Summit Meeting	D.24
	Nominations and elections for NCARB Board of Directors	
	Request for eligibility letter to use "architectural" in trade name – 81-3436(8)	D.28
	Travel Authorization	
	2018 Travel and per diem authorization	D.29-31
	Action: Approval of Travel and Per Diem	
E.	COMPLIANCE Information	
	January 2018 Compliance Cases	E.1-2

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	Summary of Open Cases	E.3-4
	Active Cases: Summary & Documentation	
	Case 17.20	E.11-17
	Cases 14.03 & 14.13	E.21
	Case 16.02	E.31
	Case 17.03	E.41-48
	Case 17.06	E.51-57
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	Case 17.15	E.71-79
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F.	APPLICATIONS Special Cases PE Exam	F.21-24jjjj
	Administratively Approved	
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	Licensure of Architects by NCARB Certification	F.41
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	Licensure of Professional Engineers by Experience	
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	Licensure of Architects by Initial License	
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G.	FINANCIAL MATTERS	
	Financial Reports	
	FY 2017-18 Financial Profile, December 2017	G.1
	Budget Status Report, December 2017	G.2-5
	MTD General Ledger Detail Report, December 2017	G.6-15
	Fund Summary Report, December 2017	G.16-18
	Action: Approval of Financial Reports	
	Other Financial Matters	
	Personal mileage reimbursement rate as of January 1, 2018	G.19
Н.	GENERAL INFORMATION	
	Board meeting schedule	H.1-2
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	Travel Reimbursement Policy	
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	Facebook Activity Report	
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CALL TO ORDER

The meeting was held at 215 Centennial Mall South, 5th Floor Conference Room, Lincoln, Nebraska. Chair Kester called the meeting to order at 8:37 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: Krista Kester, Chair; Jennifer Klein, Vice-Chair; Lenora Isom, Secretary; Mark Champion; Randy Peters. Absent: Jan Bostelman; Michael Conzett.

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/PUBLIC COMMENT

Joshua Hill, Engineering Chemical Solutions

Erin Bright, P.E., Olsson Associates

Don Day, Projects Management Specialist; Olsson Associates

Keri Lyn O'Bryant, Learning and Development, Olsson Associates

Mike McMeekin, Board of Directors Chairman, Lamp Rynearson

Jeanne McClure, Executive Director, American Council of Engineering Companies (ACEC/Nebraska)

Treynor Wolfe, IT Applications Developer, Office of the Chief Information Officer (OCIO) - No Comment

The following appeared before the Board:

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

A. CONSENT AGENDA

December 15, 2017 Meeting Minutes

Action: Approval of Consent Agenda

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

B. MEETING REPORTS

Ad Hoc Committee Reports

Legislative

Legislative Liaison Lombardi noted the Governor gave his State of the State address on January 10. At the request of Governor Ricketts, the Speaker of the Legislature introduced the Governor's budget adjustment recommendations for the 2017-2019 biennium. No adjustments are proposed for the Board's budget and there is no initiative to transfer Board cash funds into the General Fund. Hearings on adjustments will begin soon for state agencies. LB299 from the previous year, sponsored by Senator Ebke, Government, Military & Veterans Affairs Committee, will be acted on. The bill adopts the Occupational Board Reform Act and changes procedures for rules and regulations. Lombardi distributed a report identifying bills of interest to the Board. LB 707, 720, 751, 767, 889, 890, 921, 945, 946, and 948 were summarized. A list of 2017 carryover bills was provided.

Software Engineering

Klein reported the Committee had found some grey areas in software engineering. They will be looked at when the E&A Act is reviewed. Chair Kester tasked ED Wilbeck to keep the Board apprised of any related legislative issues. The Software Committee will have more discussion on this topic before bringing its findings to the Board. It was suggested that Conzett be involved in discussion. The Committees findings may tentatively be brought to the March meeting.

Decoupling

ED Wilbeck reported discussions with a NeSPE contact. The Decoupling Committee wants to continue discussions with NeSPE to gain consensus with them on the topic of decoupling engineering experience from the PE exam. If consensus could be reached, there is a possibility for the Board to advocate for bill introduction in the 2019 Legislative Session.

C. OLD BUSINESS

Database conversion update

ED Wilbeck reported database development was proceeding. A meeting was held with the OCIO IT Administrator on January 11. A change order in the amount of approximately \$44,000 will be entered into to finish remaining development costs.

Request for reconsideration of denial of eligibility letter - N.R.S. 81-3436(8)

Joshua Hill, representing Engineering Chemical Solutions, addressed the Board requesting reconsideration of a recent denial for a letter of eligibility. The manufactured, biodegradable chemical the organization resells is used to clean cement trucks. Hill noted the company was not creating or mixing the product, and will not practice or offer to practice engineering in Nebraska.

Action

Motion by Isom, second by Peters to issue an eligibility letter to Engineering Chemical Solutions to use "engineering" in its organizational name. Voting Yes: Champion, Isom, Klein, Peters, Kester. Voting No: None. Abstain: None. Absent: Bostelman, Conzett.

D. NEW BUSINESS

Legislative bill creating Building Codes Advisory Committee

Senator Wayne plans to introduce a bill in the 2018 Legislative Session that applies the state building code to local jurisdictions that have not adopted a construction code and creates a Building Codes Advisory Committee, supported and funded by the Board of Engineers and Architects. ED Wilbeck reported meeting with Urban Affairs Committee staff after the December Board meeting, and anticipates a legislative bill will be introduced next week which will require a fiscal note to be submitted.

Chair Kester appointed Champion, Isom, and herself to an Ad Hoc Legislative Committee to monitor introduced legislation and develop testimony for public hearings on bills directly impacting the Board.

NCEES Central Zone Interim Meeting; selection of funded delegates

The meeting summary and draft agenda for the NCEES Central Zone Meeting, May 3-5 in Rapid City, SD, were provided for review. NCEES will fund meeting registration, travel, and lodging expenses (up to three nights) for three delegates from each eligible member Board to the Central Zone meeting. Notification of funded delegates to NCEES is due January 31, 2018. The deadline for funded delegates to register is March 15, 2018. The deadline for registration for attendees other than funded delegates is March 23, 2018. NCEES will fund Conzett as an NCEES Past President. Conzett will continue to serve on the Nebraska Board after his term expires on February 28, 2018, if the Governor has not appointed a replacement.

Action:

Motion by Isom, second by Klein to designate Klein, Bostelman, and the new engineering board member (if appointed) as the funded delegates to the NCEES Central Zone Interim Meeting on May 3-5, 2018. Voting Yes: Champion, Isom, Klein, Peters, Kester. Voting No: None. Abstain: None. Absent: Bostelman, Conzett.

NCARB Regional Summit and MBE Workshop Information

The NCARB Member Board Executives (MBE) Workshop will be held on March 8, 2018, and the NCARB Regional Summit Meeting will be held March 9-10, 2018, in Wichita, KS. Agendas and meeting registration instructions were provided. The deadline for registration and hotel reservations is February 7, 2018.

Selection of funded delegates for NCARB Regional Summit Meeting

As part of the Council's ongoing commitment to encourage Member Board participation in collaborative discussions, NCARB committed funds to send up to four representatives to the Regional Summit Meeting on March 9-10, 2018. The Executive Director will also be funded for the MBE Workshop on March 8th. The four representatives include two funded delegates (any profession on the board), one funded Public/Consumer Member delegate and one Member Board Executive.

Action:

Motion by Klein, second by Peters to appoint Isom, Champion, and Kester as the funded delegates, and ED Wilbeck as the funded member board executive to the NCARB Regional Summit Meeting. Voting Yes: Champion, Isom, Klein, Peters, Kester. Voting No: None. Abstain: None. Absent: Bostelman, Conzett.

Nominations and elections for NCARB Board of Directors

Nominations of MBE and Regional Director Candidates will occur in March before or during the Regional Summit, with recommended candidates forwarded for formal ratification by the full membership at the June Annual Business Meeting. Elections for Public Director and the officer positions of Secretary, Treasurer, Second Vice President, and First Vice President/President-elect will occur at the Annual Business Meeting through a vote of the full membership. Nomination for those positions occurs through a nomination and second. Candidate statements need to be sent to the Director of Council Relations by Friday, February 9, 2018.

Request for eligibility letter to use "architectural" in trade name – 81-3436(8)

Action:

Motion by Isom, second by Peters to issue an eligibility letter to Sandhills Architectural Precast Concrete LLC to use "architectural" in its trade name and include language to what is allowed in practice. Voting Yes: Champion, Isom, Klein, Peters, Kester. Voting No: None. Abstain: None. Absent: Bostelman, Conzett.

The Board directed ED Wilbeck to note in the eligibility letter that although "architectural" is allowed in the name, the organization is not authorized to practice or offer to practice the professions of engineering or architecture until the criteria for organizational practice has been met and the organization has been issued a certificate of authorization by the Board.

Travel Authorization

2018 Travel and per diem authorization

 Conzett for a virtual meeting of the NCEES Executive Search Committee concerning the next NCEES CEO held on January 10, 2018 (per diem only).

Action: Approval of Travel and Per Diem

Motion by Isom, second by Klein to approve per diem authorization as requested. Voting Yes: Champion, Isom, Klein, Peters, Kester. Voting No: None. Abstain: None. Abstent: Bostelman, Conzett.

E. COMPLIANCE

Information

January 2018 Compliance Cases Summary of Open Cases

Executive Session - Commenced at 9:40 a.m.

Action:

Motion by Peters, second by Klein 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 Kester. Voting Yes: Champion, Isom, Klein, Peters, Kester. Voting No: None. Abstain: None. Absent: Bostelman, Conzett.

Active Cases: Summary & Documentation

No new updates were provided by CO Rauscher for Cases 14.03 & 14.13, Case 17.13, Case 17.19, and Case 17.20 in executive session.

Case 16.02, Case 17.03, Case 17.06, Case 17.15, Case 17.17, Case 17.23, Case 17.24, Case 17.25, and Case 17.26 were discussed in executive session.

Other Compliance Issues

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

Executive Session - Concluded at 10:20 a.m.

Action:

Motion by Isom, second by Klein 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: Champion, Isom, Klein, Peters, Kester. Voting No: None. Abstain: None. Abstelman, Conzett.

Action: Approval of Compliance Case Disposition

Motion by Klein, second by Isom to dismiss Case 17.03 with no disciplinary action. Voting Yes: Champion, Isom, Klein, Peters, Kester. Voting No: None. Abstain: None. Abstent: Bostelman, Conzett.

Motion by Klein, second by Isom to dismiss Case 17.06 with no disciplinary action. Voting Yes: Champion, Isom, Klein, Peters, Kester. Voting No: None. Abstain: None. Abstent: Bostelman, Conzett.

F. APPLICATIONS

Special Cases

PE Exam

Approved: Jacob Cashin Robison, NE.

Action:

Motion by Isom, second by Klein to approve Jacob Robison to sit for the PE Exam. Voting Yes: Champion, Isom, Klein, Peters, Kester. Voting No: None. Abstain: None. Abstent: Bostelman, Conzett.

Request for reconsideration of continuing education audit

Erin Bright addressed the Board concerning his continuing education audit for a license renewal in which 22.5 hours of project management development were disallowed by the reviewer as not being engineering related. He asked the Board to reconsider the courses as subject matter directly related to the field of engineering. Mr. Bright summarized his nearly 14 years of experience and his design and project management duties. A more detailed description of learning modules developed for the Olsson Associates Project Development Program were submitted for Board review. Mr. Bright noted the program was an important tool in managing engineering projects to provide quality engineered products, thereby better protecting the public.

The Board expressed concern that the courses appeared to target organizational culture and success more than engineering education. Mr. Bright responded he did not believe they were organizational since training involved management of engineering projects, and the training helped him to work on more complex and

multiple projects. Mr. Bright noted that many of the training meeting hours were not claimed as continuing education credit. Mr. Bright stated a better definition of what qualifies as continuing education in the regulations would be helpful. He offered to go through modules with staff to see what both could agree on as being engineering continuing education.

Keri Lyn O'Bryant, Learning and Development, and Don Day, Projects Management Specialist, from Olsson Associates spoke in support of Mr. Bright's request for reconsideration. Ms. O'Bryant noted the hours Mr. Bright submitted were for retreats that dealt with effective team leadership and contained no Jack Welch content. O'Bryant noted this training program was also used for continuing education by other employees in the organization.

Jeanne McClure, Executive Director, ACEC/Nebraska stated the rules and regulations were not clear on what continuing education hours were accepted or not accepted.

Peters noted the ASCE Body of Knowledge lists different levels of management education as part of engineering education, and one particular area focuses on non-technical professional practice topics. Isom suggested looking at definitions since the body of knowledge considers three different categories for engineering education. It was agreed that guidance is needed.

Mike McMeekin, Chairman of the Board of Directors for Lamp Rynearson, Omaha, stated two of his employees had submitted Leadership Development Program training for continuing education audits that were in question. The firm considers leadership development to be a core value, critical to offering engineering services. Both technical and non-technical training is needed for their professional engineers. Mr. McMeekin stated that many other professional engineers are approaching their fulfillment of continuing education requirements in the same way.

Action:

Motion by Klein, second by Isom to accept the continuing education submitted by Erin Bright for a continuing education audit for license renewal. Voting Yes: Champion, Isom, Klein, Peters. Voting No: Kester. Abstain: None. Absent: Bostelman, Conzett.

Continuing education guidance request

At staff request, the Board reviewed and discussed leadership development activities on two continuing education audit submittals for license renewal.

Action:

Motion by Isom, second by Peters to approve the continuing education submission of Bryan Kratky. Voting Yes: Champion, Isom, Klein, Peters, Kester. Voting No: None. Abstain: None. Absent: Bostelman, Conzett.

Motion by Klein, second by Isom to approve the continuing education submission of Aaron Grote. Voting Yes: Champion, Isom, Klein, Peters, Kester. Voting No: None. Abstain: None. Absent: Bostelman, Conzett.

Chair Kester appointed Bostelman, Conzett, Klein, and Peters to an Ad Hoc Continuing Education Committee to provide preliminary analysis of continuing education provisions relating to non-technical topics such as project management and leadership development.

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-16935 Scott Michael Bauer, Structural; E-16934 Laura Rachelle Drescher, Civil; E-16863 Elizabeth Anne Hunter, Civil; E-16886 Matthew Hunter Parrish, Civil; E-16923 Dustin Keith Rosepink, Civil.

Licensure of Architects by NCARB Certification

Approved: A-4860 Jared Michael Hoke; A-4958 Carry Dine McLain; A-4957 Thomas John Wolbers.

Temporary Permits, None.

Engineer Intern Enrollment

Approved: Daniel Edward Dunn, NE; Kayla Lauren Kampschneider, IL; Natalie Corinne Nason, NE; Seth Patrick Nelsen, NE; Ryan Patrick Pritchard, NE; Deanna Theresa Ringenberg, NE.

Certificates of Authorization

Approved: CA3897 Statics Engineering Solutions LLC; CA3898 Webster Design Inc; CA3899 Design 1 Architects LLC; CA3900 DEDC LLC; CA3901 Actual Architecture LLC; CA3902 Water's Edge Aquatic Design LLC; CA3903 Sowlat Engineers PC; CA3904 Carol Crane Rigging & Lifting Technology Inc; CA3905 WBK Engineering LLC.

Licensure/Examination

Licensure of Professional Engineers by Comity

Scott Frederick Humphrey, Civil, CA; Patrick Michael Sedillo, Mechanical, NM; Richard John Thompson, Mechanical, TX; John Jacob Wills, Civil, IL.

Licensure of Professional Engineers by Experience

Approved: Barry Lee Finkelstein, Mechanical, MD; William Yunghwei Hwang, Civil, CA; Stephen Lee Scott, Software, TX.

Licensure of Architects by Experience

Approved: Andrew James Abraham, CO.

Licensure of Architects by Initial License, None.

Licensure by Reinstatement

Approved: E-14794 Troy Edward Gill, Civil; E-10093 Thomas Christian Pickering, Civil.

ARE Exam

Approved: Alec Charles Walz, NE.

Special Cases

Licensure of Professional Engineers by Comity

Approved: Sujatha Kalyanam Hedrick, Civil, CO.

PE Exam

Approved: Matthew Downing Bair, NE, Industrial & Systems; Mackenzie Ashton Jaeger, NE, Structural VL; Colton Marshall Kennedy, NE, Mechanical; Dianne Alice Kay Norris, NE, Mechanical; Thomas Paul Roh, NE, Industrial.

Summary of license renewal disclosures

Approved for renewal: A-4359 Barry E. Belt; A-874 Gary R. Bowen; A-3499 Max C. Cannon III; A-3088 Kevin L. Cooper; A-4332 Brady W. Harding; E-11924 Russell H. Dahlgren; E-14745 Heath A. Dumack; E-14626 Thomas J. Folders; E-15006 Afsar Hasan; E-12872 Dilip M. Khatri.

PE Examinations

PE Exams

Approved: Kelvin Van Arent, NE, Civil; John Burdette Barker, NE, Agricultural and Biological; Ryan Joseph Bateman, NE, Structural VL; Christopher Scott Beaty, NE, Architectural; Ryan Robert Beck, IA, Civil; Hemant

Bhanot, NE, Civil; Scott Michael Braun, NE, Civil; Ryan Michael Cates, NE, Civil; Ross Conner Clerk, NE, Civil; Kelley Marie Clouse, NE, Structural VL; Hayden James DeLay, NE, Civil; Jackline Wambui Gatotho, NE, Civil; Gregg Lewis Gilmore, NE, Electrical & Computer; James Michael Gordon, NE, Mechanical; Matthew Brian Gorny, MO, Architectural; Emily Ann Guerrero, NE, Civil; Levi Nathaniel Hawkins, NE, Civil; Robert Joseph Himes, NE, Mechanical; Edward John Hobza, III, NE, Civil; Brandt Morgan Humphrey, MO, Civil; Tyler James Kuper, NE, Civil; Samuel James Lasley, NE, Civil; Tyler Jay Lerdahl, NE, Civil; Daniel Scott Lightbody, NE, Civil; Adam Robert Mace, NE, Civil; Zachary Jordan Overstreet, NE, Structural VL; Traci Marie Owens, NE, Civil; Jeremy Michael Pirner, NE, Civil; Christopher John Podany, NE, Civil; Courtney Marie Polk, NE, Industrial & Systems; Alexander Joseph Roth, NE, Civil; Raul Francisco SanMartin Tipan, NY, Civil; David Mark Sater, NE, Electrical & Computer; Sarah Elizabeth Sawin, NE, Civil; Simon Michael Schacher, NE, Civil; Adam David Sevenker, NE, Civil; Matthew Merlyn Yazaki Smith, IA, Civil; Brian Charles Storm, NE, Civil; Zachery Ward Thurber, NE, Civil; Ryan Montomery Tommey, NE, Mechanical; Robert William Vanderveen, NE, Civil; Devin Turner Walentine, NE, Civil; Kathleen Suzanne Wendling, MO, Structural VL; Codey Louis Wilbers, NE, Civil; Nolan Tyler Wilken, NE, Mechanical; Benjamin Joseph Wilton, NE, Environmental.

Action: Approval of Applications

Motion by Isom, second by Klein to approve the application of Colton Kennedy to sit for the PE Examination. Voting Yes: Champion, Isom, Klein, Peters, Kester. Voting No: None. Abstain: None. Absent: Bostelman, Conzett.

Motion by Klein, second by Isom to approve applications and renewals as recommended by staff except for the license renewals of Hasan and Khatri which are approved as discussed. Voting Yes: Champion, Isom, Klein, Peters, Kester. Voting No: None. Abstain: None. Abstain: Bostelman, Conzett.

G. FINANCIAL MATTERS

Financial Reports

FY 2017-18 Financial Profile, December 2017
Budget Status Report, December 2017

MTD General Ledger Detail Report, December 2017

Fund Summary Report, December 2017

Action: Approval of Financial Reports

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

Other Financial Matters

Personal mileage reimbursement rate as of January 1, 2018

Neb. Rev. Stat. § 81-1176 provides that Administrative Services shall set the mileage rate for personal vehicles conducting business for the State of Nebraska. Effective January 1, 2018, the standard reimbursable mileage rate is \$.545 per mile.

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next meeting will be on February 2, 2018, at 1526 K St, 4th floor, Hearing Room 4D. The meeting will begin at 8:00 a.m. and the hearing for Compliance Case 17.15 will begin at 9:00 a.m.

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

Database reports reflecting licensure trends, renewal statistics, and active certificates of authorization were provided.

Individuals and organizations authorized to practice as of December 31, 2017:

Professional Engineers: 8,124

Architects: 1,913

Certificates of Authorization: 2,190

Temporary Permits: 27

Other information

The Activity Report for the Board's Facebook page showed 2,288 people reached between December 4th and December 31, 2017.

The December 2017 Website Dashboard Report indicated 6,439 visits to the Board's website.

Approved Board policies

Board policies updated as of December 15, 2017, were provided.

ADJOURNMENT

The meeting was adjourned at 11:47 a.m.

Lenora A. Isom, Secretary