

Nebraska Board of Engineers and Architects

Board Meeting Agenda

January 13, 2017

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

8:00 a.m. CALL THE MEETING TO ORDER

Open Meeting and Public Agenda Information

The following will appear before the Board:

8:30 a.m. - Sean Minahan, Special Assistant Attorney General

10:00 a.m. - Rich Lombardi, Legislative Liaison, American Communications Group Inc.

Agenda Items

A Compliance

Logs

1-2 January 2017 compliance cases

3 Open cases

4-8 History of closed cases

Cases

11-15 15.04 – Summary & Documentation

21-28 16.02 – Summary & Documentation

31-34 16.06 – Summary & Documentation

41-47 16.07 – Summary & Documentation

51-66 16.18 – Summary & Documentation

71-98 16.19 – Summary & Documentation

Action

Other Compliance Issues

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8:20 a.m. - Public Comment

8:30 a.m. - Hearing on Nebraska Board of Engineers and Architects v. De. Vodicka, Standard Bridge Company LLC, and Da. Vodicka, 16.06

B Consent Agenda

Meeting Minutes

1-6 December 9, 2016 meeting minutes

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Approval of Consent Agenda

C Committee Reports

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2 Legislative Ad Hoc Committee Report

2a-29 Proposed changes to Title 110, Rules and Regulations

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30-34 Legislative Report - Lombardi

D Old Business

1-5 States re-examining the way occupations are regulated – Publication in State Legislatures Magazine, January 2017 (*Informational only*)

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Approval of Financial Reports

Other Financial Matters

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Adjournment

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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 8:01 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.

Roll Call: Krista Kester, Chair; Roger Helgoth, Vice-Chair; Jennifer Klein, Secretary; Mark Champion; Lenora Isom; Randy Peters. Absent: Michael Konzett; Tom Laging.

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

No members of the public were present at the regular meeting for comment.

The following appeared before the Board:

10:00 a.m. - Rich Lombardi, Legislative Liaison, American Communications Group Inc.

Agenda Items

A Compliance

Logs

January 2017 compliance cases

Open cases

History of closed cases

Executive Session – Commenced at 8:02 a.m.

Action Motion by Isom, second by Helgoth to enter into executive session for discussion of compliance Case 16.06 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: Helgoth, Isom, Klein, Peters, Champion, Kester. Voting No: None. Absent: Konzett, Laging.

Executive Session – Concluded at 8:16 a.m.

Action Motion by Isom, second by Peters to close executive session for discussion of compliance Case 16.06 not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Helgoth, Isom, Klein, Peters, Champion, Kester. Voting No: None. Absent: Konzett, Laging.

Chair Kester directed the Board to the consent agenda and stated the compliance section of the agenda would be completed after the hearing.

B Consent Agenda

Meeting Minutes

December 9, 2016 meeting minutes

Approval of Consent Agenda

Action Motion by Klein, second by Helgoth to approve the minutes. Voting Yes: Helgoth, Isom, Klein, Peters, Champion, Kester. Voting No: None. Absent: Konzett, Laging.

8:30 a.m. - Hearing on Nebraska Board of Engineers and Architects v. De. Vodicka, Standard Bridge Company LLC, and Da. Vodicka, 16.06

As presiding officer, Chair Kester opened the hearing at 8:30 a.m. for the matter of the Nebraska Board of Engineers and Architects v. De. Vodicka, Standard Bridge Company LLC, and Da. Vodicka, Compliance Case 16.06. Special Assistant Attorney General Sean Minahan questioned Compliance Officer Rauscher as exhibits were presented to the Board as evidence. Vodicka, Respondent, and his business partner, Henriksen attended the hearing and responded to questions. Respondent Da. Vodicka was not present. Henriksen presented closing arguments. Jody J. White, Pell Reporting, recorded the proceedings. The hearing concluded at 10:02 a.m.

A Compliance - continued

Executive Session – Commenced at 10:38 a.m.

Action Motion by Klein, second by Isom to enter into executive session for discussion of compliance cases and the outreach schedule and summary not a matter of public information to prevent needless injury to the

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reputation of those involved. The limitation for going into executive session was restated by Chair Kester. Voting Yes: Helgoth, Isom, Klein, Peters, Champion, Kester. Voting No: None. Absent: Conzett, Laging.

Cases

15.04 – Summary & Documentation

16.02 – Summary & Documentation

16.06 – Summary & Documentation

16.07 – Summary & Documentation

16.18 – Summary & Documentation

16.19 – Summary & Documentation

All cases were reviewed in Executive Session.

Peters left the meeting at 11:28 a.m.

Other Compliance Issues

State Fire Marshal summary

Reviewed in executive session.

Outreach Schedule

Reviewed in executive session.

Outreach Summary

Reviewed in executive session.

Executive Session – Concluded at 11:45 a.m.

Action Motion by Helgoth, second by Isom to close executive session for discussion of compliance cases and the outreach schedule and summary not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Helgoth, Isom, Klein, Champion, Kester. Voting No: None. Absent: Conzett, Laging, Peters.

Approval of Compliance Disposition

Action Motion by Klein, second by Isom to defer Case 16.06 for further deliberations at the February meeting. Voting Yes: Helgoth, Isom, Klein, Champion, Kester. Voting No: None. Absent: Conzett, Laging, Peters.

Action Motion by Klein, second by Isom, to send a petition for Compliance Case 16.18 for a formal hearing at the February meeting and give the Respondent an option to voluntarily surrender his license. Voting Yes: Helgoth, Isom, Klein, Champion, Kester. Voting No: None. Absent: Conzett, Laging, Peters.

C Committee Reports

2016-17 Board committee assignments and charges

A list of 2016-17 committees and charges was provided to the Board.

Legislative Ad Hoc Committee Report

Legislative Ad Hoc Committee Chair Kester reported the Committee was unable to find a sponsor to carry a bill in the 2017 Legislative Session to revise the Engineers and Architects Regulation Act. The Committee recommended waiting until 2018. ED Wilbeck explained the need to promulgate rules and regulations to comply with current requirements and fix some scribner errors. A notice will be sent to stakeholders concerning the status of a legislative bill and proposed rules and regulations.

Proposed changes to Title 110, Rules and Regulations

Review of the proposed changes to Title 110 Rules and Regulations was deferred to the February 2017 meeting.

Legislative Report

Legislative Liaison Lombardi distributed a list of introduced legislative bills of interest to the Board. The biennium budget recommendations from the Governor were discussed. Reductions in anticipated state revenue as Nebraska's economy continues to struggle with low commodity prices has resulted in proposed budget cuts in an effort to balance the budget in this session. LB27, LB36, LB90, and LB299 were discussed. LB364, revising the Professional Landscape Architects Act, was introduced. Lombardi will get together with ED Wilbeck at end of next week concerning legislation.

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D Old Business

States re-examining the way occupations are regulated – Publication in State Legislatures Magazine, January 2017 (Informational only)

ED Wilbeck reported states are re-examining the way a variety of occupations are regulated after the Supreme Court sided with the Federal Trade Commission's contention that an entity controlled by market participants who are elected by other market participants – is a non-sovereign "private actor," not automatically exempt from antitrust challenges. According to the Executive Director of the State and Local Legal Center, every state must now assess the structure and operations of its licensing boards with an eye to reducing the risk of antitrust claims.

E New Business

Architecture Items

2017 NCARB Regional Summit Meeting information

The NCARB Regional Summit Meeting in Jersey City, NJ, will be held on March 9-11, 2017. An agenda and meeting information was provided. The deadline for hotel reservations is February 2, 2017. NCARB has committed funds in the budget for member boards to send up to four representatives to the Regional Summit and MBE Workshop, which would include two representatives as the funded delegates, one public/consumer member, and one member board executive.

Action Motion by Klein, second by Helgoth to authorize Isom and Champion as funded delegates and Kester as the public member to receive NCARB funding for the 2017 Regional Summit Meeting. Voting Yes: Helgoth, Isom, Klein, Champion, Kester. Voting No: None. Absent: Conzett, Laging, Peters.

FY18 call for NCARB committee service

NCARB is seeking volunteers for its committees. Those interested must complete the committee application by February 24, 2017.

Engineering Items

2017 NCEES Central Zone Distinguished Service Award

The NCEES Central Zone Awards Committee is inviting nominations for the Distinguished Service Award. The award is presented to individuals who have given outstanding service to the Central Zone and/or NCEES. Nominations must be received no later than February 1, 2017. Conzett was a recipient in 2011 and Helgoth was a recipient in 2015.

Travel Authorization

2017 travel and per diem authorization

Kester was authorized to attend the NCARB Regional Summit Meeting in Jersey City, NJ, on March 10-11, 2017. Funding will be provided by NCARB.
Helgoth was authorized to attend the PEC/NeSPE 2017 Legislative Luncheon in Lincoln, NE, on January 19, 2017.

Action Motion by Klein, second by Isom to authorize travel and per diem as requested. Voting Yes: Helgoth, Isom, Klein, Champion, Kester. Voting No: None. Absent: Conzett, Laging, Peters.

F Applications

Administratively Approved

NCEES MLE – Engineers

E-16349 Peter Martin Babaian, Civil; E-16418 Michael Andrew Banashek, Civil; E-16430 Kenneth Richard Caldwell, Civil; E-16422 Richard Macgill Dolton, Mechanical; E-16337 David Reid Gormley, Civil; E-16421 Robert Polydore Hale, Structural; E-16400 Mark Alan Hudson, Structural; E-16402 Thomas Kamon Hutley, Structural; E-16350 Donald Nick Kleyweg, Jr, Civil; E-16333 Benjamin Luke Lenard, Civil; E-16338 Timothy Matthew O'Brien, Environmental; E-16334 Kevin Barry O'Neill, Jr, Civil; E-16347 Daniel Lee Peterson, Electrical and Computer; E-16335 Jerry Kevan Prinds, Jr; Mechanical; E-16348 Virgil Glen Reed, Electrical; E-16353 Matthew Sean Reinhart, Civil; E-16429 Spencer Neil Robinson, Civil; E-16336 Eric Joseph Rolle, Civil; E-16351 Steven Edward Sabraski, Civil; E-16426 Dennis Alan Sack, Electrical and Computer; E-16354 Troy Arthur Talsma, Mechanical; E-16401 Chad Gerald Wiegmann, Mechanical; E-16352 Daniel Archer Wilson, Civil.

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NCARB Certification – Architects

A-4740 Jack Amdal; A-4741 Eric Arthur Brendler, Jr; A-4743 Brian Michael Clark; A-4742 Rick Emerhoff Peterson; A-4744 Robert Curtis Stettner.

Temporary Permits

T-552 Justin Frederick Butler, Canada, Engineer; T-553 Russell Farr Ashcroft, AZ, Engineer.

Engineer Intern Enrollment

Skyler Storm Ellefson, NE; Zachary David Hoffman, NE; Christopher John Lambrecht, NE; Travis Ardell Stoltenburg, NE; Andrew Allen Wilshusen.

Organizational Practice – Certificates of Authorization

CA3677 Asset Environments; CA3678 Samuel Engineering Inc; CA3679 CAT Forensic Services LLC; CA3680 Environmental & Civil Solutions LLC; CA3681 Schneider Electric Buildings Americas Inc; CA3682 Voigt & Associates; CA3683 Bergland + Cram Architects Inc; CA3684 Fortress Engineering Ltd; CA3685 Benchmark Engineering LLC; CA3686 Allo Communications LLC; CA3687 REI Engineers Inc; CA3688 SCI Engineering Inc; CA3689 Wilson Engineering Services PC; CA3690 Shrewsbury & Associates LLC; CA3691 Siefert Associates LLC; CA3692 Westchester Services LLC; CA3693 Dixon Engineering Inc; CA3694 RPA Design PC; CA3695 Studio 55 Architects LLP; CA3696 Studio 120 Architecture LLC; CA3697 Wells & Scaletty LLC; CA3698 DIS-TRAN Packaged Substations LLC.

Licensure/Examination

Applications for licensure of Engineers by Comity

Approved: Devin Carter Kendrick, Mechanical, SC; Craig Mark Stockebrand, Civil, KS; Daniel Lynn Swanson, Control Systems, MN; Pedro Zepeda, Electrical & Computer, IL.

Applications for licensure of Engineers by Experience

Approved: John Bernard Anich, Electrical, IL; Bradley Scott Strahm, Chemical, KS; Daniel Tak Ming Yue, Electrical, MD.

Applications for licensure of Architects by Experience

Approved: John Alan Tweedy, IL.

Applications for licensure by Reinstatement

Approved: E-13802 David Joseph Andersen, Civil.

Applications to take the ARE Exam

Approved: Lance Doyle Walter Gehring, NE.

Applications to take the PE Exam

Approved: Daniel Ross Alexander, NE, Civil; Brian Allen Barrett, NE, Architectural; Daniel Dene Barth, NE, Civil; Brian John Broekemeier, NE, Civil; Brandon William Buckman, NE, Structural VL; Kyle Andrew Burner, NE, Civil; Christopher Michael Chikos, NE, Civil; Raymond Neal Chou, MO, Structural VL; Steven Lynn Cress, MO, Electrical & Computer; Michael Anthony Cutshall, MO, Civil; Aaron James Fisk, NE, Civil; Cesar Augusto Garcia, NE, Structural VL; Matthew Howard Gill, NE, Mechanical; Andrew Lee Gilliam, NE, Mechanical; William John Gregory, NE, Electrical & Computer; William John Hall, NE, Mechanical; Jacob Benjamin Hanna, NE, Structural VL; Michael Lynn Hanover, NE, Civil; John Joseph Harpham, NE, Civil; Brendan Hayden Headley, NE, Architectural; Clint Edward Heiss, NE, Mechanical; Luke Joseph Jensen, NE, Mechanical; Daniel Edward Jones, NE, Civil; Jacob Randal Kaufman, NE, Mechanical; Tyler Lee Klusaw, NE, Civil; Kyle Michael Krause, NE, Civil; Ross Eugene Lawrence, NE, Civil; William Allen McCormick, NE, Civil; Nathan Lee Mohling, MO, Mechanical; John Paul Nebbia, NE, Mechanical; Matthew Brian Nienaber, NE, Civil; Timothy Ryan Owens, NE, Civil; Matthew Phillip Pelton, NE, Environmental; Joel David Peterson, NE, Mechanical; Karl Louis Pittmann, IA, Civil; Mitchell James Reinig, NE, Civil; Kyle Joseph Repaskey, NE, Civil; Eric Anthony Ritter, KS, Mechanical; Rene Saucedo, Jr, NE, Electrical & Computer; David Martin Shlumberger, NE, Electrical & Computer; Shelley Ann Schneider, NE, Environmental; Zachary Jay Schulz, NE, Civil; Scott Eric Sorensen, NE, Civil; Grzegorz A. Stelmaszek, NE, Civil; Nicholas Albert Stille, NE, Electrical & Computer; Scott Michael Thraen, NE, Mechanical; David Wayne Walker, IA, Civil; John Edward Waltz, NE, Civil; Joshua Todd Ward, NE, Structural VL; Sean Patrick Wernhoff, NE, Mechanical; Matthew Robert Wieseler, NE, Civil; Kipp Joshua Williams, NE, Civil; James Bradford Worden, II, NE, Structural VL; Aaron Jon Yakel, NE, Structural VL; Taher Zarinkhel, CO, Civil.

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Special Cases – Applications for licensure of Engineers by NCEES MLE

Approved: Kelly Dawn Huff, Civil, VA; Brian Wayne Starrett, Structural, OH.

Special Cases – Applications for licensure of Engineers by Experience

Deferred: Asish Kumar Dhar, Electrical, DE – Must remove the deficiency found in the NCEES Credentials Evaluation and successfully sit for the FE exam. Action on the application will be deferred up to one year.

Special Cases – Applications for licensure by Reinstatement

Deferred: E-10525 Kevin Charles Rettich, Electrical – Must meet the continuing education requirement within 120 days; E-12057 Chuanbing Sun, Civil – Must meet the NCEES Credentials Standard as determined by NCEES Credentials Evaluations. Action on the application will be deferred up to one year.

Special Cases – Applications to take the PE Exam

Approved: Hamid Bazgirkhoob, NE, Civil; Brett Thomas Conyers, NE, Civil; Todd Benjamin Pauly, NE, Civil; Jordan Lee Wachal, NE, Civil; Mina Nabil Kamel Solymann Youssef, NE, Electrical & Computer.

Special Cases – Summary of license renewal disclosures

Approved for license renewal: A-1991 Clary B Nixon Jr; A-4412 Stanley A. Robertson; A-4202 John C Schneider; A-4037 Thomas N Smith; A-1906 Robert A Torson; E-8946 Gary W. Loop; E-12262 Jason R Milligan; E-10491 Tracy S Mitchell; E-12795 Robert V Nangia; E-15245 Wayne D Owen; E-15544 Lonny E Phelps; E-14033 Deborah L Shaner; E-13979 Patrick D Straatmann; E-12824 Zeyn B Uzman; E-15720 Rebecca A Watt; E-13452 Daniel F Wilkins.

Approval of Applications

Action Motion by Helgoth, second by Klein to approve or defer applications as recommended by staff with 1) action on the Dhar and Sun applications deferred up to one year and 2) allow 120 days for Rettich to meet the continuing education requirements for license reinstatement set forth in Rule 1.13.3.1.3. Voting Yes: Helgoth, Isom, Klein, Champion, Kester. Voting No: None. Absent: Conzett, Laging, Peters.

Other Renewal Information

Summary of continuing education audits – CO Rauscher

CO Rauscher reported that 57.1 % of the continuing education audits for licenses expiring on December 31, 2016, were successfully completed by January 5, 2017.

G Financial Matters

Reports

FY 2016-17 Financial Profile, December 2016

Budget Status Report, December 2016

MTD General Ledger Detail Report, December 2016

Fund Summary Report, December 2016

ED Wilbeck reviewed financial reports with the Board. A suggestion was made to offer an ethics course on the Board's website. It was agreed the issue would need to be discussed further before any directions were given to staff. ED Wilbeck stressed the importance of following through with strategic plans already budgeted to prevent under-expended appropriation.

Approval of Financial Reports

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

Other Financial Matters

Sean A. Minahan, Attorney at Law, Lamson Dugan & Murray, LLP - contract renewal

ED Wilbeck reported the Attorney General's office had extended the appointment of Sean Minahan as Special Assistant Attorney General for the Board to June 30, 2018.

The proposed contract between the Board of Engineers and Architects and Sean A. Minahan, Attorney at Law, Lamson Dugan & Murray, LLP, beginning March 24, 2017, and ending June 30, 2018, provides for legal representation of the Board as Special Assistant Attorney General at a varied hourly rate of \$210 for attorney fees, \$175 for associate attorney fees, and \$110 per hour for paralegals, working under Mr. Minahan's supervision. Only one-half of the necessary travel time required to conduct the work of the Board will be billed.

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Action Motion by Helgoth, second by Klein to approve the contract with Sean A. Minahan for legal services as presented. Voting Yes: Helgoth, Isom, Klein, Champion, Kester. Voting No: None. Absent: Conzett, Laging, Peters.

Draft of OCIO Statement of Work (SOW)

ED Wilbeck reported the total anticipated cost for database installation services in the draft of the SOW was \$77,960. The Board agreed to the cost, contingent to a limit of a 10 % increase.

Action Motion by Helgoth, second by Isom to authorize ED Wilbeck to enter into an agreement with the statement of work (SOW) with OCIO when satisfied that it is complete and accurate subject to a 10% contingency on the final cost as listed. Voting Yes: Helgoth, Isom, Klein, Champion, Kester. Voting No: None. Absent: Conzett, Laging, Peters.

2017 Mileage Reimbursement Rates

Effective January 1, 2017, the standard reimbursable mileage rate will be 53.5 cents per mile for use of a personal vehicle. Neb. Rev. Stat. § 81-1176 provides that Administrative Services shall set the mileage rate used to reimburse State employees for use of a personal vehicle in conducting business for the State of Nebraska.

Office renovation update

ED Wilbeck reported the final steps are taking place for the update of the Board's office space. Bidding should be completed by the end of January.

H General Information

Public meeting notice publication

An ad for the meeting was sent for publication in the Lincoln Journal Star.

Board meetings and schedule

A schedule of upcoming meetings and events was provided for review. The next Board meeting is scheduled at 8:30 a.m. on February 24, 2017, at 215 Centennial Mall South, 5th floor conference room, Lincoln, Nebraska. Helgoth will not be able to attend. Further discussion to decide on a date for an April 2017 strategic planning session will be held before the next meeting.

Appointment of Randy Peters, P.E. Education Board member

Randy Peters was appointed to the Board by Governor Pete Ricketts on December 21, 2016. His term ends February 28, 2020.

Roster of Board members

A Board member roster of current members was provided.

Travel Reimbursement Policy

The agency travel reimbursement policy was provided.

Licensing and Certification Trends

Trends in Licensure

Trends in Renewals

Trends in Certificates of Authorization

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

Examination Information/Results

ARE Candidates with Open Eligibilities

A total of 522 ARE candidates had open eligibilities on December 1, 2016 and 530 ARE candidates had open eligibilities on January 1, 2017.

ARE Monthly Pass/Fail Report - November 2016

Eleven exams were attempted for various sections of the ARE in November 2016. Eight exams were passed.

Other information

Website Monthly Dashboard Report

The December website dashboard report was provided.

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Facebook Activity Report

A report tracking activity on the Board's website from December 8, 2016 to January 4, 2017, was provided.

Approved Board policies

Board policies approved as of December 9, 2016, were provided.

Adjournment

The meeting was adjourned at 12:58 p.m.



Jennifer Klein, Secretary