

Nebraska Board of Engineers and Architects
Board Meeting Agenda
February 2, 2018, 8:00 am
1526 K St, 4th Floor, Hearing Room 4D, Lincoln, NE

CALL TO ORDER

Open Meeting and Public Agenda Information

Proof of public meeting notice publication1-3

8:10 am - PUBLIC COMMENT

The following will appear before the Board:

11:00 am - Rich Lombardi, Legislative Liaison, American Communications Group, Inc.

A. CONSENT AGENDA

January 12, 2018 Meeting MinutesA.1-8

Action: Approval of Consent Agenda

B. MEETING REPORTS

Ad Hoc Committee Reports

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 LB1025 Introduced Copy.....B.3-10

 LB1025 Proposed TestimonyB.11-12

 LB1025 Fiscal Note.....B.13-14

Continuing Education Ad HocB.15

Software Ad Hoc CommitteeKlein

Other Meeting Reports

C. OLD BUSINESS

Database conversion update.....ED Wilbeck

D. NEW BUSINESS

NCARB Call for 2018-19 CommitteesD.1-9

NCEES Call for 2018-19 CommitteesD.10

License expiration datesD.11

2018 Travel and per diem authorizationD.12-14

Action: Approval of Travel and Per Diem

E. APPLICATIONS

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Licensure of Architects by Initial License.....	<i>None</i>
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Special Cases

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Action: Approval of Applications

9:00 am – Hearing on Nebraska Board of Engineers and Architects v. WTA Land, LLC and Wamsley Construction, LLC 17.15

F. COMPLIANCE

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Summary of Open Cases	F.3-4

Active Cases: Summary & Documentation

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Cases 14.03 & 14.13	CO Rausher
Case 16.02	CO Rausher
Case 17.13	CO Rausher
Case 17.15	F.5-10
Case 17.17	F.11-22
Case 17.19	F.23-30
Case 17.23	F.31-52
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Case 17.25	CO Rausher
Case 17.26	CO Rausher

Action: Approval of Compliance Case Disposition

Other Compliance Issues

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G. FINANCIAL MATTERS

Financial Reports

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Action: Approval of Financial Reports

H. GENERAL INFORMATION

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Trends in Certificates of Authorization	H.10-11

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ADJOURNMENT

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CALL TO ORDER

The meeting was held at 1526 K St, 4th Floor, Hearing Room 4D, Lincoln, Nebraska. Chair Kester called the meeting to order at 8:00 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; Jan Bostelman; Mark Champion; Michael Conzett; Randy Peters. Absent: Lenora Isom, Secretary.

Isom arrived at the meeting at 9:03 a.m.

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

Ann Linneman, Budget Management Analyst, State Budget Division – *No public comment.*

The following appeared before the Board:

11:00 a.m. - Rich Lombardi, Legislative Liaison, American Communications Group, Inc.

A. CONSENT AGENDA

January 12, 2018 Meeting Minutes

Action: Approval of Consent Agenda

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

B. MEETING REPORTS

Ad Hoc Committee Reports

Legislative Ad Hoc Report

Legislative Liaison Lombardi reported LB299 was introduced in the 105th Legislature, 1st Session by Senator Ebke. LB299 adopts the Occupational Board Reform Act to oversee the rule and regulation process of boards and commissions which regulate occupations and professions to ensure the least restrictive regulations are used to protect consumers. AM1665 proposed by the Standing Committee of the Government Military and Veterans Affairs, tasks scrutiny of new state licensing laws and proposals by the standing committees of the legislature to which a bill is referred to.

LB1025 creates a Building Codes Advisory Committee to make recommendations to the Legislature on whether to update the state building code when a new edition of current building codes is published. The bill would make the state building code a "default" code, to be used by any county, city, or village that does not adopt a local building or construction code. Expenses for members, staff, and meetings for the Advisory Committee would be covered by the budget of the Board of Engineers and Architects. A Hearing for LB1025 is scheduled on February 13, 2018.

ED Wilbeck reported the Board's Legislative Ad Hoc Committee met via conference call on January 22, 2018, to discuss the Board's position on LB1025. A draft of proposed testimony for the hearing was submitted to the Board. ED Wilbeck will work with the Ad Hoc Legislative Committee to revise the hearing testimony as discussed.

Continuing Education Ad Hoc

ED Wilbeck stated the Continuing Education Ad Hoc Committee meeting date had been moved to February 14, 2018, at 10:00 a.m. in the Board office conference room.

Software Ad Hoc Committee

Klein reported the Software Ad Hoc Committee would bring a report to the March Board meeting.

Other Meeting Reports

Bostelman talked about her work on the Radon Resistant New Construction Task Force created by the Radon Resistant New Construction Act by LB9 in 2017. The task force is working on the issue of radon resistant construction standards over the next year and subsequently will develop minimum standards for radon resistant new construction. Recommendations to the Governor, the Health and Human Services Committee, and the Urban Affairs Committee, will be used in the Unicameral's 2019 legislative session.

C. OLD BUSINESS

Database conversion update

ED Wilbeck reported signing a new Change Order with the Office of the Chief Information Officer (OCIO) for further work on a new database in the amount of \$44,450. The completion date is projected to be March 30, 2018.

D. NEW BUSINESS

NCARB Call for 2018-19 Committees

The NCARB Board of Directors is encouraging member board members to serve on an NCARB Committee. A list of proposed FY19 committees, subcommittees, and work groups was provided. All interested members and those currently serving on committees must complete and submit the Committee Application by February 26, 2018.

NCEES Call for 2018-19 Committees

The President-Elect of NCEES announced he would be forming committees and task forces to help fulfill the mission of NCEES. Interested members and those already on committees are encouraged to complete the NCEES online survey by March 2 and indicate first, second, and third preferences for committee/task force assignment. Committee appointments will be emailed to selected individuals by July 1, 2018. Conzett reported the current Central Zone Vice President is not going to seek the position of NCEES President-Elect. The Central Zone will need to choose its nominee for 2018-19 president-elect at the May zone meeting. Two candidates have sent out information and additional nominations may follow. Conzett suggested the Board support the nomination of Kevin Nelson, a P.E. member of the North Dakota engineering board.

License expiration dates

The Board reviewed current procedures for license expiration for new licensees and those that have name changes. Licensees with last names beginning with A-K expire in odd-numbered years and those with last names beginning with L-Z expire in even years. When the period of active licensure for a new licensee is less than six months, Board staff adds two years to the expiration to push it to the next renewal period. June 30th is the cutoff date. Additionally, when a licensee's last name begins with the letters A-K and their name changes to a first letter of L-Z, the license expiration is always re-set ahead to the next renewal expiration and vice-versa.

ED Wilbeck recommended adding current procedures for license expirations to the next Board rules and regulations promulgation.

2018 Travel and per diem authorization

Authorization requests:

- Conzett to deliver a presentation on engineering professional practice and licensure to University of Nebraska junior level students at the Omaha campus (televised to the Lincoln campus) on February 27, 2018 (*per diem only*).
- Kelly to attend the 2018 NCARB Regional Summit Meeting, on March 9-10, 2018, in Wichita, KS.

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Isom noted she may be unable to attend the 2018 NCARB Regional Summit Meeting. Staff will check to see if Isom can be replaced by Kelly as the funded delegate.

Klein reported she would not be able to attend the beginning of the business session at the 2018 NCEES Central Zone Meeting on Friday, May 4. As funded delegates are required to attend all business sessions, staff will contact NCEES to remove Klein as a funded delegate and ask if the new engineer member can attend as the funded delegate. Klein will remain on the authorization list as an unfunded delegate.

Action: Approval of Travel and Per Diem

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

E. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-16956 Nathan Allen Brandt, Electrical and Computer; E-16964 Federico Deras, Electrical and Computer; E-16955 Kari Lee Engen, Mechanical; E-16960 Garrett Michael Hansen, Mechanical; E-16949 Glenn William Harvey, Civil; E-16961 Dennis Marshall Henson, Civil; E-16952 Alex John Herrmann, Structural; E-16959 Laquinnia Lawson, Jr, Civil; E-16951 Thomas Christopher McLaughlin, Civil; E-16954 Phillip Shay Miles, Civil; E-16962 Thad Allen Mumm, Civil; E-16957 Robert Walter Ross, Civil; E-16958 Robert John Smolinski, Electrical; E-16965 Jeffrey Dean TeGrotenhuis, Civil; E-16953 Kevin Charles Von Handorf, Structural; E-16963 Robert Ray Wiginton, Civil; E-16950 Bradley Steven Young, Civil.

Licensure of Architects by NCARB Certification

Approved: A-4867 Terry Evan Angle; A-4865 Adam Lyle Bellamy; A-4866 David Robert Jennerjahn; A-4864 James Eugene Lenhart; A-4870 Louis Arnold Meilink, Jr; A-4872 Alan John Plutowski; A-4868 William Timothy Stone; A-4869 Eric William Swanson; A-4863 Bradley James Williams.

Temporary Permits

Approved: T-579 William Erich Rust, MN, Architect; T-580 Nancy Lee Koch, TX, Engineer.

Engineer Intern Enrollment

Approved: Mohamed Mohudin Gedi, NE; Patrick Tyler Keep, NE; Layne Andrew Kettelhake, NE; Taylor Jean Knickerbocker, NE; John Michael Linbo, NE.

Certificates of Authorization

Approved: CA3906 Architectural Cadre LLC; CA3907 JTL Consulting LLC; CA3908 Graphite Design Group LLC; CA3909 RLJ Architectural Services LLC; CA3910 HWH Architects Engineers Planners Inc; CA3911 Inventure Civil Engineering LLC; CA3912 Global Finishing Solutions; CA3913 Hoke Ley LLC; CA3914 Big R Manufacturing LLC; CA3915 KAI/Alliance LC; CA3916 KAI Engineering LLC; CA3917 Weston Solutions Inc.

Licensure/Examination

Licensure of Professional Engineers by Comity

Approved: Thomas Howard Curry, Jr, Structural, CT; Joel Ivan Smith, Civil, CO;

Licensure of Professional Engineers by Experience

Approved: Richard Donald Hendrickson, Structural, WA.

Licensure of Architects by Experience - None

Licensure of Architects by Initial License - None

Licensure by Reinstatement

Approved: E-14336 David Alan Hollinger, Civil.

ARE Exam Approvals

Approved: Michael Ryan Caldwell, NE; Nicholas Anthony May, NE.

PE/SE Exam Approvals

Approved: Brandon James Lehman, NE, Electrical & Computer; Christopher Steven Mack, NE, Civil; Kristine Marie Mattini Evans, NE, Civil.

Special Cases

Licensure of Professional Engineers by Comity

Approved: Deepa Reddy Akula, Civil, TX; Ann'Claude Coutu, Electrical, CA; Ashwin Kumar Mupparapu, Civil, TX.

PE/SE Exam Approvals

Approved: Christopher James Gladson, MO, Civil.

Summary of license renewal disclosures

Approved: A-4486 Jeremy R. Berg; E-14727 Andrew J. Altman.

Deferred: A-4246 Bobby W. Bishop, Jr – Request an appearance before the Board to discuss audit issues in other states and continuing education obtained for Nebraska requirements.

Action: Approval of Applications

Motion by Conzett, second by Bostelman to approve applications and license renewals as recommended by staff except for the license renewal of A-4246 in which the Board is requesting the licensee to appear before the Board for discussion of disclosures. Voting Yes: Conzett, Klein, Peters, Bostelman, Champion, Kester. Voting No: None. Abstain: None. Absent: Isom.

Isom arrived at the meeting at 9:03 a.m.

Hearing on Nebraska Board of Engineers and Architects v. WTA Land, LLC and Wamsley Construction, LLC 17.15

As presiding officer, Chair Kester opened the hearing at 9:14 a.m. for the matter of the Nebraska Board of Engineers and Architects v. WTA Land, LLC and Wamsley Construction, LLC 17.15. Representatives of WTA Land, LLC and Wamsley Construction, LLC, did not attend the hearing and no member of the public was present to offer comment. Special Assistant Attorney General Sean Minahan called Compliance Officer Rauscher for direct examination as exhibits were presented to the Board as evidence. Julie Pell, Pell Reporting, recorded the proceedings. The hearing concluded at 9:55 a.m.

F. COMPLIANCE

Information

February 2018 Compliance Cases

Summary of Open Cases

Executive Session – Commenced at 10:00 a.m.

Action:

Motion by Conzett, second by Bostelman to enter into executive session for discussion of compliance investigations and partner-agency processes not a matter of public information to prevent needless injury

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to the reputation of those involved. The limitation for going into executive session was restated by Chair Kester. Voting Yes: Konzett, Isom, Klein, Peters, Bostelman, Champion, Kester. Voting No: None. Abstain: None. Absent: None.

Active Cases: Summary & Documentation

No new updates were provided by CO Rauscher for Cases 14.03 & 14.13, Case 16.02, Case 17.25 and Case 17.26 during executive session.

Case 17.13, Case 17.15, Case 17.17, Case 17.19, Case 17.20, Case 17.23, and Case 17.24 were discussed in executive session.

Other Compliance Issues

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

Executive Session – Concluded at 11:01 a.m.

Action:

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

Action: Approval of Compliance Case Disposition

Motion by Champion, second by Isom to dismiss Case 17.24 with no disciplinary action. Voting Yes: Konzett, Isom, Klein, Peters, Bostelman, Champion, Kester. Voting No: None. Abstain: None. Absent: None.

Motion by Klein, second by Konzett to find Respondents in Case 17.15 in violation of the Engineers and Architects Regulation Act and direct Special Assistant Attorney General Minahan to draft a final order for review. Voting Yes: Konzett, Isom, Klein, Peters, Bostelman, Champion, Kester. Voting No: None. Abstain: None. Absent: None.

G. FINANCIAL MATTERS

Financial Reports

FY 2017-18 Financial Profile, as of January 23, 2018

Budget Status Report, as of January 23, 2018

MTD General Ledger Detail Report, as of January 23, 2018

Fund Summary Report, as of January 23, 2018

ED Wilbeck reviewed the January financial reports as of January 23, 2018, with the Board.

Action: Approval of Financial Reports

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

Peters left the meeting at 11:50 a.m.

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next meeting will be held on March 23, 2018, at 215 Centennial Mall S, 5th Floor, Large Conference Room, at 8:30 a.m.

A roster of Board members and the current travel reimbursement policy was provided. A certificate of appointment was received from the Office of the Governor for Brian M. Kelly, to fill the vacancy of the architect educational member. His term will expire on February 28, 2019.

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Individuals and organizations authorized to practice as of January 23, 2018:

Professional Engineers: 7,761

Architects: 1,805

Certificates of Authorization: 2,113

Temporary Permits: 28

Examination Information/Results

The Monthly Pass/Fail Report for November 2017 for the Nebraska ARE 4.0 and 5.0 divisions showed 11 exams taken and five exams passed.

The Monthly Pass/Fail Report for December 2017 for the Nebraska ARE 4.0 and 5.0 divisions showed 16 exams taken and 13 exams passed.

The 2017 ARE 4.0 Yearly Pass/Fail Report showed an overall pass rate of 66.1%. The 2017 ARE 5.0 Yearly Pass/Fail Report showed an overall pass rate of 56.1%.

Registration numbers and pass rate history for 2017 for the FE, PE and SE Exams were provided by NCEES.

Other information

The Activity Report for the Board's Facebook page showed 127 people reached between December 26, 2017, and January 22, 2018.

Approved Board policies as of January 12, 2018, were provided.

ADJOURNMENT

The meeting was adjourned at 11:55 a.m.



Lenora A. Isom, Secretary