

Nebraska Board of Engineers and Architects
Board Meeting Agenda
March 20, 2015
215 Centennial Mall South, 5th Floor Conference Room, Lincoln, NE

8:30 a.m. CALL THE MEETING TO ORDER

Open Meeting and Public Agenda Information

The following will appear before the Board:

William Austin, Special Assistant Attorney General

10:00 a.m. – Rich Lombardi, American Communications Group, Inc.

Election of Officers

- 1 Board Policy 00.01 – 3/17/2000

8:45 a.m. - Public Comment

9:00 a.m. – Hearing on Nebraska Board of Engineers and Architects v. Stephen P. Maslan, 15.02

Agenda Items

A Consent Agenda

Meeting Minutes

- 1-6 February 13, 2015 meeting minutes

Action Approval of Consent Agenda

B Committee Reports

- 1 2014-2015 Board committee appointments and assignments
Executive Committee Report
Education and Communication Committee Report
- 2 Committee Meeting Minutes – 2/18/2015
- 3-7 Facebook Activity Report
Enforcement Committee Report
- 8 Committee Meeting Minutes – 2/19/2015
Compliance Case Process Discussion
Legislative Committee Report
- 9-12 Legislative Update

Strategic Plan

- 13-27 Strategic Plan Update

C Old Business

- 1 Applicant disclosure questions submitted by Enforcement Committee for approval

Action

- 2-67a Communication concerning web-based continuing education

Action

Website template review

Action

D New Business

Architecture Items

- 1-4 NCARB statement: NC Board of Dental Examiners v. Federal Trade Commission

Engineering Items

- 5-9 Review of a JPEC agreement draft

- 9a-9g Nebraska lawful presence statutes/LB 23 revisions concerning jurisdictions

Action

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10 NSPE statement: NC Board of Dental Examiners v. Federal Trade Commission

11 Helgoth selected for NCEES Central Zone Distinguished Service Award

Other New Business

Discussion of revision process for Rules and Regulations

12 Expiration of Emeritus Board member terms

Action

13-15 2015 regional and national meeting travel authorization

Action

E Compliance

Logs

1 Current complaints

2-6 History of closed complaints

Cases

None for review at this time

F Applications

Administratively Approved

1-9 NCEES MLE – Engineers

11 NCARB Certification – Architects

21 Temporary Permits

31-32 Engineer Intern Enrollment

41 Architect Registration Examination/Re-approvals

51-54 Organizational Practice – Certificates of Authorization

Licensure/Examination

61-64 Applications for licensure of Engineers by Comity

71-72 Applications for licensure of Engineers by Experience

81 Applications for licensure of Architects by Experience

91 Applications for licensure by Reinstatement

Applications to take the PPE Exam - *None*

Special Cases – Applications for licensure of Engineers by Comity

111-124 Sriram Kalaga

125-143 Kevin Simons

Special Cases – Architect Registration Examination

151-156 Matthew Hall

Action Approval of Applications

Other Licensure Issues (*Deferred from February meeting - final document received*)

Renewal application with disclosure action

161-173 Alan Money

Action

Licensing Information

181-182 Comparison of ABET-EAC Accredited Programs and NCEES Education Standard

G Financial Matters

Reports

1 FY 2014-15 Financial Profile, February 2015

2-5 Budget Status Report, February 2015

6-13 MTD General Ledger Detail Report, February 2015

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14-16 Fund Summary Report, February 2015

Action Approval of Financial Reports

H General Information

1-2 Public meeting notice publication

3-4 Board meetings and schedule

5 Roster of Board members

6 Reappointment of Jennifer Klein

7-8 Travel Reimbursement Policy

Licensing and Certification Trends

9 Trends in Licensure

10 Trends in Renewals

11-12 Trends in Certificates of Authorization

Examination Information/Results

13 ARE Candidates with Open Eligibilities Report – March 1, 2015

14 ARE Monthly Pass/Fail Report – January 2015

15 ARE Monthly Pass/Fail Report – February 2015

Other information

16-23 Approved Board policies

Adjournment

Nebraska Board of Engineers and Architects

Board Meeting Minutes

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CALL TO ORDER

The meeting was held at 215 Centennial Mall South, 5th Floor Large Conference Room, Lincoln, Nebraska. Chair Klein called the meeting to order at 8:32 a.m. and noted the location of the Public Meeting Statutes. Notice of the meeting was published on the Board's website and in the Lincoln Journal Star in compliance with the Open Meetings Act.

Roll Call: Jennifer Klein, Chair; Lori Krejci, Vice-Chair; Michael Konzett, Secretary; Mark Champion; Roger Helgoth; Krista Kester; Tom Laging. Absent: Fred Choobineh.

Staff Present: Steve Masters, Executive Director (ED); Sandra Weaver, Administrator (AD); Lisa Mathews, Compliance Officer (CO); Jean Lais, Administrative Assistant (AA).

Public Present:

William F. Austin, Special Assistant Attorney General

10:00 a.m. – Rich Lombardi, American Communications Group, Inc.

Kevin Simons – Applicant

Election of Officers

Board Policy 00.01 – 3/17/2000

Action Motion by Konzett, second by Laging to nominate and elect Helgoth as Secretary, Kester as Vice Chair, and Krejci as Chair to serve for the 2015-16 term to expire in March 2016. Voting yes: Kester, Krejci, Laging, Champion, Konzett, Helgoth, Klein. Voting No: None. Absent: Choobineh.
The new officers assumed their positions for the remainder of the meeting.

8:45 a.m. - Public Comment

Kevin Simons, an applicant for an engineer license by comity, asked the Board to consider his unique education and experience to meet a deficiency on the NCEES credentials evaluations. Mr. Simons commented that the Master of Science degree he holds in Construction Engineering has since been coupled with an ABET/EAC accredited program at the University of Nebraska. He summarized his work experience, education, and states of current licensure and answered questions from the Board. Chair Krejci thanked Mr. Simons for attending the meeting and stated his application would be reviewed under the Application section of the agenda.

Hearing on Nebraska Board of Engineers and Architects v. Stephen P. Maslan, 15.02

As presiding officer, Chair Krejci opened the hearing at 9:04 a.m. for the matter of the Nebraska Board of Engineers and Architects v. Stephen P. Maslan, 15.02. Respondent Stephen P. Maslan was not in attendance and no member of the public was present to offer comment. Special Assistant Attorney General William Austin questioned Compliance Officer Mathews as exhibits were presented to the Board as evidence. Court Reporter Julie A. Pell, recorded the proceedings. The hearing ended at 9:19 a.m.

Action Motion by Helgoth, second by Konzett to revoke Stephen Maslan's Nebraska professional engineering license per Title 110, NAC, Rule 5.4.3.1. Voting Yes: Kester, Klein, Laging, Champion, Konzett, Helgoth, Krejci. Voting No: None. Absent: Choobineh.

William Austin stated a written order would be provided for Chair Krejci's signature.

The Board proceeded to Committee Reports of the agenda at 9:30 a.m.

Agenda Items

A Consent Agenda

Meeting Minutes

February 13, 2015 meeting minutes

Approval of Consent Agenda (Motion made before hearing began)

Action Motion by Konzett, second by Klein to approve the consent agenda. Voting Yes: Kester, Klein, Laging, Champion, Konzett, Helgoth, Krejci. Voting No: None. Absent: Choobineh.

B Committee Reports

2014-2015 Board committee appointments and assignments

A list of committee appointments and assignments was provided.

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Executive Committee Report

No Report at this time.

Education and Communication Committee Report

Chair Conzett reported the Education and Communication Committee met on February 18, 2015. The venue for the 2015 continuing education event was reviewed and was determined to have adequate space for the number of attendees expected. Contracts are being finalized. Discussion of the 2016 continuing education event was tabled to a later date. Other topics of discussion were the website update and participation with the Department of Education to create School Safety and Security Standards in Nebraska. Champion reported attending a collaborative meeting with interested stakeholders. A series of ongoing meetings will need to take place to put the standards together.

A Facebook Activity Report tracking activity on the Board's site from February 6, 2015 to March 11, 2015, was presented for review.

Enforcement Committee Report

Committee Chair Krejci reported an Enforcement Committee meeting was held on February 19, 2015. Compliance case processes were discussed. The Committee will look at complaints and bring back recommendations to the Board. Information will be available if a Board member wishes to review the evidence. Klein read the steps for the Enforcement Committee review of complaints process. Special Assistant Attorney General Austin noted the generic enforcement procedures in the Board's rules. Mediation can be used when there is no violation of the Act and parties are not satisfied. Rules will be reviewed for possible improvement of the language.

Legislative Committee Report

Lombardi reported LB 23 had been signed by the governor. He thanked the Board members for the significant time and effort that contributed to the successful passage of LB 23. Lombardi passed around a copy of LB 23 for the signatures of the Board and staff. The public hearing process for legislation has been completed. The current status of other legislative bills of interest was summarized. During the next three weeks, the appropriation committee will review all preliminary decisions and hearing or other pertinent information to prepare the budget recommendation for the full legislature.

Discussion of the revision process for the rules and regulations are addressed in the "Other New Business" section of the agenda.

Strategic Plan

Strategic Plan Update

The Board discussed the current strategic plan and the need to update it for the new fiscal year. ED Masters suggested the Executive Committee could work with staff to update the plan and bring it back to the Board. Some items could be stricken or new issues could be added. Discussion included a suggestion to hold a short planning session in late August or September to expound on specific issues without using a professional mediator.

C Old Business

Applicant disclosure questions submitted by Enforcement Committee for approval

The Board discussed adding a 10-year time limitation for criminal and civil issue disclosure on applications. Number three under the "Criminal" section of the proposed disclosure questions will be revised to add "in this or any other jurisdiction." CO Mathews was asked to bring back questions with the changes to the next meeting to continue the discussion.

Communication concerning web-based continuing education

The Board reviewed various emails concerning web-based continuing education as per Board Policy 14.09. A question was asked about the difference between interactive web meetings versus online courses. The Board decided to wait to see what NCEES comes out with on continuing education standards for course providers. PIO Fetterman will be asked to review the list of professional societies to see if any should be removed.

Website template review

The Board reviewed the new website template as presented by CO Mathews and AA Lais. The Board approved PIO Fetterman to begin building webpages with suggested changes to the template.

D New Business

Architecture Items

NCARB statement: NC Board of Dental Examiners v. Federal Trade Commission

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A memorandum was received from NCARB concerning the U.S. Supreme Court decision addressing the authority, role and scope of a state regulatory board. The case involved the North Carolina dental licensing board, and was brought by the U.S. Federal Trade Commission. A background memo from NCARB legal counsel at the firm of Venable in Washington, D.C. was included with the memorandum. Potential implications for state architectural boards were listed.

Chair Krejci reported that Champion was elected treasurer of Region V at the NCARB Regional Summit meeting held in Long Beach, CA, on March 12-14, 2015.

Engineering Items

Review of a JPEC agreement draft

The Board, as requested by Hitoshi Hirose, P.E., of the Japan PE/FE Examiners Council (JPEC), reviewed a proposed draft for an agreement between JPEC and the Nebraska Board of Engineers and Architects. The draft was prepared from contents of MOUs with the Kentucky and Texas licensing boards. After review, concern was expressed about the lawful presence requirement in Neb. Rev. Stat. §§ 4-108-111. ED Masters will respond by email to let Mr. Hirose know that applications would be reviewed on a case-by-case basis and all applicants would need to meet Nebraska requirements for licensure including lawful presence.

NSPE statement: NC Board of Dental Examiners v. Federal Trade Commission

An official statement was received from the National Society of Professional Engineers (NSPE) regarding the US Supreme Court's decision in North Carolina State Board of Dental Examiners v. Federal Trade Commission. NSPE stated its commitment to take all actions necessary to guard the public from the effects the ruling may have on the ability of state engineering licensure boards to effectively protect the public health, safety and welfare.

Helgoth selected for NCEES Central Zone Distinguished Service Award

Board member Roger Helgoth was selected to receive the NCEES Central Zone Distinguished Service Award. He will be recognized at the Central Zone Meeting awards luncheon on Saturday, May 2, 2015, at the Hershey Lodge in Hershey, Pennsylvania. The award will be announced in the next newsletter published by the Board of Engineers and Architects.

Other New Business

Discussion of revision process for Rules and Regulations

Committee Chair Kester reported the Legislative Committee would be scheduling a series of meetings over the next six weeks or more to work on rule revisions. When completed, the Committee will bring back proposed changes to the board. Once revisions are approved, the Board will proceed with the formal rule making process on proposed changes. The process for proposed rule changes to the exemption matrix will be addressed later. A series of meetings will be held with vested stakeholders to determine what the issues are concerning the exemption matrix. After the meetings are completed, the Board will hold a focused Negotiated Rule Making session on the exemption matrix as mandated in Neb. Rev. Stat. §§ 81-3449 and 81-3453.

Expiration of Emeritus Board member terms

Action

Motion by Helgoth, second by Conzett to renew the Emeritus terms of Dale Sall and Albert Hamersky for one year as allowed per Neb. Rev. Stat. § 81-3428(3). Voting Yes: Klein, Laging, Conzett, Helgoth, Krejci. Voting No: Champion, Kester. Absent: Choobineh.

Kester clarified the "no" vote was not based on merit or integrity of Emeritus members but on the precedence of allowing former members to serve on national boards when they have not served on a state board for many years.

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

2015 regional and national meeting travel authorization

Authorization for meetings was addressed as follows:

- Kester was authorized to speak to the UN-L engineering students on April 6, 2015.
- Conzett was authorized to attend the Southern/Western Zone Meeting on May 14-16, 2015, and the NCEES Board of Directors Meeting on May 17-18, 2015 in Scottsdale, AZ.
- Conzett, Helgoth, and Klein were authorized to attend the NCEES Annual Meeting in Williamsburg, VA, on August 20-23, 2015.

Chair Krejci noted she would not be able to attend the NCARB Annual meeting in June because of other commitments.

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- Action** Motion by Kester, second by Klein to approve authorization for regional and national meeting travel as requested. Voting Yes: Kester, Klein, Champion, Konzett, Helgoth, Krejci. Voting No: None. Absent: Choobineh, Laging.
- Action** Motion by Kester, second by Klein to delay compliance matters and go to the application section of the agenda because of the presence of applicant, Kevin Simons. Voting Yes: Kester, Klein, Champion, Konzett, Helgoth, Krejci. Voting No: None. Absent: Choobineh, Laging.
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E Compliance

Logs

Current complaints provided to the Board.

History of closed complaints provided to the Board.

Executive Session – Commenced at 12:30 p.m.

- Action** Motion by Kester, second by Klein to go into closed session for discussion of three complaints brought to the Board by the Enforcement Committee 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 Krejci. Voting Yes: Kester, Klein, Champion, Konzett, Helgoth, Krejci. Voting No: None. Absent: Choobineh, Laging.

Cases

Complaint C-15.001

Reviewed in executive session

Complaint C-15.002

Reviewed in executive session

Complaint C-15.003

Reviewed in executive session.

Executive Session – Concluded at 12:43 p.m.

- Action** Motion by Kester, second by Klein to close executive session for discussion of three complaints brought to the Board by the Enforcement Committee not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Kester, Klein, Champion, Konzett, Helgoth, Krejci. Voting No: None. Absent: Choobineh, Laging.

- Action** Motion by Kester, second by Klein to dismiss complaint C-15.001 because of lack of probable cause. Voting Yes: Kester, Klein, Champion, Konzett, Helgoth, Krejci. Voting No: None. Absent: Choobineh, Laging.
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F Applications *(reviewed before continuing to Compliance section of the agenda)*

Administratively Approved

NCEES MLE – Engineers

E-15517 Ryan Lee Altenburg, Civil, CO; E-15525 John Charles Anderson, Civil, IL; E-15514 Shane Curtis Cavanaugh, Electrical and Computer, LA; E-15500 Adrian Martin Cervantes, Electrical and Computer, TX; E-15510 Marlene Maryann Delaney, Civil, WI; E-15508 Zachary Reiff Forster, Civil, CO; E-15526 Henry Edward Girzi, III, Electrical, MN; E-15519 Jacob Vernon Goecke, Civil, CA; E-15521 Kenneth Eugene Hanson, Jr, Civil, FL; E-15501 Kimberly Ebert Jones, Structural, KS; E-15529 Jonathan Gary Joyner, Civil, NC; E-15515 Thomas James Kispert, Civil, WI; E-15522 Craig Steven Kuske, Structural, MN; E-15512 Seth Alan Nace, Electrical and Computer, MN; E-15527 Andrew Joseph Noble, Civil, FL; E-15524 Rene Antonio Orillac, Civil, TX; E-15511 Elliott Jay Ruby, Civil, MI; E-15528 Thomas Nicholas Rush, Civil, IL; E-15516 Kevin Thomas Scharenbroch, Civil, WI; E-15518 Darin Thomas Seidel, Electrical and Computer, KS; E-15509 Christopher Scott Spies, Mechanical, MO; E-15513 Dwayne Dean Vaughn, Mechanical, KS; E-15523 Timothy Thomas Wendt, Mechanical, WI; E-15520 John Joseph Wickliffe, III, Civil, MD; E-15475 Edward Revilles Zabala, Civil, CA; E-15507 Paul Kenneth Zacher, Structural, CA.

NCARB Certification – Architects

A-4540 Jennifer Lynn Goode, WA; A-4539 Joshua Murphy Shelton, MO.

Temporary Permits

T-508 Lonny Eugene Phelps, CO, Civil Engineering; T-509 George T. Bayles, AZ, Electrical Engineering, AZ.

Engineer Intern Enrollment

Jason Ray Dayton, NE; Patricia Louise Foley, NE; Christopher Anthony Gice, NE; Matthew James Nelson, NE; Kyle Jordan Selim, NE; Brett Daniel Shald, NE; Riley Shea Smith, NE; Brittni Alice Sue Stephens-Yates; Christopher Michael Volnek, Sr; Taher Zarinkel, NE.

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Architect Registration Examination/Re-approvals

Kyle Miller, NE; Andrew Christopher Sorensen, NE.

Organizational Practice – Certificates of Authorization

CA3344 Grenier Engineering Inc; CA3345 HRA Engineering LLC; CA3346 Energy Concepts Inc; CA3347 Franson Civil Engineers; CA3348 Trileaf Corporation; CA3349 Powers Brown Architecture of Texas LLC; CA3350 PC Engineering Corporation; CA3351 EnCon Design LLC; CA3352 Dimondback Engineering & Surveying Inc; CA3353 DEG Enterprises Inc; CA3354 Robert Torson Architects PC; CA3355 RE Warner & Associates Inc; CA3356 Eldorado Architects Inc; CA3357 True Engineering & Land Surveying LLC; CA3358 McMAHON; CA3359 Merriman Pitt/Anderson Inc; CA3360 LECGI Inc; CA3361 Design Group Facility Solutions Inc; CA3362 Architects Forum LLC; CA3363 Focus Forensics LLC; CA3364 J&M Engineering LLC; CA3365 EDA/jt/llc; CA3366 H Design Group LLC; CA3367 Paul Zacher Structural Engineers Inc; CA3368 Tamarack Grove Engineering LLC; CA3369 Accelerated Tower Engineering LLC; CA3370 Milestone Engineering Inc.

Licensure/Examination

Applications for licensure of Engineers by Comity

Approved: Paul Edward Benedict, Structural, IL; Ryan Randal Binkley, Electrical and Computer, MO; John Michael Brinjac, Mechanical, PA; Gregory David Cabalka, Civil, IA; Gregory John Havlik, Civil, MN; Peng Liu, Structural, NH; Chad Thomas Olsen, Civil, WI; Lonny Eugene Phelps, Civil, CO; Jessica Rose Revell, Civil, CA; David William Schultz, Civil, IL; Leonard Wayne Woods, Civil, NY.

Applications for licensure of Engineers by Experience

Approved: William Frank Leatherbury, Electrical and Computer, TX; Darrell Lee Smith, Civil; IA.

Applications for licensure of Architects by Experience

Approved: Robert Lewis Lepore, AZ; Craig Howard Wasserman, OH.

Applications for licensure by Reinstatement

Approved: E-12872 Dilip Mulchand Khatri; E-9369 Patrick William Klanac.

Applications to take the PPE Exam - None

Special Cases – Applications for licensure of Engineers by Comity

Approved: Sriram Kalaga, Civil, TX.

Approved: Kevin Jerome Simons, Civil, SD.

Special Cases – Architect Registration Examination

Approved: Michael Ray Hall

Other Licensure Issues

Renewal application with disclosure action

Approved for license renewal: E-14840 Alan Money

Approval of Applications and License Renewal

Action Motion by Kester, second by Klein to approve Kevin Simons for a professional civil engineering license by comity. Voting Yes: Kester, Klein, Champion, Conzett, Helgoth, Krejci. Voting No: None. Absent: Choobineh, Laging.

Action Motion by Conzett, second by Kester to approve all other applications and the license renewal for Alan Money as recommended. Voting Yes: Kester, Klein, Champion, Conzett, Helgoth, Krejci. Voting No: None. Absent: Choobineh, Laging.

Licensing Information

Comparison of ABET-EAC Accredited Programs and NCEES Education Standard provided.

G Financial Matters

Reports

FY 2014-15 Financial Profile, February 2015

Budget Status Report, February 2015

MTD General Ledger Detail Report, February 2015

Fund Summary Report, February 2015

ED Masters reviewed the February financial reports with the Board.

Approval of Financial Reports

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Action Motion by Champion, second by Konzett to approve the financial reports as submitted. Voting Yes: Kester, Champion, Konzett, Helgoth, Krejci. Voting No: None. Absent: Klein (temporarily stepped out of meeting), Choobineh, Laging.

H General Information

Public meeting notice publication

The March 20, 2015 Board meeting was publicized in the Lincoln Journal Star.

Board meetings and roster

The meeting schedule and a current roster of Board members were provided.

Reappointment of Jennifer Klein to the Board

Notification was received from the Office of Governor Ricketts that Jennifer Klein was reappointed to the Board. The new term will expire on February 28, 2019.

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 for Board review.

Examination Information/Results

ARE Candidates with Open Eligibilities Report – March 1, 2015

One hundred thirty Nebraska ARE candidates have open exam eligibilities as of March 1, 2015.

ARE Monthly Pass/Fail Report – January 2015

Fifteen examinees sat for various sections of the ARE in January 2015. Twelve exams were passed.

ARE Monthly Pass/Fail Report – February 2015

Twenty-three examinees sat for various sections of the ARE in February 2015. Eighteen exams were passed.

Other information

Approved Board policies

Approved Board policies were provided for review.

Adjournment

The meeting adjourned at 12:56 p.m.



Roger M. Helgoth, Secretary