

Nebraska Board of Engineers and Architects
Board Meeting Agenda
May 24, 2017, 8:45 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 publication1-3

The following individuals are scheduled to appear:

9:00 a.m. – Rich Lombardi, Legislative Liaison, American Communications Group Inc.

PUBLIC COMMENT

A. CONSENT AGENDA

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Action: Approval of Consent Agenda

B. COMMITTEE REPORTS

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Legislative Committee Member Appointments for FY 2017-18Chair

Action: Legislative Committee Member Appointments

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Action: Approval of Applications

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Action: Approval of Financial Reports

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Office renovation update	Exec. Dir. Report

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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 8:45 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; Jan Bostelman; Mark Champion; Michael Conzett; Tom Laging; Randy Peters.

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).

The following appeared before the Board:

Rich Lombardi, Legislative Liaison, American Communications Group Inc.

PUBLIC IN ATTENDANCE

Katherine S. Ankerson, AIA, FIDEC, IIDA, NCARB, Dean, UNL College of Architecture was welcomed by the Board. Dean Ankerson stated she was honored to be leading the College and pleased to be able to attend the meeting. Dean Ankerson will be the featured speaker at the 2017 New Licensee Ceremony to be held in the fall.

A. CONSENT AGENDA

April 21, 2017 Meeting Minutes

Action: Approval of Consent Agenda

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

B. COMMITTEE REPORTS

Legislative Report

Legislative Liaison Lombardi reported the 105th Legislature adjourned sine die on May 23rd. A 2017 Legislative Report containing legislation of interest to the Board was distributed. Lombardi summarized bills passed by the legislature as well as legislation to be carried over to the 2018 session. LB331 transferred \$124 million from 52 cash funds including a "one time" transfer of \$300,000 from the Engineers and Architects Regulation Cash Fund to the State's General Fund. Other monitored bills that passed were LB9, LB151, LB339, LB455, LB464, LB590, and LB644. Bills to be carried over to next session include LB299, LB364, LB591, and LB611.

Committee Member Appointments for FY 2017-18

Chair Kester stated the Board's Legislative Committee members would be assigned after work on ad hoc issues were completed. Ad Hoc committees were appointed as follows:

- Applications/Experience - Peters, Isom, and Kester
- Software – Klein, Conzett, and Champion
- Exemptions – Champion, Isom, and Kester
- Decoupling – Bostelman, Conzett, and Laging
- Per Diem - Bostelman, Conzett, and Laging

The Executive Committee consists of Board officers. Ad Hoc Committees were asked to identify their chair and to give the Board an update at the August meeting. ED Wilbeck will serve as the staff member on all ad hoc committees, CO Rauscher will serve on the Exemptions Ad Hoc Committee, and AA Lais will serve on the Applications/Experience Ad Hoc Committee.

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C. OLD BUSINESS

None at this time.

D. NEW BUSINESS

Adoption of proposed revisions of Title 110, NAC, Rules and Regulations

The Board discussed written comments provided at the public rulemaking hearing. There was consensus that involvement in a conceptual design competition does not jeopardize health, safety or welfare because an individual or organization selected to move forward with the design of a project regulated under the Engineers and Architects Regulation Act would be required to obtain a license or a certificate of authorization.

Action: Adoption of Proposed Rules

Motion by Champion, second by Laging to adopt the proposed revisions to Title 110, NAC, Rules and Regulations, Chapters 1-4 and 6-10 as presented at the Public Rulemaking Hearing. Voting Yes: Peters, Bostelman, Champion, Isom, Laging, Kester. Voting No: Conzett, Klein. Abstain: None. Absent: None. Motion passed.

NCEES emeritus member nomination

The Engineers and Architects Regulation Act authorizes the Board to designate a former member of the Board as an emeritus member without voting privileges or authority. The Board can also nominate a former board member for emeritus status with NCEES. Emeritus status members may serve on NCEES Committees. These committees meet throughout the year to address NCEES business and licensure issues. Chair Kester stated she had gathered information that led her to believe a significant number of NCEES committee members were emeritus members of their respective state boards. A concern was raised if individual who is not actively serving on a state board and aware of current issues could serve well on a committee. A suggestion was made to open a dialogue with NCEES at its upcoming Annual Meeting.

NCEES 96th Annual Meeting Information

The NCEES Annual Meeting will be held in Miami Beach, Florida, on August 23-26, 2017. The agenda and registration information were distributed to the Board. The deadline to register and make reservations at a reduced fee or rate is July 7, 2017.

2017 Travel and per diem authorization

Authorization requests:

- Champion to attend the NCARB Model Law Task Force meeting August 25-26, 2017, in Wichita, KS.

Action: Approval of Travel and Per Diem

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

E. COMPLIANCE

Information

May 2017 Compliance Cases

Summary of Open Cases

Summary of Recently Closed Cases

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Executive Session – Commenced at 10:01 a.m.

Action:

Motion by Bostelman, second by Isom to enter into executive session for discussion of compliance investigations and evaluations, the partner-agency process summary, and the outreach schedule 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: Peters, Bostelman, Champion, Konzett, Isom, Klein, Laging, Kester. Voting No: None. Abstain: None. Absent: None.

Active Cases: Summary & Documentation

Case 17.10, Case 15.04, Case 16.02, Case 16.06, Case 17.03, Case 17.06, Case 17.07, Case 17.09, Case 17.13, Case 17.14. All cases were reviewed in executive session.

Other Compliance Issues

The case evaluations, the partner-agency process summary and the outreach schedule were reviewed in executive session.

Executive Session – Concluded at 12:11 p.m.

Action:

Motion by Konzett, second by Laging to close executive session for discussion of compliance investigations and evaluations, the partner-agency process summary, and the outreach schedule not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Peters, Bostelman, Champion, Konzett, Isom, Klein, Laging, Kester. Voting No: None. Abstain: None. Absent: None.

Action: Approval of Compliance Case Disposition

Motion by Klein, second by Peters to approve the settlement agreement content and offer the agreement to the respondents in Cases 15.04 and 16.06. Voting Yes: Peters, Bostelman, Champion, Konzett, Isom, Klein, Laging, Kester. Voting No: None. Abstain: None. Absent: None.

Motion by Klein, second by Bostelman to approve an extension of the order of disciplinary action in Case 16.02. Voting Yes: Peters, Bostelman, Champion, Konzett, Isom, Klein, Laging, Kester. Voting No: None. Abstain: None. Absent: None.

Motion by Klein, second by Konzett to close Case 17.07 with no disciplinary action. Voting Yes: Peters, Bostelman, Champion, Konzett, Isom, Klein, Laging, Kester. Voting No: None. Abstain: None. Absent: None.

Motion by Klein, second by Konzett to authorize remediation in Case 17.14 and require a plan of action within 30 days. Voting Yes: Peters, Bostelman, Champion, Konzett, Isom, Klein, Laging, Kester. None. Abstain: None. Absent: None.

F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-16569 Robert James Ades, Mechanical; E-16559 Warren Adam Austin, III, Mechanical; E-16567 Ryan Patrick Breen, Civil; E-16573 Kyle Lynn Breinholt, Electrical and Computer; E-16576 Jennifer Marie Clark, Civil; E-16543 Matthew William Cragun, Civil; E-16541 Thomas Andrew Earles, Civil; E-16570 Jesse Weston Foley, Mechanical; E-16561 Joseph Robert Fowler IV, Fire Protection; E-16546 Drew Robert Garceau, Civil; E-16580 Russell Beal Garner, Civil; E-16560 Ronald Eldridge Glover Jr, Structural; E-16568 John Tison Harmon, Structural; E-16544 Daniel Louis Honomichl, Electrical and Computer; E-16562 William Verity Joerger, Structural; E-16565 Joshua David Kading, Mechanical; E-16575 Matthew Duane Nordine, Civil; E-16558 Jared Kristoffer Oswald, Agricultural and Biological; E-16542 Lisa Marie

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Reimert, Civil; E-16566 Gregory Wayne Sanders, Civil; E-16572 Jera Elizabeth Schlotthauer, Structural; E-16578 Matthew Kim Short, Mechanical; E-16545 Larry Baxter Smith, Jr, Civil; E-16571 Curtis Lee Smith, Civil; E-16564 Derek Alex Starr, Electrical and Computer; E-16577 Jessi Morgan Stender, Mechanical; E-16574 Ryan Christopher Swanson, Civil; E-16563 Greg Langford Thurman, Chemical.

Licensure of Architects by NCARB Certification

Approved: A-4789 Clint Edd Evans; A-4785 Ryan Michael Faust; A-4788 Jeffrey Dean Himmel; A-4792 Michael Peter Knoblauch; A-4784 Ellen Diane McCulley; A-4794 Paul David Orban; A-4791 Philip Duane Rishel.

Temporary Permits

Approved: T-559 Stuart Madison Alderman, TX, Architect; T-560 Joseph Dale Sekely, III, OH, Architect; T-561 Paul Eugene Karow, WI, Engineer.

Engineer Intern Enrollment

Approved: Christopher Edward Larson, NE; Justin Lee Ward, NE.

Certificates of Authorization

Approved: CA3767 Day & Zimmermann International Inc; CA3768 Bob Herzig and Associates Inc; CA3770 SAC AE Design Group Inc; CA3771 Ardebili Borum Consulting Engineers; CA3772 ASEI Engineering Inc; CA3773 STL Engineering LLC; CA3774 Hord Coplan Macht Inc; CA3775 RB+B Architects Inc; CA3776 AZTEC Engineering Group Inc; CA3777 Innovative Structural Engineering Inc; CA3778 PEC LLC; CA3779 Kittelson & Associates Inc; CA3780 LB Smith & Associate PA; CA3781 Nelson Design Inc; CA3782 Lynch Mykins Structural Engineers; CA3783 Wink Engineering LLC; CA3784 Design West Engineering.

Licensure/Examination

Licensure of Professional Engineers by Comity

Approved: Teodor Mihailov Kanchev, Electrical and Computer, FL; Chad Salem Kurdi, Electrical and Computer, MN; Taylor Paul Warner Wilson, Chemical, KS.

Licensure of Professional Engineers by Experience

Approved: Daniel Michael Caplice, Civil; IL; Michele Lea Gray, Environmental, TX; Troy Mitchell Hudson, Civil, AL; John Logan Thompson, Civil, CO.

Licensure of Architects by Experience

Approved: Bayard Manning Spencer, III, TX.

Licensure by Reinstatement

Approved: E-8417 Dennis Matthew Stuart, Structural; A-2514 Edward Harold Kyker.

ARE Exam

Approved: Jeffrey Michael Bayer, NE.

PE Exam

Approved: Ryan Daniel Bair, MI, Civil; Andrew James Blaszak, IA, Fire Protection; Kevin Craig Harders, NE, Civil; Aaron John Hirsch, NE, Civil.

Special Cases

Licensure of Engineers by Experience

Deferred: Mohamud Farouk Elzafraney – Does not hold an ABET-accredited engineering degree and does not meet the NCEES Education Standard as determined by NCEES Credentials Evaluation.

ARE Exam

Approved: Gregory Robb Gettman, NE.

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PE Exam

Deferred: Anand Vinayak Mahabaleshwarkar, KS, Mechanical – Does not hold an ABET-accredited engineering degree and does not meet the NCEES Education Standard.

Certificates of Authorization

Approved: CA3769 ABB Inc.

Action: Approval of Applications

Motion by Conzett, second by Peters to approve or defer applications as recommended by staff. Voting Yes: Peters, Bostelman, Champion, Conzett, Isom, Klein, Laging, Kester. Voting No: None. Abstain: None. Absent: None.

G. FINANCIAL MATTERS

Financial Reports

FY 2016-17 Financial Profile, April 2017

Budget Status Report, April 2017

MTD General Ledger Detail Report, April 2017

Fund Summary Report, April 2017

ED Wilbeck reviewed the April 2017 financial reports with the Board and reported fees would be reviewed at the June 29th meeting.

Action: Approval of Financial Reports

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

Other Financial Matters

LB 331, fund transfer

LB 331 passed with line-item vetoes by Governor Ricketts. As stated in the legislative bill, "The State Treasurer shall transfer three hundred thousand dollars from the Engineers and Architects Regulation Fund to the General Fund on or before June 15, 2018, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services."

Office renovation update

Construction has been completed and installation of new office furniture and systems should occur by the end of July 2017.

H. GENERAL INFORMATION

Board meeting schedule

A schedule of upcoming meetings and events was provided for review. The next Board meeting will be held on Thursday, June 29, 2017, at 215 Centennial Mall South in the 5th floor large conference room. Peters stated there was a possibility of being called for jury duty in August.

Board member roster

A roster of the Board 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

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

Examination Information/Results

A total of 87 ARE candidates had 448 open eligibilities on April 1, 2017.

Sixteen ARE exams were attempted for various divisions in April 2017. Thirteen exams were passed.

Other information

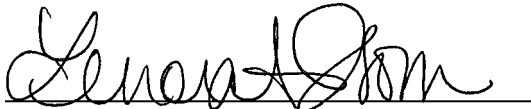
A report tracking the Board's Facebook activity from April 18, 2017 to May 15, 2017, was provided by PIO Mayhew.

The April 2017 Website Dashboard Report showed 2,683 total visits to the Board's website.

Board policies approved as of April 21, 2017, were provided.

ADJOURNMENT

The meeting was adjourned 12:36 p.m.



Lenora A. Isom, Secretary

NEBRASKA ADMINISTRATIVE CODE
Title 110 – Board of Engineers and Architects

Last Effective Date: April 30, 2016

RULES AND REGULATIONS
TITLE 110, NEBRASKA ADMINISTRATIVE CODE
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CHAPTER 1. GENERAL PROVISIONS

1.1 Definitions

- 1.1.1 **ACE:** The acronym “ACE” means Architectural Continuing Education, the biennial continuing education required by the Board for renewal or reinstatement of licensure for architects.
- 1.1.2 **ARE:** The acronym “ARE” means the Architects Registration Examination, as developed by NCARB.
- 1.1.3 **AXP:** The acronym “AXP” means the Architectural Experience Program of NCARB, or its equivalent as determined by NCARB.
- 1.1.4 **EAC/ABET:** The acronym “EAC/ABET” means the Engineering Accreditation Commission of ABET Inc. EAC/ABET accreditation is required for engineering programs not later than two years after issuance of the degree.
- 1.1.~~45~~ **ECE:** The acronym “ECE” means the Engineering Continuing Education, the biennial continuing education required by the Board for renewal or reinstatement of licensure for professional engineers.
- 1.1.~~56~~ **FE Examination:** “FE Examination” means the Fundamentals of Engineering Examination, as developed by NCEES.
- ~~1.1.6~~ ~~**IDP:** The acronym “IDP” means the Intern Development Program of NCARB, or its equivalent as determined by NCARB.~~
- 1.1.7 **NAAB:** The acronym “NAAB” means the National Architectural Accrediting Board. NAAB accreditation is required for architecture programs not later than two years after issuance of the degree.
- 1.1.8 **NCARB:** The acronym “NCARB” means the National Council of Architectural Registration Boards.
- 1.1.9 **NCEES:** The acronym “NCEES” means the National Council of Examiners for Engineering and Surveying.
- 1.1.10 **PE Examination:** “PE Examination” means the Principals and Practice of Engineering Examination, as developed by NCEES.
- 1.1.11 **E&A Act:** The Engineers and Architects Regulation Act, Neb. Rev. Stat. §§ 81-3401 through 81-3455, shall be known and may be cited as E&A Act.
- 1.1.12 **E&A Rules:** The Nebraska Rules and Regulations, Title 110 of the Nebraska Administrative Code, Chapters 1 through 11, shall be known and may be cited as E&A Rules.
- 1.1.13 **MLE:** “MLE” means an individual who holds an NCEES ~~Council~~ Record that has been designated as a Model Law Engineer or Model Law Structural Engineer record by NCEES.

NEBRASKA ADMINISTRATIVE CODE
Title 110 – Board of Engineers and Architects

1.1.14 **MLSE:** “MLSE” means an individual who holds an NCEES ~~Council~~ Record that has been designated as a Model Law Structural Engineer by NCEES.

1.1.15 **NCARB Certificate Holder:** “NCARB Certificate Holder” means an individual who holds a Certificate issued by NCARB indicating the NCARB Certification requirements have been met.

1.1.16 **Temporary Permit:** A permit issued by the Board to an architect or professional engineer who is not licensed in Nebraska for use on a single project.

1.2 Terms Defined by Statute

Terms defined in the E&A Act shall have the same meanings when used in these regulations.

1.3 Purpose

The Nebraska Rules and Regulations are set forth for the purpose of interpreting and implementing the ~~Engineers and Architects Regulation Act (hereafter, the~~ E&A Act), establishing the Board, and conferring upon it responsibility for licensure of architects and professional engineers and the regulation of the practice of engineering and architecture.

1.4 Board’s Regulatory Authority

The E&A Rules are promulgated under authority of and in conformity with the E&A Act.

1.5 Severability

If any provisions of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

1.6 Adoption of the Attorney General’s Model Rules

The Board has adopted Title 53, Nebraska Administrative Code, Chapters 1 through 4 of the Nebraska Department of Justice, also known as the Attorney General’s Model Rules, and has incorporated them into these regulations.

1.7 Federal Requirements

Nothing in the Act shall imply exemption from requirements of any federal statute or regulation, including, but not limited to, the Americans with Disabilities Act and the Fair Housing Act.

1.8 Declaratory Rulings

Procedures governing Declaratory Rulings shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 3 of the Nebraska Department of Justice.

NEBRASKA ADMINISTRATIVE CODE
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1.9 Record of Board's Actions

A quorum of five members of the Board is required for Board actions. The Board will keep record of actions enacted at its meetings.

1.10 Board Member Conflicts of Interest

- 1.10.1 Board members shall not vote on any matter in which they have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of their duties as a Board member.
- 1.10.2 Board members are prohibited from using or attempting to use their official position to secure unwarranted privileges or exemptions for themselves or others.
- 1.10.3 Board members shall not give the impression that they may be improperly influenced in the performance of Board member duties, or that they are improperly affected by the kinship, rank, position, or influence of any party or person.
- 1.10.4 A Board member shall not accept gifts of value or loans from persons having business before the Board which are intended to or which might appear to influence the official relationship between the donor and recipient.

1.11 Confidentiality of Information

- 1.11.1 Records denoted in Neb. Rev. Stat. § 84-712.05 shall be considered confidential.
- 1.11.2 Replies received from references regarding the qualifications of an applicant shall be placed in files that are considered non-public records. The source and character of the information will not be divulged except when required by law.

1.12 Conditional License

- 1.12.1 The Board may authorize Board staff to issue licenses on a conditional basis, pending formal approval of the license application by the Board.
- 1.12.2 A conditional license may be withdrawn by the Board if it determines the applicant does not qualify for any reason.
- 1.12.3 In the event the Board fails to give formal approval of a license that has been issued on a conditional basis, the conditional license will expire at 11:59 p.m. on the date the licensee is notified of such Board action.
- 1.12.4 Architectural and professional engineering services performed pursuant to a conditional license that is subsequently withdrawn by the Board will be deemed to have been performed pursuant to a valid license.

NEBRASKA ADMINISTRATIVE CODE
Title 110 – Board of Engineers and Architects

1.13 Expired License Status

1.13.1 License Expiration Date

1.13.1.1 A license to practice expires at 11:59 p.m. on the expiration date noted on the license.

1.13.1.2 An architect or professional engineer cannot practice, as provided in the E&A Act, with an expired license.

1.13.2 Renewing Expired Licenses

1.13.2.1 Licenses that have expired may be renewed during the following twelve months upon payment of a penalty plus the renewal fee.

1.13.2.2 The penalty fee to be paid for the renewal shall be ten percent of the renewal fee for each month after the expiration date, not to exceed the amount of the renewal fee.

1.13.2.3 Licenses that have expired and are not renewed within twelve months from their expiration date cannot be renewed, but will require reinstatement.

1.13.3 Reinstatement of a License

1.13.3.1 An expired license may be reinstated to active status, pending approval of the Board, upon submission of the following:

1.13.3.1.1 A new application;

1.13.3.1.2 Payment of fees and penalties, if applicable;

1.13.3.1.3 Documentation establishing that the applicant has complied with the continuing education requirements set forth in these rules for the two-year period during which the license was expired immediately preceding the date the reinstatement application was received by the Board; and

1.13.3.1.4 An affidavit attesting that the applicant has not practiced engineering and/or architecture in Nebraska during the time the license was expired; or

1.13.3.1.5 If such attestation cannot be made, an explanation acceptable to the Board of the applicant's practice during the expiration period.

1.13.3.2 Applicants seeking reinstatement must meet current requirements for licensure by examination or comity.

1.13.3.3 The original license number will be retained.

1.13.4 Emeritus Status

1.13.4.1 Professional engineers and architects whose licenses are subject to renewal but who are not engaged in their professional practice may elect emeritus status.

NEBRASKA ADMINISTRATIVE CODE
Title 110 – Board of Engineers and Architects

- 1.13.4.2 Architects and professional engineers who have elected emeritus status retain their professional honorary titles but are prohibited from practicing.
- 1.13.4.3 Architects and professional engineers who have elected emeritus status are subject to annual renewals at a fee established by the Board.
- 1.13.4.4 Architects and professional engineers who have elected emeritus status will receive Board publications.
- 1.13.4.5 To be reinstated to practice, an architect or professional engineer who has elected emeritus status must submit a new application to the Board, submit an affidavit that they have not practiced architecture or engineering during the emeritus period, and meet the requirements of Rule 9.6.1.4.

1.14 Enrollment as an Engineer Intern (EI)

- 1.14.1 Enrollment as an Engineer Intern may be granted upon the applicant's submission of the following:
 - 1.14.1.1 An application and fee as prescribed by the Board;
 - 1.14.1.2 Verification that the applicant has passed the FE Examination; such verification shall be submitted directly by the jurisdiction in which the examination was taken or by NCEES;
 - 1.14.1.3 Verification that the applicant has satisfied the education requirement set forth in Rule 2.2.1; such verification shall be submitted directly by the institution at which the education was obtained or from its authorized agent; and
 - 1.14.1.4 Three references indicating the applicant's good reputation and ethical character.
- 1.14.2 Applications for enrollment as an EI may be administratively approved by Board staff but are conditional until formally approved by the Board.
- 1.14.3 Enrollment as an EI is not required for licensure in Nebraska or to sit for the PE Examination.

1.15 License Fees

- 1.15.1 The fee schedule and methods of payment shall be set by the Board.
- 1.15.2 All fees are non-refundable. However, fees initially paid to the Board by an applicant for a specific application, but not used for that specific application, may be used as a credit for a different application fee during the same fiscal year at the applicant's discretion.

1.16 Professional Assistance

The Board may retain professional assistance in carrying out administrative matters and other general governance of the Board. Such assistance may include financial, technological, legal, and administrative consultation.

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1.17 Licensee Lists

Lists of architects and professional engineers licensed by the Board, as well as those who have applied for licensure, will be issued upon written request in accordance with Nebraska law regarding the production of public records.

1.18 Photographs and Transcripts

Photographs shall not be required for identification on applications received by the Board. Transcripts or other documents provided by NCEES, NCARB, or issued directly by the granting institution of higher education, or its authorized agent, will be acceptable as proof of graduation when such proof is required by the Board.

1.19 Emeritus Board Members

1.19.1 Upon retiring from service with the Board, former board members are conferred as Emeritus board members.

1.19.2 When requested by the Board, an Emeritus board member may represent the Board at authorized meetings. Expenses incurred by the Emeritus board member at such functions may be reimbursed by the Board.

1.20 Licensure of Board Members

At all times during their terms on the Board, professional engineer and architect members of the Board, including the education members, must be licensed in Nebraska in their respective professions.

1.21 Applications

1.21.1 Absent specific Board action, all documents and information requested by the Board in connection with any application must be provided by the applicant within one year. Applications that are incomplete after one year are invalid, and a new application and fee will be required.

1.21.2 An applicant's prior criminal or disciplinary history from any jurisdiction may be considered by the Board as part of the application process for initial licensure, comity licensure, or examination. The existence of such history is not an automatic bar to being licensed or to be allowed to take examinations, nor is disclosure intended to automatically require consideration of discipline by the Board.

1.21.3 The review and evaluation of disclosure statements provided by applicants during the licensing or examination application process may be performed by the Executive Director with the assistance of Board staff. However, the Board must review disclosures which an applicant has not previously disclosed and which indicate: 1) felony convictions; 2) probation, suspension, or revocation of an architect or professional engineer license in another jurisdiction; 3) repetitive or multiple violations; or 4) evidence of unfitness to practice the profession.

CHAPTER 2. LICENSURE OF PROFESSIONAL ENGINEERS BY EXAMINATION

2.1 Requirements for Licensure by Examination

Licensure by examination requires that the applicants have:

- (1) Satisfied the education requirements set forth in Rule 2.2;
- (2) Satisfied the experience requirement set forth in Rule 2.3;
- (3) Passed the FE Examination, the PE Examination, and the Nebraska E&A Act Examination as set forth in Rule 2.4; and
- (4) Complied with the application process set forth in Rule 2.5.

2.2 Education Requirements for Examination (FE and PE)

- 2.2.1 Candidates for the Fundamentals of Engineering Examination (FE) are required to hold a degree or have senior standing in a curriculum leading to an engineering degree from an EAC/ABET-accredited engineering program or meet the NCEES Education Standard.
- 2.2.2 Candidates for the Principles and Practice of Engineering Examination (PE) are required to hold an EAC/ABET-accredited engineering degree or meet the NCEES Education Standard.
- 2.2.3 A program is considered to be EAC/ABET accredited under these rules if accreditation is granted for the program no later than two years after issuance of the applicant's degree.
- 2.2.4 A degree in Engineering Technology does not meet the education requirements.
- 2.2.5 Those holding degrees from programs not EAC/ABET accredited must establish that their education meets the NCEES Education Standard by evaluation through the NCEES Credentials Evaluation.
 - 2.2.5.1 Deficiencies defined by the evaluation service may be corrected by taking coursework related to the deficiency in a post-secondary institution offering EAC/ABET-accredited engineering programs or in programs otherwise acceptable to the Board.
 - 2.2.5.2 Coursework from post-secondary education institutions that are not EAC/ABET accredited will be acceptable if the coursework is approved by an EAC/ABET-accredited institution to be "transferable." A letter from the EAC/ABET-accredited institution may be required for substantiation.
 - 2.2.5.3 Passing scores will be accepted in college level exams given by approved third parties including College Board Exams (CLEP) in subjects related to the deficiency or as otherwise acceptable to the Board.

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- 2.2.5.4 With Board approval, up to nine semester credit hours of deficiency in general education may be removed for applicants who have obtained a college degree from an institution whose primary language of instruction is not English or who can demonstrate fluency in multiple languages or dialects.
- 2.2.5.5 Once the deficiencies are removed, the Board will consider the education as satisfying the Board's education requirement.
- 2.2.5.6 Students studying an engineering discipline at an institution that offers ABET/EAC-accredited degree programs in that discipline, and who have not obtained an ABET/EAC-accredited degree, are not eligible for education evaluation by the Board nor will the Board request an evaluation of their education from NCEES Credentials Evaluations.
- 2.2.5.7 The Board may defer action on deficient applications until these education requirements have been met.

2.3 Experience

- 2.3.1 Candidates for the Principles and Practice of Engineering Examination (PE) shall have not less than four years of work experience acceptable to the Board.
 - 2.3.1.1 For purposes of this rule, "work" means professional services comprising the practice of engineering.
- 2.3.2 Work experience for applicants may start immediately following graduation from a four-year or equivalent engineering program.
- 2.3.3 A candidate may not sit for the PE Examination or the SE Examination until at least four calendar years after completion of an EAC/ABET-accredited degree, irrespective of the combination of work experience and education credit that may be available for an advanced degree.
- 2.3.4 Successful completion of graduate study leading to an advanced degree in engineering may satisfy part of the experience requirement.
 - 2.3.4.1 A Masters Degree in engineering may be used for credit for one year of experience if it is preceded by an EAC/ABET-accredited baccalaureate degree in engineering.
 - 2.3.4.2 A Doctorate Degree in engineering may be used for two years of experience if it is preceded by an EAC/ABET-accredited degree in engineering; in the case of a Doctorate Degree, no additional experience will be credited for a Masters Degree.
- 2.3.5 The Board will consider engineering experience performed outside the United States if the Board determines that such experience is gained under a licensed professional engineer from an NCEES jurisdiction, or upon reasonable investigation by an engineer Board member, that such experience was performed under circumstances comparable to the standards for engineering in the United States. All materials necessary to such determination must be provided by and at the expense of the applicant.

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- 2.3.6 Experience must indicate that, over the course of time, the applicant's work has been of increasing quality and has required greater responsibility.
- 2.3.7 Only work of an engineering nature which follows graduation from a professional engineering program may be used to satisfy the experience requirement.
- 2.3.8 Experience must not be obtained in violation of the E&A Act.
- 2.3.9 Experience gained in the armed services may be used to satisfy the experience requirement if it was of a character equivalent to that which would have been gained in the civilian sector doing similar work. Generally, such experience will be creditable only if the applicant served in an engineering or engineering-related group.
- 2.3.10 Experience should be gained under the supervision of a licensed professional engineer or, if not, an explanation should be made showing why the experience should be considered acceptable to the Board.
- 2.3.11 Sales experience may be used to satisfy the experience requirement only if the applicant can demonstrate that engineering principles were required and used in gaining the experience.
- 2.3.12 Engineering teaching experience may be used to satisfy the experience requirement, subject to the Board's approval, if the courses were at an advanced level in a college or university offering an engineering curriculum of four years or more. "Advanced level" means select courses at the junior (300) level as approved by the Board, and all courses senior (400) level and above.
- 2.3.13 Experience gained in engineering research and design projects by members of an engineering faculty where the curriculum is approved by the Board may be used to satisfy the experience requirement.
- 2.3.14 Construction experience may be used to satisfy the experience requirement only if the applicant can demonstrate that the work required the application of engineering principles.
- 2.3.15 Experience may not be anticipated. The experience must have been received at the time of the application.

2.4 Examination for Licensure as Professional Engineers

- 2.4.1 The Examinations used by the Board to determine eligibility for licensure shall be the current NCEES Fundamentals of Engineering Examination (FE), the Principles and Practice of Engineering Examination (PE) or the Structural Engineering Examination (SE), and the Nebraska E&A Act Examination.
 - 2.4.1.1 The Board will follow NCEES policies and schedules for taking and retaking FE, PE, and SE Examinations.
 - 2.4.1.2 The Board will determine applicant eligibility for the PE Examination and the SE Examination, and forward eligibility information to NCEES.

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- 2.4.1.2.1 Once an applicant has been approved to take the PE Examination or the SE Examination, they remain qualified to retake that same examination for five years. The five years shall commence on the date of the first scheduled examination after the applicant has been approved.
- 2.4.1.3 The Board will accept the examination result as determined by NCEES.
- 2.4.1.4 If there is any reported examination irregularity on the part of an applicant, the Board will investigate the allegation and take appropriate action.
- 2.4.1.5 Passage of the FE Examination, PE Examination, and SE Examination will be determined by the NCEES pass/fail standards in place at the time the examination was taken.
- 2.4.1.6 For security reasons, items in the examination will not be available for review by the examinee.
- 2.4.1.7 After a fourth or subsequent failure of the PE Examination or the SE Examination, the candidate shall present the Board with evidence of having acquired additional relevant formal instruction before being reexamined. Such candidates shall be eligible for examination annually. Relevant formal instruction means coursework consisting of at least two semester credit hours at the undergraduate or graduate level in the knowledge areas identified as failed in the NCEES diagnostic report. The coursework must be acceptable at, or transferrable to an institution that offers EAC/ABET-accredited engineering programs. Online coursework is acceptable. Examination preparatory classes, continuing education offerings, and individual study do not satisfy the formal learning requirement.
 - 2.4.1.7.1 Failure of either component of the SE Examination will be treated as a retake for purposes of Rule 2.4.1.7.
- 2.4.1.8 An applicant's failure to attend an examination for which he or she has been scheduled will forfeit the application fee, except as otherwise determined by NCEES policies.
- 2.4.1.9 Failure of an applicant to attend an examination for which he or she has been scheduled to attend shall not be considered as a failure of the examination or as a retake under Rule 2.4.1.7.
- 2.4.1.10 Only active United States military personnel will be allowed to have the PE examination or the SE Examination proctored; any proctoring shall be in accordance with NCEES policies and guidelines.
- 2.4.2 All applicants for the PE Examination or the SE Examination must have passed the FE Examination.
- 2.4.3 The Principles and Practice of Engineering Examination (PE Examination)
 - 2.4.3.1 The PE Examinations are given in disciplines offered by NCEES, except that the Board reserves the right not to examine in certain disciplines offered by NCEES or to examine in specialized disciplines or areas of engineering not offered by NCEES.

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- 2.4.3.2 Applicants will be permitted to sit for the PE Examination in a discipline different from that of the applicant's education upon the Board's acceptance of evidence of four years of work experience in the discipline of the requested examination.
- 2.4.4 The Principles and Practice of Structural Engineering Examination (SE Examination)
 - 2.4.4.1 The SE Examination shall consist of two components: the Vertical Forces (gravity/other) and Incidental Lateral component, and the Lateral Forces (wind/earthquake) component.
 - 2.4.4.1.1 A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a five-year period.
 - 2.4.4.1.2 Receiving acceptable results on only one component shall not be sufficient for licensure in structural engineering or any other engineering discipline.
 - 2.4.4.1.3 Applicants who have passed both components of the SE Examination, or its equivalent as defined by NCEES, shall be eligible for licensure as a Professional Structural Engineer.
- 2.4.5 The Nebraska E&A Act Examination
 - 2.4.5.1 Following successful passage of the PE Examination or the SE Examination, an applicant must pass an examination, prepared and administered by the Board, on the Nebraska E&A Act, E&A Rules and practice ethics.
 - 2.4.5.2 The purpose of the examination is to test an applicant's familiarity with the E&A Act, the E&A Rules, and the ethics of practicing engineering.
 - 2.4.5.3 After a second or subsequent failure of the Nebraska E&A Act Examination, the candidate may be required to acquire additional instruction before being reexamined. Such candidates shall be eligible for examination every thirty days.

2.5 Application for PE Examination or SE Examination

- 2.5.1 To be eligible to sit for the PE Examination or the SE Examination, an applicant must:
 - 2.5.1.1 Submit an application on or before the filing deadline established by the Board;
 - 2.5.1.1.1 Applicants must submit a separate application for each discipline in which examination is requested.
 - 2.5.1.2 Submit five references indicating good reputation and ethical character, three of which are from professional engineers;
 - 2.5.1.2.1 If an applicant cannot provide three references from professional engineers, five references must still be submitted together with an explanation as to why the professional references are unavailable.

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- 2.5.1.3 Provide satisfactory evidence of meeting the education requirement as set forth in these rules. Such evidence shall be received directly from the institution at which the education was received or from the institution's authorized agent;
- 2.5.1.4 Provide verification of passing the FE Examination. Such verification must be received directly from the jurisdiction in which the examination was taken or from NCEES; and
- 2.5.1.5 Provide satisfactory evidence of meeting the experience requirement as set forth in these rules.
- 2.5.2 Licensure as a Professional Engineer following Examination
 - 2.5.2.1 Upon passage of the PE Examination or the SE Examination, as approved by the Board, a certificate of licensure shall be issued containing the licensed applicant's full name, license number, and discipline of practice.
 - 2.5.2.2 Licensure shall be in the discipline of the PE Examination upon which the license is issued.
 - 2.5.2.3 Certificates of Licensure issued to Professional Engineers will be inscribed with the discipline in which the individual is licensed to practice.
 - 2.5.2.3.1 Those licensed in multiple disciplines will be issued separate certificates for each discipline.
 - 2.5.2.4 Professional Architectural Engineer
 - 2.5.2.4.1 Professional Engineers licensed on the basis of Architectural Engineering education, experience, and examination shall be designated Professional Architectural Engineers.
 - 2.5.2.4.2 Professional Architectural Engineers shall be considered qualified to design engineering systems commonly associated with buildings. They shall not practice or offer to practice architecture.
 - 2.5.2.5 Professional Structural Engineer (S.E.)
 - 2.5.2.5.1 Professional Engineers who are licensed on the basis of structural engineering, experience and examination shall be designated Professional Structural Engineers and may use the designation S.E. with their name.

2.6 Certificates

- 2.6.1 When the Board has determined that an applicant for licensure by examination has satisfied the licensure requirements set forth herein, the Board shall issue a certificate of licensure containing the professional engineer's full name and license number.

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2.7 Reimbursement of Educational Debt

2.7.1 With respect to Neb. Rev. Stat. §81-3432.01, each eligible individual who passes the FE Examination on their first attempt no later than 9 months after graduation is eligible to be reimbursed \$50.00 by the Board of Engineers and Architects. Individuals who retake the exam because of a no-show or failure are not eligible for reimbursement. In order to receive reimbursement, proof of graduation must be officially issued by the degree-granting institution and received by the Board within a year of graduation. Payment will be a warrant issued by the State of Nebraska.

CHAPTER 3. LICENSURE OF ARCHITECTS BY EXAMINATION

3.1 Requirements for Licensure by Examination

Licensure by examination requires that the applicant have:

- (1) Satisfied the education requirements set forth in Rule 3.2;
- (2) Satisfied the experience requirements set forth in Rule 3.3;
- (3) Passed the ARE Examination and the Nebraska E&A Act Examination as set forth in Rule 3.4; and
- (4) Complied with the application process set forth in Rule 3.5.

3.2 Education Requirements

3.2.1 An applicant must:

3.2.1.1 Hold a professional degree in architecture from a program accredited by NAAB; or

3.2.1.2 Obtain an evaluation report in accordance with Board requirements stating that the applicant has met the NCARB Education Standard through the Education Evaluation Services for Architects (EESA) through NAAB.

3.2.1.2.1 If education deficiencies are not resolved by EESA, the Board will review and make a determination of the appropriate corrective measures to remove the deficiency.

3.3 Experience

3.3.1 Completion of ~~IDP~~AXP, or its equivalent as determined by NCARB, is required prior to licensure.

3.4 Examinations

3.4.1 The Examination used by the Board to determine eligibility for licensure shall be the current NCARB Architect Registration Examination (ARE) as accepted by the Board.

3.4.1.1 The Board will follow NCARB's policies on scheduling and retaking the ARE.

3.4.1.2 The Board will verify applicant eligibility and forward eligibility information to NCARB.

3.4.1.3 The Board may allow candidates to make application to take all divisions of the ARE after verification of having met the education requirements and establishing an NCARB record for the purpose of documenting architectural work experience in ~~IDP~~AXP or its equivalent as determined by NCARB.

3.4.1.4 The Board will allow applicants to take the ARE at any NCARB-approved test center.

3.4.1.5 The Board will accept the examination result as determined by NCARB.

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- 3.4.1.6 If there is any alleged improper behavior on the part of an applicant, the Board will investigate the allegation and take appropriate action.
- 3.4.1.7 An applicant must have passed the examination in accordance with the NCARB pass/fail standards current at the time the applicant took the examination.
- 3.4.1.8 For security reasons, items in the examination will not be available for review by the examinee. Examinees have the right to review or challenge failed divisions of the ARE through the Board in accordance with NCARB rules and policies.
- 3.4.2 Rolling Clock
 - 3.4.2.1 Applicants shall be required to complete the ARE within the time limitations set by NCARB policies and procedures.
 - 3.4.2.2 Approval to sit for the ARE shall terminate if the applicant has not attempted a division of the ARE within five years of such approval. Any applicant seeking initial licensure in Nebraska and whose test approval has terminated must submit a new application to the Board for approval to take the ARE.
- 3.4.3 The Nebraska E&A Act Examination
 - 3.4.3.1 Following successful passage of the ARE, an applicant must pass an examination, prepared and administered by the Board, on the E&A Act, E&A Rules, and practice ethics.
 - 3.4.3.2 The purpose of the examination is to test applicants' familiarity with the E&A Act, E&A Rules, and the ethics of practicing architecture.
 - 3.4.3.3 After a second or subsequent failure of the Nebraska E&A Act Examination, the candidate may be required to acquire additional instruction before being reexamined. Such candidates shall be eligible for examination every thirty days.

3.5 Application for ARE Examination

- 3.5.1 To be eligible to sit for the ARE examination, an applicant must:
 - 3.5.1.1 Submit a completed application to the Board, accompanied by the filing fee established by the Board;
 - 3.5.1.1.1 The application fee is waived for first-time applicants.
 - 3.5.1.2 Provide satisfactory evidence of meeting the education requirement as set forth in these rules. Such evidence shall be received directly from the institution at which the education was received, the institution's authorized agent, or NCARB;
 - 3.5.1.3 Submit five references indicating good reputation and ethical character, three of which must be architects; and

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3.5.1.3.1 If an applicant cannot provide three references from architects, five references must still be submitted along with an explanation as to why the professional references cannot be submitted.

3.5.1.4 Submit verification that the applicant has established an NCARB record for the purpose documenting architectural work experience.

3.6 Certificates

3.6.1 When the Board has determined that an applicant for licensure by examination has satisfied the licensure requirements set forth herein, the Board shall issue a certificate of licensure containing the architect's full name and license number.

3.7 Reimbursement of Educational Debt

3.7.1 With respect to Neb. Rev. Stat. §81-3432.01, each individual who has graduated with a NAAB-accredited architectural degree from and establishes an NCARB record is eligible to be reimbursed \$100 by the Board. In order to receive reimbursement, verification of NCARB record establishment and graduation must be received within one year of graduation. Verification of graduation may come from NCARB or officially from the degree-granting institution. Payment will be by a warrant issued by the State of Nebraska.

CHAPTER 4. COMITY

4.1 Comity for Engineers

4.1.1 Discipline of Licensure by Comity

- 4.1.1.1 In order to be eligible for licensure in Nebraska the engineering applicant must qualify in one or more engineering discipline(s).
- 4.1.1.2 Verification of good standing must be provided by the licensing authority of the candidate's current licensure, including the discipline of the PE Examination.
 - 4.1.1.2.1 In the event the licensing authority does not license by discipline or have record of examination discipline, verification of discipline of practice may be provided by the affidavit of an individual with knowledge of the applicant's discipline of practice.
- 4.1.1.3 With respect to candidates applying for licensure who have passed the NCEES Structural I examination, such candidates may be licensed as a Professional Civil Engineer or another applicable discipline approved by the Board. Such applicants cannot be licensed as a Structural Engineer without also having passed the NCEES Structural II examination.
- 4.1.1.4 Professional Architectural Engineer
 - 4.1.1.4.1 Professional Engineers licensed on the basis of the Architectural Engineering examination shall be designated Professional Architectural Engineers.
 - 4.1.1.4.2 Professional Architectural Engineers shall not practice or offer to practice architecture.
- 4.1.1.5 Professional Structural Engineer (S.E.)
 - 4.1.1.5.1 Professional Engineers licensed on the basis of a structural engineering examination of at least sixteen hours and/or experience shall be designated Professional Structural Engineers and may use the designation S.E. with their name.

4.1.2 Comity Licensure for Model Law Engineers and Model Law Structural Engineers

- 4.1.2.1 The Board staff is authorized to review and evaluate the applications of comity applicants to determine if they meet or exceed the criteria of a MLE or MLSE as designated by NCEES.
- 4.1.2.2 If the applicant meets or exceeds these requirements, the Board staff may issue a conditional license authorizing that individual to provide engineering services in Nebraska if the applicant:
 - 4.1.2.2.1 Files an application with required fee;

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- 4.1.2.2.2 Submits satisfactory evidence of such MLE or MLSE designation to the Board;
and
 - 4.1.2.2.3 Passes the Nebraska E&A Act Examination in accordance with Rule 2.4.5.
 - 4.1.2.3 Any information requested on the application with respect to education, experience, examinations, or references may be provided by submitting an NCEES record.
 - 4.1.2.4 A listing of professional engineers issued conditional licenses will be placed on the agenda of the next meeting of the Board for formal approval by the Board.
- 4.1.3 Jurisdictional Comity
 - 4.1.3.1 An engineering applicant who holds a current and valid license issued by a licensing authority of another jurisdiction that is recognized by the Board may be licensed by Jurisdictional Comity after the applicant:
 - 4.1.3.1.1 Files an application with required fee;
 - 4.1.3.1.2 Submits satisfactory evidence of such licensure to the Board;
 - 4.1.3.1.3 Submits three references from professional engineers indicating good reputation and ethical character. In the event three professional engineers are not available to make such references, the applicant shall submit an explanation for the Board's review;
 - 4.1.3.1.4 Submits verification that the applicant has passed the FE and PE Examinations;
 - 4.1.3.1.5 Submits verification that the applicant has satisfied the education requirements set forth in Rule 2.2; ~~and~~
 - 4.1.3.1.6 Submits four years of engineering experience that is in compliance with the licensing law in the jurisdiction where the practice occurs; and
 - 4.1.3.1.7 Passes the Nebraska E&A Act Examination in accordance with Rule 2.4.5.
 - 4.1.3.2 Any information requested on the application with respect to education, experience, examinations, or references may be provided by submitting an NCEES record.
 - 4.1.3.3 The application will go to the Board for review and final approval.
- 4.1.4 Comity Licensure by Experience
 - 4.1.4.1 Notwithstanding the education requirement of Rule 4.1.3.1.5, engineers who are licensed by a licensing authority recognized by the Board and who have at least 15 years of licensed professional engineering work experience may be licensed by experience if the engineer:
 - 4.1.4.1.1 Files an application with required fee;

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- 4.1.4.1.2 Submits satisfactory evidence of 15 years of licensed work experience in a discipline acceptable to the Board;
- 4.1.4.1.3 Provides three references from professional engineers indicating good reputation and ethical character. In the event three professional engineers are not available to make such references, the applicant shall submit an explanation for the Board's review; and
- 4.1.4.1.4 Passes the Nebraska E&A Act Examination in accordance with Rule 2.4.5.
- 4.1.4.2 Any information requested on the application with respect to education, experience, or references may be provided by submitting an NCEES record.
- 4.1.4.3 The application will go to the Board for review and final approval.
- 4.1.5 Temporary Permit
 - 4.1.5.1 An engineering applicant who holds a current and valid license issued by a licensing authority of another jurisdiction that is recognized by the Board may apply for a Temporary Permit for the purpose of providing engineering service on a single project, not to exceed ~~two years~~one year, after the applicant:
 - 4.1.5.1.1 Files an application with required fee;
 - 4.1.5.1.2 Submits satisfactory evidence of such licensure to the Board. Such evidence must be received directly from the licensing authority or NCEES; and
 - 4.1.5.1.3 Passes an examination, prepared and administered by the Board, on the E&A Act, E&A Rules, and practice ethics.
 - 4.1.5.2 The permit will include a template containing the applicant's name, permit number, expiration date, and project name and location.
 - 4.1.5.3 In the event the project lasts longer than ~~two~~one years, the temporary permit holder must obtain a Nebraska license.
 - 4.1.5.4 Engineers holding a temporary permit shall use their seal from the state of verified licensure when sealing documents pertaining to the Nebraska project and shall accompany the seal with the template issued by the Board.
 - 4.1.5.5 An engineer is eligible for only one temporary permit.
 - 4.1.5.6 Applications for temporary permits may be administratively approved by Board staff but are conditional until formally approved by the Board.

4.2 Comity Licensure for Architects

- 4.2.1 Comity Licensure for NCARB Certificate Holders

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- 4.2.1.1 The Board staff is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria of an NCARB Certificate Holder.
- 4.2.1.2 If the applicant meets or exceeds these requirements, the Board staff may issue a conditional license authorizing that individual to offer or provide architectural services in Nebraska if the applicant:
 - 4.2.1.2.1 Files an application with the required fee;
 - 4.2.1.2.2 Submits satisfactory evidence of having an NCARB Certificate;
 - 4.2.1.2.3 Submits three references indicating good reputation and ethical character; and
 - 4.2.1.2.4 Passes the Nebraska E&A Act Examination in accordance with Rule 3.4.3.
- 4.2.1.3 A listing of all architects issued conditional licenses will be placed on the agenda of the next meeting of the Board for formal approval by the Board.
- 4.2.2 Comity Licensure by Experience (no NCARB Record or NCARB Certificate)
 - 4.2.2.1 Architects who are licensed by a licensing authority recognized by the Board by professional examination and who have at least 15 years of licensed architectural work experience may be licensed by experience if they:
 - 4.2.2.1.1 File the Nebraska application with required fee;
 - 4.2.2.1.2 Submit satisfactory evidence of 15 years of licensed work experience acceptable to the Board;
 - 4.2.2.1.3 Provide three references indicating good reputation and ethical character; and
 - 4.2.2.1.4 Pass the Nebraska E&A Act Examination in accordance with Rule 3.4.3.
 - 4.2.2.2 The application will go to the Board for review and final approval.
- 4.2.3 Temporary Permit
 - 4.2.3.1 An architect applicant who holds a current and valid license issued by a licensing authority in another jurisdiction that is recognized by the Board may apply for a Temporary Permit for the purpose of providing architectural service on a single project, not to exceed two years, if the applicant:
 - 4.2.3.1.1 Files an application with the required fee;
 - 4.2.3.1.2 Submits satisfactory evidence of such licensure to the Board. Such evidence must be received directly from the licensing authority of NCARB; and
 - 4.2.3.1.3 Passes an examination, prepared and administered by the Board, on the E&A Act, E&A Rules, and practice ethics.

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- 4.2.3.2 The permit will include a template containing the architect's name, permit number, expiration date, and project name and location.
- 4.2.3.3 In the event the project lasts longer than two years, the temporary permit holder must obtain a Nebraska license.
- 4.2.3.4 Architects holding a temporary permit shall use their seal from the state of verified licensure when sealing documents pertaining to the Nebraska project, and shall accompany the seal with the template issued by the Board.
- 4.2.3.5 An architect is eligible for only one temporary permit.
- 4.2.3.6 Applications for temporary permits may be administratively approved by Board staff, but are conditional until formally approved by the Board.

CHAPTER 6. THE LICENSEE SEAL

6.1 Use of the Seal

- 6.1.1 Each person licensed as an architect or professional engineer must have a seal that bears the licensee's name, their license number, the words "State of Nebraska," and whether the individual is licensed to practice as a professional engineer, with discipline specified, or an architect.
- 6.1.2 The purpose of the seal is to assist in identification of the design professional responsible for work performed under the requirements of the E&A Act.
- 6.1.3 The seal used by an architect or professional engineer shall be legible, whether an embossing, computer generated, or other type of seal. In the absence of legibility, the seal is invalid.
- 6.1.4 The responsible architect or professional engineer shall identify all work that they have prepared, as well as all work that has been prepared under their direct supervision, by applying their seal to each sheet of original drawings.
- 6.1.5 All specifications, reports, studies, and other documents prepared as architectural or professional engineering services shall be sealed on the title page and/or the first page, as well as the last page, of the document by the individual architect or professional engineer responsible for the work. Two or more architects or professional engineers may affix their signatures and seals to a sheet provided it is designated by a note under the seal the specific subject matter for which each is responsible.
- 6.1.6 No seal shall be valid unless signed across the face of the seal with the architect's or professional engineer's name and the date on which the material was signed.
- 6.1.7 Documents clearly marked as "Draft" prepared for preliminary submission and review do not require the professional's seal, signature, and date, including documents prepared for a client or governmental agency, unless otherwise required by that entity.
- 6.1.8 Architects and professional engineers are responsible for providing adequate security over their seal and signature wherever it appears, regardless of whether the seal and signature is produced electronically or by other means.
- 6.1.9 Record and as-built drawings.
 - 6.1.9.1 Architects and professional engineers are not obligated to seal record or as-built drawings.
 - 6.1.9.2 If an architect or professional engineer elects to seal record or as-built drawings, the seal may be applied only to the work over which the architect or professional engineer had direct supervision or which the architect or professional engineer personally observed during construction.
 - 6.1.9.3 Architects and professional engineers shall not seal drawings that represent changes not actually observed during construction.

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- 6.1.9.4 Architects and professional engineers may include notations on record or as-built drawings that indicate the work that they can actually confirm based on information obtained through observation, interview, samples, and other reliable sources, such as the following:

These record drawings are a compilation of a copy of the sealed [engineering/architectural] drawings for this project, as modified by addenda, change orders, and information furnished by the contractor or others on the project. The information shown on the record drawings that was provided by the contractor or others not associated with the design [engineer/architect] cannot be verified for accuracy or completeness. The original sealed drawings are on file at the offices of [...].

- 6.1.9.5 Alternatively, architects and professional engineers may seal and sign a cover letter stating what they have determined to be as-built through their own research and attach the letter to the drawings or plans.
- 6.1.9.6 Documentation of the work that was actually constructed is not the practice of architecture or engineering under the E&A Act.

6.2 Projects Based on Previously Sealed Project Documents

- 6.2.1 Design documents prepared for projects that are designed by architects and professional engineers licensed in jurisdictions other than Nebraska may be used for the construction of the project in Nebraska if reviewed, revised as appropriate, and sealed by an architect or professional engineer licensed in Nebraska under the following circumstances:
- 6.2.1.1 The original architects and/or professional engineers provide written consent for the adaptation of the documents or, if such permission cannot reasonably be obtained, the architect or professional engineer seeking to adapt the documents provides a written explanation of the circumstances that prevent such permission from being obtained;
- 6.2.1.2 The documents include appropriate revisions relating to site and local climate considerations;
- 6.2.1.3 The documents are reviewed for zoning and code compliance, and revised as necessary;
- 6.2.1.4 The architect or professional engineer in Nebraska accepts full responsibility of the revised documents; and
- 6.2.1.5 The seal of a coordinating professional is applied, if required.

6.3 The Coordinating Professional

- 6.3.1 The Coordinating Professional is a licensed professional engineer or architect recognized as such by the project owner.
- 6.3.2 The Coordinating Professional's role is:

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- 6.3.2.1 To coordinate communication between the design professionals related to technical documents on the project;
- 6.3.2.2 To act as project liaison with the governing building official; and
- 6.3.2.3 To verify that all design disciplines involved in a project are working in coordination with one another, and that any changes made to the design are approved by the corresponding discipline, so that life, health, safety, and welfare are not compromised.
- 6.3.3 The Coordinating Professional's seal does not indicate responsible charge or direct supervision of the work.
- 6.3.4 The Coordinating Professional must use the following language in conjunction with their individual seal for identification as the Coordinating Professional: "I, (name of licensee), am the Coordinating Professional on the (name of project) project."

6.4 Direct Supervision of Work

- 6.4.1 In order to exercise full professional knowledge of and control over work, a licensee in direct supervision of architectural or engineering work must:
 - 6.4.1.1 Have and exercise the authority to review and to change, reject, or approve both the work in progress and the final work product, through a continuous process of examination, evaluation, communication, and direction throughout the development of the work;
 - 6.4.1.2 Be personally aware of the project's scope, needs, parameters, limitations, and special requirements;
 - 6.4.1.3 Be capable of answering questions relevant to the architectural or engineering decisions made as part of the services provided, in sufficient detail to demonstrate reasonable knowledge of and proficiency in the work; and
 - 6.4.1.4 Be reasonably satisfied with the product of the services rendered and accept full responsibility for the work.
- 6.4.2 The Board has final authority regarding the determination of whether technical documents were actually prepared under the direct supervision of a licensee.

CHAPTER 7. ORGANIZATIONAL PRACTICE

7.1 Applications

Organizations practicing or offering to practice engineering or architecture in Nebraska shall apply to the Board for a Certificate of Authorization. The Board will review the organization's application and issue a Certificate of Authorization if the minimum requirements are satisfied. The certificate is for use only by the organization to indicate that it has satisfied the minimum requirements of the Board for a period of two years to practice or offer to practice the professions of engineering and/or architecture in the State of Nebraska. The certificate of authorization shall be used to file any applications with the Nebraska Secretary of State to fulfill the appropriate statutes or requirements for practicing in Nebraska as a corporation, partnership, limited liability company, professional corporation, or other such organizational designations appropriate under Nebraska law.

7.2 Minimum Organizational Requirements

- 7.2.1 The minimum requirement for an organization to practice engineering in Nebraska is to have one professional engineer for engineering practice for the duration of the certificate of authorization.
- 7.2.2 The minimum requirement for an organization to practice architecture in Nebraska is to have one architect for architectural practice for the duration of the certificate of authorization.
- 7.2.3 The minimum requirement for an organization to practice engineering and architecture in Nebraska is to have one professional engineer and one architect for engineering and architectural practice for the duration of the certificate of authorization.
- 7.2.4 The architect and/or professional engineer must be licensed to practice in the State of Nebraska and must regularly perform professional services for the organization.

7.3 Criteria for Issuing a Certificate of Authorization

- 7.3.1 For certification to practice the profession of engineering, the signature of one or more professional engineers licensed in the State of Nebraska must appear on the organization application.
- 7.3.2 For certification to practice the profession of architecture, the signature of one or more architects licensed in the State of Nebraska must appear on the organization application.
- 7.3.3 A licensed professional whose signature appears on the application may or may not have ownership interest in the organization.
- 7.3.4 The applicant must pay appropriate application fees.
- 7.3.5 An individual who has elected to take emeritus status is not eligible to sign an organization's application for a Certificate of Authorization.
- 7.3.6 Should any licensed professional who has signed the application leave the organization, die, or lose their signatory authority, the organization within 30 days must notify the Board and file an amendment to its application identifying the new licensed professional with signatory authority.

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7.3.7 A temporary permit may be issued to a qualifying applicant practicing through an organization when the associated organization obtains a certificate of authorization.

7.3.7.1 The temporary permit holder will be listed on the certificate of authorization as the architect or professional engineer in responsible charge of the organization.

7.3.8 Applications for ~~temporary permits~~certificates of authorization may be administratively approved by Board staff but are conditional until formally approved by the Board.

7.4 Design-Build

An organization may offer or provide engineering and/or architectural services combined with construction services under the following conditions:

- 7.4.1 An architect and/or professional engineer licensed to practice in Nebraska participates substantially in those aspects of the services which involve engineering and/or architectural services;
- 7.4.2 At the time the organization offers to perform such combined services, the organization shall deliver to the project owner a written statement identifying the architect and/or professional engineer who will perform the architectural &/or engineering services for the design-build project;
- 7.4.3 The architect and/or professional engineer engaged by such organization to perform the engineering and/or architectural services with respect to a design-build project shall have direct supervision of such work;
- 7.4.4 If an architect and/or professional engineer engaged by such organization to perform the architectural and/or engineering services on the project ceases to be involved in the project, the design-builder shall promptly notify the project owner of such departure and of the identification of the architect and/or professional engineer who will assume those responsibilities;
- 7.4.5 An organization offering design-build services, using its own employees who are licensed as architects or professional engineers in Nebraska, shall comply with the E&A Act by procuring a certificate of authorization to practice engineering and/or architecture; and
- 7.4.6 The performance of architectural and/or engineering services by such licensed architect and/or professional engineer shall conform to the E&A Act and E&A Rules.

CHAPTER 8. ENFORCEMENT

8.1 Initial Review of Complaints and Compliance Issues

- 8.1.1 When a complaint is received by the Board in which a person or organization is alleged to have violated the Act, or if the Board becomes aware of a compliance issue that may constitute a violation of the Act, the Board may refer the complaint or compliance issue to a committee or an investigator, or may consider the complaint or compliance issue without such referral.
- 8.1.2 If applicable, the committee or investigator shall make a recommendation as to:
 - 8.1.2.1 Whether the matter should be dismissed for lack of probable cause; or
 - 8.1.2.2 Whether there is probable cause that a violation of the Act has occurred; or
 - 8.1.2.3 Whether further investigation is required in order to determine whether there is probable cause.
- 8.1.3 Upon receipt of a recommendation or upon consideration by the entire Board, the Board will determine whether there is probable cause and, if so, whether informal or formal process should be undertaken to resolve the matter. If the Board finds there is no probable cause, the complaint shall be dismissed.
 - 8.1.3.1 The Board may make a determination on probable cause with or without having requested a response from the respondent.
- 8.1.4 A complaint or compliance issue against any person or organization may be brought in the name of the Board. A complaint may be filed by the Executive Director when he or she discovers a probable violation of the Act. If a Board member discovers a probable violation of the Act, the member may bring it to the Executive Director's attention.

8.2 Informal Process

The Board may utilize an informal process as described below in lieu of, or as a prerequisite for, entering into a formal legal process.

- 8.2.1 The respondent shall be entitled to copies of the complaint and all information upon which the probable cause determination was made.
- 8.2.2 The Board and the respondent may reach an agreement as to the terms of the resolution of the matter without the respondent's appearance before the Board.
- 8.2.3 If an agreement is not reached without the appearance of the respondent, the respondent will be requested in writing to appear before the Board for an informal discussion of the matter.
 - 8.2.3.1 The Board may, but need not, request any other party involved in the complaint to appear along with the respondent. Such appearance is voluntary and cannot be compelled.

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- 8.2.3.2 Copies of the documents referred to in Rule 8.2.1 shall be provided to the respondent no later than the time the request to appear is made.
- 8.2.4 At the scheduled meeting with the Board, the Board shall clearly state to the party or parties that the meeting is informal and that no individuals or organizations will be giving up their rights to due process by participating in the informal process.
- 8.2.5 The Board may request that a party or parties bring materials, documents, or exhibits to facilitate the informal discussion with the Board.
- 8.2.6 The matter will be resolved if the Board and the respondent can reach terms of mutual agreement on the issues, and a consent agreement or other such document is executed on those terms. Acceptable terms may include, but are not limited to, a requirement for additional professional education, limitations on practice, civil penalties, and assessment of fees and/or costs.
- 8.2.7 The Board may separate issues within a complaint into those that can be resolved with an informal process from those that must be resolved under a formal process.
- 8.2.8 The respondent's participation in the informal process is voluntary, not mandatory.

8.3 Formal Process

- 8.3.1 The procedure for hearings in matters not resolved by informal process shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice.
 - 8.3.1.1 The formal process shall be initiated by the filing of a petition in accordance with the Nebraska Administrative Code. The Board's receipt of a complaint shall not constitute the initiation of a formal process.
- 8.3.2 Any person aggrieved by a final decision in a formal process is entitled to judicial review under the Administrative Procedures Act, or resort to such other means of review as may be provided by law.

8.4 Remediation

- 8.4.1 Projects with inadequately sealed documents or work performed by an unlicensed individual may be remediated under the following circumstances:
 - 8.4.1.1 Pursuant to a complaint alleging the unlicensed practice of engineering or architecture, the Board may, at its discretion, allow work not in compliance with the E&A Act or the E&A Rules to be remediated by the following method:
 - 8.4.1.1.1 A licensed architect or professional engineer, as appropriate, must submit a letter to the Board bearing the architect's or professional engineer's seal, explaining their relationship to the project, and identifying deficiencies, if any, found in the improperly sealed documents, including the need for involvement of other design disciplines; and

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- 8.4.1.1.2 If the project is under construction, the remediation architect or professional engineer must identify immediate concerns of public safety and, when required, notify the appropriate authority to halt construction; and
 - 8.4.1.1.3 If deficiencies are identified, the remediation architect or professional engineer must recommend design solutions to correct those deficiencies; and
 - 8.4.1.1.4 The letter will become a permanent part of the existing contract documents; and
 - 8.4.1.1.5 Revisions made to the deficient documents by the remediation architect or professional engineer must be attributed accordingly; and
 - 8.4.1.1.6 The remediation architect or professional engineer must assume responsibility for the design, and a coordinating professional must be designated if required; and
 - 8.4.1.1.7 New documents, prepared by the licensed professionals involved must be sealed, signed, and dated; and
 - 8.4.1.1.8 The remediation architect or professional engineer shall not seal any of the unsealed or improperly sealed documents with respect to the project.
- 8.4.1.2 The Board may take steps to issue a cease and desist order or any other remedy available to the Board under the law if, for any reason, no solutions are proposed to correct the deficiencies or the recommended solutions are not implemented.

8.5 Failure to Comply with Board Orders

- 8.5.1 If any person refuses to obey any decision or order of the Board, enforcement proceedings may be commenced in the appropriate district court in accordance with Neb. Rev. Stat. § 81-3440.

8.6 Organizations Practicing without a Certificate of Authorization

- 8.6.1 Regarding compliance with the Act by organizations allegedly practicing or offering to practice without holding a current certificate of authorization: in those cases where the alleged violation occurs within the past five years, and the organization has had no prior complaints or issues related to unauthorized practice, the Board has authorized the Executive Director to request that those organizations apply for a Certificate of Authorization immediately and pay any applicable *in arrears* fees. If the organization indicates to the Executive Director that they will not comply, the matter will be referred to the Board to determine whether a complaint should be filed.

CHAPTER 9. CONTINUING EDUCATION

9.1 Introduction

- 9.1.1 Every architect and professional engineer must meet the Continuing Education requirements of these regulations as a condition for license renewal.

9.2 Definitions Regarding Continuing Education

- 9.2.1 Architects must complete 24 actual hours of architectural-related learning every biennial period to satisfy the ACE requirement; of those, at least 16 are to address the safeguarding of life, health, and property.
- 9.2.2 Professional Engineers must complete 30 actual hours of engineering-related learning every biennial period to satisfy the ECE requirement.
- 9.2.3 Web-based offerings other than those provided by (1) International Association for Continuing Educational Training (IACET) approved providers, (2) institutions of higher education that have an accredited program in architecture or engineering, (3) professional engineering or architectural societies, (4) technical societies and associations recognized at a national level, or (5) governmental agencies may constitute no more than one-fourth of the biennial education requirement that is six ACE hours or seven and one-half ECE hours.

9.2.3.1 Web-based offerings including webinars, video conferences, and online meetings led by an instructor that enables both the instructor and attendees to give, receive, and discuss information in real time is not restricted under Rule 9.2.3.

- 9.2.4 At least one PDH hour of the biennial ACE and ECE requirements must be directly related to ethical issues of professional practice.
- 9.2.5 An individual who is both an architect and professional engineer may use ethics related hours and any other hours to satisfy both the ACE and ECE requirements if the subject directly relates to both professional practices.

9.3 Continuing Education Units and Carry-over

- 9.3.1 One Professional Development Hour (PDH) is equivalent to at least 50 minutes of instruction.
- 9.3.2 One semester credit hour of formal education is equivalent to 45 PDHs.
- 9.3.3 One quarter credit hour of formal education is equivalent to 30 PDHs.
- 9.3.4 Architects and professional engineers may carry up to one-half of the required continuing education credits from the previous biennial period. Excess credits can be carried over only into the biennial period immediately following the period in which the credit was earned.

9.3.5 Ethics hours can be carried over.

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9.4 Determination of Credit

- 9.4.1 The Board has final authority with respect to approval of courses, credit, unit value for courses, and other methods of earning ACE and ECE credit. No pre-approval of offerings will be issued.
- 9.4.2 Certified satisfaction of mandatory continuing education requirements in any jurisdiction recognized by the Board, for the exact renewal period in question in Nebraska, will satisfy the Nebraska requirement.

9.5 Recordkeeping

- 9.5.1 Every architect and professional engineer is responsible for maintaining records necessary to support credits claimed for continuing education. Records required include, but are not limited to:
 - 9.5.1.1 A log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and unit credits earned; or
 - 9.5.1.2 Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance; or
 - 9.5.1.3 Records relating to continuing education that are maintained by NCEES, NCARB, or other organizations may be accepted by the Board as evidence of completion of the ACE or ECE requirements.

9.6 Exemptions and Waiver

- 9.6.1 Architects and professional engineers may be exempt from the continuing education requirements for one of the following reasons:
 - 9.6.1.1 Architects and professional engineers licensed by examination or comity shall be exempt for their initial renewal period. Architects who complete more than 24 acceptable hours and professional engineers who complete more than 30 acceptable hours in their initial renewal period are eligible to carry over excess CE credits, subject to the limitations described in this chapter.
 - 9.6.1.2 Contingent upon approval from the Board or Executive Director:
 - 9.6.1.2.1 Architects- and professional engineers serving on ~~temporary full-time~~ active duty in the armed forces of the United States or any state for a period of time exceeding 120 ~~consecutive~~ days in ~~a each calendar~~ year of their renewal period shall be exempt from obtaining the continuing education hours required during that ~~year~~ renewal period.

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9.6.1.2.2 Architects and professional engineers serving on active duty in the armed forces of the United States or any state for a period of time exceeding 120 days in only one calendar year of their renewal period shall require 15 actual hours of engineering-related learning at the time of license renewal if licensed as a professional engineer, or 12 actual hours of architectural-related learning if licensed as an architect.

9.6.1.2.3 Licensees must submit military orders or other supporting documentation to the Board as proof that they qualify for exemption from the continuing education requirements.

9.6.1.3 Architects and professional engineers experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the Board may be exempt. Supporting documentation must be furnished to the Board.

9.6.1.4 Architects and professional engineers who have elected emeritus status are exempt from the continuing education requirement. In the event such a person elects to have their license to practice reinstated, continuing education hours must be earned for each year of emeritus status before the license will be reinstated, but not to exceed 24 hours for architects or 30 hours for professional engineers. Such credits must be earned in accordance with the restrictions related to ACE or ECE requirements.

9.6.2 The Board may, at its discretion, waive the continuing education requirement for any architect or professional engineer.

9.7 Audits

9.7.1 The Board will establish a number of architects and professional engineers, to be selected at random, to submit substantiating information to support their continuing education claim.

9.7.2 Board staff is authorized to approve continuing education audit submittals for license renewals. Submittals that raise significant questions of acceptability will be forwarded to an individual Board member for final determination.

9.7.3 If the Board disallows any of the ACE or ECE hours claimed, the applicant for licensure renewal or reinstatement shall have 120 days after notification to substantiate the original claim or to earn other credit to meet the minimum requirements.

CHAPTER 10. EXEMPTIONS; CLARIFICATION

10.1 Introduction

Any citation to the state building code shall mean the most recent edition of the state building code as adopted in Neb. Rev. Stat. § 71-6403.

10.2 Definitions; Neb. Rev. Stat. §§ 81-3449 (1) & 81-3453 (1)

The following definitions may be used as an adjunct to that reference:

10.2.1 Above-grade Finished Space: For single-family through 4-dwelling units; this includes all enclosed, potentially-habitable area on any level, up to a maximum of three levels.

10.2.2 Detached sheds or storage buildings and attached or detached garages, up to a maximum of three stalls, are exempted from the area calculations for Residential occupancies.

10.2.3 Occupancy Classification relates to the type of occupancy intended for the built area and shall be as defined in the state building code.

10.2.4 Building area shall be as defined in the state building code.

10.3 Statutory Exemptions to the Engineers and Architects Regulation Act

Notwithstanding other provisions of the E&A Act, persons who are not licensed architects or professional engineers may perform planning and design services in connection with any building, structure, or work as indicated below:

	OCCUPANCY CLASSIFICATION	MAXIMUM BUILDING AREA
10.3.1	A - Assembly	Less than 1,000 square feet
10.3.2	B - Business	Less than 3,000 square feet
10.3.3	E - Educational	Less than 1,000 square feet
10.3.4	F - Factory	Less than 5,000 square feet
10.3.5	H - Hazardous	
	H-1, H-2, H-3, H-4.....	Less than 2,000 square feet
	H-5	Less than 4,000 square feet
10.3.6	I - Institutional	
	I-1 Personal care.....	Less than 3,000 square feet
	I-2 Healthcare.....	Less than 5,000 square feet
	I- 1 <u>3</u> Detention	Less than 3,000 square feet

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	I-4 Day care.....	Less than 2,000 square feet
10.3.7	M - Mercantile	Less than 3,000 square feet
10.3.8	R - Residential	
	R-1, R-2, R-4.....	Less than 4,000 square feet
	R-3 single family <u>through four-plex</u>	Less than 10,000 square feet
10.3.9	S - Storage	Less than 5,000 square feet
10.3.10	U - Utility	Less than 5,000 square feet
10.3.11	Any structure which contains two or more occupancies shall be governed by the most restrictive occupancy for the purpose of utilizing Rule 10.3.	

10.4 Renovations and One-Level Additions

- 10.4.1 Renovations and one-level additions to an existing building, structure, or work shall be exempt from the E&A Act if:
- 10.4.1.1 The total impacted area is less than the area set by Section 10.3 of this Chapter; and
 - 10.4.1.2 The area of renovation or addition does not adversely impact the mechanical system; the electrical system; the structural integrity; the means of egress; and does not change or come into conflict with the occupancy classification of the existing or adjacent tenant space, building, structure or work.

10.5 The Practice of Engineering and Architecture

- 10.5.1 The development and utilization of construction means and methods such as schedules, work plans, work orders and directions, procedures, construction calculations, selection, provision and use of temporary facilities in support of construction activities, reports, selection and use of safety procedures and facilities, instructions and similar items customarily used by contractors to implement construction work designed by licensed persons does not constitute the practice of engineering or architecture.
- 10.5.2 The preparation by employees of construction companies of ancillary drawings and data, such as field details, shop drawings, product data, conceptual drawings, calculations, diagrammatic instructions and similar documents and information, which are typically utilized to implement the construction of a facility designed by a licensed person does not constitute the practice of engineering or architecture.

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- 10.5.3 The performance of field layout and installation work by employees of construction companies on projects designed by a licensed person or persons, including construction work such as field staking and measurement; installation of material or equipment at designed locations or locations selected in the field; field fitup and modification work; and layout of construction installation and support work does not constitute the practice of engineering or architecture.
- 10.5.4 The estimate of the cost of construction work (including the extent of the cost of changes in the work) by construction companies including such things as preparing and reviewing preliminary concepts of the project, identifying the scope of the construction work, preparing preliminary schedules and sequences for the construction work, and evaluating the estimates of subcontractors and suppliers, does not constitute the practice of engineering or architecture.
- 10.5.5 The performance of work customarily involved in project management of construction work on projects designed by licensed persons does not constitute the practice of engineering or architecture. Examples would be:
- 10.5.5.1 The evaluation of the project and its budget;
 - 10.5.5.2 Services relating to financing the project;
 - 10.5.5.3 Recommendations on construction feasibility, timing of design and construction, and factors relating to construction costs such as alternative designs prepared by a licensed professional;
 - 10.5.5.4 Procurement of labor and materials;
 - 10.5.5.5 Coordination and evaluation of subcontractor performance;
 - 10.5.5.6 Preparation of schedules;
 - 10.5.5.7 Estimating the project costs;
 - 10.5.5.8 Performing construction work; and
 - 10.5.5.9 Reporting on the progress and costs of the work.
- 10.5.6 Preliminary and Final Plats
- Preparation of a preliminary plat is not restricted, but the final plat must be prepared and certified by a registered Land Surveyor. If, however, the final plat contains streets (other than rights-of-way), sewers, water lines, or other engineering works, it needs to be prepared and certified by both a registered Land Surveyor and a professional engineer. Mathematical details of the final plat are the responsibility of the registered Land Surveyor. Physical details, such as grading, public works, or construction are the responsibility of the professional engineer and may not be certified by the registered Land Surveyor.
- 10.5.7 Livestock Waste Permits; Neb. Rev. Stat. §§ 81-3449(13) & 81-3453(12)

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Under the E&A Act, the seal of an architect or professional engineer will be required for work related to livestock waste facilities only when the work falls within the definition of practice of architecture (Neb. Rev. Stat. § 81-3420) or practice of engineering (Neb. Rev. Stat. § 81-3421).

10.5.8 Water Based Fire Protection Systems; Neb. Rev. Stat. §§ 81-3449 (11) & 81-3453 (7)

Nothing in the E&A Act shall prevent a certified water-based fire protection system contractor with a responsible managing employee from engaging in the business of installation, repair, alteration, addition, maintenance, or inspection of water-based fire protection systems, or system layout recognized by the State Fire Marshal, in accordance with Neb. Rev. Stat. §§ 81-5,158 to 81-5,164.

10.5.9 Participation in a Conceptual Design Competition

Participation in a ~~Conceptual-conceptual~~ design services, as provided in a design competition in Nebraska is not considered the ,are a part of the practice of architecture and-or engineering. Those services are also an offer to practice; therefore, design professionals participating in a Design Competition in Nebraska must be licensed to practice their profession in Nebraska, or procure a temporary permit.

10.5.10 Spill Prevention Containment and Countermeasures

Preparation of Spill Prevention Containment and Countermeasure (SPCC) plans for a project located in Nebraska that requires the seal of a professional engineer, constitutes the practice of engineering and must be prepared by a professional engineer licensed by the Board.

10.5.11 Forensic Engineering

Forensic testing requiring the services of an architect or professional engineer, for purposes of the Act, is considered the practice of architecture and/or engineering, regardless of where the test material originated, if the facility performing the testing services is located in Nebraska.

10.5.12 Expert Witness

An architect or professional engineer who serves as a testifying or non-testifying expert in a lawsuit or arbitration in the state of Nebraska regarding issues within the scope of their professional knowledge is not practicing architecture or engineering in Nebraska for purposes of the Act, and such service does not constitute the unauthorized practice of engineering or architecture if the expert is not licensed in this State.

10.6 Building Officials

Notwithstanding these exemptions, the responsible building official may require plans and specifications to be designed and prepared by an architect and/or professional engineer if the official finds a hazard to life, health, safety, or welfare due to the unusual circumstances of the building or structure or an unusually large number of potential occupants in relation to square footage for a particular occupancy.

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10.7 Emergency Services

A person who is not currently licensed in this state, but who is currently licensed in another jurisdiction in the United States, may provide uncompensated (other than reimbursement of expenses) professional services at the scene of a declared emergency at the request of a public officer acting in an official capacity.