

Nebraska Board of Engineers and Architects
Board Meeting Agenda
September 18, 2015
215 Centennial Mall South, 5th Floor Conference Room, Lincoln, NE

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

Open Meeting and Public Agenda Information

8:45 a.m. - Public Comment

Agenda Items

A Consent Agenda

Meeting Minutes

1-9 August 14, 2015 meeting minutes

Action Approval of Consent Agenda

B Committee Reports

1 2015-16 Board committee assignments and charges

Executive Committee Report

Education and Communication Committee Report

2-3 Committee Meeting Minutes – 8/26/15

4-9 Facebook Activity Report

Enforcement Committee Report

10-11e Committee Meeting Minutes – 8/26/15

Legislative Committee Report

12-15 Correspondence concerning proving competency in practice

15a-15c Professional Engineers Coalition comments on proposed rules and regulations

15c.1-15c.2 Legislative Committee response to PEC concerns

15d-15e American Council of Engineering Companies communication on rules review

Contract Ad Hoc Committee Report

Strategic Plan

16-29 2015-16 Strategic Plan draft review

Action

C Old Business

Proposed rules and regulations discussion *(draft to be provided)*

1-2 State Fire Marshal's response to proposed rule 8.4.2 and its subsections

2a-2c Proposed rules 8.1 through 8.3.2 for complaints and compliance issues

3 Staff recommendation on experience requirement deadline, proposed rule 2.3.15

Proposed annual license renewal

Proofing and formatting proposed rules and regulations

Action

4 Revised Coordinating Professional brochure

Action

Legal contract candidate

Action

5-24 Feedback on Proposed IDP Experience Portfolio Documentation Program

Action

D New Business

Architecture Items

None at this time

Engineering Items

1-5 SEAoN Statement of Opinion on experience requirement for PE examination

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Other New Business

- 6-7 AG Advisory on impact of *North Carolina Board of Dental Examiners v. Federal Trade Commission*
- 8-11 2015 regional and national meeting travel authorization

Action

E Compliance

Logs

- 1-2 Open cases
- 3-7 History of closed cases

Cases

- 11 11.04 – Summary & Documentation
- 21-40 14.03 – Summary & Documentation
- (21-40) 14.13 – Summary & Documentation
- 41-42 14.09 – Summary & Documentation
- 51-53 15.04 – Summary & Documentation
- 61-69 15.10 – Summary & Documentation
- 71-79 15.13 – Summary & Documentation
- 81-86 15.15 – Summary & Documentation
- 91-107 15.17 – Summary & Documentation
- 111-114 15.19 – Summary & Documentation
- 121-126 15.20 – Summary & Documentation

Action

Approval of Compliance Disposition

Action

Approval of Complaint Panel Disposition

F Applications

Administratively Approved

- 1-10 NCEES MLE – Engineers
- 11-13 NCARB Certification – Architects
- 21 Temporary Permits
- 31-32 Engineer Intern Enrollment
- 41 Architect Registration Examination/Re-approvals
- 51-52 Organizational Practice – Certificates of Authorization

Licensure/Examination

- 61-63 Applications for licensure of Engineers by Comity
- 71 Applications for licensure of Engineers by Experience
- Applications for licensure of Architects by Experience - *None*
- 91 Applications for licensure by Reinstatement
- 101 Applications to take the PPE Exam
- Special Cases** – Applications for licensure by Comity
- 111-118 Alan Pang
- Special Cases** – Applications for Engineer Intern Enrollment
- 121-127 Michael Asaad
- 128-138 Amin Mohebbi
- Special Cases** – Applications to sit for the PPE Exam

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141-142 Asregedew Woldesenbet
Special Cases – Applications for Re-Approval to sit for the ARE

151-152 Shane Lewis

Action Approval of Applications

Licensing Information

153-154 Comparison of ABET-EAC Accredited Programs and NCEES Education Standard

G Financial Matters

Reports

1 FY 2015-16 Financial Profile, August 2015

2-5 Budget Status Report, August 2015

6-14 MTD General Ledger Detail Report, August 2015

15-17 Fund Summary Report, August 2015

Action Approval of Financial Reports

Other Financial Matters

18 Per diem rate

Action

H General Information

1-2 Public meeting notice publication

3-4 Board meetings and schedule

5 Roster of Board members

6-7 Travel Reimbursement Policy

Licensing and Certification Trends

8 Trends in Licensure

9 Trends in Renewals

10-11 Trends in Certificates of Authorization

Examination Information/Results

12 ARE Monthly Pass/Fail Report – June 2015

13 ARE Monthly Pass/Fail Report – July 2015

14 ARE Monthly Pass/Fail Report – August 2015

15 ARE Open Eligibilities Report – August 1, 2015

16 ARE Open Eligibilities Report – September 1, 2015

Other information

17-24 Approved Board policies

Adjournment

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CALL TO ORDER

The meeting was held at 215 Centennial Mall South, 5th Floor Large Conference Room, Lincoln, Nebraska. In the absence of Chair Krejci, Vice-Chair Kester called the meeting to order at 8:30 a.m. and noted the location of the Public Meeting Statutes. Notice of the meeting was published on the Board's website and in the Lincoln Journal Star in compliance with the Open Meetings Act.

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

Staff Present: Steve Masters, Executive Director (ED); Sandra Weaver, Administrator (AD); Lisa Mathews, Compliance Officer (CO); Rachel Fetterman, Public Information Officer (PIO).

Public Present

Jackie McCullough, Executive Director, American Council of Engineering Companies (ACEC)
Jeffery Sockel, P.E., Board President, American Council of Engineering Companies (ACEC)
Sara Kay, Hon. AIA, Executive Director, AIA Nebraska
David Johnson, AIA, Secretary, AIA Nebraska
Joe Kohout, Lobbyist, Professional Engineers Coalition (PEC)
William Arneson P.E., Professional Engineers Coalition (PEC)
Shawn Parmley, American Society of Interior Designers (ASID)

Agenda Items

A Consent Agenda

Meeting Minutes

August 14, 2015 meeting minutes

Approval of Consent Agenda

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

B Committee Reports

2015-16 Board committee assignments and charges

Executive Committee Report – *None at this time.*

Education and Communication Committee Report

Committee Chair Helgoth reported the Education and Communication Committee met on August 26, 2015. The new licensee ceremony will be held October 23rd in the Warner Chamber at the State Capitol. Conzett will be the keynote speaker and Laging will introduce the architect licensees. Linzell offered to introduce the professional engineer licensees if available and will confirm with PIO Fetterman after checking his schedule. Klein will fill in if needed.

The Facebook Activity Report tracking activity on the Board's website from August 6 to September 9, 2015, was presented for review.

Enforcement Committee Report

Committee Chair Klein reported the Enforcement Committee met on August 26, 2015. A letter was received and reviewed from an applicant who was denied licensure by comity. The individual requested information on how to request reconsideration of an application for licensure. The Committee will bring its recommendation to the October meeting in light of the Board's discussion.

Legislative Committee Report

Committee Chair Kester provided an email received from a plan reviewer concerning competency of licensees on projects. ED Masters will follow up with a call to respond and ask for clarification if needed.

Comments on the proposed rules and regulations draft provided on August 17th were received from the Professional Engineers Coalition. A memorandum of Committee responses was provided by Legislative Committee Chair Kester. Responses were reviewed with PEC representatives William Arneson and Joe Kohout. Proposed changes and concerns were discussed with stakeholder representatives in attendance. The Legislative Committee will send clarification to stakeholders on issues discussed. Kester will put together an explanation of rationale for the controversial rule changes. The draft will be sent in approximately a week to groups attending the meeting to distribute to their licensees. Kester warned it would be a short turn around. The Board plans to approve proposed rules and regulations at the October 23rd meeting to begin the rulemaking process.

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The American Council of Engineering Companies (ACEC) requested additional time to review the draft of the proposed rules and regulations. A meeting with Board representatives was proposed for the week of September 21st to discuss the drafted rules and regulations.

Contract Ad Hoc Committee Report

The Ad Hoc Committee report is under the agenda item "Legal contract candidate" in Old Business.

Strategic Plan

2015-16 Strategic Plan draft review

The 2015-16 Strategic Plan review was deferred to the October meeting.

C Old Business

Proposed rules and regulations discussion

A stakeholder draft of the proposed rules and regulations was distributed for meeting discussion.

The Board discussed pulling proposed rule 8.4.2 and its subsections from the rules and regulations draft to require notice of state agencies and political subdivisions if assurances required in 8.4.2 are not provided. After discussion, it was decided to leave the section in.

Additional revisions of Rule 8.1 through 8.3.2 of Chapter 8; Enforcement, concerning compliance processes were reviewed by the Board for inclusion in the proposed changes.

Proposed Rule 2.3.15 states experience must have been received at the time of application. It was questioned whether the language should be changed from "time of the application" to "by the application deadline established by the Board." The Board did not support a modification of the proposed rule.

The draft for the proposed rules and regulations would change the renewal period of professional engineers and architects to one year from the current two-year renewal period. Comments and concerns were heard from William Arneson, PEC, and Jeff Sockel, ACEC.

Proofing and formatting proposed rules and regulations

Kester recommended Jennifer Gray to proof and draft the proposed rules and regulations into a legislative format. A rate of \$35 an hour with a cap of \$1,000 for expenditures was proposed for services to prepare a draft for the October meeting.

Action Motion by Helgoth, second by Linzell to retain Jennifer Gray to format and proof a legislative copy of the proposed rules and regulations for substantial completion by the October meeting. Gray will be paid an hourly rate of \$35 per billable hour with a cap of \$1,000 in expenditures. Voting Yes: Helgoth, Klein, Laging, Linzell, Champion, Konzett, Kester. Voting No: None. Absent: Krejci.

Revised Coordinating Professional brochure

The revised Coordinating Professional brochure was reviewed. Copies will be printed after the proposed rules and regulations become effective.

Action Motion by Helgoth, second by Klein to approve posting the Coordinating Professional Brochure on the Board's website. Voting Yes: Helgoth, Klein, Laging, Linzell, Champion, Konzett, Kester. Voting No: None. Absent: Krejci.

Legal contract candidate

The Contract Ad Hoc Committee reported legal contract candidate Craig Martin was interested in the position of Special Assistant Attorney General for the Board. An updated resume was distributed. Kester reported committee members met with Mr. Martin. He offered to charge the rates provided on the application provided last year and would bill half of his rate for travel time. Rates included an hourly wage of \$210 per hour for attorney fees, \$175 per hour for associate attorney fees, and \$110 per hour for paralegals working under his supervision.

Action The Contract Ad Hoc Committee motioned to enter into an agreement with Craig Martin with the approval of the Attorney General. Voting Yes: Helgoth, Klein, Laging, Linzell, Champion, Konzett, Kester. Voting No: None. Absent: Krejci.

ED Masters will work with Assistant Attorney General John Jelkin to obtain approval from the Attorney General to negotiate an agreement with Craig Martin for legal services.

Feedback on Proposed IDP Experience Portfolio Documentation Program

The NCARB Board of Directors is considering development of a new program, and is seeking input from Member Boards and other related organizations. At the August meeting, the Board was asked to email comments to ED Masters. The Board agreed there were no concerns and it would support the program. ED Masters will complete and submit the online survey for the proposed IDP Experience Portfolio Documentation Program.

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D New Business

Architecture Items

None at this time.

Engineering Items

SEaON Statement of Opinion on experience requirement for PE examination

The Board reviewed SEaON's Statement of Opinion concerning the required experience for admission to the examination on the Principles and Practice of Engineering. Other states have recently passed the change to a 0-year experience requirement to sit for the exam. In the Statement of Opinion, SEaON cited reasons to keep the experience requirement rather than eliminate it.

The Board discussed the issue of allowing applicants to obtain concurrent experience by both working and attending college full time. Concern was expressed over the quality of working experience obtained while going to school full time. Conzett reported the subject was addressed in Williamsburg and it was clear other states are requiring four years of experience before licensure. The Board agreed to add a drafted provision to the proposed rules and regulations to require four years of experience before licensure.

Other New Business

AG Advisory on impact of *North Carolina Board of Dental Examiners v. Federal Trade Commission*

Nebraska Attorney General Douglas Peterson sent the Board an advisory on the potential impact of the *North Carolina Board of Dental Examiners v. Federal Trade Commission*, 135 S. Ct. 1101 (2015). The Supreme Court of the United States' opinion in that case provides guidance to state regulatory boards on the application of immunity to anticompetitive conduct, when the members of regulatory boards actively participate in the market they are regulating. A recommendation was made to active participant boards to carefully examine actions that may be considered anticompetitive in nature or regulate an activity that is not clearly defined by statute. Possible risk areas could include board actions that limit competition among market participants or limit the activity of people outside of the market. Boards are advised to consult closely with their internal legal counsel or Assistant Attorney General.

2015 regional and national meeting travel authorization

Funding will be provided by NCEES for the following events:

- Conzett was authorized to attend the NCEES Board of Directors Meeting in Asheville, NC, on October 29-31, 2015, the AAES General Assembly meeting in Reston, VA, on November 4-5, 2015, the Leadership Meeting in Reston, VA, November 23, 2015, and the ACCA meeting in Austin, TX, on December 13-14, 2015.
- Helgoth was authorized to attend the NCEES Financial Reserves Task Force Meeting in Portland, OR, on December 14-15, 2015.
- ED Masters was authorized to attend the NCEES MBA Committee Meeting in Tampa, FL, on December 7-8, 2015.

E Compliance

Logs

Open cases provided to the Board.

History of closed cases provided to the Board.

Executive Session – Commenced at 10:17 a.m.

Action

Motion by Helgoth, second by Linzell to go into closed session for compliance case discussion 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 Vice-Chair Kester. Voting Yes: Helgoth, Klein, Linzell, Champion, Conzett, Kester. Voting No: None. Absent: Laging (temporarily stepped out of meeting); Krejci.

Cases

11.04 – Summary & Documentation

Reviewed in Executive Session

14.03 – Summary & Documentation

Reviewed in Executive Session

14.13 – Summary & Documentation

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Reviewed in Executive Session

14.09 – Summary & Documentation

Reviewed in Executive Session

15.04 – Summary & Documentation

Reviewed in Executive Session

15.10 – Summary & Documentation

Reviewed in Executive Session

15.13 – Summary & Documentation

Reviewed in Executive Session

15.15 – Summary & Documentation

Reviewed in Executive Session

15.17 – Summary & Documentation

Reviewed in Executive Session

15.19 – Summary & Documentation

Reviewed in Executive Session

15.20 – Summary & Documentation

Reviewed in Executive Session

Executive Session – Concluded at 11:05 p.m.

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

Approval of Compliance Disposition

Action Motion by Klein, second by Konzett to dismiss Compliance Case 11.04 with no disciplinary action. Voting Yes: Helgoth, Klein, Laging, Linzell, Champion, Konzett, Kester. Voting No: None. Absent: Krejci.

Action Motion by Klein, second by Konzett to dismiss Compliance Case 14.09 with no disciplinary action. Voting Yes: Helgoth, Klein, Laging, Linzell, Champion, Konzett, Kester. Voting No: None. Absent: Krejci.

Action Motion by Klein, second by Laging to dismiss Compliance Case 15.10 with no disciplinary action and inform the newly hired organization of the requirement to obtain a Certificate of Authorization. Voting Yes: Helgoth, Klein, Laging, Linzell, Champion, Konzett, Kester. Voting No: None. Absent: Krejci.

Action Motion by Klein, second by Linzell to dismiss Compliance Case 15.13 because of the Board's lack of jurisdiction. Voting Yes: Helgoth, Klein, Laging, Linzell, Champion, Konzett, Kester. Voting No: None. Absent: Krejci.

Approval of Complaint Panel Disposition

Action Motion by Klein, second by Konzett to dismiss Compliance Case 15.15. This is not to be considered as a disciplinary action by the Board. Voting Yes: Helgoth, Klein, Laging, Linzell, Champion, Konzett, Kester. Voting No: None. Absent: Krejci.

Action Motion by Klein, second by Linzell to dismiss Compliance Case 15.20. This is not to be considered as a disciplinary action by the Board. Voting Yes: Helgoth, Klein, Laging, Linzell, Champion, Konzett, Kester. Voting No: None. Absent: Krejci.

F Applications

Administratively Approved

NCEES MLE – Engineers

E-15732 Craig Mitchell Archer, Civil; E-15762 David Alan Balma, Civil; E-15770 John Raymond Beebe, Jr, Electrical; E-15757 Christine Laurelle Beermann, Mechanical; E-15776 Damon Michael Chmela, Electrical; E-15773 Terry Lynn Gorseth, Jr, Electrical and Computer; E-15735 Eric Justin Granrud, Civil; E-15758 Joseph Bernard Hossley, Environmental; E-15756 Ryan Scott Jones, Architectural; E-15765 Cody Fredrick Kenny, Civil; E-15764 Kyle Jeffrey Kukuk, Civil; E-15771 Robert John L'Insalata, Electrical; E-15733 Jeremy Adam Latterman, Mechanical; E-15731 Ismael Madrigal-Martinez, Civil; E-15766 Argle James Marshall, IV, Mechanical; E-15769 Timothy Todd Martin, Civil; E-15760 Chad Lowell Moddy, Electrical; E-15763 Mark Walid Nannis, Civil; E-15761 Darren Duane Neff, Structural; E-15734 Olusola Lateef Obitayo, Electrical and Computer; E-15774 Daniel Jason Rau, Civil; E-15772 Brian David Rice, Mechanical; E-15759 Jason David Robinson, Civil; E-15767 William Duane Rowley, Electrical; E-

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15775 Theodore Frank Schultz, Civil; E-15768 Erik Hans Skulstad, Civil; E-15730 Christopher Smith, Structural; E-15736 Christopher Matthew Ward, Mechanical.

NCARB Certification – Architects

A-4603 Paul Herman Boerboom; A-4594 John Richard Choate; A-4595 Joseph Robert Eisma; A-4599 William Kevin Harden; A-4600 Stacy Lynn Kroft; A-4602 Francis Joseph Kubier; A-4596 Robert Jerry Lara; A-4593 Brent Alan Schipper; A-4601 Glen Allen Selligman.

Temporary Permits

T-514 Daniel Charles Caudy, Architect.

Engineer Intern Enrollment

Benett James Batenhorst, NE; Christopher Lee Bears, NE; Ethan Allan Davis, NE; Jacob Michael Ferro, IA; Katie Jean Freese, NE; Adam Bradley Halls, NE; Nathaniel James Matz, NE; Gustavo Adolfo Mena, NE; Todd Michael Pernicek, NE; Shannon William Richardson, NE; Jason Robert Sindelar, NE; Trevor Stephen Webb, NE; Matthew George Welker, NE; Asregedew Kassa Woldesenbet, NE.

Architect Registration Examination/Re-approvals

Ciprian Paul Cocolas, NE; Meagan Marie McColloch, NE.

Organizational Practice – Certificates of Authorization

CA3434 O'Bryan Partnership Architects Inc; CA3435 2LS Consulting Engineering DPC; CA3436 DeWine Mechanical Inc; CA3437 RTM Engineering Consultants LLC; CA3438 JG Johnson Architects PC; CA3439 Sage Environmental Consulting LD; CA3440 TMG Engineering Inc; CA3441 Gravity Works Architecture PA; CA3442 Savage-Ver Ploeg & Associates Inc; CA3443 Platt Architecture PA; CA3444 Packard Electric Inc; CA3445 Ballard Architectural Studio LLC; CA3446 MDP Engineering Group; CA3447 Planet Forward Energy Solutions LLC.

Licensure/Examination

Applications for licensure of Engineers by Comity

Approved: Christopher Robert Anderson, Civil, MT; Brian David Bartels, Civil, CO; David James Curran, Jr, Civil, CO; Andrew Bernard Flynn, Civil, CO; Brian Daniel Howell, Mechanical, TX; Nicole Lynn Jackson, Civil, MO; Teresa Marie Wooten, Civil, OH.

Applications for licensure of Engineers by Experience

Petronilo Crespo Alarcon, Civil, FL; Robert Alan Garber, Civil, IA.

Applications for licensure of Architects by Experience - None

Applications for licensure by Reinstatement

E-13457 Charles Anthony Garcia, Civil; E-10622 Gary Joseph Kuhl, Mechanical.

Applications to take the PE Exam

Traci Johanna Custard, NE, Civil; Joshua Todd Ward, NE, Civil.

Special Cases – Applications for licensure by Comity

Deny: Alan Ah-Kum Pang, Civil, DE – Has not taken the FE exam; does not have at least 15 years of licensed experience in another jurisdiction.

Special Cases – Applications for Engineer Intern Enrollment

Approve: Michael Anwar Asaad, NE; Amin Mohebbi, NE.

Special Cases – Applications to sit for the PE Exam

Approved: Asregedew Kassa Woldesenbet, NE, Civil.

Special Cases – Applications for Re-Approval to sit for the ARE

Approved: Shane Christian Lewis, NE.

Approval of Applications

Action Motion by Klein, second by Helgoth to approve applications as recommended by staff. Voting Yes: Helgoth, Klein, Laging, Linzell, Champion, Konzett, Kester. Voting No: None. Absent: Krejci.

Licensing Information

A comparison of ABET-EAC Accredited Programs and NCEES Education Standard was provided.

G Financial Matters
Reports

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FY 2015-16 Financial Profile, August 2015

Budget Status Report, August 2015

MTD General Ledger Detail Report, August 2015

Fund Summary Report, August 2015

ED Masters reviewed the August financial reports with the Board. He noted a mid-biennium budget adjustment would be submitted if the Board voted to raise per diem. LB23, which became effective on August 30, 2015, raised the per diem limit to \$100. Although LB23's fiscal note reflected additional expenditures for an anticipated increase, no additional appropriation was received.

Approval of Financial Reports

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

Other Financial Matters

Per diem rate

The maximum rate for per diem was increased to \$100 in LB 23, which became effective on August 30, 2015.

Action Motion by Laging, second by Helgoth to change the per diem rate for Board members from \$60 to \$100 as of the effective date of LB 23. Voting Yes: Helgoth, Klein, Laging, Linzell, Champion, Konzett, Kester. Voting No: None. Absent: Krejci.

H General Information

Public meeting notice publication

An ad for the September 18, 2015 meeting was publicized in the Lincoln Journal Star.

Board meetings and schedule

A schedule of upcoming meetings and events was provided for review. The next Board meeting is scheduled at 8 a.m. on October 23, 2015, at 215 Centennial Mall South, 5th Floor Large Conference Room, Lincoln, Nebraska. The Board discussed targeting the December 11 meeting date for the Public Rulemaking Hearing. To provide adequate room for the public to attend the hearing, another location will be selected at the October meeting.

Roster of Board members

A current 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

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

Examination Information/Results

ARE Monthly Pass/Fail Report – June 2015

Fourteen examinees sat for various sections of the ARE in June 2015. Ten exams were passed.

ARE Monthly Pass/Fail Report – July 2015

Eleven examinees sat for various sections of the ARE in July 2015. Nine exams were passed.

ARE Monthly Pass/Fail Report – August 2015

Twenty-two examinees sat for various sections of the ARE in August 2015. Fifteen exams were passed.

ARE Open Eligibilities Report – August 1, 2015

One hundred thirteen Nebraska ARE candidates have open exam eligibilities as of August 1, 2015.

ARE Open Eligibilities Report – September 1, 2015

One hundred twelve Nebraska ARE candidates have open exam eligibilities as of September 1, 2015.

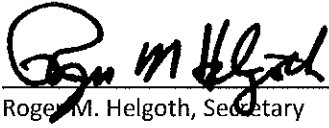
Other information

Approved Board policies were provided for review.

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Adjournment

The meeting adjourned at 12:04 p.m.



Roger M. Helgoth, Secretary