

Nebraska Board of Engineers and Architects
Board Meeting Agenda
October 23, 2015
215 Centennial Mall South, 5th Floor Conference Room, Lincoln, NE

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

Open Meeting and Public Agenda Information

The following will appear before the Board:

11:30 a.m. – James Ohmberger, Office of the CIO, State of Nebraska

8:45 a.m. - Public Comment

Agenda Items

A Consent Agenda

Meeting Minutes

1-7 September 18, 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 Meeting Minutes – 10/13/15

4-9 Facebook Activity Report

Enforcement Committee Report

10-11 Meeting Minutes with revised Enforcement Process Flowchart – 10/06/15

Legislative Committee Report

Strategic Plan

12-25 2015-16 Strategic Plan review

Action Approval of 2015-16 Strategic Plan

C Old Business

Proposed rules and regulations (*to be provided*)

Action

D Compliance

Logs

1-2 Open cases

3-7 History of closed cases

Cases

21-160 14.03 – Summary & Documentation

(21-160) 14.13 – Summary & Documentation

(21-160) 15.11 – Summary & Documentation

161 15.04 – Summary & Documentation

171-174 15.08 – Summary & Documentation

181-187 15.09—Summary & Documentation

191-229 15.19 – Summary & Documentation

Action Approval of Compliance Disposition

Other Compliance Matters

Direct supervision and control criteria (*See Enforcement Committee Minutes – 10/06/15*)

231 North Carolina

232-235 Oklahoma

236 Texas

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- 237 Oregon
- 238-242 California
- 243 Ohio
- 244 Alaska

Action

E Financial Matters

Reports

- 1 FY 2015-16 Financial Profile, September 2015
- 2-5 Budget Status Report, September 2015
- 6-13 MTD General Ledger Detail Report, September 2015
- 14-16 Fund Summary Report, September 2015

Action Approval of Financial Reports

Proposed Contracts

- 17-22 Craig F. Martin, Attorney at Law

Action

Other Financial Matters

- 23 Licensing Software/Database Overview

Action

- 24-40 Mid-Biennium Budget Adjustment Request

Action

F Applications

Administratively Approved

- 1-10 NCEES MLE – Engineers
- 11-12 NCARB Certification – Architects
- 21 Temporary Permits
- 31 Engineer Intern Enrollment
- Architect Registration Examination - *None*
- 51-53 Organizational Practice – Certificates of Authorization

Licensure/Examination

- 61-65 Applications for licensure of Engineers by Comity
- 71-73 Applications for licensure of Engineers by Experience
- Applications for licensure of Architects by Experience - *None*
- 91-92 Applications for licensure by Reinstatement
- 101 Applications to take the PPE Exam

Special Cases – Applications for licensure by NCEES MLE

- 111-115 James Lane
- 116-120 Richard Peterman
- 121-122 Peter Rabner
- 123-131 Carlos Valenzuela

Special Cases – Applications for licensure by Reinstatement

- 132-142 Robert Race
- Special Cases – Applications for Re-Approval to sit for the ARE**
- 143 Eugene Macapinlac
- Special Cases – Applications for License Renewal**
- 144-151 Carl Demeter

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152-153 Joseph Flaxbeard

154-158 Corry Jones

Action Approval of Applications

Other Application Matters

161-169 **Staff clarification for second discipline**

Licensing Information

170-171 Comparison of ABET-EAC Accredited Programs and NCEES Education Standard

G New Business

Governance

1 Revised Policy 03.04 - Reimbursement of Educational Debt for Engineering Graduates

Action

Architecture Items

2-5 Wall Street Journal publication on architect licensing and NCARB response

Engineering Items

6-15 Nominations for NCEES National Service Awards

Other New Business

16-19 2015 regional and national meeting travel authorization

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 Renewal Mailing History

11-12 Trends in Certificates of Authorization

Examination Information/Results

13 ARE Open Eligibilities Report – October 1, 2015

14 ARE Monthly Pass/Fail – September 2015

Other information

15-22 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. Chair Krejci called the meeting to order at 8:32 a.m. and noted the location of the Public Meeting Statutes. Notice of the meeting was published on the Board's website and in the Lincoln Journal Star in compliance with the Open Meetings Act.

Roll Call: Lori Krejci, Chair; Krista Kester, Vice-Chair; Roger Helgoth; Secretary; Mark Champion; Michael Conzett; Jennifer Klein, Tom Laging; Daniel Linzell. Absent: None.

Staff Present: Steve Masters, Executive Director (ED); Sandra Weaver, Administrator (AD); Rachel Fetterman, Public Information Officer (PIO), Jean Lais, Administrative Assistant (AA).

Public Present:

Joe Kohout, Lobbyist, Professional Engineers Coalition (PEC)

James Ohmberger, Office of the CIO, State of Nebraska

Agenda Items

A Consent Agenda

Meeting Minutes

September 18, 2015 meeting minutes

Approval of Consent Agenda

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

B Committee Reports

2015-16 Board committee assignments and charges

Executive Committee Report

Chair Krejci reported the Executive Committee met on September 29th to update the job specification for the Compliance Officer position. State Personnel is currently reviewing the specification and a requisition will be created to open the position for applications as soon as approved.

Education and Communication Committee Report

Committee Chair Helgoth reported the Education and Communication Committee met on October 13th. The Continuing Education Event registration will be posted on the website on Saturday. A meeting will be held with AIA-NE, ACEC, and NeSPE Executive Directors about the 2016 Continuing Education Event. The type of information to be provided for the event was discussed. PIO Fetterman will send a draft of the Fall Newsletter for Board review.

The Facebook Activity Report tracking activity on the Board's website from September 10 to October 15, 2015, was presented for review.

Enforcement Committee Report

Committee Chair Klein reported the Enforcement Committee met October 6th. The Committee worked with CO Mathews to understand open compliance cases since the Compliance Officer position would be vacant after October 16th. A revised flowchart for the NBEA Complaint/Enforcement Process was included with the Committee meeting minutes. After discussion, further revisions were suggested by the Board. The chart will not be published on the Board's website until the Board is comfortable with the compliance process. Difficulty defining plan stamping was noted. Further discussion was deferred until the Compliance section of the agenda.

Legislative Committee Report

Committee Chair Kester submitted drafts of a marked-up and clean copy of the rules and regulations for Board review. The Committee abandoned moving license renewals to a one-year period rather than a two-year period because of resistance from some of the stakeholders. Joe Kohout stated the Engineers Coalition was in agreement with latest draft of proposed rules. Appreciation was expressed for the cooperation during the proposed rule review period and the Board stated support would be appreciated for the proposed changes.

Strategic Plan

2015-16 Strategic Plan draft review

Approval of 2015-16 Strategic Plan

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Action Motion by Helgoth, second by Konzett to approve the 2015-16 Strategic Plan. Voting Yes: Kester, Klein, Laging, Linzell, Champion, Konzett, Helgoth, Krejci. Voting No: None.

C Old Business

Proposed rules and regulations

Concern with multi-state licensing obstacles was expressed. Issues in connection with license renewals will be reviewed later as more states make changes. Joe Kohout stated the September meeting dialogue was helpful and a good discussion was held with the Professional Engineers Coalition. Mr. Kohout was invited to the Rules and Regulation Hearing on December 11, 2015, to offer his support. He was thanked for his input and for attending the meeting.

The Board agreed to leave sections 8.4.2 and 8.4.3 in the proposed rules and regulations. They would require State agencies and political subdivisions to notify the Board if submitted plans did not meet the Engineers and Architects Regulation Act. A meeting will be requested with Governor Ricketts to discuss a cooperative arrangement between state agencies that would better serve the health, safety and welfare of Nebraska citizens. The Board's Legislative Committee will handle the process for the meeting.

Action Motion by Helgoth, second by Konzett to revise 4.1.4.1 in the proposed rules to begin with "Notwithstanding the education requirement of Rule 4.1.3.1.5." Voting Yes: Kester, Klein, Laging, Linzell, Champion, Konzett, Helgoth, Krejci. Voting No: None.

Action Motion by Legislative Committee Klein, second by Konzett approve the proposed rules and regulations, with any punctuation, grammatical, or typographical errors found to be fixed, and go forward with the rulemaking process. Voting Yes: Kester, Klein, Laging, Linzell, Champion, Konzett, Helgoth, Krejci. Voting No: None.

D Compliance

Logs

Open cases

History of closed cases

Executive Session – Commenced at 10:05 a.m.

Action Motion by Kester, second by Konzett 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 Chair Krejci. Voting Yes: Kester, Klein, Laging, Linzell, Champion, Konzett, Helgoth, Krejci.

Cases

14.03 – Summary & Documentation

Reviewed in Executive Session

14.13 – Summary & Documentation

Reviewed in Executive Session

15.11 – Summary & Documentation

Reviewed in Executive Session

15.04 – Summary & Documentation

Reviewed in Executive Session

15.08 – Summary & Documentation

Reviewed in Executive Session

15.09—Summary & Documentation

Reviewed in Executive Session

15.19 – Summary & Documentation

Reviewed in Executive Session

Executive Session – Concluded at 11:36 a.m.

Action Motion by Kester, second by Laging 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: Kester, Klein, Laging, Linzell, Champion, Konzett, Helgoth, Krejci. Voting No: None.

Approval of Compliance Disposition

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- Action** Motion by Klein, second by Linzell to direct counsel to prepare a consent agreement for the respondent in Cases 14.03 and 14.13 with terms consistent with recommendations in the Investigator's report and to pay the cost of the Investigator if conditions are not met. The cost of the Investigator will be waived in full if evidence is shown within 12 months that the recommended courses have been completed. Voting Yes: Kester, Klein, Laging, Linzell, Konzett, Helgoth, Krejci. Abstain: Champion. Voting No: None.
- Action** Motion by Kester, second by Linzell to close Compliance Case 15.11 because of lack of probable cause. Voting Yes: Kester, Klein, Laging, Linzell, Champion, Konzett, Helgoth, Krejci. Voting No: None.
- Action** Motion by Helgoth, second by Klein to authorize Special Assistant Attorney General Martin to proceed with a formal process in Compliance Case 15.04. Voting Yes: Kester, Klein, Laging, Linzell, Champion, Konzett, Helgoth, Krejci. Voting No: None.
- Action** Motion by Klein, second by Kester to close Compliance Case 15.08 because of lack of probable cause. Voting Yes: Kester, Klein, Laging, Linzell, Champion, Konzett, Helgoth, Krejci. Voting No: None.
- Action** Motion by Linzell, second by Helgoth to renew the license for the respondent in Case 15.09 and send a reminder letter to the respondent to fully disclose any discipline action on future renewals or action will be taken. Voting Yes: Kester, Klein, Laging, Linzell, Champion, Konzett, Helgoth, Krejci. Voting No: None.
- Action** Motion by Helgoth, second by Klein to proceed with a staff recommendation to calculate fees in arrears for a certificate of authorization and direct staff to contact three firms in connection with Compliance Case 15.19 to see if certificates are needed. Voting Yes: Kester, Klein, Laging, Linzell, Champion, Konzett, Helgoth, Krejci. Voting No: None.

Other Compliance Matters

Direct supervision and control criteria

The Enforcement Committee presented a question concerning plan stamping in a case filed by a city-planning department. ED Masters queried North Carolina, Oklahoma, Texas, Oregon, California, Ohio and Alaska for guidelines on plan stamping that were submitted for review by the Board.

The Board agreed the best way to determine if plan stamping is involved would be to identify elements of evidence. Elements could include repeat contact during the project, email and working notes, concurrent participation, and handling projects at a low cost.

E Financial Matters

Reports

FY 2015-16 Financial Profile, September 2015

Budget Status Report, September 2015

MTD General Ledger Detail Report, September 2015

Fund Summary Report, September 2015

ED Masters reviewed the September financial reports with the Board. Financial implications for funding and purchasing new database software were discussed.

Approval of Financial Reports

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

Proposed Contracts

Craig F. Martin, Attorney at Law

The proposed contract with Craig F. Martin, Attorney at Law, beginning on October 23, 2015, and ending on October 22, 2015, provides for legal representation of the Board at a varied hourly rate of \$210 per hour for attorney fees, \$175 for associate attorney fees, and \$110 per hour for paralegals working under his supervision. Approval for negotiation of the contract was received from the Attorney General's Office on October 2, 2015. The Attorney General will appoint Mr. Martin as the Board's Special Assistant Attorney General when the Board approves the contract.

- Action** Motion by Kester, second by Klein to authorize the Chair to sign a contract with Craig F. Martin as presented. Voting Yes: Kester, Klein, Laging, Linzell, Champion, Konzett, Helgoth, Krejci. Voting No: None.

Other Financial Matters

Licensing Software/Database Overview

James Ohmberger, Enterprise Computing Services Manager of the Office of the OCIO, reported the OCIO had been working with staff of the Board of Engineers and Architects and Board of Public Accountancy and had been looking for affordable solutions for licensing applications. Consideration has been given to multiple

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vendor solutions as well as a custom solution developed by the OCIO. There have been many conversations and demonstrations for solutions used by peer boards in other states. The OCIO will continue to communicate with boards and commissions in Nebraska. The experience gained by the Board of Engineers and Architects will be valuable in helping other boards and commissions to implement their own solutions. A tentative date for full implementation is February 2017.

Mid-Biennium Budget Adjustment Request

The Board reviewed and discussed the mid-biennium budget adjustment draft requesting additional appropriations for per diem and replacement of the current database. Issues included a \$75,000 request for database software and \$11,200 request for the increase in per diem payments for FY 2016-17. The per diem rate was increased from \$60 to \$100 as of 10/30/2015. If additional appropriation is granted for database software, the Board will require review and approval of any database software selected before a contract is signed. The deadline for submittal of the Mid-Biennium Budget Adjustment is October 23, 2015.

Action

Motion by Kester, second by Champion to authorize submission of the mid-biennium budget adjustment request as presented. Voting Yes: Kester, Klein, Laging, Linzell, Champion, Conzett, Helgoth, Krejci. Voting No: None.

F Applications

Administratively Approved

NCEES MLE – Engineers

E-15778 Michael Allen Beckhoff, Civil; E-15807 Jay Stuart Bleier, Civil; E-15797 Curtis Grant Brown, Electrical; E-15806 Jason George Cheronis, Civil; E-15798 Casey Jay Clay, Civil; E-15799 David Jacob Dunham, Civil; E-15791 Mathew Alan Fletcher, Structural; E-15792 Samuel James Glovick, Civil; E-15795 Shawn Anthony Graham, Civil; E-15800 Shannon James Howe, Civil; E-15777 Tony Isaac Jacob, Civil; E-15809 Brian Craig Johnson, Structural; E-15805 James Lee Krumwied, Mechanical; E-15810 Scott Thomas McGlamery, Electrical; E-15790 Billy A. Montgomery, Electrical; E-15801 Henry Vay Mowry, Mechanical; E-15802 Robert Thomas Parker, Civil; E-15811 Shawn Lewis Renken, Civil; E-15788 Steven Allen Riggs, Civil; E-15793 James Henry Sackinger, Mechanical; E-15808 Aaron Douglas Smith, Structural; E-15794 Bryan Taylor Starr, Structural; E-15789 Nicholas Andrew Strain, Civil; E-15804 Matthew Justin Tripler, Structural; E-15796 Steven Allan Wendland, Civil; E-15803 Randy Glen Zerr, Civil.

NCARB Certification – Architects

A-4609 Daniel Charles Caudy; A-4608 Steven Andrew Kolber; A-4607 Ashley Melinda Sullivan; A-4610 David Alan Williams; A-4611 Frank Ryan Yakel.

Temporary Permits

T-515 Oleg Nikolaevich Duday, CO, Engineering; T-516 Matthew Rolan Skaggs, WA, Engineering; T-517 Christan Tad Frossard, WA, Engineering.

Engineer Intern Enrollment

Bethany Anne Brittenham, IA; Geoffrey Clyde Wright, NE.

Architect Registration Examination - None

Organizational Practice – Certificates of Authorization

CA3448 Tuttle Inc; CA3449 DJ&A PC; CA3450 Evergreen Engineering Inc; CA3451 Jonathan L Foote & Associates USA PLLC; CA3452 The Vertex Companies Inc; CA3453 LHB Inc; CA3454 Benjamin Kroll Architecture; CA3455 Kolbrook Design Inc; CA3456 Engineered Tile Drainage; CA3457 RailPros Inc; CA3458 Frossard Engineering LLC; CA3459 Howe Company LLC; CA3460 Norr Inc; CA3461 SE3 LLC; CA3462 Ryan Engineering Inc; CA3463 Sam Gresham Architect PC; CA3464 Lawrence Group Inc.

Licensure/Examination

Applications for licensure of Engineers by Comity

Approved: Joshua Marc Beckman, Civil, KS; Robert Lawrence Connors, Mechanical, NY; Scott Robert Froemming, Civil, MN; Stephen James Malyszko, Electrical, MO; Mathew Gregory Martin, Electrical and Computer, MO; Onofre Landicho Mayuga, Electrical and Computer, FL; Michael Eugene Rabena, Mechanical, CA; John Stanley Shafer, Electrical, OR; Joseph Scott Warrick, Mechanical, NE.

Applications for licensure of Engineers by Experience

Approved: Patrick Joseph Collins, Civil, PA; Allyn Geoffrey Hector, Structural, IL; Jerry Scott Ogden, Civil, CO.

Applications for licensure of Architects by Experience

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Approved: A-4238 David Matthew Forgey, OK.

Applications for licensure by Reinstatement

Approved: E-6962 Michael Duane Bluhm, Civil.

Applications to take the PPE Exam

Approved: Timothy Clair Murphy, NE, Civil; Luke Nathan Oswald, NE, Mechanical.

Special Cases – Applications for licensure by NCEES MLE

Approved: James Edward Lane, Electrical; Richard Lewis Peterman, Civil; Peter Edwin Rabner, Civil.

Denied: Carlos Valenzuela Jr., Civil – Not fully disclosing criminal conviction in California at time of application

Special Cases – Applications for licensure by Reinstatement

Approved: E-6636 Robert James Race, Civil.

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

Approved: Eugene Aquino Macapinlac, NE.

Special Cases – Applications for License Renewal (Disclosure)

Approved: E-7207 Carl A. Demeter, E-14004 Joseph T. Flaxbeard, E-10834 Corry C. Jones.

Approval of Applications

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

Other Application Matters

Staff clarification for second discipline

The Board determined a request for a second engineering license discipline for Electrical or Fire Protection based on licensed experience could be granted with the filing of a completed application and fee and approval from the Board.

Licensing Information

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

G New Business

Governance

Revised Policy 03.04 - Reimbursement of Educational Debt for Engineering Graduates

With respect to § 81-3432.01, each eligible individual who passes the Fundamentals of Engineering examination on their first attempt no later than nine (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.

Action Motion by Laging, second by Kester to approve the revision of Policy 03.04. Voting Yes: Kester, Klein, Laging, Linzell, Champion, Conzett, Helgoth, Krejci. Voting No: None.

Architecture Items

Wall Street Journal publication on architect licensing and NCARB response

An opinion piece was published in the Wall Street Journal concerning the timeline to obtain a license as an architect. The Board reviewed the article and NCARB's response.

Engineering Items

Nominations for NCEES National Service Awards

The NCEES Committee on Awards is now soliciting nominations for the National Service Awards to be presented at the 95th annual meeting in Indianapolis, IN, on August 24-27, 2016. NCEES would like to recognize individuals who have made exceptional contributions and provided outstanding service to the organization.

Other New Business

2015 regional and national meeting travel authorization

Conzett was authorized to attend the Emerging Leaders Task Force Meeting in Charleston, SC, on January 8-9, 2016. Travel will take place on January 7th. Funding will be provided by NCEES. Conzett noted he would be traveling on November 22nd to attend the November 23, 2015 NCEES Leadership Meeting in Reston, VA.

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H General Information

Public meeting notice publication

An ad for the October 23, 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 8:30 a.m. on November 20, 2015, at the NRD Conference Room, 4236 Portia Street, Lincoln, Nebraska. The Board plans to hold a Public Rulemaking Hearing and regular meeting on December 11, 2015 in Room 1126 at the State Capitol.

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

Renewal Mailing History

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 Open Eligibilities Report – October 1, 2015

One hundred ten Nebraska ARE candidates have open exam eligibilities as of October 1, 2015.

ARE Monthly Pass/Fail – September 2015

Eighteen examinees sat for various sections of the ARE in September 2015. Fourteen exams were passed.

Other information

Approved Board policies were provided for review.

Adjournment

The meeting adjourned at 1:25 p.m.


Roger M. Helgoth, Secretary

11/20/2015