

Nebraska Board of Engineers and Architects
Board Meeting Agenda
November 20, 2015
3125 Portia St, LRD 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

1-6 October 23, 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

2-8 Facebook Activity Report

Enforcement Committee Report

9-14 Committee Meeting Minutes – 11/10/15

Legislative Committee Report

Strategic Plan

15-28 2015-16 Strategic Plan review

C Old Business

1 Revised NBEA Complaint/Enforcement Flow Chart

Action

Staff replacement update

D New Business

Architecture Items

1-18 Modifications to the NCARB Education Standard

Engineering Items

19-20 Notice of future changes to NCEES exams and supporting materials

Other New Business

21 Austin letter to Board

22 Appointment of Craig Martin as Special Assistant Attorney General

23 Appointment of William Austin as Special Assistant Attorney General (month-to-month basis)

24 2016 regional and national meeting travel authorization

25-28 2015 regional and national meeting travel authorization

Action

E Compliance

Logs

1-2 Open cases

3-8 History of closed cases

Cases

9-9d 14.03 – Summary & Documentation

(9-9d) 14.13 – Summary & Documentation

11-14 15.22 – Summary & Documentation

21-23 15.23 – Summary & Documentation

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31-32 15.16 – Summary & Documentation

41 15.17 – Summary

51 15.18 – Summary

61 15.21 – Summary

Action Approval of Compliance Disposition

Action Approval of Complaint Panel Disposition

Other Compliance Matters

71-72 City Engineer Issue

Action

F Applications

Administratively Approved

1-7 NCEES MLE – Engineers

11-12 NCARB Certification – Architects

21 Temporary Permits

31 Engineer Intern Enrollment

41 Architect Registration Examination/Re-approvals

51-52 Organizational Practice – Certificates of Authorization

Licensure/Examination

61-62 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

101-102 Applications to take the PE Exam

Special Cases – Applications for licensure of Engineers by Comity

111-123 Mark Patterson

Special Cases – Applications for licensure of Architects by NCARB

131-145 Jane Rathbone

Special Cases – Applications for licensure of Architects by Experience

151-167 Marquis Erickson

Special Cases – Applications for Engineer Intern Enrollment and to sit for the PE Exam

171-182 Raed Tawadrous

Special Cases – Applications to sit for the PE Exam

191-192 Michael Asaad

Special Cases – License Renewal Disclosure

201-207 Kevin Anders

208-213 Michael Barrett

214-257 Dave Bressler

258-263 Thomas Ernst

264-285 Robert Killingsworth

286-298 Matthew Kruntorad

299-308 Douglas Alvine

Action Approval of Applications

Other Application Matters

309 Clarification of licensure eligibility – *Staff request*

Action

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G Financial Matters

Reports

- 1 FY 2015-16 Financial Profile, October 2015
- 2-5 Budget Status Report, October 2015
- 6-14 MTD General Ledger Detail Report, October 2015
- 15-17 Fund Summary Report, October 2015

Action Approval of Financial Reports

H General Information

- 1-2 Public meeting notice publication
- 3-4 Board meetings and schedule
- 5 Roster of Board members
- 6-7 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 – October 2015
- 13 ARE Open Eligibilities Report – November 1, 2015
- 14-15 NBEA CBT FE Exam Registration Numbers and Pass Rate History

Other information

- 16-23 Approved Board policies

Adjournment

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CALL TO ORDER

The meeting was held at 3125 Portia St, LRD Conference Room, Lincoln, Nebraska. Chair Krejci 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: Lori Krejci, Chair; Krista Kester, Vice-Chair; Roger Helgoth; Secretary; Mark Champion; Michael Konzett; Jennifer Klein, Tom Laging. Absent: Daniel Linzell.

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

No public in attendance.

Agenda Items

A Consent Agenda

Meeting Minutes

October 23, 2015 meeting minutes

Approval of Consent Agenda

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

B Committee Reports

2015-16 Board committee assignments and charges

Executive Committee Report

Chair Krejci reported applications for the Compliance Officer position had been reviewed. Reviewers from the Executive Committee and Enforcement Committee will meet after the regular meeting to create a short list.

Education and Communication Committee Report

Committee Chair Helgoth reported the Continuing Education Seminar on November 13, 2015, was a success and feedback was positive. Deborah Long gave a well-received presentation on ethics. Various venues will be reviewed for the 2016 continuing education session. Education will equally address architects and professional engineers. PIO Fetterman reported the Committee had not met since the last Board meeting.

The Facebook Activity Report tracking activity on the Board's website from October 16 to November 12, 2015, was presented for review.

Enforcement Committee Report

Committee Chair Klein reported the Enforcement Committee met on November 11th and the desired attributes for a successful Compliance Officer were discussed.

The Committee continued discussion with the Board concerning guidelines on plan stamping. The question to ask may be whether the person sealing the drawing has the ability to make changes. Statute and rules will need to be applied in each case. The Compliance Officer's job will be to gather evidence on document seals. Rule 6.1.4 was cited. Statutes § 81-3450 and § 81-3454 and proposed rules 6.1.9.1 to 6.1.9.6 were reviewed. The Board will forbid plan stamping and attempt to define what it is. Current rules state what can be done rather than what cannot be done. The Committee was charged to look at cases and apply the Board's discussion. During the next rule revision, an attempt will be made to better define the issue. It was noted that responsible charge and remediation are addressed in the NCEES Model Rules.

Legislative Committee Report

Committee Chair Kester reported the public rulemaking hearing on the proposed rules would be held on December 11th. ED Masters will contact staff at the Governor's office to make sure a meeting is being scheduled by the hearing date with Governor Ricketts to discuss a cooperative arrangement between state agencies that would better serve the health, safety and welfare of Nebraska citizens. Rich Lombardi will be contacted to discuss the issue. Helgoth and Masters met with two Nebraska Department of Environmental Quality (NDEQ) administrators to discuss proposed rules and regulations. Conversation included issues with professional engineers in noncompliance with the Engineers and Architects Regulation Act for NDEQ projects. The Legislative Committee will meet to vet issues for the hearing before December 11th. ED Masters will contact stakeholders and building officials and confirm testimony in favor of the proposed rules.

An email was received from Senator Krist's office concerning sections 8.42 and 8.43 of the proposed rules. A response will be sent in writing and ED Masters and possibly Kester will meet with him.

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Strategic Plan

2015-16 Strategic Plan review

The 2015-16 Strategic Plan was presented for review. Chair Krejci asked each committee to review the plan quarterly. ED Masters suggested holding a 2016 Strategic Planning Session in May or June 2016.

C Old Business

Revised NBEA Complaint/Enforcement Flow Chart

The Board reviewed the revised complaint/enforcement flow chart. The chart will be used for approximately two months before considering publication on the website.

Staff replacement update

ED Masters reported the application period for the Compliance Officer had ended and applications were being reviewed. Accounting Clerk Jeanne Vliet will officially retire on December 1 after 44 years of employment. The Board discussed honoring Vliet with a recognition gift for her many years of service. AD Weaver will send out contact information. Each Board member was encouraged to send a retirement card. AD Weaver will email the date the gift will be delivered so Board members or staff can be present.

Action Motion by Kester, second by Helgoth to authorize AD Weaver to select and purchase an appropriate gift for Jeanne Vliet in accordance with the Board's approved recognition policy. Voting Yes: Klein, Laging, Champion, Konzett, Helgoth, Kester, Krejci. Voting No: None. Absent: Linzell.

D New Business

Architecture Items

Modifications to the NCARB Education Standard

The NCARB Board of Directors reviewed the proposal for modifications to the *NCARB Education Standard* at the June Pre-Annual Board Meeting. The Education Committee, educators and subject matter experts in education evaluation were engaged in the comprehensive assessment and revision of the proposed NCARB Education Standard. The reorganization, revisions to nomenclature and subject area definitions and adjustment of semester credit hour requirements maintains the relevancy and currency of the Standard as the criteria by which to review applicants for licensure and/or certification. Member Boards were asked to give feedback to the NCARB Board of Directors by January 12, 2016.

Engineering Items

Notice of future changes to NCEES exams and supporting materials

Notice of future changes to the NCEES exams and supporting materials was provided to the Board as required by the NCEES Manual of Policy and Position Statements, Exam Development Policy (EDP) 9. Registration for spring exams will open on December 7, 2015, and close for examinees at 3:00 p.m. eastern time on February 18, 2016.

Other New Business

Austin letter to Board

A thank you letter was received from Attorney William Austin for the opportunity to serve as a legal representative of the Board for the past year.

Appointment of Craig Martin as Special Assistant Attorney General

A letter, from the Office of the Attorney General, announced the appointment of Craig Martin as the Special Assistant Attorney General for the Board. The appointment commences on October 23, 2015, and expires on October 22, 2016.

Appointment of William Austin as Special Assistant Attorney General (month-to month basis)

A letter from the Office of the Attorney General, announced the appointment of William Austin as the Special Assistant Attorney General for the Board. The appointment is effective on a month-to-month basis and is subject to termination any time prior to September 30, 2016. ED Masters noted the appointment was made in case Martin needed to confer with Austin about compliance issues.

2016 regional and national meeting travel authorization

Konzett was authorized to attend the NCEES Board of Directors Meeting in Maui, HI on February 19-20, 2016. Funding will be provided by NCEES.

Champion and Laging were authorized to attend the NCARB Regional Summit Meeting in Savannah, GA, on March 11-12, 2016, and the NCARB Annual Meeting in Seattle, WA, on June 15-18, 2016.

E Compliance

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Logs

Open cases

History of closed cases

Executive Session – Commenced at 10:12 a.m.

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

Cases

14.03 – Summary & Documentation

Reviewed in Executive Session

14.13 – Summary & Documentation

Reviewed in Executive Session

15.04 (on October meeting agenda)

Update given in Executive Session

15.22 – Summary & Documentation

Reviewed in Executive Session

15.23 – Summary & Documentation

Reviewed in Executive Session

15.16 – Summary & Documentation

Reviewed in Executive Session

15.17 – Summary

Reviewed in Executive Session

15.18 - Summary

Reviewed in Executive Session

15.21 - Summary

Reviewed in Executive Session

Other Compliance Matters

City Engineer Issue

Reviewed in Executive Session

Executive Session – Concluded at 11:26 a.m.

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

Approval of Compliance Disposition

Action Motion by Kester, second by Konzett to authorize Chair Krejci to execute the settlement agreement with the respondent in Cases 14.03 & 14.13 and keep the case open until completion of the terms of the settlement agreement. Voting Yes: Klein, Laging, Champion, Konzett, Helgoth, Kester, Krejci. Voting No: None. Absent: Linzell.

Action Motion by Kester, second by Konzett to amend the complaint in Case 15.04 to also name the unlicensed partner and their corporation and have counsel file a formal petition against all three respondents and set for the January 2016 meeting. Voting Yes: Klein, Laging, Champion, Konzett, Helgoth, Kester, Krejci. Voting No: None. Absent: Linzell.

Action Motion by Klein, second by Kester to have staff create a cautionary letter to be sent to the respondent in Case 15.16. Voting Yes: Klein, Laging, Champion, Konzett, Helgoth, Kester, Krejci. Voting No: None. Absent: Linzell.

Action Motion by Klein, second by Konzett for counsel to begin the informal process in Case 15.17, offering the respondent an appearance before the Board at the December meeting to address unlicensed architectural practice, lack of a coordinating professional, and a certificate of authorization. Voting Yes: Klein, Laging, Champion, Konzett, Helgoth, Kester, Krejci. Voting No: None. Absent: Linzell.

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- Action** Motion by Klein, second by Konzett to send a certified letter to the respondent in Case 15.18 to stop identifying himself as an architect in Nebraska. Voting Yes: Klein, Laging, Champion, Konzett, Helgoth, Kester, Krejci. Voting No: None. Absent: Linzell.
- Action** Motion by Kester, second by Konzett to dismiss Case 15.21. Voting Yes: Klein, Laging, Champion, Konzett, Helgoth, Kester, Krejci. Voting No: None. Absent: Linzell.
- Action** Motion by Kester, second by Konzett to dismiss Case 15.22 for lack of probable cause. Voting Yes: Klein, Laging, Champion, Konzett, Helgoth, Kester, Krejci. Voting No: None. Absent: Linzell.
- Action** Motion by Kester, second by Konzett to dismiss Case 15.23 for lack of probable cause. Voting Yes: Klein, Laging, Champion, Konzett, Helgoth, Kester, Krejci. Voting No: None. Absent: Linzell.

Other Compliance Matters

- Action** Motion by Klein, second by Kester to open two compliance cases involving a conflict of interest. Voting Yes: Klein, Laging, Champion, Konzett, Helgoth, Kester, Krejci. Voting No: None. Absent: Linzell.

F Applications

Administratively Approved

NCEES MLE – Engineers

E-15836 James Joseph Allan, Mechanical; E-15833 Robert Doug Antholz, Structural; E-15834 Geoffrey Lance Cooke, Civil; E-15832 Ryan Keith Downey, Electrical and Computer; E-15837 Christopher William Harmon, Mechanical; E-15800 Shannon James Howe, Structural; E-15831 Paul Michael Hydukovich, Mechanical; E-12875 John Lee Jolly, III, Electrical and Computer; E-15835 Jay Winfred Kell, Mechanical; E-15841 Jarrod Daniel Luze, Electrical and Computer; E-15840 Timothy Dale Osterloo, Mechanical; E-15813 Jason Neil Richards, Structural; E-15830 Frank Robert Sturzl, Civil; E-15838 Bryce Eleanor Tillotson, Civil; E-15814 Anthony Thomas Tombo, III, Structural; E-15812 Kevin Pope Wadley, Civil; E-15839 Keith Whisenhunt, Civil.

NCARB Certification – Architects

A-4612 Michael William Engledow; A-4613 Thomas Joseph Hellmann; A-4617 Glen Russell Lehmann; A-4616 David Lawrence Reid; A-4614 Gregory Joseph Uhen; A-4615 Deborah Jean Winchester.

Temporary Permits

Report not valid. Not acted on.

Engineer Intern Enrollment

Alec Nelson Drey, NE; Mohammad Ajmal Stanigzai, NE; Yuebin Yu, NE.

Architect Registration Examination/Re-approvals

Anthony James Campbell, NE; Justin Richard Langenfeld, NE; Erin Christine Saarela, NE.

Organizational Practice – Certificates of Authorization

CA3465 RFW Construction Group LLC; CA3466 Acertus Consulting Group LLC; CA3467 Race Engineering & Associates LLC; CA3468 NCGI Inc; CA3469 The PDC Group LLC; CA3470 ComSite Engineering LLC; CA3471 Renken Engineering Solutions; CA3472 Stand Structural Engineering Inc; CA3473 Ronald A Roberts Associates Inc; CA3474 Williams Engineering Services LLC; CA3475 Dynamic Structures PC.

Licensure/Examination

Applications for licensure of Engineers by Comity

Approved: John Charles Heine, Civil, CO; Brandon Michael Loughrin, Civil, CA; Gregory Scott McCaffery, Civil, MI; Zachary Craig St Jean, Civil, CO; Seth Ray Youree, Civil, MO.

Applications for licensure of Engineers by Experience

Approved: Robert Lawrence Connors, Electrical, NY.

Applications for licensure of Architects by Experience - None

Applications for licensure by Reinstatement

Approved: E-9087 Noel Kilpatrick Clary, Mechanical.

Applications to take the PE Exam

Approved: Brian Michael Adkins, NE, Electrical & Computer; Ebenezer Donkoh, NE, Chemical; Jenna Lynn Hansen, NE, Civil; Scott Andrew Lindgren, NE, Electrical and Computer.

Special Cases – Applications for licensure of Engineers by Comity

Approved: Mark Edward Patterson, Civil, KY.

Special Cases – Applications for licensure of Architects by NCARB

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Approved: Jane Cady Rathbone, VA.

Special Cases – Applications for licensure of Architects by Experience

Approved: Marquis X Erickson, Architect, MN

Special Cases – Applications for Engineer Intern Enrollment and to sit for the PE Exam

Approved: Raed Ibrahim Shehata Tawadrous, NE.

Special Cases – Applications to sit for the PE Exam

Approved: Michael Anwar Asaad, Civil, NE.

Special Cases – License Renewal Disclosure

Approved for renewal of license: Kevin Anders, Michael Barrett, Dave Bressler, Thomas Ernst, Robert Killingsworth, Matthew Kruntorad, Douglas Alvine.

Approval of Applications

Action Motion by Kester, second by Konzett to approve all applications and renewals as recommended by staff with the exception of the Erickson application and temporary permit applications. Voting Yes: Klein, Laging, Champion, Konzett, Helgoth, Kester, Krejci. Voting No: None. Absent: Linzell.

Action Motion by Kester, second by Konzett to license Marquis X Erickson as an Architect in Nebraska. Voting Yes: Klein, Laging, Champion, Konzett, Helgoth, Kester, Krejci. Voting No: None. Absent: Linzell.

Other Application Matters

Clarification of licensure eligibility

Staff requested clarification of eligibility for licensure for candidates who were approved to take the PE examination after earning a Master's degree and work experience concurrently. The Board agreed that because of their application date, the applicants would be eligible for licensure as soon as they successfully passed the PE examination. If the proposed rules are approved, this option will no longer be available once they are effective.

G Financial Matters

Reports

FY 2015-16 Financial Profile, October 2015

Budget Status Report, October 2015

MTD General Ledger Detail Report, October 2015

Fund Summary Report, October 2015

ED Masters reviewed the financial reports with the Board. Revenue is down from last fiscal year in part because every other year has fewer licenses expiring.

Approval of Financial Reports

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

H General Information

Public meeting notice publication

An ad for the November 20, 2015 meeting was publicized in the Lincoln Journal Star.

Board meetings and schedule

A schedule of upcoming meetings and events was provided for review. A public rulemaking hearing is scheduled for 8:30 a.m. on December 11, 2015, in Room 1126 at the State Capitol Lincoln, Nebraska. The regular Board meeting will begin after the hearing no sooner than 9:00 a.m.

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

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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 – October 2015

Nineteen examinees sat for various sections of the ARE in October 2015. Twelve exams were passed.

ARE Open Eligibilities Report – November 1, 2015

One hundred seven Nebraska ARE candidates have open exam eligibilities as of November 1, 2015.

NBEA CBT FE Exam Registration Numbers and Pass Rate History

One hundred and sixty-six examinees have sat for the FE exam since January 1, 2015. As of August 31, 2015, the overall Nebraska pass rate is 79.5%.

Other information

Approved Board policies were provided for review.

Adjournment

The meeting adjourned at 12:08 p.m.



Roger M. Helgoth, Secretary