

Nebraska Board of Engineers and Architects
Board Meeting Minutes - December 15, 2017

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 8:30 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; Jan Bostelman; Mark Champion; Michael Conzett; Randy Peters. Absent: Lenora Isom, Secretary; Jennifer Klein, Vice-Chair. Isom arrived at 8:38 a.m.

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).

PUBLIC COMMENT – None

The following appeared before the Board:

Rich Lombardi, Legislative Liaison, American Communications Group Inc.

A. CONSENT AGENDA

October 27, 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, Kester. Voting No: None. Abstain: None. Absent: Klein, Isom.

Isom arrived at the meeting at 8:38 a.m.

B. MEETING REPORTS

Ad Hoc Committee Reports

Legislative

Legislative Liaison Lombardi reported the 105th Legislature, 2nd session would convene January 3, 2018. More than 666 pieces of legislature were introduced in the 2017 session and 22 separate pieces of legislation were monitored for the Board. Lombardi handed out a list of successful legislation and policy studies of interest. A list of 2018 legislative bills will be provided at the January Board meeting. Lombardi went over LB 299 with the Board. The bill was created to adopt the Occupational Board Reform Act and change procedures for rules and regulations. The pros and cons of decoupling work experience between the FE and PE exam were discussed. ED Wilbeck reminded the Board that implementing NCARB's Integrated Path to Licensure (IPAL) for architects would require a revision of the E&A Regulation Act.

Software

Champion reported briefly on the issues the Software Committee is dealing with. It is hoped that Klein will bring a report to the January Board meeting.

Decoupling

Decoupling issues were discussed during the Legislative Committee Report. Conzett will give ED Wilbeck an update after following up with an NSPE contact.

Other Meeting Reports

Champion reported introducing a concept that health, safety, and welfare are not affected until a set of documents are submitted for construction at an NCARB Model Law Task Force Committee meeting. Many people have input into a project before plans are drawn. Architecture definitions and licensure terms are also being discussed by this committee.

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C. OLD BUSINESS

Database conversion update

ED Wilbeck updated the Board on progression of the new database. User testing has begun and the goal is completion in the first quarter of calendar year 2018.

D. NEW BUSINESS

Deletion of Policy 16.02 – CE Carryover from Initial Renewal Period

Deletion of Policy 16.01 – Renewal Disclosures Authorized to be Administratively Reviewed

Deletion of Policy 14.03 – Closure of Incomplete Applications

Deletion of Policy 14.02 – Forensic Engineering Licensing Jurisdiction for Testing

Deletion of Policy 13.04 – NCEES Credentials Evaluations

Deletion of Policy 12.05 – Expert Witness

Deletion of Policy 12.03 – Definition of “Advanced Level”

Deletion of Policy 12.02 – Organizations Practicing without a Certificate of Authorization

Deletion of Policy 11.06 – CE Exemption for Military Active Duty

Deletion of Policy 09.08 – Engineering Experience for Licensure by Reciprocity

Deletion of Policy 08.13 – HSW Complaints

Deletion of Policy 08.10 – Emeritus Board Members

Deletion of Policy 03.05 – Reimbursement of Educational Debt for Architectural Graduates

Deletion of Policy 03.04 – Reimbursement of Educational Debt for Engineering Graduates

Action:

Motion by Konzett, second by Isom to approve policy deletions as discussed because of promulgation of Title 110, NAC, Rules and Regulations, effective November 1, 2017. Voting Yes: Peters, Bostelman, Champion, Konzett, Isom, Kester. Voting No: None. Abstain: None. Absent: Klein.

Revision of Policy 07.07 – Filing Fee Waived for First Time Exam Applicants of the ARE

~~The filing fee is waived for first time applicants applying to sit for the Architect's Registration Examination (ARE).~~ The re-approval filing application fee to for re-establishing authorization to sit for the ARE is \$30.

Action:

Motion by Konzett, second by Isom to revise Policy 7.07 as discussed because of partial promulgation into the Rules and Regulations. Voting Yes: Peters, Bostelman, Champion, Konzett, Isom, Kester. Voting No: None. Abstain: None. Absent: Klein.

License renewal processing

Staff will continue to use the postmark date for processing renewals at the end of the calendar year. Renewals postmarked by December 31st will not incur late fees if received January 1 or after.

Fire Suppression Systems Question

ED Wilbeck provided a draft letter for Board review in response to a professional engineer that works in the fire protection industry with questions regarding the practice of engineering as it relates to fire protection system design and shop drawing preparation.

NCEES Board of Directors meeting summary report

The NCEES Board of Directors approved the 2020 combined zone meeting to take place in the Northern Kentucky/Cincinnati area on May 14-16, 2020.

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NCEES EPE Committee PE Software Engineering Exam recommendations/survey

The 2017-18 Committee on Examinations for Professional Engineers (EPE) was charged to recommend ways to promote the PE Software Engineering exam to member Boards. With that in mind the EPE subcommittee developed a short survey and asked that it be forwarded to member board administrators. After discussion, the Board chose to answer "Yes" to the following questions:

1. Does your state currently have a path to licensure for software engineers?
2. Would your board like support in defining the practices of licensed software engineers?

Western States Licensing Compact

The South Dakota engineering board notified NCEES member boards of a bill coming to their legislature in 2018 and potentially other western states regarding an interstate licensing compact concept discussed by several western state governors and the U.S. Department of Labor. ED Wilbeck stated the provisions appeared similar to Nebraska's temporary permits, with a few differences.

Proposed changes to NCARB Bylaws

Draft changes to the NCARB Bylaws were provided by NCARB for member Board review. ED Wilbeck reported the revisions were mostly housekeeping changes.

Requests for eligibility letter to use "engineering" in organization name – 81-3436(8)

Action:

Motion by Isom, second by Konzett to issue an eligibility letter for the American Council of Engineering Companies/Nebraska to use "engineering" in its organizational name. Voting Yes: Peters, Champion, Konzett, Isom, Kester. Voting No: None. Abstain: None. Absent: Bostelman (temporarily stepped out of meeting), Klein.

Motion by Konzett, second by Champion to issue an eligibility letter for Leader Engineering Inc to use "engineering" in its name. Voting Yes: Peters, Champion, Konzett, Isom, Kester. Voting No: Bostelman. Abstain: None. Absent: Klein.

Motion by Isom, second by Champion to issue an eligibility letter for The National Association of Power Engineers Nebraska Chapter No. One to use "engineers" in its name. Voting Yes: Peters, Bostelman, Champion, Konzett, Isom, Kester. Voting No: None. Abstain: None. Absent: Klein.

Request for reconsideration of denial of eligibility letter

More information will be requested from an organization requesting reconsideration of an eligibility letter. Further Board review will occur at the January Board meeting.

Suggested rule changes for PE exam

Because of rule conflicts with the upcoming PE exam switch to computer-based testing, staff made recommendations for future promulgation. Current Rule 2.4.1.2.1 was reviewed with the Board.

Action:

Motion by Peters, second by Isom to discontinue the current practice of requiring a retake application with the \$30 fee during the five-year approval window. Voting Yes: Peters, Champion, Konzett, Isom, Kester. Voting No: None. Abstain: None. Absent: Bostelman (temporarily stepped out of meeting), Klein.

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Travel Authorization

2017-2018 Travel and per diem authorization

Champion to attend NCARB Model Law Task Force Meetings on February 16-17, 2018, in San Diego, CA, and on May 4-5, 2018, in Charleston, SC. Funding for travel will be provided by NCARB.

- Konzett to take part in a virtual kick-off meeting for the NCEES Executive Search Committee on December 20, 2017 (per diem only).
- Isom to review 37 AIA courses for the NCARB Continuing Education Committee. Per diem was requested for January 2, 2018.
- Isom to take part in an NCARB Continuing Education Committee video/conference call the week of January 8, 2018. Isom will send the date to staff as soon as determined (per diem only).
- Champion to attend the NCARB Regional Summit Meeting on March 9-10, 2018, in Wichita, KS, and May 4-5, 2018, in Charleston, SC.
- Champion to attend the NCARB Annual meeting on June 28-30, 2018, in Detroit, MI.

Isom noted the NCARB Continuing Education video/conference call scheduled on November 3, 2017, was cancelled.

Action: Approval of Travel and Per Diem

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

E. COMPLIANCE

Information

December 2017 Compliance Cases
Summary of Open Cases

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

Action:

Motion by Bostelman, second by Konzett to enter into executive session for discussion of compliance investigations and the partner-agency processes 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, Kester. Voting No: None. Abstain: None. Absent: Klein.

Active Cases: Summary & Documentation

Case 17.20, Cases 14.03 & 14.13, Case 16.02, Case 17.03, Case 17.06, Case 17.09, Case 17.13, Case 17.15, Case 17.16, Case 17.17, Case 17.18, Case 17.19, Case 17.23, Case 17.24, Case 17.25, and Case 17.26 discussed in executive session.

Other Compliance Issues

The Partner-Agency Process summary was discussed in executive session.

Executive Session – Concluded at 11:39 a.m.

Action:

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

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Action: Approval of Compliance Case Disposition

Motion by Konzett, second by Bostelman to dismiss Case 17.09 with no disciplinary action. Voting Yes: Peters, Bostelman, Champion, Konzett, Isom, Kester. Voting No: None. Abstain: None. Absent: Klein.

Motion by Konzett, second by Isom to serve a formal petition for disciplinary action in Case 17.15 and set a hearing for February 2, 2018. Voting Yes: Peters, Bostelman, Champion, Konzett, Isom, Kester. Voting No: None. Abstain: None. Absent: Klein.

Motion by Konzett, second by Champion to dismiss Case 17.16 with no disciplinary action. Voting Yes: Peters, Bostelman, Champion, Konzett, Isom, Kester. Voting No: None. Abstain: None. Absent: Klein.

Motion by Konzett, second by Isom to dismiss Case 17.18 with no disciplinary action. Voting Yes: Peters, Bostelman, Champion, Konzett, Isom, Kester. Voting No: None. Abstain: None. Absent: Klein.

Motion by Konzett, second by Bostelman to authorize remediation in Case 17.23 and require a plan of action within 30 days. Voting Yes: Peters, Bostelman, Champion, Konzett, Isom, Kester. Voting No: None. Abstain: None. Absent: Klein.

Motion by Konzett, second by Champion to waive the continuing education requirement for license renewal for the remediation architect reviewing Case 17.24. Voting Yes: Peters, Bostelman, Champion, Konzett, Isom, Kester. Voting No: None. Abstain: None. Absent: Klein.

Motion by Konzett, second Isom to formally serve a petition for disciplinary action in Case 17.26. Voting Yes: Peters, Bostelman, Champion, Konzett, Isom, Kester. Voting No: None. Abstain: None. Absent: Klein.

F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-16855 Thomas Lee Buehler, Electrical; E-16838 Steven Derek Carpenter, Civil; E-16853 Timothy Ray Cutshaw, Mechanical; E-16833 Jeffrey Alan Finn, Structural; E-16856 Jason Lee Frericks, Civil; E-16843 Steven Harrison Hagman, Architectural; E-16857 Joseph Raymond Jancauskas, Electrical; E-16859 Anthony Lawrence Jercha, Mechanical; E-16844 Christopher Charles Kanne, Civil; E-16839 Todd Russell Kendell, Civil; E-16829 David Wayne Kendrick, Jr, Electrical; E-16842 Andrew John Kinel, Electrical and Computer; E-16832 Michael John Kronander, Civil; E-16841 Alan Dale Lukens, Structural; E-16831 William Carlyle McBride, Electrical; E-16835 Robert Alan Mussetter, Civil; E-16845 Timothy Ryan Phelan, Structural; E-16850 Daniel Joseph Riggs, Civil; E-16846 Jose Alcala Rodriguez, Civil; E-16849 Rick Gilbert Rohlfing, Civil; E-16847 Dean Alan Rutila, Civil; E-16851 Daniel Aaron Sherer, Civil; E-16858 Peter Tobi Showunmi, Civil; E-16840 Richard Joseph Snyder, Civil; E-16830 Matthew Austin Strickland, Civil; E-16848 Siegfried Earl Tast, Civil; E-16834 Troy Mitchell Tooze, Civil; E-16825 Joseph Henry Tuttle, II, Civil; E-16854 Carlos Rafael Vazquez, Civil; E-16852 David Ray Wilson, Civil; E-16837 Thomas Daniel Yuschak, Mechanical; E-16836 Gary Dean Zunkel, Mechanical.

Licensure of Architects by NCARB Certification

Approved: A-4853 Joshua Michael Buono; A-4850 Matthew Alexander Conte; A-4849 Thomas David Curtis; A-4847 Kelly Marie Farrell; A-4855 Damon Curtis Femmer; A-4846 Virginia Gayle Hart; A-4851 Luke Jeremy Leising; A-4848 Warren Jay Neiman; A-4854 George Louis Schmidheiser; A-4852 Matthew Michael Wilkus; A-4856 Jeffrey Arthur Williams; A-4844 Paul John Wuennenberg.

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Temporary Permits

Approved: T-574 Collins Okyere Yaw Ofori-Amanfo, MN, Engineer; T-575 Derek Eugene Young, CO, Architect; T-576 Frank Craig Mercurio, KS, Engineer; T-577 Gregory Derek Zoog, PA, Engineer; T-578 Charles Vandigriff Johnson, Jr, GA, Engineer.

Engineer Intern Enrollment

Approved: Qualala Couibaly, NE; Lucas Campos De Castro, KS; Jared Scott Evers, NE; Jess Arland Hipke, NE; Elisa Jo Hutchison, NE; Mary Patricia Kleinsasser, NE; Taylor Lindell Kube, NE; Anna Theodora Petrow, NE; Brogen Lee Shea, NE; Dylan Taylor Williams, NE.

Certificates of Authorization

Approved: CA3855 Jim Medley Architect AIA; CA3886 Guidon Design Inc; CA3887 SEA Studios PC; CA3888 Juster Civil Engineering LLC; CA3889 smartDESIGN Architecture PLLC; CA3890 Pure Power Engineering Inc; CA3891 Barton & Loguidice DPC; CA3892 Envista Forensics LLC; CA3893 G&A Consulting Engineers PLLC; CA3894 Klingner & Associates PC; CA3895 Audubon File Solutions LLC; CA3896 Leppard Johnson & Associates PC.

Licensure/Examination

Licensure of Professional Engineers by Comity

Approved: Ross Michiel Eldridge, Electrical and Computer, CO; Vincent Walter Genco, Civil, MI; Patrick Anthony Hansen, Mechanical, SD; George Arthur Hunt, Environmental, IA; Kyle Timothy Johnson, Civil, KS.

Licensure of Professional Engineers by Experience

Approved: Paul Martin Eiden, Mechanical, IL; Ronnie Lee Milford, Sr, Electrical, TX; Michael Clarence Stoffel, Civil, WI.

Licensure of Architects by Experience

None.

Licensure of Architects by Initial License

Approved: Jonathan Bernard Piels, NE.

Licensure by Reinstatement

Approved: E-9141 Craig Gene Cook, Chemical; E-15025 Andrew Joseph Dailey, Mechanical; E-11065 William Bret Kussro, Structural; E-12552 Khosrow Sowlat, Structural.

ARE Exam

Approved: Joseph William Kotulak, NE; Steven Duane Severson, NE.

PE Exam

Approved: Hemant Bhanot, NE, Civil; Crista Jean Bredin, NE, Electrical & Computer; Tony Lee Dupsky, NE, Architectural; Brian Thomas Emmerich, NE, Civil; David Mark Haberman, NE, Mechanical; Joshua Raymond Riley, NE, Electrical and Computer; Stefan Mark Schaepe, NE, Civil; William Joseph Sturgeon, KS, Structural VL.

Special Cases

ARE Exam

Approved: Caitlin Elise Snyder, NE.

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Licensure of Professional Engineers by Comity

Approved: Binyam Mohammed Jemal, Civil, TX.

Summary of license renewal disclosures

Approved for renewal: A-3888 Matthew W. Freeby; E-8371 Francisco M. Benavides; E-16061 Jeremy M. Buening; E-11421 Jason M. Conn; E-12654 Luay S. Esho; E-12303 Mark A. Henneberg.

Action: Approval of Applications

Motion by Konzett, second by Isom to approve applications and license renewals as recommended by staff. Voting Yes: Peters, Bostelman, Champion, Konzett, Isom, Kester. Voting No: None. Abstain: None. Absent: Klein.

G. FINANCIAL MATTERS

Financial Reports

FY 2017-18 Financial Profile, November 2017

Budget Status Report, October, November 2017

MTD General Ledger Detail Report, October, November 2017

Fund Summary Report, October, November 2017

ED Wilbeck reviewed October and November reports with the Board.

Action: Approval of Financial Reports

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

Other Financial Matters

Spending restraint letter to code agency directors, agencies, boards, and commissions

The Nebraska Economic Forecasting Advisory Board revised downward the net General Fund receipt forecast from \$100 million to \$123 million. Governor Ricketts called for fiscal restraint measures. FY 2017-18 appropriations will be reduced from allotment by one percent each quarter beginning with the third fiscal quarter. Code agencies will be restricted to a hiring freeze, travel ban, limited technology and equipment purchases, and reductions in discretionary grants in aid. Non-code agencies, boards, and commissions are asked to apply the restraint measures as well.

Pay for Performance Program

On November 29th, the Governor announced the state will be implementing a new pay for performance program for discretionary and classified rules positions. Beginning January 1, 2018, "cost of living" pay increases will no longer be given. Instead, merit increases will be awarded to those that meet their goals. The pay for performance program will be implemented using existing dollars. Those exceeding established goals could be eligible for an amount above the merit raise using funds not spent for those that do not meet their goals.

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next meeting will be Board January 12, 2018, at 8:30 a.m. in the 5th floor large conference room. Konzett stated he would be unavailable for the January meeting. Because of member unavailability for the February meeting, the date was changed to February 2, 2018. The meeting will begin at 8:00 a.m. with the hearing for Compliance Case 17.15 will begin at 8:30 a.m. Staff will check to see if the 4th floor hearing room can be reserved at the 1526 Building.

A roster of Board members and the current travel reimbursement policy was provided.

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

Individuals and organizations authorized to practice as of December 3, 2017:

Professional Engineers: 8,037

Architects: 1,915

Certificates of Authorization: 2,182

Temporary Permits: 29

Examination Information/Results

A total of 87 ARE candidates had open eligibilities as of November 1, 2017.

A total of 85 ARE candidates had open eligibilities as of December 1, 2017.

The Monthly Pass/Fail Report for September 2017 for the Nebraska ARE 4.0 and 5.0 divisions showed 11 exams attempted and seven exams passed.

The PE Registration Numbers and Pass Rate History report for Nebraska showed examination results from April 2011 to October 2017.

Other information

The Activity Report for the Board's Facebook page showed 119 people reached between November 27th and December 3, 2017.

The October 2017 Website Dashboard Report indicated 4,303 visits to the Board's website. The November Website report indicated 3,721 total visits.

Approved Board policies

Approved Board policies as of October 27, 2017, were provided.

ADJOURNMENT

The meeting was adjourned at 12:28 p.m.

 1.12.18
Lenora A. Isom, Secretary