

Nebraska Board of Engineers and Architects
Board Meeting Minutes – March 22, 2019

CALL TO ORDER

The March 22, 2019 meeting of the Nebraska Board of Engineers and Architects was held in the 5th floor large conference room, 215 Centennial Mall South, Lincoln, Nebraska. Chair Klein called the meeting to order at 8:31 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: Jennifer Klein, Chair; Lenora Isom, Vice-Chair; Jan Bostelman, Secretary; Brett Foley; David Johnson; Randy Peters; Daniel Thiele. Absent: Brian Kelly.

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

The following appeared before the Board:

Rich Lombardi, Legislative Liaison, American Communications Group, Inc

Election of Officers

Motion by Klein, second by Thiele to nominate Isom for Chair, Bostelman for Vice-Chair, and Foley for Secretary. Voting Yes: Bostelman, Foley, Isom, Johnson, Peters, Thiele, Klein. Voting No: None. Absent: Kelly.

As only one motion was offered and as all members affirmatively voted on that motion, Klein stated Isom was elected Chair, Bostelman was elected Vice-Chair, and Foley was elected Secretary by acclamation. The new officers' terms began immediately after the election.

A. CONSENT AGENDA

February 15, 2019 meeting minutes

Motion by Klein, second by Thiele to approve the consent agenda. Voting Yes: Bostelman, Foley, Klein, Peters, Thiele, Isom. Voting No: None. Abstain: Johnson. Absent: Kelly.

B. MEETING REPORTS

Ad Hoc Committee Reports

Legislative Committee Report

A legislation-tracking document listing bills of interest to the Board was distributed. Legislative liaison, Lombardi, reported priority bills were submitted and there were 45 days remaining in the 2019 legislative session. Lombardi summarized the status of several legislative bills on the list. Lombardi reported that on March 13, Governor Ricketts provided an update on significant weather events and flooding that have affected the State of Nebraska. Three counties have excessive damage and nearly 70 percent of Nebraska's 93 counties are under emergency declarations. It is not known if the flooding may impact future Board operations.

Appropriations hearing testimony (addressed in Financial section)

Decoupling Committee Report

ED Wilbeck reported sending a letter to the Nebraska Society of Professional Engineers (NSPE-NE). Wilbeck said it would be important to have support for decoupling experience from the PE examination before a legislative bill is introduced. NSPE-NE will send out a survey in March or April to its membership to determine if decoupling is supported. A position is hoped to be reached at its annual meeting on June 6 -7, 2019. ED Wilbeck reported meeting with the Executive Director of the American Council of Engineering Companies/Nebraska (ACEC

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Nebraska) on March 21. A presentation on decoupling to the ACEC Nebraska Board of Directors is scheduled for April 23, 2019.

Other Meeting Reports

Chemical Engineering PE Exam Standard Setting Study Report

As part of the NCEES Examinations for Professional Engineers (EPE) Committee, Bostelman reported serving as an observer of a study to develop a standard of minimal competency for the practice of chemical engineering and to recommend the cut score for the Chemical PE examination. An NCEES psychometrician reviewed the study and cut scores were established. The Committee may make adjustments after six months of data has been received.

C. OLD BUSINESS

Marketing Plan Progress Report

PIO Mayhew updated the Board on the progress of the marketing plan.

A video regarding requirements for new building construction is in the draft phase.

ED Wilbeck met with the Nebraska Association of School Boards (NASB) on February 26 and outlined the provisions of the Engineers and Architects Regulation Act.

PIO Mayhew and CO Rauscher were unable to attend the Nebraska Planning and Zoning Association (NPZA) conference on March 7 due to a snowstorm. An alternative way to offer presentations through a video is being researched.

ED Wilbeck presented to Steve Hardy's UN-L architecture class on March 14.

The League of Nebraska Municipalities Directory will publish a directory in March. The directory contains the names, addresses, and phone numbers of elected and appointed officials across Nebraska as well as Nebraska's state senators and congressional representatives.

PIO Mayhew and CO Rauscher spoke about when a licensee is needed with members of the Nebraska Rural Community Schools Association (NRSCA) at their annual conference on March 21, in Kearney, Nebraska. The Nebraska Department of Education provided a superintendent list for 241 school districts.

A list of questions asked by students at the E-Week Tabling Session about examinations and licensure was provided to the Board.

PIO Mayhew will check to see if resources for flood victims could be added to the state's public information website.

Continuity Plan timeline

A proposed timeline for developing a continuity plan was provided to the Board. A plan would help ensure the Board processes would continue during an emergency or disaster. ED Wilbeck proposed waiting until July to begin work since staff would be involved in CAT testing for the database development.

Operational planning meeting topics

After discussion, an Operational Planning meeting was scheduled on April 16, 2019 at 9:00 a.m. Staff will check to see if conference room 344 is available at the Prem S. Paul Research Center at Whittier School. A list of topics for discussion were identified. Chair Isom asked members to send any additional suggestions for discussion to ED Wilbeck within the next two weeks.

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D. NEW BUSINESS

Proposed changes for NCEES Bylaws

The Board reviewed proposed NCEES *Bylaws* changes. Changes will be voted on at the NCEES annual business meeting. Adoption of the revisions requires a two-thirds affirmative vote of the Member Boards present and in good standing. ED Wilbeck noted proposed language concerning the due date for member board annual membership fees would change from January 1 to 30 days within receipt of an invoice from NCEES.

NCEES Annual Meeting information

The 2019 NCEES annual meeting will be held August 14-17, 2019, in Washington, D.C. A meeting summary was provided.

Selection of funded delegates for NCEES Annual Meeting

NCEES will provide funding for its annual meeting registration, travel, and lodging expenses for up to five nights (August 13-17) for each member board administrator, board members who are first-time attendees (must be within 24 months of initial appointment), and three voting delegates. To qualify for funding, designated delegates must attend the business sessions. Designated first-time attendees also must attend the First-Time Attendee Luncheon.

Motion by Johnson, second by Peters to designate Klein, Bostelman, Peters as funded voting delegates and ED Wilbeck as the funded board administrator. Voting Yes: Bostelman, Foley, Johnson, Klein, Peters, Thiele, Isom. Voting No: None. Absent: Kelly.

Candidates for FY20 NCARB Board of Directors and Regional Executive Committees

A roster of candidates seeking office on the NCARB Board of Directors and Regional Executive Committees for FY20 was provided.

NCARB MBE Workshop and Regional Summit Meeting Report

ED Wilbeck summarized highlights of the NCARB 2019 Member Board Executives (MBE) Workshop and Regional Summit Meeting in Nashville, TN, on March 7-9, 2019. Katherine Hillegas is the new Member Board Administrator member of the NCARB Board of Directors. No resolutions have been submitted to be acted on at the annual meeting. The NCARB regional dues will be folded into the NCARB annual dues. The NCARB office will be moving to a new location in Washington, DC and the move will be completed before the annual meeting, which will be held June 20-22, 2019.

Selection of funded delegates for NCARB Annual Meeting

NCARB will provide funding for its annual business meeting for two funded delegates (any position), one public member, and one member board executive.

Motion by Klein second by Bostelman to designate Isom and Johnson as funded delegates, Foley as the funded public member and ED Wilbeck as the funded member board executive for NCARB annual business meeting. Voting Yes: Bostelman, Foley, Johnson, Klein, Peters, Thiele, Isom. Voting No: None. Absent: Kelly.

Refamiliarization of Rule 10.7

Rule 10.7, in Title 110, states, "A person who is not currently licensed in this state, but who is currently licensed in another jurisdiction in the United States, may provide uncompensated (other than reimbursement of expenses) professional services at the scene of a declared emergency at the request of a public officer acting in an official capacity." Severe flooding in many areas of Nebraska resulted in more than two-thirds of Nebraska's counties in a state of emergency.

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2019 Travel and per diem authorization

Authorization requests:

- Kelly to attend 2019 NCARB annual meeting to be held June 20-22, 2019, in Washington, D.C. The Board will provide funding.
- Thiele to attend the 2019 NCEES annual meeting to be held August 14-17, 2019, in Washington, D.C. The Board will provide funding.

Motion by Klein, second by Thiele to approve travel and per diem authorization as requested. Voting Yes: Bostelman, Foley, Johnson, Klein, Peters, Thiele, Isom. Voting No: None. Absent: Kelly.

E. COMPLIANCE

March 2019 Compliance Cases

Summary of Open Cases

Executive Session – Commenced at 10:04 a.m.

Motion by Thiele, second by Klein to enter into executive session for discussion of compliance investigations, partner-agency processes, and license renewal disclosures 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 Isom. Voting Yes: Bostelman, Foley, Johnson, Klein, Peters, Thiele, Isom. Voting No: None. Absent: Kelly.

Active Cases: Summary & Documentation

Case 17.13, Case 17.26, Case 18.02, Case 18.13, Case 18.14, Case 18.15, Case 18.16, Case 18.17, Case 18.20, Case 18.21, Case 19.01, Case 19.02, and Case 19.03 were reviewed in executive session.

Other Compliance Issues

The following issues were reviewed in executive session:

- Project Review 03-01
- Partner-Agency Process Summary
- License Renewal Disclosures

Executive Session – Concluded at 11:03 a.m.

Motion by Thiele, second by Peters to close executive session for discussion of compliance investigations, partner-agency processes, and licensure renewal disclosures not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Bostelman, Foley, Johnson, Klein, Peters, Thiele, Isom. Voting No: None. Absent: Kelly.

Motion by Thiele, second by Peters to issue the respondent in Case 17.13 a notice of hearing for May 17, 2019. Voting Yes: Bostelman, Foley, Johnson, Klein, Peters, Thiele, Isom. Voting No: None. Absent: Kelly.

Motion by Thiele, second by Peters to continue the hearing until April 18, 2019, in Case 18.17 and ask respondent to submit plan within two weeks to address remediation. If a plan is received, the hearing will be continued to May 17, 2019. Voting Yes: Bostelman, Foley, Johnson, Klein, Peters, Thiele, Isom. Voting No: None. Absent: Kelly.

Motion by Thiele, second by Bostelman to issue the respondent in Case 18.20 a notice of hearing for May 17, 2019. Voting Yes: Bostelman, Foley, Johnson, Klein, Peters, Thiele, Isom. Voting No: None. Absent: Kelly.

Motion by Thiele, second by Klein to renew licenses A-3351, A-3217, and A-4037 based on disclosures. Voting Yes: Bostelman, Foley, Johnson, Klein, Peters, Thiele, Isom. Voting No: None. Absent: Kelly.

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F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-17545 Craig Allen Battles, Control Systems; E-17515 Yigit Bulut, Electrical; E-17514 Pedro Jose Camejo, Mechanical; E-17531 Matthew Cappello, Mechanical; E-17546 Anthony Kirk Comerio, Civil; E-17537 Lisa Arlene Coyan, Electrical and Computer; E-17540 Lyndsay Ann Cross, Civil; E-17534 William Shawn Esterday, Mechanical; E-17524 Sybil Kirsten Ferrier, Civil; E-17539 Michael Bryan Godwin, Civil; E-17561 Stephen Edell Henderson, Mechanical; E-17547 Jeffrey Allan Hewitt, Fire Protection; E-17518 Scott Martin Jacobs, Electrical and Computer; E-17544 Kevin Ray Jensen, Electrical and Computer; E-17553 Justin Thomas Johnson, Civil; E-17517 Steven Paul Kocher, Civil; E-17542 Joseph Frank Kurth, Civil; E-17559 Stephen Joseph Lander, Civil; E-17519 Timothy Dale Leaf, Civil; E-17516 Howard Daniel Lubliner, Civil; E-17541 Michael Andrew Lushington, Civil; E-17523 Heath Quentin McKee, Mechanical; E-17521 Jeremy Daniel Mironas, Civil; E-17525 Janine Stevens Murchison, Civil; E-17549 Edward Joseph Nemetz, Structural; E-17551 Wesley Aaron O'Neal, Civil; E-17552 Brandon Keith Scharn, Mechanical; E-17520 Diane Grace Schattenberg, Civil; E-17533 Daniel James Schenkel, Structural; E-17548 Larry Eugene Schmalz, Civil; E-17538 Laura Catherine Schulte, Mechanical; E-17532 Kenneth William Smith, Civil; E-17558 Travis Dee Solomon, Mechanical; E-17554 Andrew Philip Stam, Structural; E-17560 Robert Mark Steele, Structural; E-17550 Loren Kent Strodman, Mechanical; E-17543 Abby Lane Thurman, Mechanical; E-17557 Aaron John Trenshaw, Civil; E-17522 Timothy Lee Uhrick, Civil; E-17555 Alfred Halton Williams; E-17556 Walter Eugene Wood, Mechanical; E-17536 Matthew Thomas Wooten, Mechanical.

Licensure of Architects by NCARB Certification

Approved: A-5032 Joseph Robert Galbraith, A-5033 Koji Hirota, A-5027 Murray Anthony Mack, A-5026 Ryan Reagan Nicholson, A-5036 Jessica Lin Weaver Olson, A-5031 Frederick Douglas Ostrosky, A-5030 Michael Ross Payton, A-5037 Charles David Piper; A-5035 Seth Lewis Rosenman.

Temporary Permits

Approved: T-598 Thomas Paul Schaefer, Engineer, MO; T-599 Eric James Hebner, Engineer, MN; T-600 Joseph William Mailander, Engineer, IA.

Engineer Intern Enrollment

Approved: Desmond Christopher Anthony Austin, Haley Jean Bacon, Erika Lauren Bowman, Patrick Charles Deacon, John Samaan Farag, Jonathan Rolland Fletcher, Zachary Martin Hurst, Trevor Michael Kuper, Nicholas Antonio Lassek, Richard James McKeever, III, Sarah Ann Mabel Porath, Zvonimir Pusnik, Michael Dane Quinn, Kellon Blaise Ronspies, Matthew Allen Walstrom, Daniel Paul Watson.

Certificates of Authorization

Approved: CA4128 Mazzetti Inc, CA4129 HMA Architects Ltd, CA4130 Dwell Design Studio LLC, CA4131 m2Structural LLC, CA4132 PMG Engineering Inc, CA4133 TAE Inc, CA4134 Sewell Inspections Testing & Engineering LLC, CA4135 Strata Architecture Inc, CA4136 Fox-Nesbit Engineering LLC, CA4137 Mechanical Inc, CA4138 LAM Engineering LLC, CA4139 Schaefer Engineering Inc, CA4140 The Consulting Engineers Group-FL Inc, CA4141 Loess Hills Environmental LLC, CA4142 Construction Materials Testing Inc, CA4143 Advancetec LLC, CA4144 Engineering Resources Inc, CA4145 Applied Engineering Solutions Inc, CA4146 The ProNet Group Inc, CA4147 Allen Consulting Inc, CA4148 Keystone Retaining Wall Systems LLC, CA4149 SCOPPA Architecture LLC, CA4150 Ament Inc, CA4151 Stellar Industrial Solutions Inc, CA4152 Shepley Bulfinch Richardson and Abbott Inc, CA4153 Hunt Guillot & Associates LLC, CA4154 IBI Group Architects Engineers and Landscape Architects, CA4155 Pollard Engineering LLC, CA4156 Galbraith Carnahan Architects LLC, CA4157 PowerSource Inc, CA4158 American Fire Protection LLC.

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Licensure/Examination

Licensure of Professional Engineers by Comity

Approved: Ezra Ballinger, Civil, CO; Damon DeWit, SD, Mechanical Engineer; Alharith Manasrah, MI, Civil; Luis Orlando Perez, FL, Mechanical; Jeremy Jad Tuck, WY, Civil.

Licensure of Professional Engineers by Experience

Approved: Kent Lee Adams, IL, Structural; Patrick Stephen Byrd, NV, Civil; Terry Lynn Coder, KS, Civil; John Michel Nicolas, PA, Mechanical.

Licensure of Architects by Comity

Approved: Daria Alexandra Khapalova, NY.

Licensure of Architects by Experience

Approved: Nancy Ellan Hove-Graul, WI; Timothy Francis Maertz, WI.

Licensure of Professional Engineers by Reinstatement (*None*)

Licensure of Architects by Reinstatement (*None*)

ARE Exam Approvals

Approved: Travis John Barrett; Taylor Rae Duman, Roger Dale Flohrs, Jr.

PE/SE Exam Approvals

Deferred: Matthew Benjamin Barrows, Civil – Requesting additional information pertaining to engineering experience

Special Cases

Certificate of Authorization

Approved: Browder + Leguizamon & Associates Inc.

Licensure of Professional Engineers by Reinstatement

Approved: E-16060 Todd Jeffrey Reyling, Civil.

Motion by Klein, second by Thiele to approve applications as recommended by staff with the exception of Luis Perez to be licensed as a mechanical engineer by comity and defer Matthew Barrows PE exam application to obtain more information on his engineering experience. Voting Yes: Bostelman, Foley, Johnson, Klein, Peters, Thiele, Isom. Voting No: None. Absent: Kelly.

G. FINANCIAL MATTERS

Financial Reports

FY 2018-19 Financial Profile, as of February 28, 2019

Budget Status Report, February 2019

MTD General Ledger Detail Report, February 2019

Fund Summary Report, February 2019

ED Wilbeck reviewed the February 2019 financial reports with the Board.

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Motion by Thiele, second by Bostelman to approve the financial reports as presented. Voting Yes: Bostelman, Foley, Johnson, Klein, Peters, Thiele, Isom. Voting No: None. Absent: Kelly.

Proposed Vendor Contracts for FY 2019-20

Richard Lombardi, American Communications Group, Inc

The proposed FY 2019-20 contract with Richard Lombardi, American Communications Group, Inc, beginning July 1, 2019, and ending June 30, 2020, provides for legislative liaison activities, attendance of Board meetings during the legislative session to provide updates, attendance of the Board's Legislative Committee meetings, and assistance with strategizing future revisions of the Board's Engineers and Architects Regulation Act and rules and regulations. The maximum fee for the contract is \$21,000.

Sean Minahan, Lamson Dugan & Murray, LLP

The Office of the Attorney General appointed Sean Minahan as Special Assistant Attorney General for the Board commencing on July 1, 2019 and expiring on June 30, 2020.

The proposed contract between the Board of Engineers and Architects and Sean A. Minahan, Attorney at Law, Lamson Dugan & Murray, LLP, beginning July 1, 2019, and ending June 30, 2020, provides for legal representation of the Board as Special Assistant Attorney General at a varied hourly rate of \$210 for attorney fees, \$175 for associate attorney fees, and \$110 per hour for paralegals, working under Mr. Minahan's supervision. Only one-half of the necessary travel time required to conduct the work of the Board will be billed.

Motion by Thiele, second by Klein to approve the contracts for Richard Lombardi, American Communications Group, Inc. and Sean A. Minahan, Lamson Dugan & Murray, LLP, as presented. Voting Yes: Bostelman, Foley, Johnson, Klein, Peters, Thiele, Isom. Voting No: None. Absent: Kelly.

Proposed Administrative Services Contracts for FY 2019-20

NEBOG Administrative Services Contract

The Board reviewed the proposed FY 2019-20 contract to provide administrative services for the Board of Geologists, beginning July 1, 2019, and ending June 30, 2020. The fee will be \$17,143 for the fiscal year with quarterly payments.

NSBLA Administrative Services Contract

The Board reviewed the proposed FY 2019-20 contract to provide administrative services for the State Board of Landscape Architects, beginning July 1, 2019, and ending June 30, 2020. The fee will be \$13,742 for the fiscal year with quarterly payments.

Motion by Thiele, second by Klein to approve the FY 2019-20 administrative service contracts as presented for the Board of Geologists and State Board of Landscape Architects. Voting Yes: Bostelman, Foley, Johnson, Klein, Peters, Thiele, Isom. Voting No: None. Absent: Kelly.

Other Financial Matters

Appropriations hearing testimony

ED Wilbeck reported testifying at the Appropriations Committee hearing on February 27, 2019. A request was made to increase the personal service limitation and allow the \$8,500 biennium budget request for public outreach in FY 2019-20 and FY 2020-21. Additional information was provided to the fiscal analyst for Appropriations Committee review. A final recommendation from the Committee will occur in April 2019.

Updated cost projection for database development

The Office of the Chief Information Officer (OCIO) provided an updated cost projection for completion of the database on March 20, 2019. ED Wilbeck reported meeting with the IT Manager at OCIO and made a

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recommendation to the Board to allow staff to go through the CAT testing process. Testing will reveal whether the database offers a viable solution before making a decision on whether to progress with development in the next fiscal year.

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next board meeting is scheduled on Thursday, April 18, 2019, at 8:30 a.m. in the large conference room, 5th floor, 215 Centennial Mall South, Lincoln, NE. An operational planning meeting is scheduled at 9:00 a.m. on April 16, 2019. Staff will check to see if room 344 in the Prem S. Paul Research Center at Whittier School is available.

On March 8, 2019, Governor Pete Ricketts appointed David L. Johnson to serve as an architect member of the Board. The term will expire on February 28, 2024.

Individuals and organizations authorized to practice as of March 6, 2019:

Professional Engineers.....	7,997
Architects.....	1,877
Certificates of Authorization.....	2,195
Temporary Permits	24

Examination Information/Results

The Monthly Pass/Fail Report for January 2019 for the ARE 5.0 showed 11 exams taken and 8 exams passed. The February report also showed 11 exams taken and 8 exams passed.

There were 85 ARE candidates with open eligibilities on March 1, 2019.

Other Information

The Board's Facebook Analytics Report showed 229 individuals engaged from February 12, 2019, to March 11, 2019.

The February 2019 Dashboard Report indicated the Board's website had 2,590 visitors during the month.

Approved Board policies as of September 14, 2018, were provided.

ADJOURNMENT

The meeting was adjourned at 12:40 p.m.


Brett P. Foley, Secretary