

Nebraska Board of Engineers and Architects
Board Meeting Minutes – April 18, 2019

CALL TO ORDER

The April 18, 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 Isom called the meeting to order at 8:36 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: Lenora Isom, Chair; Jan Bostelman, Vice-Chair; Brett Foley, Secretary; David Johnson; Jennifer Klein; Daniel Thiele. Absent: Brian Kelly, Randy Peters.

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*)

A. CONSENT AGENDA

March 22, 2019 meeting minutes

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

B. MEETING REPORTS

Ad Hoc Committee Reports

New 2019/2020 committee appointments and charges

Chair Isom designated Board committees and members for 2019-2020.

- Legislative – Bostelman, Isom, Thiele
- Professional Services – Foley, Johnson, Peters
- Practice Reform – Kelly, Klein, Thiele
- Building Information Modeling (BIM) – Johnson, Kelly, Klein, Peters
- Executive - Isom, Bostelman, Foley

The chair for each Ad Hoc Committee (except the Executive Committee) will be determined later.

A Legislative Committee meeting is scheduled on April 30, 2019, at 2:30 p.m. in the meeting room of the Board office.

Legislative Committee Report (*None*)

Decoupling Committee Report

ED Wilbeck noted he would be giving a presentation on decoupling to the ACEC Board on April 23, 2019.

C. OLD BUSINESS

Marketing Plan Progress Report

PIO Mayhew summarized marketing plan progress for the Board.

The creation of promotional videos about the activities of the Board of Engineers and Architects and safe building construction is in progress.

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Engineer and Architect student FAQs are being created for the Board's website.

The League of Municipalities' *Directory of Municipal Officials* will be published in June.

The Nebraska Professional newsletter will be sent to approximately 50 societies and state agencies. An article will be included to introduce the new architect Board member, Dave Johnson, who was appointed in March.

Other Old Business

ED Wilbeck reported communicating with Gary Bowen, who is leading an effort to obtain a Governor's proclamation in honor of Thomas Kimball. The proclamation would be in conjunction with Kimball's induction into the Nebraska Hall of Fame at the State Capitol on June 25, 2019. The State of Nebraska did not start issuing architect licenses until the Board was established in 1937, which was three years after Kimball's death. The Board discussed awarding an honorary posthumous architect license to honor Thomas Kimball at the induction ceremony.

Motion by Johnson, second by Thiele to award an honorary posthumous architect license to Thomas Rogers Kimball in recognition of his selection to the Nebraska Hall of Fame. Voting Yes: Foley, Johnson, Klein, Thiele, Bostelman, Isom. Voting No: None. Absent: Kelly, Peters.

D. NEW BUSINESS

Spring Newsletter Draft

The Board reviewed a draft of the *Nebraska Professional* newsletter. Changes will be made as discussed. Mayhew stated about 200 newsletters will be mailed and the remainder will be distributed electronically.

NCARB Centennial Annual Business Meeting information

The Centennial Annual Business Meeting of the National Council of Architectural Registration Boards will be held June 20-22, 2019, in Washington, DC. The agenda and registration details were provided. The deadline to register and obtain a hotel reservation at the lower rates is May 13, 2019.

Johnson and Foley reported they would not be able to attend the NCARB Annual Meeting due to other commitments.

New Emeritus Board member designation and renewals

Motion by Klein, second by Foley to designate Mark Champion as an Emeritus Board Member and renew the Emeritus Board Member status of Fred Choobineh, Michael Conzett, Albert Hamersky, Roger Helgoth, Krista Kester, Lori Krejci, Thomas Laging, and Dale Sall. Voting Yes: Foley, Johnson, Klein, Thiele, Bostelman, Isom. Voting No: None. Absent: Kelly, Peters.

The new Board Emeritus terms will expire on March 22, 2020.

New licensees ceremony reception location

November 15, 2019, has been chosen as the tentative date for the new licensee ceremony and reception. PIO Mayhew reported the Venue Restaurant is now handling rental and catering for the reception area in the Scottish Rite Masonic Center. Estimated costs were presented. Approximately 250 guests are expected to attend the reception after the Capitol ceremony.

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Proposed disclosure language for license renewals

Disclosure questions for architect or professional engineer license renewal applications were revised to eliminate unnecessary repetition of disclosure submittals. The revised questions would be effective for December 31, 2018 and December 31, 2019 license renewals as soon as the online license renewal site is updated. Disclosure questions would not change for exam, engineer intern, license, temporary permit, and reinstatement applications, allowing the Board to capture a full history for each applicant. Proposed revisions for the disclosure questions for license renewals were reviewed as follows:

- Are there now any criminal charges, other than a minor traffic violation, pending against you in this or any other jurisdiction?
- Is there any action or proceeding presently pending against you in any court or other tribunal in this or any other jurisdiction alleging that you committed fraud, misrepresentation, or professional malpractice?
- During the past two years, have you been denied a license to practice in this or any other jurisdiction?
- During the past two years, has a complaint been filed or has formal disciplinary action been taken against you by a regulatory body for professional engineering or architecture in this or any other jurisdiction?
- During the past two years, have you voluntarily surrendered your architect or professional engineer license or entered into a negotiated settlement in order to avoid disciplinary action by a professional regulatory body in this or any other jurisdiction?
- During the past two years, have you been convicted of a crime, other than a minor traffic violation, in this or any other jurisdiction?
- During the past two years, have you entered into a pretrial diversion program or similar pretrial procedure to avoid prosecution for a crime, other than a minor traffic violation, in this or any other jurisdiction?
- During the past two years, has a judgment been entered against you in a civil proceeding in this or any other jurisdiction involving fraud, misrepresentation, or professional malpractice?

Motion by Klein, second by Foley to revise the disclosure questions for license renewals as proposed. Voting Yes: Foley, Johnson, Klein, Thiele, Bostelman, Isom. Voting No: None. Absent: Kelly, Peters.

2019 Travel and per diem authorization

Motion by Thiele, second by Bostelman to approve Kelly as the NCARB funded delegate and Johnson to be funded by the Board if attending the NCARB Annual meeting. Voting Yes: Foley, Johnson, Klein, Thiele, Bostelman, Isom. Voting No: None. Absent: Kelly, Peters.

Staff will check with Kelly to see if any travel arrangements have been made for the NCARB Annual meeting on June 20-22, 2019, in Washington, DC.

The Board's Legislative committee will review N.R.S. § 81-3429 concerning per diem reimbursement to see if clarification is needed.

E. COMPLIANCE

April 2019 Compliance Cases

Summary of Open Cases

Executive Session – Commenced at 9:04 a.m.

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

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

Executive Session – Concluded at 10:47 a.m.

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

Motion by Thiele, second by Isom to authorize board counsel to offer a settlement agreement to the Respondent in Case 18.15. Voting Yes: Foley, Johnson, Klein, Thiele, Bostelman, Isom. Voting No: None. Absent: Kelly, Peters.

Motion by Thiele, second by Bostelman to authorize board counsel to issue a show cause letter in Case 18.21. Voting Yes: Foley, Johnson, Klein, Thiele, Bostelman, Isom. Voting No: None. Absent: Kelly, Peters.

Motion by Thiele, second by Foley to open a compliance case for Project 03-01 and authorize architecture and engineering remediation and require a response within 30 days and a plan of action within 60 days. Voting Yes: Foley, Johnson, Klein, Thiele, Bostelman, Isom. Voting No: None. Absent: Kelly, Peters.

F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-17593 Ebad Ansari Waseem, Mechanical; E-17587 Kim Derwin Basham, Civil; E-17597 Aaron Render Boonstra, Civil; E-17580 Brady Alan Brodsho, Electrical and Computer; E-17601 Kurtis James Clandening, Structural; E-17595 Matthew Coughlin, Mechanical; E-17599 John Jacob Cybulski, Mechanical; Richard Alan Dethlefs, Structural; E-17603 Matthew John Enstrom, Civil; E-17570 Todd Arthur Ford, Mechanical; E-17592 Bradley John Gerlick, Civil; E-17585 Anthony Paul Hills, Civil; E-17600 David Jason Hodges, Civil; E-17594 Derick Michael Holmes, Civil; E-17567 Erin Leigh Hughes, Civil; E-17588 David Kent Johnson, Electrical; E-17568 Robert Douglas Kennedy, Civil; E-17602 Carmen Jane Lee, Electrical and Computer; E-17596 Patrick Neville Leonard, Mechanical; E-17581 Andrew William Merritt, Civil; E-17591 Justin Jamers Michalski, Electrical and Computer; E-17562 Joshua Lynn Nielsen, Electrical and Computer; E-17598 Alvia June Plankis, Civil; E-17586 Gregory Aaron Prunty, Civil; E-17563 Ismaias Lemuel Recinos, Civil; E-17583 George Scott Reynolds, Civil; E-17582 Mark Allen Sornsin, Fire Protection; E-17569 Craig Stephen Thompson, Civil; E-17590 Adam Louis Toth, Electrical and

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Computer; E-17589 Joe Michael Turner, Civil; E-17584 John Patrick Turner, Civil; E-17564 Quintin Berban Watkins, Civil; E-17565 Norman Edward West, Civil.

Licensure of Architects by NCARB Certification

Approved: A-5038 Marie Michele Boatright, A-5048 Sean Joseph Bujold, A-5039 Joseph Michael Davidson, A-5047 Jacob Alexis Lupton, A-5040 Heather Ann Olson, A-5046 Kimberly Connie Pavlik, A-5041 Dennis Andrew Ross.

Temporary Permits

Approved: T-601 Kenneth Andrew Shook, Mo, Architect; T-602 William Francis Powers, III, KS, Engineer; T-603 Ricky Zane Smith, FL, Architect.

Engineer Intern Enrollment

Approved: Allison Jane Crawford, Wyatt Gregory Fallet, Jessica Lynn Fitzpatrick, Michael John Harper, Trevor Alan Hinn, Kelsey Christine Moss, Ryan Patrick Yates.

Certificates of Authorization

Approved: CA4159 Dawson Van Orden, CA4160 BSC Forensic Services LLC; CA4161 KPE Consulting Engineers Inc, CA4162 Browder + LeGuizamon & Associates Inc, CA4163 Powers Taylor Mills Engineered Foundation Construction LLC (PTM), CA4164 KB Engineering LLC, CA4165 Paradigm Design PC, CA4166 The Kercher Group Inc, CA4167 Antea USA Inc, CA4168 CPP Incorporated, CA4169 YA Engineering Services LLC, CA4170 Brosz Engineering Inc, CA4171 KA Shook Design LLC, CA4172 GP Engineering PLLC, CA4173 Reyling Design and Consulting LLC, CA4174 Johnson Wilbur Adams Inc, CA4175 Rick Z Smith & Associates Architects Inc, CA4176 David J Hodges PE PC.

Licensure/Examination

Licensure of Professional Engineers by Comity

Approved: Robert Gerald Brillhart, Environmental, WI; Sidney Glen Edelbrock, II, Environmental, KS; Aaron Robert Flouro, Civil, WI; Aaron Jon Norman, Civil, SD.

Licensure of Professional Engineers by Experience

Approved: Gregory Stuart Kendall, Civil, KS.

Licensure of Architects by Comity

Approved: Jonathan David Oswald, DC.

Licensure of Architects by Experience (None)

Licensure of Professional Engineers by Reinstatement

Approved: E-12079 Douglas Nolan Stephens, Civil; E-9677 Mark Daniel Tatarian, Electrical.

Licensure of Architects by Reinstatement (None)

ARE Exam Approvals (None)

PE/SE Exam Approvals

Approved: Sara Marie Arias, Architectural; Andrew Michael Klescewski, Environmental.

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Special Cases

Licensure of Professional Engineers by Experience

Deferred: Nicholas Edward Hoffman, Civil – Defer until evidence provided that license suspension in South Dakota is lifted or until December 31, 2021, whichever comes earlier.

Motion by Thiele, second by Klein to approve applications as recommended by staff except for the application for an engineer license by experience for Nicholas Hoffman. Voting Yes: Foley, Johnson, Klein, Thiele, Bostelman, Isom. Voting No: None. Absent: Kelly, Peters.

Motion by Thiele, second by Klein to defer Nicholas Hoffman's application for licensure as a professional engineer by experience until evidence is provided that the suspension of the South Dakota license is lifted or until December 31, 2021, whichever comes earlier. Voting Yes: Foley, Johnson, Klein, Thiele, Bostelman, Isom. Voting No: None. Absent: Kelly, Peters.

G. FINANCIAL MATTERS

Financial Reports

FY 2018-19 Financial Profile, as of March 31, 2019

Budget Status Report, March 2019

MTD General Ledger Detail Report, March 2019

Fund Summary Report, March 2019

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

A job requisition for a temporary IT employee will be submitted for publication to the state jobs website for database assistance.

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

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next board meeting is scheduled on Friday, May 17, 2019, at 8:30 a.m. in the large conference room, 5th floor, 215 Centennial Mall South, Lincoln, Nebraska.

Individuals and organizations authorized to practice as of April 5, 2019:

Professional Engineers.....	8,055
Architects	1,897
Certificates of Authorization.....	2,217
Temporary Permits	24

Examination Information/Results

The Monthly Pass/Fail Report for March 2019 for ARE 5.0 showed 11 exams taken and 8 exams passed.

The Nebraska 2019 ARE 5.0 Yearly Pass/Fail Report for the first quarter showed a 72.7% average pass rate.

There were 86 ARE candidates with open eligibilities on April 1, 2019.

Other Information

The Board's Facebook Analytics Report showed 547 individuals engaged from March 12, 2019, to April 8, 2019.

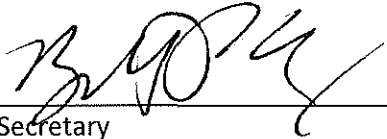
The March 2019 Dashboard Report indicated the Board's website had 2,527 visits during the month.

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

ADJOURNMENT

Motion by Thiele, second by Johnson to adjourn the meeting at 11:36 p.m.

A handwritten signature in black ink, appearing to read 'B. Foley', is written over a horizontal line.

Brett P. Foley, Secretary