

Nebraska Board of Engineers and Architects
Board Meeting Minutes – May 17, 2019

CALL TO ORDER

The May 17, 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 8:30 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: Lenora Isom, Chair; Brett Foley, Secretary; David Johnson; Jennifer Klein; Randy Peters; Daniel Thiele. Absent: Brian Kelly, Jan Bostelman, Vice Chair.

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 Present

Anna Bespoyasny, Architect license applicant - No comment

Rich Lombardi, Legislative Liaison, American Communications Group, Inc

A. CONSENT AGENDA

April 16, 2019 operational planning minutes

April 18, 2019 meeting minutes

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

B. MEETING REPORTS

Ad Hoc Committee Reports

Legislative Report

Legislative Liaison Lombardi summarized a list of building related bills that were recently passed by the legislature. A short legislative session will be held in 2020. Deciding how to distribute the workload for LB 299, which established the Occupational Board Reform Act in 2018, has been a concern. Beginning in 2019, each standing committee of the Legislature is tasked to annually review and analyze approximately twenty percent of the occupational regulations within its jurisdiction and submit an annual report to the Clerk of the Legislature by December 15 of each year.

Legislative Committee Report

The Legislative Committee met on April 30, 2019. The Committee reviewed the Engineers and Architects Registration Act revision draft discussed by the Board at its 2019 Operational Planning meeting on April 16, 2019. Some additional revisions were suggested. The Committee agreed on two potential sponsors for a legislative bill for the 2020 session. A letter will be sent to stakeholders with the proposed changes and intent. If the Board allows direct registration for examinations, fees may need to be revised since an application would not be seen until an applicant applies for licensure. The Committee discussed plans for stakeholder engagement for the rest of 2019. ED Wilbeck will follow up with the Executive Director of the American Council of Engineering Companies (ACEC) to see where ACEC stands on the decoupling issue. ED Wilbeck will attend the Nebraska Society of Professional Engineers (NSPE-NE) Summer Annual Meeting on June 6-7, 2019.

Professional Services Committee Report

The Professional Services Committee will hold a meeting on May 20, 2019, in the Board office to implement the provisions of Board policies 13.02 and 14.07 relating to legislative liaison consultant services for FY 2020-21.

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Other Meeting Reports

Wilbeck reported he had been appointed to NCARB's FY19 Policy Advisory Committee.

C. OLD BUSINESS

Marketing progress report and FY 2019-20 Marketing Plan draft

PIO Mayhew reviewed the proposed FY 2020-21 Marketing Plan with the Board. Priorities and changes were summarized. Efforts will remain focused on reaching out to organizations and the public.

Thomas R. Kimball; Nebraska Hall of Fame induction information

The legislative resolution to honor Thomas Rogers Kimball at the State Capitol on June 25, 2019 for his induction to the Nebraska Hall of Fame was reviewed by the Board. ED Wilbeck reached out to Sara Kay, Executive Director of AIA and worked with Gary Bowen on language to be included in remarks at the induction ceremony to award an honorary license.

Emeritus responses to removal of Rule 1.13.4.3 from Title 110

As of April 27, 2019, architects or professional engineers who elected emeritus status are no longer subject to annual renewals or fees. Rule 1.13.4.3 has been removed from Title 110, NAC, Rules and Regulations. A notice was emailed to all Emeritus Architects and Emeritus Professional Engineers. Several responses concerning the change were reviewed.

D. NEW BUSINESS

Proposed NCEES Bylaws changes

Proposed changes to the bylaws to be voted on at the 2019 NCEES annual meeting were presented. The Board will review the proposals to the bylaws and resolutions at its June or August meeting and authorize the delegates to vote as directed at the annual meeting.

NCEES Central Zone Meeting recap

Ed Wilbeck reported discussion and motions that took place at the NCEES 2019 Central/Northeast Zone Interim Meeting held in Portsmouth, NH. ED Wilbeck asked NCEES representatives if new compliance updates could be pushed out to member boards quarterly. Many jurisdictions are reacting to sunset provisions and some have been asked to provide a list of criminal convictions that would preclude licensure and veterans provisions for licensure. Decoupling experience from the PE exam was discussed. Steven Matthews, the Chief Technology Officer at NCEES announced receiving requests for the NCEES PE exam record to replace the licensure application. NCEES is working on the request but has run into some caveats. NCEES headquarters is being relocated to Greenville, SC, from its current location in nearby Seneca, SC. The move will be completed by spring 2020 and coincide with the organization's 100th anniversary.

NCEES notice of future changes to exams and supporting materials

The NCEES *Manual of Policy and Position Statements*, Exam Development Policy (EDP) 9, requires a one-year notice of changes to NCEES exams and supporting materials. Notifications included the following:

- FE exam will have new specifications beginning in July 2020. The specifications will be posted on the NCEES website January 1, 2020.
- PE Chemical exam will have new specifications beginning in January 2020. The specifications will be posted on the NCEES website on July 1, 2019.

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- PE Mechanical exam will have its last paper administration in October 2019. Beginning November 4, 2019, examinees will be able to register and schedule computer based testing (CBT) appointments, which will be available year-round starting April 1, 2020.
- PE Control Systems Engineering exam will have new specifications beginning in October 2019. The specifications are posted on the NCEES website.
- PE Petroleum exam will transition to CBT in October 2019.
- PE Fire Protection and PE Mechanical exams will be offered in pencil-and-paper format for the last time in October 2019 and will transition to CBT in October 2020.

NCARB congratulatory letter

A congratulatory letter signed by each member of the Nebraska Board of Engineers and Architects will be sent to the National Council of Architectural Registration Boards (NCARB) in honor of its 100th anniversary.

Board policy deletions

Deletion of Policy 08.05 – Structural Exam Equivalency - *Promulgated in Rule Section 4.1.1.5*

Deletion of Policy 10.06 – Structural Exam Retakes - *Policy no longer applicable*

Deletion of Policy 11.04 – Sealing “As-Built” Drawings – *Promulgated as Rule 6.1.9*

Motion by Thiele, second by Klein to approve deletion of Board policies 8.05, 10.06, and 11.04 due to promulgation of Title 110, NAC, Rules and Regulations, effective on April 27, 2019. Voting Yes: Johnson, Klein, Peters, Thiele, Foley, Isom. Voting No: None. Absent: Bostelman, Kelly.

2019 Travel and per diem authorization (*None*)

E. COMPLIANCE

May 2019 Compliance Cases

Summary of Open Cases

Executive Session – Commenced at 9:25 a.m.

Motion by Thiele, second by Foley to enter into executive session for discussion of compliance investigations, partner-agency processes, and disclosure of project remediation outcomes 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: Johnson, Klein, Peters, Thiele, Foley, Isom. Voting No: None. Absent: Bostelman, 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, Case 19.03, and Case 19.04 were reviewed in executive session.

Due to a conflict of interest, Special Assistant Sean Minahan left executive session and the meeting before discussion of Compliance Case 19.01.

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Other Compliance Issues

The following issues were reviewed in executive session:

- Draft letter to licensees involved in remediation
- Partner-Agency Process Summary
- Discussion of project remediation outcome disclosures

Executive Session – Concluded at 10:38 a.m.

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

Motion by Thiele, second by Klein to dismiss Case 18.16 with no disciplinary action based on remediation. Voting Yes: Johnson, Klein, Peters, Thiele, Foley, Isom. Voting No: None. Absent: Bostelman, Kelly.

Motion by Thiele, second by Foley to dismiss Case 19.04 with no disciplinary action. Voting Yes: Johnson, Klein, Peters, Thiele, Foley, Isom. Voting No: None. Absent: Bostelman, Kelly.

F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-17626 Adolfo Aranzales, Civil; E-17614 Frank Louis Bennardo, Civil; E-17624 Jeff Nichols Besel, Electrical and Computer; E-17606 John Steven Brauner, Environmental; E-17620 Jonathan Andrew Brightman, Civil; E-17627 Delbert James Channels, Civil; E-17619 Bradley Forsythe Coffman, Civil; E-17613 Adam Joseph Diemert; E-17632 Sarah Ann Erickson, Civil; E-17631 Robert Allen Harris, Mechanical; E-17615 Joseph Robert Holste, Civil; E-17617 John John Honiotes, Civil; E-17622 James Jerome Jannicke, Civil; E-17605 Cody Joseph Kalivoda, Civil; E-17633 Timothy Warden Little, Mechanical; E-17623 Thomas McKinstry Maull, Mechanical; E-17629 Benjamin Walter Monroe, Electrical and Computer; E-17625 Lauren Paige Norland, Civil; E-17607 Andrew Ellis Park-Friend, Civil; E-17628 James Colin Shaw, Mining and Mineral; E-17618 Andre Donald David Sindt, Civil; E-17630 Matthew Clinton Smith, Electrical and Computer; E-17616 Taylor Christopher Stumpf, Civil.

Licensure of Architects by NCARB Certification

Approved: A-5053 Gregory Edward Faucher, A-5054 Michael James Fiebig, A-5050 Richard Louis Hart, A-5051 Justin Richard Hasbrouck, A-5052 Scot Andrew Rogers.

Temporary Permits

Approved: T-604 Richard Ray Adams, FL, Engineer.

Engineer Intern Enrollments

Approved: Thomas Richard Andrysik, Joshua Henry Bauer, Joshua Alan Devereaux, Sean Michael Dugan, Kendra Paige Euscher, David Tyler Hansen, Oscar Hounsoubin, Robert Denny Jagadich, Ted Benjamin Kocher, Oscar Pena, Thien Minh Pham, Cody James Vavra.

Certificates of Authorization

Approved: CA4177 Hummingbird Architecture LLC, CA4178 Stephens Engineering Consultants Inc, CA4179 Cascade Earth Sciences, CA4180 Acies Engineering Inc; CA4181 Engineering Express Inc, CA4182 WorleyParsons Group Inc, CA4183 CB&I Storage Tank Solutions LLC, CA4184 LeJeune Steel Company, CA4185 Oliver Little Gipson Engineering Inc.

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Licensure/Examination

Initial Licensure of Engineers (*None*)

Licensure of Professional Engineers by Comity

Approved: Craig Ryan Clarke, Electrical and Computer, MO; Masamichi Micky Inoue, Civil Engineer, CO; Tahir Malik, Electrical and Computer, TX; Jason Robert Phipps, Mechanical, VA.

Licensure of Professional Engineers by Experience

Approved: Jonghyub Lee, Civil, CA.

Initial Licensure of Architects

Approved: Zachary Daniel Paul Johnson.

Licensure of Architects by Comity (*None*)

Licensure of Architects by Experience

Approved: Anna Marie Bespoyasny, WI.

Licensure of Professional Engineers by Reinstatement

Approved: E-7172 Kenneth Leslie Shappley, Mechanical.

Licensure of Architects by Reinstatement (*None*)

ARE Exam Approvals

Approved: Corey Joseph Thiele.

PE/SE Exam Approvals (*None*)

Special Cases

Engineer Intern Enrollments

Deferred: Seyyed Shahab Hosseinian – Deficiency in NCEES Credentials Evaluation.

Licensure of Professional Engineers by Comity

Approved: John Anton Brown, Structural, MO; MD Fuad Hassan Khan, Civil, PA.

PE/SE Exam Approvals

Approved: John Michael Higgins, Civil.

Motion by Klein, second by Peters to approve applications as recommended by staff except for the Engineer Intern Enrollment application for Seyyed Hosseinian. Voting Yes: Johnson, Klein, Peters, Thiele, Foley, Isom. Voting No: None. Absent: Bostelman, Kelly.

Motion by Thiele second by Peters to defer the application of Seyyed Hosseinian for up to one year until the education deficiency is removed. Voting Yes: Klein, Peters, Thiele, Foley, Isom. Voting No: Johnson. Absent: Bostelman, Kelly.

G. FINANCIAL MATTERS

Financial Reports

FY 2018-19 Financial Profile, as of April, 2019

Budget Status Report, April 2019

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MTD General Ledger Detail Report, April 2019

Fund Summary Report, April 2019

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

Other Financial Matters

Appropriations Committee Amendment re: NBEA Budget

AM1329, amending appropriations in LB 294, was adopted on May 8, 2019. The salary limit base was increased by \$17,844 in FY 2019-20 and \$18,547 in FY 2020-21 from the original Appropriations Committee recommendation. The total appropriation was not adjusted for FY 2019-20 and FY 2020-21.

Discussion of database development issues

ED Wilbeck reported user testing had not started for the database development. The original statement of work (SOW) was signed in January 2017. Hiring a SOS temporary part-time senior IT position would help to fix critical issues in the current database and assist with investigating other database options. A state Covendis contract is also available for IT support.

Motion by Isom, second by Klein to terminate the agreement for database development as outlined in the SOW and request a refund for expenditures to date. Voting Yes: Klein, Peters, Thiele, Foley, Isom. Voting No: None. Abstain: Johnson. Absent: Bostelman, Kelly.

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next board meeting is scheduled on June 14, 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 May 6, 2019:

Professional Engineers.....	8,095
Architects	1,901
Certificates of Authorization.....	2,224
Temporary Permits	23

Examination Information/Results

The Monthly Pass/Fail Report for April 2019 for the ARE 5.0 showed 12 exams taken and 8 exams passed.

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

Other Information

The Board's Facebook Analytics Report showed 681 individuals engaged from April 8, 2019, to May 5, 2019.

The Mailchimp Analytics Report showed 528 emails were sent to Emeritus Architects and Emeritus Professional Engineers to note the removal of Rule 1.13.4.3, which required a renewal fee.

The April 2019 Dashboard Report indicated the Board's website had 2,653 visits during the month.

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

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ADJOURNMENT

The meeting adjourned at 11:33 a.m.



Brett P. Foley, Secretary