

CALL TO ORDER

The October 18, 2019 meeting of the Nebraska Board of Engineers and Architects was held in the 5th floor 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; Jan Bostelman, Vice Chair; David Johnson; Brian Kelly; Jennifer Klein; Randy Peters; Daniel Thiele. Absent: Brett Foley, Secretary.

Staff Present: Jon Wilbeck, Executive Director (ED); Lindy Rauscher, Compliance Officer (CO); Sandra Weaver, Business Manager; Molly Mayhew, Public Information Officer (PIO). Absent: Jean Lais, Administrative Assistant.

Legislative Liaison Candidate Presentations

8:30 a.m. - Timothy Keigher, Keigher & Associates

8:50 a.m. - Tim Gay, David Bracht and Kaitlin Reece, Catalyst

10:00 a.m. - Julie Erickson and Eric Gerrard, American Communications

10:20 a.m. - Gerald Stilmock and Ryan McIntosh, Brandt Horan Hallstrom Stilmock

Public Comment *(None)*

Designation of Secretary

Motion by Thiele, second by Peters to appoint Klein as acting secretary for the October meeting in the absence of Foley. Voting Yes: Thiele, Bostelman, Johnson, Kelly, Klein, Peters, Isom. Voting No: None. Absent: Foley.

A. CONSENT AGENDA

September 13, 2019 meeting minutes

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

B. MEETING REPORTS

Ad Hoc Committee Reports

Legislative Committee Report

ED Wilbeck reported participating in a conference call with the American Institute of Architects (AIA) Nebraska Chapter. Discussion included a proposed change in the Engineers and Architects Regulation Act (E&A Act) to remove the requirement for Board approval to take the Architect Registration Examination (ARE). AIA will canvass their membership for feedback on decoupling and allowing the Integrated Path to Architectural Licensure (IPAL). The Board will continue to reach out to AIA in an effort to gather support for proposed changes to the E&A Regulation Act.

ED Wilbeck and Kelly met with Katherine Ankerson, Dean UNL College of Architecture, on September 24 to review the proposed changes to the E&A Act. No opposition was indicated to proposed changes to allow applicants completing license requirements through the IPAL program to apply for architect licensure in Nebraska. It was understood by the Board that the potential loss of students from the UN-L Master of Architecture program, which does not have an IPAL program, to other universities with an IPAL program is possible whether or not the proposed changes are implemented in the E&A Regulation Act.

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Peters reached out to the Dean of the UN-L College of Engineering and Technology to explain proposed changes to the E&A Act concerning decoupling the experience requirement from the PE examination. It was reiterated that license requirements are not changing and a successful examinee would still need four years of experience to be eligible to apply for a professional engineer license. The Dean will talk about the proposed change with his leadership team and provide feedback to the Board's Legislative Committee by November 15.

ED Wilbeck met with Joe Kohout, a representative of the Professional Engineers Coalition (PEC), on September 25. There appears to be no serious opposition to the proposed E&A Act changes. PEC committed to no surprises at the hearing for the legislative bill. A conference call may be held with PEC members at a later date.

A survey of experience requirements for non-health related professions in Nebraska prior to examination and maps of other U.S. jurisdictions' requirements related to the proposed E&A Act changes were provided to the Board.

Professional Services Committee Report

The Professional Services Committee met on September 18, 2019, and created four questions for the legislative liaison candidates to address during their presentations.

C. OLD BUSINESS

NCEES Resolution of Cooperation

The Board reviewed the NCEES Resolution of Cooperation (ROC) at its September meeting. The NCEES MBA Committee is seeking an agreement between all states to communicate that state engineering and surveying boards are working together to eliminate licensure barriers and encourage mobility of licensure between states. The Board agreed that reducing barriers to licensure is already in place in Nebraska and any decision on signing the agreement should be based on evidence that the resolution is non-binding. ED Wilbeck noted at least five state boards have conveyed they would not sign the ROC as presented. After review of the resolution, Assistant Attorney General Jelkin agreed with the Board's position and would prefer to see a provision added to explicitly state the ROC is non-binding. ED Wilbeck will convey the Board's concerns to the NCEES MBA Committee as he is a committee member. Any resolution revision will be brought back for Board review.

FY 2019-20 Marketing Plan

PIO Mayhew reported reaching out to the National Association of County Engineers (NACE) about presenting at the Nebraska Association of County Officials (NACO) conference in December.

The Nebraska Craft Brewers Guild (NCBG) was contacted about presenting at its 2020 conference. The Guild suggested applying next year since they try not to book the same presenters two years in a row.

An application to present at the March 2020 conference was submitted to the Nebraska Planning and Zoning Association (NPZA).

On September 20, 2019, PIO Mayhew and CO Rauscher presented to a small group of officials at a NPZA meeting in Norfolk, Nebraska and ED Wilbeck spoke at the League of Nebraska Municipalities (LNM) conference in Lincoln, Nebraska.

PIO Mayhew reported reaching out to the Nebraska Department of Economic Development (DED) concerning the requirements of the E&A Act. DED awards Civil and Community Center Financing Fund (CCCCF) grants to municipalities to encourage and foster quality of life in communities. The need for a seal of a licensed architect or professional engineer on construction, architectural, or engineering documents will be noted on the 2020 CCCCFF application forms.

Kelly noted Sarah Deyong was the new Architecture Program Director with UN-L's College of Architecture.

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[Licensee Capitol Ceremony update](#)

PIO Mayhew reminded the Board that the recognition ceremony for new licensees will take place on November 15, 2019, at 3:00 p.m. at the Warner Chamber in the Nebraska State Capitol Building. A draft of the program was provided. A reception will follow at the Scottish Rite building. An 8' x 8' photo backdrop has been purchased and will be placed at the reception for use by the Board and attendees in support of outreach activities.

D. NEW BUSINESS

[Merrimack Valley Incident NTSB Recommendations](#)

The National Transportation Safety Board (NTSB) posted a report concerning a series of structure fires and explosions occurring after high-pressure natural gas was released into a low-pressure natural gas distribution system in the northeast region of the Merrimack Valley in the Commonwealth of Massachusetts. One of the recommendations included in the report requested specific states, including Nebraska, to remove exemptions in statute to ensure all future natural gas infrastructure projects would require licensed professional engineer approval and stamping. ED Wilbeck clarified that, to his knowledge, Nebraska was identified in the recommendations was due to a lack of explicit language in state law requiring professional engineer oversight of this work rather than an exemption that needs to be removed. ED Wilbeck will check with the Governor's Policy Research Office (GPRO) for reactions to the recommendation and also discuss the issue with Julie Erickson, the Board's legislative liaison. The Board will be updated at the December meeting.

[Return check/electronic payment fee](#)

N.R.S. § 84-617.01 allows state agencies to assess a maximum charge of \$30 to the payor for a returned check or an electronic payment when not accepted by the payor's financial institution.

Motion by Klein, second by Thiele to set the fee for a returned check or electronic payment at \$30. Voting Yes: Thiele, Bostelman, Johnson, Kelly, Klein, Peters, Isom. Voting No: None. Absent: Foley.

[Proposed revision to Agency Travel Reimbursement Policy](#)

State Accounting recommended implementation of a policy to authorize Board members to use their personal vehicles for Board business since using a state TSB vehicle is not always feasible.

Motion by Thiele, second by Kelly to approve the proposed changes to the Agency Travel Policy as provided. Voting Yes: Thiele, Bostelman, Johnson, Kelly, Klein, Peters, Isom. Voting No: None. Absent: Foley.

[Fall Newsletter draft](#)

A draft of the fall edition of *The Nebraska Professional* newsletter was reviewed by the Board. The newsletter will be published in November after the New Licensee Recognition Ceremony.

[NCARB Model Law Task Force feedback request](#)

The NCARB Model Law Task Force was tasked in FY17 to perform a holistic review of the Council's existing *Legislative Guidelines* and *Model Law Regulations*, with the goal to modernize and update the documents to make it easier to use and more relevant to today's practice of architecture. A preliminary review was provided with a request to complete a brief online survey. The Task Force will discuss member feedback at its next meeting early in November 2019. ED Wilbeck asked that any feedback, comments, or questions be sent to him or the Chair of the Model Law Task Force by October 25.

[2019 and 2020 Travel and per diem authorization](#)

Authorization requests:

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- Isom, Kelly, and Klein to present at the new licensee recognition ceremony at the State Capitol in Lincoln, NE, on November 15, 2019.

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

Discussion of Legislative Liaison Candidates

Discussion of the candidates occurred in executive session. Action to select a candidate was taken after executive session concluded.

E. COMPLIANCE

Summary of Open Cases

Executive Session – Commenced at 10:59 a.m.

Motion by Thiele, second by Bostelman to enter into executive session for discussion of legislative liaison candidates, 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: Thiele, Bostelman, Johnson, Kelly, Klein, Peters, Isom. Voting No: None. Absent: Foley.

Active Cases: Summary & Documentation

Case 17.26, Case 18.02, Case 18.13, Case 18.15, Case 18.20, Case 18.21, Case 19.01, Case 19.03, Case 19.05, Case 19.10, Case 19.11, Case 19.12, Case 19.13, and Case 19.14 were reviewed in Executive Session.

Other Compliance Issues

Partner-Agency Process Summary was reviewed in executive session.

Executive Session – Concluded at 12:22 p.m.

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

Legislative Liaison Selection

Motion by Thiele, second by Peters to offer a contract to Catalyst for legislative liaison services and authorize staff to negotiate the contract for FY 2020-21. Voting Yes: Thiele, Johnson, Kelly, Klein, Peters, Isom. Voting No: Bostelman. Absent: Foley.

Compliance Action

Motion by Thiele, second by Kelly to issue the respondent in Case 18.21 a notice of hearing for January 10, 2020. Voting Yes: Thiele, Bostelman, Johnson, Kelly, Klein, Peters, Isom. Voting No: None. Absent: Foley.

Motion by Thiele, second by Peters to issue the respondent in Case 19.03 a notice of hearing for January 10, 2020. Voting Yes: Thiele, Bostelman, Johnson, Kelly, Klein, Peters, Isom. Voting No: None. Absent: Foley.

Motion by Thiele, second by Bostelman to dismiss Case 19.10 with no disciplinary action because no violations of the E&A Act were found. Voting Yes: Thiele, Bostelman, Johnson, Kelly, Klein, Peters, Isom. Voting No: None. Absent: Foley.

Motion by Thiele, second by Peters to dismiss Case 19.13 with no disciplinary action because no violations of the E&A Act were found. Voting Yes: Thiele, Bostelman, Johnson, Kelly, Klein, Peters, Isom. Voting No: None. Absent: Foley.

F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-17842 Sarah Marie Anderson, Structural; E-17830 Darryl Edward Cain, Civil; E-17846 Orion Taiyo Cannon, Civil; E-17834 Lorenzo Cruz Dimalanta, Civil; E-17835 Drew Sanders Dudley, Structural; E-17850 Andrew Joseph Edelstein, Civil; E-17852 Ryan William Edwards, Mechanical; E-17844 Tomme Ching-Yue Eng, Control Systems; E-17839 Peter Edmund Haug, Civil; E-17841 Jacob Nathaniel Higgins, Structural; E-17848 Erin Leigh Hunter, Civil; E-17833 Miles Bradley Jensen, Civil; E-17840 Ronald Dee Jones, Electrical; E-17853 Wesley Brent Jones, Electrical and Computer; E-17832 James Richard Kuzelka, Civil; E-17849 Aaron William Lammers, Civil; E-17855 Peter Angelo Ludas, Civil; E-17831 Gerard Kevin Lynskey, Structural; E-17828 Jason Arthur Mangan, Mechanical; E-17847 James Ross Myles, Mechanical; E-17851 Kenneth Jude O'Connell, Civil; E-17829 Alexandro Alberto Rigoni, Mechanical; E-17854 John Michael Riordan, Structural; E-17845 John James Sirhall, Civil; E-17856 Samuel Travis Swinbank, Mechanical; E-17843 Joshua Craig Walker, Electrical and Computer.

Licensure of Architects by NCARB Certification

Approved: A-5104 Robert Joseph Gehr, A-5102 Wells Miller Squier II, A-5103 Bryan William Wilson, A-5106 Loren Christopher Wright.

Temporary Permits *(None)*

Engineer Intern Enrollments

Approved: Christopher William Bianchini, Sydney Elizabeth James, Anthony Carl Meusch, Austin Gregory Parris.

Certificates of Authorization

Approved: CA4240 Stainless Fabrication Inc, CA4241 VLMK Consulting Engineers, CA4242 The Architects Partnership Ltd, CA4243 MAEngineering Inc, CA4244 Technip Stone & Webster Process Technology Inc, CA4245 The Dothea Group LLC, CA4246 Williams Scotsman Inc, CA4247 Cameron-Cole LLC, CA4248 Willdan Energy Solutions Inc, CA4249 Meshek & Associates LLC, CA4250 Arkifex Studios LLC, CA4251 Searer Robbins & Stephens Inc, CA4252 Green Digs LLC.

Licensure/Examination

Initial Licensure of Professional Engineers *(None)*

Licensure of Professional Engineers by Comity

Approved: Francisco Eduardo Alonso, Civil, CA; Lawrence Frederick Johnsen, Civil, IL; Joe David Luck, Civil, KY.

Licensure of Professional Engineers by Experience

Approved: David Allen Edwards, Civil, NY.

Initial Licensure of Architects *(None)*

Licensure of Architects by Comity *(None)*

Licensure of Architects by Experience

Approved: Paul Bernard Fendler, MO.

Licensure of Professional Engineers by Reinstatement *(None)*

Licensure of Architects by Reinstatement

Approved: A-2440 Donald James Meeks Jr, A-3602 Link Stephan Wilson.

ARE Exam Approvals

Approved: Ethan Henry Griger, Mi Chele Lee, Benjamin Conner Macke.

PE/SE Exam Approvals

Approved: Travis Dean Yonts, Civil.

Special Cases

Engineer Intern Enrollments

Approved: Chandana Chickamagalur Balakrishna.

Engineers by Comity

Deferred: Deepali Ramesh Mandrekar, Civil, TX – Defer one year pending completion of educational deficiencies to meet the NCEES Education Standard.

*Motion by Thiele, second by Bostelman to approve or defer applications as recommended by staff as amended.
Voting Yes: Thiele, Bostelman, Johnson, Kelly, Klein, Peters, Isom. Voting No: None. Absent: Foley.*

G. FINANCIAL MATTERS

Financial Reports

FY 2019-20 Financial Profile, as of September 30, 2019

Budget Status Report, September 2019

MTD General Ledger Detail Report, September 2019

Fund Summary Report, September 2019

ED Wilbeck reviewed the September 2019 financial reports with the Board. License renewal notices for architects and professional engineers were mailed around October 1 and a large number of renewal fees are being received.

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

Contract for Compliance Investigation

Terry L. Morrison, P.E.

The proposed agreement between the Nebraska Board of Engineers and Architects and Terry L. Morrison, P.E. is for the purpose of conducting an investigation of a complaint related to competent practice of engineering in Compliance Case 19.11. The agreement would end May 1, 2020, or upon completion of the investigation, whichever occurs first. Billing would be limited to a maximum of 32 hours at an hourly rate of \$175 per hour, with an exception for testimony services, plus any reasonable and necessary expense claims.

Motion by Peters, second by Klein to authorize ED Wilbeck to execute the contract with Terry L. Morrison as presented for investigative services. Voting Yes: Thiele, Bostelman, Johnson, Kelly, Klein, Peters, Isom. Voting No: None. Absent: Foley.

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H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next board meeting is scheduled on Friday, December 13, 2019, at 8:30 a.m. in Hearing Room 4D, 1526 K St, Lincoln, Nebraska. Kelly will check his schedule for availability and ED Wilbeck will check with Foley to see if he will be able to attend.

Individuals and organizations authorized to practice as of October 8, 2019:

Professional Engineers.....	8,345
Architects	1,962
Certificates of Authorization.....	2,238
Temporary Permits	18

Examination Information/Results

The ARE Monthly Pass/Fail Report for August 2019 showed 9 exams taken and 7 exams passed.

There were 84 ARE candidates with open eligibilities on October 1, 2019.

The FE Exam Registration Numbers and Pass Rate History Report showed a Nebraska pass rate of 81.9% for first-time engineer examinees as of the third quarter in 2019.

Other Information

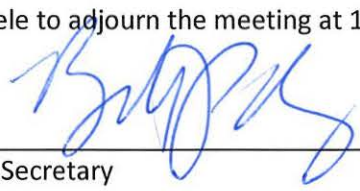
Facebook Analytics Report showed 154 people reached from September 11, 2019 to October 8, 2019.

The September 2019 Website Dashboard Report indicated the Board's website had 2,401 total visits.

Board policies approved as of September 13, 2019, were provided.

ADJOURNMENT

Motion by Thiele to adjourn the meeting at 12:41 p.m.



Brett P. Foley, Secretary