

Nebraska Board of Engineers and Architects
Board Meeting Agenda – December 13, 2019, 8:30 a.m.
Hearing Room 4D, 4th Floor, 1526 K St, Lincoln, NE

CALL TO ORDER

Open Meeting and Public Agenda Information

Public meeting notice publication PG.1-3

Public Comment

Rich Lombardi, American Communications Group, 8:30 a.m.
Vishal Khanna, TBD

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Initial Licensure of Architects *None*

Licensure of Architects by Comity..... *None*

Licensure of Architects by Experience *None*

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ADJOURNMENT

Nebraska Board of Engineers and Architects
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CALL TO ORDER

The December 13, 2019 meeting of the Nebraska Board of Engineers and Architects was held in Room 4D, 1526 K St, Lincoln, Nebraska. Chair Isom called the meeting to order at 8:40 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; Brian Kelly; Randy Peters; Daniel Thiele. Absent: Jennifer Klein.

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

Public Comment

David Fiala, owner of Good Life Fitness, spoke to the Board concerning alleged violations of Neb. Rev. Stat. § 81-3434 and the Code of Practice in Title 110, Chapter 5 he believes occurred during a 40,000 square foot commercial rental building project at 8601 Amber Hill Court in Lincoln. Mr. Fiala said he filed two complaints against two professional engineers, one architect, and one professional landscape architect involved with the project. It was noted that malpractice was claimed with the insurance company before the project was finished. Mr. Fiala summarized issues with what he believes were electrical mistakes and inadequate HVAC design. He encouraged inspection of the roof to view the dents, adding that expansion of panels and incorrect installation were still causing leaks. Roof installation was stopped in August 2016 and those involved met at the site. Mr. Fiala said he was told the dents could be removed with a seamer. He also noted the manufacturer had different information than what was provided at the site. Mr. Fiala said he found out the dents were due to standing on the panels which were allowed to be bent before installation and the general contractor indicated the work would not be accepted. Pictures of the roof taken in 2017 were provided to the Board. An issue with the concrete surrounding the building was also noted, as Mr. Fiala said customers were getting their shoes wet even as steps were taken to mitigate some of the issues caused by the concrete installation. The ground for the site was purchased in 2015. Mr. Fiala said he had never received proof and support for the traffic calculations and believes they were manipulated. Mr. Fiala said the City of Lincoln says the traffic numbers were not provided by them. Mr. Fiala said he believes this is fraud and is attempting to get the \$40,000 back, but has not received any corrections.

Mr. Fiala stated he also filed a police complaint. Good Life Fitness has been sued by one of the engineering firms involved, and a countersuit has been filed for damages. The suit occurred before the project was completed and is currently in district court.

A. CONSENT AGENDA

October 18, 2019 meeting minutes

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

B. MEETING REPORTS

Ad Hoc Committee Reports

Legislative Committee Report

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Legislative Liaison Lombardi reported the 2020 legislative session would begin in 26 days. Adjournment is expected to occur in mid-April. The Board will focus on a bill to revise language in the Engineers and Architects Regulation Act.

ED Wilbeck updated the Board on outreach to stakeholders and summarized their positions on proposed changes to the Engineers and Architects Regulation Act (E&A Act). NCEES responded that Model Law does not require an applicant to gain work experience prior to sitting for the PE exam and an individual cannot obtain licensure until the required work experience is completed as per NCEES model law. The Structural Engineers Association of Nebraska (SEAoN) expressed their opinion about decoupling the structural examination and experience requirement and have a preference for the four year experience requirement to stay for the structural PE exam. The Board expressed concern about treating one engineering discipline differently than others in the E&A Act and was in agreement to approve the current proposed language without additional changes.

ED Wilbeck and Julie Erickson met with Senator Sara Howard on December 2 to discuss the prospect of decoupling the experience requirement to sit for the PE examination for engineers and licensure of architect applicants who have completed the experience and examination requirements for licensure prior to graduation from an accredited architecture program.

Motion by Thiele, second by Peters to move forward with the September 11, 2019 revisions to the Engineers and Architects Regulation Act as reflected in the legislative bill draft. Voting Yes: Bostelman, Foley, Johnson, Kelly, Peters, Thiele, Isom. Voting No: None. Absent: Klein.

Legislative Liaison Lombardi suggested informing stakeholders that the Board approved a final language draft for a legislative bill. ED Wilbeck stated he would reach out to secondary stakeholders as well.

Other Meeting Reports

Bostelman reported attending the NCEES Examinations for Professional Engineers (EPE) Committee meeting on November 22-23, 2019 in Savannah, GA. The EPE Committee met with the chairs of the examination committees to discuss development, scoring, and policies and procedures of the FE and PE examinations. Issues discussed at the meeting were summarized for the Board. It was noted that the transition to computer-based testing (CBT) for the PE examinations is on schedule.

C. OLD BUSINESS

Revised NCEES Resolution of Cooperation

A revised draft of a resolution of cooperation demonstrating state engineering boards' intent to facilitate licensure mobility for professional engineers and surveyors was received from NCEES. ED Wilbeck reported the revisions appeared to address the Board's concerns as discussed at its October 2019 meeting. Some licensing boards are still not seeing any reason to sign the revised version. The resolution will be brought back to the Board if any significant feedback is received.

NTSB recommendation; P.E. involvement in natural pipeline work

ED Wilbeck sent an email to Governor Pete Ricketts acknowledging the receipt of a letter from the National Transportation Safety Board urging Nebraska to act on NTSB's recommendation to help reduce the risk of natural gas disasters. The email noted the Board had conducted a preliminary analysis of the E&A Act's exemptions, and provisions were noted that could be studied further as it relates to an industrial exemption for natural gas work. Any needed assistance was offered. A response from the Governor's Office has not been received.

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FY 2019-20 Marketing Plan

PIO Mayhew updated the Board on the FY 2019-20 Marketing Plan.

Historical documents of the Board have been scanned and are available for review.

A second ad for the Board will be ran in the League of Nebraska Municipalities (LNM) phone directory in 2020.

Information was received from the Nebraska Rural Community Schools Association (NRCSA) and a request has been sent to present at the March 2020 conference in Kearney, Nebraska.

The first draft for a licensure exchange article on outreach has been submitted to the National Council of Examiners for Engineers & Surveyors (NCEES).

ED Wilbeck will provide a presentation at the Nebraska Industrial Council on the Environment (NICE) on January 16, 2020 in Omaha, Nebraska.

PIO Mayhew and ED Wilbeck will present at the American Society of Mechanical Engineers (ASME) on March 19, 2020, at Mahoney State Park.

D. NEW BUSINESS

Request for support of regional plane coordinate system

Notification was received from the Nebraska State Surveyor's Office that the U.S. Geological Survey (USGS) will replace the NAD 83 State Plane Coordinate System with the 2020 State Plane Coordinate system. The new system will include a "regional" coordinate system which has been designed by the Nebraska Surveyor's Office. The design is supported by the Professional Surveyors Association of Nebraska (PSAN) and additional support is being sought from stakeholders.

Motion by Thiele, second by Kelly to authorize ED Wilbeck to respond to the Nebraska State Surveyor's Office indicating the new coordinate system poses no conflict with the E&A Act. Voting Yes: Bostelman, Foley, Johnson, Kelly, Peters, Thiele, Isom. Voting No: None. Absent: Klein.

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

Motion by Thiele, second by Bostelman to not provide an eligibility letter for Engineering & Construction Innovations, Inc. to use "engineering" in its organization name in accordance with 81-3436(8). Voting Yes: Bostelman, Foley, Johnson, Kelly, Peters, Thiele, Isom. Voting No: None. Absent: Klein.

Motion by Kelly, second by Thiele to not provide an eligibility letter for Whelen Engineering Company, Inc. to use "engineering" in its organization name in accordance with 81-3436(8). Voting Yes: Bostelman, Foley, Johnson, Kelly, Peters, Thiele, Isom. Voting No: None. Absent: Klein.

Motion by Thiele, second by Kelly to not provide an eligibility letter for The Joy Architect to use "architect" in its organization name in accordance with 81-3436(8). Voting Yes: Bostelman, Foley, Johnson, Kelly, Peters, Thiele, Isom. Voting No: None. Absent: Klein.

Feedback regarding restricted CE providers

The Board reviewed an email from the President of SunCam, Inc. voicing concern about restrictions in the Board's rules and regulations for web-based continuing education offerings. SunCam, Inc. is an online continuing education provider for professional engineers. ED Wilbeck will send a thank you to the provider for his input.

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Feedback requested regarding MBAs serving on NCEES Board of Directors

A member of the NCEES Advisory Committee on Council Activities (ACCA) asked for feedback from member board administrators on whether the NCEES Bylaws should be amended to add a ninth seat on the NCEES board of directors to be filled by a member board administrator (MBA). ED Wilbeck stated he was generally supportive, although he believed the MBA should not be eligible to become President of NCEES. The Board was in agreement. ED Wilbeck will report back to ACCA that the Board reviewed the request and his position has not changed from the personal opinion sent earlier.

2020 NCEES Zone Interim Meeting information and selection of funded delegates

The 2020 NCEES Zone Interim Meeting will be held April 23-25, 2020, in Houston, Texas. In accordance with NCEES policy, the Council will fund the lodging travel expenses, and registration fees for three board members or associate members from each eligible member board. The Council will provide the same funding for the designated member board administrator (MBA) from each member board. To qualify for funding up to three nights, designated delegates and MBAs must attend the business sessions on Friday, April 24 and Saturday, April 25. The deadline to submit funded delegates is Wednesday, January 22.

Motion by Thiele, second by Kelly to designate Bostelman, Thiele, and the new engineer member as funded delegates, ED Wilbeck as the funded MBA, and to provide Board funding for the new engineering education member to attend the 2020 NCEES zone interim meeting. Voting Yes: Bostelman, Foley, Johnson, Kelly, Peters, Thiele, Isom. Voting No: None. Absent: Klein.

2019 & 2020 Travel and per diem authorization

Bostelman requested to attend the Nuclear Engineering CutScore workshop as an NCEES observer on September 11-12, 2020, in Greenville, SC. Travel is expected to occur on September 10 and 12. Travel expenses will be funded by NCEES.

Bostelman noted travel will occur on January 16 and 18 for the EPE Committee meeting on January 17-18, 2020, at Clemson, SC. Per diem was approved at the August 2019 meeting.

Isom noted the NCARB Examination Committee Meeting on March 27-28, 2020, would be held in San Diego, CA. Per diem was approved at the June 2019 meeting.

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

ED Wilbeck stated the NCARB Regional Summit Meeting would be in Cambridge, Massachusetts, on March 6-7, 2020. The Member Board Executives (MBE) Workshop will be on March 5, 2020, before the Summit Meeting. More information will be provided at the January 2020 Board meeting.

Motion by Thiele, second by Peters to designate Isom and Kelly as the funded delegates, Foley as the funded public member, ED Wilbeck as the funded MBE, and also authorize Johnson to attend the NCARB Regional Summit Meeting with funding provided by the Board. Voting Yes: Bostelman, Foley, Johnson, Kelly, Peters, Thiele, Isom. Voting No: None. Absent: Klein.

E. COMPLIANCE

Summary of Open Cases

Executive Session – Commenced at 9:48 a.m.

Motion by Thiele, second by Foley to enter into executive session for discussion of compliance investigations and a license renewal disclosure 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, Kelly, Peters, Thiele, Isom. Voting No: None. Absent: Klein.

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Active Cases: Summary & Documentation

Case 18.02, Case 18.13, Case 18.20, Case 18.21, Case 19.01, Case 19.03, Case 19.05, Case 19.11, Case 19.12, Case 19.14, Case 19.15, and Case 19.16 were reviewed in executive session.

Other Compliance Issues

Disciplinary action disclosed on a license renewal was reviewed in executive session.

Executive Session – Concluded at 11:34 a.m.

Motion by Thiele, second by Foley to close executive session for compliance investigations and a license renewal disclosure not a matter of public information to prevent needless injury to the reputation of those involved.

Voting Yes: Bostelman, Foley, Johnson, Kelly, Peters, Thiele, Isom. Voting No: None. Absent: Klein.

Motion by Thiele, second by Foley to dismiss Case 19.15 with no disciplinary action. Voting Yes: Bostelman, Foley, Johnson, Kelly, Peters, Thiele, Isom. Voting No: None. Absent: Klein.

Motion by Bostelman, second by Peters to renew license A-3988 as per staff recommendation. Voting Yes: Bostelman, Foley, Johnson, Kelly, Peters, Thiele, Isom. Voting No: None. Absent: Klein.

F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-17899 Cyrus Andrew Atchley, Civil; E-17897 James Howard Bailey, Jr, Electrical; Benjamin Bryan Bailey, Civil; E-17907 Jason Michael Hawk Boehm, Civil; E-17873 Kent Douglas Buehrer, Civil; E-17885 Aaron Osmun Burke, Civil; E-17902 Jarrod Clinton Burns, Civil; E-17914 Chun-Wei Chen, Electrical and Computer; E-17900 Jeffrey Eugene Cloyd, Structural; E-17895 Jason Brent Delrie, Civil; E-17888 Peter Martin Demshar, Civil; E-17913 Jeffrey Riley Ellis, Structural; E-17875 Erin Arthur Ells, Mechanical; E-17857 Wolfgang Michael Marco Foerg, Mechanical; E-17878 Riley Clark Gelatt, Civil; E-17879 Michael Devlin Harney, Civil; E-17877 Martin Joseph Herbert, Mechanical; E-17910 Christopher Aryan Hill, Civil; E-17880 Nathan Brett Holden, Electrical and Computer; E-17916 Joslyn Caroline Hopmayer, Mechanical; E-17912 Taylor Allen Hopper, Civil; E-17909 Wilson Kun Hu, Structural; E-17891 Bradley Willard Hughes, Civil; E-17887 Jason Andre Johnson, Civil; E-17868 Nicholas Steven Johnson, Control Systems; E-17904 Richard Mark Kimitsuka, Electrical; E-17890 Jessica Amber Klein, Civil; E-17903 Timothy Allen Koenig, Electrical; E-17871 James Fredrick Lane, Metallurgical; E-17906 Joseph William Mailander, Civil; E-17862 Graham Moore, Civil; E-17915 Michael Jerome Neufeld, Civil; E-17869 Benjamin Elias Noe, Architectural; E-17886 Daniel Linden Olig, Fire Protection; E-17883 Matthew Killmer Perkins, Civil; E-17911 Jonathon Larkin Poole, Civil; E-17917 Titus Monroe Prater, Mechanical; E-17870 Joshua Ryan Reis, Civil; E-17889 Bennett Neal Richey, Electrical and Computer; E-17908 Ryan Patrick Rossell, Civil; E-17882 Robert Richard Rudolph, Electrical and Computer; E-17894 Brian Austin Sauer, Mechanical; E-17918 Clinton Joel Schwarz, Civil; E-17893 Robert Blake Smith, Mechanical; E-17898 William Bertram Stark, Electrical and Computer; E-17884 Mark John Stephani, Civil; E-17858 Carel Stevenson, Civil; E-17881 Daniel Aaron Struempf, Civil; E-17896 Alexander Szatanek, Civil; E-17892 Samuel Joseph Thiele, Civil; E-17861 Joseph Edward Tierney, Electrical and Computer; E-17872 Andrew Earl Toay, Civil; E-17876 James Edward Tobaben, Civil; E-17874 Saleem Ahmed Toor, Mechanical; E-17859 Mason Anthony Underberg, Civil; E-17860 Alan Joseph Vorderbruggen, Structural; E-17905 Philip James Walter, Architectural; E-17863 Peter Robert Young, Civil.

Licensure of Architects by NCARB Certification

Approved: A-5120 David Ray Alberson, A-5138 Joseph Michael Antunovich, A-5109 Cynthia Sue Argyle, A-5137 Michael Eugene Couture, A-5135 John Arthur Danielian, A-5107 Dean Michael DeKryger, A-5117 Jeffrey Peter Gerber, A-5130 Travis Reid Hager, A-5122 Martin Albert Hahle, A-5115 Gregory Paul Huntman, A-5112 Scott

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Michael King, A-5136 Lane Robert McGillivray Kleist, A-5131 Laurel Rose Martin, A-5132 Christopher Matthew Migneron, A-5111 Michael Joseph Monn, A-5125 Richard Joseph Onkin, A-5124 Christopher Robert Penndorf, A-5121 Michael Paul Rowe, A-5129 Douglas Michael Scheid, A-5116 Mary Therese Shaffer, A-5134 Jack Francis Shively, III, A-5108 Kenneth Andrew Shook, A-5126 Craig Semdy Spangler, A-5123 Kirk Randall Sund, A-5127 Nathan George Vollmuth, A-5114 Richard Lamar Wakefield, A-5133 Eric Gerald Walker, A-5119 Michael Joseph Wanja.

Temporary Permits

Approved: T-610 Shane Michael McFadden, Engineer, MN; T-611 Gregory James Chismark, Engineer, IL.

Engineer Intern Enrollments

Approved: Tyler Andrew Apgar, Erick Minh-Duc Cao, Moujtaba Abdalla Mohammed, Elliott Gregory Nohr, Sean Ryan Nordgren, Collin Michael Petri, Chrystal Danielle Sauls, Shane Mitchell Stokes, Joseph Samuel Swenson.

Certificates of Authorization

Approved: CA4253 O'Connell & Lawrence Inc, CA4254 Pi Architects & Engineers Inc, CA4255 The DK Design Group LLC, CA4256 Hawkins Design-Build Team, CA4257 BGW Architects II PC, CA4258 BDH Engineering, CA4259 CFE Engineering Services PC, CA4260 Harley Ellis Devereaux Corporation, CA4261 Michael Monn Architecture LLC, CA4262 Ventura Engineering Inc, CA4263 Casler Design Group Inc, CA4264 GoodLife Architecture LLC, CA4265 Polaris Forensics Inc, CA4266 Simon and Struempf Engineering LLC, CA4267 TDi Engineering LLC, CA4268 Buehrer Group Architecture & Engineering Inc, CA4269 PE Services LLC, CA4270 Bath Group Inc, CA4271 Cool Breeze Consultant LLC, CA4272 Scheid Architectural FL LLC, CA4273 CB Two Architects LLC, CA4274 SRF Consulting Group Inc, CA4275 Goree Architects Inc, CA4276 Heideman Associates Inc, CA4277 ARJO Engineers Inc.

Initial Licensure of Professional Engineers (*None*)

Licensure of Professional Engineers by Comity

Approved: Marcos Rente Braz, Mechanical, WI; Venkata Dharma Teja Teja Kollipara, Civil, TX; Parthasarthy Ramakrishnan, Civil, CA; Delbert Andrew Rapier, Civil, AZ; Sonny Ong Sim, Civil, CA.

Deferred: Erika Lee Bolger, Electrical and Computer, IL – Applicant does not have 15 years licensed experience in IL, does not hold a degree from ABET/EAC-accredited program, or meet the NCEES Education Standard.

Licensure of Professional Engineers by Experience

Approved: Mark Alan Brogger, Civil, NM; Lane Samuel Hawkins, Mining and Mineral, SD; Vernon Elroy Lippert, Electrical, MN; John Malayattu Thomas, Mechanical, CA.

Initial Licensure of Architects (*None*)

Licensure of Architects by Comity (*None*)

Licensure of Architects by Experience (*None*)

Licensure of Professional Engineers by Reinstatement

Approved: E-7250 Janet Leigh Doan, Civil.

Licensure of Architects by Reinstatement (*None*)

ARE Exam Approvals

Approved: Dennis Michael Krymuza, Hao Zhang.

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PE/SE Exam Approvals

Approved: Adib Amini, Civil; Brooke Danielle Barrett, Civil; Alex Joseph Lindenstein, Civil; James Michael Minturn, II, Architectural; Arthur Call Neeley, Chemical; Kenneth Jude O'Connell, Structural VL; Jared Joseph Pixley, Electrical & Computer; William Joseph Schmit, Architectural; Tiffany Jean Teter, Electrical & Computer.

Special Cases

Engineers by Comity

Approved: Chad Andrew Konger, Civil, TX; Tara Kathleen Ogren, Civil, MD.

PE/SE Exam Approvals

Approved: Yifeng Hu, Mechanical; Megan Elizabeth Verch, Mechanical.

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

G. FINANCIAL MATTERS

Financial Reports

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

Budget Status Reports, October and November 2019

MTD General Ledger Detail Reports, October and November 2019

Fund Summary Reports, October and November 2019

ED Wilbeck reviewed the October and November 2019 financial reports with the Board and noted revenue would continue to be strong through the end of the year because of license renewals which began in October.

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

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next board meeting is scheduled on Friday, January 10, 2020, at 8:30 a.m. in the 5th floor conference room, 215 Centennial Mall South, Lincoln, Nebraska. Johnson noted he would not be able to attend the March 2020 Board meeting.

Individuals and organizations authorized to practice as of December 2, 2019:

Professional Engineers.....	8,508
Architects	1,995
Certificates of Authorization.....	2,253
Temporary Permits	19

Examination Information/Results

The ARE Monthly Pass/Fail Report for September 2019 showed 10 exams taken and 6 exams passed.

The ARE Monthly Pass/Fail Report for October 2019 showed 8 exams taken and 4 exams passed.

The 2019 ARE Yearly Pass/Fail Report as of September showed 100 exams taken and 71 exams passed.

There were 85 ARE candidates with open eligibilities on November 1, 2019 and on December 1, 2019.

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Other Information

The Facebook Analytics Report showed 649 people reached from November 6, 2019, to December 3, 2019.

The Mailchimp Analytics Report indicated license renewal reminders were emailed on November 6, 2019, to 3,580 architects and professional engineers whose licenses will expire on December 31, 2019. On November 21, 2019, The *Nebraska Professional* newsletter was emailed to 12,353 recipients.

The October 2019 Website Dashboard Report indicated the Board's website had 4,363 total visits. The November 2019 Website Dashboard Report indicated 4,232 total visits.

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

ADJOURNMENT

Motion by Bostelman to adjourn the meeting at 11:55 a.m.



Brett P. Foley, Secretary