

CALL TO ORDER

The October 16, 2020, meeting of the Nebraska Board of Engineers and Architects was held in the 5th floor conference room, 215 Centennial Mall South, Lincoln, Nebraska. Chair Bostelman called the meeting to order at 8:31 am and noted the location of the Public Meetings Act. Notice of the meeting was published in the Lincoln Journal Star in compliance with the Open Meetings Act.

Member Roll Call: Jan Bostelman, Chair; Brett Foley, Vice-Chair; Lenora Isom; Daniel Thiele, Secretary; Bruce Dvorak; David Johnson; Brian Kelly; Jason Suelter.

Staff Present: Jon Wilbeck, Executive Director (ED); Amy Habe, Compliance Officer (CO); Jean Lais, Business Manager (BM); Mia Azizah, Public Information Officer, (PIO); Gail Parris, Administrative Assistant (AA)

PUBLIC COMMENT

No members of the public were present.

A. CONSENT AGENDA

[September 11, 2020 meeting minutes](#)

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

B. MEETING REPORTS

Ad Hoc Committee Reports

[Rules Changes Committee Report](#)

A legislative and clean copy of the proposed rule changes was provided. The revision incorporates Board discussion at the August 2020 meeting and changes to Chapter 10 to clarify how the area of a renovation or addition is calculated to determine if the work is subject to the E&A Act. The next steps will be to notify the Governor's Policy Research Office, Secretary of State, the Legislative Council's Executive Board, and hold a public hearing on the rules changes. The public hearing is tentatively set for December 11, 2020. Thiele requested Wilbeck reach out to the stakeholders on the committee to confirm their Ok with the revisions.

Isom entered the meeting at 8:46am.

Motion by Thiele, second by Foley to delegate approval to the Rules Committee to publish the public hearing contingent on receiving comments from the professional organization committee members. Voting Yes: Thiele, Dvorak, Johnson, Kelly, Foley, Suelter, Bostelman; Voting No: None; Abstain: Isom.

[Catalyst Report](#)

Catalyst Public Affairs reported the Platte Institute held a webinar on October 8th focused on universal licensure laws in Arizona, Pennsylvania, and Iowa as part of its Nebraska's Next Normal virtual conference. Speakers from each state and the Goldwater Institute highlighted the growth in licensed professions in their states, stating approximately 25% of jobs in these states require an occupational license. The argument was made that given the high unemployment rates due to the pandemic, it is now more important than ever to eliminate unnecessary barriers for citizens to return to work, stating these bills are "job bills". Iowa is the most recent states to adopt "Universal Licensure". Their proposal includes: Individuals must possess a license from another state for a minimum of one year and be in good standing, the current license (other than Iowa) must have similar scope to the license in Iowa, a waiver of application fees for low-income applicants, sets a universal standard for considering criminal record, and allows three years of experience to substitute for some education

Nebraska Board of Engineers and Architects
Board Meeting Minutes – October 16, 2020

and training requirements. Landscape architects and interior designers were offered as two examples of licenses that have “little connection to health and safety” concerns by the Goldwater Institute.

Kaitlin Reece met with ED Wilbeck to discuss the current pathways available to military members, veterans, and their spouses who relocate to Nebraska and wish to begin, resume, or continue work as an engineer or architect. She also attended a recent webinar on licensing reform efforts, which she will use to prepare a one-pager for the Board’s review and approval at the December meeting.

No additional letters of intent have been received by the Legislature since last month. Many committees are waiting until after the election to hold interim study hearings to allow senators more time in their districts. It is anticipated more legislative activity will occur in late November and December. Catalyst plans to provide results of the election, the economic forecast, and possible legislative committee leadership in person at the December meeting.

Discussion was held on defining the type of criminal record which would cause an applicant to be ineligible for licensure in Nebraska. It was determined that in order to make it consistent across jurisdictions, the conversation should start at the national level/NCEES.

Other Meeting Reports

Foley reported the NCARB Incidental Practice Taskforce is starting to look at each jurisdiction’s statutes and rules to determine how incidental practice is defined and regulated. ED Wilbeck reported the Board discussed incidental practice with a Negotiated Rulemaking Committee in 2010. There was an attempt to add it back into the Act in 2012 through Negotiating Rulemaking, but was removed from the bill due to opposing testimony by a professional organization.

C. OLD BUSINESS

[FY 2020-21 Marketing Plan Update](#)

PIO Azizah updated the Board on the 2020-21 Marketing Plan. Since the August meeting, PIO Azizah and CO Habe gave a presentation to the Executive Board of the Nebraska Board of Educations. They have requested the Board give a presentation at next year’s annual meeting. There will also be an article in their upcoming newsletter directed to superintendents.

The Nebraska Association of County Officials (NACO) has requested staff to present at its next meeting. PIO Azizah and ED Wilbeck will be presenting to the Engineer’s Club of Omaha in December and ED Wilbeck will be presenting to UNL engineering faculty on November 11, 2020 and ASME Nebraska on November 12, 2020.

[New Licensee Ceremony Update](#)

PIO Azizah updated the Board on the planning of the ceremony. A draft of the ceremony program was provided. To date, ten engineers and three architects have RSVP.

[Database Update](#)

A preliminary contract was provided. Assistant Attorney General John Jelkin has reviewed and provided feedback which has been forwarded to inLumon. DAS Purchasing has also approved the contract language pending approval from the Office of the Chief Information Officer (OCIO). The OCIO committee responsible for reviewing such contracts meets today and ED Wilbeck expects a response by October 19, 2020. As soon as final approval is received, ED Wilbeck intends to execute the contract and initiate the work. The timeline has been extended to January 2022 to eliminate a go live date in the middle of next year’s renewal period.

NCARB ARE Online Proctoring Update

An example of letters received from candidates raising concerns about some of the changes being made to the exam as a result of offering remote/online proctoring was provided. The greatest concern of candidates is the removal of access to scratch paper for those taking the ARE in physical test centers.

NCARB shared a blog post addressing these changes covering several frequently asked questions from candidates. They have also provided additional information and rationale for the change to the candidates and Boards. Copies of the messages were provided.

Consistency and fairness along with exam security were listed as the main reason the decision to remove access to scratch paper was made. In place of scratch paper, a digital whiteboard will be available during the exam. This feature will be available for the candidates to get familiar with when the demo exams are released in mid-October. With the offering of remote/online proctoring, allowing a candidate who is taking the exam outside a test center to use scratch paper threatens the security of the exam. Therefore, to allow for a consistent testing environment, no matter where the exam is being taken, access to scratch paper has been removed.

NCARB also conveyed they are in the process of finalizing additional adjustments in order to launch online proctoring regarding changes to the number of questions per division, test times of each division, and other policy shifts.

More feedback is being received regarding the ARE changes. Foley informed the other members that the idea of eliminating the scratch paper is to have the test environment be the same as closely as possible, no matter the location the candidate is taking the division. In a remote/online environment, there is no way for the proctor to monitor the candidate's actions if not in the room. This is also a concern with breaks. In a test center, they are still monitored, but not in a remote/online session. Therefore, all questions answered prior to a break are locked and the candidate will not be able to go back and review and/or answer them when they return to the exam.

The motivation behind making the changes is for universal standardization. It is important to convey the content is the same. The number of pre-test questions is being reduced to shorten the appointment time and to allow additional time per question. The whiteboard is a floating window on top of the questions that can be moved or resized. Cut scores are also being reduced proportionally with the reduction of questions.

Many organizations have been contemplating moving to remote/online proctoring. COVID-19 has prompted these organizations to move up their introduction of this alternative method of testing as this opens up appointments that would not otherwise be available with the continuation of appointments being cancelled due to local mandates.

The switch from Prometric to PSI as NCARB's exam provider will not occur until summer 2021.

D. NEW BUSINESS

Fall 2020 Newsletter Draft

The Board reviewed a draft of the spring edition of *The Nebraska Professional* newsletter. Articles include LB755 changes to exam and licensing requirements, proper signing and sealing, NCARB Board of Director's release statement on the ARE changes, NCEES exam updates, retiring and new staff member, and resolved compliance cases.

NCEES moves computer-based testing transition of PE Civil exam to 2022

An announcement from NCEES regarding the move to computer-based testing for the PE Civil exam was provided. The Civil exam was originally scheduled to transition to computer-based in 2023, but NCEES is fast tracking the change as part of its response to COVID-19.

Nebraska Board of Engineers and Architects
Board Meeting Minutes – October 16, 2020

Nominations for NCEES National Service Awards

A request for nominations for the NCEES National Service Awards was provided. Nominations are due no later than January 31, 2021. Kelly recommended the Board nominate Suelter for his work related to the Structural PE Exam development.

Motion by Kelly, second by Johnson to authorize Wilbeck to submit a nomination on Suelter for the NCEES National Service award. Voting Yes: Thiele, Dvorak, Johnson, Kelly, Foley, Isom, Bostelman; Voting No: None; Abstain: Suelter.

NCARB Update

The August 2020 issue of the NCARB Update was provided. The issue included an editorial from CEO Armstrong on the need to develop an accredited four year architectural degree. Kelly informed the Board that the NCARB Education Committee, on which he sits, is discussing this issue. One aspect the Education Committee is looking at is the long term advantage for someone with a four year degree versus a five-year/Master's degree. According to Kelly, there is currently no data that an individual with a Master's degree may earn more pay over someone who only has a Bachelor's degree.

2020 travel and per diem authorization

Suelter, Bostelman, Thiele, and Dvorak will be on the UNL presentation Zoom webinar on November 11, 2020, and requested per diem.

Suelter requested per diem for the NCEES Structural Exam Scoring Coordinators Training on November 30, 2020. The training will take place via Zoom and is in preparation of the December 2-5, 2020, Structural Exam Scoring Workshop.

Isom requested per diem for an NCARB Regional Leadership Committee meeting which will occur sometime in November. She will let staff know the exact date once it has been set.

Kelly requested per diem for an NCARB Education Committee to occur in November. He will let staff know the exact date once it has been set.

Motion by Thiele, second by Dvorak to approve the travel and per diem requests. Voting Yes: Thiele, Dvorak, Johnson, Kelly, Foley, Isom, Suelter, Bostelman; Voting No: None.

Johnson left the meeting at 10:15 am.

Motion by Suelter, second by Thiele to enter into executive session for discussion of compliance investigations, partner-agency processes, a CE waiver request 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 Bostelman. Voting Yes: Thiele, Dvorak, Foley, Kelly, Suelter, Bostelman; Voting No: None; Not Present: Isom; Absent: Johnson.

E. COMPLIANCE

Summary of Open Cases

Active Cases: Summary & Documentation

Cases 19.05, 20.02, 20.06, 20.14, 20.20, 20.22, 20.24, 20.26, 20.27, 20.29, 20.30, 20.32, 20.33, 20.34, 20.35, Project Review 10-01, and Project Review 10-02 were discussed in executive session.

Other Compliance Issues

Partner agency processes were reviewed in executive session.

F. APPLICATIONS

Other Applications

CE Waiver Request

A request for waiver of the continuing education requirement for 2019-2020 was reviewed in executive session.

Motion by Thiele, second by Isom to close the 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: Thiele, Dvorak, Foley, Isom, Kelly, Suelter, Bostelman; Voting No: None; Absent: Johnson.

Motion by Thiele, second by Kelley to authorize ED Wilbeck to request an Attorney General opinion on the agricultural exemptions in Case 19.05. Voting Yes: Thiele, Dvorak, Foley, Isom, Kelly, Suelter, Bostelman; Voting No: None; Absent: Johnson.

Motion by Thiele, second by Isom to dismiss Case 20.29 with no disciplinary action based on successful completion of architectural and engineering remediation. Voting Yes: Thiele, Dvorak, Foley, Isom, Kelly, Suelter, Bostelman; Voting No: None; Absent: Johnson.

Motion by Thiele, second by Isom to dismiss Case 20.32 based on no violation based on the involvement of licensees after the initiation of the case. Voting Yes: Thiele, Dvorak, Foley, Isom, Kelly, Suelter, Bostelman; Voting No: None; Absent: Johnson.

Motion by Isom, second by Suelter to dismiss Case 20.35 with no disciplinary action. Voting Yes: Dvorak, Foley, Isom, Kelly, Suelter, Bostelman; Voting No: None; Absent: Johnson; Abstain: Thiele.

Motion by Thiele, second by Foley to open a case against the project owner and authorize architectural remediation, request a response within 30 days, and a remediation plan within 60 days on Project Review 10-01. Voting Yes: Thiele, Dvorak, Foley, Isom, Kelly, Suelter, Bostelman; Voting No: None; Absent: Johnson.

Motion by Thiele, second by Isom to open a case against the project owner and authorize architectural and engineering remediation, request a response within 30 days and a remediation plan within 60 days on Project Review 10-02. Voting Yes: Thiele, Dvorak, Foley, Isom, Kelly, Suelter, Bostelman; Voting No: None; Absent: Johnson.

Motion by Thiele, second by Foley to open a case against the lumber company in Project Review 10-02 for the unlicensed practice of architecture and engineering. Voting Yes: Thiele, Dvorak, Foley, Isom, Kelly, Suelter, Bostelman; Voting No: None; Absent: Johnson.

Motion by Thiele, second by Suelter to approve the CE waiver for 2019-2020 for Joshua Sweley, license number E-13164. Voting Yes: Thiele, Dvorak, Foley, Isom, Kelly, Suelter, Bostelman; Voting No: None; Absent: Johnson.

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-18397 William Dean Anderson, Civil; E-18331 Lucas Thomas Babbitt, Civil; E-18334 Brandon Thomas Bell, Mechanical; E-18353 Brent Thomas Blackburn, Civil ; E-18348 Jacob Eugene Bradley, Electrical and Computer; E-18372 Vito Franco Cinio, Structural; E-18363 Zachary Stephen Crane, Civil; E-18345 Joshua David DeBoer, Mechanical; E-18355 David Michael Dukich, Mechanical; E-18342 James Kyle Evans, Civil; E-18333 Jess Edward Farber, Mechanical; E-18378 Joseph Emil Farre, Civil; E-18330 Michael Thomas FitzPatrick, Electrical; E-18369 Jason Christopher Fuehne, Civil; E-18376 Daniel Peter Gruman, Civil; E-18351 Kristin Joy Gustafson, Mechanical, E-18335 Richard Michael Haney, Mechanical; E-18354 Matthew John Heller, Structural; E-18325 Ryan Matthew Hoff, Mechanical; E-18370 Allen Lee Horst, Mechanical; E-18359 Andrew Chambers Hunt, Civil; E-18346 Ryan David Jones, Civil; E-18344 Richard Scott Kingery, Civil; E-18360 John Charles Kissinger, Civil; E-18361 Brent Alan Larson, Civil; E-18365 Ryan William Mangan, Mechanical; E-18340 Ellis James Mannon, Chemical; E-

Nebraska Board of Engineers and Architects
Board Meeting Minutes – October 16, 2020

18375 Darren Keith Martin, Civil; E-18366 Sean Ray Matsukawa, Civil; E-18327 Andrew Dennis Newman, Fire Protection; E-18350 Bradley William Penar, Structural; E-18341 Alex David Potter-Weight, Civil; E-18352 James Phillip Ray Primm, Mechanical; E-18356 Oliver Wilfred Raab, Mechanical; E-18364 Daniel Jeremy Reith, Civil; E-18362 Clay Weston Rose, Control Systems; E-18326 Joseph T Rudd, Civil; E-18377 Samuel Santiago Diaz, Electrical; E-18368 Alexander James Saunders, Civil; E-18373 Mary Elizabeth Seehafer, Electrical and Computer; E-18343 Marcus Wayne Sexton, Mechanical; E-18349 Judson Cain Summerville, Civil; E-18332 Cory Allen Sparwasser, Mechanical; E-18347 Cody Edward Tarbell, Civil; E-18358 Ross Emerson Titlow, Civil; E-18328 Paul Robert Vidmar, Civil; E-18371 Christopher James Witherell, Mechanical; E-18357 Frank Homer Young, Electrical and Computer; E-18374 Michael Norman Young, Civil.

Licensure of Architects by NCARB Certification

Approved: A-5217 Dawn Danyo DiMedio, A-5219 William Dean Hickey, A-5218 Russell Hunter McElroy, A-5213 Sean Guy Pendleton, A-5215 James Dennis Stapleton, A-5214 David All Van Nieuwenhuyzen, A-5216 Katherina Schommer Yurko.

Temporary Permits

Approved: T-621 Phillip Andrew Lewis, AR, Engineering; T-622 Benjamin Russell Mullen, AR, Engineering; T-623 Hany Iskandar-Mansour Adelmessih, ON, Engineering.

Engineer Intern Enrollments

Approved: Meredith Lynn Butler, Alan Joseph Goodenberger, Justin Luke Kershaw, Nathan Allen Norris, Robert James Shindell III.

Certificates of Authorization

Approved: CA4412 Lochsa Engineering LLC, CA4413 Western Cale architecture pllc, CA4415 Bryne & Jones Enterprises Inc, CA4416 AECOM Power E&C Inc, CA4417 Mechanical Concepts LLC, CA4418 TorSill Foundations LLC; CA4419 Steel Tech of the Ozarks LLC; CA4420 Kaas Wilson Architects LLC, CA4421 Prime Engineering Incorporated, CA4422 Miller-McCoy Inc, CA4423 MSC Engineers Inc, CA4424 Howe Engineers Inc, CA4425 Ally Energy Solutions LLC, CA4426 GN Kuhn Engineering LLC, CA4427 The John R McAdams Company Incorporated, CA4428 VSM Engineering LLC, CA4429 ACRS LLC, CA4430 Genesis Engineering Group LLC, CA4431 Power AE Consulting Inc, CA4432 WaterVation PLLC, CA4433 Apex Design PC, CA4434 Jet Industries Inc, CA4435 Bernhard TME LLC, CA4436 MEGI Engineering Inc, CA4438 RP Construction Services Inc, CA4439 HGS Limited, CA4440 Blast Deflectors Inc, CA4441 VC Engineering LLC, CA4442 McFarland-Johnson Inc, CA4443 Pressure Safety Inspectors LLC, CA4444 McClaren Wilson & Lawrie Inc.

Licensure/Examination

Initial Licensure of Professional Engineers (*None*)

Licensure of Professional Engineers by Comity

Approved: Leah Marie Berg, Civil, SD; John Joseph Ferowich, Civil, TN; Garrett Monroe Galyen, Electrical and Computer, NE; Martha Duffy Gardner, Electrical, GA; Pedro Alejandro Mancilla, Electrical & Computer, TX; Richard Wayne McCoy, Civil, TN; Robert Edward Pratt, Civil, CO; Wayne Dean Scritchfield, Civil, KS.

Licensure of Professional Engineers by Experience

Approved: Jiashi Huang, Civil, KS; Craig Alan Shumock, Electrical, TX.

Initial Licensure of Architects (*None*)

Licensure of Architects by Comity (*None*)

Licensure of Architects by Experience (*None*)

Nebraska Board of Engineers and Architects
Board Meeting Minutes – October 16, 2020

Licensure of Professional Engineers by Reinstatement (*None*)

Licensure of Architects by Reinstatement (*None*)

ARE Exam Approvals

Approved: William Edward Pokojski, Julia Anne Tabaczyk.

PE/SE Exam Approvals

Approved: Alec Charles Brown, Mechanical; Michael John Muller, Mechanical.

Special Cases

Licensure of Professional Engineers by Comity

Approved: Md A Alam, Civil, IL; Jerry David Miller, Civil, CO.

Deferred: Dana Alwindawy, Civil, MO – until physics course is taken; nine hours deficiency in General Education removed per Rule 2.2.5.4.

Motion by Kelly, second by Suelter to accept the staff recommendations on applications. Voting Yes: Thiele, Dvorak, Foley, Isom, Kelly, Suelter, Bostelman; Voting No: None; Absent: Johnson.

G. FINANCIAL MATTERS

Financial Reports

FY 2020-21 Financial Profile, September 2020

MTD General Ledger Detail Report, September 2020

Fund Summary Report, September 2020

Budget Status Report, September 2020

ED Wilbeck reviewed the September financial reports with the Board.

Motion by Isom, second by Suelter to accept the financial reports as presented. Voting Yes: Thiele, Dvorak, Foley, Isom, Kelly, Suelter, Bostelman; Voting No: None; Absent: Johnson.

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next event of the Board is the New Licensee Ceremony on November 6, 2020, starting at 3:00pm in the State Capitol Rotunda. The next board meeting is scheduled for December 11, 2020, at 8:30am in the fifth floor large conference room, 215 Centennial Mall South, Lincoln, Nebraska.

Licensing and Certificate Trends

Numbers on 10/7/2020

Professional Engineers.....	8,528
Architects	1,964
Certificates of Authorization.....	2,246
Temporary Permits	18

Examination Information/Results

There were 91 ARE Candidates with open eligibilities as of October 1, 2020.

Nebraska Board of Engineers and Architects
Board Meeting Minutes – October 16, 2020

Other Information

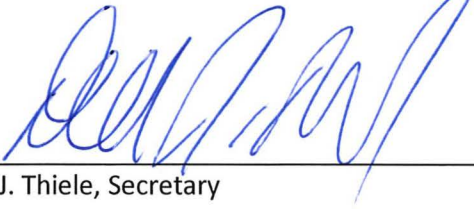
The Facebook Analytics Report showed 136 people were reached September 1-30, 2020.

The Website Dashboard Report indicates the Board's website had 2,857 total visits in September.

Board Policies approved as of March 13, 2020 were provided.

ADJOURNMENT

Chair Bostelman adjourned the meeting at 11:58am.



Daniel J. Thiele, Secretary