CALL TO ORDER

The December 10, 2021, meeting of the Nebraska Board of Engineers and Architects was held in the 5th floor conference room, 215 Centennial Mall South, Lincoln, Nebraska. Chair Foley called the meeting to order at 8:33 a.m. and noted the location of the Open Meetings Act. Notice of the meeting was published in the Lincoln Journal Star in compliance with the Open Meeting Act.

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

Staff Present: Jon Wilbeck, Executive Director (ED); Amy Habe, Compliance Officer (CO); Jean Lais, Administrative Programs Officer (APO); Kennedy Stowater, Marketing & Communications Specialist (MCS)

PUBLIC COMMENT

Kaitlin Reese, Catalyst Brian Wanzenried, Nebraska Industrial Council on the Environment (NICE) Eric Sternum, ARC

A. CONSENT AGENDA

October 15, 2021 meeting minutes

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

B. MEETING REPORTS

NBEA Subcommittee Reports

Legislative Committee

Catalyst Public Affairs' Kaitlin Reese provide a March 2021 amendment (AM724) to LB263 along with communication with Senator McCollister's office regarding the bill.

Reese introduced Melissa Ficke who will be working with Reese representing the Board during the upcoming legislative session. She recapped two bills the Board has been following that were carried over from 2021.

LB263 –Revisions to the Occupational Reform Act – Reese and ED Wilbeck met with McCollister before the hearing on LR191 to describe how comity licensing provisions in place now already satisfy the intent of the bill's intent and to suggest an exemption for architects and professional engineers. According to Reese, McCollister requested any revisions be sent to the lobbyist working with other professions. Reese has a meeting with the lobbyist on Monday, December 13, 2021. According to Reese, all comments and revisions are to be submitted to McCollister by December 16th.

LB250 – Hunt – Voluntary Interior Designer Registration Act – The bill is currently eighth in line on the legislative agenda for First Reading. Reese believed the bill would get heard even without a priority designation. She spoke with the lobbyist working with the interior designers, and the lobbyist was not aware of any new amendments in the works. There are several amendments and attention will need to be made to the order they are heard, as this may affect the priority of other amendments.

Thiele reported both ACEC and AIA are lobbying against the bill.

Reese also reported that infrastructure, reform within the Department of Corrections, COVID recovery spending, property tax relief, and education funding appear to be the significant issues to be addressed during the upcoming session.

ED Wilbeck provided a report on attending the November 10, 2021, Iowa Engineering and Land Surveying Examining Board meeting.

Farm Building Committee

Tables from the 2012 and 2018 International Building Codes (IBC) were provided with background information on definitions related to farm buildings in other Nebraska statutes and other state laws.

ED Wilbeck reported on the meeting held with John Jelkin, Assistant Attorney General (AAG); Suelter, Johnson, Isom, CO Habe, and himself regarding establishing a definition and the procedure to getting it included in the statutes and/or rules. The group's recommended adding a rule stating the definition found in the IBC for agricultural buildings would be used to define the term "farm building" as used in the E&A Regulation Act.

Rules Revisions Committee

Potential Rules additions related to title block requirements for organizations (Rule 7.3.9) and the Exemption Definitions for farm buildings (Rule 10.2.5) were provided. The Board discussed adding requirements for sole proprietors referring to a recent compliance case where the licensee, acting as a sole proprietor, signed and sealed a plan with another organization's title block. One idea discussed was that any document that needs to be sealed should have a title block identifying the requirements, even if a sole proprietor seals it. ED Wilbeck will schedule a committee meeting to discuss the wording and bring revised language to the January Board meeting.

Interior Design Committee

A study conducted by NCARB and Council of Interior Design Qualification (CIDQ) comparing the competency requirements and examination objectives of the two organizations was provided. The study concluded there are areas of competency in professional knowledge and skills that are similar and, in some cases, substantially identical. The study did not suggest a merger of the two professions, nor did it indicate that the competency or services provided to the public by the two professions are interchangeable.

C. OLD BUSINESS

Database Update

ED Wilbeck updated the members on the progress of the database conversion.

April 17, 2020, Continuing Education Adjustment

The members reviewed the Continuing Education adjustment the board made at the April 17, 2020, board meeting, which modified the number of CE hours required for license renewals expiring December 31, 2020 and 2021. The Board discussed extending or modifying the adjustment or simply letting it expire. After discussion, the members decided to let the adjustment expire with licenses expiring December 31, 2021. Chair Foley requested a note be added to the Newsletter regarding the expiration. ED Wilbeck suggested sending an email out as there may not be room in the Fall newsletter. A note will be included in the Spring newsletter.

D. NEW BUSINESS

Trade Name Request - Medical Informatics Engineering, Inc

A letter was received from Medical Informatics Engineering Inc (MIE) requesting the Board allow the organization to use the word *engineering* in its name with the Secretary of State as allowed by Section § 81-3436(7).

Motion by Thiele, second by Bostelman to deny the use of engineering in Medical Informatics Engineering name with the Secretary of State. Voting Yes: Kelly, Suelter, Thiele, Bostelman, Dvorak, Johnson, Foley; Voting No: None; Absent: Isom

Plumbing PE examination

The NCEES EPE Committee requested a Board response to a survey by December 31, 2021 about potentially offering a PE examination in pluming engineering as a fourth sub-discipline to the Mechanical PE Examination. ED Wilbeck provided comments from other state engineering board directors regarding the request.

Bostelman, currently serving on the EPE's Plumbing PE Sub-committee, reported the California board feels the exam is too focused as the discipline is heavily code-driven. Bostelman said there are also certification processes in numerous states and licensing plumbing engineers may affect the plumbing trade. She also reported that even though it may have the support of the required number of licensing boards, another criterion is that there be at least one ABET-accredited engineering degree program. According to a search at ABET's website, there are no accredited plumbing engineering programs.

Many of the members believed Nebraska would not have more than one or two test takers annually, if at all. Dvorak reported that the mechanical curriculum committee chair at UNL indicated there is no plumbing taught in any of their courses.

Question regarding sealing local jurisdictions' standard details/specifications

ED Wilbeck received a question from an active professional engineer about local jurisdictions requiring a licensee to stamp and seal standard details/specifications already sealed by a city engineer and not modified by the second engineer.

Many members believed a second engineer need not sign standard specification sheets if they were not modified. However, a note is usually added that the standard specifications have been incorporated into the design and included in the plans packet.

A code official with the City of Lincoln happened to be attending the board meeting during this discussion, and the Board asked him about Lincoln's practice with this type of situation. He indicated Lincoln does not require the specifications to be sealed by a second engineer as long as they are sealed.

Question re: 11/9/2021 notice that technical submissions to NDEE must comply with E&A Act

A request was received in response to a notice in the Nebraska Department of Environment and Energy's (NDEE) November 9, 2021, Air News Update from the Nebraska Industrial Council on the Environment (NICE). The request asked the Board to provide examples of submittals that require professional engineering seals and what does not when submitting to a governmental agency.

Brian Wanzenried from NICE and Eric Sternum from ARC were in attendance and spoke with the board. ED Wilbeck explained that the Board did not look at any one project when conveying the requirement to NDEE. He explained the requirement should be applied to any project involving engineering and which is not exempt from the Engineers and Architects Regulation Act. He further explained that the Board does not determine the practice of engineering outside the Act's purview or a complaint.

ED Wilbeck outlined the organizations' steps to receive more guidance on the subject. The public can request a declaratory ruling, petition for a revision to the Board's rules and regulations, or request an opinion from the Attorney General's office.

According to Wanzenried and Sternum, typical projects these organizations undertake evolve around emissions calculations when applying for permits, conducting annual emission inventories, control technology, and emission modeling. Discussion was held as to whether or not engineering is involved when preparing the reports. Bostelman commented the data calculations and modeling is engineering, but the reporting most likely is not. ED Wilbeck will draft a response to their inquiry.

October 2021 NCARB Update

A copy of the October 2021 NCARB Update was provided. Articles included a message from CEO Armstrong, organizational development, outreach, and department updates.

Fall 2021 NBEA Newsletter Draft

MCS Stowater provided a copy of the Fall newsletter.

NBEA Funded Delegates to NCEES 2022 CZ/SZ Interim Meeting, April 21-23, 2022

The NCEES 2022 Joint Central and Southern Zones Meeting will be held April 21-23, 2022, in Oklahoma City, OK. A meeting summary and draft schedule of events were provided. NCEES will fund three delegates and the board administrator. Funded delegates must attend the business sessions during the meeting. The names of the funded delegates must be received by January 12, 2022.

Thiele, Dvorak, Suelter were selected as the funded delegates.

Board member travel and per diem requests

The following travel and per diem requests were approved by the Board:

Kelly – September 17, 2021 – NCARB Education Committee (Virtual)

Kelly - October 22-23, 2021 - NCARB Education Committee (Virtual)

Kelly – December 3-4, 2021 – NCARB Committee Summit (Virtual)

Isom – November 9, 2021 – NCARB Policy Advisory Committee (Virtual)

Isom – December 15, 2021 – NCARB Policy Advisory Committee (Virtual)

Dvorak – November 30, 2021 – NCEES Education Committee (Virtual)

Dvorak – January 25, 2022 – NCEES Education Committee (Virtual)

Dvorak – February 25-26, 2022 – NCEES Education Committee (Greenville SC) (travel 24 & 27)

Bostelman – November 17, 2021 – NCEES EPE Committee (Virtual)

Suelter – December 1-3, 2021 – NCEES SE Exam Scoring Workshop (Virtual)

Suelter – February 9-11, 2022 – NCEES SE Exam Development (Greenville SC) (travel 8 & 12)

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

Motion by Suelter, second by Kelly to go into executive session for the 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: Kelly, Suelter, Thiele, Bostelman, Dvorak, Johnson, Foley; Voting No: None; Absent: Isom

Executive Session began at 10:36 a.m.

Bostelman left the meeting at 11:30 a.m.

Johnson left the meeting at 12:30 p.m.

E. COMPLIANCE

Cases 20.02, 20.14, 21.11, 21.12, 21.13, 21.23, 21.24, 21.25, 21.26, 21.27, 21.29, 21.31, 21.32, 21.33, 21.34, 21.35, 21.36, 21.37, 21.38, Project Reviews 12.01, 12.02, and partner-agency processes were discussed in executive session.

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

Executive Session ended at 12:55 p.m.

Motion by Kelly, second by Thiele to dismiss Case 20.02 with the right to reopen. Voting Yes: Kelly, Suelter, Thiele, Dvorak, Foley; Voting No: None; Absent: Bostelman, Isom, Johnson

Motion by Kelly, second by Thiele to schedule a formal hearing in Case 21.23 for February 18, 2022. Voting Yes: Kelly, Suelter, Thiele, Dvorak, Foley; Voting No: None; Absent: Bostelman, Isom, Johnson

Motion by Kelly, second by Thiele to dismiss Case 21.26 with no disciplinary action based on the completion of architectural and engineering remediation. Voting Yes: Kelly, Suelter, Thiele, Dvorak, Foley; Voting No: None; Absent: Bostelman, Isom, Johnson

Motion by Kelly, second by Thiele to dismiss Case 21.27 with no disciplinary action based on the engagement of licensees on the project with the right to reopen. Voting Yes: Kelly, Suelter, Thiele, Dvorak, Foley; Voting No: None; Absent: Bostelman, Isom, Johnson

Motion by Kelly, second by Thiele to dismiss Case 21.32 with no disciplinary action based on the successful completion of architectural and engineering remediation. Voting Yes: Kelly, Suelter, Thiele, Dvorak, Foley; Voting No: None; Absent: Bostelman, Isom, Johnson

Motion by Kelly, second by Suelter to dismiss Case 21.34 after issuing a letter of caution. Voting Yes: Kelly, Suelter, Thiele, Dvorak, Foley; Voting No: None; Absent: Bostelman, Isom, Johnson

Motion by Kelly, second by Dvorak to dismiss Case 21.36 based on the project not being subject to the ACT. Voting Yes: Kelly, Suelter, Thiele, Dvorak, Foley; Voting No: None; Absent: Bostelman, Isom, Johnson

Motion by Kelly, second by Thiele to dismiss Case 21.37 after issuing a letter of caution. Voting Yes: Kelly, Suelter, Thiele, Dvorak, Foley; Voting No: None; Absent: Bostelman, Isom, Johnson

Motion by Kelly, second by Thiele to authorize architectural and engineering remediation in Case 21.38 and request a response within 30 days and a written remediation plan within 60 days. Voting Yes: Kelly, Suelter, Thiele, Dvorak, Foley; Voting No: None; Absent: Bostelman, Isom, Johnson

Motion by Kelly, second by Thiele to authorize architectural and engineering remediation in Case 21.39 and request a response within 30 days and a written remediation plan within 60 days. Voting Yes: Kelly, Suelter, Thiele, Dvorak, Foley; Voting No: None; Absent: Bostelman, Isom, Johnson

Motion by Kelly, second by Thiele to open a case against the engineer in Project Review 12.02 for competency (Rules 5.1.3 & 5.1.6) and standard of care (Rule 5.1.1) violations. Voting Yes: Kelly, Suelter, Thiele, Dvorak, Foley; Voting No: None; Absent: Bostelman, Isom, Johnson

F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-19030 Jerry Michael Basconi Jr, Electrical and Computer; E-19043 Robert Tyler Bell, Mechanical; E-19055 John Charles Bocox, Civil; E-19070 David Wayne Bodenschatz, Mechanical; E-19073 Adam Stauton Brown, Mechanical; E-19035 Hugh Patterson Bunn II, Electrical; E-19009 Ryan Wesley Bunnell, Mechanical; E-19041 John Patrick Carlson, Electrical; E-19064 Jennifer Mae Carron, Civil; E-19006 Joshua Bryan Clyde, Mechanical; e-19003 Michael All Cox, Mechanical; E-19069 Shaughn Patrick Dean, Civil; E-19045 Dillon Joseph Devitt, Civil; E-19058 Anthony DeGirolamo, Civil; E-19048 Daniel Roy Richard Dillard, Mechanical; E-19042 Mitchell Eugene Duffield, Mechanical; E-19039 Douglas James Elgersma, Mechanical; E-19031 Jeremy Edward Falcone, Civil; E-19054 Bryan Allyn Fay, Electrical and Computer; E-19020 Luke Allen Feeney, Mechanical; E-18996 Carlton Lance

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Fretwell, Electrical; E-19056 Keith Edwin Garrant, Fire Protection; E-19027 Gocy Michael Gaston, Civil; E-19051 Phillipp Joseph Scott Gouin, Electrical and Computer; E-19047 David Lee Grassi, Mechanical; E-19008 Joseph Bernard Greathouse, Electrical and Computer; E-19007 Luke Richard Griffis, Civil; E-19026 Lawrence Charles Gross Jr, Electrical; E-19063 Austin James Hahn, Civil; E-19065 Daniel Robert Harter, Mechanical; E-19032 Gregory Donald Hartley, Civil; E-19023 Michael Scott Hiddleson, Mechanical; E-19037 Brandon Mark Higbie, Civil; E-19029 Scott Ryan Hotchkin, Civil; E-19059 Matthew Edward Hussak, Civil; E-19038 Stanley John Jarzombek, Structural; E-19004 John Christopher Jaszkowiak, Civil; E-1925 Lindsav Marie Jaskowiak, Civil; E-19028 Jeffrey Alan Johnson, Chemical; E-19071 Nicholas William Johnson, Civil; E-19068 John Charles Keating, Electrical and Computer; E-19053 Brian Michael Keiser, Civil; E-19049 Darren Carl Kirk, Civil; E-19011 Erin Celeste LaVigne, Civil; E-19046 Mark Leslie Makin, Mechanical; E-19034 Johnathan Burgess Malloy, Civil; E-19060 Joseph William Middleton, Civil; E-19024 Wayne Robert Miller Jr, Civil; E-19022 Chad Steven Mitchell, Structural; E-19040 David Lyle Montague, Electrical and Computer; E-19005 Andrew Thanhson Nguyen, Civil; E-19036 Aaron Goeffrry Nores, Civil; E-19044 Michael Armando Otegui, Civil; E-19021 Jonathan Thomas Parker, Mechanical; E-19033 James Dale Pyeatt, Civil; E-19061 David Vincent Quirk, Mechanical; E-19052 Mustapha Raha, Electrical and Computer; E-19062 Joseph Michael Schaefer, Electrical and Computer; E-19067 Charlie Michael Severs, Civil; E-19010 Tim Joseph Shoemaker II, Civil; E-18997 Kevin Wayne Snowden, Civil; E-19066 Cory Allan Steffen, Civil; E-19050 Bernard Louis Straetker, Civil; E-19057 Brent Michael Strauch, Civil; E-19072 Jay Dee Tucker, Civil; E-19012 Justin Douglas Vibbert

Licensure of Architects by NCARB Certification

Approved: A-5352 John Craig Babe, A-5336 Jason Ward Boehner, A-5347 Mark David Campbell, A-5334 Dudley Charles Campbell, A-5353 Ralph Michael Coleman, A-5344 Jeffrey David Cunnington, A-5350 Todd Michael Eppenbach, A-5333 Sean Patrick Freitas, A-5348 Carrie Gail Hinshaw, A-5345 Jennifer Ann McInnis, A-5351 Brenda Lee Nelson, A-5354 Andrew George Nielsen, A-5339 Christopher Roland Olson, A-5337 Laurence Richard Pijut, A-5332 Edward Louis Portis, A-5340 Jed Ray Prest; A-5331 Eric David Ritland, A-5338 Robin Elizabeth South, A-5349 Jim Tharp, A-5342 David Phillip Thomas, A-5335 Stephen Michael Weeks, A-5343 Leon Terrick Williams

Temporary Permits - None

Engineer Intern Enrollments

Approved: Marcus Allen Brant, Trevor Adam Breeling, Jack henry Dempsey, Brendan John Finley, Jacob Dean Hudgens, Jeremy Jay Nichols, Riing Agoth Riing, Matthew James Thompson

Certificates of Authorization

Approved: CA4662 LBYD Inc, CA4663 Aron Blue LLC, CA4664 Horner & Shifrin Inc, CA4665 Plant Services Inc, CA4666 O'Brien & Associates Inc, CA4667 K2 Engineering and Structural Design LLC, CA4668 Lucent Engineering PC, CA4669 Canyons Structural Inc, CA4670 EngTech LLC, CA4671 Devenney Group Ltd, CA4672 Ridge & Associates Inc, CA4673 Thompson Company Inc, CA4674 Pinnacle Structural Engineers, CA4675 The Robert Group PSC, CA4676 Primoris Design & Construction Inc, CA4677 Dynamic Consulting Engineers LLC, CA4678 Otegui Structural Services LLC, CA4679 Koontz Bryant Johnson Williams Inc, CA4680 FST Engineering Inc, CA4681 Hillside Architecture PLLC, CA4682 B2Lab Inc, CA4683 Lingle Design Group Inc, CA4684 Oxley Williams Tharp Architects PLLC, Ca4685 The Dimension Group, CA4686 CaliChi Design Group LLC, Ca4687 G&W Engineers Inc, CA4688 Sweat Holdings Inc

PE Exam Approvals

Approved: Gregory Meyer Brozek, Civil; Dalton Douglas Carter, Civil; Joshua Robert Christensen, Civil; Nicholas Daniel Dean, Environmental; Greta Faith Ehrhorn, Civil; Ben Joshua Everswick, Environmental; Pavel Vladislavovich Karmshin, Civil; Bryant James Klotthor, Mechanical; Isaac Benjamin Knutson, Civil; Reynaldo Lemus, Civil; Dayton John Maul, Civil; Pascual Mauricio Jr, Civil; Nam Hoai Nguyen, Civil; Anthony Joseph Pospisil, Mechanical; Katherine Evelyn Prokop, Mechanical; Matthew David Roth, Civil; Shawn Steven Scherer, Civil; Tyler Vincent Schoening, Mechanical; Jacob Andrew Vela, Civil; Patrick Herbert Vorthmann, Mechanical; Lane Michael Wagner, Mechanical

Licensure/Examination

Licensure of Professional Engineers by Comity

Approved: Jason Peter Rysavy, Civil; Rohan Hugh Sybron, Structural; Tyler Paul Voth, Civil

Licensure of Professional Engineers by Experience

Approved: Dustin Leonidas Cole, Structural; Peter Dennis Zak, Mechanical

Licensure of Architects by Comity and Initial Licensure - None

Licensure of Architects by Experience - None

Licensure of Professional Engineers by Reinstatement

Approved: E-13840 Brian Keith Dougan, Mechanical

Licensure of Architects by Reinstatement

Approved: A-3219 Kevin James Barker

Special Cases

Licensure of Professional Engineers by Comity

Approved: Mohamed Salah AbdelAlim Gallow, Civil

Other Applications

License Renewal Disclosures

Approved for Renewal: Michael Colombo, A-4309

Deferred: Greco, A-5153 - until the January 2022 meeting

Other: Clancy, E-12495 - Negotiate a consent agreement to surrender his license voluntarily.

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

Motion by Thiele, second by Suelter to defer the license renewal for Clancy to negotiate a Consent Agreement with assistance from Board counsel. Voting Yes: Kelly, Suelter, Thiele, Dvorak, Foley; Voting No: None; Absent: Bostelman, Isom, Johnson

Completed Application Statistics

Charts statistics regarding the number of applications, certificates of authorization, and other applications by type were provided.

G. FINANCIAL MATTERS

Financial Reports

FY 2021-22 Financial Profile, October and November 2021

Budget Status Report – October and November 2021

Fund Summary Report – October and November 2021

MTD General Ledger Detail Report – October and November 2021

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

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided. The next regular board meeting is scheduled for January 21, 2022, at 8:30 a.m., in the fifth-floor conference room, 215 Centennial Mall South, Lincoln, Nebraska.

Licensure and Certificate Trends

Numbers as of December 1, 2021

Professional Engineers	8,863
Architects	1,968
Certificates of Authorization	2,346
Temporary Permits	15

Examination Information/Results

The September and October ARE Pass/Fail reports were provided.

The October and November ARE Candidates with Open Eligibilities reports were provided.

The 2021 third quarter FE and PE CBT Pass Rate Histories were provided.

Other Information

The November NCARB Data by Jurisdiction was provided.

The 2021-22 Marketing Plan was provided.

The Facebook Analytics Report showed eight posts from August 16 to November 22, 2021. The post related to the passing of former board member Albert Hamersky with 204 people reached and 24 post engagements. There are 462 followers, with 67.4% of the followers being men.

The Website Dashboard Report indicates the Board's website had 3,522 total visitors in October and 2,768 in November. Facebook generated the most traffic from social media in both months, with 46 sessions in October and 31 in November.

The Board policies as of July 9, 2021, were provided.

ADJOURNMENT:

Motion by Thiele, second by Suelter to adjourn the meeting at 1:23 p.m.

Brian Kelly, Secretary