5th Floor Large Conference Room, 215 Centennial Mall South, Lincoln, NE

CALL TO ORDER

Open Meeting and Public Agenda Information

The January 21, 2022, 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 8:31 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 Meetings Act.

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

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 & Melissa Ficke, Catalyst Public Affairs

A. CONSENT AGENDA

December 10, 2021, meeting minutes

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

B. MEETING REPORTS

NBEA Subcommittee Reports

Legislative Committee

Catalyst Public Affairs provided a spreadsheet of legislative bills that may be of interest to the Board. Copies of LB709, LB908, LB975, LB1127, and LB1174 were provided.

LB709 (McCollister) – Change requirements relating to preliminary applications under the Occupational Board Reform Act. The bill expands on the information that may be included with preliminary application requests related to criminal offices. It would limit disqualifying offenses to those directly related to the applicant's occupation specifically listed in the statutes governing the occupation, directly and specifically related to the duties and responsibilities of the occupation and issuing a license would pose a direct and substantial risk to public safety because the individual has not been rehabilitated. It also outlines the requirements and process for determining the disqualification. It also includes a list the offenses that are not required to be disclosed.

Concern was raised on how board and commission with no employees such as the geologist and landscape architect boards would comply with the requirement and the fact that they only meet once a quarter making it difficult for them to provide a response within sixty days.

LB746 (Friesen) – *Eliminates the requirement that the Director of Natural Resources be a professional engineer.* Reese provided additional information on the bill including proponents and opponents. Wilbeck provided a copy of his neutral testimony given at the public hearing on January 19, 2022, at the direction of the Board's Legislative Committee.

LB908 (McDonnell) – *Provides additional requirements for virtual conferencing under the Open Meetings Act.* The bill would prohibit any action from being taken at a virtual meeting. It changes the purpose of a virtual meeting to discussion of items scheduled to be acted upon at a subsequent non-virtual open meeting of the body.

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Chair Foley raised the concern that if passed, the ability to not take action at a virtual meeting may discourage a diverse board make up specifically those who may not live in the Lincoln/Omaha areas.

Motion by Thiele, second by Dvorak to adopt a position in opposition to LB908. Voting Yes: Thiele, Dvorak, Isom, Johnson, Kelly, Foley; Voting No: None; Absent: Bostelman, Suelter

LB975 (Wayne) – *Provide a requirement for state officials and state employees testing before the legislature.* The bill would prohibit a state official or employee of any state agency, except an employee of the Legislative Council, from testifying before the Legislature on any issue in any capacity other than neutral unless the official or employee is on unpaid or vacation leave from state employment for the duration of such official's or employee's attendance at such public hearing.

The introduced language is the same language as AM1217 and AM1478 to LB489 from last session. Concern was raised after filing of AM1217 that it was added to an unrelated bill and the subject matter did not have a public hearing. Wayne re-introduced the language as LB975 to enable a hearing to be held.

Discussion was held that a neutral position could be written to either a supportive or oppositional. There would still be the option of submitting a letter in opposition. However, Ficke believed a letter of opposition would not carry the same weight as an opposing testimony as letters received on a bill are usually not made available unless requested. She believes code agencies will testify regarding the constitutionality of the bill versus testifying in opposition.

Chair Foley voiced concern regarding the Board's ethical duty to protect the public against potential threats to its health, safety, and welfare if not allowed to testify on bills of interest to the Board. Reece recommended focusing on educating individual senators on the Board's concerns.

Motion by Thiele, second by Isom to adopt a position in opposition to LB975. Voting Yes: Thiele, Dvorak, Isom, Johnson, Kelly, Foley; Voting No: None; Absent: Bostelman, Suelter

LB1127 (Wishart) – *Creates the Regulatory Sandbox Act.* The bill creates a Regulatory Relief Office which would review applications for waivers to statutes and regulations as they relate to the temporary demonstration of new and innovative goods and processes under a waiver or suspension of one or more state laws or regulations. Included is the review of state laws and regulations to make recommendations to the Governor or legislature on modifying such state laws and regulations. An advisory committee would be formed to advice and make recommendations to the office as described in the Act. The bill outlines the application process for requesting waivers or suspensions to the laws or regulations related to the innovative offering.

Reece pointed out there does not appear to be a provision for entities or persons that would be affected by the waivers or suspensions to be heard prior to a decision being made. A request for a Fiscal Note has been received on the bill. ED Wilbeck has requested more information from Senator Wishart's office on the purpose of the bill and how boards fit into the Act prior to submitting the note. The Board took no position on the bill.

LB1174 (B. Hansen) – *Requires reports from state entities and public hearings.* The Bill requires any state entity to submit an electronic report once every five years regarding the operations of the state entity and each budgetary program within the entity. Included in the report is the indication as to the need for the continuation of the state entity. The standing committee with jurisdiction shall hold a public hearing on the report with a representative of the state entity in attendance. The Board took no position on the bill.

ED Wilbeck informed the members a Fiscal Note request had been received on LB791. The bill changes the population requirements related to county surveyors, engineers, and highway superintendents. The note was submitted with zero impact to the Board.

Reece informed the members that LB250 (Interior Designers) was currently 14th on the legislature worksheet and most likely will not be heard without a priority designation. The bill is currently on general file with multiple amendments.

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Appropriation hearings start next week with the priority on any state budget related bills. If there is time left in the session, it will move on to hearings on bills related to the usage of American Rescue Plan Act (ARPA) funds.

Rules Revisions Committee

Potential revisions to Rule 2.2.4.4 and 10.2 along with new rules related to title blocks were provided. The following revisions were discussed.

Rule 2.2.4.4 – "With Board approval, up to nine five semester credit hours of deficiency in general education may be removed..."

The revision was proposed by CO Habe to align with NCEES' reduction in general education hours in the Education Standard. During discussion, it was determined a reduction to six credit hours would be more in line with standard semester hour assignment.

Rule 6.5 - Title Blocks

- 6.5.1 A title block will be used on each sheet of plans or prints that constitute the practice of architecture or engineering and will contain:
 - 6.5.1.1 The name(s), contact information, and license number(s) of the licensee(s) who prepared the work shown on the plans or prints;
 - 6.5.1.2 The name and address or location of the project to which the plans or prints pertain;
 - 6.5.1.3 The date the plans or prints were sealed; and
 - 6.5.1.4 If the licensee(s) sealing the plans or prints are practicing through an organization holding a certificate of authorization, the title block will contain the legal name or DBA of the organization(s), the organization(s) address, and the certificate of authorization number(s) of the qualified organization(s).

The wording in Rule 6.5.1.1 may be construed that everyone one who worked on a particular sheet needs to be listed. It is the Board's intention only the licensee in direct supervision of the work needs to be listed. Rule 6.5.1.4 also needs to include individuals not working through an organization.

ED Wilbeck will work with the committee on revisions and bring an updated draft to the February meeting based on the following:

- All projects need to list the name and location of the project
- Projects through an organization need to list the name and/or dba of the organization, contact information, and the certificate of authorization number
- Projects through an individual need to list the name and contact information of the licensee
- Replace "prepared" with "responsible for"
- Consideration of provided information if there are multiple organizations involved in the project
- Look at requirements for reports and other submissions

Rule 10.2.5 - Farm building shall be defined as an agricultural building is defined in the state building code.

No revisions were made.

C. OLD BUSINESS

Draft Remediation Guide

A copy of the draft Remediation Guide with the revisions as discussed at the October meeting was provided along with an example remediation professional letter. The members requested *example* be changed to *sample*.

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The following will be added to the last section of the brochure and staff will bring a mockup based on the discussions to the February meeting for approval.

- Under Other local or state agencies have already approved my project, shouldn't that be enough?,
 change shouldn't to isn't and start the answer with No to follow the format of the other questions.
- Add that local or other state agencies are not required to check if a project meets other regulatory requirements. They are only checking that their requirements are being met.

Database Update

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

D. NEW BUSINESS

Marketing Plan Update

MCS Stowater updated the members on the status of the 2021-22 Marketing Plan. Highlights included:

- Target audiences have been defined and marketing goals have been finalized for the rest of the fiscal year.
- Letters introducing the Board were sent to villages and second-class cities in December along with copies of the *Before you Build* brochure in both English and Spanish and the E&A Handbook.
- The Fall 2021 Newsletter was sent out in December
- ED Wilbeck will be speaking to several classes the College of Engineering in January and February as well as giving a presentation on the FE exam.
- Social media engagement continues to increase by posting news on the licensing process, resources the Board offers, and days recognized professionally and publicly
- On February 23, 2022, CO Habe and MCS Stowater will be presenting to the building officials via Webex on when a licensee is required on a project. Marketing will include a short video with graphics to be posted on social media and the Board's website.
- MCS Stowater is beginning to follow up with the villages and second-class cities contacted in December to ensure they received the information and to see if the Board can be of any assistance.
- NCARB is working with UNL to set up a campus visit this spring.
- Staff will reach out to the professional societies who offer courses on ethics to possibly share on Facebook throughout the year.

Dvorak left the meeting at 10:30 a.m.

NCARB March 2022 Regional Summit Update

Notice that the Regional Summit, March 3-5, 2022, in Charlotte, NC will be offered as a hybrid event with both in person and virtual participation available was provided.

NCARB November 2021 Update

A copy of the November 2021 *NCARB Update* was provided. Articles included a message for CEO Armstrong, organizational developments, outreach, and department updates.

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Question regarding Continuing Education Providers

An inquiry for clarification on the restriction of certain types of continuing education was provided. The provider offers correspondence courses which are self-paced and requires the participant submit and pass an exam on the material prior to receiving a completion certificate. After discussion it was determined these types of courses fall under Rule 9.2.3.2 and are not restricted under Rule 9.3

Board of Geologists and State Board of Landscape Architects 2022-23 Service Contracts

The Board reviewed the proposed FY2022-23 contract to provide administrative services to the Board of Geologists (NEBOG) and the State Board of Landscape Architects (NSBLA), from July 4, 2022 to June 30, 2023. The proposed fee for NEBOG is \$16,414 and NSBLA is \$13,400. Each will be paid quarterly.

Motion by Kelly, second by Thiele to approve the contracts administrative services contracts with the Board of Geologists and State Board of Landscape Architects. Voting Yes: Thiele, Isom, Johnson, Kelly, Foley; Voting No: None: Absent: Bostelman, Dvorak, Suelter

Board member travel and per diem requests

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

Bostelman – June 7, 2022 – NCEES Engineering Education Award Jury (Virtual)

Foley - March 4-5, 2022 - NCARB Regional Summit Meeting (Charlotte NC/funded) travel days 3rd and 5th

Isom – January 12, 2022 – NCARB Regional Leadership Committee (Virtual)

Isom – January 13, 2022 – NCARB Pre-Board of Directors and meeting with President Vidaurri (Virtual)

Isom – March 4-5, 2022 – NCARB Regional Summit Meeting (Charlotte NC/funded) travel days: 3rd and 5th

Johnson - March 4-5, 2022 - NCARB Regional Summit Meeting (Virtual)

Kelly – March 4-5, 2022 – NCARB Regional Summit Meeting (Charlotte NC/funded) travel days 3rd and 5th

Wilbeck – February 3-4, 2022 – NCEES MBA meeting (Greenville SC/funded) travel days: 2nd and 5th

Wilbeck – March 3-5, 2022 – NCARB MBE Workshop and Regional Summit Meeting (Charlotte NC/funded) travel days: 2nd and 6th

Wilbeck – April 21-23, 2022 – NCEES Central Zone Meeting (Oklahoma City OK/funded) travel days: 20th and 24th

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

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

Executive Session began at 11:07 a.m.

Dvorak re-entered the meeting at 11:41 a.m.

E. COMPLIANCE

Cases 20.14, 21.11, 21.12, 21.13, 21.23, 21.24, 21.25, 21.29, 21.31, 21.33, 21.35, 21.38, 21.39, 21.40, 21.41, 21.42, and 22.01 were discussed in executive session.

Project Review 01-01 was discussed in executive session.

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Partner agency processes were discussed in executive session.

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

Executive Session closed at 12:22 p.m.

Motion by Kelly, second by Thiele to authorize architectural remediation in Case 21.40 and request a response within 30 days and a written remediation plan within 60 days. Voting Yes: Thiele, Isom, Johnson, Kelly, Foley; Voting No: None; Abstain: Dvorak; Absent: Bostelman, Suelter

Motion by Kelly, second by Thiele to authorize ED Wilbeck to execute the contract for a technical expert in Case 21.41. Voting Yes: Thiele, Dvorak, Isom, Johnson, Kelly, Foley; Voting No: None; Absent: Bostelman, Suelter

Motion by Kelly, second by Thiele to request the voluntary suspension of the licensee's license in Case 21.42. Voting Yes: Thiele, Dvorak, Isom, Johnson, Kelly, Foley; Voting No: None; Absent: Bostelman, Suelter Motion by Kelly, second by Thiele to authorize architectural remediation in Case 22.01 and request a response within 30 days and a written remediation plan within 60 days. Voting Yes: Thiele, Dvorak, Isom, Johnson, Kelly, Foley; Voting No: None; Absent: Bostelman, Suelter

F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-19103 Kevin Peter Ameele, Electrical and Computer; E-19084 Nick Carson Bates, Electrical and Computer; E-19087 M Mae Benvenga, Civil; E-19096 Michelle Amanda Blush, Architectural; E-19122 Brian Hill Braun, Civil; E-19106 Jacob Charles Cunliffe, Mechanical; E-19091 Luke Michael Edwards, Electrical and Computer; E-19097 Ayman Ibrahim Elbarasi, Electrical and Computer; E-19112 Chad DeWayne Fletcher, Civil; E-19107 Per Henrik Forsling, Civil; E-19101 David Moon Fulton, Civil; E-19094 Mark Steven Gouveia, Fire Protection; E-19092 Manouchehr Hakhamaneshi, Civil; E-19100 Joshua Delbert Hoagland, Civil; E-19095 James Daniel Hubbartt, Mechanical; E-19108 Seon Orrin Jack, Civil; E-19121 Katrina Lynn Kinsey, Civil; E-19109 Jeffrey Michael Klinkhardt, Fire Protection; E-19088 Patrick Joseph Machin, Civil; E-19098 Jackson Dean Mahrt, Civil; E-19085 Alan Robert Marsh Jr, Electrical; E-19113 John Anthony Marsh, Civil; E-19090 Raechelle Victoria May, Electrical and Computer; E-19082 Brian Alan McCleish, Electrical and Computer; E-19119 Andrew William Mock, Structural; E-19114 Joshua Allen Morris, Civil; E-19083 Andrew John Neufeld, Mechanical; E-19116 Jeffrey Richard O'Connor, Architectural; E-19099 Gregory Miles Panek, Civil; E-19111 Brian Matthew Parent, Mechanical; E-19123 Kirk Gerard Pesta, Mechanical; E-19115 Mark Spencer Slivera, Mechanical; E-19110 Joshua Joseph Steinmetz, Mechanical; E-19086 Trevor Gregory Stubbs, Civil; E-19120 Connor Davis Swiontek, Mechanical; E-19081 Braden Michael Tabb, Structural; E-19093 Christopher Jay Witty, Mining and Mineral Processing; E-19118 Ryan Allen Joseph Wood, Civil; E-19117 Jeffrey Dennis Wurmlinger, Mechanical

Licensure of Architects by NCARB Certification

Approved: A-5374 James Wesley Bradford Baker, A-5357 Brian Shannon Black, A-5371 Thomas Wayne Blythe, A-5367 Peter Joseph Bolek, A-5373 Richard Bret Flory, A-5362 Mark Bradley Gaskins, A-5360 Jeffrey Allen Harris, A-5364 Innes Ross Henderson, A-5369 Lawrence Patrick Kearns, A-5370 Anthony Karl Keller, A-5361 John Kevin Landry, A-5363 Canon Randolph Manley, A-5358 Mariah Beth Meyer, A-5365 David Frederick Moos, A-5359 Adam Christopher Noga, A-5368 Harold Edward Staples IV, A-5372 David Tyler Thayer

Temporary Permits

Approved: T-638 Kolby John Orcher, Engineering; T-639 Bernard Gregory Stroh, Engineering

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Engineer Intern Enrollments

Approved: Jakob Timothy Andreasen, Bryana Nicole Barber, Samuel William Fink, Hani Nizam Qassem, Kar Seng Sia

Certificates of Authorization

Approved: CA4689 Sand Creek Timber Frames LLC, CA4690 BSB Design Inc, CA4691 Baker Barrios Architects Inc, CA4693 Stark Foundations Inc, CA4694 JSA Civil LLC, CA4695 FA Engineering PA, CA4696 Aces Consulting and Engineering Services PLLC, CA4697 Machin Engineering Inc, CA4698 Plateau Engineering LLC, CA4699 Bowen Arrow Consulting Engineers LLC, CA4700 Anderson Mason Dale Architects PC, CA4701 Tabb Structural Engineering LLC, CA4702 Barker Nestor Inc, CA4703 Zak Consulting Engineers LLC, CA4704 S2S Architects LLC, CA4705 JM2 Associates PLLC, CA4706 Apex Engineering LLC, CA4707 Kanon Architects LLC, CA4708 Faith Group LLC, CA4709 Cadre A+D LLC, CA4710 The Engenuity LLC, CA4711 Coscia Moos Architecture LLC, CA4712 Redwood Structural Engineering Services LLC, CA4713 H4 Engineering LLC

PE Exam Approvals

Approved: Colin Ray Anthony, Civil; Colton Samuel Bents, Civil; Daniel Sterling Blake, Structural; Matthew William Borys, Civil; Erika Lauren Bowman, Civil; Natalie Marie Buckley, Structural; Allison Jane Crawford, Civil; Mark Gerard Dethlefs Jr, Civil; Samuel William Fink, Civil; Elliott Otis French, Civil; Kyle Levi Gandee, Mechanical; Nicholas Jorge Garaycochea, Architectural; David Tyler Hansen, Chemical; Christopher John Lambrecht, Civil; Faraaz Andaleeb Rab, Civil; Matthew Allen Walstrom, Civil; Nicholas Parker Waskowiak, Civil; Jacob David Workman, Electrical and Computer

Licensure/Examination

Licensure of Professional Engineers by Comity and Initial

Approved Comity Applications: Matthew James Dotta, Structural

Approved Initial Applications: Jonathan David Bergren, Civil; Benjamin Terryl Fischer, Civil; Connor Jamison Gilinsky, Civil; Derek Brian Harris, Civil; Mainor Obdaldo Martinez, Civil; Walter James Moy, Civil; Mark Joseph Niechwiadowicz, Electrical and Computer; Ryan Patrick Pritchard, Civil; Ryan Andrew Roenigk, Civil; Timothy James Rohda, Mechanical; Martin Thomas Seneca, Civil; Jesse Taylor Walsh, Civil; Adam Lee Wenck, Civil; Christopher Daniel Williams, Mechanical; Huojun Yang, Mechanical

Licensure of Professional Engineers by Experience

Approved: Kurt Randell Lindorfer, Structural

Licensure of Architects by Comity and Initial - None

Licensure of Architects by Experience

Approved: Thomas Joseph Guarino Jr

Licensure of Professional Engineers by Reinstatement

Approved: E-7130 Ronald Wayne Jenssen, Civil; E-9960 Robert Earnest King, Mechanical

Licensure of Architects by Reinstatement - None

Special Cases

Licensure of Professional Engineers by Comity

Approved: Ryan Robert Hazelwood, Civil; Brian Ishmael Joseph Wellington, Civil

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Other Issues

License Renewal Disclosures

Approved: A-1749 Rex Giesenhagen with a letter of warning a future violation may result in disciplinary action

Deferred: A-5153 Paul Greco - until the February 2022 meeting

CA2289 Expiration

Board assessed in-arrears fees and approved the renewal of the certificate of authorization upon receipt of a new application and fees.

Completed Application Statistics

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

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

Motion by Thiele, second by Johnson to defer the renewal of Greco until the February meeting. Voting Yes: Thiele, Dvorak, Isom, Johnson, Kelly, Foley; Voting No: None; Absent: Bostelman, Suelter

Motion by Thiele, second by Johnson to access in-arrears fees on certificate of authorization CA2299 and renew the certificate upon receipt of a new application and fees. Voting Yes: Thiele, Dvorak, Isom, Johnson, Kelly, Foley; Voting No: None; Absent: Bostelman, Suelter

G. FINANCIAL MATTERS

Financial Reports

FY 2021-22 Financial Profile, December 2021

Budget Status Report - December 2021

Fund Summary Report - December 2021

MTD General Ledger Detail Report - December 2021

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

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided. The next regular board meeting is scheduled for February 18, 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 January 12, 2022

Professional Engineers	8,900
Architects	1,984
Certificates of Authorization	2,346
Temporary Permits	15

Examination Information/Results

The November and December 2021 ARE Pass/Fail reports were provided along with the 2021 yearly statistics.

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The December 2021 and January 2022 ARE Open Eligibility reports were provided.

The 2021 fourth quarter FE and PE CBT exam Pass Rate History reports were provided.

The October 2021 paper and pencil PE exams Pass Rate Histories were provided.

Other Information

The December 2021 NCARB Data by Jurisdiction was provided.

The 2021-22 Marketing Plan was provided.

The Facebook Analytics Report showed eight posts from December 14-30, 2021. The poste related to the Beatrice Public Schools selecting an architectural firm to assist with the design of a new elementary school received the most traffic with 126 people reached and six engagements.

Charts showing the compliance case history from 2017-2021 were provided along with a chart showing the cases from 2021.

The Website Dashboard Report indicates the Board's website had 4,452 total visitors in December. Facebook continues to generate the most traffic from social media with 49 sessions.

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

ADJOURNMENT

Brian Kelly, Secretary

Motion by Thiele, second by Kelly to adjourn the meeting at 12:45 p.m.