

CALL TO ORDER

The May 9, 2022, operational planning meeting of the Nebraska Board of Engineers and Architects was held at 13460 Chandler Road, Omaha, Nebraska. Chair Thiele called the meeting to order at 12:17 p.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: Daniel Thiele, Chair; Brian Kelly, Vice-Chair; Jason Suelter, Secretary; Jan Bostelman; Brett Foley; Lenora Isom; Absent: Bruce Dvorak, Dave Johnson

Staff Present: Jon Wilbeck, Executive Director (ED); Amy Habe, Compliance Officer (CO); Jean Lais, Administrative Programs Officer (APO)

Legislative Topics

Rules Revisions

A copy of the proposed Rules revisions as discussed at previous board meetings was provided. ED Wilbeck sent the revisions to interested stakeholders for their feedback, but has not heard back from any of them.

Discussion was held as to whether any changes need to be made due to changes to the Structural PE Exam when it moves to computer-based testing. Changes to this exam are not scheduled to be implemented until 2024 and the Board decided to not make any changes until NCEES develops model language.

Final approval of the other proposed revisions will be made once feedback has been received from the stakeholders.

PE Exam Direct Registration

Staff recommended the members consider removing the application and Board review of the Principles and Practices of Engineering (PE) examinations. The removal would require a statute revision to Neb Rev. Stat. Section § 81-3451(1) and (3) and the deletion of (2).

Discussion was held as to whether to pursue the change in the 2023 legislative session. Possibilities include adding it to any bill language if interior design registration is re-introduced or introduce as a separate bill. Disadvantage of including with any interior design registration bill is the possibility of the bill not passing.

After discussion, it was decided to refer the issue to a committee and revisit in September or October. If the Board decides to move forward, it will be introduced as its own bill.

Continuing Education Compliance

The members reviewed data provided by CO Habe regarding the 2021 continuing education (CE) audits. The board discussed the use of a consent order/settlement agreement for licensees who affirm they have completed the CE requirements, but during an audit it was discovered they had not. ED Wilbeck provided a list of suggested information to be tracked related to 2022 audits, including:

- The percentage of hours completed
- Submitted required hours, but cannot complete the audit due to:
 - Missing ethics per Rule 9.3.2
 - Exceed limit of restricted on-line hours per Rule 9.3.1.1
 - No attendance verification per Rule 9.5.1.2
 - No log per Rule 9.5.1.1
 - Claimed carryover, but cannot prove
 - Complete courses after the renewal date/being notified of audit

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- Submitted courses outside renewal period
- Hours not practice-related per Rule 9.3.4

CO Habe is currently not “starting the clock” until all materials have been received, instead of when the first materials are received. In the next renewal cycle, audit tracking will begin when the first audit materials are received whether it is complete or not. CO Habe will also begin tracking the different scenarios in which the CE is not completed, and the number of times materials must be submitted to complete. The members were reminded that in the online renewal system, an individual must mark they have met the CE requirement, or the system will not let them continue. During the last two renewal cycles the most common reason for not meeting the CE requirements was not having the ethics hour and all hours submitted were from restricted providers.

CO Habe explained the notification process to the members. Licensees are notified in the renewal portal they have been selected for an audit once they pay and complete the renewal process. She then also will send them a notice with additional information once the renewal has been imported into the database. They will show as expired after December 31st on the online licensee lookup until the audit is complete.

Discussion was held regarding individuals who renewed and were notified they had been selected for an audit, but never respond. Historically, no action has been taken as their license expires on December 31 and not renewed until the audit is complete so they cannot practice in the state. Several members felt this should warrant disciplinary action as it could be viewed as admitting the CE was not completed. Others felt no action needs to be taken because they cannot activate their license or practice without completing the audit.

Members suggested a distinction needs to be made between renewing and not being audited, but not completing the CE requirement and that of someone who was audited and chose not to respond to the audit notification. ED Wilbeck suggested asking legal counsel if the board can discipline a licensee who does not respond to an audit.

The members asked staff about the process of notifying organizations holding a certificate of authorization (COA) for which the person(s) in responsible charge (IRC) did not renew their license. APO Lais explained once end-of-year processes are completed in the database, certificates are put into a pending status and letters are sent out to all organizations for which the IRC did not renew or went to an Emeritus status. Two letters are sent out thirty days apart. If no response is received with thirty days of the second letter, the certificate is canceled.

Chair Thiele drafted a table of CE non-compliance situations and suggested disciplinary actions for each situation, and presented it for discussion. APO Lais informed the members that at one point in the past, all incomplete audits were changed to Nonrenewable in the database on July 1st requiring the individual to apply for reinstatement if they needed/wanted to practice in the state in the future. Discussion as to the number of hours and the level of disciplinary action to be taken took place. It was decided to form a committee to look at the information and suggestions, then make a recommendation for the Board to consider.

In general terms, the Board decided an incremental process be used to implement any disciplinary action the Board takes related to an individual’s CE audit, beginning with a reminder to all licensees of possible actions that could be taken and moving to disciplinary action as appropriate.

Dvorak entered the meeting at 2:09 p.m.

2023-25 Biennial Budget

ED Wilbeck held a discussion on the following items, to inform him as he begins drafting the Board's 2023-35 budget:

Per Diems

Board members received compensation (per diem) in accordance with Neb. Rev. Stat. 81-3429(1).

Two member's terms will be expiring in FY2022-23, Johnson's resignation is effective after the June meeting, and four member's terms will be expiring in the 2023-25 biennium. Kelly, Suelter, Thiele, and Foley indicated they would be interested in being re-appointed. Dvorak said it was too early for him to decide. Johnson's replacement will serve out his term which will expire in 2024.

The following members expressed interest in seeking national board of director positions during the next biennium:

- Isom – will be a candidate for NCARB Secretary or Treasurer in 2024
- Bostelman – not looking to seek another national position in the next biennium
- Suelter – considering running for a NCEES Central Zone position in 2024
- Kelly – will be the NCARB Region V Secretary/Treasurer for 2023-24
- Dvorak – has not decided if he will run for a national position

Awards

All current members will be seeking re-appointment.

Staff Development

ED Wilbeck discussed increasing request for staff development as this is one area the Board can utilize to attract and retain staff, and also help current and future staff gain skills training and knowledge to perform their duties.

E-Commerce Operating

The Board would like to continue paying the portal and merchant fees for the online renewals and applications if possible. APO Lais informed the members this may not be possible with the way the current payment portal and hosting contracts are set up. ED Wilbeck will reach out to the Records Board to discuss and bring the findings to a future meeting.

Capital Ceremony

Discussion on whether to have a reception after the ceremony going forward. APO Lais and ED Wilbeck advised staff have had difficulty in the past years booking a venue and caterer. Currently, the only venue large enough in the capital campus area is the Scottish Rite Temple and they have not been available on the date of the ceremony for the past two years. In order to hold the reception the Board would need to consider changing the ceremony venue. The members expressed the desire to continue having the ceremony in the capital.

Bostelman and Dvorak suggested the Board investigate purchasing graduation honor cords for those who passed the FE exam prior to graduation. APO Lais advised FE results are posted weekly on Wednesday for the previous week and could provide a list to the College of Engineering for UNL students who passed the exam and had their results reported to Nebraska. The College would need to come up with another way for students who had their results reported to another jurisdiction to provide verification they had passed prior to graduation. ED Wilbeck will investigate the possibility.

Other Topics

NCARB Database Replacement Proposal

ED Wilbeck provided a proposal from NCARB to convert the current database (FileMaker) to their database solution (Eiffel). Currently they only have knowledge to move architects and landscape architects. Additional discovery and analysis work would need to be done to include professional engineers, geologists, certificates of authorization, temporary permits, interns, and education reimbursements.

NCARB has implemented a solution for three other licensing boards, one of which also licenses landscape architects. Eiffel integrates the architect portion of the solution with NCARB's national systems for seamless processing and visibility.

Implementation costs include:

- 15% due at signing of the contract
- 15% due at the launch of each profession (4 total)
- 15% at the launch of Certificates of Authorizations
- 5% due at the launch of Intern Records
- 5% due at the launch of Temporary Permits

The annual subscription fee for inLumon is \$84,000 from implementation to support. inLumon is changing its team structure to have a second person in a leadership role. The team has been working on the Engineer Intern (EI) Enrollment application for four months and still does not have a solution ready for user-testing. There have also been issues with inLumon developing an overall schedule and identifying milestones, which ED Wilbeck has repeatedly asked for.

The Board instructed ED Wilbeck to investigate what it would take to cancel the contract with inLumon and to pursue working with NCARB on their solution.

Motion by Isom, second by Kelly to instruct ED Wilbeck to negotiate a contract with NCARB and work with Assistant Attorney General Jelkin to cancel contract with inLumon. Voting Yes: Isom, Kelly, Suelter, Bostelman, Dvorak, Thiele; Voting No: None; Absent: Johnson; Abstain: Foley

Foley left the meeting at 3:00 pm.

NCEES Annual Meeting Delegate Designations

Chair Thiele, Secretary Suelter, Dvorak, and ED Wilbeck were designated as the funded delegates to the NCEES Annual Meeting, August 23-26, 2022, in Carlsbad, CA. Bostelman is on the Board of Directors and will be funded by NCEES as such.

Motion by Isom, second by Suelter to designate Thiele, Suelter, Dvorak, and ED Wilbeck as the funded delegates to the NCEES Annual Meeting. Voting Yes: Isom, Kelly, Suelter, Bostelman, Dvorak, Thiele; Voting No: None; Absent: Foley, Johnson.

Position on NCARB 2022 Motions / Elections

The Board reviewed the following resolutions to be voted on by member boards at the NCARB Annual Meeting June 2-4, 2022, in Austin TX.

- **Resolution 2022-01** Ratification of the Mutual Recognition Arrangement (MRA) development between NCARB and the U.K.'s Architect Registration Board (ARB). The agreement is expected to be signed in Fall 2022 or early 2023. The NCARB Board of Directors supports this resolution 13-1. It requires the absolute majority of Member Boards, which is 28, to pass.

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- **Resolution 2022-02** updates the definition of responsible charge to reflect modern practice standards, including changing the term in *Model Law* to “responsible control.” The NCARB Board of Directors supports the resolution 14-0. It requires an absolute majority of the Member Boards to pass.
- **Resolution 2022-03** sunsets examination-related resolutions passed between 1966 and 1999 that no longer align with how NCARB operates today. The NCARB Board of Directors supports this resolution 14-0. It requires an absolute majority of the Member Boards to pass.
- **Resolution 2022-04** sunsets resolutions passed by the membership that no longer align with how NCARB operates today. This batch of resolutions focuses specifically on membership, related organizations, and other policies passed since 1980. The NCARB Board of Directors supports this resolution 14-0. It requires an absolute majority of the Member Boards to pass.
- **Resolution 2022-05** turns the Diversity Collaboration into a standing advisory committee in the *NCARB Bylaws* to ensure the continuity of its important work. The NCARB Board of Directors supports this resolution 13-1. It requires a two-thirds (2/3) majority (which is 37) of the Member Boards at the Annual Meeting to pass.
- **Resolution 2022-06** updates the *NCARB Bylaws* to add the Northern Mariana Islands to Article VI; Section 2; make minor updates to Article VII; Section 5 for clarity and consistency for elections of like positions; and replace pronouns with gender-neutral alternatives. The NCARB Board of Directors supports this resolution 14-0. It requires a two-thirds (2/3) majority of the Member Boards to pass.
- **Resolution 2022-07** is a holistic update to the Requirements for NCARB Certification in the *NCARB Certification Guidelines* for clarity, ease of use by applicants, and alignment with current processes. The NCARB Board of Directors supports this resolution 14-0. It requires an absolute majority of the Member Boards to pass.

Two webinars/calls will be held on May 12 and 26, 2022 to discuss the resolutions and answer any questions.

Motion by Isom, second by Bostelman to direct the voting delegate to vote in favor of the resolutions and use the delegate's discretion if new information is received and after discussion with the other attending Board delegates. Voting Yes: Isom, Kelly, Suelter, Bostelman, Dvorak, Thiele; Voting No: None; Absent: Foley, Johnson.

Outreach Activities in FY2022-23

NBEA Marketing Plan

A copy of the 2021-22 Marketing Plan was provided. ED Wilbeck updated the members on the hiring of a new Public Information Officer (PIO). He has re-evaluated the abilities and skills needed for the position. Kelly suggested reaching out to the UNL College of Journalism and Mass Communications dean to see if there are any graduates who may be interested in the position. Isom suggested contacting the SOS Temporary Program for potential candidates.

CO Habe provided updated compliance tracking maps. It was noted that Fremont and Kearney may benefit from a visit as several compliance cases occurred in both cities over the last year.

She would also like to continue working on the webinar concept with the new PIO to be able to reach a wider audience versus presenting at conferences when competing with other presentations and sessions. Another task for the PIO would be to analyze the benefits of each to determine where and what conferences staff should be focusing attendance. She is also going to have the new person look into costs of having a table at conferences at which staff may or may not have a presentation.

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Members made the following additional suggestions:

- Presenting at the Nebraska Planning and Zoning Association (NPZA) – even if it is for 10-15 minutes in front of another presentation
- Visiting Western Nebraska
- Contact the Nebraska Society of Professional Engineers (NeSPE) chapters to get a list of organizations/groups the Board should be reaching out to
- Contact HUD, USDA, the Community Development Block Grant (CDBG) Program, banks, chambers of commerce, Nebraska Main Street Network to inquiry where development is taking place in the state and reach out to the municipalities to introduce them to the Board
- Contact the Community Development Block Grant (CDBG) Program

NCARB Region V Outreach Participation

Isom informed the Board the Region is looking into ways to expand its outreach. The officers have contacted the eight colleges offering architectural programs in the Region to start discussion on implementing the IPAL program. The plan is to visit with each school over the next two years. They will also be talking about the roles of the boards and NCARB.

Board FY22-23 Committee Formation, Members, and Charges

The following board committees (authorized by and in accordance with Neb. Rev. Stat. § 81-3429) for FY2022-23 were suggested and members expressed their interest in serving on committees as follows:

- Executive Committee: Board officers
- Legislative Committee: Isom
- Continuing Education/Audits Committee: Foley, Dvorak
- Interior Design Committee: Kelly, Isom, New architect member

Chair Thiele will form the committees and charges and bring them to the Board meeting for discussion and action on May 13, 2022.

Adjournment

Chair Thiele adjourned the meeting at 3:53 p.m.



Jason Suelter, Secretary