

CALL TO ORDER

The August 5, 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 Thiele called the meeting to order at 8:46 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: Dan Thiele, Chair; Brian Kelly, Vice-Chair; Jan Bostelman; Bruce Dvorak, Brett Foley; Lenora Isom; Alan Wedige; Absent: Jason Suelter

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

Isom was appointed Secretary for the meeting in Suelter's absence.

PUBLIC COMMENT

Doug Hohbien – Nebraska State Fire Marshall, Assistant State Fire Marshall

Hohbien introduced himself and explained the Review department's function within the State Fire Marshal's office. Review turn-around times are currently about 10 working days. He stated the agency has authorized third-party reviews to further assist with plan reviews.

Hohbien informed the members Chris Cantrell, State Fire Marshal, has given his notice effective in October. He will be the Interim State Fire Marshal until a new Fire Marshal is appointed in 2023.

Chair Thiele expressed the Board's appreciation of the Fire Marshal's willingness to work with the Board to help protect the health, safety, and welfare of the residents of Nebraska.

Stacy Spale – American Society of Interior Designers (ASID)/IIDA

Marilyn Hansen – American Society of Interior Designers (ASID)/IIDA

Spale and Hansen expressed the desire of the ASID and IIDA to work with the Board in drafting language for a bill similar to LB250 and AM43 to be introduced during the 2023 legislative session. They would like to create common goals between the societies and the Board as well as develop a definition of interior design that is acceptable to all.

According to Spale and Hansen, the profession is growing with 900 students studying interior design at the University of Nebraska in the last ten years. New professionals/students want to understand what their career paths should be. The ASID wants to be able to discipline its members and hold them accountable for their professional conduct. Interior designers are unable to obtain liability insurance in Nebraska as the profession is not a defined design profession. The Council of Interior Design Qualification (CIDQ) will be assisting in the effect during the next legislative session.

ED Wilbeck and Chair Thiele clarified the Board has a neutral position regarding the language in AM43. Any different language would void the Board's position.

A. CONSENT AGENDA

[June 10, 2022, meeting minutes](#)

Motion by Kelly, second Isom by to approve the consent agenda. Voting Yes: Kelly, Wedige, Bostelman, Dvorak, Foley, Isom, Thiele; Absent: Suelter

B. MEETING REPORTS

NBEA Subcommittee Reports

A copy of the 2022/2023 Committee appointments and charges was provided.

Interior Design Committee

Correspondence received from Stacy Spale requesting to meet with ED Wilbeck to discuss the steps need to introduce a new bill in the upcoming legislative session for the voluntary registration of interior designers and create common goals toward that end.

Isom gave an overview of the movement to get interior design recognized in all U.S. jurisdictions. Some states which passed related statutes have a title-only recognition while others have practice acts. CIDQ is currently working on bills in Wyoming and Illinois. Tom Banks from CIDQ will be its representative in Nebraska.

Isom further explained the Board looks at introduced legislation based on the impact of the bill and related amendments would have on the Board's ability to enforce the Engineers and Architects Act. Isom said it is not the Board's charge or goal to advocate for a profession, but to advocate for the public.

C. OLD BUSINESS

Adoption of Proposed Rule Changes

The board adopted the proposed revisions to Title 110, NAC, Rules and Regulations as presented at the public rules hearing held prior to this meeting. A copy of the proposed rules is included with these minutes.

Motion by Dvorak, second by Bostelman to adopt the proposed revisions to Title 110, NAC, Rules and Regulations as presented. Voting Yes: Kelly, Wedige, Bostelman, Dvorak, Foley, Isom, Thiele; Absent: Suelter

NCARB CEO Mike Armstrong; Discussion of NCARB Subjects

Mike Armstrong, NCARB CEO, and Caitlin Stromberg, NCARB Vice-President of Member Board Relations, were in attendance. Armstrong informed the Board he strives to visit all member boards at least once every five years.

He reported that NCARB President Bayliss Ward has made outreach his priority in FY2023. Ward believes additional training can be given to licensing advisors (college licensing advisors, board executives, regional directors, etc.) to help raise awareness of the importance of licensure and the path that needs to be taken to get young professionals on the right track.

Ward is ready to begin the discussion on revising the NCARB *Bylaws* regarding governance. Historically, the appointment of Board of Directors positions has been at the regional level. He has formed a work group to look at possible revisions for possible motion introduction for the 2024 NCARB Annual Meeting. The group will be looking at a more demographic approach.

NCARB had formed an incidental practice task force to attempt to create related model language. In addition to NCARB members and staff, the task force included representatives from the National Council of Examiners of Engineers and Surveyors (NCEES), Council of Interior Design Qualification (CIDQ), and Council of Landscape Architecture Registration Boards (CLARB). The charge has been moved to the national level with ICOR to write model language that all four professions can incorporate into their model language for adoption by the member boards. The work of the task force will not strive to quantify the scope of any of the professions. As the organizations involved believe the task needs to be looked at from a regulatory view and not a practice view, no professional societies are involved at this time.

Armstrong updated the members on the Integrated Path to Architectural License (IPAL) program. There are currently twenty-six schools offering the program. The program integrates the Architectural Experience Program (AXP) and the Architect Registration Exam (ARE) into the curriculum of the given program.

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Several schools have stated the reason they have not joined the programs is they did not want to be responsible for placing the students in paid jobs. NCARB is also seeing a number of students who are completing the AXP prior to graduation, they are not starting or completing the ARE, therefore, do not qualify as an IPAL graduate.

The NCARB Board of Directors will be discussing and reviewing the program at its September meeting. Kelly stated it is important NCARB engage faculty when having discussions related to the program or any changes that may be proposed. This includes the difficulties and issues other programs have had when integrating IPAL and how they overcame them. Isom asked if schools could collaborate together to jointly offer classes virtually, especially programs in the same regions.

Armstrong reported with the change to PSI as the ARE provider, better feedback is able to be given on failed divisions, and NCARB has reduced the rescheduling fee. They have also rolled out practice exams for all six divisions that are available to all examinees at no charge. PDF versions are available to licensing advisors.

He reported remote proctoring was on schedule to be available this year, but with the COVID pandemic, it was moved up to 2020. Currently, 25% of examinees use remote proctoring with no considerable difference in results. Exam costs are similar to those of test center costs as remote proctoring.

Over 50% of licensure candidates are recording AXP experience while in college.

Two new task forces have been formed. One on alternative methods of measuring competency for licensure and one research and development to look at what is on the horizon for the profession and what other professionals are doing.

The recent Practice Analysis was done in three phases with close to twenty thousand responses across all three phases. The data is currently being analyzed.

Most NCARB revenue streams are back to pre-pandemic levels. The council record program continues to carry the organization with all other programs running in the red. NCARB currently employs one hundred thirty full-time employees.

On the international level, a mutual agreement with the United Kingdom (UK) has been ratified and goes into effect in January 2023. The agreement does not have a minimum experience requirement as the philosophy is changing as to what qualifies for competency. The UK has some exam aspects written into their education curriculum. Talks have reopened with other European Union members. Staff met with South Africa last week and are early conversation stage with South Korea and Costa Rica.

[Database Replacement Project w/NCARB Update](#)

Revisions to the database replacement project were provided. Assistant Attorney General (AAG) John Jelkin has reviewed and requested additional revisions. NCARB is currently reviewing. A virtual meeting between the three parties is scheduled to discuss any remaining issues.

D. NEW BUSINESS

[NCARB Update, May 2022](#)

A copy of the NCARB *Update* for May and June 2022 was provided.

[NCARB Fast Facts, June 2022](#)

A copy of the June 2022 NCARB *Fast Facts* was provided.

[NCEES 2022 Motions to be Considered at Annual Meeting](#)

A copy of the motions to be considered by the member boards at the NCEES 2022 Annual Meeting, August 23-26, in Carlsbad CA was provided.

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Proposed NBEA Positions on NCEES 2022 Motions

ED Wilbeck provided his recommendations for the members to consider. Support was recommended on all motions except the following:

- **Bylaws 4 (Section 6.02 Quorum and Voting) (Discuss):** Remove the ability of a member board to split its vote if represented by more than one delegate and the delegates present agree.

The Board voted to support the motion.

- **ACCA Motion 1 (Oppose):** Creation of a special committee on *Bylaws* charged with amending the *Bylaws* to add a past president as a member of each standing committee. The position will have the same rights and responsibilities as other members and will not alter the committee membership requirements as specified in other sections of the *Bylaws*. If the past president positions are intended to be limited to past presidents who are still involved in Council activities.

The NCEES Board of Directors does not endorse the motion as it feels the *Bylaws* already adequately address past presidents' service on committees and task forces. Making the appointment of a past president mandatory also takes away from the incoming president's freedom to build the committees and task forces that they feel are best suited to serve the Council and address the charges for the year.

The Board voted to accept the recommendation to oppose.

- **ACCA Motion 9: (Discuss)** Creation of a special committee on *Bylaws* be charged with incorporating the following amendments into *Bylaws* 4.02, 4.04, and 4.06:
 - *Section 4.02 Board Membership: Add one At-Large member who shall be a public member of a Member Board.*
 - *Section 4.04 Elections and Terms of Office: Add the requirement the At-Large member be elected at the annual business meeting every two years. They are not eligible for reelection to the same office until at least one full term has elapsed*
 - *Section 4.06 Vacancies: Add the requirement that an At-Large member vacancy will be filled by the Board of Directors within 30 days; the selected individual will fill the position until an election for a new full-term At-Large member is held at the next annual business meeting.*

The NCEES Board of Directors does not endorse the motion as it feels that NCEES should provide a pathway for public members to become more involved in NCEES leadership and thus endorses ACCA Motion 10. The Board endorses the ability for a public member to be on the board of directors through existing positions without adding a position available only to public members.

Foley stated he believes this would be a positive move as it creates another opportunity to participate at the national level. The Board voted to support the motion.

- **Law Enforcement 1 (Pull from Consent):** Charge the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following into *Model Law* 110.20 O:
 - Revise the definition of Disciplinary Action to include reprimands, administrative fines; board refusal to issue, restore, or renew a license; settlement agreements or consent orders; probation; suspension; revocation; or any combination thereof. Disciplinary action also includes voluntarily surrendering, relinquishing, or agreeing not to renew the license as part of an agreement or board order to avoid disciplinary action for a violation of the board's laws or rules.

ED Wilbeck is recommending the board move to pull from the Consent Agenda and propose striking the last sentence. As written, it effectively makes a voluntary license surrendering disciplinary action even if the state in which the license was surrendered does not consider it disciplinary action. The Board decided to pull

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the motion from the Consent Agenda and move to strike “...to avoid disciplinary action...” from the last sentence, otherwise to oppose.

- **Western Zone Motion 1 (Discuss):** Charge the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following into *Model Law* 130.10 B.e.b:
 - Comity licensure requirements based on 10 years of continuous licensure immediately preceding the application to the jurisdiction; has no disciplinary action related to professional conduct or practice from any jurisdiction within the five years immediately preceding application to the jurisdiction; and has not had their professional license suspended or revoked at any time from any jurisdiction.
 - No further examination is required except for that required to examine the applicant’s knowledge of the statutes, rules, and other requirements unique to the jurisdiction to which they are applying.

The NCEES Board of Directors does not endorse the motion as it plays to the lowest engineering licensure requirements. Many boards have educational requirements, and the change would allow an experience-only path for those states. The path outlined in the motion conflicts with the current model documents and professional policies that refer to the education, examination, and experience requirements. The Board also questions whether 10 years is a long enough license requirement.

The Board voted to support the motion.

Motion by Bostelman, second by Dvorak to direct the voting delegate to vote on the motions as recommended and discussed and use their discretion if new information is made available and after discussion with the other attending delegates. Voting Yes: Kelly, Wedige, Bostelman, Dvorak, Foley, Isom, Thiele; Absent: Suelter

[NCEES Notice of Exam Changes, Spring 2023](#)

A memo regarding future changes to the NCEES exams and supporting materials was provided.

[SFM/NBEA Annual Meeting Summary](#)

A recap of the annual meeting between the State Fire Marshal’s (SFM) office and the Board was held on July 15, 2022. Present were ED Wilbeck and CO Habe, representing the Board, and Christopher Cantrell, Doug Hohbein, and Kaylan Lovgren representing the SFM. Topics discussed included:

- The hiring of 3rd parties to expedite the review process to assist with the SFM’s backlog. Board staff informed the FSM the Board’s process does not change when a 3rd party reviewer has reviewed the project.
- The SFM enforces the 2012 NFPA codes, not the state-adopted 201 IBC.
- Joint outreach and collaboration were discussed which may include Board-hosted, joint webinars; State and County fairs (awareness-building); possible SFM presentation at the AIA-Nebraska Annual Conference; FSM FAQ newsletter article; social media; outreach to ARE/FE/PE exam committees with SFM knowledge.
- Hosting a lunch and learn probably around the first of 2024.

Chair Thiele reinforced the distinction in the difference in the enforced codes is important and should be mentioned on all review paperwork.

[Trade Name Request](#)

A request was received from Marketing Architects Inc for permission to use the word *Architects* in the organization’s name. The organization is a creative advertising agency that concepts, plans, and produces TV commercial, purchase media for placement on national broadcast TV, and uses data to measure the impact the ads have on our clients’ business.

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Motion by Kelly, second by Bostelman to deny the trade name request by Marketing Architects Inc. Voting Yes: Kelly, Wedige, Bostelman, Dvorak, Foley, Isom, Thiele; Absent: Suelter

Marketing Plan Update

PIO Buis provided an update on the FY2022-23 Marketing Plan. Highlights included:

- She reached out to several entities regarding the Board doing presentations at upcoming meetings. The following have expressed interest and will reach out as the meetings get closer:
 - Nebraska Concrete Paving Association (NCPA)
 - Nebraska City/County Management Association (NCMA)
- Associated Builders and Contractors of Nebraska and South Dakota – The association has monthly breakfast meetings and luncheons every few months. CO Habe and PIO Buis will be speaking at the August breakfast meetings in Lincoln on August 16th and in Omaha on August 17th.
- Nebraska Association of County Officials (NACO) – Welcomed the Board to submit articles for their bi-weekly newsletter. An article about the Board will be included in a future issue.
- Engineers Club of Omaha (ECO) – PIO Buis and CO Habe are working on a sample presentation to send to them on pertinent topics. It was proposed that the presentation would occur in August or September.
- National Hospital Association (NHA) – They still have speaking slots open and were informed the planning committee was interested in having the Board do a presentation. PIO Buis has submitted a sample presentation for their approval.
- PIO Buis sent an email to second-class cities introducing herself and attached the *Before you Build* (English and Spanish) and the handbook. Several cities/villages requested materials including Clay Center, Louisville, Gothenburg, Pierce, Wymore, Fairbury, and Pender. Gretna, Nebraska City, Schuyler, and Columbus have also requested additional materials.
- PIO Buis has begun work on informational videos to use for presentations and social media.
- PIO Buis has begun work on the marketing plan for the fall 2022 webinar. The webinar will be hosted on September 14th and will center on the continuing education and renewal process.

PIO Buis also informed the members she has rendered her resignation effective August 12, 2022.

Board member travel and per diem requests

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

- Isom – August 8, 2022 – NCARB Board of Directors (Virtual)
- Isom – August 10, 2022 – NCARB Board of Directors (Virtual)
- Isom – August 16, 2022 – NCARB Board of Directors (Virtual)
- Isom – August 30, 2022 – NCARB Region V Committee (Virtual)
- Kelly – October 14-15, 2022 – NCARB MBC/MBA Summit (Salt Lake City UT) Travel: Oct 13 and 16 (NCARB)
- Wedige – October 14-15, 2022 – NCARB MBC/MBA Summit (Salt Lake City UT) Travel: Oct 13 and 16 (NCARB)
- Isom – October 14-15, 2022 – NCARB MBC/MBA Summit (Salt Lake City UT) Travel: Oct 13 and 16 (NCARB)
- Wilbeck – October 14-15, 2022 – NCARB MBC/MBA Summit (Salt Lake City UT) Travel: Oct 13 and 16 (NCARB)

Motion by Kelly, second by Foley to approve the per diem and travel requests. Voting Yes: Kelly, Wedige, Bostelman, Dvorak, Foley, Isom, Thiele; Absent: Suelter

F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-19426 Brent Aleksich, Electrical and Computer; E-19413 Jacob Turner Allen, Civil; E-19448 Paul Allen Asp, Structural; E-19443 Alex Paul Astley, Electrical and Computer; E-19395 Derek James Bass, Electrical and Computer; E-19392 Charles Leslie Bassett III, Civil; E-19433 Marcia Marie Bolton, Civil; E-19438 Clifton Ray Bowden, Civil; E-19437 Brandon Brett Bugarin, Civil; E-19455 Todd Mathew Burnett, Civil; E-19379 Walter Todd Burrell, Civil; E-19390 Nathan Andrew Charlton, Civil; E-19431 Patrick Joseph Conroy, Civil; E-19407 Ronald Allan Cribbs, Civil; E-19422 Bradford Lee David, Mechanical; E-19418 Ian Andrew Dillon, Civil; E-19446 Bradley Peter Dinndorf, Civil; E-19394 Michael Todd Ford, Civil; E-19410 Zachary David Freshner, Civil; E-19406 Joshua Paul Fuelling, Civil; E-19396 Jacob Daniel Grieg, Civil; E-19411 Callie Jean Griffiths, Mechanical; E-19441 Kyle David Hardy, Mechanical; E-19378 Brandon Asher Harp, Civil; E-19436 Trent Keegan Hembree, Civil; E-19400 Aaron Thomas Herkenhoff, Civil; E-19399 Joshua Evan Hopkins, Electrical and Computer; E-19401 Allen David Hurtz, Civil; E-19377 Tyler Anthony Johnson, Civil; E-19376 Aaron Scott Johnson, Mechanical; E-19343 Garrett Martin Kauss, Civil; E-19393 Vandiver William Keller Jr, Structural; E-19447 Hannah Rose Kiger, Mechanical; E-19398 David Richard Kosloski, Civil; E-19402 Julian Thien Le, Civil; E-19421 Joseph Daniel Logue, Civil; E-19432 Benjamin Robert MacKenzie, Architectural; E-19428 Daniel Patrick Messmer, Civil; E-19439 Michael Scott Moore, Civil; E-19419 Robert James Murray, Civil; E-19397 Lavern Leroy Nall, Structural; E-19435 Leo Earl Olcott II, Mechanical; E-19429 Laura Ann Patton, Environmental; E-19417 Timothy Jeffrey Pierce, Civil; E-19424 Zachary Steven Polaha, Civil; E-19440 Andrew Graham Puryear, Mechanical; E-19427 Brandt Kevin Pyle, Civil; E-19391 Michael James Rief, Civil; E-19404 Lance Michael Rikala, Mechanical; E-19425 Connor John Riley, Mechanical; E-19442 Michael Boyd Robinson, Civil; E-19444 Paul Michael Roepnack, Civil; E-16923 Dustin Keith Rosepink, Structural; E-19412 Christopher Aaron Sciortino, Civil; E-19423 Caleb Eugene Shank, Structural; E-19420 Gregory Andrew Sherman, Mechanical; E-19409 Richard Lee Simpkins II, Electrical and Computer; E-19415 Brandon Charles Steacy, Electrical and Computer; E-19405 Joseph Wayne Taft, Electrical and Computer; E-19414 Levi Ricco Voigt, Civil; E-19403 Ross William Wall, Agricultural and Biological; E-19408 Isaac Andrew Willems, Civil; E-19430 Nicholas James Ziganto, Mechanical

Licensure of Architects by NCARB Certification

Approved: A-5436 John Maury Allin III, A-5430 Melissa Mary Bogusch, A-5432 Alan Blake Daniels, A-5431 Shannon Comer Dodge, A-5429 Matthew Ryan Erion, A-5437 Daniel Scott Grant, A-5435 Nathan Andrew Peak, A-5438 Timothy Ray Schroeder, A-5433 Lonnie Jay Shanks, A-5439 Scott Michael Steinkamp, A-5425 Dillon Floyd Weitl

Temporary Permits

Approved: T-644 Thomas George Leonard, Engineering; T-645 Michael James Preszler, Engineering

Engineer Intern Enrollments

Approved: Adam Logan Carmack, Jacob Allen Chekal, Jackson Lee Cordell, Samantha Josephine Corey, Adelia Lane Devney, Jacob Tyler Evans, Gabriel Adam Galas, James Edward Johnson, Nicole Pennie Martindale, Robert David Neely, Randy DeShawn Rouse Jr, Mitchael Hans Sieh, Ian James Tempelmeyer, Tunc Deniz Uludag

Certificates of Authorization

Approved: CA4820 Precision Systems Engineering Inc, CA4821 Corbel Engineering LLC, CA4822 Jon Layne Architects Inc, CA4823 CS Davidson Inc, CA4824 ARCO DB Companies Inc, CA4825 Civil Engineering Design Consultants Inc, CA4826 Zanjero Inc, CA4827 Beacon Civil Engineering LLC, CA4828 Pieper O'Brien Herr Architects Ltd, CA4829 Tu GeoStructural LLC, CA4830 H2B Inc, CA4831 Prime Design LLC, CA4832 JT3 Engineers LLC, CA4833 Hazard Engineering LLC, CA4834 MG Engineering Services LLC, CA4835 Millig Design Build, CA4836

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EDG Inc, CA4837 Richard Design Services Inc, CA4838 SCD Architecture Inc, CA4839 Alexander Building Systems Inc, CA4840 Affiliated Engineers Inc, CA4841 Kitty Hawk Engineering PLLC, CA4842 VIP Engineering LLC, CA4843 Harrington Group Inc, CA4844 Blue Ridge Power LLC, CA4845 Daniels + Anderson Architects PLLC, CA4846 STRUX Engineering LLC, CA4847 Strass-Maguire & Associates Inc, CA4848 Design Development LLC, CA4849 Mula Design LLC, CA4850 Jowler Creek Architecture Inc, CA4851 L2 Engineering LLC, CA4852 GHD Services Inc, CA4853 Veil Engineered Shading

PE Exam Approvals

Approved: Rhea Sanchez De Ocampo, Civil; Mark Daniel Gibbs, Civil; McKinley Rae Harm, Civil; Matthew Tyler Healy, Electrical and Computer; Troy Edward Hlavaty, Mechanical; Kelsey Raegan Johns, Civil; Katelyn Anne Knuth, Civil; Amgad Fawzy Morgan-Girgis, Navel Architecture and Marine; Elliott Gregory Nohr, Civil; Elizabeth Anne Potter, Civil; Hani Nizam Qassem, Electrical and Computer; Ryan Brandon Ruenholl, Civil; Brooke Elizabeth Ryan, Architectural; Rachel Christine Schlais, Agricultural and Biological; Dallas John Schroeder, Civil; Jedmin Troy Stonacek, Civil; Ian James Tempelmeyer, Agricultural; Jeffrey Joseph Thompson, Architectural; David Uwinganji Gatete, Civil; Logan Michael Wachal, Civil; Marie Elizabeth Wagner, Civil; Kathleen Marie Walker, Electrical and Computer; Tyler James Weis, Electrical and Computer; Wyatt Walter Wirges, Fire Protection

Licensure/Examination

Licensure of Professional Engineers by Comity and Initial

Approved Initial Applications: Tyler Daniel Clark, Electrical and Computer; Sarah Ann Doyle, Mechanical; Eric Tyler Fedders, Structural; Samuel Patrick Hansen, Environmental; Jordan Nicole Koskelin, Civil; Christopher John Lambrecht, Civil; Reynaldo Lemus, Civil; Dayton John Maul, Civil; Alexander Taylor Nelson, Electrical and Computer; Chuong Xuan Nhat Ngo, Structural; Matthew David Roth, Civil; Steven Conrad Rue, Civil; Shawn Steven Scherer, Civil; Benjamin Charles Nicholas Shallenberger, Electrical and Computer; Bradley Dalton Shaner, Mechanical

Approved Comity Applications: Ahmed Alaa Saleem Awad, Mechanical; Kevin Nathaniel Borth, Structural; Mark Thomas Giesman, Civil; Samuel Arthur Johnson, Civil; Kursat Kinali, Civil; Matthew Lucas James Leuthard, Control Systems; Gurmeet Singh Lohchav, Electrical and Computer; John Edward Shively, Civil; Steven Paul Soupir, Civil; John Gary Washington, Civil

Deferred Initial Applications: Kanchan Devkota, Civil

Licensure of Professional Engineers by Experience

Approved: Ronald Stephen Lindsey, Control Systems; Gregory John Lohmueller, Electrical and Computer

Licensure of Architects by Comity and Initial – *None*

Licensure of Architects by Experience – *None*

Licensure of Professional Engineers by Reinstatement

Approved: E-7846 Richard Gerard Podraza, Civil; E-17557 Aaron John Trenshaw, Civil

Licensure of Architects by Reinstatement – *None*

Special Cases

Licensure of Architect by NCARB Certification

Approved: James Douglas Smith

Engineer Intern Enrollments

Approved: Muhanad Shihab Al Samareie, Marcelo Daniel Cairo

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[Licensure of Professional Engineers by Comity](#)

Approved: Guang Chen, Electrical and Computer

Other Issues/Information

[Completed Application Statistics](#)

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

Motion by Isom, second by Dvorak to accept the staff recommendations on applications including the correction to Wagner. Voting Yes: Kelly, Wedige, Bostelman, Dvorak, Foley, Isom, Thiele; Absent: Suelter

G. FINANCIAL MATTERS

Financial Reports – June, July 2022

[FY 2021-22 Financial Profile](#)

[FY 2022-23 Financial Profile as of July 27, 2022](#)

[Budget Status Reports – June, July](#)

[Fund Summary Reports – June, July](#)

[MTD General Ledger Detail Reports – June, July](#)

Motion by Bostelman, second by Foley to accept the financial reports as presented. Voting Yes: Kelly, Wedige, Bostelman, Dvorak, Foley, Isom, Thiele; Absent: Suelter

Other Financial Matters

[Review of Previous Revenues/Expenditures \(FY16-17 to FY21-22\)](#)

ED Wilbeck provided a history of revenue and expenditures from FY2016-17 to FY2021-22 for review. Charts included overall revenue and expenditures as well as a breakdown of individual object codes.

[Mileage Reimbursement Rate Increase](#)

Notice the mileage reimbursement rate increased to \$.625 as of July 1, 2022.

[Draft 2023-25 Biennial Budget Information](#)

ED Wilbeck provided draft information on the 2023-25 Biennium Budget request including draft narratives and projected expenditures and revenue. Final narratives and projected expenditures and revenue will be provided at the September meeting. Final approval of the request will be taken at that time.

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided. The next regular board meeting is scheduled for September 9, 2022, at 8:30 a.m., in the fifth-floor conference room, 215 Centennial Mall South, Lincoln Nebraska.

Licensure and Certification Trends

[Numbers as of July 27, 2022](#)

Professional Engineers	8,720
Architects.....	1,916
Certificates of Authorization	2,346
Temporary Permits.....	15

Examination Information/Statistics

The ARE Pass/Fail Reports for May and June 2022 were provided along with the July 2022 ARE Open Eligibilities Report and 2022 Q2 ARE Pass/Fail Statistics.

The 2022 Q2 FE and PE CBT Pass Fail Statistics were provided.

Other Information

The FY 2022-2023 Marketing Plan was provided.

Social Media Analytics

Facebook Analytics shows there were seven posts between June 14 and July 19, 2022. The post related to the proposed rules revision hearing reached the most people with 171, 21 post engagements, and 5 reactions/likes. A total of 229 individuals were reached. There were 27 new followers, for a total of 514.

The Website Dashboard reports the Board's website had 3,079 total visits in June. Facebook continues to generate the most traffic from social media, with 22 sessions.

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

Motion by Kelly, second by Isom to go into executive session for the purpose of the discussion of compliance investigations and partner-agency processes, not a matter of public information to prevent the needless injury to the reputation of those involved. Voting Yes: Kelly, Wedige, Bostelman, Dvorak, Foley, Isom, Thiele; Absent: Suelter

Chair Thiele restated the limitations of the executive session.

Executive Session began at 12:11 p.m.

E. COMPLIANCE

Cases 20.14, 21.11, 21.24, 21.25, 21.29, 21.31, 21.33, 21.35, 21.38, 21.39, 21.40, 21.41, 22.02, 22.05, 22.06, 22.07, 22.08, 22.09, 22.10, 22.11, 20.12, 22.13, and 22.14 were discussed in executive session.

Bostelman left the meeting at 12:51 p.m.

Other Compliance Issues

Project Review 08-01, the NCEES exam administration irregularity report, and partner-agency processes were discussed in executive session.

Motion by Kelly, second by Isom to close the executive session for the purpose of discussion of compliance investigations and partner-agency processes, not a matter of public information to prevent the needless injury to the reputation of those involved. Voting Yes: Kelly, Wedige, Dvorak, Foley, Isom, Thiele; Absent: Bostelman, Suelter

Executive Session ended at 1:09 p.m.

Motion by Kelly, second by Foley to dismiss Case 21.38 with no disciplinary action based on the successful completion of architectural and engineering remediation. Voting Yes: Kelly, Wedige, Dvorak, Foley, Isom, Thiele; Absent: Bostelman, Suelter

Motion by Kelly, second by Foley to approve the settlement agreement in Case 21.41 and revise the list of projects needing to be notified. Voting Yes: Kelly, Wedige, Dvorak, Foley, Isom, Thiele; Absent: Bostelman, Suelter

Motion by Kelly, second by Foley to dismiss Case 22.02 with no disciplinary action based on the successful completion of architectural and engineering remediation. Voting Yes: Kelly, Wedige, Dvorak, Foley, Isom, Thiele; Absent: Bostelman, Suelter

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Board Meeting Minutes – August 5, 2022, 8:45 a.m.
5th Floor Large Conference Room, 215 Centennial Mall South, Lincoln, NE

Motion by Kelly, second by Foley to authorize architectural and engineering remediation in Case 22.09 and request a response within 30 days and a remediation plan within 60 days. Voting Yes: Kelly, Wedige, Dvorak, Foley, Isom, Thiele; Absent: Bostelman, Suelter

Motion by Kelly, second by Foley to authorize architectural and engineering remediation in Case 22.10 and request a response within 30 days and a remediation plan within 60 days. Voting Yes: Kelly, Wedige, Dvorak, Foley, Isom, Thiele; Absent: Bostelman, Suelter

Motion by Kelly, second by Foley to authorize architectural and engineering remediation in Case 22.11 and request a response within 30 days and a remediation plan within 60 days. Voting Yes: Kelly, Wedige, Dvorak, Foley, Isom, Thiele; Absent: Bostelman, Suelter

Motion by Kelly, second by Foley to close Case 22.12 due to no discernable violation of the Engineers and Architects Regulation Act. Voting Yes: Kelly, Wedige, Dvorak, Foley, Isom, Thiele; Absent: Bostelman, Suelter

Motion by Kelly, second by Foley to authorize architectural remediation in Case 22.13 and request a response within 30 days and a remediation plan within 60 days. Voting Yes: Kelly, Wedige, Dvorak, Foley, Isom, Thiele; Absent: Bostelman, Suelter

Motion by Kelly, second by Foley to open a case against the project owner in Project Review 08-01 and authorize architectural and engineering remediation and request a response within 30 days and a remediation plan within 60 days. Voting Yes: Kelly, Wedige, Dvorak, Foley, Isom, Thiele; Absent: Bostelman, Suelter

Motion by Kelly, second by Foley to invalidate the NCEES Examinee 1464826's April 2022 examination structural vertical component result. Voting Yes: Kelly, Wedige, Dvorak, Foley, Isom, Thiele; Absent: Bostelman, Suelter

ADJOURNMENT

Chair Thiele adjourned the meeting at 1:13 p.m.



Jason Suelter, Secretary

CHAPTER 2. INITIAL LICENSURE OF PROFESSIONAL ENGINEERS

2.1 Requirements

Initial licensure as a professional engineer requires that applicants have:

- (1) Satisfied the education requirements set forth in Rule 2.2;
- (2) Satisfied the experience requirement set forth in Rule 2.3;
- (3) Satisfied the examination requirement set forth in Rule 2.4; and
- (4) Complied with the application process set forth in Rule 2.5.

2.2 Education Requirements

- 2.2.1 Candidates for initial licensure are required to either hold a degree from an EAC/ABET-accredited engineering program, a degree from a CEAB-accredited engineering program, or meet the NCEES Education Standard.
- 2.2.2 A program is considered to be EAC/ABET- or CEAB-accredited under these rules in accordance with the accrediting entity's policies and procedures.
- 2.2.3 A degree from a program accredited by ETAC/ABET does not meet the education requirement.
- 2.2.4 Those holding degrees from programs not EAC/ABET- or CEAB-accredited must establish that their education meets the NCEES Education Standard by evaluation through the NCEES Credentials Evaluation program.
 - 2.2.4.1 Deficiencies defined by the evaluation service may be corrected by taking coursework related to the deficiency in a post-secondary institution offering acceptable accredited engineering programs or in programs otherwise acceptable to the Board.
 - 2.2.4.2 Coursework from post-secondary education institutions that are not accredited will be acceptable if the coursework is approved by a post-secondary institution offering acceptable accredited engineering programs to be "transferable." Verification from the institution may be required for substantiation.
 - 2.2.4.3 Passing scores will be accepted in college level exams given by approved third parties including College Board Exams (CLEP) in subjects related to the deficiency or as otherwise acceptable to the Board.
 - 2.2.4.4 With Board approval, up to ~~nine~~six semester credit hours of deficiency in general education may be removed for applicants who have obtained a college degree from an institution whose primary language of instruction is not English or who can demonstrate fluency in multiple languages or dialects.

2.2.4.5 Once the deficiencies are removed, the Board will consider the education as satisfying the Board's education requirement.

2.2.4.6 The Board may defer action on deficient applications until these education requirements have been met.

2.3 Experience Requirements

2.3.1 Candidates for initial licensure shall have a minimum of four years of work experience acceptable to the Board.

2.3.1.1 For purposes of this rule, "work" means professional services comprising the practice of engineering.

2.3.2 Work experience may start immediately following graduation from a four-year or equivalent engineering program.

2.3.3 Successful completion of graduate study leading to an advanced degree in engineering may satisfy part of the experience requirement. A candidate may not satisfy the experience requirement until at least forty-eight (48) months have elapsed after completion of their first engineering degree, irrespective of the combination of work experience and education credit that may be available for an advanced degree. Associate degrees are not considered when determining a candidate's first degree.

2.3.3.1 Candidates who complete three years of acceptable work experience after confirmation of a degree from an EAC/ABET- or CEAB-accredited bachelor program and holds a master's degree in engineering satisfy the experience requirement.

2.3.3.2 Candidates who complete three years of acceptable work experience after confirmation of a degree from an EAC/ABET- or CEAB-accredited masters program satisfy the experience requirement.

2.3.4.3 Candidates who complete two years of acceptable work experience, has a degree from an EAC/ABET- or CEAB-accredited bachelor or master's program, and has an earned doctoral degree in engineering satisfy the experience requirement.

2.3.4 Candidates who do not have a degree from an EAC/ABET- or CEAB-accredited bachelor or master's program, but who have met the NCEES Education Standard, may not satisfy the experience requirement until at least forty-eight (48) months after completion of their first degree. Associate degrees are not considered when determining a candidate's first degree.

2.3.5 Experience should be gained under the supervision of a licensed professional engineer or, if not, an explanation should be made showing why the experience should be considered acceptable to the Board.

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- 2.3.6 The Board will consider engineering experience performed outside the United States if the Board determines that such experience was gained under a licensed professional engineer from an NCEES jurisdiction, or upon reasonable investigation by an engineer Board member, that such experience was performed under circumstances comparable to engineering standards in the United States. All materials necessary to make such determination must be provided by and at the expense of the applicant.
- 2.3.7 Experience must indicate that, over the course of time, the applicant's work has been of increasing quality and has required greater responsibility.
- 2.3.8 Only work of an engineering nature which follows graduation from a professional engineering program may be used to satisfy the experience requirement.
- 2.3.9 Experience must not be obtained in violation of the E&A Act.
- 2.3.10 Experience gained in the armed services may be used to satisfy the experience requirement if it was of a character equivalent to that which would have been gained in the civilian sector doing similar work. Generally, such experience will be creditable only if the applicant served in an engineering or engineering-related group.
- 2.3.11 Sales experience may be used to satisfy the experience requirement only if the applicant can demonstrate that engineering principles were required and used in gaining the experience.
- 2.3.12 Engineering teaching experience may be used to satisfy the experience requirement, subject to the Board's approval, if the courses were at an advanced level at a post-secondary education institution offering an engineering curriculum of four years or more. "Advanced level" means select courses at the junior (300) level as approved by the Board, and all courses senior (400) level and above.
- 2.3.13 Experience gained in engineering research and design projects by members of an engineering faculty may be used to satisfy the experience requirement if acceptable to the Board.
- 2.3.14 Construction experience may be used to satisfy the experience requirement only if the applicant can demonstrate that the work required the application of engineering principles.
- 2.3.15 Experience may not be anticipated. The experience must have been received at the time of the application for licensure.

2.4 Examination Requirements

- 2.4.1 Candidates for initial licensure must pass the NCEES FE Examination, the NCEES PE Examination, and the Nebraska E&A Act Examination.
 - 2.4.1.1 The Board will follow NCEES policies and schedules for taking and retaking FE and PE Examinations.

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- 2.4.1.2 The Board will determine applicant eligibility for the PE Examination, and forward eligibility information to NCEES.
 - 2.4.1.2.1 Once an applicant has been approved to take the PE Examination, they remain qualified to retake that same examination four times.
- 2.4.1.3 The Board will accept the examination result as determined by NCEES.
- 2.4.1.4 If there is any reported examination irregularity on the part of an applicant, the Board will investigate the allegation and take appropriate action.
- 2.4.1.5 Passage of the FE or PE Examinations will be determined by the NCEES pass/fail standards in place at the time the examination was taken.
- 2.4.1.6 For security reasons, items in the examination will not be available for review by the examinee.
- 2.4.1.7 After a fourth or subsequent failure of any PE Examination or unacceptable result of any Structural PE Examination component, the candidate must present the Board with evidence of having acquired additional relevant formal instruction before being reexamined. If approved by the Board, such candidates will be eligible for an additional PE Examination or Structural PE Examination component attempt. Relevant formal instruction means coursework consisting of at least two semester credit hours at the undergraduate or graduate level in the knowledge areas identified as failed in the NCEES diagnostic report. The coursework must be acceptable at, or transferrable to a post-secondary educational institution that offers EAC/ABET-accredited engineering programs. Online coursework is acceptable. Examination preparatory classes, continuing education offerings, class auditing, and individual study do not satisfy the formal learning requirement.
 - 2.4.1.7.1 Receiving an unacceptable result on either component of the Structural PE Examination will be treated as a retake for purposes of Rule 2.4.1.7.
- 2.4.1.8 An applicant's failure to attend an examination for which he or she has been scheduled will forfeit the application fee, except as otherwise determined by NCEES policies.
 - 2.4.1.8.1 Failure of an applicant to attend an examination for which he or she has been scheduled to attend is not considered a failure of the examination or a retake under Rule 2.4.1.7.
- 2.4.1.9 Proctoring of the FE or PE Examinations will be done in accordance with NCEES rules and policies.
- 2.4.2 All applicants for the PE Examination must have passed the FE Examination.
- 2.4.3 The PE Examination

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2.4.3.1 The PE Examinations are given in disciplines offered by NCEES, except that the Board reserves the right not to examine in certain disciplines offered by NCEES or to examine in specialized disciplines or areas of engineering not offered by NCEES.

~~2.4.3.2 Applicants will be permitted to sit for the PE Examination in a discipline different from that of the applicant's education upon the Board's acceptance of evidence of four years of work experience in the discipline of the requested examination.~~

2.4.3.32 The Structural PE Examination consists of two components: the Vertical Forces (gravity/other) and Incidental Lateral component, and the Lateral Forces (wind/earthquake) component.

2.4.3.32.1 A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a five-year period.

2.4.3.32.2 Receiving acceptable results on only one component is not sufficient for licensure in structural engineering or any other engineering discipline.

2.4.3.32.3 Applicants who have passed both components of the Structural PE Examination, or its equivalent as defined by NCEES, are eligible for licensure as a Professional Structural Engineer.

2.4.4 To be eligible to sit for the PE Examination, an applicant must:

2.4.4.1 Submit an application on or before the filing deadline established by the Board;

2.4.4.1.1 Applicants must submit a separate application for each discipline in which examination is requested.

2.4.4.2 Provide satisfactory evidence of meeting the education requirement as set forth in these rules;

2.4.4.3 Provide verification of passing the FE Examination. Such verification must be received directly from the jurisdiction in which the examination was taken or from NCEES.

2.4.4.4 Applications for the PE Examination may be reviewed by the Board.

2.4.5 The Nebraska E&A Act Examination

2.4.5.1 Before license issuance, an applicant must pass an examination, prepared and administered by the Board, to test an applicant's familiarity with the Nebraska E&A Act, E&A Rules and the ethics of practicing engineering.

- 2.4.5.2 After a second or subsequent failure of the Nebraska E&A Act Examination, the candidate may be required to acquire additional instruction before being reexamined. Such candidates are eligible for reexamination every thirty days.

2.5 Application for Licensure

- 2.5.1 To be eligible for licensure as a professional engineer, an applicant must:
 - 2.5.1.1 Submit a completed application to the Board, accompanied by the filing fee established by the Board;
 - 2.5.1.2 Provide satisfactory evidence of meeting the licensure standards as set forth in the Act and these rules;
 - 2.5.1.3 Submit five references indicating good reputation and ethical character, three of which are from professional engineers. If an applicant cannot provide three references from professional engineers, five references must still be submitted together with an explanation as to why the professional references are unavailable.
- 2.5.2 Applications for professional engineering licensure may be reviewed by the Board.

2.6 Certificates

- 2.6.1 When the Board has determined that an applicant for licensure has satisfied the licensure requirements set forth herein, a certificate of licensure will be issued containing the licensed applicant's full name, license number, and designated discipline of practice.
- 2.6.2 Discipline of practice is the discipline of the PE Examination upon which the license is issued.
 - 2.6.2.1 Those licensed in multiple disciplines will be issued separate certificates for each discipline.
- 2.6.3 Professional Engineers licensed on the basis of architectural engineering education, experience, and examination will be designated Professional Architectural Engineers. Professional Architectural Engineers are considered competent to design engineering systems commonly associated with buildings. They may not practice or offer to practice architecture.
- 2.6.4 Professional Engineers who are licensed on the basis of structural engineering, experience and examination will be designated Professional Structural Engineers and may use the designation S.E. with their name.

2.7 Reimbursement of Educational Debt

- 2.7.1 With respect to Neb. Rev. Stat. §81-3432.01, each eligible individual who passes the FE Examination on their first attempt no later than nine months after graduation may be reimbursed \$50.00 by the Board of Engineers and Architects. Individuals who retake the exam because of a no-show or failure are not eligible for reimbursement. In order to receive reimbursement, proof of graduation must be officially issued by the degree-granting institution and received by the Board within a year of graduation. Payment will be a warrant issued by the State of Nebraska.

CHAPTER 6. THE LICENSEE SEAL

6.1 Use of the Seal

- 6.1.1 Each person licensed as an architect or professional engineer must have a seal that bears the licensee's name, their license number, the words "State of Nebraska," and whether the individual is licensed to practice as a professional engineer, with discipline specified, or an architect.
- 6.1.2 The purpose of the seal is to assist in identification of the design professional responsible for work performed under the requirements of the E&A Act.
- 6.1.3 The seal used by an architect or professional engineer shall be legible, whether an embossing, computer generated, or other type of seal. In the absence of legibility, the seal is invalid.
- 6.1.4 The responsible architect or professional engineer shall identify all work that they have prepared, as well as all work that has been prepared under their direct supervision, by applying their seal to each sheet of original drawings.
- 6.1.5 All specifications, reports, studies, and other documents prepared as architectural or professional engineering services shall be sealed on the title page and/or the first page, as well as the last page, of the document by the individual architect or professional engineer responsible for the work. Two or more architects or professional engineers may affix their signatures and seals to a sheet provided it is designated by a note under the seal the specific subject matter for which each is responsible.
- 6.1.6 No seal shall be valid unless signed across the face of the seal with the architect's or professional engineer's name and the date on which the material was signed.
- 6.1.7 Documents clearly marked as "Draft" prepared for preliminary submission and review do not require the professional's seal, signature, and date, including documents prepared for a client or governmental agency, unless otherwise required by that entity.
- 6.1.8 Architects and professional engineers are responsible for providing adequate security over their seal and signature wherever it appears, regardless of whether the seal and signature is produced electronically or by other means.
- 6.1.9 Record and as-built drawings.
 - 6.1.9.1 Architects and professional engineers are not obligated to seal record or as-built drawings.
 - 6.1.9.2 If an architect or professional engineer elects to seal record or as-built drawings, the seal may be applied only to the work over which the architect or professional engineer had direct supervision or which the architect or professional engineer personally observed during construction.
 - 6.1.9.3 Architects and professional engineers shall not seal drawings that represent changes not actually observed during construction.

- 6.1.9.4 Architects and professional engineers may include notations on record or as-built drawings that indicate the work that they can actually confirm based on information obtained through observation, interview, samples, and other reliable sources, such as the following:

These record drawings are a compilation of a copy of the sealed [engineering/architectural] drawings for this project, as modified by addenda, change orders, and information furnished by the contractor or others on the project. The information shown on the record drawings that was provided by the contractor or others not associated with the design [engineer/architect] cannot be verified for accuracy or completeness. The original sealed drawings are on file at the offices of [...].

- 6.1.9.5 Alternatively, architects and professional engineers may seal and sign a cover letter stating what they have determined to be as-built through their own research and attach the letter to the drawings or plans.

- 6.1.9.6 Documentation of the work that was actually constructed is not the practice of architecture or engineering under the E&A Act.

6.2 Projects Based on Previously Sealed Project Documents

- 6.2.1 Design documents prepared for projects that are designed by architects and professional engineers licensed in jurisdictions other than Nebraska may be used for the construction of the project in Nebraska if reviewed, revised as appropriate, and sealed by an architect or professional engineer licensed in Nebraska under the following circumstances:

- 6.2.1.1 The original architects and/or professional engineers provide written consent for the adaptation of the documents or, if such permission cannot reasonably be obtained, the architect or professional engineer seeking to adapt the documents provides a written explanation of the circumstances that prevent such permission from being obtained;
- 6.2.1.2 The documents include appropriate revisions relating to site and local climate considerations;
- 6.2.1.3 The documents are reviewed for zoning and code compliance, and revised as necessary;
- 6.2.1.4 The architect or professional engineer in Nebraska accepts full responsibility of the revised documents; and
- 6.2.1.5 The seal of a coordinating professional is applied, if required.

6.3 The Coordinating Professional

- 6.3.1 The Coordinating Professional is a licensed professional engineer or architect recognized as such by the project owner.
- 6.3.2 The Coordinating Professional's role is:

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- 6.3.2.1 To coordinate communication between the design professionals related to technical documents on the project;
- 6.3.2.2 To act as project liaison with the governing building official; and
- 6.3.2.3 To verify that all design disciplines involved in a project are working in coordination with one another, and that any changes made to the design are approved by the corresponding discipline, so that life, health, safety, and welfare are not compromised.
- 6.3.3 The Coordinating Professional's seal does not indicate responsible charge or direct supervision of the work.
- 6.3.4 The Coordinating Professional must use the following language in conjunction with their individual seal for identification as the Coordinating Professional: "I, (name of licensee), am the Coordinating Professional on the (name of project) project."

6.4 Direct Supervision of Work

- 6.4.1 In order to exercise full professional knowledge of and control over work, a licensee in direct supervision of architectural or engineering work must:
 - 6.4.1.1 Have and exercise the authority to review and to change, reject, or approve both the work in progress and the final work product, through a continuous process of examination, evaluation, communication, and direction throughout the development of the work;
 - 6.4.1.2 Be personally aware of the project's scope, needs, parameters, limitations, and special requirements;
 - 6.4.1.3 Be capable of answering questions relevant to the architectural or engineering decisions made as part of the services provided, in sufficient detail to demonstrate reasonable knowledge of and proficiency in the work; and
 - 6.4.1.4 Be reasonably satisfied with the product of the services rendered and accept full responsibility for the work.
- 6.4.2 The Board has final authority regarding the determination of whether technical documents were actually prepared under the direct supervision of a licensee.

6.5 Technical Submissions

- 6.5.1 Technical submissions that constitute the practice of architecture or engineering shall include both (1) the name, and (2) either the address or location, of the project on each drawing and the cover page and/or first page of specifications, reports, studies, and other documents;
- 6.5.2 If the work shown on technical submissions is not being performed through an organization as provided in Neb. Rev. Stat. § 81-3436, the licensee's (1) name and (2) contact information shall be included on technical submissions.

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- 6.5.3 If the work shown on technical submissions is being performed through an organization or organizations as provided in Neb. Rev. Stat. § 81-3436, (1) the organization(s) legal name or DBA, (2) contact information, and (3) the organization(s) certificate of authorization number(s) shall be included on technical submissions.
- 6.5.4 If sealed standards such as drawings, details, and specifications prepared by a jurisdiction are used in a project, the name of the jurisdiction which prepared the standards shall be noted on the technical submissions.

CHAPTER 9. CONTINUING EDUCATION

9.1 Introduction

- 9.1.1 Every architect and professional engineer must meet the Continuing Education requirements of these regulations as a condition for license renewal or reinstatement.
- 9.1.2 Certified satisfaction of mandatory continuing education requirements in any jurisdiction recognized by the Board, for the exact renewal period in question in Nebraska, will satisfy the Nebraska requirement.

9.2 Requirements

- 9.2.1 Architects must complete 24 actual hours of architectural-related learning every biennial period to satisfy the continuing education requirement. Until January 1, 2022, at least 16 actual hours must address the safeguarding of life, health, and property.
- 9.2.2 Professional engineers must complete 30 actual hours of engineering-related learning every biennial period to satisfy the continuing education requirement.
- 9.2.3 Unless restricted by Rule 9.3 or its subsections, acceptable continuing education activities include, but are not limited to, the following:
 - 9.2.3.1 Successful completion of college courses from an educational institution that offers EAC/ABET- or NAAB-accredited programs, or courses transferrable to and accepted for credit by an educational institution that offers EAC/ABET- or NAAB-accredited programs;
 - 9.2.3.2 Successful completion of short courses, tutorials, web-based activities, and distance-education courses offered for self-study, independent study, or group study;
 - 9.2.3.3 Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations;
 - 9.2.3.4 Teaching or instructing in 9.2.3.1 through 9.2.3.3 above;
 - 9.2.3.5 Authoring published papers, articles, books;
 - 9.2.3.6 Participating in the development of items for NCEES or NCARB examinations;
 - 9.2.3.7 Active participation in professional or technical societies in which a licensee serves as an officer or actively participates in a committee of the society;
 - 9.2.3.8 Authoring a patent related to architecture or engineering; and
 - 9.2.3.9 Active participation in educational outreach activities pertaining to professional licensure or the architecture/engineering professions that involve K–12 or higher education students.

9.3 Restrictions

- 9.3.1 Web-based offerings other than those provided by (1) International Association for Continuing Educational Training (IACET) approved providers, (2) institutions of higher education that have an accredited program in architecture or engineering, (3) professional engineering or architectural societies, (4) technical societies and associations recognized at a national level, or (5) governmental agencies may constitute no more than one-fourth of the biennial education requirement, that is six hours for architects or seven and one-half hours for professional engineers.
 - 9.3.1.1 Web-based offerings including webinars, video conferences, and online meetings led by an instructor that enables both the instructor and attendees to give, receive, and discuss information *in real time* is not restricted under Rule 9.3.1.
- 9.3.2 At least one hour of the biennial continuing education requirements must be directly related to ethical issues of a licensee's professional practice.
- 9.3.3 An individual who is both an architect and professional engineer may use ethics related hours and any other hours to satisfy the continuing education requirements of both licenses if the subject is both architecture- and engineering-related learning.
- 9.3.4 Effective January 1, 2022, a learning activity that is 1) non-technical in nature, and 2) addresses a topic that is not part of that profession's body of knowledge as developed by the applicable national professional engineering society or is not categorized as a Health Safety and Welfare topic by NCARB, is not an acceptable continuing education activity.
- 9.3.5 Self-guided activities planned and performed under the licensee's own direction and guidance may constitute no more than one-fourth of the biennial education requirement, which is six hours for architects or seven and one-half hours for professional engineers.

9.4 Units and Carry-over

- 9.4.1 The Board has final authority with respect to approval of courses, credit, unit value for courses, and other methods of earning continuing education credit. No pre-approval of offerings will be issued.
- 9.4.2 The conversion of other units of credit to actual hours is as follows:
 - 9.4.2.1 One actual hour is equivalent to at least 50 minutes of instruction.
 - 9.4.2.2 One semester credit hour of formal education is equivalent to 45 actual hours.
 - 9.4.2.3 One quarter credit hour of formal education is equivalent to 30 actual hours.

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- 9.4.2.4 With respect to Rule 9.2.3.4, credit for teaching or presenting an activity may be credited double the number of actual hours. Credit is valid only for the first offering or presentation. Full-time faculty may not claim credit associated with their regular teaching duties.
- 9.4.2.5 Each published peer-reviewed paper or book in the licensee's area of professional practice is equivalent to 10 actual hours.
- 9.4.2.6 Each published paper or article which does not meet the requirements of Rule 9.4.2.5 but is in the licensee's area of professional practice is equivalent to five actual hours.
- 9.4.2.7 Active participation in a professional and technical society is equivalent to two actual hours. Actual hours are not earned until the end of each year of service is completed.
- 9.4.2.8 A patent is equivalent to 10 actual hours.
- 9.4.3 Architects and professional engineers may carry up to one-half of the required continuing education credits from the previous biennial period. Excess credits can be carried over only into the biennial period immediately following the period in which the credit was earned.
- 9.4.4 Ethics hours can be carried over.

9.5 Recordkeeping

- 9.5.1 Every architect and professional engineer is responsible for maintaining records necessary to support credits claimed for continuing education. Records required include, but are not limited to:
 - 9.5.1.1 A log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and unit credits earned;
 - 9.5.1.2 Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance; or
 - 9.5.1.3 Records relating to continuing education that are maintained by NCEES, NCARB, or other organizations may be accepted by the Board as evidence of completion of the continuing education requirements.

9.6 Exemptions and Waiver

- 9.6.1 Architects and professional engineers may be exempt from the continuing education requirements for one of the following reasons:

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- 9.6.1.1 Architects and professional engineers licensed by examination or comity are exempt for their initial renewal period. Architects who complete more than 24 acceptable hours and professional engineers who complete more than 30 acceptable hours in their initial renewal period are eligible to carry over excess continuing education credits, subject to the limitations described in this chapter.
- 9.6.1.2 Contingent upon approval from the Board or Executive Director:
 - 9.6.1.2.1 Architects and professional engineers serving on active duty in the armed forces of the United States or any state for a period of time exceeding 120 days in each calendar year of their renewal period are exempt from obtaining the continuing education hours required during that renewal period.
 - 9.6.1.2.2 Architects and professional engineers serving on active duty in the armed forces of the United States or any state for a period of time exceeding 120 days in only one calendar year of their renewal period require 15 actual hours of engineering-related learning at the time of license renewal if licensed as a professional engineer, or 12 actual hours of architectural-related learning if licensed as an architect.
 - 9.6.1.2.3 Licensees must submit military orders or other supporting documentation to the Board as proof that they qualify for exemption from the continuing education requirements.
- 9.6.1.3 Architects and professional engineers experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the Board may be exempt. Supporting documentation must be furnished to the Board.
- 9.6.1.4 Architects and professional engineers who have elected emeritus status are exempt from the continuing education requirement. In the event such a person elects to have their license to practice reinstated, continuing education hours must be earned for each year of emeritus status before the license will be reinstated, but not to exceed 24 hours for architects or 30 hours for professional engineers. Such credits must be earned in accordance with the restrictions related to continuing education requirements.
- 9.6.2 The Board may, at its discretion, waive the continuing education requirement for any architect or professional engineer.

9.7 Audits

- 9.7.1 The Board may audit any licensee for compliance with continuing education requirements. In addition, the Board will establish a number of ~~architects-and professional-engineers~~ licensees, to be selected at random but not to exceed five percent of the total number of licensees, to submit documentation verifying compliance with the continuing education requirement of the ~~previous-current~~ renewal period.
- 9.7.2 Board staff is authorized to review, verify, and approve continuing education audit submittals. Submittals that raise significant questions of acceptability will be forwarded to the Board for final determination.
- 9.7.3 If the Board disallows any of the continuing education hours claimed, the applicant must, within ~~120-60~~ days after notification of disallowance, substantiate the original claim or to earn other credit to satisfy the continuing education requirement. Extension of time may be granted by the Board on an individual basis but must be requested by the licensee within 30 days after notification of disallowance, and may not exceed an additional 60 days.

CHAPTER 10. EXEMPTIONS; CLARIFICATION

10.1 Introduction

Any citation to the state building code means the most recent edition of the state building code as adopted in Neb. Rev. Stat. § 71-6403.

10.2 Definitions; Neb. Rev. Stat. §§ 81-3449 & 81-3453

The following definitions may be used as an adjunct to that reference:

10.2.1 Above-grade Finished Space: For single-family through 4-dwelling units; this includes all enclosed, potentially-habitable area on any level, up to a maximum of three levels.

10.2.2 Detached sheds or storage buildings and attached or detached garages, up to a maximum of three stalls, are exempted from the area calculations for Residential occupancies.

10.2.3 Occupancy Classification relates to the type of occupancy as defined in the state building code.

10.2.4 Building area shall be as defined in the state building code.

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

10.3 Statutory Exemptions to the Engineers and Architects Regulation Act

Notwithstanding other provisions of the E&A Act, persons who are not licensed architects or professional engineers may perform planning and design services in connection with any building, structure, or work as indicated below:

	OCCUPANCY CLASSIFICATION	MAXIMUM BUILDING AREA
10.3.1	A - Assembly	Less than 1,000 square feet
10.3.2	B - Business	Less than 3,000 square feet
10.3.3	E - Educational	Less than 1,000 square feet
10.3.4	F - Factory	Less than 5,000 square feet
10.3.5	H - Hazardous	
	H-1, H-2, H-3, H-4	Less than 2,000 square feet
	H-5	Less than 4,000 square feet
10.3.6	I - Institutional	
	I-1 Personal care	Less than 3,000 square feet
	I-2 Healthcare	Less than 5,000 square feet
	I-3 Detention	Less than 3,000 square feet
	I-4 Day care	Less than 2,000 square feet

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- 10.3.7 M - Mercantile Less than 3,000 square feet
- 10.3.8 R - Residential
 - R-1, R-2, R-4..... Less than 4,000 square feet
 - R-3 single family through four-plex Less than 10,000 square feet
- 10.3.9 S - Storage Less than 5,000 square feet
- 10.3.10 U - Utility Less than 5,000 square feet
- 10.3.11 Any structure which contains two or more occupancies is governed by the most restrictive occupancy for the purpose of utilizing Rule 10.3.

10.4 Renovations and One-Level Additions

- 10.4.1 Renovations and one-level additions to an existing building, structure, or work are exempt from the E&A Act if:
 - 10.4.1.1 The total adversely impacted area is less than the area set by Section 10.3 of this Chapter; and
 - 10.4.1.2 The area of renovation or addition does not adversely impact the mechanical system; the electrical system; the structural integrity; the means of egress; and does not change or come into conflict with the occupancy classification of the existing or adjacent tenant space, building, structure or work. If the renovation or addition adversely impacts other areas, the additional areas that are adversely impacted shall be included in the occupancy and building area calculations set by Section 10.3 of this Chapter.

10.5 The Practice of Engineering and Architecture

- 10.5.1 The development and utilization of construction means and methods such as schedules, work plans, work orders and directions, procedures, construction calculations, selection, provision and use of temporary facilities in support of construction activities, reports, selection and use of safety procedures and facilities, instructions and similar items customarily used by contractors to implement construction work designed by licensed persons does not constitute the practice of engineering or architecture.
- 10.5.2 The preparation by employees of construction companies of ancillary drawings and data, such as field details, shop drawings, product data, conceptual drawings, calculations, diagrammatic instructions and similar documents and information, which are typically utilized to implement the construction of a facility designed by a licensed person does not constitute the practice of engineering or architecture.
- 10.5.3 The performance of field layout and installation work by employees of construction companies on projects designed by a licensed person or persons, including construction work such as field staking and measurement; installation of material or equipment at designed locations or locations selected in the field; field fitup and modification work; and layout of construction installation and support work does not constitute the practice of engineering or architecture.

10.5.4 The estimate of the cost of construction work (including the extent of the cost of changes in the work) by construction companies including such things as preparing and reviewing preliminary concepts of the project, identifying the scope of the construction work, preparing preliminary schedules and sequences for the construction work, and evaluating the estimates of subcontractors and suppliers, does not constitute the practice of engineering or architecture.

10.5.5 The performance of work customarily involved in project management of construction work on projects designed by licensed persons does not constitute the practice of engineering or architecture. Examples would be:

10.5.5.1 The evaluation of the project and its budget;

10.5.5.2 Services relating to financing the project;

10.5.5.3 Recommendations on construction feasibility, timing of design and construction, and factors relating to construction costs such as alternative designs prepared by a licensed professional;

10.5.5.4 Procurement of labor and materials;

10.5.5.5 Coordination and evaluation of subcontractor performance;

10.5.5.6 Preparation of schedules;

10.5.5.7 Estimating the project costs;

10.5.5.8 Performing construction work; and

10.5.5.9 Reporting on the progress and costs of the work.

10.5.6 Preliminary and Final Plats

Preparation of a preliminary plat is not restricted, but the final plat must be prepared and certified by a registered Land Surveyor. If, however, the final plat contains streets (other than rights-of-way), sewers, water lines, or other engineering works, it needs to be prepared and certified by both a registered Land Surveyor and a professional engineer. Mathematical details of the final plat are the responsibility of the registered Land Surveyor. Physical details, such as grading, public works, or construction are the responsibility of the professional engineer and may not be certified by the registered Land Surveyor.

10.5.7 Livestock Waste Permits; Neb. Rev. Stat. §§ 81-3449(13) & 81-3453(12)

Under the E&A Act, the seal of an architect or professional engineer will be required for work related to livestock waste facilities only when the work falls within the definition of practice of architecture (Neb. Rev. Stat. § 81-3420) or practice of engineering (Neb. Rev. Stat. § 81-3421).

10.5.8 Water Based Fire Protection Systems; Neb. Rev. Stat. §§ 81-3449 (11) & 81-3453 (7)

Nothing in the E&A Act prevents a certified water-based fire protection system contractor with a responsible managing employee from engaging in the business of installation, repair, alteration, addition, maintenance, or inspection of water-based fire protection systems, or system layout recognized by the State Fire Marshal, in accordance with Neb. Rev. Stat. §§ 81-5,158 to 81-5,164.

10.5.9 Participation in a Conceptual Design Competition

Participation in a conceptual design competition in Nebraska is not considered the practice of architecture or engineering.

10.5.10 Spill Prevention Containment and Countermeasures

Preparation of Spill Prevention Containment and Countermeasure (SPCC) plans for a project located in Nebraska that requires the seal of a professional engineer, constitutes the practice of engineering and must be prepared by a professional engineer licensed by the Board.

10.5.11 Forensic Engineering

Forensic testing requiring the services of an architect or professional engineer, for purposes of the Act, is considered the practice of architecture and/or engineering, regardless of where the test material originated, if the facility performing the testing services is located in Nebraska.

10.5.12 Expert Witness

An architect or professional engineer who serves as a testifying or non-testifying expert in a lawsuit or arbitration in the state of Nebraska regarding issues within the scope of their professional knowledge is not practicing architecture or engineering in Nebraska for purposes of the Act, and such service does not constitute the unauthorized practice of engineering or architecture if the expert is not licensed in this State.

10.6 Building Officials

Notwithstanding these exemptions, the responsible building official may require plans and specifications to be designed and prepared by an architect and/or professional engineer if the official finds a hazard to life, health, safety, or welfare due to the unusual circumstances of the building or structure or an unusually large number of potential occupants in relation to square footage for a particular occupancy.

10.7 Emergency Services

A person who is not currently licensed in this state, but who is currently licensed in another jurisdiction in the United States, may provide uncompensated (other than reimbursement of expenses) professional services at the scene of a declared emergency at the request of a public officer acting in an official capacity.