

## CALL TO ORDER

The February 16, 2023, meeting of the Nebraska Board of Engineers was held virtually via Webex, as Chair Thiele declared a weather emergency. Chair Thiele called the meeting to order at 8:32 a.m. Notice of the hearing was published in the Lincoln Journal Star in compliance with the Open Meetings Act. Instructions for accessing the virtual meeting were posted at the Board's office, main building doors, fifth-floor conference room, and on Facebook.

**Roll Call:** Dan Thiele, Chair; Brian Kelly, Vice-Chair; Bruce Dvorak; Brett Foley; Lenora Isom; Absent: Jason Suelter, Secretary; Jan Bostelman; Alan Wedige

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

## APPOINTMENT OF TEMPORARY BOARD SECRETARY

Foley was appointed secretary for the meeting in Suelter's absence.

## PUBLIC COMMENT

Melissa Ficke, Catalyst Public Affairs was present.

No public comments were made.

Wedige joined the meeting at 8:35 a.m.

## HEARINGS

[Nebraska Board of Engineers and Architects v. Levi Kenny, Case 20.14](#)

The hearing was continued to the Board's March 16 regular meeting.

[Nebraska Board of Engineers and Architects v. Hancock Lumber LLC, Dion Hancock, Case 21.33](#)

The hearing was continued to the Board's March 16 regular meeting.

## A. CONSENT AGENDA

[January 20, 2023, meeting minutes](#)

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

## B. MEETING REPORTS

### NBEA Subcommittee Reports

A copy of the 2022-23 committee appointments and charges was provided.

A copy of introduced legislative bills of interest to the Board was provided.

### [Interior Design Committee](#)

A copy of LB471's fiscal note prepared by ED Wilbeck was reviewed. ED Wilbeck estimated total costs to the agency would be \$140,614 in FY 2023-24 and \$55,500 in FY 2024-25 which include adding an Administrative Programs Officer I position, annual membership to the Council of Interior Design Qualifications (CIDQ), travel, rules promulgation, form development, and expenses related to the change in the Board's name.

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Catalyst Public Affairs provided a summary of the bill's hearing on February 9, 2023, in front of the Government, Military, and Veterans Affairs Committee. The summary included a list of testifiers, whom they represented, and key points of their testimonies.

Melissa Ficke, Catalyst Public Affairs recommended meetings be scheduled with the Government, Military, and Veterans Committee members to reiterate the Board's concerns with the bill as introduced. It was her opinion several members of the committee may be interested in pursuing a separate title-only act and having them govern themselves.

Several members felt that even if the interior designers pursue a separate act, they should still be under the prevue of the Board. If a title act is passed, the members believed a seat was not needed on the Board.

There is an educational element that will need to be undertaken with engineers based on the opposition testimony provided at the hearing.

**Other Meeting Reports – None**

## **C. OLD BUSINESS**

ED Wilbeck updated the members on the database replacement project. Weekly discovery meetings continue to be held with the official kick-off meeting scheduled for February 22, 2023.

## **D. NEW BUSINESS**

### **Proposed Board Policy - PE Exam References**

During a review of the process for PE exam applications, staff realized references are not being requested, as required by Neb. Rev. Stat. § 81-3451(2)(a)(iv). The requirement is not addressed in the rules. Staff is recommending that three-character references be requested and listed on the application. No reference forms will be required. The policy will be promulgated during the next rules revision.

The policy was amended to read:

*Applicants for the PE Examination must submit three references indicating good reputation and ethical character. None of the references must be professional engineers. Applicants will provide contact information for the reference, including the reference's name, phone number, and email address.*

*Motion by Dvorak, second by Wedige to adopt the PE Exam References policy as amended. Voting Yes: Foley, Isom, Kelly, Wedige, Dvorak, Thiele. Voting No: None. Absent: Bostelman, Suelter.*

### **NCARB FY23 Draft Resolutions**

A copy of the draft resolutions proposed by the NCARB Board of Directors was provided along with the Board of Directors and legal counsel's comments. Four are coming from the Board of Directors and one from the Mississippi Board of Architecture. Questions and additional discussion will take place at the NCARB Regional Summit in March. The Board of Directors will decide at its April meeting which resolutions it will forward to the membership for a vote at the June Annual Business Meeting. Any resolution brought forward by a member board automatically forward to the members for a vote.

- **Resolution 2023-A:** Proposed by the Mississippi Board to bring NCARB Model Law into closer alignment with Mississippi law. It would update NCARB's definition of responsible control to address concerns of the Mississippi Board regarding the clarity and specificity of responsible control language as amended by the NCARB membership at the June 2022 Annual Business Meeting.



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- **Resolution 2023-B:** The proposed language is part of a multi-year effort to propose review and sunset of resolutions passed by the membership that no longer align with how NCARB operates today. The resolutions included focus specifically on education policies passed between 1960-1999.
- **Resolution 2023-C:** Sunset of resolutions passed by the membership between 1960-1979 related to financial, records/process, experience, certification, and continuing education policies that no longer align with how NCARB operates today.
- **Resolution 2023-D:** Updates the *NCARB Model Rules of Conduct* to reflect modern practice and expectations regarding ethical conduct. The resolution proposes language be added to the *Model Rules of Conduct* to address the acceptance of payments or gifts that may impact judgment, fraudulent or illegal conduct, and obligations regarding reasonable disclosure of environmental impacts of a project.
- **Resolution 2023-E:** Updates NCARB *Bylaws* to adopt a new governance structure for the Council to be reflective of modern governance past practices and incorporate diversity, equity, and inclusion in the Council's access to leadership roles and leadership structure.

#### NCARB January Board of Directors Brief

A copy of the NCARB January *Board of Directors Brief* was provided.

#### NCARB Update, December 2022

A copy of the December 2022 NCARB *Update* was provided.

#### NCARB Region 5 Call for Nominations

A copy of the NCARB Region 5 call for nominations was provided. The positions for which nominations are being sought are regional director, regional chair, regional vice-chair, and regional secretary/treasurer. All current officers have stated their intent to seek re-election.

Isom indicated she is also running for the NCARB Board of Directors secretary position. Kelly informed the Board he is running for NCARB Region 5 secretary/treasurer.

#### Nebraska Department of Transportation (NDOT) Questions Regarding Digital Plan Sets

ED Wilbeck and CO Habe met with Nathan Sorben with the NDOT on February 9, 2023, to discuss their desire to move to a digital delivery system to deliver project plans to construction. NDOT's concern related to whether the proposed system complied with the Engineers & Architects Act and Regulations. The members concurred the information presented did comply and requested ED Wilbeck to continue to communicate with NDOT throughout the implementation process.

#### FY2023-24 Contracts

##### Legal Services – Sean Minahan

The contract between the Board and Sean Minahan, Attorney at Law, Lamson Dugan & Murray LLP, beginning July 1, 2023, and ending June 30, 2024, provides for legal representation of the Board as Special Assistant Attorney General at a varying rate of \$225 for attorney fees; \$190 for associate attorney fees; and \$125 for paralegals working under Mr. Minahan's supervision. Only one-half of the necessary travel time required to conduct the work of the Board will be billed. The contract hourly rates reflect a \$15 per hour increase for all positions from the current contract.

##### Legislative Liaison – Catalyst Public Affairs

The contract between the Board and Tim Gay, Catalyst Public Affairs, beginning July 1, 2023, and ending June 30, 2024, provides for legislative liaison services with the Nebraska Unicameral Legislature on behalf of the Board. The contract amount is \$18,000 to be paid on a quarterly basis. Any and all expenditures in connection with

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Board legislative activities are to have approval from the Board or Board Chair prior to services being rendered. Additional direct costs will be billed to the Board at Catalyst's cost.

#### Administrative Services Contract – Board of Geologists

The contract between the Board and the Board of Geologists (NEBOG) provides administrative services to NEBOG. Staff time spent on NEBOG averaged over the last three calendar years. The resulting percentage is applied to the appropriated expenses for the contract period and the cost of travel to the National Association of Boards of Geology (ASBOG) annual meetings. The cost for the FY 2023-24 contract is \$18,109 to be billed on a quarterly basis. Additional services provided outside the provided services list will be charged at a weighted hourly rate of \$21.031 and must have signed approval.

#### Administrative Services Contract – Board of Landscape Architects

The contract between the Board and the Board of Landscape Architects (NSBLA) provides administrative services to NSBLA. Staff time spent on NSBLA averaged over the last three calendar years. The resulting percentage is applied to the appropriated expenses for the contract period and the cost of travel to the Council of Landscape Architecture Registration Boards (CLARB) annual meeting. The cost for the FY 2023-24 contract is \$15,957 to be billed on a quarterly basis. Additional services provided outside the provided services list will be charged at a weighted hourly rate of \$21.213 and must have signed approval.

*Motion by Dvorak, second by Kelly to approve the FY2023-24 service contracts as presented. Voting Yes: Foley, Isom, Kelly, Wedige, Dvorak, Thiele. Voting No: None. Absent: Bostelman, Suelter.*

#### Marketing Plan Update

PIO Frerking gave an update on the 2022-23 Marketing Plan. Highlights included:

- PIO Frerking is making final edits and publishing the *What is an Engineer Intern?* Video on the Board's YouTube channel.
- PIO Frerking will begin production on the *Who is the Board of Engineers and Architects?* video.
- Work has begun in submitting requests and materials for upcoming presentation opportunities
- Staff is working on developing and scheduling a webinar in March to cover Rules Chapters 5 and 6.
- PIO Frerking has begun updating signage, backdrops, and merchandise for usage at conferences and Board events.
- Work has begun on the spring newsletter. Slated articles include a more detailed explanation of the new organizational requirements on technical documents and the CE audit process.
- ED Wilbeck presented to both the Lincoln and Omaha engineering students via Zoom on February 15, 2023. The presentation included information on licensure and the exams, specifically the FE exam.
- PIO Frerking continues to find ways to grow the Board's social media engagement and continues to communicate with organizations identified in the Marketing Plan.
- PIO Frerking and CO Habe will be presenting at the Nebraska Rural Community Schools Association (NRCSA) in Kearney on February 23<sup>rd</sup> and 24<sup>th</sup>, 2023.
- ED Wilbeck will be presenting to the UNL CIVE385 class on February 28, 2023.

#### 2022 Compliance Case Maps

The maps included the number of cases involving buildings in each county and the total of cases since 2017.



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### Board member travel and per diem requests

The following travel and per diem requests were approved:

- All engineers – March 8, 2023 – NCEES State of Council (Virtual)
- Lenora Isom – February 21, 2023 - NCARB Board of Directors Meeting (Virtual)

Isom stated the February 3, 2023, NCARB Lineup Directors Meeting did not take place.

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

### E. COMPLIANCE

*Motion by Isom, second by Wedige to go into executive session for the purpose of discussion of compliance investigations and partner-agency processes, not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Foley, Isom, Kelly, Wedige, Dvorak, Thiele. Voting No: None. Absent: Bostelman, Suelter.*

Chair Thiele restated the purpose of going into executive session.

Executive session began at 10:11 a.m.

#### Active Cases: Summary & Documentation

Cases 20.14, 21.24, 21.29, 21.33, 21.35, 21.40, 22.05, 22.06, 22.09, 22.10, 22.16, 22.21, 22.24, 22.25, 22.26, 22.27, 23.01, 23.02, 23.03, 23.04, 23.05, 23.06, and 23.07 were discussed in executive session.

#### Other Compliance Issues

Project Review 02-01, 02-02, 2022 CE audit data, and partner-agency processes were discussed in executive session.

*Motion by Dvorak, second by Foley 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 needless injury to the reputation of those involved. Voting Yes: Foley, Kelly, Isom, Wedige, Thiele. Voting No: None. Absent: Bostelman, Dvorak, Isom.*

Executive session ended at 11:48 a.m.

*Motion by Foley, second by Isom to dismiss Case 21.29 without disciplinary action based on the successful completion of architectural remediation. Voting Yes: Foley, Isom, Kelly, Wedige, Dvorak, Thiele. Voting No: None. Absent: Bostelman, Suelter.*

*Motion by Foley, second by Wedige to dismiss Case 21.35 without disciplinary action based on the successful completion of architectural and engineering remediation. Voting Yes: Foley, Isom, Kelly, Wedige, Dvorak, Thiele. Voting No: None. Absent: Bostelman, Suelter.*

*Motion Foley, second by Isom to schedule a hearing in Case 21.40 for the earliest practical date. Voting Yes: Foley, Isom, Kelly, Wedige, Dvorak, Thiele. Voting No: None. Absent: Bostelman, Suelter.*

*Motion by Foley, second by Wedige to approve the settlement agreement in Case 22.24, authorize the Chair to execute said agreement, and dismiss the case. Voting Yes: Foley, Isom, Kelly, Wedige, Dvorak, Thiele. Voting No: None. Absent: Bostelman, Suelter.*

*Motion by Foley, second by Isom to approve the settlement agreement in Case 22.26, authorize the Chair to execute said agreement, and dismiss the case. Voting Yes: Foley, Isom, Kelly, Wedige, Dvorak, Thiele. Voting No: None. Absent: Bostelman, Suelter.*

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*Motion by Foley, second by Wedige to dismiss Case 23.03 based on the successful completion of the engineering remediation, and request notification of substantial completion of the project from the architect. Voting Yes: Foley, Isom, Kelly, Wedige, Dvorak, Thiele. Voting No: None. Absent: Bostelman, Suelter.*

*Motion by Foley, second by Isom to dismiss Case 23.04 without disciplinary action after issuing a letter of caution to the respondent. Voting Yes: Foley, Isom, Kelly, Wedige, Dvorak, Thiele. Voting No: None. Absent: Bostelman, Suelter.*

*Motion by Foley, second by Wedige to dismiss Case 23.05 without disciplinary action after issuing a letter of caution to the respondent. Voting Yes: Foley, Isom, Kelly, Wedige, Dvorak, Thiele. Voting No: None. Absent: Bostelman, Suelter.*

*Motion by Foley, second by Kelly to dismiss Case 23.06 without disciplinary action after issuing a letter of caution to the respondent. Voting Yes: Foley, Isom, Kelly, Wedige, Dvorak, Thiele. Voting No: None. Absent: Bostelman, Suelter.*

Dvorak left the meeting at 11:55 a.m.

## **F. APPLICATIONS**

### **Administratively Approved**

#### **Licensure of Professional Engineers by NCEES MLE Designation**

**Approved:** E-19781 Robert Allen Albritton, Electrical and Computer; E-19793, Jason Michael Andejas, Mechanical; E-19755 Alec James Ashton, Fire Protection; E-19771 Mark Robert Balon, Civil; E-19787 Michael James Banasiak, Civil; E-19783 Edmond Lawrence Baum, Civil; E-19749 Dillon Dakota Carroll, Civil; E-19750 Philip Alan Creamer, Civil; E-19770 Charles Michael Culbertson Jr, Electrical; E-19773 Steven James Davidson, Civil; E-19737 Benjamin Paul Denker, Mechanical; E-19777 Jose Javier Diaz-Velazquez, Mechanical; E-19765 Gerard Paul Doyle, Civil; E-1972 Julio Thierry Epassa, Electrical and Computer; E-17721 Joshua Adam Everett, Electrical and Computer; E-19766 James Vance Flint, Civil; E-19789 John Richard Godak Jr, Mechanical; E-19780 Jeremy John Gray, Civil; E-19788 Ilana Genesha Green Cember, Mechanical; E-19774 Katlyn Mariah Gresty, Civil; E-19779 Zachary Otto Herrmann, Civil; E-19784 Gabriel Charles Iltis, Civil; E-19795 Travis Abram Lee, Mechanical; E-19772 Daniel Edward Mazzel, Civil; E-19748 David Lynn McPherson, Civil; E-19782 Mark T Owens, Electrical; E-19791 Robert Joseph Rivera, Civil; E-19785 Ghazwan Mounir Sadat, Civil; E-19752 Jason Alan Schwartzenberger, Civil; E-19768 Thomas Martin Segelhorst, Mechanical; E-19796 Aaron Roger Storm, Civil; E-19788 Michael Allen Stubbs, Structural; E-19776 Charles Gregg Thielman, Civil; E-19751 Justin Christopher Tune, Civil; E-19769 Tyler Ray Turner, Civil; E-19794 Milton Steve Vasquez, Civil; E-19747 Joshua Roger Venden, Electrical and Computer; E-19790 Zachary Allen Wiegner, Electrical and Computer; E-19786 Bryan Madison Zach, Fire Protection

#### **Licensure of Architects by NCARB Certification**

**Approved:** A-5485 Carmine Carapella, A-15484 Anthony Joseph Fenton, A-5488 Jeffrey Dean Jennings, A-5490 Ian Shane Murray, A-5487 Annette DeSeve Rivera, A-5492 Laura Stephanie Serebin, A-5494 Whitney Grant Swanson, A-5493 Jon Gregory Tankersley, A-5491 Niels Erik Valentiner, A-5489 Juan Carlos Velasquez

#### **Temporary Permits**

**Approved:** T-651 Jayson Eayre Haines, Engineering

#### **Engineer Intern Enrollments**

**Approved:** Jessica Nkaujli Cross, Calvin Brady Hehnke, Bennett Malcolm Jackson, Taylor Dean Martin, Adam Patrick Nebelsick, Ashley Lihn Nguyen, Bryan Alexander Ramirez Hernandez, Phi hung Van



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### Certificates of Authorization

**Approved:** CA4963 Sebesta Inc, CA4964 Niik Group Inc, CA4965 Angus-Young Associates, CA4966 Alfa Tech Consulting Engineers Inc, CA4967 Colorado Civil Group Inc, CA4968 JSD Engineering LLC, CA4969 Castillo Engineering Services LLC, CA4970 Brown Reynolds Watford Architects, CA4971 AMMTEC Consultants PLLC, CA4972 Orlo Forensics LLC, CA4973 Cross Canyon Engineering LLC, CA4974 Berggren Architects PC, CA4975 The DOH Associates PS, CA4976 Integrated Mechanical LLC, CA4977 Corporate Architecture & Design, CA4978 Nicholson Construction Company, CA4979 Pennoni Associates Inc, CA4980 ENTRUST Solutions Group LLC, CA4981 Valentiner Crane Brunjes Onyon LLC, CA4982 Rio Environmental LLC, CA4983 United Rentals Inc

### PE Exam Approvals

**Approved:** Reid Chandler Behrens, Structural; Daniel Sterling Blake, Civil; Nicholas Albert Boehler, Civil; Jonathan Brito Mendoza, Architectural; Brandon Lee Conley, Mechanical; Cody Alexander Largent, Electrical and Computer; Tyler Jacob McLaughlin, Mechanical; Nathan Charles Mead, Civil; Adam James Miller, Civil; Thomas Blaise Redinger, Civil; Martin Jacob Rink, Civil; Deianeira Rodriguez-Reverol, Civil; Chrystal Danielle Sauls, Electrical and Computer; Brogen Lee Shea, Civil; Connor William Shields, Civil; Tyler Joseph Sondag, Civil; Trevor David Stienkruger, Mechanical; Kathleen Marie Walker, Architectural; John Cale White, Civil; Saleasha Jaray Elizabeth Zenon, Civil

### Licensure/Examination

#### Licensure of Professional Engineers by Initial

**Approved:** Lucy Owusua Ampaw-Asiedu, Civil; Joseph Michael Baratta, Civil; Paige Taylor Chmela, Civil; Greta Faith Ehrhorn, Civil; Morgan Lee McCullough, Civil; Elliott Gregory Nohr, Civil

#### Licensure of Professional Engineers by Experience – None

#### Licensure of Architects by Initial

**Approved:** Hannah Jo Schafers

#### Licensure of Architects by Experience

**Approved:** Scott Andrew Boduch

#### Licensure of Professional Engineers by Reinstatement

**Approved:** E-6675 John Ira Remus II, Civil

**Denied:** E-11546 Jim John Kapuranis, Civil – Based on not meeting the continuing education requirement

#### Licensure of Architects by Reinstatement – None

#### Special Cases – None

### Completed Application Statistics

Charts and statistics regarding the number of applications, certificates of authorization, and other application types were provided.

*Motion by Isom, second by Foley to accept the staff recommendations on applications except for Jim John Kapuranis. Voting Yes: Foley, Isom, Kelly, Wedige, Thiele. Voting No: None. Absent: Bostelman, Dvorak, Suelter.*

*Motion by Isom, second by Wedige that Jim John Kapuranis is not eligible for reinstatement based on not meeting the engineering-related continuing education in accordance with Title 110 NAC Rule 1.11.3.1.3 and to accept seven hours of CPE Solutions activities. Voting Yes: Foley, Isom, Kelly, Wedige, Thiele. Voting No: None. Absent: Bostelman, Dvorak, Suelter.*

## **G. FINANCIAL MATTERS**

### **Financial Reports – January**

[FY22-23 Financial Profile](#)

[Budget Status Report](#)

[Fund Summary Reports](#)

[MTD General Ledger Detail Reports](#)

### **Other Financial Matters**

[2023-25 Biennium Budget](#)

A copy of the 2023-25 Biennium Budget legislative bill (LB814) and the summary of the Governor's recommendation was provided. The Governor is recommending all the increases the Board requested except for the PSL increase related to per diem in both fiscal years.

The Committee's recommendation was received on February 13, 2023. It is recommending an overall appropriation increase of approximately \$16,000 for FY2023-24 and \$900 for FY2024-25. The hearing on the agency's budget was held on February 14, 2023, in front of the Appropriations Committee.

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

## **H. GENERAL INFORMATION**

A schedule of upcoming meetings and events was provided. The next regular board meeting is scheduled for March 16, 2023, at 8:30 a.m., in the fifth-floor conference room, 215 Centennial Mall South, Lincoln, Nebraska.

### **Licensure and Certificate Trends**

*Numbers as of February 7, 2023*

Professional Engineers .....	8,675
Architects .....	1,852
Certificates of Authorization .....	2,364
Temporary Permits .....	20

### **Examination Information/Statistics**

[ARE Open Eligibilities](#)

The January 2023 ARE Open Eligibility Report was provided.

### **Other Information**

[FY22-23 Marketing Plan](#)

The FY2022-23 Marketing Plan was provided.

[Social Media Analytics](#)

Facebook Analytics for January shows 279 people were reached with 59 page visits and 2 new likes. There are currently 559 followers.



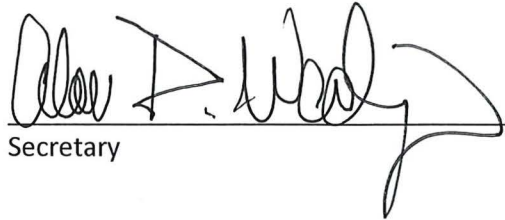
### Website Dashboard Report

The Website Dashboard reports the Board's website had a total of 2,850 visits in January. Facebook had the most social media sessions with 77.

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

### ADJOURNMENT

Chair Thiele adjourned the meeting at 12:15 p.m.

  
Secretary