

CALL TO ORDER

The March 16, 2023, meeting of the Nebraska Board of Engineers and Architects was held in the fifth-floor conference room, 215 Centennial Mall South, Lincoln, Nebraska. Chair Thiele called the meeting to order at 8:31 a.m. and noted the location of the Public Meeting Statutes. 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; Jason Suelter, Secretary; Bruce Dvorak; Lenora Isom; Alan Wedige; Absent: Jan Bostelman, Brett Foley

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

ELECTION OF OFFICERS

Motion by Isom, second by Suelter to elect Kelly as Chair, Suelter as Vice-Chair, and Wedige as Secretary. Voting Yes: Isom, Suelter, Wedige, Dvorak, Kelly, Thiele; Voting No: None; Absent: Bostelman, Foley

The new officer terms became effective immediately.

PUBLIC COMMENT

Robert Torson – Appeared to apologize to the Board in not responding in a timely matter regarding the completion of his continuing education audit for 2021-2022. He has learned from the experience and understands the position of the Board in the matter. Chair Kelly thanked him for coming in and for his comments.

Jared Hartley – Appeared to provide comments related to a complaint he filed regarding continuous issues with room schedules and specifications not being correct on projects. He has repeatedly questioned the incorrect schedules and does not receive any feedback. In one project, the architect refused to correct it as there were no funds available for the additional work and cost required to correct it.

A. CONSENT AGENDA

February 16, 2023, meeting minutes

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

HEARINGS

Nebraska Board of Engineers and Architects v. Hancock Lumber LLC, Dion Hancock, Case 21.33

As presiding officer, Chair Kelly opened the hearing at 9:04 a.m. in the matter of the Nebraska Board of Engineers and Architects v. Hancock Lumber LLC, Dion Hancock, Case 21.33. Respondent Hancock Lumber LLC and Dion Hancock did not attend the hearing and were not represented by counsel. Special Assistant Attorney General Sean Minahan represented the Board and questioned Compliance Officer Habe in direct examination. Exhibits were presented to the Board as evidence. Sarha Buzi from Great Plains Reporting recorded the proceedings. A closing statement was made by Special Assistant Attorney General Minahan. The hearing concluded at 9:50 a.m.

Nebraska Board of Engineers and Architects v. Levi Kenny, Case 20.14

As presiding officer, Chair Kelly opened the hearing at 10:00 a.m. in the matter of the Nebraska Board of Engineers and Architects v. Levi Kenny, Case 20.14. Respondent Levi Kenny attended the hearing and was not represented by counsel. Special Assistant Attorney General Sean Minahan represented the Board and questioned Compliance Officer Habe in direct examination. Exhibits were presented to the Board as evidence.

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Sarha Buzi from Great Plains Reporting recorded the proceedings. A closing statement was made by Special Assistant Attorney General Minahan. The hearing concluded at 10:32 a.m.

B. MEETING REPORTS

NBEA Subcommittee Reports

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

Interior Design Committee

ED Wilbeck provided a copy of the committee's recommended amendment language to change LB471 to a title act along with related email correspondence. Amendment language was sent to the American Council of Engineering Companies (ACEC) and American Institute of Architects-Nebraska (AIA-NE) and they have responded that the organizations have no issues with the language.

Other Meeting Reports

NCARB Regional Summit Recap

ED Wilbeck provided a recap of the NCARB Regional Summit held in Honolulu HI, March 2-3, 2023. Chair Kelly was elected as secretary or vice-chair of Region 5 and Isom was elected to a second term as Region 5 Director dependent on the results of the national elections. Isom is running in a contested national election for secretary.

E. COMPLIANCE

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

Executive Session began at 10:39 a.m.

Cases 20.14, 21.24, 21.33, 21.40, 22.05, 22.06, 22.09, 22.10, 22.16, 22.21, 22.25, 22.27, 23.01, 23.02, 23.07, 23.08, 23.09, and 23.10 were discussed in executive session.

Other Compliance Issues

Project Review 03-01 and partner-agency processes were discussed in executive session.

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

Executive Session ended at 11:57 a.m.

Motion by Wedige, second by Thiele to find the respondent in violation of the Engineers & Architects Regulation Act for the unlicensed practice of architecture and engineering and offer a settlement agreement in Case 20.14 to include costs and a \$2,500 penalty, stay penalty if the project has been found to comply with the Engineers & Architects Regulation Act within 60 days. Voting Yes: Isom, Suelter, Thiele, Wedige, Dvorak, Kelly; Voting No: None; Absent: Bostelman, Foley

Motion by Wedige, second by Thiele to find the respondent in violation of the Engineers & Architects Regulation Act for the unlicensed practice of architecture and offer a settlement agreement in Case 21.33 to include costs and a \$5,000 penalty, stay penalty if the project has been found to comply with the E&A Regulation Act within 60 days. Voting Yes: Isom, Suelter, Thiele, Wedige, Dvorak, Kelly; Voting No: None; Absent: Bostelman, Foley

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Motion by Wedige, second by Isom to dismiss Case 22.06 without disciplinary action based on the engagement of licensees on the project with the right to reopen if new information is received. Voting Yes: Isom, Suelter, Thiele, Wedige, Dvorak, Kelly; Voting No: None; Absent: Bostelman, Foley

Motion by Wedige, second by Thiele to approve the settlement agreement in Case 23.01, authorize the Chair to execute said agreement, and dismiss the case. Voting Yes: Isom, Suelter, Thiele, Wedige, Dvorak, Kelly; Voting No: None; Absent: Bostelman, Foley

Motion by Wedige, second by Thiele to schedule a hearing in Case 23.02 at the May 12, 2023, meeting. Voting Yes: Isom, Suelter, Thiele, Wedige, Dvorak, Kelly; Voting No: None; Absent: Bostelman, Foley

Motion by Wedige, second by Isom to approve the settlement agreement in Case 23.07, authorize the Chair to execute said agreement, and dismiss the case. Voting Yes: Isom, Suelter, Thiele, Wedige, Dvorak, Kelly; Voting No: None; Absent: Bostelman, Foley

C. OLD BUSINESS

NCARB 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. 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 forwards 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.
- **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.

Database Replacement Project w/NCARB

ED Wilbeck updated the members on the database replacement project. Weekly check-in meetings continue to be held. The order of implementation will be landscape architects, geologists, and then engineers and architects. The projected go-live date for landscape architects is late September.

NCARB ARE Rolling Clock Retirement

A copy of the NCARB Media Release announcing the retirement of the ARE Rolling Clock Policy and implementation of a new validity policy was provided. The new policy will become effective May 1, 2023. Passed ARE divisions, both the current and prior versions of the exam will be valid. All passed 4.0 division validities taken between 2008 and 2018 will be reinstated.

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For current test takers, the validity of their ARE 5.0 divisions will be extended through the next iteration of the exam, effectively doubling score validity to at least 10 years.

Nomination for Jason Suelter as NCEES Central Zone Secretary/Treasurer

A copy of the letter nominating Suelter for the NCEES Central Zone Secretary/Treasurer position was provided.

Motion by Thiele, second by Isom to confirm the nomination of Suelter as NCEES Central Zone Secretary/Treasurer. Voting Yes: Isom, Suelter, Thiele, Wedige, Dvorak, Kelly; Voting No: None; Absent: Bostelman, Foley; Abstain: Suelter

D. NEW BUSINESS

NCEES 2023 Annual Meeting Information

Information on the NCEES 2023 Annual Meeting to be held in Boston MA, August 15-18, 2023, was provided. NCEES will fund the member board administrator, first-time attendees appointed to the Board since August 16, 2021, and three additional delegates.

ED Wilbeck was approved to attend the meeting as the board administrator. Thiele, Dvorak, and Suelter were approved as the funded delegates. Bostelman will be funded by NCEES as a member of the Board of Directors. Kelly was authorized to attend and will be funded by the Board.

Motion by Thiele, second by Isom to approve ED Wilbeck and Thiele, Dvorak, Suelter, Bostelman, and Kelly to attend the 2023 NCEES Annual Meeting. Voting Yes: Isom, Suelter, Thiele, Wedige, Dvorak, Kelly; Voting No: None; Absent: Bostelman, Foley

NCEES 2023 Bylaws Proposed Revisions

A copy of the proposed NCEES *Bylaws* revisions was provided. These include:

- Removing *Treasurer* from the *Secretary-Treasurer* zone officer title throughout the *Bylaws*. The title change is proposed to reflect the duties of the office, which no longer include handling zone financial affairs or submitting financial statements. (Section 3.021, 3.09, and 11.04)
- Clarification of eligibility of members of the board of directors to run for president-elect and to modify the qualifications for president-elect or zone vice president to include public members as eligible to serve in the position. (Section 4.05)

Additional information will be provided at the Zone meetings in April.

Marketing Plan Update

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

- PIO Frerking submitted an article to the Nebraska Society of Healthcare Engineers for their upcoming webinar.
- PIO Frerking resubmitted advertising in the League of Nebraska Municipalities monthly newsletter and annual directory.
- PIO Frerking developed an upcoming Lunch and Learn webinar to be given on April 5, 2023, titled *Code of Practice and Licensing Seal Refresher*.
- Articles for the spring newsletter have been started.
- Merchandise to be used at upcoming conferences and events has been ordered.
- ED Wilbeck presented to the University of Nebraska-Lincoln and Omaha engineering students on the FE via Zoom on February 15, 2023.

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- PIO Frerking is making final edits to the *What is an Engineer Intern* video and starting to work on the *Who is the Board of Engineers and Architects* video. Videos will be posted to the Board's YouTube Channel.
- Planning has started to visit counties with common compliance issues along with mailing handbooks and other marketing material.
- PIO Frerking and CO Habe presenting at the Nebraska Rural School Association conference in Kearney, March 23-24, 2022
- ED Wilbeck will be presenting to the UNL CIVE385 class on March 28, 2023.

Discussion related to remediation education with possible CE credit was discussed. Ideas included a case study on a successful remediation project and an article in an upcoming newsletter. The topic will be added to the operational planning meeting agenda.

[Renewal of Emeritus Board member terms](#)

A list of former Board members eligible for Emeritus Board Member status per Neb. Rev. Stat. § 81-3428(4) was provided.

Motion by Thiele, second by Dvorak to renew the Emeritus Board Member status of Fred Choobineh, Lori Krejci, Daniel Linzell, Roger Helgoth, Thomas Laging, Michael Conzett, Mark Champion, Jennifer Klein, Randall Peters, and David Johnson. Voting Yes: Isom, Suelter, Thiele, Wedige, Dvorak, Kelly; Voting No: None; Absent: Bostelman, Foley

[2023 Operational Planning Meeting location/date/suggested topics](#)

The meeting will be held at the Thiele Geotech Training Center, Omaha, NE, on Thursday, May 4, 2023. Suggested topics include:

- Interior Design Legislation
- Outreach/Marketing
- Statute and/or Rules revisions
 - Accommodating the Structural PE exam transition to CBT
 - Cleaning up/aligning Rule 6.5 with other provisions & electronic technical submissions
 - Remediation Rules
- Remediation education
- Meeting day change
- Coordination with other NCARB and NCEES regions and educational institutions

[Board member travel and per diem requests](#)

The following travel and per diem requests were approved:

- Jan Bostelman – August 15-18, 2023 – NCEES Annual Meeting (Boston MA/Per Diem only)
Travel Days: Aug 14 and 19
- Dan Thiele – August 15-18, 2023 – NCEES Annual Meeting (Boston MA)
Travel Days: Aug 14 and 19
- Jason Suelter – August 15-18, 2023 – NCEES Annual Meeting (Boston MA)
Travel Days: Aug 14 and 19
- Bruce Dvorak – August 15-18, 2023 – NCEES Annual Meeting (Boston MA)
Travel Days: Aug 14 and 19

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- Brian Kelly – August 15-18, 2023 – NCEES Annual Meeting (Boston MA)
Travel Days: Aug 14 and 19
- Lenora Isom – March 30, 2023 – NCARB Board of Directors Meeting (Virtual)
- Lenora Isom – April 24, 2023 – NCARB Region 5 Meeting (Virtual)
- Lenora Isom – April 27-29 – NCARB Board of Directors Meeting (Sea Island GA)
Travel Days: Apr 26 and 30

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

F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-19803 Keith Donald Ayotte, Civil; E-19826 Kevin Patrick Bahner, Civil; E-19837 Elizabeth Maria Ball, Civil; E-19799 Brian Allen Boelk, Civil; E-19831 Hussein Hlal Boudiab, Electrical; E-19818 Paul Edward Brucke, Electrical and Computer; E-19805 Jeremy Dan Christiansen, Civil; E-19804 William Martin Coyer, Civil; E-19822 Shirish Subhash Damle, Electrical; E-19833 Daniel Timothy Elemes, Civil; E-19823 Hannibal Maurice Fleming, Electrical and Computer; E-19800 Kyle Aaron Fortin, Civil; E-19840 Joshua Steven Gildert, Civil; E-19841 Anthony Donald Hemann, Civil; E-19815 Matthew Allen Houdeshell, Civil; E-19838 Justin Troy Howell, Electrical and Computer; E-19830 Scott Eric Jenkins, Electrical and Computer; E-19824 Kevin Neil Jensen, Mechanical; E-19839 John Anthony Kennedy, Structural; E-19819 Luke Hampton Kennison, Structural; E-19829 Kevin Paul Lafferty, Mechanical; E-19797 Dylan Thomas Medlock, Civil; E-19802 Tyson Jacob Mitzel, Civil; E-19808 Anthony Joseph Mueller, Mechanical; E-19836 Jacob James O'Brien, Mechanical; E-19832 Adam Christopher O'Kane, Civil; E-19834 Christopher Steven Ordahl, Electrical and Computer; E-19844 Cameron Boyd Pearson, Mechanical; E-19801 James Read Plott, Civil; E-19816 Zane Chadwick Pucylowski, Mechanical; E-19827 Matthew Paul Schachle, Civil; E-19828 Curtiss Pierce Sherwood, Electrical and Computer; E-19825 Alex Martin Silva, Electrical and Computer; E-19807 Shayah AM Smiley, Structural; E-19842 Steven Leonard Strack, Civil; E-19821 Alex Shea Traeger, Civil; E-19835 Jonathan Charles Turner, Architectural; E-19817 Jay Matthew Van Hove, Civil; E-19798 Michael Dallas Wolf, Electrical and Computer; E-19843 James Anthony Ybarra, Electrical and Computer; E-19820 Raymond Phillip Zulas Jr, Mechanical

Licensure of Architects by NCARB Certification

Approved: A-5505 Steven Owen Aydelott, A-5501 Robin Scott Caulfield, A-5495 Gregory William Croft, A-5503 Kevin Lee Hnrichson, A-5496 Rodney Lee Johnson, A-5507 Bradley Lawrence Kaczmarek, A-5498 Michael Richard Lee Laverdure, A-5502 Spencer Cordtsen McCombe, A-5509 Timothy Robert Meseck, A-5497 Ferdinando Micala, A-5506 Scott Alan Nelson, A-5504 Gregory Frank Nollkamper, A-5510 Matthew Todd Ragona, A-5508 Aspen Justin Thorstenson

Temporary Permits – None

Engineer Intern Enrollments

Approved: Nieve Montana Johnson, Austen Brady Nichols, Dakota Blade Oehm, Kahlilullah Sultani

Certificates of Authorization

Approved: CA4984 Mark Owens Company, CA4985 James F Turner Engineers LP, CA4986 Resin Architecture LLC, CA4987 CGL Companies LLC, CA4988 Raba Kistner Inc, CA4989 Emergent Architecture PLC, CA4990 Brightworks Sustainability LLC, CA4991 Pinnacle Consulting Inc; CA4992 Concordia Ltd, CA4993 Fiat Engineering PC, CA4994 KBA Inc, CA4995 SBS Design LLC, CA4996 Smiley Structural Engineering LLC, CA4997 Stubbs Engineering Inc, CA4998 Mammoth Sports Construction LLC, CA4999 Martin's LLC, CA5000 Halliwell Engineering Associates LLC, CA5001 Cortsen Design Architecture Inc, CA5002 Lawrence T Butler Professional Engineer LLC, CA5003 Geologic

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Associates Inc, CA5004 Warmboard Inc, CA5005 Jplus Architects Inc, CA5006 Cedar Design Company LLC, CA5007 Axiom Consultants LLC, CA5008 Lantz-Boggio Architects PC, CA5009 Forward Engineering PLLC, CA5010 Koblasz & Kennison Engineering PC, CA5011 McApLine Tankersley Architecture PC, CA5012 Phoenix Engineering and Consulting Inc, CA5013 Wolf Engineering LLC

PE Exam Approvals

Approved: Adam Logan Carmack, Civil; Colton Lee Claussen, Civil; Cole Adrain Culver, Agricultural and Biological; Nathalie Johanna Ford, Civil; Jesus Alfredo Frias Chavarria, Electrical and Computer; Ghazwan Hallak, Structural; Andrew Christopher Heithoff, Civil; Lindsey Morgan Hollmann, Environmental; Tyler George Knuth, Civil; Benjamin Osias Prescott, Mechanical; Eric Ray Roberts, Civil; Tyler Hamilton Sullivan, Civil

Licensure/Examination

Licensure of Professional Engineers by Comity and Initial

Approved Initial Applications: Jonathan Rolland Fletcher, Mechanical; Tyrell Isamu Galloway, Electrical and Computer; Jess Arland Hipke, Electrical and Computer; Nam Hoai Nguyen, Civil; William Brooks Nicholson, Civil; Ashley Lauren Sadler, Civil; Travis Stuart Spiehs, Electrical and Computer; Joshua Stephen Winslager, Mechanical; Jason David Wurst, Mechanical

Approved Comity Applications: Robert Lynn Carlson, Civil; Terry Lee Eleiott, Civil; Omid Gooranorimi, Structural; Keith Lee Hobson, Civil; Daniel David Mealiff, Civil; Robert Theodore Peet, Civil; Domingo Aurellana Villaruel, Electrical and Computer; Nho Anh Vo, Civil

Licensure of Professional Engineers by Experience

Approved: Ronald Keith Erne, Electrical; George William Lumsden Jr, Electrical

Licensure of Architects by Comity and Initial – *None*

Licensure of Architects by Experience – *None*

Licensure of Professional Engineers by Reinstatement

Approved: E-11546 Jim John Kapuranis, Civil

Licensure of Architects by Reinstatement – *None*

Special Cases - *None*

Other Issues/Information

CE Waiver Request

Approved: A-3200 Raymond Scott Sandquist – Approved allowance for all continuing education hours to be done via web-based coursework due to physical limitations for the 2021-2022 period.

Completed Application Statistics

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

Motion by Thiele, second by Isom to accept the staff recommendations on applications and grant a medical waiver for Raymond Sandquist for the 2021-2022 period. Voting Yes: Isom, Suelter, Thiele, Wedige, Dvorak, Kelly; Voting No: None; Absent: Bostelman, Foley

G. FINANCIAL MATTERS

Financial Reports – February

FY22-23 Financial Profile

Budget Status Report

Fund Summary Report

MTD General Ledger Detail Report

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

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided. The next regular board meeting is scheduled for April 14, 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 March 7, 2023

Professional Engineers	8,728
Architects.....	1,875
Certificates of Authorization	2,403
Temporary Permits.....	20

Examination Information/Statistics

The February and March 2023 ARE Open Eligibility Reports were provided along with the January 2023 ARE Pass/Fail Report. The Structural PE Exam Pass/Fail Statistics Report for the October 2022 administration was provided.

Other Information

[FY22-23 Marketing Plan](#)

The FY2022-23 Marketing Plan was provided.

[Social Media Analytics](#)

The Facebook Analytics for February shows 245 people were reached with 84-page visits and 6 new likes.

[Website Dashboard Report](#)

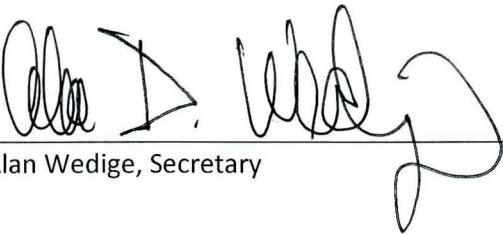
The Website Dashboard reports the Board's website had a total of 3,446 total visits in February. Facebook had the most social media sessions, with 39.

[Record of Board Policies](#)

The Board's approved policies as of February 16, 2023, were provided.

ADJOURNMENT

Chair Kelly adjourned the meeting at 1:00 p.m.



Alan Wedige, Secretary