

CALL TO ORDER

The May 4, 2023, Operational Planning meeting of the Nebraska Board of Engineers and Architects was held at 13460 Chandler Rd, Omaha, Nebraska. Chair Kelly called the meeting to order at 12:15 p.m. and noted the location of the Open Meetings Act. Notice of the meeting was published in the Lincoln Journal Star in compliance with the Open Meetings Act.

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

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

PUBLIC COMMENT

No members of the public were present.

Interior Design Regulation

Copies of LB471's *Introducer's Statement of Intent*, an introduced copy of the bill, the fiscal note, and the Board suggested amendment to establish a registry only were provided. With Senator Geist's resignation, Senator Brewer has picked up the sponsorship of the bill. Catalyst Public Affairs recommends the Board set up a meeting with the Legislature's Government, Veterans Affairs, and Military Committee (GVAMC) to discuss the Board's concerns with the bill. The members instructed ED Wilbeck to address the goal given at the public hearing, and the bill language does not address the issue.

The Board has drafted amendment language to change the bill to a title act only. Both the American Institute of Architects – Nebraska Chapter (AIA-NE) and the American Council of Engineering Companies (ACEC) have stated they have no concerns with the amendment language.

Prior to any meetings, ED Wilbeck will work up an analysis of the Introducer's Statement of Intent and the reasons the bill does not address the stated concerns. The members believe that the Board's oversight mentioned in the Statement of Intent is already being done through the practice of architecture, and there is no practice gap that is being covered in the bill. It just allows another group to perform certain tasks.

NCARB FY23 Draft Resolutions

A copy of the draft resolutions was provided.

- **2023-A:** Proposal from the Mississippi State Board of Architecture to bring NCARB Model Law into closer alignment with Mississippi law. It would revise the definition of responsible control to address the Mississippi board's concerns regarding the clarity and specificity of language amended by the NCARB member boards at the June 2022 annual meeting.
- As this resolution was proposed by a member board, it will automatically advance to the membership for a vote.
- **2023-B:** Part of a multi-year effort to propose a review and sunset of resolutions that no longer align with NCARB operations today. This batch focuses on education policies passed between 1960-1999.
- **2023-C:** Sunset resolutions passed y between 1960-1979 related to financial, records/process, experience, certification, and continuing education policies that no longer align with NCARB operations today.

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- **2023-D:** Updates the *NCARB Model Rules of Conduct* to reflect modern practice and expectations regarding ethical conduct. The resolution proposes additional language be added to address the acceptance of payments or gifts that may impact judgment, fraudulent or illegal conduct, and obligations regarding reasonable disclosure if there are environmental impacts on a project.
- Isom commented the proposed language brings it more in line with AIA's language.
- **2023-E:** Proposes restructuring of the NCARB governance model, which would require an amendment and restatement of the NCARB *Bylaws*. The objective is to be able to have a more diverse board of directors that represents the present practicing architects. Isom informed the members the final resolution will include:
 - No Nominating Committee – candidates will self-nominate
 - Regional Directors – no change
 - The Secretary and Treasurer positions are being combined
 - The Second Vice-President position is being eliminated
 - Two At-Large Director positions are being added
 - Volunteers must have at least two years of service to qualify
 - The realignment of the regions has been disassociated with the governance proposal and is being considered a separate issue
 - Changes will be effective with the fiscal year 2024

Dvorak entered the meeting at 1:05 p.m.

Outreach/Marketing in FY 23/24

Discussion of Target Groups, Goals for Each, and Priorities

A copy of the FY2022-23 Marketing Plan was provided. PIO Frerking and CO Habe outlined what has worked and what has not with the current plan. Previous plans targeted a larger range of groups, but the contact and interaction have not been the quality desired. The main goal over the last couple of years has been to increase the Board's social media. CO Habe questioned whether that method is reaching the groups identified in the plan. She felt the current target groups needed to be stripped down further and the actual first-line agencies or organizations the public interacts with when planning and starting a project identified. After discussion, the following target groups were identified with suggested goals and strategies for each:

- **Priority Target Audiences**
 - Local jurisdiction officials, state agencies, chambers of commerce, and school boards
 - **Target Goals** – Increase awareness of the Board and E&A Act, build relations, recruit as "Front-line Partners"
 - **Strategies** – Day trips to local jurisdictions, increase presentations and communications with other state agencies, run pieces in local newspapers, present at professional organizations' conferences
- **Secondary Target Audiences**
 - Drafting, lumber, and contracting companies, Members of the public, project owners, daycares, etc.
 - **Target Goals** – Increase awareness of the Board, compliance with the E&A Act, and build relations
 - **Strategies** – Survey audiences (what are their needs, pain points, and preferences), send correspondence to companies and organizations outlining common mistakes using case studies; run

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pieces targeting audiences in local newspapers; target community colleges and drafting schools with presentations and media; presentations and newsletter articles with associated organizations

- ***Tertiary Target Audiences***

- Students, licensees, and firms
- **Target Goals** – Increase awareness of licensure among students and young professionals, answer common questions regarding the E&A Act, decrease compliance cases and audit failures among licensees
- **Strategies** – Partner with professional organizations and schools to bring in ethics presenters, webinars, social media, blogs, videos, in-person presentations, and other content

Other suggestions were to reach out to senators from smaller towns and cities to see if the Board could provide an article to be included in their newsletters, letters to the editor, and columns to newspapers that can be used to fill space when available.

PIO Frerking provided a list of suggested goals and priorities for FY2023-24 which included:

- Six additional videos covering who the Board is, when is a licensee needed, remediation, a student guide to licensure, and renewals and audits. It was suggested a video on when a certificate of authorization is needed be added.
- Day visits to three counties a month during the summer and fall. Visits to counties farther out would begin in the Spring of 2024.
- Newsletter Revamp or move to a blog format.
 - A blog could publish monthly and include the same information included in the newsletter now.
 - A Q&A section could also be added.
 - A quarterly or bi-annual email could be emailed out highlighting the top posts.
 - It was also suggested to maintain the newsletter as it is licensee focused, and the blog could be geared more toward public awareness.
- Social Media
 - Be more consistent in posting
 - Suggested posts included highlighting a section of the rules each month, highlighting third-party organizations (NCEES, NCARB, UNL, etc.), sharing non-board related content (tax day, Kool-Aid Days, etc.), highlighting historic or state buildings around Nebraska or on certain registries.

It was also suggested the Board look into sponsoring lectures at the University and possibly offer continuing education credit. ED Wilbeck will look into the groups who organize the lecture series to let them know the Board would be interested in sponsoring if it had a say in the topic and speaker. Suggested topics included ethics and topics related to the Engineers and Architects Act.

The members requested PIO Frerking bring an outline of the discussion to the May 12, 2023, meeting for further discussion.

Results of Licensee Canvass re: potential Webinar Lunch and Learn topics

PIO Frerking provided a summary of responses from licensees related to suggested topics for the Board's *Lunch and Learn* webinar series. 93% of the attendees responded that noon was a good start time, and 97.2% responded they learned about the webinar by email. 70 responded with suggestions for future webinars.

Updated copies of the 2022 Compliance Case Maps were provided.

Act and/or Rule Changes

A list of possible revisions to the Board Rules (E&A Rules), Engineers and Architects Regulation Act (E&A Act), and staff-recommended E&A Rules revisions were provided.

- **Rule 2.4:** Revise to accommodate Structural exam format changes from paper to computer-based testing (CBT). A copy of the email thread between ED Wilbeck and NCEES regarding NCEES' exam policies was provided.
- **Rule 6.5:** Revise based on questions received during the April *Lunch and Learn* webinar. A list of the questions was provided.
- **Chapter 9:** Possible revision to separate the continuing education audits from the license renewal process.
- **Certificates of Authorization (CA):** Revision to statutes and rules to deny issuing a CA to practice engineering or architecture when the organization does not have an architect or professional engineer in charge. (i.e., Engineering Inc only has an architect in responsible charge)
- **Rule 4.2:** Add a rule to coincide with 81-3448(3) similar to Rule 4.1.3 – need a way to verify AXP completion without an NCARB record.
- **81-3451(3):** Paragraph (a) requires Section (2) to be satisfied, which includes four years of experience post-accredited degree prior to sitting for the PE exam, while paragraph (b) only requires four years of experience post-accredited degree with no specification of whether its' before or after the PE exam. Also, address "post-accredited" as it does not allow for meeting the *NCEES Education Standard*.
- **Exam/License References:** Clarify rules that references cannot be current board members or relatives as stated on the applications.
- **Certificates of Authorization (CA):** Revision to statutes and rules to deny issuing a CA to practice engineering or architecture when the organization does not have an architect or professional engineer in charge. (i.e., Engineering Inc only has an architect in responsible charge)
- **PE Exam Direct Registration:** Discussion is needed regarding moving to direct registration for the exam by revising the statutes and rules to begin with initial licensure. This included a discussion on the Board's reason for requiring additional education after the fourth or subsequent failure.

Other areas of revisions included:

- Experience verifications for initial license applications – Discussion included the emphasis placed on experience, but it's not verified, and what to do in situations where the company may no longer be in business or the supervisor is no longer with the company.

Further discussion will take place at the May 12, 2023, board meeting.

Special Assistant Attorney General Minahan entered the meeting at 2:00 p.m.

Continuing Education Compliance

A discussion was held regarding unexecuted settlement agreements related to failed continuing education (CE) audits and how to proceed. Copies of Special Assistant Attorney General Minahan's letter regarding the subject, the consent agreement, the CE Audit Flowchart, a breakdown of the audit workload from 2016-2022, and the number of projects reviewed from 2015-2022 were provided.

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Minahan questioned whether the Board still has jurisdiction over an individual who has let their license expire after being notified they were being audited and not completing the audit process. He felt the Board could pursue disciplinary action against the individual if they applied for reinstatement and submitted the required CE. Chair Kelly questioned if the time of the offense matters if the license expires before the agreement is offered. Minahan responded it does, but still questions whether the Board still has jurisdiction. It is easier to show intent if the licensee totally ignores the audit notice or is over ¼ hours short. He felt the Board could still hold a hearing in cases where the individual did not respond at all to the audit notice.

CO Habe informed the members the majority of current CE agreements are for having too many restricted online hours or up to ¼ short of hours.

Discussion was held on moving the CE audit process outside of the renewal process. If this was the case, all licenses would be renewed once the renewal fee is received, then after the expiration date, the audits would be randomly selected along with anyone who is subject to a mandatory audit and notices sent out. This would make it clear the Board has jurisdiction to bring disciplinary action against those who fail or do not complete the audit. ED Wilbeck will survey other boards to see who conducts CE audits outside the renewal process and look at what rules would need to be revised to accommodate.

Isom left the meeting at 3:24 p.m.

Board FY23-24 Committee Formation, Members, and Charges

The following committees were suggested for FY2023-24:

- Rules Committee
- Experience Verification Committee
- Interior Design
- Continuing Education Audits Committee

Chair Kelly and ED Wilbeck will provide a final list with suggested membership will be provided at the May 12, 2023, Board meeting.

Adjournment

Chair Kelly adjourned the meeting at 4:14 p.m.



Secretary (ACTING)