

Nebraska Board of Engineers and Architects
Board Meeting Notes – May 17, 2024 8:30 a.m.
5th Floor Large Conference Room, 215 Centennial Mall South, Lincoln, NE

CALL TO ORDER

The May 17, 2024, meeting of the Nebraska Board of Engineers and Architects was held in the 5th-floor conference room, 215 Centennial Mall South, Lincoln, Nebraska. Vice-Chair Kelly called the meeting to order at 8:30 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: Brian Kelly, Vice-Chair; Bruce Dvorak, Secretary; Brett Foley; Dan Thiele; Alan Wedige; Absent: Jason Suelter, Chair; Jan Bostelman; Lenora Nelson

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

A. CONSENT AGENDA

April 19, 2024, Meeting Minutes

NCARB *Update* – March 2024

NCARB *Fast Facts* – April 2024

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

PUBLIC COMMENT

No members of the public were present.

HEARINGS

Case 24.07, Nebraska Board of Engineers and Architects v. Tobias Gay

As presiding officer, Vice-Chair Kelly opened the hearing at 9:00 a.m. for the matter of the Nebraska Board of Engineers and Architects v. Tobias Gay, 24.07. Respondent Tobias Gay attended the hearing, and was not represented by counsel. Special Assistant Attorney General Sean Minahan, representing the Board, questioned Compliance Officer Habe in direct examination. Exhibits were presented to the Board as evidence. Summer Martinez, Great Plains Reporting, recorded the proceedings. A closing statement was made by Special Assistant Attorney General Minahan. The hearing concluded at 9:38 a.m.

Case 23.15, Nebraska Board of Engineers and Architects v. Travis Allgood, d/b/a Allgood Chiropractic/Fit 44 Gym

As presiding officer, Vice-Chair Kelly opened the hearing at 10:00 a.m. for the matter of the Nebraska Board of Engineers and Architects v. Travis Allgood d/b/a Allgood Chiropractic/Fit 44 Gym, 23.15. Respondent Travis Allgood attended the hearing along with Lori Mangnall, Office Manager, and was not represented by counsel. Special Assistant Attorney General Sean Minahan, representing the Board, questioned Compliance Officer Habe in direct examination. Exhibits were presented to the Board as evidence. Summer Martinez, Great Plains Reporting, recorded the proceedings. A closing statement was made by Special Assistant Attorney General Minahan. The hearing concluded at 10:24 a.m.

B. MEETING REPORTS

NBEA Subcommittee Reports

A copy of the FY2023-24 committee appointments and charges was provided.

Other Meeting Reports – None

C. OLD BUSINESS

Database Replacement Project w/NCARB

ED Wilbeck updated the members on the progress of the database replacement project.

NCEES 2024 Central Zone Meeting Recap

A recap of the NCEES 2024 Central Zone Meeting held in Des Moines, IA, April 25-27, 2024, was provided along with the proposed motions to be considered at the 2024 Annual Meeting in Chicago, IL, August 14-17, 2024.

Some of the highlighted motions are:

- A Bylaws revision to allow the Regional Vice-President and Secretary/Treasurer to be able to continue the NCEES leadership path even if their term on their respective board has expired,
- NCEES has created a new task force to explore alternate licensure pathways, and
- Allowing individuals who participate in an accreditation visit to earn two CE hours annually.

NCARB Draft Resolutions for Consideration

A copy of the draft resolutions to be considered at the 2024 Annual Business Meeting in Chicago, IL, June 13-15, 2024, was provided. All resolutions require an absolute majority of Member Boards to pass with the exception of Resolution 2024-07 which requires a two-thirds majority.

- **2024-01** – Omnibus Sunset of Resolutions in Conflict with Current Council Policies – This is part of a multi-year effort to review and sunset resolutions passed by the membership that no longer align with how NCARB operates today. The resolution sunsets resolutions passed by the membership between 1960-79 related to membership, related organizations, studies, and other miscellaneous topics.
- **2024-02** – Omnibus Sunset of Remaining Resolutions in Conflict with Current Council Policies - This resolution would conclude NCARB's efforts to review historical policy resolutions by sunsetting all previously passed policy resolutions not reflected in NCARB's current official documents. All current policies set by membership are stated in the *NCARB Bylaws*, *NCARB Model Law and Regulations*, *NCARB Model Rules of Conduct*, and NCARB certification requirements. This resolution would not impact policies set by the NCARB Board of Directors.
- **2024-03** – New Mutual Recognition Agreement with the Architects Accreditation Council of Australia and the New Zealand Registered Architects Board - This would retire the existing Mutual Recognition Agreement (MRA) between NCARB and its counterparts in Australia and New Zealand and replace it with a new MRA. The new MRA would eliminate post-licensure experience requirements as qualifications and allow acceptance of pathways outside of the standard path to NCARB certification.
- **2024-04** – *NCARB Model Law and Regulations* Amendment – Examination Eligibility Updates - This would streamline the current *Model Regulations* requirement of completing an approved education program or being enrolled in an Integrated Path to Architectural Licensure (IPAL) option as a qualifier for exam eligibility, instead requiring a high school diploma or the equivalent. This change aligns with the entry requirement for NCARB's experience program, as well as NCARB's efforts to increase access to the exam. The resolution has been updated to reflect current Member Board policies, emphasize that this change would *not* change requirements for licensure, and highlight the non-binding nature of model law. The revision would allow an individual to sit for the ARE any time after high school graduation.
- **2024-05** – *NCARB Bylaws* Amendment – Update to Certificate Requirements for the Board of Directors Positions – This resolution would amend the current Certificate requirement for Board of Directors

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(BOD) positions. Currently, all architect members of the BOD are required to hold the NCARB Certificate. The NCARB Credentials Committee recommends only architects in officer positions be required to hold a Certificate.

- **2024-06** – Tri-National Mutual Recognition Agreements for International Practice – Amendment - This would amend the existing MRA between NCARB and our counterparts in Canada and Mexico. The amended MRA would reduce post-licensure experience requirements and accept work in the host country as evidence of competency, among other changes. The current resolution reflects a change in the agreement’s Mexican signatories.
- **2024-07** – *NCARB Bylaws* Amendment – NCARB Regions - This would realign the structure of NCARB’s regions, creating five more equal regions. The Regional Realignment Work Group and Board of Directors developed this recommendation after reviewing data sets and soliciting member feedback and input.

Further discussion and action were tabled until the Operational Planning Meeting on May 24, 2024.

NCARB Board of Director Candidates

Vice President/President-Elect: Edward Marley – AZ

Second Vice President: John Rademacher – OH

Public Director: Stephanie Hopkins – MD

At-Large Director (Top two candidates will be appointed):

- Bobbi Jo Duneman – IA
- Deveron Sanders – MI
- Kevin Singh – LA
- Catherine Fritz – AK
- Kenneth Johnson – PA
- Dmitriy Kazakov – CA
- Coffee Polk – NV
- Roark Redwood – VA
- Jakiel Sanders – GA
- Marcus Thomas – NC

Action was tabled until the Operational Planning Meeting on May 24, 2024.

D. NEW BUSINESS

Trade Name Request

A request was received from Avista Hamidi to use the term *architect* in an organization’s name, *Whimsical Event Architects*. The organization is an event decoration and design business.

Motion by Thiele, second by Wedige, to deny the request from Whimsical Event Architects to use the term architect in the organization’s name with the Secretary of State. Voting Yes: Dvorak, Foley, Thiele, Wedige, Kelly; Voting No: None; Absent: Bostelman, Nelson, Suelter

Governor’s Executive Order No. 24-03

A copy of the Governor’s Executive Order (EO) 24-03 was provided. The EO directs the Budget Division to review all positions at the State vacant for ninety days or more beginning June 1, 2024, and every ninety days thereafter. Except for positions exempted in the order, all positions will be eliminated, and funds allocated to those positions will be redistributed at the direction of the Budget Administrator. The Board currently has one vacant part-time, temporary position with no funds allocated to it.

Motion by Dvorak, second by Wedige, to go into executive session for the purpose of discussion of compliance investigations, partner-agency processes, not a matter of public information to prevent needless injury to the

reputation of those involved. Voting Yes: Dvorak, Foley, Thiele, Wedige, Kelly; Voting No: None; Absent: Bostelman, Nelson, Suelter

Executive session began at 10:31 a.m.

E. COMPLIANCE

Cases 23.15, 23.27, 23.28, 24.02, 24.04, 24.05, 24.07, 24.08, 24.12, 24.13, 24.14, 24.15, 24.16, 24.17, 24.18, 24.19, and 24.20 were discussed in executive session.

Other Compliance Issues

Partner agency processes were discussed in executive session.

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

Executive session ended at 12:45 p.m.

Motion by Thiele, second by Foley, to find the respondent in Case 23.15 violated the E&A Act, assess a civil penalty of \$2,500.00 stayed for 120 days, and impose investigative and hearing costs, payable within 30 days. If remediation is successfully completed within 120 days, the civil penalty is permanently stayed. Voting Yes: Dvorak, Foley, Thiele, Wedige, Kelly; Voting No: None; Absent: Bostelman, Nelson, Suelter

Motion by Dvorak, second by Foley, to dismiss Case 23.28 without disciplinary action based on the successful completion of the architectural remediation. Voting Yes: Dvorak, Foley, Thiele, Wedige, Kelly; Voting No: None; Absent: Bostelman, Nelson, Suelter

Motion by Dvorak, second by Foley, to authorize ED Wilbeck to seek and engage an expert witness to review plans and calculations in Case 24.04. Voting Yes: Dvorak, Foley, Thiele, Wedige, Kelly; Voting No: None; Absent: Bostelman, Nelson, Suelter

Motion by Thiele, second by Foley, to find that the respondent in Case 24.07 submitted documents in support of a continuing education audit that constituted 19 violations of Neb. Rev. Stat. § 81-3442(1)(f) and (j); Title 110, Neb. Admin. Code Rules 5.4.1, 5.4.3, 5.5.3, 5.5.4, 5.5.7, 5.5.8, and find that this is a violation of a settlement agreement, to revoke the respondent's architect and professional engineer licenses. Respondent is not eligible to apply for an architect or professional engineer license for five years and must meet the re-issue requirements as determined by the Board at the time of application under Neb. Rev. Stat. § 81-3443(5). Voting Yes: Dvorak, Foley, Thiele, Wedige, Kelly; Voting No: None; Absent: Bostelman, Nelson, Suelter

Motion by Dvorak, second by Thiele, to schedule a hearing in Case 24.08 for August 2, 2024. Voting Yes: Dvorak, Foley, Thiele, Wedige, Kelly; Voting No: None; Absent: Bostelman, Nelson, Suelter

Motion by Dvorak, second by Wedige, to dismiss Case 24.16 without disciplinary action after issuing a letter of warning. Voting Yes: Dvorak, Foley, Thiele, Wedige, Kelly; Voting No: None; Absent: Bostelman, Nelson, Suelter

Motion by Dvorak, second by Foley, to accept the settlement agreement in Case 24.19 and authorize the Vice-Chair to execute. Voting Yes: Dvorak, Foley, Thiele, Wedige, Kelly; Voting No: None; Absent: Bostelman, Nelson, Suelter

Motion by Dvorak, second by Foley, to authorize architectural and engineering remediation in Case 24.20 and request a response within 30 days and a remediation plan within 90 days. Voting Yes: Dvorak, Foley, Thiele, Wedige, Kelly; Voting No: None; Absent: Bostelman, Nelson, Suelter

D. NEW BUSINESS

NCEES Fall 2024 and Spring 2025 Exam Changes

A memo from Jason Gamble, NCEES Chief Officer of Examinations, outlining upcoming changes to the Fall 2024 and Spring 2025 PE exams was provided.

Outreach & Marketing Update

PIO Bennet provided an update on the Marketing Plan and Outreach. Highlights included:

- The latest edition of *The Professional* was released on April 30th
- The website now has a page listing the final disciplinary action taken by the Board for violations of the E&A Act and Rules.
- The Continuing Education log has been updated to include instructions for accurately completing the log and to update the fields to include the speaker/institution and the location of the activity.
- The next *Lunch and Learn* is tentatively scheduled for June 26th and will focus on the recent revisions to the Rules.
- The new 2024 E&A Regulation Act Handbooks have been received.

Board Member Travel and Per Diem Requests

The following per diem and travel requests were approved.

- Brian Kelly – May 2, 2024 – NCARB At-large Director Candidate Forum (Virtual)
- Brian Kelly – May 9, 2024 – NCARB Credentials Committee Meeting (Virtual)
- Lenora Nelson – May 13, 2024 – NCARB Board of Directors Meeting (Virtual)
- Brian Kelly, Lenora Nelson, Alan Wedige – May 16, 2024 – NCARB FY24 Resolution Forum #1 (Virtual)
- Jason Suelter – May 17-18, 2024 – NCEES Structural PE Exam Cut Score Determination (Greenville SC), Travel Days: May 16 and 18
- Jan Bostelman – May 19-20, 2024 – NCEES Board of Directors (Bozeman MT), Travel Days: May 18 and 21
- Brian Kelly, Lenora Nelson – May 21, 2024 – NCARB Region 5 Student Outreach Committee Meeting (Virtual)
- Lenora Nelson – May 23, 2024 – NCARB Board of Directors Meeting (Virtual)
- Brian Kelly, Lenora Nelson, Alan Wedige – May 30, 2024 – NCARB FY24 Resolution Forum #2 (Virtual)
- Jan Bostelman – August 13, 2024 – NCEES Board of Directors Meeting (Chicago IL), Travel Day: August 12

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

F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

E-20623 Nickolaus Reinhart Ackerman, Electrical and Computer; E-20620 Stephen Thompson Bell, Mechanical; E-20601 Brooks Robbins Benton, Civil; E-20633 Roland Bogdani, Structural; E-20594 McKenzie Marie Brooks, Civil; E-20628 Levi Eugene Brown, Civil; E-20653 Dale Forest Campbell, Electrical; E-20649 Timothy Craig Campbell, Electrical and Computer; E-20635 Nina Francesca Carney, Civil; E-20651 Evan Yin-Cheung Chan, Structural; E-20627 David Kenneth Cockrum, Civil; E-20595 John Ellis Cook, Mechanical; E-20637 Jeremy Michael Cook, Civil; E-20636 Miriam Anne Fox, Civil; E-20645 Brian Dean Gast, Mechanical; E-20647 Christopher Allen Hasse, Structural; E-20602 Michael Robert Herman, Electrical and Computer; E-20654 Steven Charles Jastrzebski, Structural; E-20629 Donald Paul Jonson, Mechanical; E-20656 Todd Daniel Knox, Civil; E-20642 Karin Elyse Lang, Civil; E-20603 Robin Duane Livers, Electrical; E-20639 Eugene William Lopez-Ona, Mechanical; E-20600 Julia Sorensen Lund, Civil; E-20630 James Lewis Mersereau, Civil; E-20604 Eric William Oetjen, Civil; E-20596 Ryan Steven Opdahl, Chemical; E-20631 Andrew Jay Parsons, Mechanical; E-20641 Patrick Stuart Timothy Phillips, Civil; E-20624 Morgan Pittman Poche, Mechanical; E-20593 Justin Ronald Riepma, Civil; E-20597 Christopher Douglas Roberts, Civil; E-20646 Cody Allen Saathoff, Electrical and Computer; E-20650 Timothy Brett Schrotenboer, Structural; E-20625 Brian Loftin Searcy, Civil; E-20592 Romeo Reginald Shiplee, Civil; E-20634 William Colby Shumate, Civil; E-20657 Cornelia Catherine Sides, Civil; E-20626 Matthew William Suglich, Electrical and Computer; E-20605 Thomas Matthew Taylor, Metallurgical; E-20640 Jason Lamar Toole, Civil; E-20652 Daniel Brian Treppel, Civil; E-20655 Eric George Utterson, Mechanical; E-20598 Anthony Joseph Varda IV, Civil; E-20632 Daniel Arthur Vernon, Mechanical; E-20599 Michael Richard Wanzek, Electrical and Computer; E-20648 Alex Russell Weiers, Civil; E-20644 David Andrew Yaksic, Civil; E-20643 Kyle Francis Young, Civil

Licensure of Architects by NCARB Certification

A-5655 Danny Dale Clark, A-5664 Tanya Ann DeSandro, A-5660 Jeffrey Alan Fox, A-5656 David Aaron Grootegoed, A-5657 Michael Thomas Johnson, A-5661 Rachel Ann Boe Lewis, A-5651 Ryan Alan Marshall, A-5659 Jason Allen Patterson, A-5652 Shawn Patrick Phillips, A-5658 Trent Daniel Rogers, A-5654 Dana Matthew Schwartz, A-5663 Jory Morgan Walker, A-5662 Ryan Daniel Walker, A-5653 Jeffrey Lee Walz, A-5650 Jeffrey Wayne Winter

Temporary Permits

T-658 Edward John Welling, Architecture

Engineer Intern Enrollment Certificates

Jose Rudy Aguilar Melgar, Garrett Richard Delgado, Zachary Allen Dobbs, Nicholaus Armynd Kleinschmidt, Shawn Michael Shoner, William Spencer Turman, Sean Christian Winters

Certificates of Authorization

CA5238 Catalyst Design Group PC, CA5239 S2S Engineering LLC, CA5240 Creal Clark & Seirfert Architects/Engineers Inc, CA5253 Lightserve Corporation, CA5254 Munibuild LLC, CA5255 Ground Engineering Consultants Inc, CA5256 CPH Consulting LLC, CA5257 Sparton Engineering Inc, CA5258 Paradym Studio PLLC, CA5259 MasTec Industrial Corp, CA5260 J5 Design Group LLC, CA5261 Kort and Associates LLC, CA5262 EMPACT Engineering LLC, CA5263 Prodecomm Engineering Inc, CA5264 Studio M Architects and Planning LLC, CA5265 BGC Engineering USA Inc

PE Exam Applications

Mostafa Mahmoud Abdelghany Aboelkhier, Structural; Matthew Davis Denardis, Mechanical; Kent Allen Carmichael, Mechanical; Elizabeth Rae Cavitt, Civil; Jackson Lee Cordell, Mechanical; Grant Robert Goodrich, Civil; Jacob John Johnson, Architectural; Patrick Tyler Keep, Mechanical; Jonathan Mark Magill, Mechanical; Keegan Randall Melcher, Structural; Jacob Michael Pilakowski, Electrical and Computer; Benjamin Andrew Schnatz, Civil; Shawn Michael Shoner, Civil; Alexander Michael Verdoni, Civil

Licensure/Examination

Licensure of Professional Engineers by Comity and Initial

Initial License, Staff Recommendation to Approve: Tyler George Knuth, Civil; Brian Matthew Larson, Civil; Grant Austin Lipprand, Civil; Keegan Randall Melcher, Civil; Taylor Leonard Tuel, Mechanical

Comity License, Staff Recommendation to Approve: Lakshi Bahl, Control Systems; David Jimenez Orrego, Civil; Baljeet Singh Jonjua, Mechanical; Faith Sultan Okten, Structural

Licensure of Professional Engineers by Experience

Staff Recommendation to Approve: Andrew Thomas Guatelli, Civil; Douglas Clifford Melton Jr, Civil; Donald Ralph Orie, Structural; Leland Craig Piveral, Mechanical

Licensure of Architects by Comity and Initial – *None*

Licensure of Architects by Experience

Staff Recommendation to Approve: James Scott MacKay

Licensure of Professional Engineers by Reinstatement – *None*

Licensure of Architects by Reinstatement

Staff Recommendation to Approve: A-3550 Michael Lambert Clark, A-3515 Daniel Joseph Keleher Jr

Other Issues/Information

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

Motion by Thiele, second by Foley, to accept the staff recommendations. Voting Yes: Dvorak, Foley, Thiele, Wedige, Kelly; Voting No: None; Absent: Bostelman, Nelson, Suelter

G. FINANCIAL MATTERS

Financial Reports – April 2024

FY2023-24 Financial Profile

Budget Status

Fund Summary

MTD General Ledger Detail

Other Financial Matters – *None*

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

H. GENERAL INFORMATION

A schedule of upcoming meetings and national events was provided. The next regular board meeting is scheduled for June 7, 2024, at 8:30 a.m. at 215 Centennial Mall South Ste 400, Lincoln. Operational Planning is scheduled for May 24, 2024, at 8:30 a.m. at the Thiele Geotech Training Center, 13460 Chandler Rd Omaha.

Licensure and Certificate Trends

Numbers as of May 8, 2024

| | |
|-------------------------------------|-------|
| Professional Engineers | 9,188 |
| Architects..... | 1,927 |
| Certificates of Authorization | 2,438 |
| Temporary Permits..... | 16 |

Examination Information/Statistics

The 2024 first-quarter pass rate histories for the FE and PE were provided.

Other Information

The FY23-24 Marketing Plan was provided.

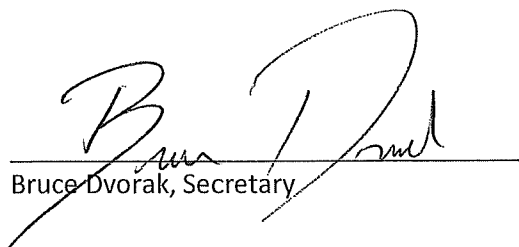
The Facebook Analytics for April were provided. There were 159 visits with 251 reaches. Two new followers were added for a total of 607. Seven posts were made, with the post related to ED Wilbeck presenting at Doane receiving 174 reaches and 18 engagements and the post related to the Rules revisions receiving 136 reaches and 7 engagements.

The Website Analytics report for April was provided. There were 2,200 total visits and 1,800 new users during the month.

The Board's approved policies as of April 19, 2024, were provided.

ADJOURNMENT

Vice-Chair Kelly adjourned the meeting at 1:23 p.m.



Bruce Dvorak, Secretary