

CALL TO ORDER

The May 29, 2025, Operational Planning meeting of the Board of Engineers and Architects was held at 13460 Chandler Rd, Omaha, Nebraska. Chair Dvorak called the meeting to order at 9:05 a.m. and noted the location of the Open Meetings Act. Notice of the meeting was published in the Lincoln Journal Star and on the Board's website in accordance with the Open Meetings Act.

Roll Call: Bruce Dvorak, Chair; Lenora Nelson, Vice-Chair; Dan Thiele, Secretary; Jan Bostelman; Jim Brisnehan; Brett Foley; Brian Kelly; Jason Suelter

Staff Present: Jon Wilbeck, Executive Director (ED); Amy Habe, Compliance Officer (CO); Jean Lais, Administrative Programs Officer (APO); Allyson Bennet, Public Information Officer (PIO); Cole Gressley, Administrative Programs Officer (APO); Lilliana Irvine, Compliance Assistant (CA)

A. NCARB 2024 ANNUAL MEETING

Resolutions

A copy of the resolutions to be considered at the 2025 Annual Business Meeting (ABM) in Scottsdale, AZ, June 19-22, 2025, was provided. All resolutions require an absolute majority of member boards at the ABM to pass.

- **2025-01** – Mutual Recognition Agreement (MRA) with the Regulatory Organizations in Canada (ROAC) – The resolution would replace the existing MRA, eliminating post-licensure experience requirements, removing citizenship and principal place of practice requirements, and allowing acceptance of pathways outside the standard path to NCARB certification.
- **2025-02** – Mutual Recognition Agreement (MRA) with the South African Council for the Architectural Profession (SACAP) – The resolution would ratify a new MRA between NCARB and SACAP. The resolution recognizes the significant correlation of competency requirements of licensure between NCARB and SACAP and allows for acceptance of pathways outside the standard path to NCARB certification.
- **2025-03** – *NCARB Certification Guidelines* Amendment – The resolution is a housekeeping update to the Guidelines, replacing the word *foreign* with *international* as it relates to NCARB's programs for architects licensed outside the US. It does not change the requirements for certification.
- **2025-04** – *NCARB Certification Guidelines* Amendment – The resolution would adjust the eligibility requirements for the Education Alternative to Certification by eliminating the required three-year delay between initial licensure and eligibility to apply for certification through this pathway. It aligns with ongoing efforts to remove unnecessary time-bound restrictions in NCARB programs that are not tied to demonstrating competency.

Motion by Thiele, second by Suelter, to direct the voting delegate to vote in favor of all resolutions and authorize the voting delegate to use discretion at the meeting based on discussion and information provided. Voting Yes: Kelly, Nelson, Suelter, Thiele, Bostelman, Brisnehan, Foley, Dvorak; Voting No: None

NCARB Board of Directors Candidates

Vice-President: John Rademacher – OH; Second Vice-President: Sylvia Kwan – CA; Secretary/Treasurer: Scott Harm – WA, George Miller – NY, and Miguel Rodriguez – FL; MBE Director: Shannon Himes – OH; Public Member: Stephanie Hopkins – MA; Region 5 Director: James Devine – ND; Director at Large (two candidates elected): Dmitriy Kazakov – CA, Mark McKechnie – OR, Coffee Polk – NV, and Kevin Singh – LA

Motion by Nelson, second by Kelly, to authorize the voting delegate to vote in support of the candidates in the uncontested races, vote for Miller as Secretary/Treasurer, and authorize the voting delegate to use discretion at the meeting based on discussion and information provided. Voting Yes: Kelly, Nelson, Suelter, Thiele, Bostelman, Brisnehan, Foley, Dvorak; Voting No: None

Motion by Nelson, second by Kelly, to authorize the voting delegate to vote in support of McKenchnie and Singh as the Directors at Large and authorize the voting delegate to use discretion at the meeting based on discussion and information provided. Voting Yes: Kelly, Nelson, Suelter, Thiele, Bostelman, Brisnehan, Foley, Dvorak; Voting No: None

NCARB Region 5 Candidates

Chair: Nathan Baker – OK; Vice-Chair: Brian Kelly – NE; Secretary/Treasurer: Katherine Wilson – WY

Regional candidates were elected at the Regional Summit in March. The slate of candidates will be confirmed only at the Annual Business Meeting.

B. NCEES TOPICS

Structural/Nuclear/low-volume PE Exam Concerns

A few other state engineering licensing boards have voiced concerns related to the computer-based Structural PE Exam to ensure that NCEES is providing the best exam to test the examinee's structural competency in the shortest amount of time and under fair and equitable conditions. A draft motion has been presented to create a task force to address the concerns. The task force's makeup is proposed to be representatives from member boards that require the exam to practice structural engineering in their state, NCEES exam leadership, the NCEES Examination Policies and Procedures Committee chair and vice-chair, and the chair of the NCEES Examination Audit Committee.

Western/Central Zone Resolutions

Based on the number of examinees over the last year, the NCEES Examination Policies and Procedures Committee will propose a motion at the 2025 NCEES Annual Meeting to recommend to the NCEES Board of Directors that the Nuclear PE Exam be discontinued. In response, a zone motion was made and carried that NCEES develop a remedial action plan that applies to the Nuclear PE Exam and all other low-volume exams which would also outline NCEES' responsibility to support and revitalize those exams.

The NCEES BOD motion was made to direct the CEO to accelerate the PE Nuclear Professional Activities and Knowledge Study (PAKS) process to commence in the fall of 2025. The motion carried.

The NCEES Board of Directors is moving the Nuclear PAKS study to Fall 2025 and will be looking for individuals outside the power industry to participate.

A motion was made that the Board of Directors waive the policy for the one-year notification of the PE Structural exam depth sections and make changes starting with the October 2025 administration, with the understanding that staff can make changes to an exam, in lieu of adding 60 minutes to the exam time we ask to reduce the number of questions to 48 questions, dropping one scenario. The motion failed.

Suelter informed the members that the Structural PE exam PAKS study had just finished. Any changes cannot be made without issuing a new cut score, which is currently scheduled for 2027. Code changes result in question bank items being adjusted or completely replaced. The earliest any changes can be made is April 2026. The NCEES Board of Directors has voted to extend the Structural PE exam to six hours starting with the April 2026 administration. New test specifications based on the PAKS study will be incorporated starting in 2027.

Assistant Attorney General (AAG) Ben Kinnison entered the meeting at 9:57 a.m.

Proposed NCEES Engineering Technology Education Standard

A copy of a proposed *NCEES Engineering Technology Education Standard* was provided. A motion will be made by the NCEES Committee on Education to adopt the standard at the NCEES 2025 Annual Meeting in August. The standard does not include any general education requirements. The credentials evaluation process proposes to follow a similar process to the *NCEES Engineering Education Standard* evaluations.

Chair Dvorak informed the members that the University of Nebraska (the University) currently has no programs that are accredited by the Engineering Technology Accrediting Commission of ABET, though the university has discussed offering some in the future. According to Dvorak, the university has a non-accredited program, but enrollment in the program is low. Dvorak believes enrollment would be higher if licensees advocated for its acceptance. Most of the inquiries he received as to whether the program is accredited and can be used to qualify for licensure come from non-licensees.

Chair Dvorak stated that the NCEES Education Committee found that several of the member boards have their own evaluation process for technology degrees but showed interest in a national standard. A degree from an ETAC/ABET-accredited program will not be incorporated into NCEES Model Law as a requirement for P.E. licensure at this time.

Experience Record Proposal

The NCEES Committee on Licensure provided a draft copy of a new engineering experience reporting format. The format asks individuals to list their engineering employment history, and provide specific information related to their experience in four areas: Knowledge, Engineering Application and Technical Ability, Professional Practice and Management, Communication, and Professional and Personal Attributes. It will also have areas in which the individual can provide other pertinent information and discipline-specific competencies.

The members thought that having a more uniform/formal application was a step in the right direction, as minimum competencies needed to be defined, and expectations when filling out the form should be clear. It was suggested that the form should be more of a checklist and a requirement for meeting competency in each area. There was concern raised that it may deter some applicants as they may self-determine that they will not qualify for licensure if they do not show competency in all the areas.

C. GOVERNANCE

Potential Statute/Rule Revisions

A list of potential statutes and rules revisions was provided for discussion. They include:

- **81-3432.01/Rule 2.8** – Repayment of Qualified Educational Debt – The American Council of Engineering Companies (ACEC) has suggested some ideas for modifying the provisions to help increase the recruitment of qualified engineers. The suggestions included removing “first time” and/or “within nine months,” increasing the amount to cover more or all of the FE exam cost, and adding similar provisions for the Principles and Practices (PE) exam.

ED Wilbeck provided statistical data on the reimbursement program since 2009.

The current cost of the Fundamentals of Engineering (FE) exam is \$225, and each section of the ARE is \$235. The cost to establish an NCARB record for the Architectural Experience Program (AXP) is \$100, with a \$85 yearly renewal.

After discussion, it was decided that the engineering educational debt reimbursement requirement that the exam be taken within nine months after graduation should remain, but to make the following changes to Rule 2.8 concerning during the next rules revision opportunity: increase both the engineering and architecture reimbursement to \$225, and remove the condition that the FE be passed on the first attempt.

The members did not believe a similar reimbursement provision was needed, as many companies already reimburse individuals for the cost of the exam.

Other ideas related to promoting the reimbursement included:

- Having the professional societies promote it
- UNL provides graduates with reimbursement information at the time of graduation – including a QR code may increase the number of applicants.

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- **81-3436(9)** – Consider adding a definition to clarify “for itself,” as currently written, it is unclear and undefined.

After discussion, the Board determined that a guidance document may be the best method of explaining what the definition of “for itself” means in the context of the Act, and does not intend to pursue changes to the Act at this time.

- **81-3437.01(2)** – Consider rewriting to remove the requirement that the signature and date be across the seal and to clarify that if it is across the seal, it cannot obstruct the licensee’s name or license number in the seal. The Board had previously looked at language used in Texas as an example.

After discussion, the Board position is that the statute should be rewritten to read: *Whenever the seal is applied, the licensee’s signature and date shall be either across or adjacent to the seal. If applied across the seal, the signature and date shall not obscure the licensee’s name or license number in the seal.*

- **81-3437.02/Rule 6.3** – Consider removing the requirement of having a coordinating professional on a project.

Nebraska is the only jurisdiction that requires one. Discussion was held regarding the coordinating professional as a good practice but not necessarily needing to be regulated. Some members felt it was needed, as each project needs someone to run it and be the point of contact. It was questioned whether the individual needed to be a licensee or could be a project manager or the owner of the project. If there were an issue, it would most likely be a contractual issue beyond the authority of the Board.

The members requested ED Wilbeck to survey the professional societies for feedback and discuss this with the State Board of Landscape Architects, as it also requires a coordinating professional on landscape architecture projects involving more than one architect, professional engineer, and/or professional landscape architect.

- **81-3451(2), (3), (9)/Rule 2.4.3** – Consider removing the requirements for applying for board approval before sitting for the PE exam, moving the exam to direct registration through NCEES.
- **81-3449(10)** – Consider removing the architect practice exemption for NCARB Certificate holders – The provision was removed from the NCARB Model Law in 2022.
- **Rule 1.12.2** – Consider removing, as the new database will not have the ability to transfer fees between object codes.
- **Rules Chapter 7** – Discuss licensees “in responsible charge” who are on probation/suspension/restricted practice. Staff will discuss further and bring any suggested revisions back to the Board.
- **Rule 8.6.1** – Consider moving to Chapter 7 and discuss adding reimbursement of costs. The Board would like the rule to be moved to Chapter 7. The Board does not want investigative costs will be added unless made specifically as part of a proposed consent/settlement agreement.
- **Rules Chapter 9** – Consider giving CE credit for NCEES PAKS participation. No changes will be made until NCEES determines that model language is appropriate. As this is only a survey and no work is performed, the members did not feel continuing education credit was warranted.
- **Chapter 10**—Consider creating a guidance document to provide more clarity on what “adversely impact” means. A copy of the Nebraska Supreme Court’s ruling in the case of *Carey v. City of Hastings* was provided.

After discussion, it was determined that a guidance document may be the best way to communicate the definition of “adversely impact,” as the Supreme Court ruling is the only case history available, and that ruling only speaks marginally to providing a definition.

Use of Declaratory Rulings & Guidance Documents

A copy of the discussion thread between ED Wilbeck, CO Habe, Special Assistant Attorney General Minahan, and Assistant Attorney General Kinnison was provided, along with a memorandum from then-Assistant Attorney General Jelkin and the related Administrative Procedures Act and Rules sections. An article from the *Ohio State Law Journal* was provided.

AAG Kinnison informed the members that declaratory rulings and guidance documents have similar authority. It is the process that is different. Both processes are outlined in the Administrative Procedures Act (APA).

Guidance documents can be generated at any time. The Board would be bound by any documents it creates, and guidance documents must be made public with an index. If a revision is needed, the original document must be retracted and then reissued.

A declaratory ruling requires a petition to be submitted by a member of the public related to a specific question. The ruling provides a response to that question. It is binding on all parties involved. If a third party (i.e., another state agency) is affected, the third party must agree to be involved for a ruling to be issued. The Board may decline to answer a petition. There is no requirement to be posted, but it is not considered confidential and must be provided if a public record request is received.

Discussion was also held regarding joint communiques between the Board and other state agencies, which outline how an issue may affect both agencies and how they will proceed. It may outline areas of overlap, how each agency's statutes and rules are interpreted by the other, and who can do what. AAG informed the members that joint communiques do not need to be published.

D. COMPLIANCE

CO/CA Task Breakdown

As requested by the members, a breakdown of the tasks performed by the compliance officer and compliance assistant was provided.

Plans Not in Compliance Flowchart

A draft copy of the *Plans Not in Compliance* flowchart and handout to be sent out in the new licensee packets was provided.

CO Habe explained to the members how the data was calculated. Calculations were made by submission, and subsequent violations were counted if they occurred after the date of the notice. No distinction was made based on the time between violations.

The handout will be included in all violation notices and in the new licensee packets.

CE Audit Data

Data related to the 2023-24 continuing education audits was provided. A total of 119 licensees were selected for audit. The data related to the 2022-23 audits was provided for comparison.

- 119 licensees selected
- 12 did not renew
- 7 resulted in settlement agreements
- 58 completed with no issues
- 57 completed with issues
- 5 went to Emeritus status – thus not subject to an audit

Issues

- 11 missing ethics
- 15 with restricted hours
- 14 with improper documentation

- 1 with too many hours in a 24-hour period

It was noted that the addition of approved AIA providers in Rule 9.3.1 has reduced the noncompliance due to restricted hours.

Case Maps

Maps showing the compliance cases across the state since 2017, for 2024, and to date in 2025 were provided.

E. FY2025-26 MARKETING + OUTREACH

Goal-Setting and Prioritizing Marketing & Outreach for FY 2025-26

PIO Bennett provided a list of six identified target groups she feels will benefit from spending time and resources on for FY2025-26.

- **Members of the Public** – Citizens, business owners, lumber yards, general contractors, draftsmen, etc.
- **Local Jurisdiction Officials** – Focus on second-class cities and villages, city clerks, building and zoning officials, city administrators, county officials, etc.
- **Licensees/Organizations**
 - Licensees – Webinars, social media, *The Nebraska Professional*
 - Organizations – Possible presentations on updates or refreshers, such as seal requirements or technical submissions.
- **Organizations/Societies** – Possible presentations on the E&A Act and the Board, or information based on compliance trends
- **State Agencies** – State senators, Governor’s office, State Fire Marshal, Department of Health and Human Services, etc.
- **Students** – University of Nebraska, Doane University, and other institutions without accredited programs

PIO Bennet provided a list of items to assist in reaching the above groups which include:

- **Webinars** – *Lunch & Learn* series offered each quarter
- **Trips to Nebraska Jurisdictions** with the cities to be visited in each quarter
- **In-Person Presentations**
- ***The Nebraska Professional* digital newsletter** – published monthly
- **Social Media** – Use articles from the newsletter, highlighting a section of the rules each month, highlighting third-party organizations (NCEES, NCARB, UNL, etc)
- **Other Tasks** – reaching out to organizations to ensure they have the necessary printed materials, booth sponsorships, magazine/directory advertising, and disciplinary actions on the Board’s website

Recent Presentations

Copies of recent presentations given by staff were provided. The members had previously discussed creating targeted abstracts for different audiences.

- Nebraska Rural Community Schools Association, January 16, 2025
- UNL Architecture students, February 3, 2025
- UNL Engineering Pro Practice Class, March 11, 2025
- Nebraska Department of Energy and Environment, April 30, 2025

FY2025-26 Marketing Plan

A copy of the FY2025-26 Marketing Plan was provided.

F. FY2025-26 BOARD SUBCOMMITTEES

Suggested Committees

Based on discussion, suggested committees for FY2025-26 are:

- Executive (Standing) – Chair, Vice Chair, and Secretary
- Legislative
- Declaratory Ruling/Guidance Documents Development

ED Wilbeck and Chair Dvorak will work on assigning members to the committees and bring the committee makeup and charges to the July board meeting.

ADJOURN

Chair Dvorak adjourned the meeting at 1:07 p.m.

Dan Thiele, Secretary