



STATE OF NEBRASKA BOARD OF  
ENGINEERS AND ARCHITECTS

# When Does a Lumber Estimate Become a Design? Know the Line.

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JUNE 2, 2026

PRESENTED BY ALLYSON BENNETT



# Roadmap

- **Board Overview**
  - When are Architects and Professional Engineers Required on a Project?**
- **How to Avoid Design Practice**
- **Complaint Process and Investigations**
- **Case Studies**

# Overview of the Board and E&A Act

# Who We Are

- 1920s–30s: Nebraska experienced a dam collapse, flooding from unproven water systems, and a schoolhouse foundation failure.
- These events led to the creation of a board to protect public health, safety, and welfare through regulating engineering and architecture.
- Governor Robert “Roy” Cochran signed the bill into law, effective August 16, 1937.



Johnstown, NE – Lakeland sod high school completion in 1934  
Courtesy of Nebraska State Historical Society



Wahoo, NE – First car over the Silver Creek Bridge in 1925  
Courtesy of Nebraska Department of Roads

# Current Board Members

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Lenora Nelson, Chair,  
Architect



Dan Thiele, P.E., Vice-  
Chair, Professional  
Engineer



James Brisnehan,  
Architect, Secretary



Jan Bostelman, P.E.,  
Professional Engineer



Bruce Dvorak, Ph.D.,  
P.E., Professional  
Engineer



Brett Foley, Ph.D.,  
Public Member



Brian Kelly,  
Architect



Jason Suelter, P.E., S.E.,  
Professional Engineer

# Two Primary Missions

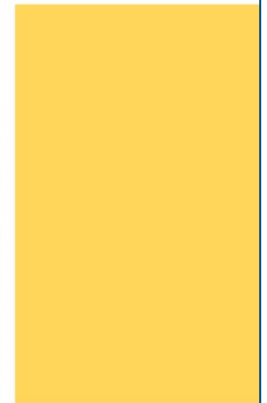
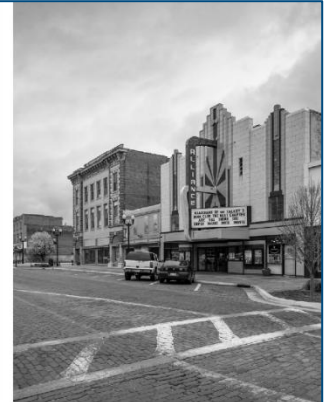
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1. Ensuring that architects and professional engineers are qualified to practice.
2. Enforcing the Act, particularly those provisions that require architects and/or professional engineers to be involved in a project.

# The Nebraska E&A Act Regulation Handbook

- Contains the Nebraska Engineers and Architects Regulation Act (the Act) and the rules and regulations of the Nebraska Board of Engineers and Architects.
- Governs the practice of engineering and architecture in the state of Nebraska in order to safeguard life, health, property, and promote the public welfare.

## THE NEBRASKA ENGINEERS AND ARCHITECTS REGULATION ACT HANDBOOK 2025



# When are Architects and Professional Engineers Required on a Project?

# When is a Design Professional Required on a Project?

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# Practice of Architecture

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Providing or offering to provide design services in connection with the construction, enlargement, or alteration of a building or group of buildings and the space within and surrounding the buildings.  
(*Neb. Rev. Stat. § 81-3420(1)*)



# Practice of Engineering

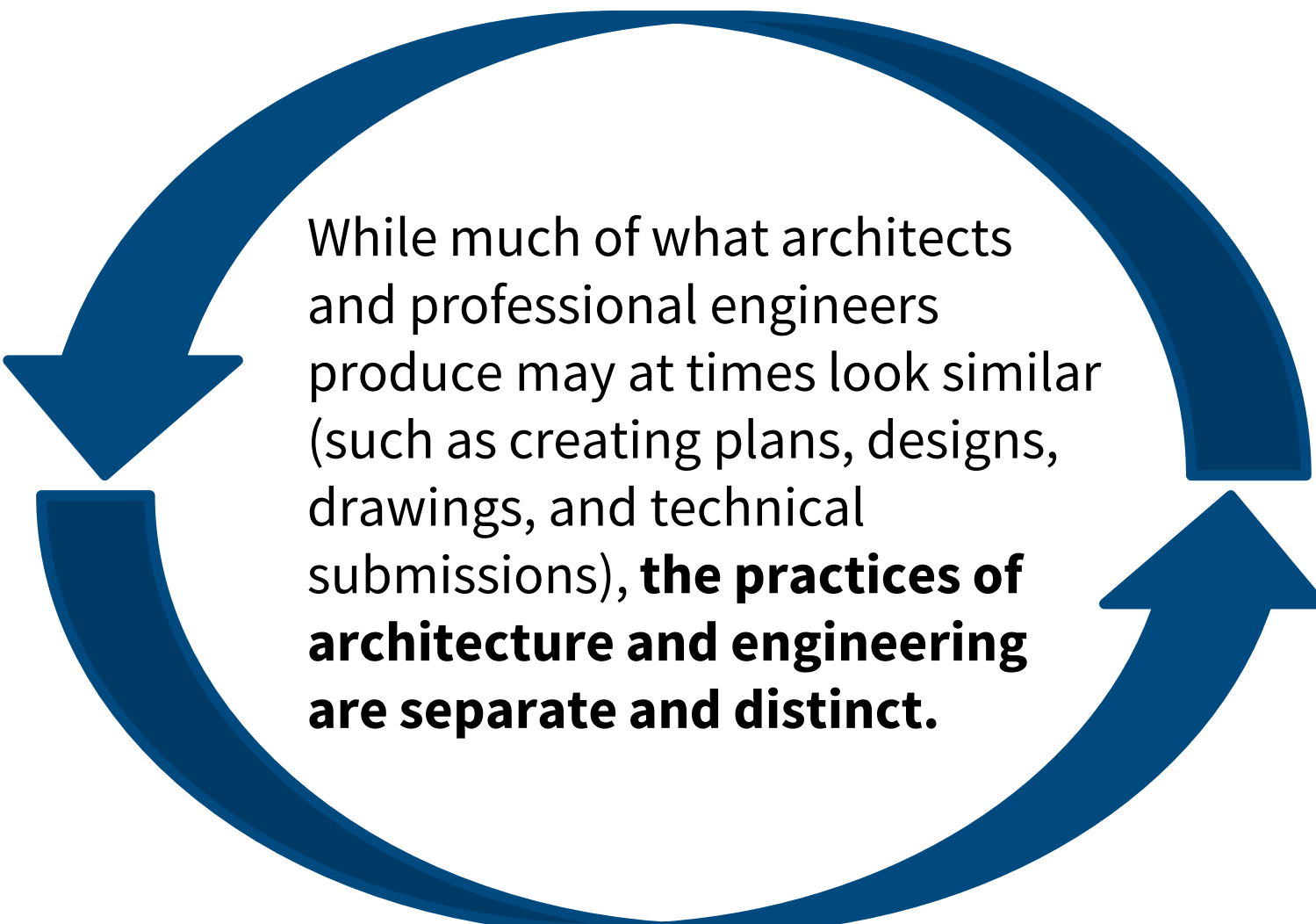
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Any service or creative work that requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences. (*Neb. Rev. Stat. § 81-3421(1)*)



# Are Architects and Engineers Interchangeable?

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While much of what architects and professional engineers produce may at times look similar (such as creating plans, designs, drawings, and technical submissions), **the practices of architecture and engineering are separate and distinct.**

# When is a Design Professional Required on a Project?

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# Occupancy Classifications and Exemptions

# Occupancy Classification

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- Occupancy Classification categorizes structures based on their primary usage, such as a home's main purpose is residential, or a hospital's main purpose is healthcare.
- Knowing a project's Occupancy Classification is a vital first step toward determining if an architect or professional engineer is required.

# Exemptions (Board Rule 10.3)

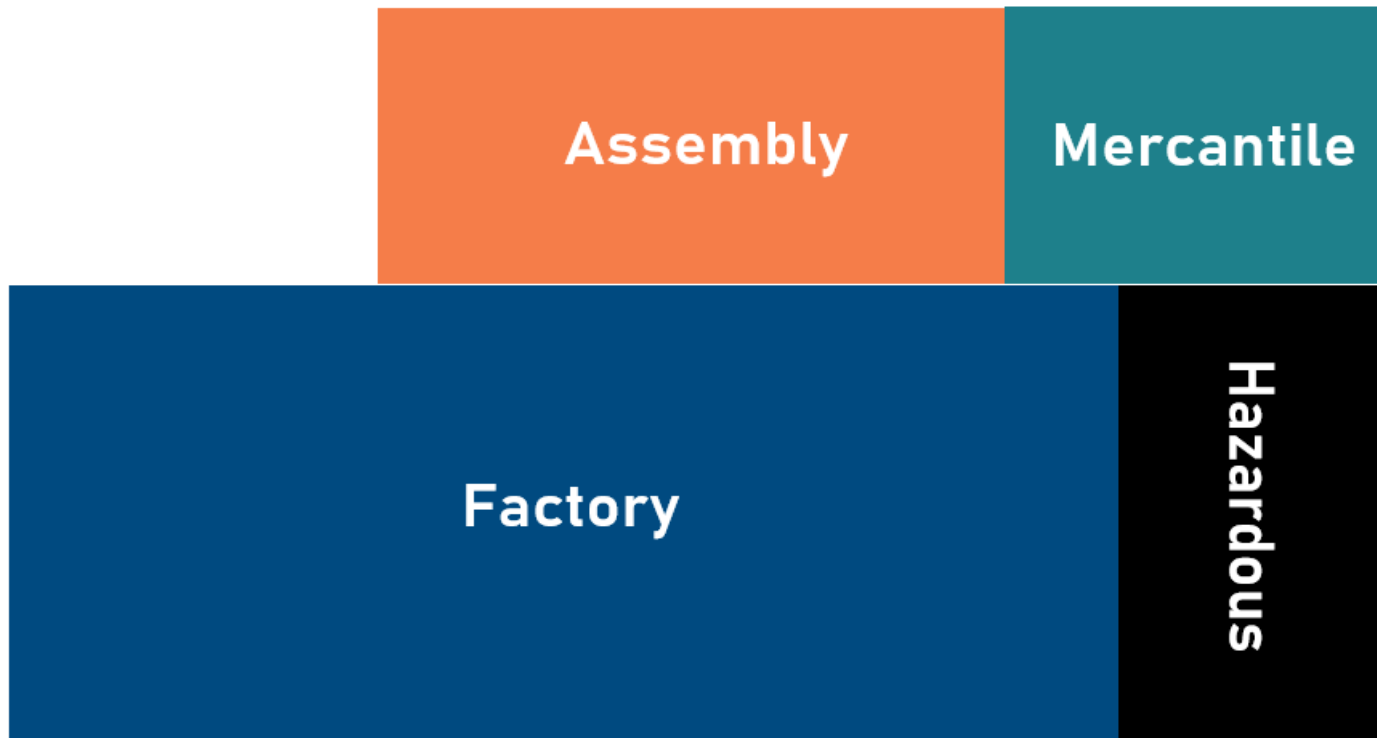
Occupancy Classification	Maximum Building Area (square feet)
Assembly (A)	Less than 1,000
Business (B)	Less than 3,000
Educational (E)	Less than 1,000
Factory (F)	Less than 5,000
Hazardous (H-1, H-2, H-3, H-4)	Less than 2,000
Hazardous (H-5)	Less than 4,000
Institutional, Personal Care (I-1)	Less than 3,000
Institutional, Healthcare (I-2)	Less than 5,000
Institutional, Detention (I-3)	Less than 3,000
Institutional, Day Care	Less than 2,000
Mercantile (M)	Less than 3,000
Residential (R-1, R-2, R-4)	Less than 4,000
Residential (R-3 single family through four-plex)	Less than 10,000
Storage (S)	Less than 5,000
Utility (U)	Less than 5,000

# Multiple Occupancies

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## Board Rule 10.3.11

- Any structure which contains two or more occupancies is governed by the most restrictive occupancy for the purpose of utilizing Rule 10.3.



<b>Occupancy Classification</b>	<b>Maximum Building Area (square feet)</b>
<b>Assembly (A)</b>	<b>Less than 1,000</b>
<b>Business (B)</b>	<b>Less than 3,000</b>
<b>Educational (E)</b>	<b>Less than 1,000</b>
<b>Factory (F)</b>	<b>Less than 5,000</b>
<b>Hazardous (H-1, H-2, H-3, H-4)</b>	<b>Less than 2,000</b>
<b>Hazardous (H-5)</b>	<b>Less than 4,000</b>
<b>Institutional, Personal Care (I-1)</b>	<b>Less than 3,000</b>
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<b>Mercantile (M)</b>	<b>Less than 3,000</b>
<b>Residential (R-1, R-2, R-4)</b>	<b>Less than 4,000</b>
<b>Residential (R-3 single family through four-plex)</b>	<b>Less than 10,000</b>
<b>Storage (S)</b>	<b>Less than 5,000</b>
<b>Utility (U)</b>	<b>Less than 5,000</b>

# Exemption – Farm Buildings

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*Neb. Rev. Stat. § 81-3449(3), 81-3453(3)*

- The provisions of the E&A Act regulating the practice of architecture and engineering do not apply to the construction, remodeling, alteration, or renovation of farm buildings.



# Exemption – Farm Buildings

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## Board Rule 10.2.5

- Farm buildings shall be defined as an agricultural building is defined in the state building code:

*“A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. **This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.**”*

# Exemption – Trades

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*Neb. Rev. Stat. § 81-3449(11), 81-3453(8)*

- The practice by a qualified member of another legally recognized profession who is otherwise licensed or certified by this state or any political subdivision to perform services consistent with the laws of this state, the training, and the code of ethics of such profession, if such qualified member does not represent himself or herself to be practicing architecture/engineering and does not represent himself or herself to be an architect/professional engineer.

# Board Rule 10.6

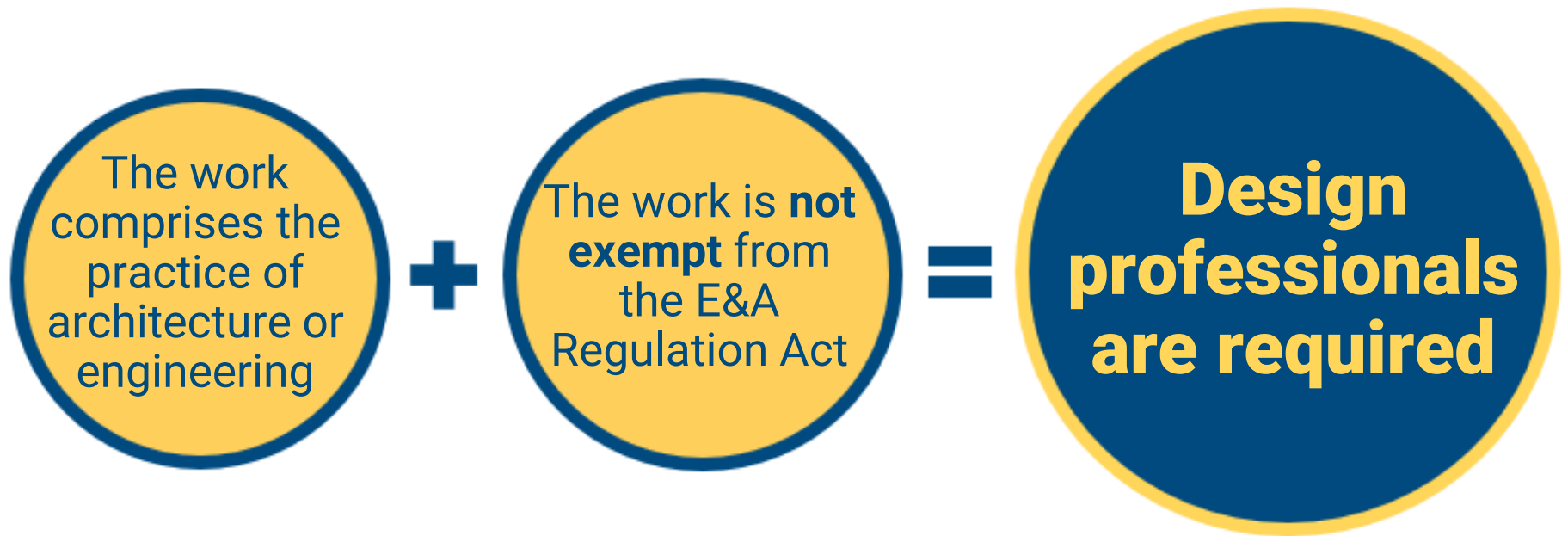
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- Notwithstanding these exemptions, responsible building officials may require plans and specifications to be designed and prepared by a licensee.
- Local jurisdictions can be stricter than the E&A Act.



# When is a Design Professional required on a project?

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# Renovations and Additions

# Renovations and Additions

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Renovations and one-level additions to an existing building, structure, or work are exempt from the E&A Act if:

1. Total impacted area is less than the occupancy classification; **and**
2. The area of renovation or addition does not adversely impact the mechanical system; the electrical system; the structural integrity; the means of egress; and does not change or come into conflict with the occupancy classification of the existing or adjacent tenant space, building, structure or work.

# Example - Renovation

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- 5,000 square foot business occupancy
- Owner wants to renovate half of the building, adding two offices and one restroom.
- Is the renovation space over the occupancy square footage maximum?
  - Exemption level for Business occupancy is 3,000 square feet.
- Are the mechanical, electrical, or structural systems adversely impacted? Is the egress changing?
  - Exterior doors and windows are staying the same.
  - Structural beam within the 2,500 square feet that supports the entire 5,000 square foot building is being moved.

**Existing Space**  
**2,500 sq. ft.**

**Renovation Space**  
**2,500 sq. ft.**

# Example - Addition

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- Is the additional space over the occupancy square footage maximum?
  - Maximum square footage for business occupancy is less than 3,000 square feet.
- Are the mechanical, electrical, or structural systems adversely impacted? Is the egress changing?
  - This is being built with its own structural supports in mind, has separate mechanical and electrical, and no changes to egress.



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# How to Avoid Design Practice

# What is a Design?

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- Per *Neb. Rev. Stat. § 81-3409*, **design** is defined as the preparation of:
  - Schematics,
  - Layouts,
  - Plans,
  - Drawings,
  - Specifications,
  - Calculations, and
  - Other diagnostic documents **which show the features of an architectural or engineering project.**

# Cost Estimates (Board Rule 10.5.4)

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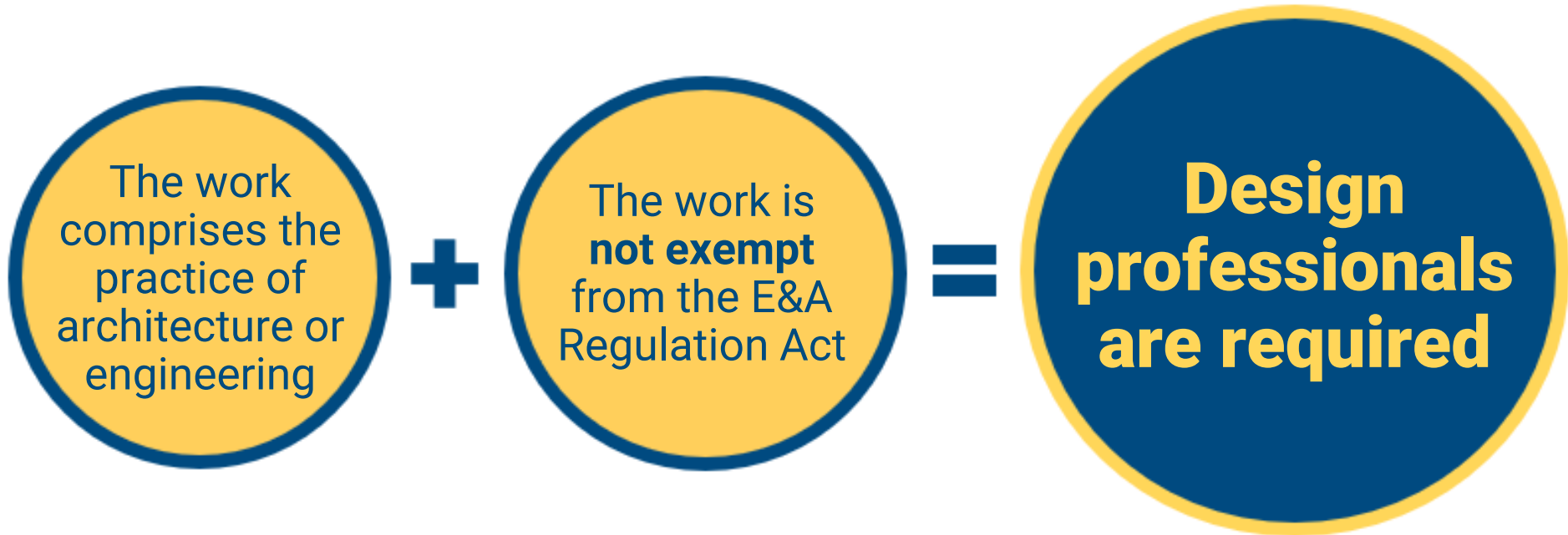
The estimate of the cost of construction work (including the extent of the cost of changes in the work) by construction companies **does not constitute the practice of engineering or architecture.**



# Providing Design Services

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When presented with an idea for a building project, the equation below can help determine whether a design professional is needed.



# Complaint Process and Investigations

# 81-3442. Prohibited acts; penalties.

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- It is **unlawful** to:
  1. Practice or offer to practice architecture or engineering without proper licensure (unless the project is exempt);
  2. Knowingly employ or retain an unlicensed, non-exempt individual to practice;
  3. Use the title “architect,” “engineer,” or derivatives in a business name without authorization;
  4. Advertise in a way that implies licensure when not licensed;
  5. Use another person’s license certificate or seal;
  6. Submit false or forged evidence to the Board;
  7. Impersonate another licensee;
  8. Use an expired, suspended, revoked, or nonexistent license;
  9. Falsely claim licensure or otherwise violate the Act; or
  10. Violate the act.
- **First offense:** Class I misdemeanor
- **Second or subsequent offense:** Class IV felony

# Board Partner Agencies



# How to File a Complaint

- Anyone can file a complaint with the Board for any potential violation of the Act and/or Board Rules.
- Complete the Complaint Form.
- Detail the alleged violation, who was involved, and the project address (if applicable).
- Include as much information as possible, including contracts and technical documents if available.
- Information is not public.



Mail to: PO Box 95165  
Phone: 402-471-2021 Lincoln, NE 68509  
Fax: 402-471-0787

Delivery: 215 Centennial Mall S, Suite 400  
Lincoln, NE 68508

Questions? Contact us at [nbea.office@nebraska.gov](mailto:nbea.office@nebraska.gov) or [ea.nebraska.gov](http://ea.nebraska.gov)

## COMPLAINT FORM

**1. RESPONDENT (The person against whom the complaint is being made):**

Name \_\_\_\_\_ License Number (if known) \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_ Other Information \_\_\_\_\_

**2. COMPLAINANT (The person making the complaint):**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_ Best time to contact you \_\_\_\_\_

**3. Project Address (if applicable):**

Street \_\_\_\_\_

City \_\_\_\_\_ Parcel No. (if known) \_\_\_\_\_

4. Do you have design plans prepared by the Respondent?  Yes  No

5. Did you and the Respondent sign a written contract or letter of agreement?  Yes  No

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- The Nebraska Engineers and Architects Regulation Act
- Disciplinary Actions
- Board Policies
- Coordinating Professional
- Licensee Seals and Technical Submissions
- Enforcement / Complaints**
- Guidance Documents

## Enforcement / Complaints

### Filing a Complaint

Anyone can submit a complaint against architects, professional engineers, organizations, or other persons subject to the jurisdiction of [the Nebraska Engineers and Architects Regulation Act](#) (Title 110 of the Nebraska Administrative Code), please complete and submit a [Complaint Form](#). You will need to submit a written account of the alleged violation, who was involved, and the project address (if applicable). Any contracts, technical documents or other evidence supporting your complaint can also be submitted with the Complaint Form. Providing as much information as possible is helpful to the Board. Board staff will typically contact you within one week of receiving the complaint to verify the information and gather any additional information that may be required.

Board staff will review the allegations and the Board will decide if there is probable cause that a violation has occurred.

Complaints are summarized in the Board's electronic newsletter, [The Nebraska Professional](#). The identity of the Respondent is only published when the Board takes disciplinary action. In instances where the Board has taken disciplinary action, the resulting Order of Disciplinary Action or Settlement Agreement is considered public record and available upon written request. Investigative records of the Board may be withheld upon a public records request, per Nebraska statutes regarding [public records](#).

### Remediation

Remediation is an informal process used by the Board to involve licensees on building projects in Nebraska subject to [the Nebraska Engineers and Architects Regulation Act](#). While remediation may cause delays and added expense, it ensures that the health, safety and welfare of the public is protected through the involvement of licensed professionals.

### Respondents

The respondent is the person or firm alleged to have violated the Nebraska E&A Regulation Act and/or Board Rules. Respondents can be an architect, professional engineer, organization or member of the public.

When the Board authorizes remediation, the Board will specify whether the project involves the practices of architecture, engineering, or both. The owner will receive a letter from the Board detailing whether an architect, a professional engineer(s), or both will need to be involved. Typically, the project will require an architect if the project involves the practice of architecture, and a professional engineer if the project involves the practice of engineering. The Board does not select, assign, or recommend licensed professionals to remediate a project. It is up to the owner to find the required licensed professionals. To find a licensed professional, use our [Licensee Lookup](#) feature.

While reviewing a project, one professional might observe components of the project that are outside their area of competency. This may necessitate other licensed design professionals becoming involved in the remediation process, including but not limited to an architect; professional engineer; professional engineer of a specific discipline; or a licensed or certified tradesman such an electrician, mason, HVAC technician, or plumber.

A complaint and the associated remediation process is not an order to stop construction. The licensed remediation professional(s) will review any existing plans and the structure itself to identify any deficiencies. If the remediation professional identifies immediate concerns of public safety, it is the licensed professional's responsibility to notify appropriate

# Investigations

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- Contact the Complainant.
- Contact the Respondent.
- Gathers more information about the complaint.
- Visit project sites, if necessary.
- Present investigative findings to the Board.
  - Close the complaint
  - Initiate a case

# 81-3444. Disciplinary actions authorized; civil penalties.

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- Issue a censure or reprimand
- Suspend judgment
- Place the individual on probation
- Impose license limitations (scope, duration, or conditions of practice)
- Assess a civil penalty (up to \$10,000 per offense, based on severity)
- Revoke, suspend, or cancel licensure
- Issue a cease-and-desist order
- Assess costs and fees, including attorney, hearing officer, and investigative expenses
- Dismiss the action

# Cost of Non-Compliance

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- Following the Act can help Nebraska citizens and licensees:
  - Comply with state law
  - Protect property
  - Protect persons on and using said property, and
  - Prevent damage or liability from improperly constructed buildings
- Failure to comply with the Act may result in liability for property owners and developers, including statutory fines, civil penalties, and reporting to national organizations, such as NCARB and NCEES.

# Case Studies

# Remediation – Rule 8.4

- The remediation process involves the project owner engaging an architect and/or professional engineer to review the project and identify concerns to public safety, health, and welfare.
- If deficiencies are identified, the remediation professional must recommend design solutions to remedy the issue(s).

**A GUIDE TO  
REMEDICATION**

*Developed to Assist Owners  
and Licensees in Bringing Non-  
Compliant Projects Back Into  
Compliance with the E&A Act*

The cover features a collage of construction-related images: a building under construction, a worker on a steel beam, and workers on a rebar grid. The design includes a green header, a blue sidebar, and a white footer with the logo of the State of Nebraska Board of Engineers and Architects.

**STATE OF NEBRASKA BOARD OF  
ENGINEERS AND ARCHITECTS**

# Remediation – Rule 8.4

- The project owner **MUST** remove the deficiencies identified by the remediation professional.
- Once the project has been remediated, the remediation professional will complete a final letter to the Board stating so.
- If no deficiencies are found, the remediation professional will inform the Board, and the complaint is typically closed.



# Case Study #1

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- Construction of a single-story **3,520 square foot** building classified as an **Assembly (A) occupancy**, designed by a lumberyard.
  - Maximum building area for **Assembly (A) occupancy** is less than **1,000 square feet**.
- The building plans included structural beams and means of egress.

# Case Study #1

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- Licensees were not directly involved throughout the preparation of the technical documents.
- Board reviewed the project and determined it constituted the practice of architecture and engineering and was not exempt from the Act based on size and occupancy.
- Minimum construction phase services were not being provided on this project, allowing for design professionals to be engaged.
- Board found no formal administrative or legal action was warranted and issued a **Letter of Caution**.
- The project designed is separate from this matter and had to be remediated on its own.

# 81-3446 Construction Phase Services

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- Projects subject to the Act require involvement of a licensed architect or professional engineer.
- Allowing construction to proceed without required professional involvement may constitute the unlawful practice of architecture or engineering.
- Property owners are no longer practicing architecture or engineering when:
  - A licensed architect or professional engineer (or persons under their direct supervision) provides minimum construction phase services, or
  - The project is exempt from the Act.

# What “Construction Phase Services” Means

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- Minimum construction phase services **include**:
  - Regular site visits as necessary to determine that work is proceeding generally in accordance with:
    - Approved technical submissions
    - Documents submitted to the building official at permit issuance
  - Processing technical submissions required of the contractor under the contract documents

# Case Study #2

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- Construction of a two-story building classified as an **Assembly (A)** comprising approximately **15,677 square feet**, designed by a lumberyard.
  - Maximum building area for **Assembly (A) occupancy** is less than **1,000 square feet**.
- The building plans included a bar, tables, restrooms, storage, stairs, and means of egress.

# Case Study #2

---

- Licensees were not directly involved throughout the preparation of the technical documents.
- Board reviewed the project and determined it constituted the practice of architecture and engineering and was not exempt from the Act based on size and occupancy.
- Minimum construction phase services were not being provided on this project, allowing for design professionals to be engaged.
- Board found no formal administrative or legal action was warranted and issued a **Letter of Caution**.
- The project designed is separate from this matter and had to be remediated on its own.

# Case Study #3

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- Construction of a single-story **6,800 square foot** building classified as an **Assembly (A) occupancy**, designed by an unlicensed draftsman.
  - Maximum square footage for **Assembly (A) occupancy** is less than **1,000 square feet**.
- In this case, an unlicensed draftsman prepared the project's technical documents and brought in a licensed professional only at the end of the project for a cursory review. The licensee then sealed the documents for submission to local building departments and permitting authorities.
- This practice is referred to as “**plan stamping.**”

# Case Study #3

---

- Board reviewed the project and determined it constituted the practice of architecture and engineering and was not exempt from the Act based on size and occupancy.
- Minimum construction phase services were not being provided on this project, allowing for design professionals to be engaged.
- Board found no formal administrative or legal action was warranted and issued a **Letter of Caution**.
- The project designed is separate from this matter and had to be remediated on its own.

# Direct Supervision of Work (Rule 6.4)

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- To exercise responsible control, a supervising licensee must:
  - Have authority to review, modify, reject, or approve work in progress and final deliverables through continuous oversight.
  - Be personally familiar with the project's scope, requirements, limitations, and special conditions.
  - Be able to explain and defend professional decisions with sufficient knowledge and proficiency.
  - Be satisfied with the completed work and accept full responsibility.

# Resources and Materials



# State of Nebraska Board of Engineers and Architects

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## Licensee Lookup

Search by

- Name
- License/License Number
- Location
- Organizations







## Search for a Licensed Person, Authorized Organization or Temporary Permit

Data contained in this search may be considered original source for accreditation purposes and was last updated: May 27, 2026. Records are updated weekly.

Begin by entering search criteria in the fields below. **For best results, limit criteria to one or two fields.** If you believe the information provided here to be in error, please contact the [board office](#).

For a list of all final disciplinary actions taken by the Board since 2015, please see the [Board disciplinary actions](#). All orders are public record and not subject to withholding from the public under Neb. Rev. Stat. §84-712.05. For disciplinary actions taken by the Board prior to 2015, please contact [nbea.compliance@nebraska.gov](mailto:nbea.compliance@nebraska.gov).

Type	Profession/Discipline	Temporary Permit Project 	Status 
<input type="text" value="All"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
License/Assigned Number	First Name	Last Name	Organization Name
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
City 	State	County 	Zip Code
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>



# State of Nebraska Board of Engineers and Architects

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## Resources



- The Nebraska Professional
- NBEA Lunch and Learn Webinar Series
- Publications
- Latest News
- Links of Interest

- The Nebraska Professional
- NBEA Lunch and Learn Webinar Series
- Publications**
- Latest News
- Links of Interest

# Publications

[The Nebraska Engineers and Architects Regulation Act Handbook](#)

[The Nebraska Board of Engineers and Architects Social Media Accounts](#)



A vertical yellow and blue card with the text "FOLLOW US!". It lists social media handles for the board: es.nebraska.gov, @NEBoardofEngineersArchitects on Facebook, @NEBoardofEngineersArchitects on YouTube, @Nebraska Board of Engineers and Architects on LinkedIn, and @NEBoardofEngineersArchitects on Instagram. At the bottom, it provides the board's address and contact information.

[Before You Build](#)



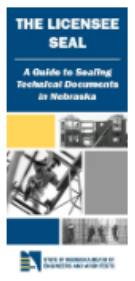
[Before You Build \(Español\)](#)



[Coordinating Professional](#)



[The Licensee Seal](#)



[Becoming an Architect](#)



[Becoming a Professional Engineer](#)



[A Guide to Remediation](#)



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# State of Nebraska Board of Engineers and Architects

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## FAQ

- Do I need an architect or professional engineer on my project?
- For the public
- For licensees
- For students



# State of Nebraska Board of Engineers and Architects

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## Contact Us

- [ea.nebraska.gov](http://ea.nebraska.gov)
- 402-471-2021
- 215 Centennial Mall S, Suite 400  
Lincoln, Nebraska

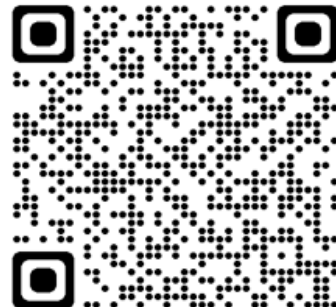
# Follow us!

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To stay up to date on the Board's information and updates, please follow us on social media.



**Facebook**



**YouTube**



**LinkedIn**



**Instagram**

# Questions?

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- Allyson Berglund, Public Information Officer
  - [nbea.marketing@nebraska.gov](mailto:nbea.marketing@nebraska.gov)
  - (402) 471-3060
- Reminders
  - It is **anticipated** the Board will give continuing education credit for the webinar, but as a reminder, the Board **DOES NOT** pre-approve continuing education offerings.
  - Certificates **WILL NOT** be issued as attendance verification. If you participate in the entire presentation, you will receive an email within the next week confirming your attendance.

