

Board to Hold Rulemaking Hearing

Changes to Emeritus, continuing education proposed

Jon Wilbeck, Executive Director &
Molly Mayhew, Public Information Officer

The Nebraska Board of Engineers and Architects will hold a Rulemaking Hearing on December 7, 2018 at 8:30 a.m., located at the Lincoln Community Foundation Building, 215 Centennial Mall South, 5th Floor conference room.

The Board is reorganizing, amending for clarification, and adopting new rules reflecting current board policy. Anyone interested is encouraged to attend and voice comments or concerns on the proposed changes.

Proposed changes in the Board Rules include:

- Changing the word “shall” into other terms—such as “will” and “must.” These changes will not affect the context of the particular rule.
- The definitions and use of terms ACE (Architectural Continuing Education) and ECE (Engineering Continuing Education) are being removed.
- Removal of redundant sentences and general grammatical clean up for clarity.

Proposed changes by Chapter include, but are not limited to:

Chapter 1 – General Provisions

- Reorganizing Attorney General Model Rules to be located in one section.
- Adding precise language for use by emeritus licensees regarding their emeritus title.
- Removal of the annual renewal requirement for emeritus licensees. The Board intends for emeritus license status to not be subject to annual renewals.

Chapter 2 – Licensure of Professional Engineers by Examination

- Removal of Board Rule 2.2.5.6.
- Clarifying when individuals who have met the NCEES Education Standard can sit for the PE Exam (Rule 2.3.3.1).
- Revisions to exam eligibility and retake procedures to accommodate for computer-based testing of NCEES exams (Rule 2.4.1.2.1 and 2.4.1.7).
- Addition clarifying that all PE and SE Applicants need to be reviewed by the Board for approval (Rule 2.5.2).

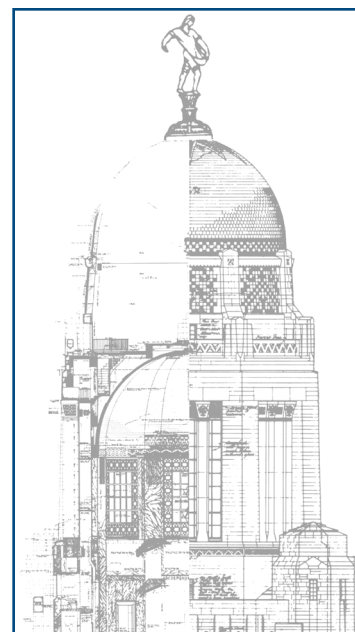
Chapter 4 – Comity

- Specifying the examination requirements for licensure as a Professional Structural Engineer (Rule 4.1.1.5). These four requirements are equivalent to those found in NCEES Model Law.
- Additional provisions for architects applying for licensure via comity (already licensed in another U.S. jurisdiction) added via Rule 4.2.2; these mirror rules for professional engineers in Rule Section 4.1.3.

Chapter 5 – Code of Conduct

- References to phrase “architect or professional engineer” changed to “licensee” when appropriate.
- Most other revisions and additions in this chapter are based on 2018 updates to NCARB’s Rules of Conduct such as a rewrite to Rule to 5.2.2 and 5.5.8 and addition of 5.4.5.

See BOARD RULES, Page 5



BOARD MEMBERS

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Lincoln

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Vice-Chair, Architect, Ashland

Jan Bostelman
Secretary, Professional Engineer,
Brainard

Mark Champion
Architect, Lincoln

Brett Foley
Public Member, Denton

Brian Kelly
Architect, Omaha

Randall Peters
Professional Engineer, Lincoln

Daniel Thiele
Professional Engineer, Omaha

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Lindy Rauscher
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Molly Mayhew
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Kathleen Clements
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N C A R B

NEWS

ARE Fee Increase

The cost of each ARE 5.0 division increased \$25 on October 1, 2018.

ARE 5.0 Content Updates

Also starting on October 1, ARE 5.0 references the newest version of the AIA Contract Documents and the 2015 International Building Code. Candidates should expect to see additional questions related to these documents when testing.

N C E E S

NEWS

Durham School honored by NCEES

The University of Nebraska-Lincoln's Charles W. Durham School of Architectural Engineering and Construction was one of seven recipients of the 2018 NCEES Engineering Education Award. The school's project, Omaha's Children's Hospital and Medical Center Expansion, was honored and the school received a \$10,000 prize.

The NCEES Engineering Education Award recognizes college engineering programs for engaging their students in collaborative projects with licensed professional engineers. It promotes understanding of the value of licensure and encourages partnerships between the engineering profession and education.

Cox is new NCEES CEO

NCEES named David Cox as its new Chief Executive Officer. The announcement was made on August 16 during its 2018 Annual Meeting.

Practicing in your discipline

It is a common misconception that architects and professional engineers are interchangeable and that one can do the work of the other.

Several states do allow architects and professional engineers to engage in incidental practice (also known as purely incidental work or cross-disciplinary practice) but Nebraska does not allow architects to practice engineering and vice versa.

This distinction is clearly stated in The Nebraska Engineers and Architects Regulation Act under Neb. Rev. Stat. §81-3420(1) and §81-3421(1).

Board Rule 5.1.6 of the Title 110 of the Nebraska Administrative Code, further states an "architect or professional engineer shall not sign, seal, or attest to any work pertaining to any technical discipline or specialty that the architect or professional engineer does not have professional training and experience."

Professional engineers may practice in disciplines of engineering other than the discipline noted on their seal if they have the education, training, and experience to do so.

If a licensee's practice is called into question, the individual may be required to provide the Board with evidence that they are competent to practice other disciplines.

If the Board has deemed a licensee not competent in an engineering discipline, they are not allowed to practice engineering in that discipline. Licensees found practicing outside of their profession could face civil penalties, limitations on the extent of their practice, suspension, or revocation of license.

If you believe a licensee is practicing outside the scope of their license, or have further questions in relation to this article, please contact the Board's Compliance Officer Lindy Rauscher at lindy.rauscher@nebraska.gov. ■

License renewals due at end of the year

Licensees with last names beginning with L through Z have until Monday, December 31, 2018 at 11:59 p.m. central time to renew their license. Individuals can renew online at ea.nebraska.gov/renew-your-license or can call the Board office to request a mailed paper renewal form.

Licensees running older versions of web browsers, particularly Internet Explorer, may encounter problems renewing online.

If your renewal session times out, try using a different browser. If you are still having issues, please contact our staff at 402-471-2021 or nbea.office@nebraska.gov.

The renewal deadline for licensees with last names beginning with the letters L through Z is December 31, 2018

Board staff will be available Friday, December 31, 2018 until 5:00 pm to assist with renewals.

Please note, if you wish to pay renewal or late fees in person at the Board office, the Board does not accept debit or credit cards and can only accept checks or the exact cash amount.

The Board also does not accept payments over the phone.

For further questions about renewing, continuing education or audits, please visit the Board's website at ea.nebraska.gov/renew-your-license. ■

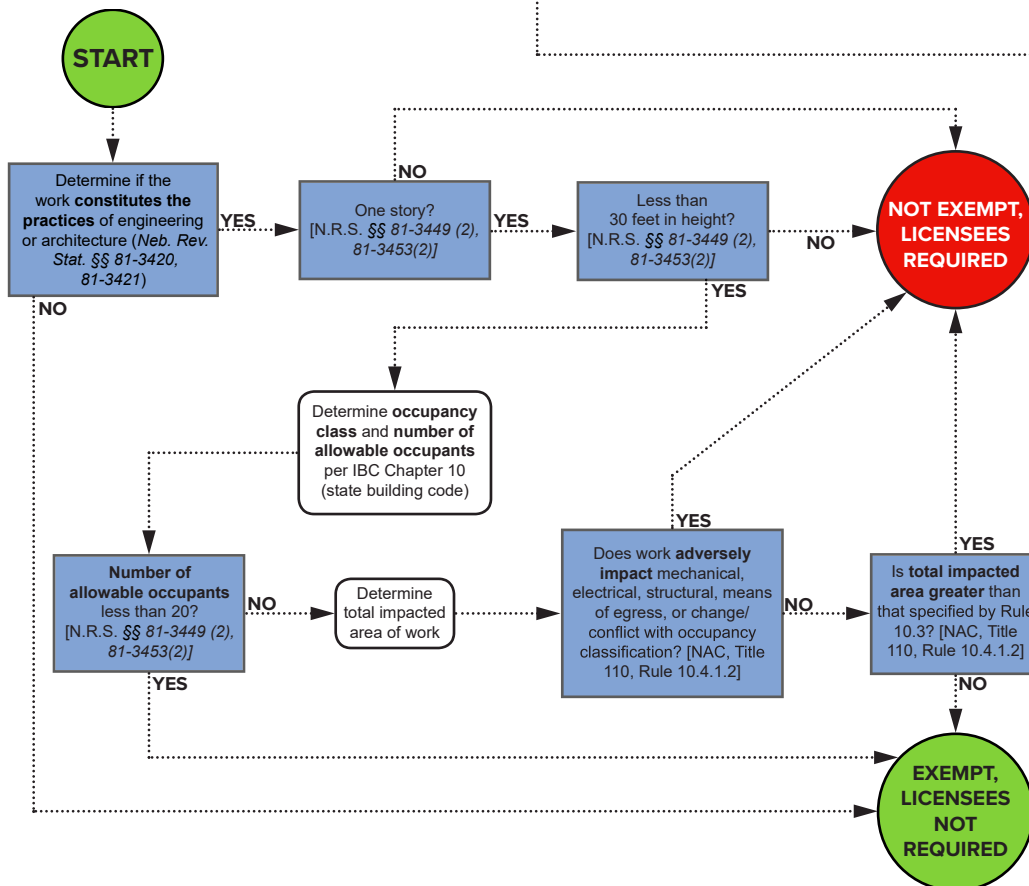
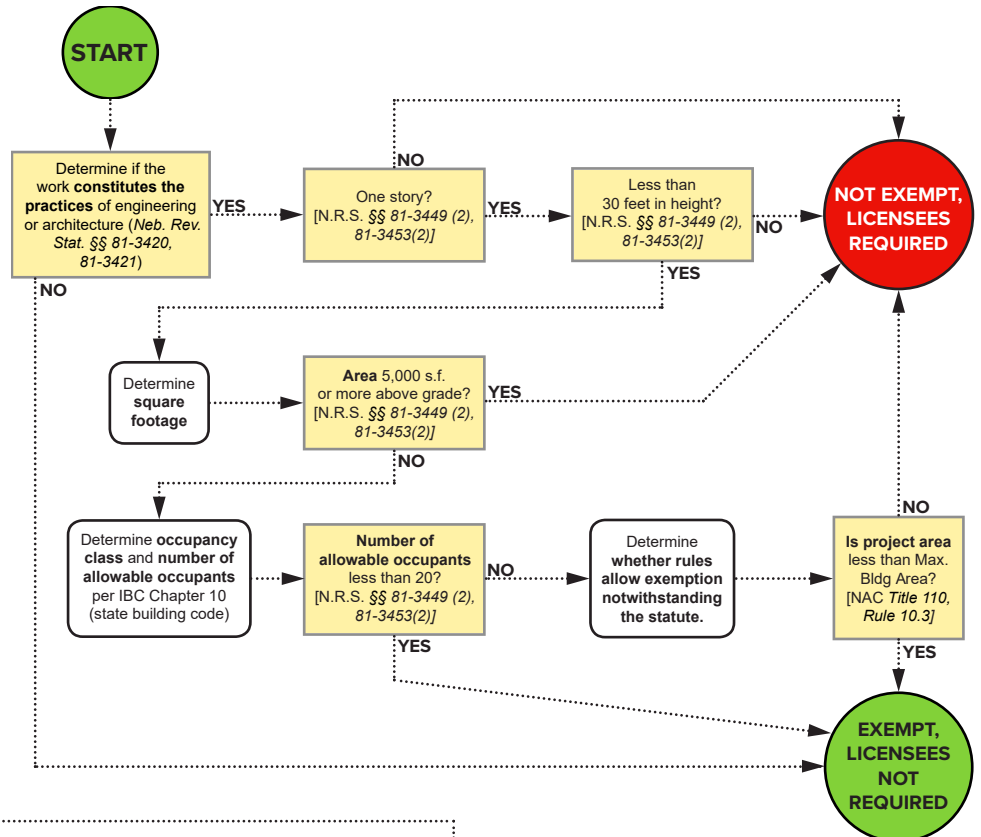
Flowcharts help explain when a project subject to Act

The Board has created two flowcharts to help the public, related professions, and licensees determine when an architect or professional engineer is required for a new construction, renovation or an addition project in Nebraska. The charts are based on both the provisions of Neb. Rev. Stat. §§ 81-3449 and 81-3453, the Exemption Matrix in Board Rule 10.3, and Rule 10.4 relating to renovations and one-level additions. These charts can also be found in the back of the latest edition of *The E&A Regulation Act Handbook*, on the Board's website in the *Resources* section.

New Construction

This diagram is meant to help determine if a licensed architect or professional engineer is required on a **new construction** project per the E&A Regulation Act and Board Rules.

This chart does not apply to single family to four family dwellings.



Renovations & One-Level Additions

This diagram is meant to help determine if a licensed architect or professional engineer is required on a **renovation project** or **one-level addition** per the E&A Regulation Act and Board Rules.

2018 CAPITOL LICENSING CEREMONY

18 architects and 36 professional engineers receive certificates



Licensees pose with their license certificates in the Rotunda of the Nebraska State Capitol of November 2, 2018. In total, 22 architects and 115 professional engineers were licensed since October of last year.

For the third year in a row, the Nebraska Board of Engineers and Architects Recognition Ceremony had over 50 licensees in attendance. Overall, 54 newly licensed individuals, along with family and friends, attended the Board's Recognition Ceremony on November 2 at the Nebraska State Capitol.

In total, 22 architects and 115 professional engineers were licensed by exam in Nebraska since October 2017 which are the second and third highest numbers, respectively, since the Board began holding these recognition events.

"It is excellent to have so many family members and firm representatives share in your success with us today in one of Nebraska's landmark buildings, the Nebraska State Capitol," Jeff Monzu, President of the Nebraska Chapter of the AIA, said before the presentation of architects.

Speaking before the introduction of professional engineers was Paul Vovk, president of the Nebraska Chapter of the Society of Professional Engineers.

"You should all be very proud for attaining this level of achievement in your profession. You have now joined the community of professionals committed to excellence," Vovk said. "[The title] 'P.E.' instantly says you're experienced, knowledgeable, and accountable.

Welcoming and closing remarks were delivered by Board Chair, Jennifer Klein, P.E. who reminded licensees that the Board staff is available to help answer questions that arise with becoming licensed. Board Vice-Chair, Lenora Isom, NCARB and Board Education Member, Randall Peters, P.E., presented the respective licensees.

This is the 14th year the Board has hosted the ceremony. ■

**In the past
10 years the
Board has
licensed...**

202
architects and
1,094
professional engineers
by exam

**for a total of
1,296
new licensees**

Reviewing and revising previously sealed documents

Unforeseen circumstances arise with every project. Unfortunately, sometimes that unforeseen circumstance necessitates the need for another licensee to assume design responsibility for a current or upcoming project.

While rare, Board staff do receive questions from clients, firms, and building officials when a subsequent licensee becomes involved in a project where documents have already been sealed by the original licensee.

Previously Sealed Plans

Board Rule 6.2 states that an architect or professional engineer can review, revise as appropriate and seal documents and plans if the original architect and/or professional engineer provides written consent for the adaptation of the documents. These scenarios are most common when a licensee suddenly retires or moves.

If such permission cannot reasonably be obtained, the architect or professional engineer seeking the adaptation of documents should provide a written explanation (to applicable agencies, officials, inspectors and clients) of the circumstances that prevent such permission from being obtained.

This is most common when the original licensee becomes hospitalized or has passed away while a project is in progress.

Revising Original Plans

The subsequent licensee will take full responsibility of any revision of the documents and review for zoning and code compliance. When applicable, the subsequent licensee will also seal, sign and date technical and design documents per Board Rules—Title 110 of the Nebraska Administrative Code—which can be found in *The E&A Regulation Act Handbook*.

Should you have questions about documents previously sealed by another licensee, please contact Compliance Officer Lindy Rauscher at lindy.rauscher@nebraska.gov. ■

The Nebraska Professional will now offer a chance to obtain continuing education hours. The last page of the newsletter includes a certificate with questions pertaining to information found in the newsletter and will account for .25 credits toward overall continuing education hours.

The intent is encourage licensees to read the newsletter for important information. Hours claimed for reading the newsletter do not count towards ethics requirement.

BOARD RULES, continued From page 1

Chapter 7 – Organizational Practice

- New Rule 7.3.4.1 clarifies that the Board may charge fees on a ‘tiered’ schedule for companies that need a certificate of authorization to practice architecture or engineering.
- The Board adopted this practice in 2014 which this reduces fees for smaller companies with fewer employees.

Chapter 9 – Continuing Education

- Providing a list of acceptable continuing education activities (Rule 9.2.3). This list is not comprehensive.
- A new rule that would specify, effective January 1, 2022, a learning activity that is:

1) non-technical in nature, and

2) addresses a topic that is not part of that profession’s body of knowledge as developed by the applicable national professional engineering society or is not categorized as a Health Safety and Welfare topic by NCARB,

is not an acceptable continuing education activity.

- Minor changes to the language concerning CE audits.
- Addition of Rule 9.3.5 which allows for self-guided continuing education activities undertaken by a licensee.
- Clarification of units and carry-over hours.

To view all purposed changes of the rules, please visit bit.ly/EChanges. Any interested persons can submit written comments to the Board prior to the hearing, which must be received by end of the business day on December 6, 2018. Comments and questions can be submitted to nbea.office@nebraska.gov.

Interested persons can also attend the rulemaking hearing and testify orally or by written submission at the hearing. If auxiliary aids or reasonable accommodations are needed to participate at the hearing, please call (402) 471-2021 no later than ten days before the hearing. The regularly scheduled Board meeting will immediately follow the hearing.

The rulemaking hearing will be held on December 7, 2018 at 8:30 a.m., located at the Lincoln Community Foundation Building, 215 Centennial Mall South, 5th Floor conference room. ■

Recently Resolved Compliance Cases

The following complaints were reviewed for compliance by the Nebraska Board of Engineers and Architects, and resolved via the action noted. These summaries are provided for licensee education and information, and should not be interpreted as a full description of the complaints described. In complaints where disciplinary action was taken by the Board per Neb. Rev. Stat. § 81-3444, the names of the individuals and/or organizations involved are included.

Complaint #16.02 Unlicensed Practice

The Board was notified of the submission of building plans to another state agency for the construction and renovation of several buildings of multiple occupancies that did not bear the seal of a Nebraska-licensed architect or professional engineer.

Action: The project was subject to the E&A Regulation Act because each building was either more than one story or exceeded the exemption square footage limits specified in Board Rule 10.3. Soon after the property owner was notified of the complaint, they requested guidance from the Board about how to bring the work into compliance with the Act.

The Board held a formal hearing and issued an order to cease and desist the unlicensed practice of architecture and engineering and imposed a civil penalty. Due to the cooperation of the property owners, the Board deferred enforcement of the civil penalty on the condition that licensees continue to be involved in the project's design and construction.

The Board dismissed with complaint without seeking enforcement of the civil penalty, but reserved the right to re-visit the complaint if the Board learns that licensees are no longer involved in subsequent phases of the project.

Complaint #17.17 Unlicensed Practice

The Board was notified of the submission of building plans to another state agency for the construction of a

two-story addition of 2,360 square feet to an existing 3,000 square foot building [Mercantile (M) occupancy] that did not bear the seal of a Nebraska-licensed architect or professional engineer.

Action: This project was subject to the Act because the addition was more than one story. The Board authorized the remediation process provided in Board Rule 8.4 to bring this project into compliance with the Act.

The remediation licensees conducted reviews of the project, identified deficiencies, recommended corrections that were implemented, and assumed responsibility for the work. The complaint was then dismissed with no disciplinary action.

Complaint #17.19 Unlicensed Practice

The Board was notified of the submission of building plans to another state agency for the construction of a two-story building [Business (B) occupancy] comprising 4,620 square feet that did not bear the seal of a Nebraska-licensed architect or professional engineer.

Action: This project was subject to the Act because the building was more than one story. The Board authorized the remediation process provided in Board Rule 8.4 to bring this project into compliance with the Act.

The remediation licensees conducted reviews of the project, found no deficiencies, and assumed responsibility for the work. The complaint was then dismissed with no disciplinary action.

Complaint #17.23 Unlicensed Practice

A complaint was filed against an architect for preparing and sealing documents that constitute the practice of engineering in relation to a telecommunications tower modification.

Action: This project was subject to the Act because the modified structure was more than 30 feet in height. The Board authorized the remediation process provided in Board Rule 8.4 to bring this project into compliance with the Act.

The remediation professional engineer conducted a review of the project, identified no deficiencies, and assumed responsibility for the work. The complaint was then dismissed with no disciplinary action.

Complaint #17.25 Unlicensed Practice

The Board was notified of the submission of building plans to another state agency for the renovation of a one-story building [Assembly (A) occupancy] comprising 2,308 square feet that did not bear the seal of a Nebraska-licensed architect or professional engineer.

Action: During the course of the investigation, it became apparent that the renovation project had been abandoned. The complaint was dismissed with no disciplinary action.

Complaint #18.01 E&A Act Violations

The Board was notified by the National Council of Architectural Registration Boards (NCARB) of the revocation of the NCARB Certificate of an architect due to disciplinary action taken by another state Board.

Action: The licensee requested voluntary suspension of their license concurrent with the revocation of the NCARB Certificate to avoid disciplinary action proceedings and possible suspension or revocation of the license as required by the Code of Practice, Board Rule 5.4.3.2. The Board granted the voluntary suspension request and dismissed the complaint with no disciplinary action.

Complaint #18.03 Unlicensed Practice

The Board was notified of the submission of building plans to another state agency for the renovation of a two-story building [Mercantile (M) occupancy] comprising 3,150 square feet that did not bear the seal of a Nebraska-licensed architect or professional engineer.

Action: Following investigation, the Board determined that the project was not subject to the Act because the work did not constitute the practices of architecture or engineering. The complaint was dismissed with no disciplinary action.

Complaint #18.05 Unlicensed Practice

The Board was notified of the submission of building plans to another state agency for the construction of a one-story addition of 700 square feet to an existing two-story building of 16,316 square feet [Institutional (I-2) occupancy] that did not bear the seal of a Nebraska-licensed architect or professional engineer.

Action: Following investigation, the Board determined that the project was subject to the Act, but qualified for an exemption because the total impacted area of the project was less than 5,000 square feet and the addition did not adversely impact the existing building. The complaint was dismissed with no disciplinary action.

Complaint #18.07 Unlicensed Practice

The Board was notified of the submission of building plans to another state agency for the renovation of a two-story building [Business (B) occupancy] comprising 3,520 square feet that did not bear the seal of a Nebraska-licensed architect or professional engineer.

Action: This project was subject to the Act because the building was more than one story. The Board authorized the remediation process provided in Board Rule 8.4 to bring this project into compliance with the Act.

The remediation licensees conducted reviews of the project, identified deficiencies, recommended corrections that were implemented, and assumed responsibility for the work. The complaint was then dismissed with no disciplinary action.

Complaint #18.08 Incompetence

A complaint was filed against a professional engineer alleging incompetence in relation to construction completion paperwork and project administration.

Action: Upon receiving notice of the complaint, the licensee corrected the paperwork and project administration items. The Board dismissed the complaint with no disciplinary action. ■

Licensure Updates

May 3, 2018 - October 31, 2018

Architects by Exam

Brandon M. Beatty	Omaha	NE
Bradly J. Brooks	Omaha	NE
Adam H. Donner	Minneapolis	MN
Benjamin J. Fiedler	Omaha	NE
Jennifer L. Fiedler	Omaha	NE
Jenna V. Krueger	Lincoln	NE
Evan K. Lamprecht	Elkhorn	NE
Molly E. Macklin	Omaha	NE
Mark C. Muller	Glen Ellyn	IL
Kristen M. Schulte	Omaha	NE
Nolan J. Stevens	Bennington	NE
Gregory S. Stieren	Elkhorn	NE
Kendra R. Thompson	Papillion	NE

Professional Engineers by Exam

Agricultural & Biological

John B. Barker	Lincoln	NE
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Architectural

Christopher S. Beaty	Omaha	NE
Tony L. Dupsky	Lincoln	NE
Matthew B. Gorny	Kansas City	KS

Civil

Kelvin V. Arent	Lincoln	NE
Ryan R. Beck	Council Bluffs	IA
Ryan M. Cates	Omaha	NE
Ross C. Clerk	Omaha	NE
Michael A. Cutshall	Kansas City	MO
Hayden J. DeLay	Omaha	NE
Brian T. Emmerich	Omaha	NE
Kristine M.M. Evans	Omaha	NE
Edward A. Guernsey	Kansas City	MO
Levi N. Hawkins	Omaha	NE
Emilie Hudon	Lincoln	NE
Brandt M. Humphrey	Kansas City	MO
Roger S. Knobeloch	Lincoln	NE
Samuel J. Lasley	La Vista	NE
Tyler J. Lerdahl	Omaha	NE
Kyle J. Linden	Omaha	NE
Adam R. Mace	Lincoln	NE
Michael J. Martin	Omaha	NE
Traci M. Owens	Omaha	NE
Tyler E. Paulsen	Omaha	NE
Jon C. Riede	Bennington	NE
Joseph R. Roberts	Omaha	NE
Jacob C. Robison	Elk Creek	NE
Alexander J. Roth	Omaha	NE
Simon M. Schacher	Columbus	NE
Stefan M. Schaepe	Lincoln	NE
Adam D. Sevenker	Omaha	NE

Matthew M.Y. Smith	Sioux City	IA
Grzegorz A. Stelmaszek	Omaha	NE
Brian C. Storm	Omaha	NE
Robert W. Vanderveen	Omaha	NE
Taylor E. Wiese	Lincoln	NE
Cody L. Wilbers	Lincoln	NE
Kipp J. Williams	Grand Island	NE

Electrical and Computer

Gregg L. Gilmore	Omaha	NE
Joshua R. Riley	Blair	NE

Environmental

Benjamin J. Wilton	Papillion	NE
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Industrial & Systems

Matthew D. Bair	Minden	NE
Thomas P. Roh	Omaha	NE

Mechanical

Nathan H. Fries	Boelus	NE
James M. Gordon	Omaha	NE
David M. Haberman	Rapid City	SD
Jacob R. Kaufman	Littleton	CO
Anna M. Mosier	Omaha	NE

In Memoriam

Architects

Philip A. Corkill	Lincoln	NE
Joseph E.P. Jorgensen	Lincoln	NE
Julie D. Kasl	Elkhorn	NE
Donald F.J. Prochaska	Omaha	NE
Cynthia S. Tooker	Omaha	NE
Gary D. Watkins	Omaha	NE
Charles R. Womack	Dallas	NE

Professional Engineers

Philip A. Corkill	Lincoln	NE
Gregory R. Clark	Omaha	NE
John L. Ballard	Lincoln	NE
Kenneth L. Bonsall	Lincoln	NE
Robert A. Christiansen	Lincoln	NE
William D. Churchill	Omaha	NE
Richard E. Gibson	Bolivar	MO
William E. Hamouz	Centennial	CO
John E. Housiaux	Bossier City	LA
Kevin J. Michel	Mandan	ND
Norman P. Nelson	Lincoln	NE
Bernard J. Owens	Jackson	TN
John C. Porter	Hickman	NE
Michael F. Richards	Waukegan	IA
Charles E. Wahl	Lincoln	NE
Larry K. Wester	Laramie	WY
Raymond P. Zink	Lincoln	NE



STATE OF NEBRASKA BOARD OF ENGINEERS AND ARCHITECTS

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NOV	22-23	Office Closed - Thanksgiving
DEC	7	Board Meeting
	25	Office Closed - Christmas Day
JAN	1	Office Closed - New Year's Day
	11	Board Meeting
	21	Office Closed - MLK Day
FEB	14	NCEES PE Exam Registration Deadline
	15	Board Meeting
	18	Office Closed - President's Day
MAR	22	Board Meeting
APR	5-6	NCEES Pencil & Paper Exams
	18	Board Meeting
	26	Office Closed - Arbor Day
MAY	17	Board Meeting

CONTINUING EDUCATION CERTIFICATE NEBRASKA BOARD OF ENGINEERS AND ARCHITECTS

This is to certify that the person named below has earned 0.25 continuing education units for Architects and Professional Engineers by thoroughly reading the November 2018 edition of the Nebraska Board of Engineers and Architects newsletter, *The Nebraska Professional*.

NAME OF PARTICIPANT

I attest, by the responses recorded below, my signature, and on my professional honor, that I have personally read and am familiar with the November 2018 edition of the *The Nebraska Professional*.

1. What Board Rule states that an architect or professional engineer can review, revise as appropriate and seal documents and plans if the original licensee provides written consent for adaptation?
2. Is the Board considering changes to its rules concerning emeritus license status and continuing education?
3. When is the date and time of the Board's public hearing on proposed changes to its rules and regulations?

Signature

License No.

Date

If you claim credit for reading the newsletter and are audited, you will be required to produce this completed certificate as documentation.