

Nebraska Board of Engineers and Architects
Board Meeting Minutes
February 19, 2016

CALL TO ORDER

The meeting was held at 215 Centennial Mall South, 5th Floor Large Conference Room, Lincoln, Nebraska. Chair Krejci called the meeting to order at 8:31 a.m. and noted the location of the Public Meeting Statutes. Notice of the meeting was published in the Lincoln Journal Star in compliance with the Open Meetings Act.

Roll Call: Lori Krejci, Chair; Krista Kester, Vice-Chair; Roger Helgoth, Secretary; Jennifer Klein; Tom Laging; Absent: Mark Champion; Michael Conzett; Daniel Linzell.

Staff Present: Jon Wilbeck, Compliance Officer (CO); Sandra Weaver, Administrator (AD); Jean Lais, Administrative Assistant (AA); Tanna Dittmar, Public Information Officer (PIO).

The following appeared before the Board:

9:00 a.m. – Rich Lombardi, American Communications Group Inc.

Public Present (No comment)

Carly Belz, Allied ASID

Agenda Items

A Consent Agenda

Meeting Minutes

January 15, 2016 public rulemaking hearing minutes

January 15, 2016 meeting minutes

Approval of Consent Agenda

Action Motion by Klein, second by Laging to approve the consent agenda. Voting Yes: Helgoth, Kester, Klein, Laging, Krejci. Voting No: None. Absent: Champion, Conzett, Linzell.

B Committee Reports

2015-16 Board committee assignments and charges

Executive Committee Report - None

Education and Communication Committee Report

Committee Chair Helgoth reported the next Education and Communication Committee meeting would be held February 23rd.

The Board discussed the impact of Policy 14.09 on continuing education carryover. It was concluded that licensees could carry over unused web-based hours from non-approved providers from one period to the next as long as the submitted hours met the requirements of each period. Continuing education submitted with licensure reinstatement applications would be handled the same way.

An Activity Report tracking activity on the Board's website from January 13 to February 9, 2016, was presented for review by PIO Tanna Dittmar.

Enforcement Committee Report

Committee Chair Klein reported the Committee met on February 11, 2016. The Committee reviewed proposed language for Policy 16.01 based on discussion of the Board at the January 2016 meeting. The policy will be discussed under Old Business. Other topics included temporary construction equipment, the Coordinating Professional brochure, and a brochure or web article on the use of the seal. The Spring 2015 newsletter article "The 411 on Sealing" will be corrected in a future newsletter to include "Every design professional should seal the cover page..." A brochure for seal use was discussed. Highlighting proper seal usage could be a feature column in the newsletter. Strengthening the relationship with the State Fire Marshal was suggested as a topic for the Strategic Planning Session. A new policy concerning Certificates of Authorization organization names and practice authorization will be presented to the Board under New Business. CO Wilbeck put together some bullet points on licensees fulfilling intent of licensee supervision which could be used as guide by the Board if a complaint is filed. Klein reiterated the Compliance Flow Chart will not be published but be used in house. Issues with Certificates of Authorization at the staff level were discussed.

Legislative Committee Report

Legislative Liaison Lombard reported the 104th Legislative Session convened on January 6, 2016. The Legislative Session has 30 remaining days and will possibly end on April 20th. Lombardi noted LB 867 would change provisions relating to the Administrative Procedure Act. Representatives of Code and Non-Code agencies vetted the final language. The bill is not expected to be burdensome to State agencies. The

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Department of Administrative Services will carry the major cost and post some guidance documents. Other bills of interest included LB 704, which would change building code provisions applicable to political subdivisions; LB 960, which would adopt the Transportation Innovation Act and provide transfers from the Cash Reserve Fund; and LB 28, which would adopt the Radon Resistant New Construction Act. Priority bills will be revealed in the next several days. AA Lais reported LB 788, which would change and eliminate provisions in the Professional Landscape Architects Act, would go to a hearing on Wednesday, February 24, 2016. CO Wilbeck was tasked to provide support testimony on behalf of the Board of Engineers and Architects for the portion of the law that addresses the Board's interests. Klein will work with CO Wilbeck to create a testimony statement for the hearing.

Legislative Committee Chair Kester reported the Committee will be meeting with stakeholders concerning the exemptions in the law. After stakeholder concerns are vetted, needed changes to the matrix could be identified. The statute will need to be revised before addressing the rules and regulations. Helgoth will put together a draft invitation for stakeholder meetings. Senators will be considered after the Legislative Session is over.

MOU Ad Hoc Committee Report

Committee Chair Klein presented a Memorandum of Understanding (MOU) between the State Fire Marshal and the Board of Engineers and Architects for review. Klein will make the changes to the document as discussed and the MOU will be sent back to the State Fire Marshal.

Strategic Plan

2015-16 Strategic Plan review

Chair Krejci asked the Board committees if milestones were being met. Committees will continue to review the plan to ensure tasks are being completed.

C Old Business

Proposed Policy 16.01 – Renewal Disclosures Authorized to be Administratively Reviewed

CO Wilbeck will revise proposed Policy 16.01 as discussed and bring it back to the March meeting. Staff will provide a summary of administrative actions on renewal disclosures to the Board. Details for disclosures in a NCEES or NCARB record would not be needed since they are provided in the record.

MOU with State Fire Marshal

Action Motion by Helgoth, second by Klein to approve the Memorandum of Understanding between the Nebraska State Fire Marshal and the Board of Engineers and Architects with the revisions as discussed and forward to the State Fire Marshal. Voting Yes: Helgoth, Kester, Klein, Laging, Krejci. Voting No: None. Absent: Champion, Conzett, Linzell.

Continued services of Special Assistant Attorney General

Action Motion by Kester, second by Klein to proceed with obtaining an appointment from the AG for a Special Assistant Attorney General. Voting Yes: Helgoth, Kester, Klein, Laging, Krejci. Voting No: None. Absent: Champion, Conzett, Linzell.

Action Motion by Kester, second by Klein to authorize the Chair to execute an agreement with Sean Minahan for legal services subject to an appointment by the Attorney General's Office. Voting Yes: Helgoth, Kester, Klein, Laging, Krejci. Voting No: None. Absent: Champion, Conzett, Linzell.

D New Business

Governance

Proposed Policy – Certificates of Authorization and Titles

The Board agreed that a firm may practice only what it is authorized for. If an engineering firm has an architect in charge and no professional engineer in charge, it may only practice architecture. A rule change may be considered in the future.

Architecture Items

NCARB Fast Facts – December 2015

The NCARB Education Standard was modified to align with changes to the National Architectural Accrediting Board (NAAB) *2014 Conditions for Accreditation* on January 1, 2016. A Legislative Tracker has been implemented to track and report proposed and enacted bills and regulations that impact the practice of architecture and licensure of architects. In November 2015, the Citizen Advocacy Center issued a white paper addressing the North Carolina Board of Dental Examiners v. Federal Trade Commission decision. The white

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paper “explores eight approaches states might take to retain immunity from federal anti-trust liability, given the North Carolina Dental decision.”

NCARB BOD brief – December 2015

During the past fiscal year, NCARB accepted a report from its Future Title Task Force recommending that reference to “intern” and “internship” be removed from NCARB program vocabulary. The report stated that NCARB’s regulatory focus should be solely upon the use of the word “architect” as restricted to those who obtain a license to practice. NCARB will be embarking upon a year-long “sunset approach” to its use of the title “intern” at the corporate level, and selected “The Architectural Experience Program” as the new title for the “Intern Development Program, or IDP.”

Engineering Items

NCEES MBA Committee meeting charges

A list of NCEES MBA Committee charges was presented to the Board from the first Member Board Administrators (MBA) Committee conducted December 7-8, 2015, in Tampa, Florida.

NCEES MBA Forum Report

Highlights of the MBA Forum in Atlanta, GA, on February 5-6, 2016, were submitted to the Board.

Authorization for Travel

2016 regional and national meeting travel authorization

Conzett was authorized to make a presentation on engineering licensure and the role of NCEES in the process to Dr. Dahab’s Professional practice and management in Civil Engineering class at UNL on March 3, 2016. Laging was authorized to attend the NCEES Central Zone Meeting in Kansas City, MO, May 5-7, 2016.

Other New Business

Resignation of Executive Director

A letter was received from Executive Director Masters notifying the Board of his resignation as Executive Director.

Executive Session - Commenced at 10:29 a.m.

Action Motion by Klein, second by Laging to enter into executive session for discussion of compliance cases and personnel matters not a matter of public information to prevent needless injury to the reputation of those involved. The limitation for going into executive session was restated by Chair Krejci. Voting Yes: Helgoth, Kester, Klein, Laging, Krejci. Voting No: None. Absent: Champion, Conzett, Linzell.

E Compliance - Executive session

Logs

Open cases

History of closed cases

Cases

15.04 – Summary & Documentation

Reviewed in Executive Session

15.25 – Summary

Reviewed in Executive Session

15.26 – Summary & Documentation

Reviewed in Executive Session

Executive Session – Concluded at 11:24 a.m.

Action Motion by Klein, second by Laging to close executive session for discussion of compliance cases and personnel matters not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Helgoth, Kester, Klein, Laging, Krejci. Voting No: None. Absent: Champion, Conzett, Linzell.

Approval of Compliance Disposition – No Action

Other New Business – Discussion held in Executive Session

Action Motion by Helgoth, second by Laging to immediately accept the resignation letter from Executive Director Steve Masters. Helgoth stated for the record that Steve Masters had served well and in a professional manner. Voting Yes: Helgoth, Kester, Klein, Laging, Krejci. Voting No: None. Absent: Champion, Conzett, Linzell.

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Action Motion by Kester, second by Laging to appoint Jon Wilbeck as Interim Executive Director effective February 19, 2016, until a new Executive Director is appointed. Voting Yes: Helgoth, Kester, Klein, Laging, Krejci. Voting No: None. Absent: Champion, Konzett, Linzell.

Selection of Search Committee

Chair Krejci appointed AD Weaver, Kester, Klein, and Laging to a Search Committee to generate a strong pool of candidates for recruitment and selection of an Executive Director. Chair Krejci will join the committee in the search.

F Applications

Administratively Approved

NCEES MLE – Engineers

E-15968 Ross Donald Bestgen, Fire Protection; E-15949 Thomas Roman Boehnen, Jr, Structural; E-15958 Tyler Braye Bolinger, Civil; E-15960 Steven Hook Boyd, Jr, Mechanical; E-15975 Robert Gerard Burke, Electrical and Computer; E-15969 Andrew Charles Etchison, Civil; E-15954 Donald Paul Fama, Civil; E-15957 Cynthia H. Fischer, Environmental; E-15940 Brian Michael Flood, Civil; E-15956 Jeffery Allen Graves, Civil; E-15950 Carl Warren Hipwell, Civil; E-15963 Adam Steven Hurley, Civil; E-15965 Charles Nicholas Ingram, Electrical and Computer; E-15962 Michael Lyn Kawlewski, Electrical and Computer; E-15973 Amy Deckert Kliever, Civil; E-15972 Charles Baxter Lackey, Electrical and Computer; E-15938 Karl Andrew Liester, Civil; E-15971 Christopher Allan Matzeder, Civil; E-15939 Marjorie Lynn Melton, Environmental; E-15955 George Randall Richardson, Mechanical; E-15974 Timothy Ray Royer, Civil; E-15967 Dave Myrl Saarem, Mechanical; E-15951 Christopher Earl Shephard, Civil; E-15970 Barry Kent Simpson, Electrical; E-15964 David Brian Smith, Civil; E-15961 Steven Edward Stephens, Mechanical; E-15959 Brian Nels Strandjord, Mechanical.

NCARB Certification – Architects

A-4648 Lance Jonathan Adams; A-4650 Richard Lavern Embers; A-4652 Howard Bruce Glatstein; A-4651 John Morris Kelly; A-4641 John Nicholas Koury; A-4638 Tim Mischel; A-4646 Douglas Robert Page; A-4639 Jeff Alan Renterghem; A-4642 Juan Francisco Romero; A-4643 Bayliss Ward; A-4644 Robert Francis Wasik; A-4636 Ronald Lon Wehr; A-4637 Michael Jahn Wright.

Temporary Permits

T-524 Jesse Wade White, Jr, Electrical, NC; T-525 John Walter Hey, Mechanical, SD; T-526 Richard Anderson Loftis, Mechanical, NC.

Engineer Intern Enrollment

Caitlin Marie Anderson, NE; Andrew Lawrence Brittenham, NE; Kyle Thomas Christensen, NE; Ellen Grace Emanuel, NE; Joseph William Haines, NE; Derek William Helmick, NE; Michael Joseph Matzen, NE; Jacob James McNealy, NE; Nicholas Anthony Menefee, NE; Tyler Leo Schmidt, WI.

Architect Registration Examination/Re-approvals

Alec Edward Saline, NE.

Organizational Practice – Certificates of Authorization

CA3501 M Design LLC; CA3502 Midwest Engineering Associates Inc; CA3503 JoeArchitect Inc; CA3504 Aiello Architecture Design Inc; CA3505 Aaron Swan and Associates Inc; CA3506 Chas N Clark Associates Ltd; A3507 Sullaway Engineering Inc; CA3508 Pappageorge Haymes Partners; CA3509 ArchitecturePlus International Inc; CA3510 Hg Consult Inc; CA3511 Hancock Concrete Products; CA3512 Frommell Architects LLC; CA3513 Pharmer Engineering LLC; CA3514 Engineering Partners LLC; CA3515 Star Hill Engineering & Consulting PLLC; CA3516 Graef-USA Inc.

Licensure/Examination

Applications for licensure of Engineers by Comity

Approved: Lelsie Todd Bond, Civil, KS; Billy Ray Edden, Mechanical, MN; Mark Alan Fetzer, Civil, SD; Daniel Henry Kane, Structural, CO.

Applications for licensure of Engineers by Experience

Approved: Frederick Anthony, Jr, Structural, MA.

Applications for licensure of Architects by Experience

Approved: David Allen Haymes, IL; David Leroy Laugerman, IA.

Applications for licensure by Reinstatement

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Approved: E-12737 Brian Jerome Rinke, Structural; A-3338 Brent William Schulz; E-8696 Per Mikael Hjalmarsson, Civil.

Applications to take the PE Exam – None

Special Cases – Applications for licensure of Engineers by Comity

Approved: Scott Corley Woods, Mechanical, AL; Sarfraz Hussain Kathawala, Structural, AL.

Deferred: Kevin Michael Scurry, Structural, SC.

Special Cases – Applications to take the PE Exam

Approved: Adam Curtis Brumbaugh, Electrical & Computer, NE; Antonio Mendez Bueina, Civil, NE.

Denied: Christopher James Burkert, Mechanical, NE, Thach Xuan Pham, Civil, NE – Do not meet the current statutory standards for admittance to the PE exam; Derek William Helmick, Civil, NE – Does not have four years of experience since received EAC/ABET-accredited degree.

Special Cases – Summary of license renewal disclosures

Approved for Renewal of License: Michael A.B. Classen; Frank M. Allison.

Special Cases – Request for Emeritus Status

E-6930 Steven F. Swearngin.

Approval of Applications and License Renewals

- Action** Motion by Kester, second by Helgoth to accept staff recommendations for applications and renewal of licenses except for the applications of Kevin Michael Scurry, Christopher James Burkert and Thach Xuan Pham. Voting Yes: Helgoth, Kester, Klein, Laging, Krejci. Voting No: None. Absent: Champion, Conzett, Linzell.
- Action** Motion by Kester, second by Helgoth to defer the application for licensure for Kevin Michael Scurry for further review. Voting Yes: Helgoth, Kester, Klein, Laging, Krejci. Voting No: None. Absent: Champion, Conzett, Linzell.
- Action** Motion by Kester, second by Helgoth to deny approval for Christopher James Burkert and Thach Xuan Pham to take the PE exam because of not meeting the education requirement. Voting Yes: Helgoth, Kester, Klein, Laging, Krejci. Voting No: None. Absent: Champion, Conzett, Linzell.
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G Financial Matters

Reports

FY 2015-16 Financial Profile, January 2016

Budget Status Report, January 2016

MTD General Ledger Detail Report, January 2016

Fund Summary Report, January 2016

AD Weaver reviewed the financial reports with the Board. Although per diem expenditures may double and an unplanned leave payout will occur, staff vacancies during FY 2015-16 should provide most of the funding needed. AD Weaver offered to update the Budget Status to better reflect projected expenditures to monitor the budget.

Approval of Financial Reports

- Action** Motion by Helgoth, second by Laging to approve the financial reports and task AD Weaver to update the budget status. Voting Yes: Helgoth, Kester, Klein, Laging, Krejci. Voting No: None. Absent: Champion, Conzett, Linzell.

Proposed Contracts for FY 2016-17

NEBOG Administrative Services Contract

The Board reviewed the proposed FY 2016-17 contract to provide administrative services for the Board of Geologists, beginning July 1, 2016, and ending June 30, 2017. The fee will be \$12,907 for the fiscal year. Payments will be made quarterly.

NSBLA Administrative Services Contract

The Board reviewed the proposed FY 2016-17 contract to provide administrative services for the State Board of Landscape Architects, beginning July 1, 2016, and ending June 30, 2017. The fee will be \$14,109 for the fiscal year. Payments will be made quarterly.

Approval of Contracts

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Action Motion by Kester, second by Laging to approve the FY 2016-17 administrative service contracts as presented for the Board of Geologists and the State Board of Landscape Architects. Voting Yes: Helgoth, Kester, Klein, Laging, Krejci. Voting No: None. Absent: Champion, Conzett, Linzell.

Other Financial Matters

GL Solutions software implementation and support option estimates

An estimate of multiple options GL Solutions offers for implementation and ongoing software support was presented to the Board. Interim Executive Director Wilbeck will continue discussions with other boards utilizing the software and possible discussion with NCEES Chief Technology Officer, Steven Matthews.

H General Information

Public meeting notice publication

An ad for the February 19, 2016 meeting was publicized in the Lincoln Journal Star.

Board meetings and schedule

A schedule of upcoming meetings and events was provided for review. The next Board meeting is scheduled for Thursday, March 24, 2016, at the State of Nebraska Employee Development Center at 1526 K St. A Strategic Planning Session is being planned for Thursday, April 14, 2016 at 8:30 a.m. A list of possible discussion items will be brought to the March meeting.

Roster of Board members

A current roster of the Board was provided.

Travel Reimbursement Policy

The agency travel reimbursement policy was provided.

Licensing and Certification Trends

Trends in Licensure

Trends in Renewals

Trends in Certificates of Authorization

Database reports reflecting licensure trends, renewal statistics, and active certificates of authorization were provided.

Examination Information/Results

ARE Monthly Pass/Fail Report – December 2015

Twenty-eight exams were attempted for various sections of the ARE in December 2015. Twenty exams were passed.

ARE Monthly Pass/Fail Report – January 2016

Fourteen exams were attempted for various sections of the ARE in January 2016. Thirteen exams were passed.

ARE Yearly Pass/Fail Report – 2015

A 2015 Nebraska ARE Yearly Pass/Fail Report was presented. The overall pass rate for all exams taken in 2015 was 77.2%.

ARE Candidates with Open Eligibilities

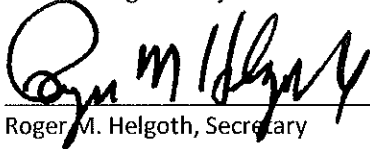
A total of 618 candidates had open eligibilities on January 1, 2016 and 591 candidates had open eligibilities on February 1, 2016.

Other information

Approved Board policies were provided for review.

Adjournment

The meeting was adjourned at 12:16 p.m.



Roger M. Helgoth, Secretary