

Nebraska Board of Engineers and Architects
Board Meeting Minutes
May 24, 2017

CALL TO ORDER

The meeting was held at 215 Centennial Mall South, 5th Floor Conference Room, Lincoln, Nebraska. Chair Kester called the meeting to order at 8:45 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.

Member Roll Call: Krista Kester, Chair; Jennifer Klein, Vice-Chair; Lenora Isom, Secretary; Jan Bostelman; Mark Champion; Michael Conzett; Tom Laging; Randy Peters.

Staff Present: Jon Wilbeck, Executive Director (ED); Lindy Rauscher, Compliance Officer (CO); Sandra Weaver, Business Manager; Jean Lais, Administrative Assistant; Molly Mayhew, Public Information Officer (PIO).

The following appeared before the Board:

Rich Lombardi, Legislative Liaison, American Communications Group Inc.

PUBLIC IN ATTENDANCE

Katherine S. Ankerson, AIA, FIDEC, IIDA, NCARB, Dean, UNL College of Architecture was welcomed by the Board. Dean Ankerson stated she was honored to be leading the College and pleased to be able to attend the meeting. Dean Ankerson will be the featured speaker at the 2017 New Licensee Ceremony to be held in the fall.

A. CONSENT AGENDA

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Action: Approval of Consent Agenda

Motion by Conzett, second by Bostelman to approve the consent agenda. Voting Yes: Peters, Bostelman, Champion, Conzett, Isom, Klein, Laging, Kester. Voting No: None. Abstain: None. Absent: None.

B. COMMITTEE REPORTS

Legislative Report

Legislative Liaison Lombardi reported the 105th Legislature adjourned sine die on May 23rd. A 2017 Legislative Report containing legislation of interest to the Board was distributed. Lombardi summarized bills passed by the legislature as well as legislation to be carried over to the 2018 session. LB331 transferred \$124 million from 52 cash funds including a "one time" transfer of \$300,000 from the Engineers and Architects Regulation Cash Fund to the State's General Fund. Other monitored bills that passed were LB9, LB151, LB339, LB455, LB464, LB590, and LB644. Bills to be carried over to next session include LB299, LB364, LB591, and LB611.

Committee Member Appointments for FY 2017-18

Chair Kester stated the Board's Legislative Committee members would be assigned after work on ad hoc issues were completed. Ad Hoc committees were appointed as follows:

- Applications/Experience - Peters, Isom, and Kester
- Software – Klein, Conzett, and Champion
- Exemptions – Champion, Isom, and Kester
- Decoupling – Bostelman, Conzett, and Laging
- Per Diem - Bostelman, Conzett, and Laging

The Executive Committee consists of Board officers. Ad Hoc Committees were asked to identify their chair and to give the Board an update at the August meeting. ED Wilbeck will serve as the staff member on all ad hoc committees, CO Rauscher will serve on the Exemptions Ad Hoc Committee, and AA Lais will serve on the Applications/Experience Ad Hoc Committee.

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C. OLD BUSINESS

None at this time.

D. NEW BUSINESS

Adoption of proposed revisions of Title 110, NAC, Rules and Regulations

The Board discussed written comments provided at the public rulemaking hearing. There was consensus that involvement in a conceptual design competition does not jeopardize health, safety or welfare because an individual or organization selected to move forward with the design of a project regulated under the Engineers and Architects Regulation Act would be required to obtain a license or a certificate of authorization.

Action: Adoption of Proposed Rules

Motion by Champion, second by Laging to adopt the proposed revisions to Title 110, NAC, Rules and Regulations, Chapters 1-4 and 6-10 as presented at the Public Rulemaking Hearing. Voting Yes: Peters, Bostelman, Champion, Isom, Laging, Kester. Voting No: Conzett, Klein. Abstain: None. Absent: None. Motion passed.

NCEES emeritus member nomination

The Engineers and Architects Regulation Act authorizes the Board to designate a former member of the Board as an emeritus member without voting privileges or authority. The Board can also nominate a former board member for emeritus status with NCEES. Emeritus status members may serve on NCEES Committees. These committees meet throughout the year to address NCEES business and licensure issues. Chair Kester stated she had gathered information that led her to believe a significant number of NCEES committee members were emeritus members of their respective state boards. A concern was raised if individual who is not actively serving on a state board and aware of current issues could serve well on a committee. A suggestion was made to open a dialogue with NCEES at its upcoming Annual Meeting.

NCEES 96th Annual Meeting Information

The NCEES Annual Meeting will be held in Miami Beach, Florida, on August 23-26, 2017. The agenda and registration information were distributed to the Board. The deadline to register and make reservations at a reduced fee or rate is July 7, 2017.

2017 Travel and per diem authorization

Authorization requests:

- Champion to attend the NCARB Model Law Task Force meeting August 25-26, 2017, in Wichita, KS.

Action: Approval of Travel and Per Diem

Motion by Isom, second by Bostelman to approve travel and per diem authorization as requested. Voting Yes: Peters, Bostelman, Champion, Conzett, Isom, Klein, Laging, Kester. Voting No: None. Abstain: None. Absent: None.

E. COMPLIANCE

Information

May 2017 Compliance Cases

Summary of Open Cases

Summary of Recently Closed Cases

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Executive Session – Commenced at 10:01 a.m.

Action:

Motion by Bostelman, second by Isom to enter into executive session for discussion of compliance investigations and evaluations, the partner-agency process summary, and the outreach schedule 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 Kester. Voting Yes: Peters, Bostelman, Champion, Conzett, Isom, Klein, Laging, Kester. Voting No: None. Abstain: None. Absent: None.

Active Cases: Summary & Documentation

Case 17.10, Case 15.04, Case 16.02, Case 16.06, Case 17.03, Case 17.06, Case 17.07, Case 17.09, Case 17.13, Case 17.14. All cases were reviewed in executive session.

Other Compliance Issues

The case evaluations, the partner-agency process summary and the outreach schedule were reviewed in executive session.

Executive Session – Concluded at 12:11 p.m.

Action:

Motion by Conzett, second by Laging to close executive session for discussion of compliance investigations and evaluations, the partner-agency process summary, and the outreach schedule not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Peters, Bostelman, Champion, Conzett, Isom, Klein, Laging, Kester. Voting No: None. Abstain: None. Absent: None.

Action: Approval of Compliance Case Disposition

Motion by Klein, second by Peters to approve the settlement agreement content and offer the agreement to the respondents in Cases 15.04 and 16.06. Voting Yes: Peters, Bostelman, Champion, Conzett, Isom, Klein, Laging, Kester. Voting No: None. Abstain: None. Absent: None.

Motion by Klein, second by Bostelman to approve an extension of the order of disciplinary action in Case 16.02. Voting Yes: Peters, Bostelman, Champion, Conzett, Isom, Klein, Laging, Kester. Voting No: None. Abstain: None. Absent: None.

Motion by Klein, second by Conzett to close Case 17.07 with no disciplinary action. Voting Yes: Peters, Bostelman, Champion, Conzett, Isom, Klein, Laging, Kester. Voting No: None. Abstain: None. Absent: None.

Motion by Klein, second by Conzett to authorize remediation in Case 17.14 and require a plan of action within 30 days. Voting Yes: Peters, Bostelman, Champion, Conzett, Isom, Klein, Laging, Kester. None. Abstain: None. Absent: None.

F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-16569 Robert James Ades, Mechanical; E-16559 Warren Adam Austin, III, Mechanical; E-16567 Ryan Patrick Breen, Civil; E-16573 Kyle Lynn Breinholt, Electrical and Computer, E-16576 Jennifer Marie Clark, Civil; E-16543 Matthew William Cragun, Civil; E-16541 Thomas Andrew Earles, Civil; E-16570 Jesse Weston Foley, Mechanical; E-16561 Joseph Robert Fowler IV, Fire Protection; E-16546 Drew Robert Garceau, Civil; E-16580 Russell Beal Garner, Civil; E-16560 Ronald Eldridge Glover Jr, Structural; E-16568 John Tison Harmon, Structural; E-16544 Daniel Louis Honomichl, Electrical and Computer; E-16562 William Verity Joerger, Structural; E-16565 Joshua David Kading, Mechanical; E-16575 Matthew Duane Nordine, Civil; E-16558 Jared Kristoffer Oswald, Agricultural and Biological; E-16542 Lisa Marie

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Reimert, Civil; E-16566 Gregory Wayne Sanders, Civil; E-16572 Jera Elizabeth Schlotthauer, Structural; E-16578 Matthew Kim Short, Mechanical; E-16545 Larry Baxter Smith, Jr, Civil; E-16571 Curtis Lee Smith, Civil; E-16564 Derek Alex Starr, Electrical and Computer; E-16577 Jessi Morgan Stender, Mechanical; E-16574 Ryan Christopher Swanson, Civil; E-16563 Greg Langford Thurman, Chemical.

Licensure of Architects by NCARB Certification

Approved: A-4789 Clint Edd Evans; A-4785 Ryan Michael Faust; A-4788 Jeffrey Dean Himmel; A-4792 Michael Peter Knoblauch; A-4784 Ellen Diane McCulley; A-4794 Paul David Orban; A-4791 Philip Duane Rishel.

Temporary Permits

Approved: T-559 Stuart Madison Alderman, TX, Architect; T-560 Joseph Dale Sekely, III, OH, Architect; T-561 Paul Eugene Karow, WI, Engineer.

Engineer Intern Enrollment

Approved: Christopher Edward Larson, NE; Justin Lee Ward, NE.

Certificates of Authorization

Approved: CA3767 Day & Zimmermann International Inc; CA3768 Bob Herzig and Associates Inc; CA3770 SAC AE Design Group Inc; CA3771 Ardebili Borum Consulting Engineers; CA3772 ASEI Engineering Inc; CA3773 STL Engineering LLC; CA3774 Hord Coplan Macht Inc; CA3775 RB+B Architects Inc; CA3776 AZTEC Engineering Group Inc; CA3777 Innovative Structural Engineering Inc; CA3778 PEC LLC; CA3779 Kittelson & Associates Inc; CA3780 LB Smith & Associate PA; CA3781 Nelson Design Inc; CA3782 Lynch Mykins Structural Engineers; CA3783 Wink Engineering LLC; CA3784 Design West Engineering.

Licensure/Examination

Licensure of Professional Engineers by Comity

Approved: Teodor Mihailov Kanchev, Electrical and Computer, FL; Chad Salem Kurdi, Electrical and Computer, MN; Taylor Paul Warner Wilson, Chemical, KS.

Licensure of Professional Engineers by Experience

Approved: Daniel Michael Caplice, Civil; IL; Michele Lea Gray, Environmental, TX; Troy Mitchell Hudson, Civil, AL; John Logan Thompson, Civil, CO.

Licensure of Architects by Experience

Approved: Bayard Manning Spencer, III, TX.

Licensure by Reinstatement

Approved: E-8417 Dennis Matthew Stuart, Structural; A-2514 Edward Harold Kyker.

ARE Exam

Approved: Jeffrey Michael Bayer, NE.

PE Exam

Approved: Ryan Daniel Bair, MI, Civil; Andrew James Blaszak, IA, Fire Protection; Kevin Craig Harders, NE, Civil; Aaron John Hirsch, NE, Civil.

Special Cases

Licensure of Engineers by Experience

Deferred: Mohamud Farouk Elzafraney – Does not hold an ABET-accredited engineering degree and does not meet the NCEES Education Standard as determined by NCEES Credentials Evaluation.

ARE Exam

Approved: Gregory Robb Gettman, NE.

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PE Exam

Deferred: Anand Vinayak Mahabaleshwarkar, KS, Mechanical – Does not hold an ABET-accredited engineering degree and does not meet the NCEES Education Standard.

Certificates of Authorization

Approved: CA3769 ABB Inc.

Action: Approval of Applications

Motion by Conzett, second by Peters to approve or defer applications as recommended by staff. Voting Yes: Peters, Bostelman, Champion, Conzett, Isom, Klein, Laging, Kester. Voting No: None. Abstain: None. Absent: None.

G. FINANCIAL MATTERS

Financial Reports

FY 2016-17 Financial Profile, April 2017

Budget Status Report, April 2017

MTD General Ledger Detail Report, April 2017

Fund Summary Report, April 2017

ED Wilbeck reviewed the April 2017 financial reports with the Board and reported fees would be reviewed at the June 29th meeting.

Action: Approval of Financial Reports

Motion by Conzett, second by Laging to approve the financial reports as presented. Voting Yes: Peters, Bostelman, Champion, Conzett, Isom, Klein, Laging, Kester. Voting No: None. Abstain: None. Absent: None.

Other Financial Matters

LB 331, fund transfer

LB 331 passed with line-item vetoes by Governor Ricketts. As stated in the legislative bill, "The State Treasurer shall transfer three hundred thousand dollars from the Engineers and Architects Regulation Fund to the General Fund on or before June 15, 2018, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services."

Office renovation update

Construction has been completed and installation of new office furniture and systems should occur by the end of July 2017.

H. GENERAL INFORMATION

Board meeting schedule

A schedule of upcoming meetings and events was provided for review. The next Board meeting will be held on Thursday, June 29, 2017, at 215 Centennial Mall South in the 5th floor large conference room. Peters stated there was a possibility of being called for jury duty in August.

Board member roster

A 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

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

Examination Information/Results

A total of 87 ARE candidates had 448 open eligibilities on April 1, 2017.

Sixteen ARE exams were attempted for various divisions in April 2017. Thirteen exams were passed.

Other information

A report tracking the Board's Facebook activity from April 18, 2017 to May 15, 2017, was provided by PIO Mayhew.

The April 2017 Website Dashboard Report showed 2,683 total visits to the Board's website.

Board policies approved as of April 21, 2017, were provided.

ADJOURNMENT

The meeting was adjourned 12:36 p.m.



Lenora A. Isom, Secretary