

Nebraska Board of Engineers and Architects
Board Meeting Minutes
Tuesday, August 8, 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 8:00 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; Randy Peters. Absent: Tom Laging.

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

PUBLIC PRESENT – None

A. CONSENT AGENDA

June 29, 2017 Meeting Minutes

Action: Approval of Consent Agenda

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

B. AD HOC COMMITTEE REPORTS

The Software Engineering Committee met on July 18, 2017. ED Wilbeck reported UN-L is beginning its second year of offering a software engineering program. After asking other licensing boards, ED Wilbeck found no complaints related to software engineering have been filed. Technology is changing quickly and creating a new set of concerns on how engineering is regulated. Documentation of the development of the software engineering exam was requested from the NCEES Director of Exams. The Committee believes the definition of engineering in N.R.S. § 81-3421 is sufficient. Conzett stated the Committee will continue to strive to promote discussion on the issue and information will be sought through industry connections. ED Wilbeck will reach out to the UN-L Software Engineering Program director and propose a Software Engineering Committee meeting in August.

The Applications/Experience Committee met on July 26, 2017. The Committee holds the position that technical competence evaluation by references helps to establish “good reputation” and is consistent with statute. ED Wilbeck provided applications for the Committee to analyze from states that have decoupled the PE exam and the experience requirement. A goal will be formalized of what satisfies the Board in relation to demonstrated engineering experience. Peters stated as well as assessing the reputation, references should be clear that experience is progressive. ED Wilbeck will begin revising the reference form for Committee members to review and comment on. The summary page for the application reviews will be updated. The next Applications/Experience Committee Meeting was tentatively scheduled for Wednesday, August 30th at 11:00 a.m.

Chair Kester requested a line item to be added at the end of Committee Reports to future agendas to give Board members an opportunity to report on meetings attended.

Champion reported he would be meeting with the NCARB Model Law Task Force on August 25-26th and noted that defining architecture was proving to be difficult. The Task Force was created to determine how NCARB Model Law can better serve Member Boards.

Isom reported working on ten questions for a monograph quiz and will take part in a virtual meeting of the NCARB Continuing Education Committee on August 16th. The Committee oversees the development, delivery, and assessment of the Architect Registration Examination (ARE) for use by the 54 US licensing boards.

Nebraska Board of Engineers and Architects
Board Meeting Minutes
Tuesday, August 8, 2017

Conzett reported attending the Future of Engineering Profession Summit in Omaha on July 31st and August 1st. Nearly 50 individuals attended, representing a wide range of the engineering profession. Much of the summit discussion focused on scenario planning and the Engineering Change Lab (ECL). The ECL was launched in Canada in 2015 to explore "What is the higher potential of the engineering profession to contribute to society and how can we unlock this potential?" Conzett offered to provide documentation from the meeting to members. The Board agreed it would be important to keep Conzett involved in discussions.

C. OLD BUSINESS

None at this time.

D. NEW BUSINESS

NCEES Treasurer candidacy announcement and support requests

Endorsement and support requests were received for NCEES Treasurer candidates, Shelley Macy, Timothy Rickborn, and David Mongan. The election of NCEES officers will take place at the 2017 Annual Meeting in Miami, FL in August. The Board agreed there would be opportunities for the voting delegates to question candidates from the floor.

Action:

Motion by Isom, second by Klein to authorize the delegates to vote for a NCEES Treasurer candidate based on their discretion. Voting Yes: Champion, Conzett, Isom, Klein, Peters, Bostelman, Kester. Voting No: None. Abstain: None. Absent: Laging.

2017 NCEES Annual Meeting motions

Committee motions to be presented at the 2017 NCEES Annual Meeting were reviewed and discussed. The Board authorized delegates to vote in support of the motions with the following exceptions:

- Bylaws Motion 1: Oppose
- ACCA Motion 1: Subject to delegates' discretion
- ACCA Motion 2: Subject to delegates' discretion
- Western Zone Resolution: Not in support

ED Wilbeck will send a voting list to delegates as discussed.

Action:

Motion by Conzett, second by Isom to authorize the delegates to vote on motions and resolutions as directed by the Board at the NCEES Annual meeting in Miami, FL. Voting Yes: Champion, Conzett, Isom, Klein, Peters, Bostelman, Kester. Voting No: None. Abstain: None. Absent: Laging.

The Board authorized Chair Kester to offer a resolution on the floor at the NCEES Annual Meeting to promote discussion and opinions concerning former members serving on NCEES committees. Conzett was authorized to assist Chair Kester in crafting a motion and rationale.

Governor's Executive Order No. 17-04

Governor Pete Ricketts signed an executive order on July 6, 2017, in an effort to eliminate unnecessary regulations creating barriers to business growth and better jobs in Nebraska. All state agencies were asked to immediately suspend all rulemaking until December 31, 2017. Any proposed regulation affecting public health, safety, welfare, or is time sensitive or subject to statutory deadlines shall be promulgated pursuant to the Nebraska Administrative Act. The proposed rule and regulation revisions were submitted to the Attorney General's Office on June 6, 2017.

AG approval of Proposed Rules and Regulations

The Attorney General's Office completed the review of Title 110, NAC, Chapters 1-4 and 6-10, and approved the proposed changes.

Nebraska Board of Engineers and Architects
Board Meeting Minutes
Tuesday, August 8, 2017

Response to Governor's Order with submittal of proposed rules & regulations

ED Wilbeck reported the Board's rules promulgation process began well in advance of Executive Order 17.04, and based on guidance from the Policy Research Office, a report in accordance with the order specific to the proposed rules was submitted for the Governor's review. Regulation data on Title 110 pertaining to Executive Order 17-04 was provided to the Governor's Office by the Mercatus Center. ED Wilbeck prepared an evaluation of restrictive language ratings by agency. It was noted some of the restrictive wording did not pertain to the public and it did not appear there was an accounting of context. ED Wilbeck will prepare a draft for the review of the existing agency regulations for the September meeting in response to Executive Order 17.04.

Rule 2.4.1.7 clarification request

Action:

Motion by Peters, second by Champion to uphold the interpretation of Rule 2.4.1.7 which confirms auditing a class is not formal instruction for purposes of the Rule. Voting Yes: Champion, Conzett, Isom, Klein, Peters, Bostelman, Kester. Voting No: None. Abstain: None. Absent: Laging.

2017/2018 Travel and per diem authorization

Authorization requests:

- Conzett for per diem only for attendance of the Future of the Engineering Profession Summit held at the Community Engagement Center (CEC) at the campus of the University of Nebraska Omaha on July 31 and August 1, 2017.
- Conzett to provide a presentation at the Society of American Military Engineers (SAME) Omaha Membership Meeting at the Field Club of Omaha on August 10, 2017.
- Champion to travel to Wichita, KS, on August 24, 2017, and to travel to and from Washington DC on November 9 and November 12, 2017, for NCARB Model Law Task Force Meetings. Funding will be provided by NCARB.

Action: Approval of Travel and Per Diem

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

E. COMPLIANCE

Information

August 2017 Compliance Cases

Summary of Open Cases

Executive Session – Commenced at 11:16 a.m.

Action:

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

Active Cases: Summary & Documentation

Cases 14.03 and 14.13, Case 15.14, Case 16.02, Case 17.03, Case 17.06, Case 17.09, Case 17.10, Case 17.13, Case 17.14, Case 17.15, Case 17.16, Case 17.17, Case 17.18, Case 17.19, Case 17.20, Case 17.21.

Klein recused herself from the meeting at 11:58 a.m. before discussion of Case 17.21 and returned to the meeting after the discussion ended at 12:15 pm.

Nebraska Board of Engineers and Architects
Board Meeting Minutes
Tuesday, August 8, 2017

Other Compliance Issues

The case evaluation and the partner-agency process summary were reviewed in executive session.

Executive Session – Concluded at 12:25 p.m.

Action:

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

Action: Approval of Compliance Case Disposition

Motion by Klein, second by Konzett direct staff to issue the show cause letter as presented for Cases 14.03 and 14.13. Voting Yes: Champion, Konzett, Isom, Klein, Peters, Bostelman, Kester. Voting No: None. Abstain: None. Absent: Laging.

Motion by Isom, second by Konzett to authorize remediation in Case 17.20 and require a plan of action within 30 days. Voting Yes: Champion, Konzett, Isom, Peters, Bostelman, Kester. Voting No: None. Abstain: Klein. Absent: Laging.

Motion by Klein, second by Bostelman to authorize remediation in Case 17.21 and require a plan of action within 30 days. Voting Yes: Champion, Konzett, Isom, Klein, Peters, Bostelman, Kester. Voting No: None. Abstain: None. Absent: Laging.

Motion by Klein, second by Peters to open a case for Evaluation 1708-1, authorize remediation and require a plan of action within 30 days. Voting Yes: Champion, Konzett, Isom, Klein, Peters, Bostelman, Kester. Voting No: None. Abstain: None. Absent: Laging.

Champion left the meeting at 12:29 p.m.

F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-16709 Jeffrey James Abel, Mechanical; E-16695 Tyler Madison Barker, Civil; E-16718 Brandon David Bealmear, Civil; E-16698 Andrew Vincent Bradford, Structural; E-16696 Michael Brian Cahill, Structural; E-16703 Ryan Joseph Carda, Mechanical; E-16694 Raymond Ernest Doyle, Mechanical; E-16720 Gregory Glenn Durgin, Civil; E-16706 Alfred Anthony Herget, Civil; E-16721 Clint Rhian Jones, Electrical and Computer; E-16724 Michael Robert Keaster, Civil; E-16731 Andrew Ross LaPalme, Civil; E-16699 Ronald Bruce Laurence, Jr, Mechanical; E-16707 Kevin Michael Lienau, Chemical; E-16690 Christopher Alan Nieland, Electrical and Computer; E-16715 Michael Anthony Noguera, Civil; E-16710 Ashley Ann Olson, Civil; E-16697 Igor Palyvoda, Structural; E-16712 Kyle Porter Sands, Mechanical; E-16693 David Eugene Schoneweis, Electrical and Computer; E-16713 Ryan Allan Schuetz, Mechanical; E-16700 Robert Michael Schuster, Mechanical; E-16702 Gregory Russell Smith, Civil; E-16711 Charles Gregory Tharp, Mechanical; E-16714 Mark Allen Thatcher, Electrical; E-16719 Christian Andrew Todd, Electrical; E-16708 Jeremy Lee Whitmoyer, Structural; E-16716 Gary Edward Whittam, Mechanical; E-16701 Ernest Dale Yonkers, Fire Protection; E-16717 John Adam Younger, Civil.

Licensure of Architects by NCARB Certification

Approved: A-4812 David Bruce Burton; A-4817 Julie Lynette Cawby; A-4814 William Robert Glass; A-4815 John Bennett Hibberd, III; A-4810 Evangelo Basil Kalmantis; A-4807 Ryan Patrick Mackowiak; A-4818 Simon Perkowitz; A-4809 William Robert Peterson; A-4816 James Nicholas Walsh.

Temporary Permits

Approved: T-567 Donald Elliott Spencer, IN, Engineer; T-568 Hakan Onel, MD, Engineer.

Nebraska Board of Engineers and Architects
Board Meeting Minutes
Tuesday, August 8, 2017

Engineer Intern Enrollment

Approved: Adam Philip Christiansen, NE; Brennan Daniel Fowler, NE; Brittney Deann Kelly, NE; Eric Ray Roberts, NE; Marcus Paul Turner, NE; Adam Lee Wenck, IA; Tyler David Wynn, NE.

Certificates of Authorization

Approved: CA3810 Rail Engineer Associates LLC; CA3811 Store Planning Inc; CA3812 Lorac Design Group LLC; CA3813 JC Baur & Associates Inc; CA3814 Bates Architects; CA3815 Atwell LLC; CA3816 Johnson Spellman & Associates Inc; CA3817 MRIGlobal; CA3818 SA Comunale Co Inc; CA3819 Sambatek Inc; CA3820 Sierra Engineering Group A; CA3821 American Tank & Vessel Inc; CA3822 Paul T Bergner AIA Architect PC; CA3823 Brian D Russell Architects; CA3824 G2 consulting Engineers Inc; CA3825 HW Engineering; CA3826 RM McNealy Engineering Inc; CA3827 Smislova Kehnemui & Associates PA; CA3828 Luckett & Farley Architects Engineers and Construction Managers Inc; CA3829 GN Kuhn Engineering LLC; CA3830 WDG Architecture PLLC; CA3831 GEOPro Inc; CA3832 A Leo Pelds Engineering Co; CA3833 Schnee Engineering Inc; CA3834 Engineering Compliance & Construction Inc; CA3835 Gorham Group LLC; CA3836 Baxter Hodell Donnelly Preston Inc; CA3837 Mortenson Engineering Services Inc; CA3838 EMR Group LLC.

Licensure/Examination

Licensure of Professional Engineers by Comity

Approved: Ryan Kenneth Davis, Civil, IA; Alan Gabelman, Chemical, DE.

Licensure of Professional Engineers by Experience

Approved: Rodney William Ambrosie, Civil, MN; Joseph Michael Gilroy, Civil, NY; Royle Dean Johnson, Electrical, OR; Steven Guy Maddox, Civil, KS.

Licensure of Architects by Experience - None

Licensure by Reinstatement - None

ARE Exam

Approved: Emily Ann Goans, NE; Kristen Michelle Schulte, NE.

PE Exam

Approved: Leah Kottwitz Adams, NE, Civil; Mohammed Fatoh Al Soufi, NE, Mechanical; Jeremy Jacob Anderson, NE, Mechanical; Stephen Charles Beck, NE, Control Systems; Kortney ReNee Brown, NE, Civil; Adam Philip Christiansen, NE, Civil; Brent Philip Ciecior, NE, Civil; John Paul Diediker, NE, Civil; Nicholas Dale Dobberpuhl, TX, Civil; Jordan Thomas Dostal, NE, Civil; Todd Anthony Earl, NE, Civil; Skylar Lee Fossberg, NE, Civil; Mohammadkazem Fotouhi Ardakani, IA, Structural VL; Joshua John Frank, NE, Civil; Daniel Joseph French, NE, Structural VL; Brandon Marcus Gardels, NE, Civil; Matthew Brian Gorny, MO, Structural VL; Edward Allen Guernsey, MO, Environmental; Kody Jonathan Heller, NE, Civil; Gregory Richard Selwyn Hildner, MO, Mechanical; Daniel Robert Hilgendorf, NE, Mechanical; Kevin Joseph Hock, NE, Civil; Andric Paul Hofrichter, NE, Civil; Scott Michael Hrabik, NE, Civil; Nathan William Huebner, NE, Civil; Elliot Knapp Hunt, NE, Mechanical; Darren Edward Ingram, NE, Mechanical; Brittney Deann Kelley, NE, Civil; John Richard Kelly, NE, Civil; Amanda Louise Kingman, NE, Civil; Laura Elizabeth Knapp Leiferman, NE, Civil; Roger Scott Knobeloch, NE, Civil; Xavier Otto Larsen, CO, Civil; Keith Khan Mandachit, NE, Control Systems; Torey Lee McMullen, NE, Civil; Garret Henri Menard, NE, Civil; John Joseph Metzger, Metallurgical and Materials, Thomas Gregory Meyers, NE, Civil; John Paul Nebbia, NE, Fire Protection; Brian Lee Obermeier, MO, Electrical and Computer; Tyler Edwin Paulsen, NE, Civil; Jacob Alfred Petersen, NE, Mechanical; Ian Thomas Plummer, NE, Civil; Paula Ann Pogge, NE, Civil; Andres Alberto Ponce, NE, Civil; Jonathan Lee Richter, NE, Civil; Tylor Joseph Robinson, NE, Mechanical; Ryan Douglas Sisk, NE, Civil; Camilla Jo Snow, NE, Environmental; Mark Alan Spalinger, MO, Structural VL; Kylie Ann Steel, NE, Civil; Leslie Joan Steele, NE, Civil; Jason David Stigge, NE, Mechanical; Thomas

Nebraska Board of Engineers and Architects
Board Meeting Minutes
Tuesday, August 8, 2017

Merle Thornton, NE, Civil; Daniel James Vroom, NE, Civil; Shawn Matthew Westervelt, NE, Electrical & Computer; Taylor Edward Wiese, NE, Civil; Jared Michael Wurtele, NE, Civil.

Special Cases

Licensure of Architects by Experience

Approved: David Alan Schultz, NJ.

PE Exam

Approved: Michael Alan Bridwell, NE, Mechanical; David Ryan Deets, NE, Electrical and Computer.

Certificates of Authorization

Approved: The Equity Engineering Group Inc.

Emeritus Status Request

Denied: Douglas V. Elting, A-1504 – License no longer subject to renewal as required in Rule 1.13.4.1.

Action: Approval of Applications

Motion by Klein, second by Bostelman to approve applications with the exception of the emeritus status request as recommended by staff. Voting Yes: Konzett, Isom, Klein, Peters, Bostelman, Kester. Voting No: None. Abstain: None. Absent: Champion, Laging.

Motion by Bostelman, second by Peters to deny the emeritus request for license A-1504. Voting Yes: Konzett, Klein, Peters, Bostelman, Kester. Voting No: Isom. Abstain: None. Absent: Champion, Laging.

G. FINANCIAL MATTERS

Financial Reports

FY 2016-17 Year End Financial Profile, June 2017

FY 2017-18 Financial Profile, As of July 28, 2017

Budget Status Report, June 2017

Budget Status Report, As of July 28, 2017

MTD General Ledger Detail Report, June 2017

MTD General Ledger Detail Report, As of July 28, 2017

Fund Summary Report, June 2017

Fund Summary Report, As of July 28, 2017

ED Wilbeck reviewed the June and July financial reports as of July 28, 2017. The July reports showed the \$300,000 transfer from the Engineers and Architects Cash Fund to the General Fund that occurred on July 3, 2017, as outlined in LB331, 2017.

Action: Approval of Financial Reports (charts included)

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

Other Financial Matters

Board financial history charts

ED Wilbeck provided charts showing historical financial data for the Board for the last five fiscal years. Charts included a history of total expenditures and revenues, expenditures for personal services limitation (PSL), per diem, legal services, student debt reimbursements, travel, and miscellaneous operating expenses. Revenue charts were provided for certificates of authorization and license renewals. A statistical analysis for the 2014-15 continuing education audits for license renewal was also included.

APA Audit Report

The Board was audited by the Nebraska Auditor of Public Accounts (APA) during the month of July.

Nebraska Board of Engineers and Architects
Board Meeting Minutes
Tuesday, August 8, 2017

Auditor of Public Accounts Draft Attestation Report

An Exit Conference was held in the Board office on August 1, 2017, to review examination findings and the attestation report. Board Chair Kester, ED Wilbeck, BM Weaver, and APA Auditors Zack Wells, Matt Schochenmaier, and Terence Heiser were in attendance.

Attestation representation letter and report response

Action: Approval of Attestation Report Response

Motion by Isom, second by Konzett to approve the Representation Letter-Attestation and approve the response letter to the attestation report with the exception of striking the first proposed sentence of the second to last paragraph. Voting Yes: Konzett, Isom, Klein, Peters, Bostelman, Kester. Voting No: None. Abstain: None. Absent: Champion, Laging.

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next Board meeting is scheduled for September 22, 2017, at 8:30 a.m. at 215 Centennial Mall South in the 5th floor large conference room.

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

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

Examination Information/Results

A total of 85 ARE Candidates had 446 open eligibilities on June 1, 2017.

Seventeen ARE exams were attempted for various divisions in June 2017. Nine exams were passed.

The Yearly Pass/Fail Report for 2017 for the Nebraska ARE 4.0 divisions, showed sixty-nine exams attempted and forty-eight exams passed.

The Yearly Pass/Fail Report for 2017 for the Nebraska ARE 5.0 divisions, showed twenty-seven exams attempted and fourteen exams passed.

Registration numbers and pass rate history were provided by NCEES for the 2015 through 2017 computer-based FE exams.

Registration numbers and pass rate history were provided by NCEES for the 2017 PE exams. Registration numbers and pass rate history for the structural exams included exams taken from April 2013 to April 2017.

Other information

A report tracking the Board's Facebook activity from June 27, 2017 to July 24, 2017, was provided by PIO Mayhew.

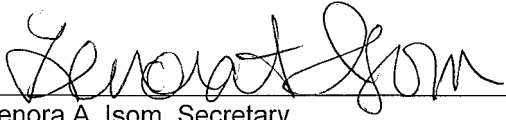
The June 2017 Website Dashboard Report showed 3,409 total visits to the Board's website.

Board policies as of June 29, 2017, were provided.

Nebraska Board of Engineers and Architects
Board Meeting Minutes
Tuesday, August 8, 2017

ADJOURNMENT

The meeting was adjourned at 1:17 p.m.



Lenora A. Isom, Secretary