

Nebraska Board of Engineers and Architects
Board Meeting Minutes – March 13, 2020

CALL TO ORDER

The March 13, 2020 meeting of the Nebraska Board of Engineers and Architects was held in held in the 5th floor conference room, 215 Centennial Mall South, Lincoln, Nebraska. Chair Isom called the meeting to order at 8:30 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: Lenora Isom, Chair; Jan Bostelman, Vice Chair; Brett Foley, Secretary; Brian Kelly; Jason Suelter; Daniel Thiele. Absent: David Johnson, Randy Peters.

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

Public Comment

Julie Erickson - American Communications Group, Inc.
Marlon Vogt, PE, NCEES Central Zone Vice President

Election of Officers

Motion by Isom, second by Kelly to nominate Bostelman for Chair, Foley for Vice-Chair, and Thiele for Secretary. Voting Yes: Suelter, Thiele, Bostelman, Foley, Kelly, Isom. Voting No: None. Absent: Johnson, Peters.

As only one motion was offered and all members affirmatively voted on the motion, Isom stated Bostelman was elected Chair, Foley was elected Vice-Chair, and Thiele was elected as Secretary by acclamation. The new officer terms became effective immediately.

A. CONSENT AGENDA

[February 14, 2020 meeting minutes](#)

Motion by Thiele, second by Isom to approve the consent agenda. Voting Yes: Thiele, Foley, Isom, Kelly, Bostelman. Voting No: None. Abstain: Suelter. Absent: Johnson, Peters.

B. MEETING REPORTS

Ad Hoc Committee Reports

[Legislative Report](#)

Julie Erickson handed out a summary of bills of interest to the board and reported the legislature might not convene for a period of time because of coronavirus concerns. The state budget has not yet been acted upon.

On March 3, 2020, AM2480 was adopted and incorporated language from LB 834 into LB 755 and has been moved from general to select file. LB 1068, which would adopt the Interior Design Voluntary Registration Act, advanced from Committee, but was not a unanimous vote. It has also been attached to LB 755. Nothing has been filed yet, and Ms. Erickson reported it would be watched carefully. A recommendation was made that the best position for the Board would be to educate the senators on what the practice of architecture is and where the borders lie with interior design. The examination for interior designers will be determined by Treasurer's office and concern was expressed that there are no specifications in the language concerning the type of exam that should be selected. Seventeen votes are needed to oppose the bill. A meeting will be set up with AIA to work on key talking points for senators as well as a meeting with Senator Blood. It was reported that LB 1187, which would change provisions relating to the Occupational Board Reform Act, would likely not be successful, although an amendment may be filed.

C. OLD BUSINESS

Request for eligibility letter to use “engineering” in organization name – 81-3436 (8)

Motion by Foley, second by Suelter to deny the reconsideration request to provide an eligibility letter for DSM Engineering Plastics, Inc. to use “engineering” in its organization name in accordance with 81-3436(8). Voting Yes: Suelter, Thiele, Foley, Isom, Kelly, Bostelman. Voting No: None. Absent: Johnson, Peters.

NCARB 2020 draft resolutions for consideration

The board reviewed and discussed three draft resolutions to be acted upon at the NCARB 2020 Annual Business Meeting in June. A draft copy with proposed changes for the *NCARB Legislative Guidelines and Model Law/Model Regulations* was provided.

- 2020-A *NCARB Certification Guidelines Amendment* – Qualifications for Education Alternative
- 2020-B Sunset of Resolution 2000-1 (Opposition to Interior Design Licensing)
- 2020-C Amendment and Restatement of the *NCARB Legislative Guidelines and Model Law/Model Regulations*

Motion by Thiele, second by Isom to oppose Resolution 2020-B until the Interiors Task Force can clearly define the practice of interior design. Voting Yes: Suelter, Thiele, Foley, Isom, Kelly, Bostelman. Voting No: None. Absent: Johnson, Peters.

Request for feedback for proposed modifications to NCARB Education Standard

Proposed modifications to the *NCARB Education Standard* were provided to member boards. The NCARB Board of Directors is requesting feedback by June 12, 2020, before its vote on proposed changes. The *Standard* is regularly reviewed and updated in order to remain relevant to current practice and in alignment with the *NAAB Conditions for Accreditation*. Discussion was postponed until the April meeting.

Candidates for NCARB Council elections

A list of candidates for the FY21 NCARB Board of Directors and FY 21 Region 5 Leadership were reviewed. Board member Lenora Isom is a candidate for the Region 5 Chair. Discussion was postponed until the April meeting.

FY 2019-20 Marketing Plan

PIO Mayhew updated the Board on the FY 2019-20 Marketing Plan.

On February 19, 2020, PIO Mayhew and CO Habe met with the Program Manager of the Division of Public Health Licensure Unit, Nebraska Health and Human Services. Discussion included requirements for daycare providers. Material was provided to the Program Manager. PIO Mayhew and CO Habe were asked if they would be willing to provide a presentation for the division at a future date.

On March 5, 2020, PIO Mayhew and CO Habe provided a presentation at the Nebraska Planning and Zoning Association (NPZA) and American Planning Association (APA) Conference in Kearney, Nebraska. Thirty people sat in on the session and many questions were asked including those about renovations of main street buildings. CO Habe noted an issue with people understanding the need for additional licensees for prefab buildings. Regulation handbooks were distributed to attendees. PIO Mayhew and CO Habe were asked to present next year at the conference and a suggestion was made to present to City Clerks.

On March 12, 2020, ED Wilbeck spoke to civil engineering students at the University of Nebraska-Lincoln. The presentation was televised to the Omaha campus.

If the bill to revise the Engineers and Architects Regulation Act is successful in the 2020 legislative session, rules will need to be promulgated and the Regulation Act Handbook will need updated.

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Policy 20.01 - January Board Meetings

It is the desire of the Board to schedule its regular Board meeting in January on the first Friday immediately after the 10-day period for bill introduction in the Nebraska Legislature.

Motion by Foley, second by Thiele to adopt Policy 20.01 concerning the timing of January Board meetings. Voting Yes: Suelter, Thiele, Foley, Isom, Kelly, Bostelman. Voting No: None. Absent: Johnson, Peters.

D. NEW BUSINESS

NCEES Central Zone Vice President visit and presentation

NCEES Central Zone Vice President Marlon Vogt provided a presentation to the Board which included the vision, mission and structure of NCEES, threats to licensure and the schedule for transition to computer based testing for the PE examination. Board members were encouraged to attend and participate in the zone and annual meetings and to volunteer for a committee or task force position.

Mr. Vogt said the NCEES Zone meeting in Houston, on April 23-25, 2020, was cancelled due to coronavirus concerns. Many states are banning board member travel. The agenda for the annual meeting in August will be restructured so zones can meet earlier to conduct elections.

A professional development course developed by a state chapter of the American Society of Mechanical Engineers (ASME) scheduled on March 19, 2020, was also cancelled. ED Wilbeck and Marlon Vogt were scheduled to speak.

The Board thanked Mr. Vogt for coming to the meeting.

Proposed changes to NCEES Bylaws

Proposed changes to the *NCEES Bylaws* have been posted as a PDF under MyNCEES/Member Resources/Board Resources/Publications and presentations on the NCEES website. The Special Committee on Bylaws will propose these changes as motions at the annual meeting in August.

Identification of NCEES April 17-18, 2020 exam administration site visitors

It was noted NCEES paper-and-pencil exams to be held April 17-18, 2020, in Lincoln, Nebraska, were cancelled. The Exam Administrative Services (EAS) requested the Board identify any visitors that planned to be at the exam site.

Survey request for on proposed board certification for civil engineers

An email regarding input on a proposed engineering board certification system was sent to members of the American Society of Civil Engineers (ASCE). The email included a survey concerning the need for voluntary professional certification of civil engineers to complement their academic preparation and licensure in the United States. An invitation was sent to the Board asking members who did not receive the email or were not a civil engineer to complete the survey.

Spring Newsletter article list

PIO Mayhew provided a list of planned and proposed newsletter articles for the Spring 2020 issue of the Board newsletter. A draft of the issue will be provided at the April meeting.

After reviewing the list, the Board suggested that a reminder of the requirements for online continuing education be added since licensees may take more online courses in the near future.

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[Emeritus Board member designation and renewals](#)

Motion by Thiele, second by Kelly to designate Jennifer Klein as an Emeritus Board member and renew the Emeritus Board member status of Mark Champion, Fred Choobineh, Michael Konzett, Albert Hamersky, Roger Helgoth, Krista Kester, Lori Krejci, and Thomas Laging. Voting Yes: Suelter, Thiele, Foley, Isom, Kelly, Bostelman. Voting No: None. Absent: Johnson, Peters.

The Board Emeritus terms will be renewed on March 23, 2020. All terms will expire on March 22, 2021.

[2020 travel and per diem authorization](#)

Isom noted that she would not be traveling to the NCARB Examination Committee Meeting in San Diego, CA, scheduled for March 27-28, 2020. Because of the coronavirus pandemic, a teleconference will be conducted.

E. COMPLIANCE

[Summary of Open Cases](#)

[Executive Session – Commenced at 10:59 a.m.](#)

Motion by Thiele, second by Isom to enter into executive session for discussion of compliance investigations, partner-agency processes, licensee disclosure, and an ARE testing accommodation request 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 Bostelman. Voting Yes: Suelter, Thiele, Foley, Isom, Kelly, Bostelman. Voting No: None. Absent: Johnson, Peters.

Active Cases: Summary & Documentation

Case 18.02, Case 18.13, Case 18.20, Case 18.21, Case 19.01, Case 19.03, Case 19.05, Case 20.01, Case 20.02, Case 20.03, Case 20.04, Case 20.05, Case 20.06, Case 20.07, Case 20.08, and Case 20.09 were reviewed in executive session.

Other Compliance Issues

Project Review 03-01 and 03-02, a licensee disclosure, and the partner agency processes were reviewed in executive session.

Kelly departed the meeting at 11:38 a.m.

[Executive Session – Concluded at 12:41 p.m.](#)

Motion by Thiele, second by Isom to close executive session for discussion of compliance investigations, partner-agency processes, licensee disclosure, and an ARE testing accommodation request not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Suelter, Thiele, Foley, Isom, Bostelman. Voting No: None. Absent: Johnson, Kelly, Peters.

Motion by Thiele, second by Isom to continue the hearing for Case 18.02. Voting Yes: Suelter, Thiele, Foley, Isom, Bostelman. Voting No: None. Absent: Johnson, Kelly, Peters.

Motion by Thiele, second by Isom to dismiss Case 19.03 with no disciplinary action based on successful remediation. Voting Yes: Suelter, Thiele, Foley, Isom, Bostelman. Voting No: None. Absent: Johnson, Kelly, Peters.

Motion by Thiele, second by Isom to authorize architectural and mechanical, electrical and plumbing (MEP) engineering remediation for Case 20.04 and require a response within 30 days and a plan of action within 60 days. Voting Yes: Suelter, Thiele, Foley, Isom, Bostelman. Voting No: None. Absent: Johnson, Kelly, Peters.

Motion by Thiele, second by Isom to dismiss Case 20.05 as an exempt project. Voting Yes: Suelter, Thiele, Foley, Isom, Bostelman. Voting No: None. Absent: Johnson, Kelly, Peters.

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Motion by Thiele, second by Isom to authorize engineering remediation in Case 20.06 to verify the addition does not adversely impact structural integrity of the existing structure and require a response within 30 days and a plan of action within 60 days. Voting Yes: Suelter, Thiele, Foley, Isom, Bostelman. Voting No: None. Absent: Johnson, Kelly, Peters.

Motion by Thiele, second by Foley to authorize architectural and engineering remediation in Case 20.07 and require a response within 30 days and a plan of action within 60 days. Voting Yes: Suelter, Thiele, Foley, Isom, Bostelman. Voting No: None. Absent: Johnson, Kelly, Peters.

Motion by Thiele, second by Isom to authorize architectural and engineering remediation in Case 20.08 and require a response within 30 days and a plan of action within 60 days. Voting Yes: Suelter, Thiele, Foley, Isom, Bostelman. Voting No: None. Absent: Johnson, Kelly, Peters.

Motion by Thiele, second by Foley to authorize architectural and engineering remediation in Case 20.09, and require a response within 30 days and a plan of action within 60 days. Voting Yes: Suelter, Thiele, Foley, Isom, Bostelman. Voting No: None. Absent: Johnson, Kelly, Peters.

Motion by Thiele, second by Isom to open a complaint and authorize architectural and engineering remediation for Project Review 03-02, and require a response within 30 days and a plan of action within 60 days. Voting Yes: Suelter, Thiele, Foley, Isom, Bostelman. Voting No: None. Absent: Johnson, Kelly, Peters.

Motion by Thiele, second by Isom to initiate a complaint against a professional engineer in the matter of a voluntary disclosure. Voting Yes: Suelter, Thiele, Foley, Isom, Bostelman. Voting No: None. Absent: Johnson, Kelly, Peters.

F. APPLICATIONS

An ARE testing accommodation request was reviewed in executive session.

Motion by Thiele, second by Isom to approve ARE testing accommodations as requested for Amanda Kottas. Voting Yes: Suelter, Thiele, Foley, Isom, Bostelman. Voting No: None. Absent: Johnson, Kelly, Peters.

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-18077 Scott Taylor Anderson, Civil, KS; E-18105 David Michael Aronson, Structural, OR; E-18091 Kelley Mae Aronson, Civil, IN; E-18075 Courtney Robert Berkowitz, Structural, IL; E-18082 Matthew Vernon Comber, Structural, CA; E-18081 Nicholas Tom DiMercurio, Electrical, MO; E-18102 Brian Roger Epley, Civil, WI; E-18110 Shane Lee Floyd, Mechanical, MO; E-18092 Emily Mae Godfrey, Civil, TX; E-18083 Kevin Matthew Haley, Mechanical, OH; E-18106 Mathew Robert Higgins, Civil, IA; E-18079 Jeffrey Alan Kershner, Electrical and Computer, IA; E-18109 Charles Mclean Kist, Civil, TX; E-18093 Nancy Lee Koch, Chemical, KS; E-18099 Malcolm Leslie Koros, Electrical, AR; E-18103 Michael Thomas Lee, Civil, MO; E-18111 Leigh Paul Long, Civil, MO; E-18112 Matthew Robert Lord, Mechanical, TX; E-18098 Joshua Todd Lyon, Civil, KS; E-18094 Timothy Allen Malcolm, Civil, KS; E-18074 Nathan Paul Mayercsik, Civil, CO; E-18097 Zachary Paul Michels, Civil, MO; E-18095 Adam Michael Miller, Civil, NC; E-18072 Jeremy Nathan Nakashima, Civil, IL; E-18104 Joshua David Ogle, Structural, CA; E-18113 Eric Ray Peoples, Civil, PA; E-18108 Jeffery Allen Pierce, Civil, GA; E-18080 Andrew William Poole, Fire Protection, KS; E-18101 Anthony William Post, CO; E-18107 Ronald Neal Rich, MS; E-18076 Frederick William Rinne, III, Civil, WY; E-18096 Christopher Willis Snowdeal, Civil, ME; E-18073 James Christian Stanley, Civil, IL; E-18114 Jessica Lynn Tran, Civil, KS; E-18100 Ray Edward Trimble, Mechanical, KS; E-18078 Seth Chandler Wiese, Civil, NC.

Licensure of Architects by NCARB Certification

Approved: A-5163 Nathan Tyler Adolf, MT; A-5161 Milton Todd Albritton, GA; A-5159 Matthew Clifford Fremstad, ND; A-5162 Victor Lee Mosby, MO; A-5158 Paul Robert Warnock, UT.

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Temporary Permits

Approved: T-615 Richard Wayne McCoy, TN, Engineer.

Engineer Intern Enrollments

Approved: Tyler Kenton Haas, Ryan Adam Kruse, Maggie Lanigan, Andrew Pham, Logan Sawyer Tuel, Travis Lee Wallen, Saleasha Jaray Elizabeth Zenon.

Certificates of Authorization

Approved: CA4315 Universal Surveying and Mapping LLC, CA4316 Oldcastle Infrastructure Inc, CA4317 Rozel LLC, CA4318 Scandalato Design Group Inc, CA4319 Nexius Solutions Inc, CA4320 Henderson Building Solutions LLC, CA4321 Morrison-Maierle Inc, CA4322 Industrial Tower West LLC, CA4323 Exponent Inc, CA4324 BSI Engineering, CA4325 Dunn Associates Inc, CA4326 Rivet Engineering Group LLC, CA4327 Saginaw Power & Automation LLC.

Licensure/Examination

Initial Licensure of Professional Engineers

Approved: Nicholas James Rock, Civil.

Licensure of Professional Engineers by Comity (*None*)

Licensure of Professional Engineers by Experience

Approved: Robert Bradwell Elkins, Jr, Mechanical, GA; Ernest James Kohman, Civil, KS.

Initial Licensure of Architects (*None*)

Licensure of Architects by Comity (*None*)

Licensure of Architects by Experience

Approved: Wayne Emery Spears, MO.

Licensure of Professional Engineers by Reinstatement (*None*)

Licensure of Architects by Reinstatement (*None*)

ARE Exam Approvals

Approved: Scott Christopher Kenny, Abby Speight-Robitaille.

PE/SE Exam Approvals

Approved: Brett Matthew Thompson, Mechanical.

Motion by Thiele, second by Isom to approve applications as recommended by staff. Voting Yes: Suelter, Thiele, Foley, Isom, Bostelman. Voting No: None. Absent: Johnson, Kelly, Peters.

Other Application Matters

Request to change discipline of P.E. license

Motion by Thiele, second by Suelter to deny the request based on Rule 2.5.3.2 to change the engineering discipline of license E-6024, from Mechanical to Fire Protection. Voting Yes: Suelter, Thiele, Foley, Isom, Bostelman. Voting No: None. Absent: Johnson, Kelly, Peters.

G. FINANCIAL MATTERS

Financial Reports

[FY 2019-20 Financial Profile, as of February 29, 2020](#)

[Budget Status Report, February 2020](#)

[MTD General Ledger Detail Report, February 2020](#)

[Fund Summary Report, February 2020](#)

Motion by Thiele, second by Isom to approve the financial reports as presented. Voting Yes: Suelter, Thiele, Foley, Isom, Bostelman. Voting No: None. Absent: Johnson, Kelly, Peters.

Proposed Vendor Contract for FY 2020-21

[Sean Minahan, Lamson Dugan & Murray, LLP](#)

The proposed contract between the Board of Engineers and Architects and Sean A. Minahan, Attorney at Law, Lamson Dugan & Murray, LLP, beginning July 1, 2020, and ending June 30, 2021, provides for legal representation of the Board as Special Assistant Attorney General at a varied hourly rate of \$210 for attorney fees, \$175 for associate attorney fees, and \$110 per hour for paralegals, working under Mr. Minahan's supervision. Only one-half of the necessary travel time required to conduct the work of the Board will be billed.

Motion by Thiele, second by Isom to approve the contract for Sean A. Minahan, Lamson Dugan & Murray, LLP, as presented. Voting Yes: Suelter, Thiele, Foley, Isom, Bostelman. Voting No: None. Absent: Johnson, Kelly, Peters.

Proposed Administrative Services Contracts for FY 2020-21

[NEBOG Administrative Services Contract](#)

The Board reviewed the proposed FY 2020-21 contract to provide administrative services for the Board of Geologists, beginning July 1, 2020, and ending June 30, 2021. The fee for an alternate plan which includes projected fees for a new database will be \$19,463 for the fiscal year with quarterly payments.

Motion by Thiele, second by Foley to approve the FY 2020-21 alternate plan for the administrative service contract as presented for the Board of Geologists. Voting Yes: Suelter, Thiele, Foley, Isom, Bostelman. Voting No: None. Absent: Johnson, Kelly, Peters.

[NSBLA Administrative Services Contract](#)

The Board reviewed the proposed FY 2020-21 contract to provide administrative services for the State Board of Landscape Architects, beginning July 1, 2020, and ending June 30, 2021. The fee for an alternate plan that includes projected fees for a new database will be \$13,821 for the fiscal year with quarterly payments.

Motion by Thiele, second by Isom to approve the FY 2020-21 alternate plan for the administrative service contract as presented for the State Board of Landscape Architects. Voting Yes: Suelter, Thiele, Foley, Isom, Bostelman. Voting No: None. Absent: Johnson, Kelly, Peters.

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next board meeting is scheduled on Friday, April 17, 2020, at 8:30 a.m. in the 5th floor conference room, 215 Centennial Mall South, Lincoln, Nebraska.

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Jason Suelter, P.E., S.E. was appointed as a professional engineer member to the Board of Engineers and Architects by Governor Ricketts. The term became effective February 29, 2020 and expires on February 28, 2025.

Schedule for Operational Planning Meeting

Isom noted the meeting room at the Public Service Commission could be used for an operational planning meeting on April 16, 2020, at 9:00 a.m. ED Wilbeck noted it would be important to schedule the meeting before work begins on the biennium budget and to set up the Board committees.

Board member parking in East State Parking Garage

It was noted a nearby entertainment venue is scheduled to host a street concert the evening of Friday, April 17th; the day of the next scheduled Board meeting. Parking hang tags can be obtained for the top level of the East State Parking garage if needed. Staff will wait to order hang tags in case the meeting is cancelled due to current health concerns.

Licensing and Certification Trends

(Numbers on 3/03/2020)

Professional Engineers	8,220
Architects.....	1,898
Certificates of Authorization	2,211
Temporary Permits.....	18

Examination Information/Results

The ARE Monthly Pass/Fail Report showed 8 exams taken and 6 exams passed in January 2020. There were 89 candidates with open eligibilities as of March 1, 2020.

Other Information

The Facebook Analytics Report showed 132 people reached from February 5, 2020 to March 3, 2020.

The February 2020 Website Dashboard Report indicated the Board’s website had 2,624 total visits.

Board policies approved as of September 13, 2019, were provided.

ADJOURNMENT

Chair Bostelman adjourned the meeting at 1:23 p.m.



4/17/20

Daniel J. Thiele, Secretary