

Nebraska Board of Engineers and Architects
Board Meeting Minutes – April 17, 2020
Via Webex

CALL TO ORDER

The April 17, 2020 online Webex meeting of the Nebraska Board of Engineers and Architects was called to order by Chair Bostelman at 8:35 a.m. It was noted the Open Meetings Act was available at the Nebraska Legislature's website at <https://nebraskalegislature.gov>. A link was provided through Webex. A notice of the electronic meeting was published in the Lincoln Journal Star in compliance with the Open Meetings Act.

On March 13, 2020, the Governor issued Executive Order No. 20-03, which provides a limited waiver of certain requirements of the Open Meetings Act. Governing bodies are allowed to meet by electronic means if access is made available to the public and members of the media. The waiver is effective through May 31, 2020.

Member Roll Call: Jan Bostelman, Chair; Brett Foley, Vice Chair; Daniel Thiele, Secretary; Bruce Dvorak; David Johnson; Lenora Isom; Brian Kelly; Jason Suelter. Absent: None.

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

No public comment.

A. CONSENT AGENDA

[March 13, 2020 meeting minutes](#)

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

B. MEETING REPORTS

Ad Hoc Committee Reports

The Nebraska Legislature convened for three days to pass an emergency Coronavirus emergency funding bill for \$83.6 million. The money will go to the Department of Health and Human Services and the University of Nebraska Medical Center for items such as medical and laboratory equipment, personal protective equipment, staffing and testing.

ED Wilbeck reported Speaker Scheer indicated the legislature will remain suspended until the COVID-19 crisis passes. When it reconvenes to finish business, the budget bills will be the number one priority. A list of senators and potential candidates for the legislative elections was provided.

Other Meeting Reports

Board committees needed for FY 2020-21 were discussed. The Legislative, Practice Reform, and Continuing Education Committees will be retained. The 2021-2023 biennium budget will need to be submitted mid-September 2020. A Budget committee may be added. Chair Bostelman will select committee members. ED Wilbeck asked members to let him or Chair Bostelman know if a specific committee is preferred.

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C. OLD BUSINESS

Request for feedback for proposed modifications to NCARB Education Standard

The NCARB Board of Directors requested feedback on proposed modifications to the NCARB Education Standard. Comments will be taken through June 12, 2020. ED Wilbeck asked members to bring comments back to the May meeting.

Recommendations for modifications include:

- Adding three explicitly defined subject categories: English Composition, Building Performance, and History and Theory of Urbanism
- Word changes to utilize more common terminology
- Offering additional means to address deficiencies
- Reduction of the Design categories from four to three
- Minor adjustments to credit hour requirements

Candidates for NCARB Council elections

A roster of candidates for the FY21 (July 1, 2020 – June 30, 2021) NCARB Board of Directors and regional leadership was reviewed by the Board.

Motion by Isom, second by Kelly to direct the Board's voting delegate to vote for Gary Ey for Public Director on the NCARB FY21 Board of Directors. Voting Yes: Dvorak, Foley, Isom, Johnson, Kelly, Suelter, Thiele, Bostelman. Voting No: None. Absent: None.

FY 2019-20 Marketing Plan

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

Many conferences have been cancelled or postponed because of COVID-19. PIO Mayhew indicated more meetings than usual may be held in the fall of 2020.

The FAQs page on the Board's website at <https://ea.nebraska.gov/faqs-architecture-students> was updated for architecture students.

The Board will run additional ads to create Board awareness in the May and September 2020 issues of the *Nebraska Municipal Review* published by the League of Nebraska Municipalities.

PIO Mayhew reported working on a congratulatory letter to NCEES for their centennial celebration in 2020.

A list of code officials was updated for CO Habe.

The Nebraska Chamber of Commerce will be added to the list to receive *The Nebraska Professional* newsletter.

Spring Newsletter draft

The Board reviewed a draft of the spring edition of *The Nebraska Professional* newsletter and made suggestions for additional topics including an adjustment of education requirements to be discussed in New Business.

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D. NEW BUSINESS

[Possible adjustment of continuing education requirements](#)

Groups and individuals have inquired whether the Board could adjust continuing education requirements for licensees coping with the impact of COVID-19. As per Rule 9.6.2, the Board has the ability to adjust or waive continuing education requirements for any architect or professional engineer.

The Board reviewed proposed language for CE requirements for licenses expiring on December 31, 2020 and December 31, 2021. Modifications to these requirements were made as follows:

- Regarding Rule 9.2.1 and 9.2.2, the required number of actual CE hours is 20 (in lieu of 30) for professional engineers and 16 (in lieu of 24) for architects. For architects, 8 of the hours must address the safeguarding of life, health, and property.
- Regarding Rule 9.3.1 (5), the limit on restricted online, non-live CE activities is raised to no more than one-half (in lieu of one-fourth).
- Regarding Rule 9.3.2, the minimum number of required ethics hours is unchanged at 1 hour.
- Regarding Rule 9.3.5, self-guided activities may constitute no more than five hours for architects or six hours for professional engineers.
- Regarding Rule 9.4.3, the maximum number of carryover hours is unchanged and remains at half the biennial requirement.

Motion by Thiele, second by Kelly to adopt the continuing education adjustments as presented on screen for requirements for licenses expiring December 31, 2020 and December 31, 2021. Voting Yes: Dvorak, Foley, Isom, Johnson, Kelly, Suelter, Thiele, Bostelman. Voting No: None. Absent: None.

[Identification of statutes/regulations for Governor's temporary waiver](#)

In order to facilitate requests by state agencies for specific statutes or regulations that may need to be waived through an Executive Order issued by the Governor, the Governor's Policy Research Office requested agencies to send any specific statute(s) and/or regulations(s) with a brief explanation of the reason and rationale and a requested time period for the special waiver.

The Board reviewed the Engineers and Architects Regulation Act and no temporary waiver will be requested for its current statutes.

[NCEES/NCARB updates regarding COVID-19](#)

ED Wilbeck provided updates from NCEES and NCARB concerning examinations.

NCEES

- Pearson VUE professional test centers in the United States and Canada will remain closed through April 30. On-campus Pearson VUE select test centers are subject to closure at the school's direction.
- The number of paper-and-pencil examinees in October is anticipated to be almost twice normal levels.
- The 2020 NCEES Engineering Education Award and Surveying Education Award competitions have been canceled due to significant impact of the COVID-19 on colleges and universities. Engineering programs planning to submit entries for the 2020 competitions are encouraged to hold them for 2021. Details will be available in October.

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NCARB

- Prometric has decided to keep all test centers in North America closed until May 1. As a result, NCARB has extended their no-cost rescheduling period for Architect Registration Examination (ARE) appointments and is adding an additional six-month rolling clock extension to all valid passing scores.
- An additional six-month rolling clock extension will automatically be applied to all passing ARE scores that were valid as of March 1, 2020, to accommodate for the test center closures and limited seat availability over the next several months. This will add a three-month extension already added to valid passing scores. All extensions will be granted by the end of April.
- Candidates can check the Prometric test center closures website for updates and to determine if a test center remains closed.

ED Wilbeck will contact NCARB and NCEES representatives about examination issues.

[NCARB Annual Business Meeting information](#)

NCARB is continuing with plans for the 2020 Annual Business Meeting to be held June 18-20, 2020, in Austin, Texas, although COVID-19 is being carefully monitored. Meeting and registration information was provided. Registration became available in early April.

[NCARB Letter of Credentials](#)

NCARB Bylaws require each Board Member Board to submit a list of board members who will attend the 2020 NCARB Annual Business Meeting as the board's official delegates. This list, referred to as the "letter of credentials" must indicate the voting delegate (only one) and an alternate. The letter must be signed by a duly authorized person such as a board officer or board executive.

[Selection of funded official delegates and voting delegate for NCARB Annual Meeting](#)

NCARB will provide funding for its annual business meeting for two funded delegates (any profession), one public member, and one member board executive. Funding for one legal counsel member is available with limited funding.

Motion by Foley, second by Thiele to designate Johnson and Kelly as funded delegates, ED Wilbeck as the funded member board executive, Foley as the funded public member, Isom to be funded by the Board, and Johnson as the voting delegate and Isom as the alternate voting delegate for the NCARB Annual Meeting. Voting Yes: Dvorak, Foley, Isom, Johnson, Kelly, Suelter, Thiele, Bostelman. Voting No: None. Absent: None.

[Selection of funded delegates for NCEES Annual Meeting](#)

A draft meeting agenda and an annual meeting summary with information for registration and travel was provided for the NCEES Annual Meeting in Chicago, Illinois on August 26-29, 2020. NCEES will be celebrating the anniversary of its 100th annual meeting.

In accordance with NCEES policy, the Council will fund lodging, travel expenses, and registration fees for the designated member board administrator, three board members as voting delegates, and any first-time attendees (must be within 24 months of initial appointment). To qualify for funding, all designated delegates must attend the business sessions on August 27 and August 28. Designated first-time attendees must also attend the First-Time Attendee Luncheon on August 26.

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Motion by Suelter, second by Thiele to designate Bostelman as a funded voting delegate and Suelter and Dvorak as funded first-time attendees and ED Wilbeck as the funded board administrator for the NCEES Annual Meeting. Voting Yes: Dvorak, Foley, Isom, Johnson, Kelly, Suelter, Thiele, Bostelman. Voting No: None. Absent: None.

[AIChE letter in support of Nebraska's regulation of engineering practice](#)

A letter in support of state regulation of engineering practice was received from the American Institute of Chemical Engineers (AIChE). The AIChE believes state regulation of the engineering practice continues to be in the best interest of the public and the profession.

[Emeritus status designation](#)

Motion by Kelly, second by Thiele to designate Randall Peters as an Emeritus Board member with the annual term expiring on March 22, 2021. Voting Yes: Dvorak, Foley, Isom, Johnson, Kelly, Suelter, Thiele, Bostelman. Voting No: None. Absent: None.

[Postponement of operational planning meeting](#)

The operational planning meeting planned for April was re-scheduled to Wednesday, May 20, 2020, at 9:00 a.m. The regular meeting will be held on Thursday, May 21, 2020. If needed, the meetings will be conducted through Webex. Kelly stated he had an appointment at 2:00 p.m. on May 20th so would need to leave the planning meeting early. It was indicated the meeting would be wrapped up by 2:00 p.m., if possible. ED Wilbeck will work with Chair Bostelman to create an agenda with information for discussion. Topics for discussion currently include the biennium budget, additional legislation concerning direct registration for engineers, decoupling the PE exam from experience if the Board's legislative bill passes, and review of rules and regulations for needed revisions. ED Wilbeck will send out an agenda to the members and ask for comments.

[2020 travel and per diem authorization](#)

No authorization for travel or per diem was requested.

E. COMPLIANCE

[Summary of Open Cases](#)

[Executive Session – Commenced at 10:21 a.m.](#)

Motion by Thiele, second by Suelter to enter into executive session for discussion of compliance investigations and 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 Bostelman. Voting Yes: Dvorak, Foley, Isom, Johnson, Kelly, Suelter, Thiele, Bostelman. Voting No: None. Absent: None.

Active Cases: Summary & Documentation

Compliance Cases 18.02, 18.13, 18.20, 18.21, 19.01, 19.05, 20.01, 20.02, 20.03, 20.04, 20.06, 20.07, 20.08, 20.09, 20.10, 20.11, 20.12, and 20.13 were reviewed in executive session.

Other Compliance Issues

Project Reviews 04-01, 04-02, 04-03, 04-04, 04-05, and 04-06 and the partner agency processes were reviewed in executive session.

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[Executive Session – Concluded at 12:15 p.m.](#)

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

Motion by Thiele, second by Suelter to dismiss Case 18.20 with no disciplinary action based on successful remediation. Voting Yes: Dvorak, Foley, Isom, Johnson, Kelly, Suelter, Thiele, Bostelman. Voting No: None. Absent: None.

Motion by Thiele, second by Kelly to dismiss Case 19.01 with no disciplinary action based on successful remediation. Voting Yes: Dvorak, Foley, Isom, Johnson, Kelly, Suelter, Thiele, Bostelman. Voting No: None. Absent: None.

Motion by Thiele, second by Foley to approve the proposed settlement agreement in Case 20.11 with a modification to approve language in 9b but waive attorney fees due to voluntary disclosure. Voting Yes: Dvorak, Foley, Isom, Johnson, Kelly, Suelter, Thiele, Bostelman. Voting No: None. Absent: None.

Motion by Thiele, second by Foley to open a compliance case for Project Review 04-01 with the owner as the respondent and authorize architectural and structural engineering remediation and require a response within 30 days and a plan of action within 60 days and open a complaint with the entity designing the plans as a respondent for the practice of unlicensed engineering and architecture. Voting Yes: Dvorak, Foley, Isom, Johnson, Kelly, Suelter, Thiele, Bostelman. Voting No: None. Absent: None.

Motion by Thiele, second by Foley to open a compliance case for Project Review 04-02 with the owner as respondent, authorize architectural remediation and require a response within 30 days and a plan of action within 60 days, and open a compliance case with the plan preparer as respondent for unauthorized practice of architecture. Voting Yes: Dvorak, Foley, Isom, Johnson, Kelly, Suelter, Thiele, Bostelman. Voting No: None. Absent: None.

Motion by Thiele, second by Suelter to open a compliance case for Project Review 04-04 with the owner as respondent and authorize architectural and mechanical, electrical, and plumbing (MEP) engineering remediation and require a response within 30 days and a plan of action within 60 days, and open a compliance case with the plan preparer as respondent for unauthorized practice of architecture and direct supervision of the work as per NRS 81-3454. Voting Yes: Dvorak, Foley, Isom, Johnson, Kelly, Suelter, Thiele, Bostelman. Voting No: None. Absent: None.

Motion by Thiele, second by Foley to open a compliance case for Project Review 04-05 and authorize architectural and engineering remediation and require a response within 30 days and a plan of action within 60 days. Voting Yes: Dvorak, Foley, Isom, Johnson, Kelly, Suelter, Thiele, Bostelman. Voting No: None. Absent: None.

Motion by Thiele, second by Kelly to open a compliance case for Project Review 04-06 and authorize architectural and engineering remediation and require a response within 30 days and a plan of action within 60 days. Voting Yes: Dvorak, Foley, Isom, Johnson, Kelly, Suelter, Thiele, Bostelman. Voting No: None. Absent: None.

F. APPLICATIONS

Administratively Approved

[Licensure of Professional Engineers by NCEES MLE Designation](#)

Approved: E-18132 Randy John Bicknese, Mechanical; E-18150 Jeffrey Mark Brown, Electrical and Computer; E-18149 Sean Thomas Buczek, Mechanical; E-18131 Jimmy Ray Church, Structural; E-18125 Keven Jeffrey

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Clements, Civil; E-18138 Jarrod Michael Easterwood, Mechanical; E-18118 Samuel Duane Erter, Electrical and Computer; E-18147 Mark Henry Foster, Civil; E-18142 Jacques Mario Gilbert, Civil; E-18117 Nicholas Michael Gilles, Civil; E-18137 Joseph Andrew Guerra, Structural; E-18139 Michael James Jackson, Civil; E-18120 Randell Ray Jepsen, Electrical and Computer; E-18141 Dillon Ted Karlix, Mechanical, E-18123 Jason Paul Klemme, Civil; Shaun William Kline, Civil; E-18148 Michael James Kraemer, Mechanical; E-18143 Dan Stuart Leyendecker, Civil; E-18115 Lonnie Martinez, Electrical; E-18122 Michael Augustine McGuire, Electrical; E-18124 Aaron James Mitchell, Structural; E-18133 John Edward Moberg, Civil; E-18136 Matthew Lloyd Owen, Structural; E-18134 James Kevin Phipps, Electrical; E-18126 Joshua Christopher Porter, Mechanical; E-18116 Richard Alan Renshaw, Electrical; E-18135 Kalpeshkumar Kanubhai Ribadia, Mechanical; E-18119 Travis Michael Riedy, Civil; E-18145 Paason Rojanatavorn, Civil; E-18144 Seth Daniel Scheilz, Civil; E-18121 Bradley William Sullivan, Civil; E-18140 Seied Zia Aldin Yasrobi, Civil.

[Licensure of Architects by NCARB Certification](#)

Approved: A-5172 Kyle Kevin Creeden, A-5173 Philip Michael Donovan, A-5165 Michael Paul Ehrlich, A-5169 Beau Ashley Fey, A-5171 Mark Philip Ford, A-5164 Randall Ray Harvey, A-5174 Peter John Lagomarsino, A-5175 Brian Bahan Lucke, A-5168 Leslie Gail Moldow, A-5176 Joshua Fenton Ridgely, A-5170 Joseph Ray Stewart, A-5167 Gregory Edward Wattier.

[Temporary Permits \(None\)](#)

[Engineer Intern Enrollments](#)

Approved: Brenna Nichol Boyd, Kenton Harrington Higgins, III, Samuel Vincent Olbrey, Joshua Eli Salapich.

[Certificates of Authorization](#)

Approved: CA4328 Project Frog Inc, CA4329 Envision Architecture Inc, A-4330 Engineering Perspective Inc, CA4331 Kramer Gehlen & Associates Inc, CA4332 Structural Dynamics LLC, CA4333 La Macchia Group LLC, CA4334 Slingshot Architecture Inc, CA4335 Integrity Consulting Engineers LLC, CA4336 Team Services Inc, CA4337 PGAL Inc, CA4338 Wegher Constructions Co, CA4339 Semaan Engineering Solutions LLC, CA4340 Brown Investigations & Engineering Consulting LLC, CA4341 Navix Engineering Inc, CA4342 Dudley Engineering LLC, CA4343 Y2 Consultants LLC, CA4344 Larson Architectural Group Inc, CA4345 BetonStructure LLC, CA4346 Renshal Engineering, CA4347 Studio KC, CA4348 Zachry PC, CA4349 Mott MacDonald LLC, J&K Possibilities LLC, CA4351 Ford & Associates Architects Inc.

Licensure/Examination

[Initial Licensure of Professional Engineers \(None\)](#)

[Licensure of Professional Engineers by Comity](#)

Approved: Amy Renee Galt, Electrical Engineer, MT; Christopher Allen Ide, Civil, IL.

[Licensure of Professional Engineers by Experience](#)

Approved: Gregory Lee Boso, Civil, WV.

[Initial Licensure of Architects \(None\)](#)

[Licensure of Architects by Comity \(None\)](#)

[Licensure of Architects by Experience \(None\)](#)

[Licensure of Professional Engineers by Reinstatement](#)

Approved: E-4076 Louis Burton Harmon, Civil; E-13782 Jon Christian Shellhorn, Civil.

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[Licensure of Architects by Reinstatement \(None\)](#)

[ARE Exam Approvals \(None\)](#)

[PE/SE Exam Approvals \(None\)](#)

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

Other Application Matters

[Licensee disclosure](#)

No action was taken on disclosure received for license E-10888.

[Firm disclosure](#)

No action was taken on disclosure for a firm holding a Nebraska certificate of authorization.

G. FINANCIAL MATTERS

Financial Reports

[FY 2019-20 Financial Profile, as of March 31, 2020](#)

[Budget Status Report, March 2020](#)

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

[Fund Summary Report, March 2020](#)

ED Wilbeck reviewed the March financial reports with the Board.

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

Other Financial Matters

[Biennium Budget Preparation](#)

ED Wilbeck provided a spreadsheet projecting estimated expenditures for FY 2019-20. Work will begin soon on the biennium budget.

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. An Operational Planning meeting is scheduled on Wednesday, May 20, 2020, at 9:00 a.m. and the next board meeting is scheduled on Thursday, May 21, 2020, at 8:30 a.m. A determination will be made at a later date whether they will be held electronically.

Bruce Dvorak, Ph.D., P.E. was appointed as a professional engineer member to the Board of Engineers and Architects by Governor Ricketts. The term became effective March 25, 2020, and expires February 28, 2025.

Licensing and Certification Trends

Numbers on 4/06/2020

Professional Engineers	8,267
Architects.....	1,910
Certificates of Authorization	2,223
Temporary Permits.....	17

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Examination Information/Results

The ARE Monthly Pass/Fail Report showed 8 exams taken and 6 exams passed in February 2020. There were 90 candidates with open eligibilities as of April 1, 2020.

Other Information

The Facebook Analytics Report showed 138 people reached from March 11, 2020 to April 7, 2020.

The March 2020 Website Dashboard Report indicated the Board's website had 2,258 total visits.

Board policies approved as of March 13, 2020, were provided.

ADJOURNMENT

Chair Bostelman closed the meeting at 12:42 p.m.



Daniel J. Thiele, Secretary