

Nebraska Board of Engineers and Architects
Board Meeting Minutes – May 21, 2020
Via Webex

CALL TO ORDER

Chair Bostelman called the May 21, 2020 online Webex meeting of the Nebraska Board of Engineers and Architects to order at 8:32 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; Lenora Isom; Brian Kelly; Jason Suelter. Absent: Bruce Dvorak, David Johnson.

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

[April 17, 2020 meeting minutes](#)

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

Johnson joined the meeting at 8:35 a.m. Dvorak joined the meeting at 8:49 a.m.

B. MEETING REPORTS

Ad Hoc Committee Reports

[2020/2021 Committee appointments and charges](#)

Chair Bostelman designated Board committees and members for 2020-2021.

- Executive – Bostelman, Foley, Thiele
- Legislative – Foley, Isom, Bostelman
- Continuing Education – Johnson, Kelly, Suelter, Dvorak
- Interior Design Committee – Isom, Kelly, Johnson, Foley
- Rule Changes – Thiele, Dvorak, Suelter, Johnson
- Budget (if significant potential revenue shifts noted) – Bostelman, Isom, Kelly, Thiele

Legislative Report

On May 12, the Board's legislative liaison, American Communications, reported that vote-by-mail participation in the primary election broke the record for the number of voters. Primary election results for the Nebraska legislature were provided.

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ED Wilbeck reported the Nebraska Legislature is scheduled to reconvene on July 20, 2020 for a 17 day session to end on August 13, 2020.

C. OLD BUSINESS

[Request for feedback for proposed modifications to NCARB Education Standard](#)

A proposal for modifications to the *NCARB Education Standard* was reviewed by the NCARB Board of Directors at its January meeting. The Board of Directors is asking member boards for feedback before it votes on proposed changes.

The NCARB FY20 Education Committee has recommended changes that 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

After review, the Board had no concerns. The deadline to comments to NCARB is June 12, 2020.

[Candidates for Secretary of NCARB Board of Directors](#)

Candidates for Secretary of the FY21 NCARB Board of Directors include:

Mary Morissette, FAIA NCARB, LEED AP, Colorado; Stephen D. Schreiber, FAIA, NCARB, Massachusetts; and Kenneth Van Tine, AIA, NCARB, LEED AP, Michigan.

Motion by Kelly, second by Thiele to authorize the Board's voting delegate to vote for Stephen Schreiber for Secretary of the FY21 NCARB Board of Directors. Voting Yes: Foley, Isom, Johnson, Kelly, Suelter, Thiele, Bostelman. Voting No: None. Absent: Dvorak.

Dvorak joined the meeting at 8:49 a.m.

[NCEES proposed bylaws for action at annual meeting](#)

The Board reviewed proposed changes to the *NCEES Bylaws*. Changes will be voted on during the NCEES annual business meeting. Adoption of the revisions requires a two-thirds affirmative vote of the Member Boards present and in good standing.

Proposed changes were reviewed for Sections 3.09 Zone Organization, 4.09 Board Audit Committee, 6.02 Quorum and Voting, 7.04 Committee on Education, and 10.0125 Examinees.

ED Wilbeck noted a motion was brought forth by the South Carolina board to determine if any Bylaws changes are necessary to assure that revisions to the NCEES Education Standards be presented to and are approved by majority vote of the NCEES member boards.

Further discussion and action was deferred to the June Meeting.

[FY 2019-20 Marketing Plan](#)

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

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The Nebraska Rural Community Schools Association (NRCSA) will be refunding the Board for its conference ad, since the conference in March was cancelled and rescheduled for March 2021.

A congratulatory letter was created for NCEES for their centennial anniversary.

The Nebraska Chamber of Commerce and other chambers were contacted by PIO Mayhew. West Point responded and will be provided outreach resources.

The Nebraska Professional newsletter was emailed to over 12,000 recipients including licensees and organizations. Mayhew reported this issue of the newsletter had one of the highest “click-to-open” rates.

ED Wilbeck noted he would be going through continuing education law changes with AIA Nebraska.

D. NEW BUSINESS

[NCARB Annual Business & Regional Meetings Update](#)

The NCARB Board of Directors voted to convert the June Annual Business Meeting into a one-day virtual meeting to be held on Friday, June 19, at a time to be announced. The agenda will include key business items. Resolutions are being deferred to a later date yet to be determined. NCARB support optional regional meetings through a virtual platform on Thursday, June 18, at a time that is compatible with the zone. Regions may opt to invite candidates to engage virtually, at their discretion.

ED Wilbeck reported NCARB Region 5 will meet via Zoom at 10:00 a.m. CST on June 18.

[Central Zone Vice President Report](#)

Central Zone Vice President, Marlon Vogt, provided a report reiterating the cancellation of the April NCEES Zone Meeting in Houston, Texas, and the changes for the annual meeting that was to be held in Chicago, Illinois in August. The Board of Directors will meet via Zoom on June 12-13 to finalize the annual meeting plans, agenda, and deadlines for actions required between now and August. Mr. Vogt noted the Central Zone will elect a new Vice President and Assistant Vice President. Voting will be held by electronic ballot between now and the annual meeting. The only candidate for Vice President is Mike Drewyor, PE/PS from Michigan. Since there are currently no candidates for Assistant Vice President, each member board administrator has been asked to seek members on their board for this role.

Marlon Vogt provided a memo he sent to the NCEES Board of Directors concerning his visit to the Nebraska Board of Engineers and Architects at its March meeting. He thanked both the Nebraska Board and NCEES for the opportunity to visit.

[NCARB Board of Directors Brief, April 2020](#)

An update of actions and discussions of the NCARB Board of Directors was provided in the April 2020 NCARB BODbrief. According to NCARB, a downturn in ARE revenue due to closure of Prometric test centers, coupled with reductions in licensure candidate applications and reciprocal licensure requests, have reversed NCARB’s surplus. Lower revenues have been offset with reductions in exam related expenses, a shift to virtual meetings, reduced use of consultants, and delaying planned initiatives. Updates concerning member and volunteer engagement, programs, staff, and the National Organization for Minority Architects (NOMA) were outlined in the brief. The Board of Directors heard presentations on two new projects: remotely proctoring ARE administrations and an Analysis of the Practice of Architecture.

[NCEES Virtual Annual Meeting](#)

Due to conditions created by the COVID-19 pandemic, NCEES will not be conducting a traditional in-person annual meeting in Chicago, Illinois on August 26-29, 2020. A virtual business session is planned for Thursday, August 27, 2020. More details about the structure, procedures, and agenda will be sent in June.

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NCARB April Fast Facts

Beginning in April, NCARB started “Council Hours” virtual meetings exclusively for Member Board Executives (MBEs) and their staff. These weekly, one-hour, informal meetings provide an opportunity for MBEs to ask NCARB staff questions, share information with their colleagues, and check in with one another.

Prometric teams continue to work diligently to reopen sites and testing availability while focusing on the following:

- Evolving local and national regulations and guidelines
- Readiness of test centers while they execute a phased re-opening plan
- Client comfort and strategies around resumption of testing for essential services

It was noted that NCARB is exploring options to push forward with remote proctoring. Multiple test administration providers that can support both a physical test center network as well as remote proctoring delivery are being investigated.

Weaver Resignation Letter

Business Manager Weaver provided a resignation letter announcing her retirement on July 10, 2020.

2020 travel and per diem authorization

Authorization requests:

Foley and Thiele to attend the virtual NCEES Annual meeting in August. The business session will be held on August 27.

Motion by Kelly, second by Suelter to authorize per diem as requested. Voting Yes: Foley, Isom, Johnson, Kelly, Suelter, Thiele, Dvorak, Bostelman. Voting No: None. Absent: None.

E. COMPLIANCE

Summary of Open Cases

Executive Session – Commenced at 9:23 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: Foley, Isom, Johnson, Kelly, Suelter, Thiele, Dvorak, Bostelman. Voting No: None. Absent: None.

Active Cases: Summary & Documentation

Compliance Cases 18.02, 18.13, 18.21, 19.05, 20.01, 20.02, 20.03, 20.04, 20.06, 20.07, 20.08, 20.09, 20.10, 20.11, 20.12, 20.13, 20.14, 20.15, 20.16, 20.17, 20.18, 20.19, 20.20, and 20.21 were reviewed in executive session.

Other Compliance Issues

Project Reviews 05-01, 05-02, 05.03, 05.04, 05.05, 05.06, and 05.07 and the partner agency processes were reviewed in executive session.

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[Executive Session – Concluded at 12:10 p.m.](#)

Motion by Suelter, second by Thiele 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: Foley, Isom, Johnson, Kelly, Suelter, Thiele, Dvorak, Bostelman. Voting No: None. Absent: None.

Motion by Thiele, second by Suelter to close Case 20.01 with no disciplinary action based on development of construction drawings by an architect, reserving the right to reopen the case if the project does not conform to plans. Voting Yes: Foley, Isom, Johnson, Kelly, Suelter, Thiele, Dvorak, Bostelman. Voting No: None. Absent: None.

Motion by Thiele, second by Foley to dismiss Case 20.03 with no disciplinary action based on construction drawings by an architect and professional engineer, reserving the right to reopen the case if construction does not conform to plans. Voting Yes: Foley, Isom, Johnson, Kelly, Suelter, Thiele, Dvorak, Bostelman. Voting No: None. Absent: None.

Motion by Thiele, second by Suelter to dismiss Case 20.04 with no disciplinary action based on successful architecture and engineering remediation. Voting Yes: Foley, Isom, Johnson, Kelly, Suelter, Thiele, Dvorak, Bostelman. Voting No: None. Absent: None.

Motion by Thiele, second by Kelly to dismiss Case 20.10 with no disciplinary action and issue a letter of caution to the respondent. Voting Yes: Foley, Isom, Johnson, Kelly, Suelter, Thiele, Dvorak, Bostelman. Voting No: None. Absent: None.

Motion by Thiele, second by Suelter to authorize Chair Bostelman to execute the settlement agreement and close Case 20.11. Voting Yes: Foley, Isom, Johnson, Kelly, Suelter, Thiele, Dvorak, Bostelman. Voting No: None. Absent: None.

Motion by Thiele, second by Kelly to dismiss Case 20.16 with no disciplinary action based on development of construction drawings by an architect and professional engineer, reserving the right to reopen the case if the project does not conform to the plans. Voting Yes: Foley, Isom, Johnson, Kelly, Suelter, Thiele, Dvorak, Bostelman. Voting No: None. Absent: None.

Motion by Thiele, second by Foley to dismiss Case 20.17 with no disciplinary action, but issue a letter of caution. Voting Yes: Foley, Isom, Johnson, Kelly, Suelter, Thiele, Dvorak, Bostelman. Voting No: None. Absent: None.

Motion by Thiele, second by Johnson to dismiss Case 20.21 with no disciplinary action based on information provided by respondents. Voting Yes: Foley, Isom, Johnson, Kelly, Suelter, Thiele, Dvorak, Bostelman. Voting No: None. Absent: None.

Motion by Thiele, second by Isom to open a complaint for Project Review 05-01 and authorize architectural and engineering remediation and require a response within 30 days and a remediation plan within 60 days. Voting Yes: Foley, Isom, Johnson, Kelly, Suelter, Thiele, Dvorak, Bostelman. Voting No: None. Absent: None.

Motion by Thiele, second by Isom to open a complaint for Project Review 05-02 and authorize architectural and engineering remediation and require a response within 30 days and a remediation plan within 60 days. Voting Yes: Foley, Isom, Johnson, Kelly, Suelter, Thiele, Dvorak, Bostelman. Voting No: None. Absent: None.

Motion by Thiele, second by Kelly to open a complaint regarding Bay "C" in Project Review 05-03 and authorize architectural and engineering remediation and require a response within 30 days and a remediation plan within 60 days. Voting Yes: Foley, Isom, Johnson, Kelly, Suelter, Thiele, Dvorak, Bostelman. Voting No: None. Absent: None.

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

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

Motion by Thiele, second by Isom to open a complaint for Project Review 05-06 and authorize architectural and engineering remediation and require a response within 30 days and a remediation plan within 60 days. Voting Yes: Foley, Isom, Johnson, Kelly, Suelter, Thiele, Dvorak, Bostelman. Voting No: None. Absent: None.

Motion by Thiele, second by Dvorak to open a compliance case for Project Review 05-07 and authorize engineering remediation on the foundation and require a response within 30 days and a remediation plan within 60 days. Voting Yes: Foley, Isom, Johnson, Kelly, Suelter, Thiele, Dvorak, Bostelman. Voting No: None. Absent: None.

F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: A-18154 David Rex Anderson, Civil; E-18160 Frank Ataiyan, Fire Protection; E-18187 Anthony Christopher Augustine, Civil; E-18166 Joseph Peter Betland, Civil; E-18178 Bryan Matthew Clapper, Structural; E-18171 Scott Alan Clore, Civil; E-18157 Kenneth Hightower Cobb, Electrical; E-18176 Kevin Patrick Dommer, Structural; E-18155 Bryan David Dyer, Civil; E-18181 Timothy Leigh Fish, Civil; E-18174 Dante Flores-Alva, Structural; E-18173 William Barton Gilbreath, Electrical and Computer; E-18179 Jack Tate Griffith, Mechanical; E-18180 Philip Raydon Hahn, Civil; E-18169 Wensen Jiang, Civil; E-18156 James Milton Jones, Jr, Electrical; E-18168 Christine Lucia Kerschen, Mechanical; E-18177 John Edward Kildea, Jr, Civil; E-18152 Andrew Yongwoo Kwon, Electrical; E-18167 Ricki Maniktala, Mechanical; E-18153 Javier Edgardo Martin, Civil; E-18151 Cale Daniel Nickels, Civil; E-18158 Matthew John Nork, Civil; E-18172 David Wesley Olmstead, Electrical; E-18161 Robert Angelo Perez, Electrical and Computer; E-18183 Stephen John Rivard, Civil; E-18186 James Ernest Rongish, Civil; E-18182 Jeffrey Alan Scott, Fire Protection; E-18159 Jeffery Michael Sheaffer, Civil; E-18170 Chancey Edward Shrake, Civil; E-18188 Robert Christopher Wajda, Mechanical; E-18185 Daniel Patrick Wallace, Civil; E-18175 Adam James Wietzki, Architectural; E-18184 Jaime Marie Wilson, Fire Protection; E-18165 Scott Edwin Wyssling, Civil.

Licensure of Architects by NCARB Certification

Approved: A-5182 Mark Dietz Averett, A-5184 Austin James Herndon, A-5183 Daniel Gerard Parolek, A-5180 Andrew Wyatt Schaunaman, A-5178 Keith Alan Simmel, A-5181 Steven David Stein, A-5177 Steven Todd Wise.

Temporary Permits (None)

Engineer Intern Enrollments

Approved: Ann Marie Rywelski, Christopher Drew Wozny, Wesley Carl Young.

Certificates of Authorization

Approved: CA4352 American Rail Engineers Corporation, CA4353 LNV LLC, CA4354 Dyer & Associates LLC, CA4355 James W Sewall Company, CA4356 Hurricane Hill Development Company PLLC, CA4357 Kraemer Consulting Engineers PLLC, CA4358 NewGround International Inc, CA4359 Stahl Sheaffer Engineering LLC, CA4360 Wyssling Consulting, CA4361 RG Vanderweil Engineers LLP, CA4362 Siemens Energy Inc.

Licensure/Examination

Initial Licensure of Professional Engineers (None)

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[Licensure of Professional Engineers by Comity](#)

Approved: Phubet Chaiboonruang, Civil, TX; Joseph Raymond Hartwig, Electrical and Computer, MO; Tara Louise Schutter, Civil.

[Licensure of Professional Engineers by Experience](#)

Approved: David Alan Ahlemeyer, Civil, MO; Scott Allen Wechter, Civil, IL.

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

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

[Licensure of Architects by Experience](#)

Approved: Gary Arthur Kerr, CA.

[Licensure of Professional Engineers by Reinstatement \(None\)](#)

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

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

[PE/SE Exam Approvals](#)

Approved: Jeffrey James Cassel, Civil.

Special Cases

[PE/SE Exam Approvals](#)

Approved: Trevor Derrek Howe, Mechanical.

Motion by Thiele, second by Kelly to approve applications as recommended by staff with the exception of modifying the licensure approval for Phubet Chaiboonruang to a civil engineering discipline. Voting Yes: Foley, Isom, Johnson, Kelly, Suelter, Thiele, Dvorak, Bostelman. Voting No: None. Absent: None.

Other Matters

[Firm Disclosure](#)

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

G. FINANCIAL MATTERS

Financial Reports

[FY 2019-20 Financial Profile, as of April 30, 2020](#)

[Budget Status Report, April 2020](#)

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

[Fund Summary Report, April 2020](#)

ED Wilbeck reviewed the April financial reports with the Board and reported expenditures and revenue to be on track. Application history numbers going back to 2009 are being tracked and will be helpful to forecast revenue in the budget.

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

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H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next board meeting is scheduled on Friday, June 12, 2020, at 8:30 a.m. It will be determined at a later date whether it will be conducted as a virtual meeting. ED Wilbeck will check with Community Foundation to see if board can have June meeting in the large conference room.

Licensing and Certification Trends

Numbers on 5/11/2020

Professional Engineers	8,311
Architects.....	1,922
Certificates of Authorization	2,218
Temporary Permits.....	15

Examination Information/Results

The ARE Monthly Pass/Fail Report showed 7 exams taken and 4 exams passed in March 2020. There were 90 candidates with open eligibilities as of May 1, 2020.

The ARE Pass/Fail Quarterly Report showed an ARE overall pass rate of 69.6% for January through March of 2020.

Other Information

The Facebook Analytics Report showed 148 people reached from April 16, 2020 to May 12, 2020.

The April 2020 Website Dashboard Report indicated the Board’s website had 2,383 total visits.

The Mailchimp Analytics report indicated *The Nebraska Professional* newsletter was emailed to 12,447 recipients.

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

ADJOURNMENT

Johnson moved and Dvorak seconded to close the meeting at 12:49 p.m.



Daniel J. Thiele, Secretary