

Nebraska Board of Engineers and Architects
Board Meeting Minutes
June 14, 2013

CALL THE MEETING TO ORDER

The meeting was held at 215 Centennial Mall South, 5th Floor, Large Conference Room, Lincoln, Nebraska. Chair Laging 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 on the Board's website and the Lincoln Journal Star in compliance with the Open Meetings Act.

Roll Call: Present: Tom Laging, Chair; Lori Krejci, Secretary; Mark Champion; Fred Choobineh; Michael Konzett; Roger Helgoth; Krista Kester. Absent: Jennifer Klein, Vice-Chair.

Staff Present: Jon Wilbeck, Executive Director (ED); Sandra Weaver, Administrator (AD); Lisa Mathews, Compliance Officer (CO); Jean Lais, Administrative Assistant (AA); Rachel Fetterman, Public Information Officer (PIO).

Public Comment - None

Appointments

9:30 a.m. – Rich Lombardi, American Communications Group, Inc.

Agenda Items

Kester requested to move the compliance section to the first item in the agenda since she would be leaving the meeting early.

Action Motion by Helgoth, second by Krejci to move Compliance Section D to the first item in the agenda. Voting Yes: Champion, Choobineh, Konzett, Helgoth, Kester, Krejci, Laging. Voting No: None. Absent: Klein.

D Compliance

Logs

Current complaints presented.

History of closed complaints for Board review only.

Executive Session – Commenced at 8:31 a.m.

Action Motion by Helgoth, second by Krejci to enter into executive session for discussion of pending and new compliance cases and items 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 Laging. Voting Yes: Champion, Choobineh, Konzett, Helgoth, Kester, Krejci, Laging. Voting No: None. Absent: Klein.

Pending Cases

11.04 – Summary & Documentation

Reviewed in executive session

12.10 – Summary & Documentation

Reviewed in executive session

13.01 – Summary & Documentation

Reviewed in executive session

New Cases

13.02 – Summary & Documentation

Reviewed in executive session

13.03 – Summary & Documentation

Reviewed in executive session

13.04 – Summary & Documentation

Reviewed in executive session

Executive Session – Concluded at 9:11 a.m.

Action Motion by Krejci, second by Kester to close executive session for discussion of pending and new compliance cases and items not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Champion, Choobineh, Konzett, Helgoth, Kester, Krejci, Laging. Voting No: None. Absent: Klein.

Approval of Compliance Case Disposition

Action Motion by Helgoth, second by Krejci to dismiss Compliance Case 12.10 with prejudice and approve the application for license renewal. Voting Yes: Champion, Choobineh, Konzett, Helgoth, Kester, Krejci, Laging. Voting No: None. Absent: Klein.

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Action Motion by Helgoth, second by Krejci to notify the respondent in Compliance Case 13.02 to voluntarily surrender their Nebraska license or subsequent board action will be taken because of a violation of the Code of Practice and Rule 5.3.4 of Title 110, NAC, Rules and Regulations. Voting Yes: Champion, Choobineh, Conzett, Helgoth, Kester, Krejci, Laging. Voting No: None. Absent: Klein.

Action Motion by Kester, second by Conzett to dismiss Compliance Case 13.03 with prejudice. Voting Yes: Champion, Choobineh, Conzett, Helgoth, Kester, Krejci, Laging. Voting No: None. Absent: Klein.

Kester departed the meeting at 9:14 a.m.

A Consent Agenda

Meeting Minutes

May 10, 2013 meeting minutes approved as presented.

Licensure/Examination Applications

NCEES MLE – Engineers

E-14686 Shawn Daniel Cook, Civil; E-14745 Heath Alan Dumack, Civil; E-14681 Cary Patrick Gallaway, Electrical and Computer; E-14713 James Neal Houlette, Civil; E-14747 Mark Tracy Johnson, Civil; E-14752 Thomas Charles Kettler, Jr. Civil; E-14728 Adam Neil Locke, Civil; E-14667 Glenn Allen Lockeby, Electrical; E-14689 Alan Michael Mersek, Electrical; E-14688 Erik Paul Moore, Civil; E-14748 Brian Gregory Muzingo Ewalt, Civil; E-14685 Jeffrey Scott Puckett, Mechanical; E-14691 Greg Richard Quigley, Mechanical; E-14683 Danel Alan Reeves, Mechanical; E-14718 Michael Shawn Roach, Civil; E-14690 Matthew Gregory Rogers, Civil; E-14687 Dominick Vincent Rucereto, Mechanical; E-14684 Anthony Michael Trout, Civil; E-14738 Jeffery Allen Willham, Civil; E-14682 Russell Nicholson Worley, Civil.

NCARB Certification – Architects

A-4352 Ben P. Lee; A-4351 Pascal Patrick Meyer; A-4349 Paul William Werner.

Temporary Permits - None

Organizational Practice – Certificates of Authorization

CA2959 Shears Adkins + Rockmore Architects LLC; CA2985, PE Robbins Inc; CA2986 Architects Schipper Kastner PC; CA2987 Wright Consulting Group Inc; CA2988 Innovative Tank Solutions LLC; CA2989 Intertech Design Services Inc; CA2990 KWS Engineering & Development; CA2991 DOTec Corp; CA2992 Brewster & Crocker Architects PC; CA2993 Valley Civil Design Group LLC; CA2994 Mike Hughes Architects PC; CA2995 Northcreed Ventures LLC; CA2996 The Mason & Hanger Group, A Subsidiary of Day & Zimmerman Inc; CA2997 McFarland Cascade Holding; CA2998 Basis Consulting Engineers LLC; CA2999 Niles Bolton Associates; CA-3000 Dumack Engineering.

Architect Registration Examination

Michelle Ann Stotz, DC.

Engineer Intern Enrollment - None

Fundamentals of Engineering Examination

Tomas Conrad Mullins, NE.

Approval of Consent Agenda

Action Motion by Conzett, second by Krejci to approve the consent agenda. Voting Yes: Champion, Choobineh, Conzett, Helgoth, Krejci, Laging. Voting No: None. Absent: Kester, Klein.

B Financial Matters

FY 2012/2013 Financial Profile, May 2013

Budget Status Report, May 2013

MTD General Ledger Detail Report, May 2013

Fund Summary Report, May 2013

ED Wilbeck reviewed the financial reports with the Board and noted as of May 31, 2013, over 91% of the fiscal year has elapsed. Legal service expenditures have been less than anticipated. Database software was updated to a newer version. The Education Committee reported an idea for an event with UN-L to use available funds for education services using FY 2012-13 appropriations. More visits throughout the state to the public to promote health, safety and welfare were encouraged by the Board since state-owned transport and personal mileage expenses were under budget.

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Approval of Financial Reports

Action Motion by Conzett, second by Choobineh to approve the financial matters. Voting Yes: Champion, Choobineh, Conzett, Helgoth, Krejci, Laging. Voting No: None. Absent: Kester, Klein.

Other Financial Matters

NCEES Service Agreement

In lieu of the former contract, the Board reviewed an agreement letter from NCEES detailing services that will continue to be provided with the onset of computer-based exam delivery.

Approval of NCEES Service Agreement

Action Motion by Helgoth, second by Krejci to approve and authorize Chair Laging to sign the NCEES Service Agreement letter. Voting Yes: Champion, Choobineh, Conzett, Helgoth, Krejci, Laging. Voting No: None. Absent: Kester, Klein.

Executive Director job performance evaluation and salary recommendation

Chair Laging reported the Executive Committee had completed a job performance evaluation for Executive Director Wilbeck.

Executive Session – Commenced at 10:25 a.m.

Action Motion by Krejci, second by Helgoth to enter into executive session for discussion of the job performance evaluation of the executive director to prevent needless injury to his reputation. The limitation for going into executive session was restated by Chair Laging. Voting Yes: Champion, Choobineh, Conzett, Helgoth, Krejci, Laging. Voting No: None. Absent: Kester, Klein.

Executive Session – Concluded at 10:45 a.m.

Action Motion by Conzett, second by Choobineh to close executive session for discussion of the job performance evaluation of the executive director to prevent needless injury to his reputation. Voting Yes: Champion, Choobineh, Conzett, Helgoth, Krejci, Laging. Voting No: None. Absent: Kester, Klein.

On behalf of the Board, Laging commended ED Wilbeck for doing a good job as Executive Director. The Executive Committee made a recommendation to increase the annual salary of the Executive Director by 3% for FY 2013-14. All other staff covered by the Classified Personnel System will receive a 2.25% increase in their base pay as directed from State Personnel.

Approval of Executive Director Salary

Action Motion by Krejci, second by Helgoth to accept the recommendation of the Executive Committee and approve a 3% increase in annual salary for the Executive Director effective July 1, 2013. Voting Yes: Champion, Choobineh, Conzett, Helgoth, Krejci, Laging. Voting No: None. Absent: Kester, Klein.

C Applications

Licensure/Examination

Applications for licensure of Engineers by Comity

Approved: Todd Albert Barrett, Civil, IA; Allen R. Gibbens, Electrical and Computer, KS; Guido Inoa Alvarez, Electrical and Computer, FL; Chad E. Lechtenberger, Mechanical, KS; Behnam Parsaye, Electrical, CO; Charles A. Pedersen, Mechanical, IA.

Applications for licensure of Engineers by Experience

Approved: Dean Earl Harris, Civil, OR; Kent Thomas McCosh, Mechanical, KS; Robert Benson Paulius, Jr., Structural, TN; Philip R. Ptacek, Electrical, KS; Charles Christopher Smith, Mechanical, PA.

Applications for licensure of Architects by Experience

Approved: Jerome Vincent Boland, IL.

Applications for licensure by Reinstatement

Approved: E-9300 Thomas Dale Mitchell; A-3474 James Tipton Housewright.

Applications to take the PPE Exam

Approved: Shane Michael Cherney, Fire Protection, NE; Brandon Lee Figge, Electrical & Computer, NE; Brian Michael Goliber, Civil, NE; Caleb Jacob Hunt, Environmental, NE; Katie Elizabeth Twehous, Chemical, NE.

Special Cases – Licensure of Engineers by Comity

Deferred: Sriram Kalaga – Defer until education deficiencies defined in the NCEES credentials evaluations are removed or applicant has 15 years of licensed experience.

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Approval of Licensure/Examination Applications

Action Motion by Choobineh, second by Krejci to approve or defer licensure and examination application requests as discussed. Voting Yes: Champion, Choobineh, Conzett, Helgoth, Krejci, Laging. Voting No: None. Absent: Kester, Klein.

Continuing Education Exemption Requests

Request for waiver of continuing education for license renewal

Jerry Borland, PE, requested a waiver for 2012-2013 continuing education requirements to renew license E-11466, because of an overseas job assignment where continuing education would be difficult to complete because of inadequate internet services and electrical outages.

Action Motion by Krejci, second by Choobineh to grant a waiver of the continuing education requirement for the current renewal period 2012-2013 for license number E-11466. Voting Yes: Champion, Choobineh, Conzett, Helgoth, Krejci, Laging. Voting No: None. Absent: Kester, Klein.

Licensing Information

Comparison of ABET-EAC Accredited Programs and NCEES Education Standard provided.

D Section D was moved to the first item of the agenda.

E Committee Reports

Board committee appointments and assignments

Committee appointments and assignments were reassigned at the May 10, 2013 meeting for 2013-2014 as previously assigned in 2012.

Executive Committee Report

The Executive Committee met on June 5, 2013, to conduct a performance evaluation of the executive director and make an annual salary recommendation for FY 2013-14. (See Other Financial Matters in the agenda.)

Education and Communication Committee Report

An updated activity report for the Board's Facebook account was presented by PIO Fetterman. The Education and Communication Committee met on June 6, 2013. Committee Chair Conzett noted planning for a continuing education event would be added to the next meeting agenda.

Helgoth encouraged the Board to find a way to engage UN-L to participate in the NCEES Engineering award and to also support a University of Nebraska student trip for UN-L Engineering Day to Grand Island, NE, on September 27, 2013. Displaying an exhibit in Grand Island was suggested. Helgoth and ED Wilbeck volunteered to participate.

Enforcement Committee Report - No report.

2014 NCEES Zone Meeting Planning Committee Report

Committee Chair Helgoth reported plans were being finalized. As Zone Secretary-Treasurer ED Wilbeck stated he will be working on the budget for the 2014 NCEES Zone Meeting in July 2013.

Legislative Committee Report

A proposed revision of Rule 10.5.10 was brought to the Legislative Committee by Conzett. See Recap of rule and regulation changes for 2013 under New Business in the agenda.

Legislative Session Update

Legislative liaison, Rich Lombardi, reported the 103rd Nebraska Unicameral Legislature, First Session, adjourned (sine die) on Wednesday, June 5. Over 200 bills and 200 resolutions were passed. Bills still in the legislative process or on the floor will be carried over to the 2014 session. Interim studies will be conducted before the next session. Lombardi reported the largest growth in the budget in over a decade. The next session will be short. In the 2014 cycle there will be 17 open legislative seats due to term limits.

The Legislative Committee was commended for its work in the rewrite of the Engineers and Architects Regulation Act. The Board discussed how to handle the exemption matrix currently in the rules and regulations. A decision was made to edit paragraphs in statute concerning the exemption matrix. Lombardi recommended a separate meeting with the Governor's Policy Research staff before submitting the bill to the legislature. By November, the Board should know if there are any issues with the bill. Lombardi will work with ED Wilbeck to start the legislative process.

Action Motion by Helgoth, second by Conzett to move forward with the recommendations for the rewrite of the Engineers and Architects Regulation Act and begin the process to introduce a bill in the 2014 legislative session.

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Voting Yes: Champion, Choobineh, Conzett, Helgoth, Krejci, Laging. Voting No: None. Absent: Kester, Klein.

F Old Business

Rules and Regulations

Recap of rule and regulation changes for 2013

A summary of formal rulemaking changes planned for 2013 were presented. A new edit and supporting evidence for a revision of Rule 10.5.10 Spill Prevention Containment and Countermeasures was reviewed by the Board. Conzett reported meeting with the NDEQ and noted there were still a lot of questions with the requirements of certification. If tanks are under a certain size, the EPA is allowing them to be self certified. The Board needs to be clear to prevent confusion. After discussion, it was decided to reject the change. CO Mathews suggested changing the wording so any state or federal requirement for a "professional engineer" would mean a Nebraska-licensed professional engineer. A meeting with the NDEQ was suggested. ED Wilbeck will work with Conzett and rewrite the law based on CO Mathews' suggestion. The revised language will be added to the other statute changes this year.

Architecture Items

Resolutions to be acted on at 2013 NCARB Annual Meeting

The NCARB resolutions to be acted upon at the 2013 Annual Meeting in San Diego, CA, were presented to the Board.

Action Motion by Helgoth, second by Conzett to appoint Laging as a voting delegate with authorization to make changes as motions come up on the floor at the 2013 NCARB Annual Meeting. Voting Yes: Champion, Choobineh, Conzett, Helgoth, Krejci, Laging. Voting No: None. Absent: Kester, Klein.

2013 NCARB candidate resumes

Candidate resumes for offices to be voted on at the 2013 NCARB Annual Meeting were reviewed.

Other Items

Draft of competitive selection process for legal services

Neb. Rev. Stat. § 73-507(b) exempts a legal service contract from the purchasing process established by Administrative Services. CO Wilbeck presented a draft for a competitive selection process in response to Board Policy 13.02. Helgoth will work with ED Wilbeck to revise the draft as discussed for presentation at the next meeting.

G New Business

Engineering Items

Action items from the fourth meeting of the 2012-13 NCEES Board of Directors

A list of action items and unapproved minutes from the Fourth Meeting of the 2013-13 Board of Directors Meeting held May 5-6, 2013 at Atlantic City, NJ, was presented.

NCEES Annual Meeting Information – August 21-24, 2013, San Antonio, TX

The agenda and meeting information was provided for the 92nd NCEES Annual Meeting to be held on August 21-24, 2013, in San Antonio, TX. The deadline to register is July 8 for funded delegates and July 12 for other attendees.

Email correspondence regarding reporting of FE exam scores

The Board discussed creating a policy for reporting engineering examination scores by staff.

Addition of Board Policy 13.03

Regarding Board Rule 2.4.1.3, reporting of engineering examination results to examination applicants will only be made as "Pass" or "Fail."

Action Motion by Helgoth, second by Choobineh to approve the addition of Board Policy 13.03 as discussed to address reporting of engineering examination scores. Voting Yes: Champion, Choobineh, Conzett, Helgoth, Krejci, Laging. Voting No: None. Absent: Kester, Klein.

The Board was contacted by NCEES and asked if it still wanted to continue releasing exam results to all examinees for all exam types with the move to computer-based testing. After discussion, the Board agreed that NCEES should announce examination results to candidates as soon as they are available. Office staff will continue to send examination result letters.

Action Motion by Conzett, second by Krejci to request NCEES to release engineering examination test results to the candidates as published on the NCEES Examining Management System (EMS). Voting Yes: Champion, Choobineh,

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Conzett, Helgoth, Krejci, Laging. Voting No: None. Absent: Kester, Klein.

Architecture Items – None

Other Items

Communication with Fire Marshal concerning plan reviews

An email was received from the Nebraska State Fire Marshal concerning a request to receive plan reviews. The Board was asked to contemplate an appropriate response for discussion at the August 2013 meeting.

2013 regional and national meeting travel authorization

A document listing 2013 regional and national meeting authorization was presented to the Board.

Approval of in-state travel for Executive Director for FY 2013-14

Action Motion by Conzett, second by Krejci to approve all necessary in-state travel for Executive Director Jon Wilbeck for FY 2013-14, beginning July 1, 2013. Voting Yes: Champion, Choobineh, Conzett, Helgoth, Krejci, Laging. Voting No: None. Absent: Kester, Klein.

2013 New Licensee Ceremony planning

Planning will be deferred to the August Board meeting.

Continuing education event discussion

Laging reported an opportunity to partner in a meaningful role with the University of Nebraska's Engineering College for an educational conference on the 22nd Century Built Environment Conference at the Century Link Center in Omaha, October 14-16, 2013. The conference will deal with natural resources and visionary thought of what the 22nd century built environment might look like, and a series of issues covering both architecture and engineering professions. Topics will align well with the Board's vision and mission. Architecture and engineering licensees and students will be encouraged to attend. Registration will begin around the end of June. Estimated attendance is between 300 and 700 people. It was noted there were available funds in the FY 2012-13 budget for educational expenses that had not yet been utilized.

Action Motion by Helgoth, second by Conzett to partner with UN-L College of Engineering for the 22nd Century Built Environment Conference and contribute up to \$8,800 under the oversight of the Board in a meaningful role. Voting Yes: Champion, Choobineh, Conzett, Helgoth, Krejci, Laging. Voting No: None. Absent: Kester, Klein.

H General Information

Public meeting notice publication

A public notice request was sent to the Lincoln Journal Star for the June 14, 2013 meeting.

Board meetings and schedule

A schedule of upcoming meetings was provided for review.

Roster of Board members

A current roster was provided.

Travel Reimbursement Policy

Agency travel reimbursement policy provided.

Licensing and Certification Trends

Trends in Licensure

Trends in Renewals

Trends in Certificates of Authorization

Database reports for trends in licensure, renewals, and certificates of authorization in active status were provided.

Nebraska Exam Results

April 2013 overall exam performance - FE

The April 2013 overall exam performance summary for the FE exam provided by NCEES was reviewed by the Board. A total of 165 candidates were scheduled to take the FE exam in Nebraska with 16 no shows.

April 2013 overall exam performance - PE

The April 2013 overall exam performance by discipline summary for the PE exam provided by NCEES was reviewed by the Board. A total of 88 candidates were scheduled to take the PE exam in Nebraska (excluding the structural exam components) with three no shows.

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Other information

Current Board policies provided for review.

Adjournment

The meeting was adjourned at 12:11 p.m.

Lori Krejci, Secretary