

Nebraska Board of Engineers and Architects
Board Meeting Minutes
June 12, 2015

CALL TO ORDER

The meeting was held at 215 Centennial Mall South, 5th Floor Large Conference Room, Lincoln, Nebraska. Chair Krejci called the meeting to order at 8:31 a.m. and noted the location of the Public Meeting Statutes. Notice of the meeting was published on the Board's website and in the Lincoln Journal Star in compliance with the Open Meetings Act.

Roll Call: Lori Krejci, Chair; Krista Kester, Vice-Chair; Roger Helgoth; Secretary; Mark Champion; Michael Conzett; Jennifer Klein, Tom Laging. Absent: None.

Daniel Linzell joined the meeting as a voting member of the Board after his application for licensure was approved and the oath of office was administered.

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

Appointments and Public Comment *(occurred after Section AA of the agenda completed)*

Maryanne Jacobs, an applicant for PE examination, gave her background information and requested permission from the Board to retake the Civil PE examination as set forth in Neb. Rev. Stat. 81-3452(3) and Rule 2.4.1.7. Ms. Jacobs summarized her additional relevant education acquired since an exam failure in December 2013 and answered questions from the Board. Chair Krejci thanked Ms. Jacobs for addressing the Board and stated the application would be considered under the application section of the agenda.

Eric Fossum, an applicant for licensure by comity, addressed the Board concerning his application to obtain a discipline in Civil Engineering. Mr. Fossum was licensed in Nebraska in 2004 by examination in Mechanical Engineering. Over the last 10 years, civil engineering experience was gained through the metal building industry. Mr. Fossum reported his concern about misleading the public when civil engineering services are provided and the project is stamped with a seal displaying a mechanical discipline. Mr. Fossum was thanked for bringing the issue to the attention of the Board. Legislative Committee Chair Kester noted the Committee was working on proposed changes to the rules and regulations and the issue would be looked into. Chair Krejci stated the application would be considered under the application section of the agenda.

Public Present

Robin Kilgore, Budget Management Analyst, State of Nebraska
Anita Wiechman, ASID, CKBR

Agenda Items

AA Application/Oath of Office

Special Case – Application for licensure by Comity

Approved: Daniel Gattner Linzell, Civil, PA.

Action

Motion by Helgoth, second by Laging to approve Daniel Linzell's application for licensure as a professional engineer by Comity. Voting Yes: Champion, Conzett, Helgoth, Kester, Klein, Laging, Krejci. Voting No: None. Absent: None.

Oath of Office - New Board member

Administration of Constitutional Oath of Office

Daniel Linzell was administered the Oath of Office and participated in the remainder of the meeting as a voting Board member.

A Consent Agenda

Meeting Minutes

May 15, 2015 meeting minutes

Approval of Consent Agenda

Action

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

B Committee Reports

Executive Committee Report

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The Executive Committee was authorized by the Board on May 15, 2015 to enter into a contract with an investigator for Compliance Cases 14.03 and 14.13. ED Masters reported Assistant Attorney General John Jelkin reviewed the language for the contract and a final draft was sent to the Executive Committee for review. A contract was initiated with Curtis Olson on May 29th. ED Masters and CO Mathews met with Mr. Olson to review the cases. *(See the Financial Section of the minutes for addition information on the contract.)*

Education and Communication Committee Report

Committee Chair Helgoth reported the Education and Communication Committee met on May 28, 2015. The next meeting will be scheduled in early July. The 2015 Continuing Education Seminar is on track for November 13th and a final budget will be established. The Committee will focus on promotion of licensure to emerging professional groups. Outreach objectives were listed for the strategic plan. Moving the New Licensee Ceremony to October 23rd was proposed to avoid conflict with the Continuing Education Seminar. A suggestion was made to hold the reception in the Lincoln Community Foundation garden to feature the Centennial Mall renovation.

A Facebook Activity Report tracking activity on the Board's website from May 7, 2015 to June 3, 2015, was presented for review.

Enforcement Committee Report

Committee Chair Klein reported the Committee met on May 27, 2015. A new complaint was reviewed and will be presented to the Board under the Compliance section of the agenda. The Tower Crane section of the Strategic Plan was changed to "Temporary Construction Equipment" to reflect concern about general site safety, OSHA inspections, enforcement and how the Board ensures professional engineers licensed in Nebraska are involved. The Committee reviewed the Compliance flow chart taking into consideration comments from the May meeting regarding "mediation." The chart will be submitted to the Board for review at the August meeting.

Coordinating professional brochure

A brochure addressing the "Coordinating Professional" was presented for Board review. The Board acknowledged confusion with the coordinating professional definition. New language will be proposed in the rules and regulations. The Legislative Committee meets on June 29 and brochure content will be reviewed. The brochure will be placed on the website until the rulemaking process is complete.

Legislative Committee Report

The Legislative Committee met on May 6th, 19th, and 28th to work on proposed revisions for rules and regulations. Committee Chair Kester reported two three-hour meetings were held to deal with language in Chapters 2, 3 & 4. The Committee plans to send the proposed language document to board members in advance of the July 15 meeting.

ED Masters emailed stakeholders to let them know there would be no revisions to Chapter 10 of the rules and regulations during this rulemaking process. A series of meetings with stakeholders will be held later to address issues and determine statute changes necessary to implement desired language into Chapter 10 of the rules and regulations. Stakeholders were asked to submit suggested revisions to Chapters 1-9 and 11 by mid-June. ED Masters reported that as of June 12, no responses have been received. A draft of proposed changes will be provided to stakeholders after final review of the Board in July.

Legislative Update

The 104th Legislature adjourned on May 29, 2015. Revisions of the Engineers and Architects Regulation Act in LB 23 will become effective on August 30, 2015.

Strategic Plan

2014 Strategic Plan

The current plan with updates was submitted to the Board.

2015-16 Strategic Plan draft review

The 2015-16 Strategic Plan draft was updated from information gleaned at Committee meetings. ED Masters went through each issue in the draft with the Board. During the review, ED Masters noted a desire to move to a better-supported database system. The State of Nebraska is working with a national group doing work for Economic Development. A meeting will be attended later in the day with the Office of the Chief Information Officer (OCIO) to discuss a possible solution, which would utilize agency sharing. Discussion at the NCEES meeting revealed database issues seem to be a common thread among state licensing boards. PIO Fetterman is working on the new website and noted mobile use of the current website is beginning to climb. The 2015-

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16 Strategic Plan draft will be brought back to the August meeting with changes as discussed for review and possible approval.

2015-16 Board committee assignments and charges draft

ED Masters reviewed the updated committee assignments and charges with the Board. Chair Krejci appointed Dr. Linzell to the Board's Education and Communication Committee.

C Old Business

Disciplinary History Verifications

CO Mathews updated the Board on the possible implementation of LexisNexis to verify disclosure on applications and license renewals. After discussion, ED Masters was asked to circulate a summary of concerns to the Board. A meeting will be held with Assistant Attorney General John Jelkin and Special Assistant Attorney General William Austin to address these concerns.

Honoring Former Board Member

Laging offered to hold a gathering at his home in honor of former Board member Fred Choobineh on July 15 at 1:00 p.m. after the Rules and Regulations review meeting.

Laging departed the meeting at 10:51 a.m.

D New Business

Architecture Items

None at this time.

Engineering Items

2015 NCEES Annual Meeting schedule of events

The 2015 NCEES Annual Meeting will be held in Williamsburg, VA, August 19-22, 2015. A schedule of events was provided. The registration and hotel reservation deadline is July 6, 2015.

Future changes to NCEES exams and supporting materials

The PE Naval Architectural and Marine Engineering exam has new specifications beginning in April 2016. The PE Metallurgical and Materials Engineering exam will have revised specifications starting in October 2015. Fall exams including the Vertical Forces component of the SE exam will be administered on Friday, October 30. The Lateral Forces component of the SE exam will be administered on Saturday, October 31. Fall registration for exams will open on June 22, 2015, and close for examinees at 3:00 p.m. eastern time on September 3, 2015.

Other New Business

Approval for in-state travel for Executive Director for FY 2015-16

Action Motion by Helgoth, second by Linzell to approve all necessary in-state travel for official Board business for Executive Director Steve Masters for FY 2015-16. Voting Yes: Champion, Conzett, Helgoth, Kester, Klein, Linzell, Krejci. Voting No: None. Absent: Laging.

2015 regional and national meeting travel authorization

Funding will be provided by NCEES for the following events:

Conzett was authorized to attend the 122nd Annual Conference & Exposition of the American Society for Engineering Education to be held June 14-17, 2015, in Seattle, WA. Travel to Seattle will take place on June 14th and travel home will take place on June 16th.

Conzett was authorized to attend the NSPE 2015 Annual Meeting for the National Society of Professional Engineers, to be held July 15, 2015 to July 19, 2015 in Seattle, WA. Travel to Seattle will take place on July 16 and travel home will take place on July 19th.

E Compliance

Logs

Open cases provided to the Board.

History of closed cases provided to the Board.

Executive Session – Commenced at 11:01 a.m.

Action Motion by Kester, second by Klein to go into closed session for compliance case discussion and the job performance evaluation of the executive director 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

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

Cases

14.09 – Summary & Documentation

Reviewed in Executive Session.

15.04 – Summary & Documentation

Reviewed in Executive Session.

15.11 – Summary & Documentation

Reviewed in Executive Session.

Executive Session – Concluded at 12:28 p.m.

Action Motion by Conzett, second by Helgoth to close executive session for discussion of compliance cases and the job performance evaluation of the executive director not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Champion, Conzett, Helgoth, Kester, Klein, Linzell, Krejci. Voting No: None. Absent: Laging.

Complaint Review - None

Approval of Compliance Disposition

Action Motion by Linzell, second by Kester to involve Special Assistant Attorney General William Austin in creating a consent agreement for unlicensed practice in Compliance Case 15.04 and bring the agreement back to the August Board meeting. Voting Yes: Champion, Conzett, Helgoth, Kester, Klein, Laging, Linzell, Krejci. Voting No: None. Absent: None.

Staff left executive session at 11:26 a.m. for the discussion of the performance evaluation of the Executive Director and returned at 12:28 p.m. after executive session closed.

F Applications

Administratively Approved

NCEES MLE – Engineers

E-15597 Michael David Bywaletz, Civil; E-15649 Cody Landon Dailey, Structural; E-15608 Neal Friedrich Dominick, Mechanical; E-15599 Donnell Vivian Duncan, Structural; E-15650 Brian Patrick Early, Mechanical; E-15607 Adam Jay Ginsburg, Civil; E-15631 Shannon Dean Johanning, Civil; E-15606 Michael Vincent Johnson, Electrical and Computer; E-15651 Wade Norman Johnson, Mechanical; E-15646 William Joseph McConnell, Jr, Civil; E-15648 Todd Russell Miller, Civil; E-15598 Gregory Michael Pierce, Civil; E-15644 Bradley Charles Schroeder, Environmental; E-15611 Cory Milliken Shattuck, Electrical and Computer; E-15647 Andrew Thomas Siebold, Mechanical; E-15610 Gregory Mark Steinmetz, Mechanical; E-15609 Gerry Clem Wilwerding, Mechanical.

NCARB Certification – Architects

A-4563 Christopher Howard Bennett; A-4560 Renee Mary Clarke; A-4562 Tod Allen Ford; A-4561 Douglas Lincoln Gibson; A-4564 Jerrod Philip Wallgren; A-4559 Jason Behrens Whitlock.

Temporary Permits – None

Engineer Intern Enrollment

James Henry Arnold, NE; Levi Eugene Brown, NE; Ryan Gerald Farnum, NE; Zachary Steven Foster, KS; Jordan Dennis Hagemeyer, NE; Matthew Karl Hawley; Michael Cheves Holton, NE; James Richard Kuzelka, NE; Michal Scott Van Beek, SD; Sara Jane Wallis, NE.

Architect Registration Examination/Re-approvals - None

Organizational Practice – Certificates of Authorization

CA3392 Solid Orange Architecture LLC; CA3393 Bakkum Noelke Consulting Structural Engineers Inc; CA3394 Hydrologic Consulting Inc; CA3395 GE Grid Solutions LLC; CA3396 HR Green Inc; CA3397 Tobolski Watkins Engineering Inc; CA3398 Yankee Hill Solutions LLC; CA3399 Wilkus Architects PA; CA3400 CB Engineering Inc; CA3401 Interstates Control Systems Inc.

Licensure/Examination

Applications for licensure of Engineers by Comity

Approved: Carl Frederick Bender, Civil, PA; Aaron Joel Hartwell, Civil, SD; Andrew John Klenner, Civil, MN; Thomas John Low, Civil, IA; Jonathan Paul Marburger, Civil, KS; Brian Keith Marick Civil, TX; Anthony Patrick

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Munger, Civil, CO; Gregory Robert Reilly, Electrical, IL; Alissa Nicole Sutter, Environmental, KS; Andrew Colin Vann, Environmental, WY; Jeffrey Allen Young Civil, WY.

Applications for licensure of Engineers by Experience

Approved: Keith Alan Benson, Environmental, PA; Kirby Howard Demott, Mechanical, KS.

Applications for licensure of Architects by Experience – None

Applications for licensure by Reinstatement – None

Applications to take the PPE Exam

Approved: James Henry Arnold, Mechanical, NE; Tyler Scott Fraser, Mechanical, NE; Matthew Colin Kasprzak, Mechanical, NE; Andrew Douglas Mansfield, Civil, NE.

Special Cases – Applications for licensure by Comity

Deferred: Eric Daniel Fossum, Civil, IA – Evidence of experience in civil engineering requested for August Board meeting.

Special Cases – Applications to take the PE Exam

Approved: Maryanne Lavon Jacobs, Civil NE.

Eric Granrud – Board Recommendation on three Law Exam failures

Approved to continue taking law exam until successful passage.

Approval of Applications

Action Motion by Helgoth, second by Linzell to defer Eric Fossum’s application until the August Board meeting to get more information and a sample of work calculations to demonstrate evidence of experience in civil engineering. Voting Yes: Champion, Conzett, Helgoth, Klein, Linzell, Krejci. Voting No: Kester. Absent: Laging.

Action Motion by Klein, second Conzett to allow Maryann Jacobs to take the PE exam as requested in the application. Yes: Champion, Conzett, Helgoth, Kester, Klein, Linzell, Krejci. Voting No: None. Absent: Laging.

Action Motion by Klein, second Kester to allow Eric Granrud to continue taking the law exam until successfully passed. Yes: Champion, Conzett, Helgoth, Kester, Klein, Linzell, Krejci. Voting No: None. Absent: Laging.

Action Motion by Klein, second by Kester to approve applications except for special cases as recommended by staff. Voting Yes: Champion, Conzett, Helgoth, Kester, Klein, Linzell, Krejci. Voting No: None. Absent: Laging.

Licensing Information

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

G Financial Matters

Reports

FY 2014-15 Financial Profile, May 2015

Budget Status Report, May 2015

MTD General Ledger Detail Report, May 2015

Fund Summary Report, May 2015

ED Masters reviewed the financial reports for May 2015 with the Board.

Approval of Financial Reports

Action Motion by Helgoth, second by Conzett to approve the financial reports as reviewed. Voting Yes: Champion, Conzett, Helgoth, Kester, Klein, Linzell, Krejci. Voting No: None. Absent: Laging.

Other Financial Matters

Compliance Case investigator contract update

ED Masters reported a contract was initiated with Curtis J.S. Olson on May 29, 2015, to investigate complaints that have been lodged against a licensee as set forth in Compliance Cases 14.03 and 14.13. Parties agreed that Olson would attempt to complete the investigation within sixty days. The Board agreed to pay Olson at the hourly rate of \$100 per billable hour in increments of not less than 30 minutes. Reasonable and necessary expenses will be billed to the Board at Olson’s costs.

Executive Director job performance evaluation and salary recommendation

Chair Krejci reported the Executive Committee had completed a job performance evaluation for Executive Director Steve Masters.

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Action Motion by Champion, second by Kester to increase the annual salary of the Executive Director by 2% effective July 1, 2015. Voting Yes: Champion, Konzett, Kester, Klein, Linzell, Krejci. Helgoth: Abstain. Voting No: None. Absent: Laging.

H General Information

Public meeting notice publication

An ad for the June 12, 2015 meeting was publicized in the Lincoln Journal Star.

Board meetings and schedule

A schedule of upcoming meetings and events was provided for review. The next Board meeting is scheduled at 8 a.m. on July 15, 2015, at 206 S 13th St., Downtown Lincoln Association Board Room, for review of proposed rules and regulations.

Roster of Board members

A current 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 for Board review.

Examination Information/Results

ARE Monthly Pass/Fail Report – April 2015

Nine examinees sat for various sections of the ARE in April 2015. Seven exams were passed.

ARE Open Eligibilities Report – June 2015

One hundred seventeen Nebraska ARE candidates have open exam eligibilities as of June 1, 2015.

April 2015 PE Results Summary

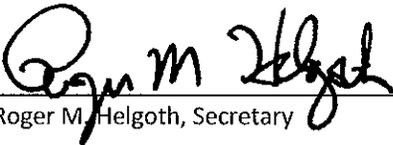
Fifty-six exams were taken in Nebraska in April 2015. Thirty-seven exams were passed.

Other information

Approved Board policies were provided for review.

Adjournment

The meeting adjourned at 1:12 p.m.



Roger M. Helgoth, Secretary