

Nebraska Board of Engineers and Architects
Board Meeting Minutes
May 10, 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; Jennifer Klein, Vice Chair; Lori Krejci, Secretary; Mark Champion; Fred Choobineh; Michael Conzett; Roger Helgoth; Krista Kester. Absent: None

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).

Open Meetings Act Overview

Notes taken at an independent agency meeting on the Open Meetings Act were provided.

Public Comment/Appointments

9:00 a.m. – Bob Bartle, Special Assistant Attorney General

Agenda Items

A Consent Agenda

Meeting Minutes

April 12, 2013 meeting minutes approved as presented.

Licensure/Examination Applications

NCEES MLE – Engineers

E-14633 Christopher Robin Arlandson, Civil; E-14652 James Mark Bright, Civil; E-14665 Matthew Wayne Dubbin, Electrical and Computer; E-14649 Patrick Dennis Forinash, Mechanical; E-14661 Adrian T. Franks, Electrical and Computer; E-14631 Anthony Albert Gambony, Mechanical; E-14630 Daniel Patrick Hamm, Civil; E-14654 Stacy Trevor Henson, Mechanical; E-14658 Stephen Rufus Hughes, Electrical; E-14662 Scott Nathan Jones, Structural; E-14657 Steve Allen Kennedy, Civil; E-14663 Erik Bradley Knudsen, Mechanical; E-14655 John William Kostyo, Civil; E-14629 Thierry Raymond LeBoulch, Civil; E-14646 Bomani Garvey Lee, Civil; E-14648 Matthew Wayne Loser, Civil; E-14656 Brandon Wesley Luster, Civil; E-14632 Douglas Wiley McCall, Mechanical; E-14651 Joseph Walter Moser, Civil; E-14653 Michael Joseph Osburn, Civil; E-14666 Ronald Lee Rens, Civil; E-14650 Jeffrey Michael Roman, Civil; E-14647 Steven Paul Schaub, Electrical and Computer; E-14660 John Martin Schneider, Civil; E-14659 Derrik Anthony Slayman, Civil; E-14664 David William Stek, Structural.

NCARB Certification – Architects

A-4345 Gary Bruce Coursey; A-4342 John Edward Gere; A-4346 Hans Richard Thomas; A-4344 Christopher Edward Wenzler.

Temporary Permits

T-499 Boyd E. Coleman, III, WI, Engineering; T-500 Monte C. Clark, MT, Engineering.

Organizational Practice – Certificates of Authorization

CA2971 PaR Nuclear Inc; CA2972 Exothermic Engineering LLC; CA2973 KDS Engineers LLC; CA2974 Wood Group Mustang Inc; CA2975 arCureturecture Inc; CA2976 Structural Detailing LLC; CA2977 Van Winkle Schmidt Palmer Engineering; CA2978 Dan Brown and Associates PC; CA2979 Cedar Street Architecture at TKDA Inc; CA2980 Scholtz Gowey Gere Marolf Architects & Interior Designers PC; CA2981 Structural Engineering Corporation; CA2982 Professional Associates LTD; CA2983 Cellxion LLC; CA2984 Agapito Associates Inc.

Engineer Intern Enrollment – None

Fundamentals of Engineering Examination – None

Architect Registration Examination

Kevin Andrew Augustyn, NE; Sean Terrance Cobb, APO, AE.

Approval of Consent Agenda

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

B Financial Matters

FY 2012/2013 Financial Profile, April 2013

Budget Status Report, April 2013

MTD General Ledger Detail Report, April 2013

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Fund Summary Report, April 2013

ED Wilbeck reviewed April financial reports with the Board. Fees and the cash fund balance will be discussed during the extended discussion section of the agenda.

Approval of Financial Matters

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

C Applications

Licensure/Examination

Applications for licensure of Engineers by Comity

Approved: Amanda Leigh Fox, Environmental, IN; Timothy Arthur Hilton, Electrical and Computer, PA; Justin Douglas Lightner, Civil, MO; Jason Don Miller, Civil, IA; Shibu Pappachan, Civil, TX; Kenneth Witwen Schmidt, Jr, Civil, CO; Kari Lynn Sebern, Civil, CO; Glen Craig Selover, Civil, FL; Kevin Lowell Swehla, Civil, MN.

Applications for licensure of Engineers by Experience

Approved: William Roger Buell, Civil, MI; Dennis Lee Neumann, Civil, IL; GiKai Wang, Civil, NH; Robert Andreas Weber, Mechanical, CO.

Applications for licensure of Architects by Experience – None

Applications for licensure by Reinstatement

Approved: E-8411 Stephen John Vamosi.

Applications to take the PPE Exam

Approved: Thomas Andrew Ehler, Civil, NE; Kpandji Tchende Lakmon, Civil, NE.

Special Cases – None

Approval of Licensure/Examination Applications

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

Licensing Information

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

D Compliance

Logs

Current complaints presented.
History of closed complaints for Board review only.

Executive Session – Commenced at 8:47 a.m.

Action Motion by Choobineh, 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: Krejci, Champion, Choobineh, Conzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: None.

Pending Cases

11.04 – Summary & Documentation

Reviewed in executive session.

Special Assistant Attorney General, Bob Bartle, left the meeting at 9:30 a.m. after Compliance Case 11.04 was reviewed.

12.10 – Summary & Documentation

Reviewed in executive session.

New Cases

Incorporated organizations without Certificates of Authorization

Reviewed in executive session.

13.01 – Summary & Documentation

Reviewed in executive session.

Other Compliance Items

Organization without Certificate of Authorization

Reviewed in executive session.

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Correspondence requesting Board review of rejected building permit application

Reviewed in executive session.

Executive Session – Concluded at 9:59 a.m.

Action

Motion by Helgoth, second by Klein 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, Conzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: Krejci (temporarily stepped out of meeting and returned after vote).

E Committee Reports

Board committee appointments and assignments

Committee appointments and assignments were presented as implemented in the 2012 Strategic Planning Session and 2012-2013 Board meetings.

Executive Committee Report

The Executive Committee will meet in June to review the Executive Director's salary for the next fiscal year.

Education and Communication Committee Report

An updated activity report for the Board's Facebook account was presented by PIO Fetterman. Planning for a continuing education event will be added to the next meeting agenda.

Enforcement Committee Report

No report at this time.

2014 NCEES Zone Meeting Planning Committee Report

No report at this time.

Legislative Committee Report

Committee Chair Kester reported the E&A Act draft will be sent to Board members for review before the end of May. Discussion of the draft rewrite will begin at 8:30 a.m. on June 13, 2013 at the UNL Alumni Wick Center. Because of the depth of changes, members were asked to read the draft in advance of the review meeting and have comments ready. The Society of the American Institute of Architects (AIA Nebraska) and the Nebraska Society of Professional Engineers (NeSPE) will be contacted for their feedback before the Board's June 13 review.

F Old Business

Proposed voting change to NCEES Bylaws

Based on comments received, Ohio's proposal to change the NCEES Bylaws for voting was modified to allow each member board one vote per profession regulated. The new proposal will be acted on at the NCEES Annual Meeting to be held August 21-24, 2013, at San Antonio, TX.

G New Business

Engineering Items

Future changes to NCEES exams and supporting materials

No changes will be made to the October 2013 exam administration. It will be the last administration of the pencil-and-paper format of the Fundamentals of Engineering (FE). Beginning in January 2014, these exams will be computer-based only. In April 2014, the Structural 16-hour exam and the PE Civil exam will have revised design standards. Social security numbers will no longer be collected by NCEES from potential examinees when they register in the Examinee Management System.

Architecture Items

NCARB BOD brief – April 2013

A brief update on the actions and discussions of the NCARB Board of Directors was provided. Two recommendations by the Internship Committee to modify the Intern Development Program (IDP) were reviewed. The final FY14 budget will be approved in June.

2013 NCARB Annual Meeting Information

The 2013 NCARB Annual Meeting will take place on June 19-22, 2013, at the US Grant in San Diego, CA. A preliminary agenda was provided. Registration deadline is June 4, 2013. Hotel reservations need to be made by May 10, 2013 to ensure a room can be reserved at the lowest price.

A Credentials Letter Form showing members attending the Annual meeting and the selection of the funded delegate will be mailed to the NCARB Credentials Committee. Tom Laging will serve as the funded delegate.

Other Items

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2013 regional and national meeting travel authorization

Kester was appointed as the funded delegate for the 2013 NCEES Annual Meeting to be held August 21-24 in San Antonio, TX. CO Mathews stated she planned to attend the Law Enforcement Program on Saturday, August 24. Laging reported he would not be attending the NCEES Annual Meeting.

H Extended Discussion

A list of discussion topics was presented to the Board for discussion.

Krejci departed the meeting at 11 a.m.

Potential rule & regulation changes

The Legislative Committee presented potential rule changes for Board review. ED Wilbeck noted that rules related to electronic seals and signatures in Chapter 6 should be revised due to LB7 enactment. Revisions to Title 110, NAC, Rules and Regulations were discussed, and the Board's position whether to change this year or wait until a later date, were as follows:

Rules changes to complete in 2013:

- **Rule 2.4.2.2.** Remove.
- **Rule 3.3.1; Architectural Experience.** Clarify satisfactory architectural experience, in that any NCARB-approved alternative to IDP satisfies the experience requirement for architects.
- **Rule 3.4.2.1; Architectural Examinations.** Change to align ARE completion requirements with ARE rolling clock, removing rule language referencing January 1, 2008 and the five year window; will also delete rules 3.4.2.1.1 and 3.4.2.1.2.
- **Rule 3.6.** Remove rule concerning the practice of architectural engineering by architects.
- **Rule 5.7; Use of Titles in Architecture and Engineering.** 5.7.6 - Correct statute reference to § 81-3441.
- **Rule 6.2; Prototypical Projects.** Remove rule 6.2.1.4.
- **Rule 6.1; Use of Seal.** Remove electronic approval system language, revise rule 6.1.8 and remove rules 6.1.9, and 6.1.9.1 through 6.1.9.4.

Rules changes to wait until a later time:

- Change term 'reciprocity' to 'comity' **throughout.**
- **Rule 1.12.1.1; Expired License Status** - Specify a license expires on December 31st.
- **Rule 1.16; Photographs and Transcripts** – Change language for transcripts and other document submittal from 'issued directly' to 'officially issued;' wait.
- **Rule 1.17; Educational Debt Reimbursement (New)** – Change would move Policies 03.04 and 03.05 into rules. Board suggested changing the amount of the reimbursed debt amount to a ceiling in the draft; wait. Board also discussed possibility of increasing educational debt reimbursement to eligible students and various methods of delivery. The Board agreed to be proactive in reaching out to students. Sending a newsletter to professional practice classes was discussed as a way to connect with students. An estimate of 50 professional architect graduate students and 2,700 engineering students in Nebraska was reported. ED Wilbeck will contact UNL Colleges of Architecture and Engineering. PIO Fetterman suggested a brochure or pamphlet geared to students to be mailed with the newsletter as they progress through college.
- **Rule 2.3.4; Engineering Experience** - Change language to clarify additional year of work experience credit for graduate study leading to a Masters Degree or Ph.D. in engineering from an ABET-accredited engineering program.
- **Rule 2.3.12;** Board recommends removing specific class numbers from junior and senior course levels in drafted language since numbering systems may not be consistent the same in all universities.
- **Rule 2.4; Examinations.** Rules addressing computer-based examinations, to be revisited once computer-based FE testing begins; remove "FE or" in rule 2.4.1.8.
- **Rules 4.2 & 4.3; Comity for Engineers and Architects from Other Jurisdictions with Nebraska.** 4.2.3.1 – Add clarification for a "Model Law Structural Engineer." When adding 4.2.4.2 & 4.3.2.2, revise "15 years" to "Fifteen years" at the beginning of each rule. Wait for statute change to correct the term reciprocity to comity and add rules.
- **Rule 6.1.5.1.** New rule created by separating two existing sentences in 6.1.5.
- **Rule 6.3; The Coordinating Professional.** 6.3.6 - Drafted rule concerning compliance with Neb. Rev. Stat. § 81-3437 (3) (g).
- **Chapter 7.2; Organizational Practice**

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- **Rule 9.2 Definitions Regarding Continuing Education.** 9.2.1 – change biennial to annual.
- **Rule 9.3 Requirements.** 9.3.2.2 - Change ACE to ECE.
- Board policies - Add to rules and regulations.
- Other Chapter 9 & 10 changes.

Action Motion by Kester, second by Klein to refer identified rules to be changed this year to the Legislative Committee to edit the rules and regulations draft and bring back to the Board. Voting Yes: Champion, Choobineh, Konzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: Krejci.

Budget and fee review

The cash fund balance and the current fee schedule were reviewed. Since potential financial risks with examinations no longer apply, the Board agreed a more realistic balance for the cash fund would be an amount equal to one year of expenditures. Even though license renewal fees for architects and professional engineers were lowered in 2007 from \$100 to \$90 and reciprocal application fees were lowered from \$200 to \$150 beginning July 1, 2012, the Cash Fund has been increasing. Renewal fees were considered for adjustment. The Board stressed the importance of expenditures for education. ED Wilbeck will re-adjust budget lines for the FY 2013-14 appropriation to better reflect the Board's goals.

Action Motion by Helgoth, second by Kester to lower the architect and professional engineer license renewal fees to \$80 effective July 1, 2013, beginning with licenses expiring December 31, 2013. Voting Yes: Choobineh, Konzett, Helgoth, Kester, Klein, Laging. Voting No: Champion. Absent: Krejci.

Vendor contract review

The Board discussed best practices to contract for services. The Board was in agreement that competitive selection by reviewing proposals would promote competitive prices and services. Language was created for a Board policy to reflect discussion.

Addition of Board Policy 13.02 – Professional Services Competitive Selection

All service contracts for legal and legislative liaison services entered into by the board shall go through a competitive selection process at least every three years.

Action Motion by Kester, second by Choobineh to approve Board Policy 13.02 as created. Voting Yes: Champion, Choobineh, Konzett, Helgoth, Kester, Klein. Voting No: Laging. Absent: Krejci.

Action Motion by Helgoth, second by Choobineh to proceed with initiating a request for proposals for the legal contract for 2013 and to defer seeking proposals for the legislative liaison contract until 2014. Voting Yes: Champion, Choobineh, Konzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: Krejci.

2014 Zone Meeting

Committee Chair Helgoth provided plan details for the 2014 NCEES Zone Meeting to be held in Lincoln. Invitations were given at the Western and Central Zone meetings. A trap shooting event at the Isaac Walton League and a golf outing will be offered on Thursday afternoon. The golf course has been reserved and Dennis Whitfield, a member of the Land Surveyors Board of Examiners, is working on the details. It was noted that the venue for Friday's social event, Speedway Motors, is expanding this year. Dr. Larry Rilett, Director of the Transportation Center and a civil engineering professor at UN-L, will be speaking. The Board discussed providing music during dinner at Speedway Motors. Other planned social activities for Friday include a trip to the Quilt Museum and a wine tasting lunch tour. The business meeting section will be held on Saturday morning. A map of local attractions will be supplied to attendees.

Software Engineering and PE Exam

An overview of software engineering prepared by the Texas Board of Professional Engineers for the joint 2013 NCEES Central/Southern Zone meeting in Biloxi, MS, was reviewed. Software applications generally deemed to affect health and safety were listed as smart building controls, water treatment plants, nuclear power plants, power grids, and traffic control systems. The Board discussed the implications of offering the software engineering exam and overseeing the practice in Nebraska of individuals and organizations offering software engineering services. The Board agreed practicing software engineering is considered as practicing engineering. ED Wilbeck will draft a possible letter to the IEEE to address the issue and open dialogue.

Committee assignments

After discussion, the Board agreed to retain the Board members on the same committees as previously appointed.

I General Information

Public meeting notice publication

A public notice request was sent to the Lincoln Journal Star for the May 10, 2013 meeting.

Board meetings and schedule

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A current schedule of board meetings and events was provided.

Roster of Board members

A roster of current and Emeritus Board members was provided.

Travel Reimbursement Policy

Agency travel reimbursement policy provided for review.

Licensing and Certification Trends

Trends in Licensure

Trends in Renewals

Trends in Certificates of Authorization

Database reports for licensure trends, renewal statistics, and active certificates of authorization were provided.

Other information

Current Board policies were provided for review.

Adjournment

The meeting was adjourned at 2:15 p.m.

Lori Krejci, Secretary