

Nebraska Board of Engineers and Architects
Board Meeting Minutes
October 18, 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 8:45 a.m. and noted the location of the Public Meeting Statues. 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: Tom Laging, Chair; Jennifer Klein, Vice-Chair; Lori Krejci, Secretary; Mark Champion; Fred Choobineh; Roger Helgoth; Krista Kester; Absent: Mike Conzett

Staff Present: Sandra Weaver, Interim Executive Director (ID); Lisa Mathews, Compliance Officer (CO); Jean Lais, Administrative Assistant (AA); Rachel Fetterman, Public Information Officer (PIO)

Public Comments:

No Public comments were made.

Appointments

9:00 a.m. - Rich Lombardi, American Communications Group, Inc

9:30 a.m. - Carmen Easley, Director of Marketing & Operations, Nebraska.Gov

Jillian Walker, Project Manager, Nebraska.Gov

Agenda Items

A Consent Agenda

Meeting Minutes

September 20, 2013 meeting minutes approved as presented

October 1, 2013 emergency meeting minutes approved as presented

Licensure/Examination Applications

NCEES MLE – Engineers

E-14867 Douglas Dean Antwiler, Structural; E-14868 Eugenio Edgardo De Alba, Electrical and Computer; E-14880 Timothy Edward Drumm, Civil; E-14882 Christina Eng Harber, Structural; E-14886 Mohamad Khalil, Civil; E-14883 James Arthur Morrison, Civil; E-14879 Donald Aaron Reaville, Mechanical; E-14884 William Hartman Shepardson, Mechanical; E-14885 David P Tschantz, Electrical; E-14881 Steven Joseph Zechmeister, Mechanical

NCARB Certification – Architects

A-4378 Douglas Glenn Allison, A-4381 Daniel J Barney, A-4379 Anthony D Beccasio, A-4380 Dennis Jay Kirkpatrick, A-4384 Mark Wayne Leblang, A-4382 Craig Charles Nicely, A-4385 Jason Errol Nordling, A-4387 Joseph Leonard Oliveri, A-4386 Thomas Edward Wilmes

Temporary Permits

T-503 George Warren Burgers, CO, Engineering

Organizational Practice – Certificates of Authorization

CA3051 Arekta Inc, CA3052 Infinigy Engineering PLLC, CA3053 Engineering Design & Management Assoc, CA3054 PPI Engineering & Construction Services LLC, CA3055 Gary B Coursey Associates Architects Inc, CA3056 TTL Associates Inc, CA3057 Team Architecture LLC, CA3058 Bilfinger Industrial Services Inc, CA3059 Geotel Engineering Inc, CA3060 The LA Group Landscape Architecture and Engineering PC, CA3061 JEO Architecture Inc, CA3062 RL Millies and Associates Inc, CA3063 McGlamery Engineering Group LLC, CA3064 McKinstry Essention, CA3065 Berger Engineering Company, CA3066 EFCO Corp, CA3067 Oliveri Architects Inc

Architect Registration Examination

Sarah Christine Cerny, NE; Ryan Gregory Hier, NE; Stephanie Jean Peterson, NE; Alberto Sanchez-Aparicio, NE; Juan Carlos Valdez, NE

Engineer Intern Enrollment - None

Approval of Consent Agenda

Action

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

B Financial Matters

Reports

FY 2013-14 Financial Profile, September 2013

Budget Status Report, September 2013

MTD General Ledger Detail Report, September 2013

Fund Summary Report, September 2013

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ID Weaver reviewed the September financial reports with the Board. Expenditures for FY 2012-13 paid in FY 2013-14 have been added to the Board's current appropriation. Encumbrances include a one-time "catch-up" payment to the Office of the Chief Information Officer (OCIO) to join the Microsoft Enterprise Agreement. Three years ago, the OCIO entered into a statewide agreement with Microsoft to provide discounted prices for "software assurance" for email licenses, Office, and Windows. Software Assurance gives the Board rights to the latest version of Microsoft Office Suite, Window OS, email, and other collaboration tools such as SharePoint and LiveMeeting, without having to repurchase licenses at each upgrade.

Approval of Financial Matters

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

Other Financial Matters

Budget deficit request deadline/Discussion of projected expenditures (discussed after Compliance)

A financial spreadsheet listing personnel changes and additional expenses not currently budgeted for was provided for Board review. Credit Card Merchant fees will be turned back to the Board by Nebraska.Gov as of October 1, 2013. Other unbudgeted expenses are the cost of hiring a liaison to assist with educating and building consensus with various groups on proposed changes to the Engineers and Architects Regulation Act, and the additional cost of hiring a new Executive Director at a higher salary due to position requirement changes.

Action Motion by Kester, second by Krejci to authorize ID Weaver to finalize the budget deficit request for FY 2013-14 and FY 2014-15 in accordance to discussion and submit to the State Budget Division without further action or approval from the Board. Voting Yes: Kester, Klein, Krejci, Champion, Choobineh, Helgoth, Laging. Voting No: None. Absent: Konzett.

Compensation for Interim Executive Director

Action Motion by Helgoth, second by Kester to approve a 60% temporary within grade salary increase for Weaver as Interim Executive Director until the Executive Director position is filled. The raise will become effective upon the AS Personnel Director's approval of the request. Voting Yes: Kester, Klein, Krejci, Champion, Choobineh, Helgoth, Laging. Voting No: None. Absent: Konzett.

Applications

Licensure/Examination

Applications for licensure of Engineers by Comity

Approved: Lauren Michelle Benton, Environmental, CO; Charles William Brooks, Mechanical, VA; Sirene M Chacon, Civil, TX; Barbara Gene Frost, Civil, MO; Danny Lee Mahnke, Civil, IA; Christina Ann Murphy, Civil, IA; Brock Leon Shepard, Civil, TX

Applications for licensure of Engineers by Experience

Approved: Jasper Lloyd Herrera, Civil, CO; William Edd Mitchell Jr, Structural, IL

Applications for licensure of Architects by Experience

Approved: Patrick Alan Blackburn, GA

Applications for licensure by Reinstatement - None

Applications to take the PPE Exam - None

Approval of Licensure/Examination Applications

Action Motion by Kester, second by Choobineh to approve the licensure and examination application requests as discussed. Voting Yes: Kester, Klein, Krejci, Champion, Choobineh, Helgoth, Laging. Voting: None. Absent: Konzett.

Licensing Information

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

D Compliance

Logs

Current complaints reviewed as presented

History of closed complaints reviewed as presented

Executive Session - Commenced at 10:13 a.m.

Action Motion by Choobineh, second by Kester to enter into executive session for discussion of pending and new compliance cases and to discuss Interim Executive Director issues 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: Kester, Klein, Krejci, Champion, Choobineh, Helgoth, Laging. Voting No: None. Absent:

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Conzett.

Pending Cases

11.04 – Summary & Documentation

Reviewed in Executive Session

13.01 – Summary & Documentation

Reviewed in Executive Session

13.06 – Summary & Documentation

Reviewed in Executive Session

13.07 – Summary & Documentation

Reviewed in Executive Session

New Cases

13.08 – Summary & Documentation

Reviewed in Executive Session

13.09 – Summary & Documentation

Reviewed in Executive Session

13.10 – Summary & Documentation

Reviewed in Executive Session

Executive Session - Concluded at 11:04 a.m.

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

Approval of Compliance Case Disposition

Action Motion by Kester, second by Choobineh to dismiss the charge of unlicensed practice in Case 13.01. The issue of unlicensed practice will not be considered further by the Board. The respondent will be requested to remove "Engineering" from the organization's name. Voting Yes: Kester, Klein, Krejci, Champion, Choobineh, Helgoth, Laging. Voting No: None. Absent: Conzett.

Action Motion by Kester, second by Choobineh to dismiss Case 13.06. This is not to be considered as disciplinary action. Voting Yes: Kester, Klein, Krejci, Champion, Choobineh, Helgoth, Laging. Voting No: None. Absent: Conzett.

Action Motion by Kester, second by Choobineh to dismiss Case 13.07. This is not to be considered as disciplinary action. Voting Yes: Kester, Klein, Krejci, Champion, Choobineh, Helgoth, Laging. Voting No: None. Absent: Conzett.

Other Compliance Issues

Forensic expert clarification

A forensic engineering company requested clarification whether an engineer who performs forensic testing is required to be licensed in Nebraska if the failure 1) occurred in Nebraska, but the component is being shipped to another state for testing and/or 2) the component to be tested is shipped to Nebraska for testing on a failure that occurred in another state. The results of the testing rarely result in court proceedings.

The Board determined a forensic engineering lab in Nebraska is subject to the Engineers and Architects Regulation Act.

E Committee Reports

Board committee appointments and assignments

Committee appointments and assignments were listed for 2013-2014 as reassigned on May 10, 2013.

Executive Committee Report - None

Executive Director Search Committee Report - None

Education and Communication Committee Report

An updated activity report for the Board's Facebook account was presented by PIO Fetterman.

The Board asked PIO Fetterman to request the number of attendees at the "Building the 22nd Century Conference" put on by the University of Nebraska this week.

Enforcement Committee Report

The Enforcement Committee will meet after the Board meeting.

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2014 NCEES Zone Meeting Planning Committee Report

PIO Fetterman submitted a preliminary draft budget for the 2014 NCEES Zone meeting. The Airport shuttle, golf outing, and trap shoot can be selected by the registrants during the registration process for an additional fee. Transportation needs for the smaller events and the dinner on Friday are being reviewed.

Laging and Kester left the meeting 11:50 a.m.

Legislative Committee Report

American Communications provided a summary of groups with comments on proposed statute revisions. The Revisions have been drafted by the Bill Drafting Office, but may still be revised if needed.

Lombardi reported the 2014 Legislative session is scheduled to be begin around January 8th. He has met with Senator Krist's office and a bill is being prepared for introduction. Choobineh requested all correspondence coming into the office on the proposed statute revisions be forwarded to Lombardi to update the log of comments and concerns.

Kester has contacted Tony Fulton about the possibility of serving as the Board's liaison for the proposed statute revisions. A copy of the revisions has been sent for his review and Kester will contact him next week for discussion. His role would include identifying other stakeholders, problem identification, and public awareness.

Kester requested ID Weaver gather all legislative communication sent and received by Wilbeck since August 2013 to be sent to the Legislative Committee.

A letter from Nebraska Administrative Services in response to proposed statute revisions was provided for review.

Action Motion by Choobineh, second by Klein to authorize the Board's Legislative Committee to negotiate a contract with Tony Fulton to serve as a liaison to stakeholders for the purpose of refining proposed statute revisions. Voting Yes: Krejci, Champion, Choobineh, Helgoth, Klein. Voting No: None. Absent: Konzett, Kester, Laging.

F Old Business

Other

2013 New Licensee Ceremony planning update

PIO Fetterman reported on plans for the 2013 New Licensee Ceremony. It will be held in the Warner Chamber of the State Capital on November 8, 2013, at 2:30 p.m.

Neither the Governor or the Lt. Governor will be available to give acknowledgements at the ceremony. Laging and Choobineh will work together to find a replacement.

Chair Laging will give opening and closing remarks, Krejci will introduce the architects, and Konzett was suggested to introduce the engineers. PIO Fetterman will contact Konzett to see if he is available. If not, Klein or Helgoth will fill in.

G New Business

Governance Items

Addition of Policy 13.05 - Engineering and Architect Examination Results Notification

Because the Board will need to notify FE applicants of their October 2013 exam results, action on Policy 13.05 was deferred until January 2014.

Adoption of proposed changes to Title 110, NAC, Rules and Regulations

Action Motion by Choobineh, second by Krejci to adopt Title 110, NAC, Rules and Regulations as amended and submit them to the Attorney General's Office for review. Voting Yes: Kester, Klein, Krejci, Champion, Choobineh, Helgoth, Laging; Voting No: None. Absent: Konzett, Kester, Laging.

Engineering Items

Computer-Based Testing Update

NCEES updates on the computer-based testing and score reporting were provided for review.

Nominations for NCEES National Awards

The Committee on Awards is soliciting nominations for the awards to be presented at the 93rd annual meeting in Seattle, Washington, on August 20-23, 2014. The completed nomination packages must be received at NCEES headquarters no later than January 31, 2014.

Request for a speaker at NSPE Eastern Chapter Meeting in Omaha

Choobineh offered to speak at the Eastern Chapter of the Nebraska Society of Professional Engineers on November 19th, 2013, at the Scott's Conference Center in Omaha.

Architecture Items

Reapproval of ARE authorizations

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As required by NCARB, beginning January 1, 2011, and thereafter, authorization to test an applicant terminates unless the applicant has passed or failed a division of the ARE within a period of five years. This includes the five-year period prior to January 1, 2011. Any applicant whose authorization is terminated must establish a new eligibility under the current procedures of the Board. Discussion was held on how to handle reapproval of ARE candidates. ID Weaver and AA Lais will draft a policy to be presented at the next board meeting to place these applications on the consent agenda and require a "reapproval" fee to be included with the application.

Other Items

Overview of Nebraska Interactive and NIC Services - Carmen Easley

Carmen Easley presented a chart showing Nebraska.Gov's expenses for hosting, project work, and merchant fees for online services for license applications and renewals since 2010. The relationship between Nebraska Interactive and Nebraska State agencies was explained. Per contract held with the State of Nebraska, Nebraska Interactive does not charge the individual agencies for their services. Compensation comes from transactional fees charged for online services. Costs are based on what the OCIO would charge rather than market value. The current agreement with the Board is based on a flat 5% of application and renewal fees collected. Since the Board has lowered fees for the last several years, revenue has decreased. The projected revenue from comity applications has not been realized. Nebraska Interactive will no longer cover the merchant fees and will add them to the Board's monthly billing as of October 1, 2013. Merchant fees are estimated to average 2.5% of all transactions. The actual cost is determined by the type of credit card or electronic check used during the transaction.

Nebraska Interactive pays the Nebraska State Records Board 10% of the 5% collected on transactions. The revenue is used by the Nebraska State Records Board to fund technology grants to help State agencies set up new services.

2013 regional and national meeting travel authorization

2014 regional and national meeting travel authorization

Kester was authorized to attend the NCEES Law Enforcement Committee meeting on January 11, 2014, in Charlotte, NC.

H General Information

Public meeting notice publication

A public notice request was sent to the Lincoln Journal Star for the October 18, 2013 meeting.

Board meetings and schedule

A schedule of upcoming meetings and events was provided for review.

Roster of Board members

A current roster of Board members was provided

Travel Reimbursement Policy

The Board's travel reimbursement policy was provided.

Licensing and Certification Trends

Trends in Licensure

Trends in Renewals

Renewal Mailing History

Trends in Certificates of Authorization

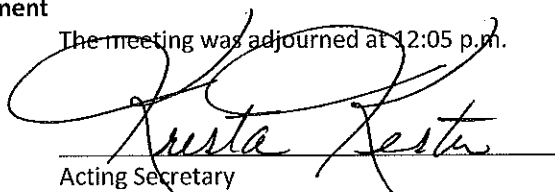
Database reports reflecting licensure trends, renewal statistics, and active certificates of authorization were provided. The Enforcement Committee will measure data collected from certificate of authorization applications and renewals over the next couple of years to determine whether fees should be tied to the size of an organization. A determination from the Committee will be brought back to the Board for review.

Other information

Current Board policies were provided for review.

Adjournment

The meeting was adjourned at 12:05 p.m.



Acting Secretary