

Nebraska Board of Engineers and Architects
Board Meeting Minutes
September 26, 2014

CALL TO ORDER

The meeting was held at 215 Centennial Mall South, 5th Floor, Large Conference Room, Lincoln, Nebraska. Chair Klein called the meeting to order at 8:32 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: Jennifer Klein, Chair; Lori Krejci, Vice-Chair; Michael Konzett, Secretary; Fred Choobineh; Roger Helgoth, Krista Kester, Tom Laging. Absent: Mark Champion.

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

Public Present - None

Agenda Items

A Consent Agenda

Meeting Minutes

August 15, 2014 meeting minutes

Approval of Consent Agenda

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

B Committee Reports

2014-2015 Board committee appointments and assignments

Committee appointments and assignments as provided by Chair Klein on August 15, 2014.

Contract Ad Hoc Committee Report

The Ad Hoc Committee brought draft policies for contract awards and the legal services selection process to the Board for review.

New Policy 14.07 - Contract Awards

An open process in selecting consultants is important to the Board. Selections are intended to be qualifications based.

The Board Chair will appoint an ad hoc committee to lead the announcement, requirements, and interview procedure used in recommending a contract award. Typically a minimum of three individuals/organizations will be identified as potential candidates by the committee. Requirements and/or specifications of the candidates will be established by the committee. Existing contractors may be included in the search list.

Prior to the meeting requesting Board action, the credentials of at least the top two candidates will be distributed to the full Board. The Board may enter a closed session to discuss the observations and recommendation of the committee. The Board may move to award the contract or request additional information.

Action Motion by the Ad Hoc Committee to approve the new policy for contract awards. Voting Yes: Laging, Krejci, Choobineh, Konzett, Helgoth, Kester, Klein. Voting No: None. Absent: Champion.

New Policy 14.08 – Legal Services Selection Process

The position of the Board's Special Assistant Attorney General will be open for competitive selection at least every three years from the appointment date of the last Special Assistant assigned to the Board. An open process in selecting consultants to provide assistance is important to the Board. Selections are intended to be qualifications based.

The Board's Chair will appoint a search committee of not less than three board members, which shall include at least one engineer and one architect. The search committee will consider the credentials of at least three candidates and recommend at least two candidates to the Board for its consideration. Prior to a meeting requesting Board action, the credentials of at least the top two candidates will be distributed to the full Board. Upon deliberation in a closed session, the Board will recommend a candidate to the Attorney General for appointment as the Special Assistant Attorney General. Upon such appointment, the Board will sign a formal contract for legal services with the appointee for a specific period not to exceed three years. After the term of the Special Attorney General is expired and before a new Special Assistant Attorney General is

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Action appointed, the Board may enter into a monthly contract for legal services with its last Special Assistant Attorney General until its new Special Assistant Attorney General is appointed by the Attorney General. Motion by the Ad Hoc Committee to approve the new policy as edited for the legal services selection process. Voting Yes: Laging, Krejci, Choobineh, Conzett, Helgoth, Kester, Klein. Voting No: None. Absent: Champion.

Recommendation of legal services candidate for submittal to Attorney General

Executive Session – Commenced at 8:58 a.m.

Action Motion by Kester, second by Krejci to enter into executive session to discuss candidates offering to provide legal services and 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 Klein. Voting Yes: Laging, Krejci, Choobineh, Conzett, Helgoth, Kester, Klein. Voting No: None. Absent: Champion.

Executive Session – Concluded at 9:07 a.m.

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

On behalf of the Ad Hoc Committee, Helgoth proposed William Austin, Attorney at Law, to be recommended to the Attorney General for appointment as the Board's Special Assistant Attorney General to provide legal services. William Austin will be invited to attend the October Board meeting.

Action Motion by Helgoth, second by Krejci to approve the Ad Hoc Committee recommendation of William Austin to the Attorney General to be appointed as Special Assistant Attorney General for legal services. Voting Yes: Laging, Krejci, Choobineh, Conzett, Helgoth, Kester, Klein. Voting No: None. Absent: Champion.

Authorization to procure contract for legal services after appointment

The Board discussed drawing up a legal services contract for William Austin if appointed by the Attorney General consistent with the same terms as the existing legal contract except for the fees which would be updated as submitted by Mr. Austin. As per Board policy, the contract could be renewed up to three years. The contract expiration would be a year from the effective date.

Action Motion by Helgoth, second by Krejci to allow Chair Klein to create a legal services contract for William Austin if appointed as Special Assistant Attorney General and to bring it back to the Board for approval. Voting Yes: Laging, Krejci, Choobineh, Conzett, Helgoth, Kester, Klein. Voting No: None. Absent: Champion. After the Attorney General appoints a Special Assistant Attorney General for the Board, ED Masters will prepare letters for the other candidates.

Executive Committee Report

No report at this time.

Education and Communication Committee Report

The Education and Communications Committee met on September 3, 2014. Items of discussion included the New Licensee Recognition Ceremony, continuing education events, the fall newsletter and the *Before you Build* brochure, disclosure of disciplinary action on the Licensee Lookup on the Board's website and outreach. A suggestion was made to ask licensees if there were particular topics wanted for continuing education. The newsletter could be used as a venue to obtain feedback. The Education and Communication Committee will review possible continuing education events, including offerings at remote sites or partnering with the University of Nebraska Law College at the Lincoln campus for an ethics broadcast. ED Masters will add another task to the Strategic plan schedule. A half day seminar could be held on a Friday and possibly be in conjunction with another weekend event.

After discussion, the Board edited the policy draft to limit some web-based submittals for continuing education to begin with renewals expiring on December 31, 2016.

New Policy 14.09 – Web-based Continuing Education

Web-based offerings other than those provided by:

1. International Association for Continuing Education and Training (IACET) approved providers,
2. institutions of higher education that have an accredited program in architecture or engineering,
3. professional engineering or architectural societies, or
4. state agencies

will only qualify for continuing education under self-guided report submittals and are limited to 25% of the required hours for an architect or professional engineer.

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Action Motion by Kester, second by Krejci to approve the new policy for web-based continuing education as edited by the Board. Voting Yes: Laging, Krejci, Choobineh, Conzett, Helgoth, Kester, Klein. Voting No: None. Absent: Champion.
The Board requested PIO Fetterman to check to see how other professions or jurisdictions are handling public disclosure of discipline and bring the findings back to the Board.
A Facebook Activity Report tracking activity from August 7, 2014, to September 17, 2014, was presented by PIO Fetterman.

Enforcement Committee Report

The Enforcement Committee met on August 28, 2014. Discussion included application disclosure language, tower cranes, an investigation overview, and when a Nebraska licensee can seal the work of another licensee. Committee Chair Krejci reported other states were reviewed for disclosure language on application forms and three points were created. A suggestion was made to replace the word "incompetent" to "negligent" on the third point. The Board agreed disclosure language should easily be understood by the applicants. The Enforcement Committee will rework the language and bring it back to the Board.

Legislative Committee Report

A draft for proposed legislation to revise the Engineers and Architects Regulation Act from the Bill Drafters Office was received from Rich Lombardi. ED Masters reported Senator Krist had mailed out letters to interested stakeholders and comments were requested by October 15. Lombardi will be contacted concerning Board strategy for legislation so it may be communicated to Senator Krist.

Strategic Plan

Adoption of Strategic Plan/Update of Strategic Plan

Action Motion by Helgoth, second by Krejci to adopt the 2014 Strategic Plan as created (without comments added). Voting Yes: Laging, Krejci, Choobineh, Conzett, Helgoth, Kester, Klein. Voting No: None. Absent: Champion.

C Old Business

Licensed software engineering issue

An email request was received regarding the need of a certificate of authorization for an organization to offer software engineering (a new NCEES discipline). The Board discussed the difficulty of separating software engineering that is related to health, safety and welfare. Rules and regulations may need to be created to define what area of software engineering is included in licensure. The subject will be added to the next strategic planning session agenda. At the present time, questions will be answered using the definition of engineering as detailed in the Engineers and Architects Regulation Act.

Before You Build brochure draft

PIO Fetterman will send a copy of the brochure to the Fire Marshall for final approval. After approval the brochures will be printed. A suggestion was made to send brochures to the United States Department of Agriculture (USDA) as well as cities and code officials.

Certificate of Authorization tiered fee discussion

Board staff is working on forms and the database to implement the tiered fees for Certificates of Authorization by January 1, 2015.

Licensee Recognition Ceremony update

The New Licensee Recognition Ceremony is scheduled for November 7, 2014, at 2:30 p.m. at the Warner Chamber at the State Capitol. The Reception will be held in the Capitol Grille. James Suttle, a Professional Engineer Emeritus and former Board member, will be the keynote speaker. One hundred twelve newly licensed architects and professional engineers have been invited. PIO Fetterman reported the postcard invitations had been mailed. The roles of Board members will be determined in the next month.

D New Business

Engineering Items

Nominations for NCEES National Awards

The NCEES Committee on Awards is soliciting nominations for awards to be presented at the 94th annual meeting in Williamsburg, VA, on August 19-22, 2015. NCEES will recognize individuals who have made exceptional contributions and provided outstanding service to NCEES. The awards include the Distinguished Service Award, the Distinguished Service Award with Special Commendation, the Meritorious Service Award, and the Distinguished Examination Service Award.

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NCEES seeks licensed civil engineers for study

NCEES is seeking licensed civil engineers to participate in a standard-setting study for the Principles and Practice of Engineering (PE) Civil exam, used throughout the United States for licensing purposes. To qualify, volunteers must be licensed professional engineers practicing in the civil engineering discipline. The standard-setting study will take place May 15-16, 2015, in Clemson, SC. PIO Fetterman will post the NCEES request on the Board's website.

Architecture Items

None at this time.

Other New Business

Professor Emeritus Laging, 2014 Harry F. Cunningham Gold Medal recipient

Board member, Tom Laging, FAIA, is the recipient of the 2014 Harry F. Cunningham Gold Medal for Architectural Excellence. The Gold Medal is the highest honor the Nebraska Chapter of the American Institute of Architects (AIA) can bestow and is awarded in recognition of the most distinguished achievement in architecture or service to the profession of architecture in the State of Nebraska.

2014 regional and national meeting travel authorization

Conzett was authorized to attend the American Society of Civil Engineers (ASCE) Annual Meeting to represent the NCEES Board of Directors as President-Elect in Panama City, Panama, on October 6-9, 2014. Conzett was also authorized to attend the NCEES Examinations for Professional Engineers (EPE) Committee meeting in Atlanta, GA, on October 23-25, 2014; the NCEES Board of Directors Meeting at Las Vegas, NV, on October 30-November 1, 2014; the NCEES Leadership meeting in Reston, VA, on November 4, 2014; and the ABET and Engineering Society (AAES) meeting in Reston, VA, on November 5, 2014. Conzett and Helgoth were authorized to attend the NCEES Education Committee meeting in San Antonio, TX, on December 5-6, 2014. Kester was authorized to attend the NCEES Law Enforcement Committee meeting in Savannah, GA on January 16-17, 2015.

E Compliance

Logs

Current complaints provided to the Board.

History of closed complaints provided to the Board.

Executive Session - Commenced at 11:26 a.m.

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

Cases

14.03 – Summary & Documentation

Reviewed in Executive Session.

14.09 – Summary & Documentation

Reviewed in Executive Session.

14.10 – Summary & Documentation

Reviewed in Executive Session.

14.12 – Summary & Documentation

Reviewed in Executive Session.

Executive Session - Concluded at 11:55 a.m.

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

Approval of Compliance Case Disposition

Action Motion by Kester, second by Conzett to close Compliance Case 14.10. This is not considered to be a disciplinary action by the Board. Voting Yes: Laging, Krejci, Choobineh, Conzett, Helgoth, Kester, Klein. Voting No: None. Absent: Champion.

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F Applications

Administratively Approved

NCEES MLE – Engineers

E-15304 Jeffrey Allen Arthur, Civil, NC; E-15276 John William Baker, Civil, CO; E-15302 Faron David Bean, Electrical, AL; E-15303 Mark Ryan Belau, Civil, CO; E-15305 Matthew Ellis Billingslea, Civil, TX; E-15295 Kevin Charles Bodenhamer, Civil, OK; E-15296 Coby Clair Cowl, Civil, MO; E-15297 Jeffrey Han, Civil, NY; E-15294 Kevin Donald Harris, Structural, OR; E-15300 Janie Marguerite Holingsworth, Civil, CO; E-13824 John Nicholas Kabak, Structural, OH; E-15308 Nathaniel James Kobb, Mechanical, OH; E-15274 Sheetal Vidya Patel, Electrical and Computer, IL; E-15290 Susan Dennise Rafalko, Civil, VA; E-15291 Harold Russell Renaud, Civil, KY; E-15298 Christopher Joseph Scheks, Civil, WA; E-15293 Gary Wayne Schelton, II, TN; E-15307 Jason Kenneth Smith, Electrical and Computer, WA; E-15307 Jason Kenneth Smith, Mechanical, WA; Dan Edwin Tanner, Civil, OR; Steve Paul Thomsen, Control Systems, NY; E-15277 James Michael Tyner, Civil, KS; E-15299 Joaquin Velez, Civil, FL; E-15306 Randy David Wilde, Electrical and Computer, WI; E-15275 David Paul Zubal, Civil, PA.

NCARB Certification – Architects

A-4482 William Patrick Brennan, PA; A-4479 Travis Christopher Bryan, NV; A-4477 Craig Thomas Chinn, CA; A-4480 Stephen Matthew Elmer, MO; A-4474 Roy Gilman Garrison, GA; A-4481 Bradley Ross Wright, MO.

Temporary Permits - None

Engineer Intern Enrollment

Jake William Hedgecock, NE; Lori Ann Laster, NE; Rebecca Elizabeth Nelson, NE; Shawn Lee Schumacher, NE; Shane Sidwell Sparks, NE.

Architect Registration Examination/Re-approvals

Brian James McCracken, NE; Lisa Marie Miller, NE; Scott Michael Stovall, NE; Tristan Dean Vetter, NE.

Organizational Practice – Certificates of Authorization

CA3234 Robbins Engineering PLLC; CA3235 Smallwood Reynolds Stewart Stewart & Associates Inc; CA3236 TK Design Architecture LLC; CA3237 GSB Inc; CA3238 RJN Group Inc; CA3239 Boarman Kroos Vogel Group Inc; CA3240 Gresham Schelton Engineering LLC; CA3241 Weidner Architecture LLC; CA3242 TY Lin International; CA3243 Architecture Design Collaborative; CA3244 Loess Hills Engineering LLC; CA3245 McInerney Engineering Inc; CA3246 Kestrel Engineering Group Incorporated; CA3247 LK Architecture Inc; CA3248 EPS Engineering & Design Inc; CA3249 Foster Wheeler USA Corporation; CA3250 Structural Enginuity Inc; CA3251 Peckham & Wright Architects Inc; CA3252 Strobel Starostka Construction LLC; CA3253 Tanner Consulting LLC; CA3254 L+P Architecture LLC.

Licensure/Examination

Applications for licensure of Engineers by Comity

Approved: Barry Lee Bingham, Civil, CO; Todd McCormick George, Mechanical, WA, Paul Frederick Jensen, Civil, MT; Gregory Mikhailovich Mazur, Civil, CA; Sara Marie Peters, Civil, KS; Kevin Brandt Reynolds, Structural, KS; Andrew Carl Volkart, Mechanical, MN; Kevin Michael Wortmann, Civil, MO; Huaiyu Zhang, Civil, MO.

Applications for licensure of Engineers by Experience - None

Applications for licensure of Architects by Experience - None

Applications for licensure by Reinstatement

Approved: E-12184 Donald Scott Brown.

Applications to take the PPE Exam

Approved: Lori Ann Laster, Civil, NE.

Special Cases - Applications for licensure of Engineers by Comity

Approved: Vishnu Gurrarn Reddi, Industrial, MN.

Approval of Applications

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

Licensing Information

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

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G Financial Matters

Reports

FY 2014-15 Financial Profile, August 2014

Budget Status Report, August 2014

MTD General Ledger Detail Report, August 2014

Fund Summary Report, August 2014

ED Masters reviewed the financial reports with the Board. Revenue will likely decline since certificate of authorization renewals are heavier in fiscal years ending in an odd year and renewal fees were reduced in 2013.

Approval of Financial Reports

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

Proposed Contracts

Bob Austin, Digital Dot Systems, Inc. – IT Services

The proposed contract with Bob Austin, Digital Dot Systems, Inc. for IT Services, would begin on September 29, 2014, and end on June 30, 2015. Services would include off-site management support for the Board's FileMaker database and assistance with training solutions for IT staff with a consideration of \$125 per hour and maximum fee of \$25,000 for the contract period. Chair Klein will sign the contract on behalf of the Board.

Action Motion by Krejci, second by Helgoth to approve the IT Contract with Bob Austin, Digital Dot Systems, Inc. as presented. Voting Yes: Laging, Krejci, Choobineh, Konzett, Helgoth, Kester, Klein. Voting No: None. Absent: Champion.

Other Financial Items

2015-2017 biennium budget

The 2015-2017 biennium budget request was submitted on September 15, 2014. The Board reviewed the final request.

Approval of the 2015-2017 biennium budget submission

Action Motion by Konzett, second by Laging to approve the 2015-2017 biennium budget submission as presented. Voting Yes: Laging, Krejci, Choobineh, Konzett, Helgoth, Kester, Klein. Voting No: None. Absent: Champion.

H General Information

Public meeting notice publication

The September 26, 2014 meeting ad was sent and published in the Lincoln Journal Star.

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 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.

Nebraska Exam Results

ARE July 2014 Pass/Fail Report

Nine examinees sat for various sections of the ARE in July 2014. Seven exams were passed.

ARE August 2014 Pass/Fail Report

Twelve examinees sat for various sections of the ARE in August 2014. Nine exams were passed.

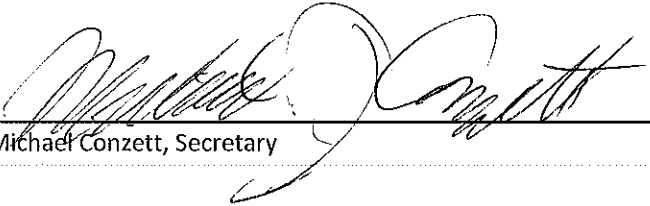
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Other information

Approved Board policies were provided for review.

Adjournment

The meeting was adjourned at 12:40 p.m.



Michael Konzett, Secretary