

The Nebraska PROFESSIONAL

Nebraska Board of Engineers and Architects Newsletter

Spring 2012

Certificates of Authorization: Debunking the myths regarding sole proprietorships

Krista Kester
Board Chair

Based upon the number of complaints regarding Certificates of Authorization, it is apparent that there is widespread confusion about what the E&A Act requires with regard to practicing engineering or architecture through a business entity, such as a corporation or a limited liability company. A common theme among those who have failed to obtain a Certificate of Authorization is that the licensee does not feel they need one because he or she practices alone, without any other professional, and is therefore a "sole proprietorship." This interpretation of the E&A Act is simply wrong; as a number of licensees can attest based upon the Board's rejection of this argument.

The reality is that anyone practicing in the name of a business organization *must* have a current Certificate of Authorization for that organization. The number of professionals involved in the organization is irrelevant, as is the number of employees. The starting point for this analysis is Neb. Rev. Stat. § 81-3436(1), which states that licensees may practice "through an organization" as long as the organization meets the "criteria for organizational practice established by the

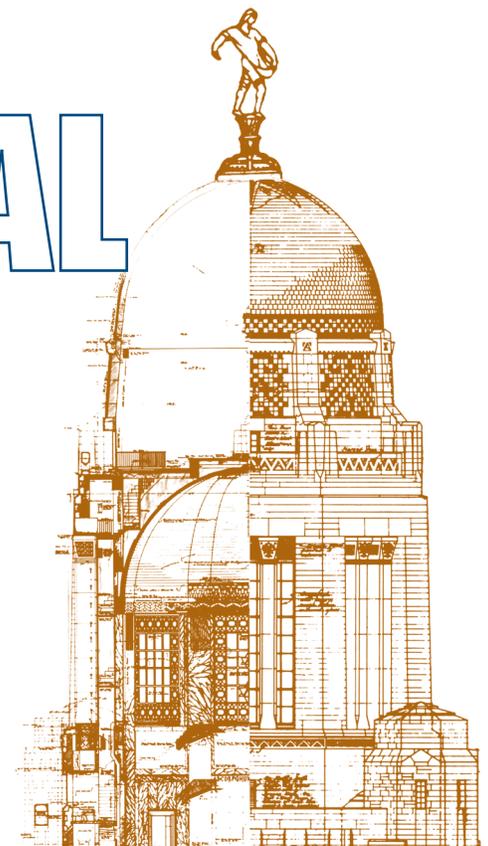
board" and that the organization has "been issued a certificate of authorization." Rule 7.2 sets out the minimum organizational requirements.

"Organization" is defined in § 81-3418 as "a partnership, limited liability company, corporation, or other form of business entity." (Public service providers are not organizations under the Act). This definition reaches *every* form of business entity, irrespective of the number of employees or licensees working for, or with, the entity.

As noted above, a common misconception is that a Certificate of Authorization is not required for a corporation or limited liability company which is owned solely by a licensee; particularly when the licensee does not have any professional employees. This mistake is often expressed as, "I am a sole proprietor because I do not have any employees." The law, however, does not turn upon having employees or being a sole owner.

The law is concerned about whether the licensee has elected to practice within the protections of a business entity. The decision to do so is generally intended to shield personal assets from liability for professional actions. To be sure, that reasoning is not improper or unethical. However, every such business entity is required to have a valid Certificate of Authorization which, among other things, establishes the particular licensee who is in responsible charge of the professional practice.

The correct interpretation of the Act is also evident from the information provided on the Board's website. In particular, the website explains that a "sole proprietor" is not required to have a Certificate of Authorization. "Sole proprietor" is defined as "an individual *without* a partnership, corporation, or other type of organization."



Thus, the status as a sole proprietor depends entirely upon the absence of any business organization.

The rule is very simple – a Certificate of Authorization is required for *every* partnership, corporation, limited liability company, or other form of business organization through which engineering and/or architecture is being practiced, or offered, in Nebraska. It does not matter whether there is only one owner, or whether there are hundreds. Nor does it matter whether the business employs other professionals. If in doubt, look at your tax returns.

If you receive a Form K-1 for your professional income, you are part of a business organization and that organization requires a Certificate of Authorization. Similarly, if you file a partnership or corporate tax return for your professional practice, you are required to have a Certificate of Authorization.

The Certificate of Authorization requirement has been part of the E&A Act for many years and each licensee has a duty to know and comply with the Act. Failure to obtain the necessary certificate is difficult to justify to the Board and licensees should expect to be assessed the appropriate fees, as well as possible civil penalties, for the period during which there was no certificate.

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Updated Rules and Regulations

Jon Wilbeck
Executive Director

Changes to the Board's Rules and Regulations were enacted December 7, 2011. The main impetus for these rule changes was to allow for licensure of professional structural engineers taking the new NCEES sixteen-hour Structural PPE exam. The Board took the opportunity to revise their rules in a number of other areas as well, including new clarifications and revisions. I would like to briefly highlight a number of rule revisions that the Board believes are of particular interest to both existing and prospective licensees. Where appropriate, I included the previous and new revised rule for comparison.

Definition of "public works" (Rule 1.1.21)

Previous Rule – Public Works: Structures, such as roads, buildings, dams, waterworks or sewers, built for public use or paid for by public funds.

New Rule: Public Works: Structures, such as roads, buildings, dams, waterworks or sewers, built for public use or paid for by public funds but not primarily intended for human occupancy or habitation.

Public works structures use a dollar amount, currently set at \$100,000, to determine if they are exempt from the E&A Act. This change clarifies that public works structures are those typically associated with civil engineering. For example, a building such as a city library could not be classified as "public works" even though it may be built for public use because it is primarily intended for human occupancy.

Fees transferrable (Rule 1.13.2)

Previous Rule - All application fees are non-refundable.

New Rule: All fees are non-refundable. However, fees paid to the Board by

an applicant initially for a specific application, but not used for that specific application, may be used as a credit for a different application fee during the same fiscal year at the applicant's discretion.

This change allows applicants who, for example, apply for renewal of an Emeritus license but then decide to reinstate their license to active status, to use the Emeritus renewal fee as a partial credit applied to the reinstatement application fee. It is important to note that credits can only be used during the same fiscal year, which for the Board is July 1st through June 30th.

NCEES Education Standard (Rule 2.2.1.3)

Previous Rule – Those holding engineering degrees from institutions outside the United States must establish the equivalency of that degree with the ABET accredited engineering degree by submitting it to a board approved evaluation program for analysis.

New Rule: Those holding degrees from programs not accredited by ABET must establish that their education meets the NCEES Education Standard by submitting it to a board approved evaluation service for analysis.

This rule pertains to the education standard for professional engineers. Applicants who do not hold a degree from an ABET-accredited engineering program, must submit their education to NCEES Credentials Evaluations to determine if their education meets the NCEES Education Standard. If it does not, their report will indicate the areas of deficiency and the candidate will be required to correct those deficiencies. NCEES Credentials Evaluations is the only board-approved evaluation service.

The reference to institutions outside the United States was removed because ABET

is now accrediting institutions outside the U.S.

16-Hour Structural exam (Rule 2.4.4.2)

The sixteen-hour Structural examination shall consist of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a 5-year period. Receiving acceptable results on only one 8-hour component shall not be sufficient for licensure in structural engineering or any other engineering discipline.

Professional engineers who pass the new 16-hour Structural Examination are eligible for licensure as a professional structural engineer. This new rule explains the format of the new exam and that examinees must receive acceptable results on both exam components to qualify for licensure.

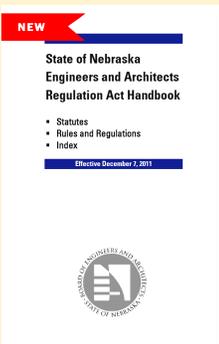
The application form for licensure as a professional structural engineer is the same as all the other engineering disciplines. In addition, engineers who passed the SE I or the Civil exam, and as a result received licensure as a professional civil engineer, should treat their application for the 16-hour exam as a new discipline if they wish to become licensed as a professional structural engineer. Only candidates who failed either component of the previous structural exam will be considered "retakes."

Clarifying use of titles (New Rule 5.7.6)

With respect to Neb. Rev. Stat. § 81-3411, individuals who are not licensed as an architect or professional engineer in Nebraska, but who hold a like license in another U.S. state or territory and reside or work in Nebraska, may use the title "Architect" or "Professional Engineer" on correspondence, business cards, and other routine communication wherein the individual is not practicing or offering to practice provided that the jurisdiction(s) in which they are licensed are written or printed after the title so as to not mislead the public regarding their credentials. The listing of jurisdictions after the title is not required on correspondence, business cards, or other communication from

New Handbooks Available

The NBEA recently released a new version of the Engineers and Architects Regulation Act Handbook. The revised handbook includes changes to the Act enacted in 2011. For your convenience, a full version of the Engineers and Architects Regulation Act Handbook is available for download on the Board website. Copies of the handbook were mailed to current Nebraska licensees in February. If you did not receive your handbook, or wish to order additional copies, please contact the Board office by phone: 402-471-2021 or email: nbea.office@nebraska.gov.



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Rules (continued)

an office outside Nebraska, provided that the individual is licensed in that jurisdiction.

This rule clarifies the use of titles by design professionals licensed in jurisdictions other than Nebraska. It is intended to minimize confusion as to where an individual is licensed and reduce the number of complaints related to misuse of titles.

Electronic revision approval systems (New Rules 6.1.9 to 6.1.9.4)

6.1.9 *An electronic revision approval system is an authentication process that is attached to or logically associated with an electronic document, and must be:*

6.1.9.1 *Unique to the person using it;*

6.1.9.2 *Capable of verification;*

6.1.9.3 *Under the sole control of the person using it; and*

6.1.9.4 *Linked to the document in such a manner that the electronic signature is invalidated if any data in the document is changed.*

This rule addition specifies the requirements of an acceptable electronic revision approval system for use when sealing engineering or architectural technical documents with electronic signatures applied. It is based on NCEES Model Rules.

Coordinating professional clarifications (New Rules 6.3.2-5)

6.3.2 *The intent of the Coordinating Professional requirement is to verify that all design disciplines involved in a project are working in coordination with one another, and that any changes made to the design are approved by the corresponding discipline, so that life, health, safety, and welfare are not compromised.*

6.3.3 *The Coordinating Professional's role is applicable primarily during a project's design, both before and during construction.*

6.3.4 *The designation of the coordinating professional may be transferred between licensed professional members of the design team on a particular project.*

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October 2011 Overall Exam Performance By Discipline

Nebraska had 159 FE examinees and 66 PE examinees sit for the NCEES exams last October. The table below is a comparative index of how Nebraska examinees performed against the national average. Nebraska examinees have consistently exceeded the national passage rates in some areas, most notably in the FE (Fundamentals of Engineering) exam. After graduation, the FE exam is typically the next step in the process leading to the P.E. license.

The next NCEES exam administration will take place April 13-14.

	First-Time Takers (% Passed)	Repeat Takers (% Passed)
FE		
National	74	32
Nebraska	89	75
PE		
Civil		
National	65	28
Nebraska	82	50
Electrical and Computer		
National	61	27
Nebraska	100	100
Environmental		
National	61	23
Nebraska	50	100
Fire Protection		
National	68	44
Nebraska	100	—
Industrial		
National	66	24
Nebraska	100	—
Mechanical		
National	73	37
Nebraska	75	—
Structural - Vertical		
National	47	30
Nebraska	57	—
Structural - Lateral		
National	35	25
Nebraska	20	—

Rules (continued)

6.3.5 The Coordinating Professional should use the following language in conjunction with their individual seal for identification as the Coordinating Professional: “I, (name of licensee), am the Coordinating Professional on the (name of project) project.”

Projects involving more than one architect or professional engineer are required to have a licensee designated as the project's coordinating professional, who coordinates the design disciplines involved in the project and acts as the project liaison with the governing building official.

Remediation changes (New Rules 8.6.2 to 8.6.2.1.3)

8.6.2 Remediation of Projects without Design Documents

8.6.2.1 In addition to the requirements described in Rule 8.6.1, where there are no original design and/or construction documents for work not in compliance with the law, the following additional information will be required:

8.6.2.1.1 The remediation letter written should describe the deficiencies found in the design and/or construction of the work.

8.6.2.1.2 The letter shall be submitted to the Board within 30 days of the Board's authorization to proceed with remediation.

8.6.2.1.3 New documents, prepared by the licensed professionals involved, are sealed, signed, and dated.

This addition is based on a compliance case in which there were no existing design documents on a project requiring the involvement of design professionals and remediation of the project. The Board developed these additional remediation procedures for use in these situations.

Continuing education carryover (Rule 9.4.2 revision)

Previous Rule - The licensee may carry forward excess credit, up to a maximum of one-half the required credits from the previous biennial requirement, into the subsequent renewal period.

New Rule: The licensee may carry forward excess credit, up to a maximum of one-half the required credits from the previous biennial requirement, into the subsequent renewal period. Excess continuing education credits can be carried forward only into the biennial period immediately following the period in which the credit was earned.

This clarification addresses carryover of continuing education credit as a condition for license renewal. As a reminder, it is the responsibility of licensees to maintain sufficient records of their continuing education activities to justify any carryover of credit into a subsequent renewal period.

Building area (Rule 10.2.4 revision)

Previous Rule – Potentially-habitable space shall mean any space that when finished, could be habited by humans and meet the required definitions in the state building code.

New Rule: Building area shall be as defined in the state building code.

This rule changes the measurement for determining the square footage of building and structures to a more commonly recognized definition, and is used in conjunction with the Rule 10.3 “Exemption Matrix” to assist in determining if a project is exempt from requiring the involvement of architects and professional engineers.

Structures containing two or more occupancies (New Rule 10.3.11)

Any structure which contains two or more occupancies shall be governed by the most restrictive occupancy for the purpose of utilizing Rule 10.3.

This rule addition is intended to simplify the application of the E&A Act to structures containing two or more occupancies. For example, if a two-tenant, 2,000 square foot strip mall contains an “A - Assembly” occupancy and a “B - Business” occupancy, the entire structure would be considered an “A – Assembly” occupancy for the purpose of utilizing the “Exemption Matrix” in Rule 10.3.

This list does not highlight all of the 2011 Rules changes. Visit our website (www.ea.ne.gov) and click on the “Enforcement” tab to view a comprehensive list of all the changes. Board staff would be happy to meet with you, or your organization, for a more comprehensive review of the 2011 Rules changes. You may call our office if you would like to schedule a presentation or to discuss the rules changes.

IDP 2.0 Final Phase: April 3, 2012

Announced in 2009, IDP 2.0 is the most significant update to the Intern Development Program (IDP) since its inception in the 1970s. Using the 2007 Practice Analysis of Architecture as a guide, the program requirements are being updated to more closely align with the current practice of architecture, to help ensure that interns acquire the comprehensive training that is essential for competent practice, and to make reporting experience fundamentally easier.

The changes to the program offer many benefits to interns by allowing them to complete some of the experience requirements during periods of unemployment, expanding program definitions, and simplifying the reporting process.

The Basics

Here are a few things to keep in mind as you prepare for the final phase:

- All hours will be rolled over to IDP 2.0.
- The total hours required to complete the IDP—5,600—will remain the same.
- The total core minimum hours required to complete the program is increasing to 3,740 for everyone—an increase of 20 hours from the current requirement.
- If you have completed the IDP prior to April 3, 2012, you will not be affected by the new requirements.

The Rollover

The electronic Experience Verification Reporting (e-EVR) system will be shut down at noon EDT April 3, 2012 so that NCARB can transfer your experience to a new reporting system, which will be available on April 5, 2012. You and your supervisor will not be able to submit, review, or approve experience reports from April 3-5.

For more information visit: <http://www.ncarb.org/Experience-Through-Internships/IDP-2.aspx>

Electronic Revision Approval Protection

Tyler Kohtz
Compliance Officer

In today's competitive and global economy, the internet is playing a greater role in how business is done. The practices of engineering and architecture are no exception. Sending and receiving drawings and other technical documents electronically is becoming standard practice within many design offices. There is no question that the practice increases productivity, but there is also an increased risk that the document might be copied or altered in some way without the knowledge of the design professional responsible for the work. As technology and the internet continue to change, compliance with N.R.S. § 81-3437 is as important as ever.

N.R.S. § 81-3437 (3) (b) states:

"The seal may be a rubber stamp or may be generated electronically. Whenever the seal is applied, the licensee's written signature and the date shall be across the seal. No further words or wording are required. Electronic signatures applied to electronic seals must be protected with an electronic revision approval system. Documents without electronic revision approval protection that are transmitted electronically to a client or a governmental agency shall have the seal removed from the file. The electronic media shall have the following inserted in lieu of the seal, signature, and date: This document was originally issued and sealed by (name of sealer), (license number), on (date of sealing). This media should not be considered a certified document."

The purpose of N.R.S. § 81-3437 (3) (b) is to protect design professionals and their work when project documents are transmitted electronically with, or without, a seal and signature. An electronic revision approval system minimizes the risk involved with electronic transmission by allowing only the design professional responsible for the sealed and signed document access to make changes to the document. This ensures the sealed and signed document is not altered in a way that may compromise public safety or welfare, and prevents unauthorized use of

a design professional's work without his/her permission.

Design professionals are responsible for minimizing their risks when sharing electronic documents without the use of an electronic revision approval system. The application of the licensee's seal and signature constitutes certification that the work was done by the licensee or under the licensee's control. The seal must be removed if electronic revision approval protection is not used on project documents transmitted electronically. In the event that the document is compromised, a licensee is then protected from unlawful certification of work not prepared by the licensee or under the licensee's control.

Each licensee or firm that sends technical documents electronically should implement a system to use for electronic revision approval protection that fits their unique circumstances. Although the Board does not recommend any specific program, the Board has established that all electronic revision approval systems meet the following requirements as outlined in Rule 6.1.9 of the Board's Rules and Regulations:

An electronic revision approval system is an authentication process that is attached to or logically associated with an electronic document, and must be:

(6.1.9.1) Unique to the person using it;

(6.1.9.2) Capable of verification;

(6.1.9.3) Under the sole control of the person using it; and

(6.1.9.4) Linked to the document in such a manner that the electronic signature is invalidated if any data in the document is changed.

There are numerous commercial programs capable of meeting these requirements available.

It is a common misconception that documents placed on an FTP site or documents sent electronically to a plan distribution center do not require an electronic revision approval system. N.R.S. § 81-3437 (3) (b) applies to original drawings, copies, tracings, sketches, specifications, reports, and studies that



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require an architect or professional engineer seal, signature and date to be in compliance with the Nebraska Engineers and Architects Regulation Act. An electronic document regardless of whether it is a CAD file, PDF, or other electronic media cannot be shared over the internet unless electronic revision approval protection is used. Electronic storage devices such as CDs, DVDs, and USB flash drives are also considered to be electronic media. Sealed and signed documents placed on these mediums must also have electronic revision approval protection. It is important to note that electronic documents clearly marked as "Draft" and prepared for preliminary submission and review do not require a seal. This includes documents prepared for a client or governmental agency unless otherwise required by that entity.

The Board had the licensees' best interests and protection in mind when drafting the language for N.R.S. § 81-3437. Today, security and privacy are still a major concern for the internet's business users. Rarely does a day go by that does not include another story about sensitive data being compromised by an unknown computer hacker. If you or your firm are currently transmitting documents electronically without an electronic revision approval system, I strongly encourage you to begin doing so for your protection and that of your clients and the general public.

Recently Resolved Compliance Cases

The following cases were reviewed for compliance by the Nebraska Board of Engineers and Architects, and resolved via the action noted. These summaries are provided for licensee education and information, and should not be interpreted as a full description of the cases described. In cases where disciplinary action was taken by the Board per Neb. Rev. Stat. § 81-3444, the names of the individuals and/or organizations involved are included.

Case #11.02 – During a site visit to a city in eastern Nebraska, the Board's compliance officer reviewed engineering drawings sealed with an architect's seal. The drawings were for renovations to a 3,312 square-foot structure classified as an "A - Assembly" occupancy by the local building department. A complaint was filed against the architect for unlicensed practice of engineering. **Action:** The Respondent's position was that no engineering work was performed and that no violation of the E&A Act occurred. After review of the drawings and an explanation submitted by the Respondent, the Board concluded that while a portion of the structure met the requirements for "A - Assembly" occupancy classification, the entire project was considered an "F - Factory" occupancy. It therefore did not lawfully require the services of licensed design professionals per the Rule 10.3 "exemption matrix." The Board dismissed this case with prejudice.

Case #11.03 – Architect Michael Purdy submitted drawings to an eastern Nebraskan municipal building department for a remodel of a 5,300 square-foot office suite classified as a "B - Business" occupancy by the local building department. During a site visit to the city, the Board's compliance officer observed that the drawings appeared to include work that may be construed as the practice of engineering. A complaint was filed against Mr. Purdy for the alleged unlicensed practice of engineering. **Action:** Mr. Purdy indicated that he was dividing the 5,300 square-foot office suite into two separate suites. The area that he was doing the remodel for, or the area that would become the second suite, was 2,480 square feet. Mr. Purdy felt that the project was exempt because the area of his remodel was below 3,000 square foot; the maximum building area for a "B" occupancy classification defined in Chapter 10 of the rules and regulations. The Board brought Rule 10.4.1.2 to Mr. Purdy's attention. The entire 5,300 square-foot structure is considered the total impacted area because the mechanical and electrical systems of the original suite were adversely impacted. The Board ordered Mr. Purdy pay \$200 for the cost associated with the investigation, along with a civil penalty of \$300 for the unlicensed practice of engineering.

Case #11.05 – During a site visit to a city in eastern Nebraska, the Board's compliance officer noticed the structural engineering drawings for a particular project submitted to the building department were not sealed, signed or dated. In addition, an unsigned and undated seal was applied to the title page of the drawings by Dean Fajen, a structural engineer on the project. A complaint was filed against Mr. Fajen for violation of N.R.S. § 81-3437 (3) (c). **Action:** According to Mr. Fajen,

the structural engineering drawings were submitted to the city without seals by accident. The design professionals at his firm typically seal and sign all documents submitted for review, but the wrong set of seals may have been submitted in this case. Mr. Fajen also indicated that this matter was discussed within his company and the title block was changed to prevent this from occurring again in the future. The Board ordered Mr. Fajen to pay \$200 for investigation costs and a civil penalty of \$300 for improperly sealed and unsealed documents.

Case #11.07 – During a site visit to a city in eastern Nebraska, the Board's compliance officer reviewed mechanical engineering drawings for a project submitted to the city for permitting which appeared to have been prepared in violation of the E&A Act. The drawings were not sealed, signed or dated. Also, the organization responsible for the mechanical engineering drawings, Sebek and Associates, did not hold a current certificate of authorization to practice engineering in Nebraska. This was an apparent violation of N.R.S. § 81-3436. **Action:** The investigation revealed that the professional engineer responsible for the mechanical drawings was unaware the drawings were submitted for review and had no intention of submitting drawings without sealing and signing them. The professional engineer also said that he was unaware a certificate of authorization was required for the organizational practice of engineering. During the course of the investigation the firm applied for, and received, a certificate of authorization. The architect responsible for submitting the documents to the city verified that the professional engineer was unaware the documents were submitted to the city. The Board found no willful neglect on the part of the professional engineer for the improperly sealed drawings. However, the Board did find that the firm, Sebek and Associates, was in violation of the E&A Act when the plans were submitted to the city. Sebek and Associates was ordered to pay \$725 for certificate of authorization fees in arrears.

Case #11.08 – Professional engineer Richard Noel submitted electrical engineering drawings to an eastern Nebraska city for permitting that included unsigned and undated seals. Copies of the drawings were obtained by the compliance officer while visiting the city. In addition his firm, Noel Engineering, did not hold a current certificate of authorization to practice engineering in Nebraska. A complaint was filed against Mr. Noel and Noel Engineering for violation of N.R.S. § 81-3437 (3) (c) and N.R.S. § 81-3436. **Action:** Mr. Noel indicated that the architect requested he send the electrical engineering drawings to them electronically and because he did not have an electronic signature, he didn't know how to sign the drawings. Mr. Noel also indicated that he was unaware that a certificate of authorization is required to practice engineering as an organization in Nebraska. He believed he was practicing legally because he was licensed as an individual. Mr. Noel completed the certificate of authorization application process soon after. The Board ordered Mr. Noel pay \$525; \$425 for the certificate of authorization fees in arrears, and a \$100 civil penalty for the improperly sealed engineering drawings.

Case #11.12 – A complaint was filed against a professional engineer for violation of the Code of

Practice. The Respondent was co-author of a feasibility study and was responsible for the drawings, specifications and construction phase services for a water supply line between two southeast Nebraska towns. The Respondent allegedly acted without reasonable care, competence and good moral character while performing his duties as a professional engineer. **Action:** According to the Complainant, the project failed to meet the expectations outlined in the feasibility study as presented by the Respondent. It was alleged that drawings were incomplete and inaccurate, the survey work incomplete, the Respondent was often unresponsive during the construction phase, and proper approval from the Department of Health and Human Services was not obtained for the construction plans and specifications. The Respondent's position was that the engineering work was done according to the original scope of work and that the Complainant made changes to the project during construction, which affected the original work done by the Respondent. A Board investigation into the matter found that there was no basis for a formal charge against the Respondent. The Board concluded that both parties had different expectations of a successful project and dismissed the case without prejudice.

Case #11.13 – A complaint was filed for misuse of the title "engineer" based upon a building permit submitted to an eastern Nebraska city that included the Respondent's business card, where the title "builder/engineer" was used. **Action:** In response to the Board's inquiry into the matter, the Respondent indicated that he holds a degree in engineering. The Board requested a copy of the Respondent's transcript. Upon review of the transcript, the Board discovered that the Respondent's degree was from an ABET-accredited technology program, not an ABET-accredited engineering program. In a letter to the Respondent, the Board explained this and requested that the Respondent change any reference on his business cards, and any other form of business correspondence on which the title "engineer" is used. The Respondent complied with the Board's request and the Board dismissed the case without prejudice.

Case #11.14 – A licensed architect filed a complaint against an unlicensed individual for misuse of the title "architect" based upon titles used on online professional networking and career search web pages. Unless otherwise exempt from the E&A Act, only those licensed to practice architecture in Nebraska may use the title "architect." **Action:** The Respondent indicated he was unaware that it was wrong to call himself an architect and immediately changed all references that may have indicated he was a licensed architect in Nebraska. The Board reviewed the Respondent's updates to the professional networking sites and determined that the Respondent was no longer in violation of the E&A Act. The Board dismissed this case without prejudice.

Case #11.18 – A complaint was filed by a professional engineer against an organization for practicing, or offering, to practice architecture with a licensee listed as the architect in responsible charge on the certificate of authorization for an organization, who was allegedly not a full-time

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Licensure Updates

June 24, 2011 through January 20, 2011

Architects By Exam

Jeramie J. Nelson	Fremont	NE
Pavel Pepeljaev	Brooklyn	NY
Jeffrey O. Scott	Lincoln	NE
Michael P. Sinclair	Lincoln	NE
Alan D. Wedige	Lincoln	NE
Matthew E. Wegener	Omaha	NE
Brian L. Zabloudil	Omaha	NE
Marcus J. Zettler	Lincoln	NE

Professional Engineers By Exam

Civil

Ned J. Bagniewski	Omaha	NE
Ross D. Barron	Lincoln	NE
Caleb W. Beasley	Omaha	NE
Sean M. Bell	Omaha	NE
Christopher J. Clayton	Omaha	NE
Jesus De Los Santos	Lincoln	NE
Mark D. Egger	Omaha	NE
Joseph T. Flaxbeard	Omaha	NE
Timothy J. Foss Jr.	Lincoln	NE
Eric R. Galley	Omaha	NE
Jonathon A. Goldie	Omaha	NE
Ryan A. Haas	Omaha	NE
Brian L. Jasnoch	Grand Prairie	TX
Molly A. Jensen	Omaha	NE
Timothy D. Jensen	Council Bluffs	IA
Joel M. Jirak	Lincoln	NE
Jay M. Ling	Omaha	NE
Jeremy J. May	Papillion	NE
Carlos I. Medina Jr.	Juniata	NE
Matthew K. Rasmussen	Omaha	NE
Caroline M. Romero	Papillion	NE
Dane R. Simonsen	Lincoln	NE
Jamie J. Suing	Lincoln	NE
Mark A. Torczon	Omaha	NE
Mark A. Valmore	Johnston	IA
Jeremy D. Walker	S. Sioux City	NE
John L. Whisler III	Elkhorn	NE
Chad M. Zimmerman	Omaha	NE

Electrical and Computer

Neal J. Baumert	North Bend	NE
Jacob L. Bayer	Kansas City	MO
Jerad A. Harmsen	Omaha	NE
Michael A. Herzog	Omaha	NE
Jason K. Hofer	Columbus	NE
Matthew K. Holthe	York	NE
Jared M. Jochum	Lincoln	NE
Ryan Bao Le	Lincoln	NE
Roderick J. Macleod	Kansas City	MO
Brian M. Orton	Gretna	NE
Patrick D. Straatmann	Omaha	NE
Joshua S. Watson	Fremont	NE

Environmental

Nathan G. Groh	Papillion	NE
Sarah E. Mechtenberg	Omaha	NE

Fire Protection

Nicholas T. Bernard	Omaha	NE
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Industrial

Mark S. Pohl	Omaha	NE
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Mechanical

Aaron J. Anderson	Omaha	NE
Max J. Fischer	Hershey	NE
Adam L. Gartner	Omaha	NE
Duane A. Hodgens	Omaha	NE

Andrew J. Kleffman	Olathe	KS
Aaron N. Madsen	Nebraska City	NE
Aaron R. Schmitz	Omaha	NE
Shane L. Unick	Olathe	KS
Andrew J. Yosten	Omaha	NE

Structural

Samantha J. Kevern	Prairie Village	KS
Zhe Li	Chicago	IL
Brian N. Long	Morton	IL
Jared C. Wagner	Lincoln	NE

Emeritus Licenses

Emeritus Architect

Beatriz Arbat	Broomfield	CO
David J. Beringer	Omaha	NE
Rudolph Beuc Jr.	Saint Louis	MO
Robert J. Cernelic	Omaha	NE
Roger L. Christensen	Grand Island	NE
Steve E. Cook	Lincoln	NE
Gordon W. Craig	Spring	TX
Lawrence J. Deane	Papillion	NE
William M. Dikis	Clive	IA
Thomas L. Findley	Omaha	NE
Patrick S. Gallagher	Fort Worth	TX
David R. Gibb	Omaha	NE
Howell A. Gordy	Cambridge	MA
Ralph E. Hicken	Ann Arbor	MI
Leon R. Hurley	Denver	CO
Thomas E. Kirschner	Saint Joseph	MO
J. Steven Krajnik	Shelby Township	MI
Edmund Kulikowski Jr.	Muskegon	MI
Jerry B. Oltman	Lecanto	FL
Glen L. Strait	Colby	KS
Larry W. Westerbeck	Minneapolis	MN

Emeritus Engineer

Paul A. Albright	Mt. Pleasant	SC
E. Roberts Alley Jr.	Nashville	TN
Don L. Anderson	Omaha	NE
John R. Austgen	Granite Falls	MN
David S. Backer	Boise	ID
John E. Baker	Lincoln	NE
Lyle E. Bauer	Elkhorn	NE
Vaughn P. Bennett	Mesa	AZ
Ann S. Bleed	Lincoln	NE
Larry P. Blunt	Ruston	LA
Steven H. Bottum	Omaha	NE
Ronald E. Bourgault	Littleton	CO
Benjamin C. Bracken	Green River	WY
Stephen J. Brockey	La Vista	NE
Cornelius J. Carmody	Highlands Ranch	CO
Walter W. Case	Lincoln	NE
James S. Chidester	Cabot	AR
A. John Cornish III	Morrison	CO
Brad L. Crane	Richmond	TX
Alton P. Davis Jr.	West Ossipee	NH
Matthew D. Derwacter	Zanesville	OH
Eric J. Eberhart	Gilbert	AZ
Stephen L. Ferry	Saint Joseph	MO
Harald Flatoen	Bellevue	NE
Mark E. Fleury	Washington	DC
J. Michael Florell	Minneapolis	MN
David M. Fox	Ames	IA
John E. Francl	La Vista	NE
David J. Geyman	Cornville	AZ
David C. Griffin	Omaha	NE
Ronald D. Guthrie	Knoxville	TN
Ronald B. Haddock	Omaha	NE

Theodore L. Hall	Pierre	SD
John A. Hammer	Ashland	NE
Dennis C. Hirschbrunner	Columbus	NE
Harold T. Hitch Jr.	Auburn	NE
Robert G. Hoerauf	Minnetonka	MN
Edwin H. Honig	Omaha	NE
Dennis K. Hoyt	San Antonio	TX
Wenqing Hu	San Antonio	TX
Hsin-Tien Huang	Cincinnati	OH
Dan E. Jackman	Omaha	NE
Edward L. Jankowski Jr.	Omaha	NE
Clinton C. Johannes	Richland	NE
David K. Johnson	Parrish	FL
Larry D. Johnson	Overland Park	KS
Leroy Juengel	Lincoln	NE
Marvin D. Keefover	Rochester	MI
Michael T. Kelly	Gretna	NE
Chris A. Krafft	Louisburg	KS
Troy S. Kurz	Sidney	NE
Terry L. Martin	Benkelman	NE
Reza G. Nabegh	La Crescenta	CA
Brent J. Sorensen	Nags Head	NC
G. Wayne Studebaker	Norfolk	NE
Raymond C. Waymire	Omaha	NE

Deceased Licensees

Architect

Jack Beers	Lincoln	NE
Thomas Horty	Sausalito	CA

Engineer

Michael W. Beacham	Denton	NE
Darrell R. Brewster	Lincoln	NE
Richard F. Glascock II	South Fulton	TN
Larry L. Jenkins	Omaha	NE
Jay G. Lincoln	Omaha	NE
James R. Lindquist	Paoli	PA
Jack L. Wilkins	Albuquerque	NM

Compliance (continued)

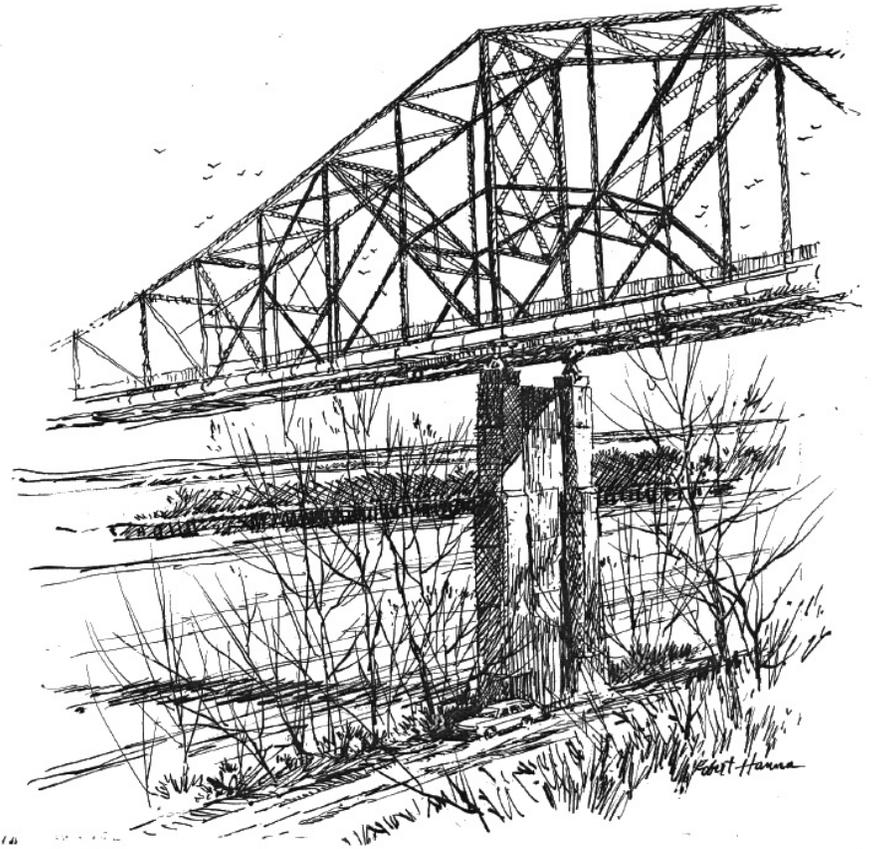
employee of organization. A design professional who renders occasional, part-time, or consulting services for an organization may not be designated as being responsible for the professional activities of the organization. **Action:** The Complainant alleged that the architect in responsible charge for the organization, which provides architecture and engineering, is only a consultant and not a full-time employee. Because the organization does not have a full-time architect on staff, it should not practice or offer to practice architecture. The Respondent explained that he is employed by two organizations. The organization that he is the architect in responsible charge for is his first employment, but because of the specialized nature of his particular industry, there is not enough work to keep him engaged full-time. He accepted the second position for financial purposes. It is the Board's opinion that the definition of "full-time" employment in matters such as this should be determined for each case based on the circumstances of the company and the licensee. After review of the facts presented by the Respondent, the Board concluded that the Respondent was not in violation of the E&A Act. This case was dismissed without prejudice.

Bridge

Let us go out and stand for a while
 in the deserted, back-country church
 of an old iron bridge— plate, beam
 and rusty rivet— a place of light
 with lofty rafters framing heaven,
 with enormous triangular windows
 depicting the world in October,
 with brown and yellow willow leaves
 drifting onto a trickle of creek
 meandering toward us on one side
 and slipping away on the other—
 lesson, sermon, collection and hymn—
 a place through which so many lives
 have passed and so many prayers
 and hopes have been carried away
 that now it rings with silence.
 Leaves are falling. Take my hand.

Ted Kooser

Ted Kooser, Former U.S. Poet Laureate (2004-2006), and recipient of the 2005 Pulitzer Prize for Poetry, is a Nebraska Poet.



Robert L. Hanna, architectural illustrator and a Nebraska Emeritus Architect.

"Bridge." The Greensboro Review, Vol. 89. Greensboro. University of North Carolina Press, 2011.

2012		UPCOMING EVENTS OF THE NBEA
MAR	16	NBEA Board Meeting - 8:30 a.m., Lincoln
APR	13	NBEA Board Meeting - 8:30 a.m., Lincoln
13-14		NCEES engineering exams, Lincoln
23		NBEA - UNL Visit - Sign up for October 2012 FE exam, Lincoln
24		NBEA - UNO Visit - Sign up for October 2012 FE exam, Omaha
MAY	11	NBEA Board Meeting - 8:30 a.m., Lincoln
17-19		NCEES Central/Western Zone Meeting, Jackson Hole, WY
JUN	15	NBEA Board Meeting - 8:30 a.m., Lincoln
20-23		NCARB Annual Meeting, Minneapolis, MN
JUL	23	NBEA application deadline for FE new applications
AUG	3	NBEA Board Meeting - 8:30 a.m., Lincoln
21-25		NCEES Annual Meeting, St. Louis, MO
23		NBEA - UNL Visit - Sign up for October 2012 FE exam, Lincoln
24		NBEA - UNO Visit - Sign up for October 2012 FE exam, Omaha
31		NBEA exam deadline - FE new & retake - PE retake

STATE OF NEBRASKA BOARD OF ENGINEERS AND ARCHITECTS
 215 Centennial Mall South, Suite 400
 P.O. Box 95165, Lincoln, NE 68509



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