

Nebraska Board of Engineers and Architects
Board Meeting Minutes – September 13, 2019

CALL TO ORDER

The September 13, 2019 meeting of the Nebraska Board of Engineers and Architects was held in the 4th floor meeting room in Suite 400, 215 Centennial Mall South, Lincoln, Nebraska. In the absence of Chair Isom, Vice Chair Bostelman 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 in the Lincoln Journal Star in compliance with the Open Meetings Act.

Member Roll Call: Jan Bostelman, Vice Chair; Brian Kelly; Jennifer Klein; Randy Peters; Daniel Thiele. Absent: Lenora Isom, Chair; Brett Foley, Secretary; David Johnson.

Staff Present: Jon Wilbeck, Executive Director (ED); Lindy Rauscher, Compliance Officer (CO); Sandra Weaver, Business Manager; Jean Lais, Administrative Assistant; Molly Mayhew, Public Information Officer (PIO).

Designation of Secretary

Motion by Thiele, second by Kelly to appoint Thiele as acting secretary for the September meeting in the absence of Foley. Voting Yes: Peters, Thiele, Kelly, Klein, Bostelman. Voting No: None. Absent: Foley, Isom, Johnson.

Public Comment

Kristina Kamler came before the Board to express concern about the lack of a licensed professional engineer to remediate flood damage to the Brandenburgh Lake area near Bellwood, NE. Ms. Kamler cited a safety issue for those using the access bridge and road as well as recreational use of the lake.

A. CONSENT AGENDA

August 9, 2019 meeting minutes

Motion by Klein, second by Thiele to approve the consent agenda. Voting Yes: Peters, Thiele, Kelly, Klein, Bostelman. Voting No: None. Absent: Foley, Isom, Johnson.

B. MEETING REPORTS

Ad Hoc Committee Reports

Legislative Report

Ed Wilbeck noted Legislative Liaison, Rich Lombardi, would not be attending the meeting.

ED Wilbeck and Julie Erickson met with a potential sponsor and his aide on September 12 to explain proposed changes to the Engineers and Architects Regulation Act. Two major issues during discussions with stakeholder groups and interested parties were outlined. Proposed language would allow examinees seeking a professional engineer license to take the Principles and Practice of Engineering (PE) Exam before gaining four years of experience. This concept, sometimes referred to as “decoupling,” would allow candidates to take the PE Exam after meeting the educational requirements for licensure and passing the Fundamentals of Engineering (FE) Exam. Experience, education, and examination requirements would still need to be met before such candidates could apply for licensure. The second major issue in proposed language, direct registration for the ARE Examination, also would allow licensure for those who have completed AXP and the ARE Exam while enrolled in an Integrated Path to Architectural Licensure (IPAL) Program option within a NAAB-accredited architecture program. The National Council of Architectural Registration Boards (NCARB) launched the IPAL program in 2015. In 2018, the first IPAL students graduated, but existing language in N.R.S. § 81-3449 prevents these students from being eligible for licensure as an architect in Nebraska. ED Wilbeck will seek to meet with statutory faculty representatives and the Dean at the College of Architecture to discuss the proposed IPAL change.

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It was clarified that both these proposed changes are a thoughtful, Board-initiated response to a nationwide movement to simplify the licensing process without reducing the rigor of licensing standards. The sponsor asked to research other professions for comparisons. The Board is seeking introduction of a bill in the 2020 legislative session.

The Board will formally invite the American Council of Engineering Companies (ACEC Nebraska) and the Nebraska Society of Professional Engineers (NeSPE) to sit in on drafting the rules and regulations if a bill is successful in the 2020 legislative session. ED Wilbeck will attempt to set up a meeting with Joe Kohout, a lobbyist for the Professional Engineers Coalition (PEC).

Motion by Thiele, second by Klein to invite two to three NeSPE and ACEC Nebraska representatives to formally participate in drafting proposed rules and regulations if the proposed statutes pass in the legislature. Voting Yes: Peters, Thiele, Kelly, Klein, Bostelman. Voting No: None. Absent: Foley, Isom, Johnson.

Building Information Modeling (BIM) Committee Report

NCEES approved publishing guidelines for BIM use on projects. The NCEES 2017-18 Technology Task Force developed language for guidelines on building information modeling (BIM) use and motioned at the NCEES 2018 annual meeting to charge the NCEES Committee on Uniform Procedures and Legislative Guidelines (UPLG) Committee with determining whether language should be in the Model Rules or a standalone guideline. The UPLG Committee agreed the new guidelines should be published as a standalone document rather than in the NCEES Model Law or Model Rules since it believes the BIM and the NCEES model documents have different purposes.

Professional Services Committee Report

The Professional Services Committee reviewed the legislative liaison proposals during the month of August and narrowed the candidates to seven organizations for the Board to review.

Executive Session – Commenced at 9:02 a.m.

Motion by Kelly, second by Thiele to enter executive session for discussion of the credentials of the candidates for the Board's legislative liaison services 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 Vice Chair Bostelman. Voting Yes: Peters, Thiele, Kelly, Klein, Bostelman. Voting No: None. Absent: Foley, Isom, Johnson.

Executive Session – Concluded at 9:29 a.m.

Motion by Kelly, second by Peters to close executive session for discussion of the credentials of the candidates for the Board's legislative liaison services not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Peters, Thiele, Kelly, Klein, Bostelman. Voting No: None. Absent: Foley, Isom, Johnson.

The Professional Service Committee will set up a meeting next week to narrow the list of legislative liaison candidates to four. ED Wilbeck will extend an invitation to Chair Isom to attend the Committee meeting. The chosen candidates will be asked to provide a 10-minute presentation to the Board at the October 18, 2019 meeting. The Committee will provide some suggested questions to the Board for the interviews.

Executive Committee Report

The Executive Committee met on August 20, 2019, to discuss the Executive Director's performance and make a recommendation to the Board on the FY 2019-20 salary.

Executive Session – Commenced at 9:30 a.m.

Motion by Thiele, second by Kelly to enter into executive session for the job performance evaluation of the Executive Director not a matter of public information to prevent needless injury to the reputation of those

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involved. The limitation for going into executive session was restated by Vice Chair Bostelman. Voting Yes: Peters, Thiele, Kelly, Klein, Bostelman. Voting No: None. Absent: Foley, Isom, Johnson.

Executive Session – Concluded at 9:42 a.m.

Motion by Klein, second by Kelly to close executive session for the job performance evaluation of the Executive Director not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Peters, Thiele, Kelly, Klein, Bostelman. Voting No: None. Absent: Foley, Isom, Johnson.

Motion by Thiele, second by Peters to approve a 2.5% salary increase for the Executive Director for the current fiscal year retroactive to July 1, 2019. Voting Yes: Peters, Thiele, Kelly, Klein, Bostelman. Voting No: None. Absent: Foley, Isom, Johnson.

C. OLD BUSINESS

2019 NCEES Annual Meeting Action Summary

The Board reviewed a summary of actions taken at the 2019 NCEES annual meeting. The Council elected Christopher Knotts, P.E. of Louisiana as the 2019-20 president-elect. He will serve as NCEES president in 2020-21. ED Wilbeck reported Education Motion 1 would be sent back to a committee and brought back next year. South Carolina presented a motion to require that changes to the *NCEES Engineering Education Standard* and *Surveying Education Standard* be approved by vote of the NCEES member boards. The motion passed with an amendment to refer it to a Special Committee on Bylaws.

2019 NCEES Law Enforcement Program Summary

CO Rauscher reported attending the 2019 NCEES Law Enforcement Program on August 16-17, 2019, at the NCEES annual meeting. Two presentations about the First Amendment and title protections were heard on August 16. The first presentation from the Mississippi Office of the Attorney General regarded “Express Oil Change LLC v. Mississippi Board of Licensure for Professional Engineers & Surveyors, et al.” The Oregon Board Chair and Assistant Attorney General provided the second presentation regarding “Mats Jarlstrom v Aldridge, et al.” On August 17, Glen Bard of the Public Agency Training Council provided a session entitled “Investigative Techniques Using Social Networking Sites.” Attendees learned what kind of evidence is available through social media and how to access and preserve that evidence. Presentation slides will be uploaded to the Enforcement Exchange.

FY 2019-20 Marketing Plan

PIO Mayhew reported speaking to a NACO representative about offering a presentation to highway superintendents and engineers at its year-end conference.

A FAQ section for architecture students seeking licensure is almost ready to be published. Kelly noted the UN-L College of Architecture would not be hosting PARK(ing) Day this year.

A FAQ section for engineering students seeking licensure has been published. A news article will be written about the NCEES Education Award. The award recognizes college engineering programs for engaging their students in collaborative projects with licensed professional engineers.

The League of Nebraska Municipalities magazine will run an ad for the Board of Engineers and Architects geared to building awareness of its purpose in Nebraska communities.

The Nebraska Association of School Boards (NASB) will be selecting speakers in March 2020 for its November 2020 conference. The Board has been added to NASB’s list of possible speakers.

A presentation will be given at Doane University this semester or the next. Doane is seeking to offer ABET accredited degrees within the next few years.

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PIO Mayhew and CO Rauscher presented to the Nebraska Women in Construction, Greater Omaha Chapter (NAWIC) and Nebraska Women in Architecture on September 12, 2019. Continuing education questions were addressed.

[New Licensee Capitol Ceremony update](#)

The New Licensee Ceremony will be held on November 15, 2019, at 3:00 p.m. in the Warner Chamber of the State Capitol Building. A reception will follow at the Scottish Rite. PIO Mayhew reported reaching out to both the engineering and architecture colleges and invited faculty to attend the ceremony for photo opportunities. Kerry McCullough-Vondrak, the Communications Coordinator of the College of Architecture has indicated she plans to attend. An informal photo of attending Board members will be taken before the ceremony begins. PIO Mayhew will reach out to the new Architecture Program Director at the University of Nebraska-Lincoln's College of Architecture. A list of licensees planning to attend will be sent to the architect and professional engineer presenters prior to the ceremony.

D. NEW BUSINESS

[NCEES Resolution of Cooperation](#)

In 2018, NCEES President Jim Purcell charged the NCEES MBA Committee to work with NCEES staff to develop a communications plan and long-term strategy to promote actions to increase licensure mobility and reduce barriers to licensure. To meet this charge, the committee developed a Resolution of Cooperation between member boards. The draft was reported to be non-binding and serve only as guidance. The proposed Resolution of Cooperation was presented at the 2019 NCEES annual meeting.

The Board agreed that reducing barriers to licensure is already in place in Nebraska and any decision on signing the agreement would be made later with evidence showing that the resolution is non-binding.

[NCARB One New Idea Strategic Initiative](#)

ED Wilbeck reported receiving a worksheet from the architects' strategic planning training session at the NCARB annual meeting in June. The President of NCARB Council Relations asked that this session be discussed with the Board to find out what changes could be implemented. Kelly, who participated in the session, gave the Board a summary of the discussion. ED Wilbeck stated some of the discussion points could be included in the Operational Planning meeting in 2020.

[Revision recommendation for Policy P10.03 – Board Agenda Deadline](#)

All material for the Board agenda must be submitted the end of business at least 7 working days prior to the scheduled Board meeting.

Motion by Thiele, second by Klein to approve the revision of Policy P10.03 as proposed. Voting Yes: Peters, Thiele, Kelly, Klein, Bostelman. Voting No: None. Absent: Foley, Isom, Johnson.

[Request for eligibility letter to use "engineering" in organization name – 81-3436\(8\)](#)

Motion by Klein, second by Peters to not provide an eligibility letter for L7 Engineering LLC to use "engineering" in its organization name in accordance with 81-3436(8). Voting Yes: Peters, Thiele, Kelly, Klein, Bostelman. Voting No: None. Absent: Foley, Isom, Johnson.

[2019 and 2020 Travel and per diem authorization](#)

Authorization requests:

- ED Wilbeck to attend the NCEES Member Board Administrators Committee Meeting in Savannah, GA, on November 18-20, 2019. Funding for travel will be provided by NCEES.

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Motion by Thiele, second by Peters to authorize travel as requested. Voting Yes: Peters, Thiele, Kelly, Klein, Bostelman. Voting No: None. Absent: Foley, Isom, Johnson.

E. COMPLIANCE

Summary of Open Cases

Executive Session – Commenced at 10:48 a.m.

Motion by Kelly, second by Thiele to enter into executive session for discussion of compliance investigations and partner-agency processes 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 Vice Chair Bostelman. Voting Yes: Peters, Thiele, Kelly, Klein, Bostelman. Voting No: None. Absent: Foley, Isom, Johnson.

Active Cases: Summary & Documentation

Case 17.13, Case 17.26, Case 18.02, Case 18.13, Case 18.15, Case 18.20, Case 18.21, Case 19.01, Case 19.03, Case 19.05, Case 19.10, Case 19.11, Case 19.12, and Case 19.13 were reviewed in executive session.

Other Compliance Issues

Partner-Agency Process Summary was reviewed in executive session.

Executive Session – Concluded at 12:19 p.m.

Motion by Klein, second by Kelly to close executive session for discussion of compliance investigations and partner-agency processes not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Peters, Thiele, Kelly, Klein, Bostelman. Voting No: None. Absent: Foley, Isom, Johnson.

Motion by Thiele, second by Peters to dismiss Case 17.13 with no disciplinary action based on completed remediation. Voting Yes: Peters, Thiele, Kelly, Klein, Bostelman. Voting No: None. Absent: Foley, Isom, Johnson.

Motion by Thiele, second by Kelly to postpone the hearing for Case 19.01 for 90 days pending the Assistant Attorney General's availability. Voting Yes: Peters, Thiele, Kelly, Klein, Bostelman. Voting No: None. Absent: Foley, Isom, Johnson.

F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-17767 Jeremy Lee Achter, Structural; E-17766 Darron Keith Agawa, Civil; E-17805 Christopher James Albino, Structural; E-17801 Benjamin Randall Borree, Civil; E-17809 Ellyssa Ann Boyd, Structural; E-17811 Kenneth John Coleman, III, Civil; E-17765 Brett Cameron Commander, Civil; E-17823 Lori Lynn Cox, Civil; E-17818 John Jason Eckhart, Civil; E-17812 Rylan Olaf Elsethagen, Mechanical; E-17770 Sarah Hope Espinosa, Civil; E-17799 Benjamin Wade Fletcher, Civil; E-17810 Tyler Lee Fritz, Electrical and Computer; E-17825 Derek Charles Gaskamp, Mechanical; E-17795 Brian Laverne Gertz, Civil; E-17794 Arlen Paul Grant, Architectural; E-17802 Daniel James Harrington, Mechanical; E-17806 David Scott Hasselbrook, Civil; E-17771 Kenneth Alan Hightower, Civil; E-17816 Jeffrey Joseph Huck, Civil; E-17772 Stephen Bradley Keller, Civil; E-17803 Jeremy Wade Larson, Electrical; E-17821 Bryan Lee Lightfoot, Civil; E-17804 Steven Wayne Mackey, Mechanical; E-17764 Liem Thanh Mai, Electrical and Computer; E-17814 John Jerome Mankowski, Electrical and Computer; E-17807 Jerry Lane McGraner, Civil; E-17808 Keith Wayne Meagor, Mechanical; E-17815 Paul Henry Meiers, Mechanical; E-17768 Neil Lynn Mekelburg, Civil; E-17796 Scott Edward Paling, Civil; E-17798 Joshua Michael Pearce, Structural; E-17826 Marc Franklin Plotkin, Civil; E-17797 Ralph Jay Powell, Fire Protection; E-17813 John David Richards, Mechanical; E-17773 Nathan Scott Riley, Architectural; E-17800 Landon Cole Schulze, Civil; E-17775 Matthew

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Robert Sipiorski, Electrical and Computer; E-17817 Timothy Paul Thurgood, Civil; E-17824 Garrett Josef Townsend, Civil; E-17820 Aaron John Waltman, Civil; E-17819 Darrell Lewis Werth, Mechanical; E-17769 Joshua Lykes Whaley, Electrical and Computer; E-17774 Alexander Shuwei Yeh, Electrical and Computer; E-17822 Steven Zsinko, Jr, Civil.

Licensure of Architects by NCARB Certification

Approved: A-5100 John Paul DeFrank, A-5097 John Michael Halleran, A-5101 Ryan Christopher Horne, A-5096 Don Fredrick Larsen, A-5094 David Allen Marr, A-5099 Edward Oliver McGonigle.

Temporary Permits (None)

Engineer Intern Enrollments

Approved: Jacob Johann Glen Ellingson, Nathalie Johanna Ford, Christopher David Kubicki, Joshua Nathanael Murman, Benjamin William Schaben, Cameron Jenkins Svoboda.

Certificates of Authorization

CA4222 Woods Engineering PA, CA4223 BKA Architects Inc, CA4224 CTCI Americas Inc, CA4225 DSPC Engineers PC, CA4226 Dungan Design Group LLC, CA4227 Structural Edge Engineering PLLC, CA4228 Turnkey Telecom Solutions LLC, CA4229 Petra Seismic Design, CA4230 Bridge Diagnostics Inc, CA4231 Energy 1 LLC, CA4232 Hatch Associates Consultants Inc, CA4233 Linde Engineering North America Inc, CA4234 TeleMtn Engineering LLC, CA4235 Premier Architecture LLC, CA4236 The Lamar Johnson Collaborative LLC, CA4237 The Consulting Engineers Group-NM PC, CA4238 CAGE Engineering Inc, CA4239 Nordmin Engineering USA.

Licensure/Examination

Initial Licensure of Professional Engineers (None)

Licensure of Professional Engineers by Comity (None)

Licensure of Professional Engineers by Experience

Approved: John Matthew Lowe, Civil, TN; Leonard Charles Quick, Civil, TX; Rick Xinbao Yang, Civil, OH.

Initial Licensure of Architects (None)

Licensure of Architects by Comity (None)

Licensure of Architects by Experience (None)

Licensure of Professional Engineers by Reinstatement

Approved: E-13284 Elizabeth Mary Hennessy, Civil.

Licensure of Architects by Reinstatement (None)

ARE Exam Approvals

Approved: Kevin Douglas Baitey, Nicholas Ryan Gruit, Sarah Rebecca Schneider, Weishi Wang.

PE/SE Exam Approvals

Approved: Keith Andrew Miller, Civil.

Special Cases

ARE Exam Approvals

Approved: Tyson Ray Hendricks.

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[PE/SE Exam Approvals](#)

Approved: Michael James Nachreiner, Civil.

Motion by Thiele, second by Kelly to approve applications as recommended by staff. Voting Yes: Peters, Thiele, Kelly, Klein, Bostelman. Voting No: None. Absent: Foley, Isom, Johnson.

Other Application Issues

[Education Evaluation Request](#)

Motion by Thiele, second by Kelly to authorize NCEES to perform an education evaluation to determine if Jason Smithwick's education meets the NCEES Education Standard. Voting Yes: Peters, Thiele, Kelly, Klein, Bostelman. Voting No: None. Absent: Foley, Isom, Johnson.

G. FINANCIAL MATTERS

Financial Reports

[FY 2019-20 Financial Profile, as of August 31, 2019](#)

[Budget Status Report, August 2019](#)

[MTD General Ledger Detail Report, August 2019](#)

[Fund Summary Report, August 2019](#)

ED Wilbeck reviewed the August 2019 financial reports with the Board.

Motion by Thiele, second by Peters to approve the financial reports as presented. Voting Yes: Peters, Thiele, Kelly, Klein, Bostelman. Voting No: None. Absent: Foley, Isom, Johnson.

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next board meeting is scheduled on October 18, 2019, at 8:30 a.m. in the large conference room, 5th floor, 215 Centennial Mall South, Lincoln, Nebraska.

[Individuals and organizations authorized to practice as of September 4, 2019:](#)

Professional Engineers.....	8,305
Architects	1,954
Certificates of Authorization.....	2,234
Temporary Permits	20

Examination Information/Results

The ARE Monthly Pass/Fail Report for July 2019 showed 13 exams taken and 11 exams passed.

There were 82 ARE candidates with open eligibilities on September 1, 2019.

The FE Exam Registration Numbers and Pass Rate History Report showed an 82.2% average pass rate for first-time examinees and a 50.0% average retake pass rate in 2019 for Nebraska examinations.

The PE Pass-Fail Registration and Pass Rate History Report for pencil-and-paper format examinations showed a 75.6% pass rate for first-time takers and a 65.2% pass rate for retakes in Nebraska in April 2019.

The PE Pass-Fail pass rate for computer-based examinations (CBT), showed a 66.7% average pass rate for first-time takers at the end of the second quarter in Nebraska.

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The SE Pass-Fail Quarterly Report for the pencil-and-paper format structural engineering examinations showed a 8.3% average pass rate for first-time takers and a 45.5% average pass rate for retakes in Nebraska in April 2019.

Other Information

Facebook Analytics Report showed 261 people reached from August 7, 2019 to September 3, 2019.

Mailchimp Analytics Report indicated an email was sent on August 27, 2019, to a total of 236 architects and professional engineers whose licenses expired on December 2018. An additional 39 renewal reminders were emailed through Outlook.

The August 2019 Website Dashboard Report indicated the Board's website had 2,451 total visits.

Board policies approved as of May 17, 2019, were provided.

ADJOURNMENT

Motion by Thiele, second by Kelly to adjourn at 12:26 p.m.



Secretary