

Board Nebraska Board of Engineers and Architects
Board Meeting Minutes
March 24, 2016

CALL TO ORDER

The meeting was held at 1526 K St, Employee Development Training Room, Lower Level, Lincoln, Nebraska. Vice-Chair Kester 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.

Roll Call: Krista Kester, Vice-Chair; Roger Helgoth, Secretary; Mark Champion; Michael Konzett; Jennifer Klein; Daniel Linzell. Absent: Lori Krejci, Chair; Tom Laging. Mr. Laging arrived at 9:09 a.m.

Staff Present: Jon Wilbeck, Interim Executive Director (IED)/Compliance Officer (CO); Sandra Weaver, Administrator (AD); Jean Lais, Administrative Assistant (AA); Tanna Dittmar, Public Information Officer (PIO).

The following appeared before the Board:

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

Public in attendance:

Lenora Isom

Election of Officers

Board Policy 00.01 – 3/17/2000

Action Motion by Konzett, second by Champion to nominate Klein as Secretary. Voting Yes: Konzett, Helgoth, Klein, Linzell, Champion, Kester. Voting No: None. Absent: Krejci, Laging.

Kester declared Klein elected as secretary. Per Board Policy 00.01, Kester became Chair and Helgoth became Vice-Chair.

Agenda Items

A Consent Agenda

Meeting Minutes

February 19, 2016 meeting minutes

Approval of the Minutes

Action Motion by Klein, second by Linzell to approve the minutes with minor corrections. Voting Yes: Konzett, Helgoth, Klein, Linzell, Champion, Kester. Voting No: None. Absent: Krejci, Laging.

B Committee Reports

2015-16 Board committee assignments and charges

Executive Committee Report – No report

Education and Communication Committee Report

Committee Chair Helgoth reported the Education and Communication Committee met on February 23, 2016. Possible newsletter topics were discussed and will be revisited after the operational planning meeting. The roll-out for the new website will occur soon. ED Wilbeck reported meeting with Jackie McCullough, Executive Director of ACEC/Nebraska and Sara Kay, Executive Director of AIA Nebraska. Their organizations would like to host the 2016 continuing education seminar. They will put together a plan and determine what is needed for support. A possible forum with NCARB and NCEES to update architects and professional engineers on what is happening on the national front was discussed. Further planning will be brought to the next meeting on April 15th.

An Activity Report tracking activity on the Board's website from February 17 to March 15, 2016, was presented by PIO Dittmar.

Enforcement Committee Report – No report

Legislative Committee Report

Legislative Liaison Lombardi reported on key bills with priority status as follows:

- LB704 - Changes building code provisions applicable to political subdivisions
- LB867 - Changes provisions relating to the Administrative Procedure Act and requires the Department of Correctional Services to adopt and promulgate rules and regulations
- LB960 - Adopts the Transportation Innovation Act and provides transfers from the Cash Reserve Fund

Other monitored bills or studies:

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- LB328 - Changes provisions of the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act
- LB703 – Changes provisions relating to obstruction-related nuisances in cities and villages
- LR490 – Interim study to examine the enforcement of state and local building codes. Sending a letter to Senator Crawford offering available expertise was suggested.

Lombardi stated a list of candidates in various areas will be provided to the Board since 14 or more new senators will be elected in November. Chair Kester informed Lombardi about meetings with the stakeholders to discuss exemptions. Meetings were scheduled with the Professional Engineers Coalition (PEC) and the Nebraska Society of Professional Engineers (NeSPE) on March 23rd, the American Council of Engineering (ACEC) on March 29th, and the Society of the American Institute of Architects (AIA Nebraska) on March 30th. The Legislative Committee will try to reach a firm consensus on exemptions before meeting with secondary stakeholders. A planning session will be held to discuss issues and determine the next step. A final report will be provided by the Legislative Committee before the organizational planning session.

Laging arrived at the meeting at 9:09 a.m.

Operational Planning

Discussion of 2016 Operational Planning Proposed Agenda

Chair Kester noted the planning meeting on April 14th seemed more operational than strategic. Some major internal issues and legislative issues need to be discussed. Laging suggested adding “the integrated path to licensure” to the agenda. Assigning task forces to individual issues rather than committees was suggested. Members were asked to give IED Wilbeck information in advance if there were any additional subjects to discuss. The Operational Planning meeting will be an all-day event beginning at 8:30 a.m. in the large LCF conference room. Lunch will be provided.

C Old Business

Proposed Policy 16.01 – Renewal Disclosures Authorized to be Administratively Reviewed

An applicant's prior criminal or disciplinary history from any jurisdiction may be considered by the Board as part of the application process for initial licensure, comity licensure, or examination. The existence of such history is not an automatic bar to being licensed or to be allowed to take examinations, nor is disclosure intended to automatically require consideration of discipline by the Board.

The review and evaluation of disclosure statements provided by applicants during the licensing or examination application process may be performed by the Executive Director with the assistance of Board staff. However, the Board must review disclosures which an applicant has not previously disclosed and which indicate:

1. Felony convictions;
2. Probation, suspension, or revocation of an architect or professional engineer license in another jurisdiction;
3. Repetitive or multiple violations; or
4. Evidence of unfitness to practice the profession.

Action Motion by Helgoth, second by Conzett to approve Policy 16.01 as amended. Voting Yes: Conzett, Helgoth, Klein, Laging, Linzell, Champion, Kester. Voting No: None. Absent: Krejci.

MOU with State Fire Marshal

The Board reviewed the revised memorandum of understanding with the State Fire Marshal. A complete correspondence file on the MOU process will be kept for documentation.

Action Motion by Conzett, second by Helgoth to proceed with the execution of the MOU with the State Fire Marshal as reviewed. Voting Yes: Conzett, Helgoth, Klein, Laging, Linzell, Champion, Kester. Voting No: None. Absent: Krejci.

LB788 – Letter of support

IED Wilbeck reported a letter and brief testimony supporting the provision in LB788 allowing professional landscape architects to act as coordinating professionals, was provided for the hearing on February 19, 2016. The bill did not make it out of committee.

NCARB monitoring deregulation efforts

Many jurisdictions are tracking the national conversation regarding the role of licensing authorities and the regulation of various disciplines. The trend stems from last year's U.S. Supreme Court ruling against the North Carolina Dental Board which overturned the NC board's decision to issue cease and desist orders

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against unlicensed teeth whitening vendors. Some jurisdictions are reacting to the decision through legislative and executive branch actions. NCARB reaffirmed its commitment to assure the promotion and protection of reasonable regulation and asked boards to inform them if their legislature or governor embarks on a path addressing the role of their board. The Nebraska Board will watch the issue.

Proposed revisions to ABET Criterion 3 and 5

ABET is proposing revisions for EAC Criterion 3 and 5. During its meeting in February, the NCEES Board endorsed recommendations concerning these revisions as offered by NCEES Past President Dave Whitman who serves as the NCEES' representative on the ABET Board. Conzett stated the issue was brought to the attention of state boards since this was the open comment period. The issue will be revisited at the April meeting so the Board can study the proposed revisions before responding.

D New Business

Governance Items

Proposed Policy 16.02 – CE Carryover from Initial Renewal Period

Professional engineers who complete more than 30 ECE hours, and architects who complete more than 24 ACE hours, in their initial renewal period are eligible to carry over excess CE credits, subject to the limitations described in Chapter 9 of the rules.

Action Motion by Linzell, second by Conzett to adopt Policy 16.02 as amended. Voting Yes: Conzett, Helgoth, Klein, Laging, Linzell, Champion, Kester. Voting No: None. Absent: Krejci.

Architecture Items

NCARB Draft Resolutions for 2016 business meeting

The Board reviewed and discussed the draft resolutions provided at the 2016 NCARB Regional Summit. Resolutions will be voted on at the Annual meeting in June 2016. The Board was in agreement to have its voting delegate vote "yes" for all resolutions.

Engineering Items

Engineering Competency Model

NCEES has been a large part of the effort by the American Association of Engineering Societies (AAES) to work with the U.S. Department of Labor to create an Engineering Competency Model. A link to both the competency model and a promotional video was provided by NCEES.

Engineering News-Record publication concerning engineering scams - February 17, 2016

A February 17, 2016 article in the Engineering News-Record (ENR) reported the Los Angeles County Sheriff's Department accused two phony engineers of using stolen software to forge the engineering seal and signature of a former employer. The suspects allegedly used fake stamps to sell illegal drawings to hundreds of residential and commercial projects built throughout Southern California over 10 years.

The Board reiterated its need to connect to municipalities and building officials through various avenues of communication to help prevent a similar issue in Nebraska.

Other New Business

Expiration of terms for Emeritus Board members

Action Motion by Helgoth, second by Linzell to renew the Emeritus terms of Fred Choobineh, Dale Sall and Albert Hamersky for one year as allowed per Neb. Rev. Stat. § 81-3428(4). Voting Yes: Conzett, Helgoth, Klein, Laging, Linzell, Champion, Kester. Voting No: None. Absent: Krejci.

The Emeritus Status for Board member Lori Krejci will be addressed at the April 15th meeting since the appointment of the new member takes place on April 8th.

Authorization for Travel

2016 travel and per diem authorization

Action Conzett noted he would be traveling on April 6, 2016, to Nashville, TN, for the NCEES Southern Zone Meeting. The following requests were addressed:

- Conzett and the Executive Director were authorized to attend the NCEES Central Zone Meeting on May 5-7, 2016, at Kansas City, MO. Travel dates are May 5th and 8th. Klein noted she would be traveling home on the 7th.
- Champion, Isom, Laging, and the Executive Director were authorized to attend the NCARB Annual Meeting on June 16-18, 2016, in Seattle, WA. Champion and Laging were selected as the funded delegates. Travel dates are June 15th and 19th.

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- Conzett, Helgoth, Kester, Klein, Linzell, and the Executive Director were authorized to attend the NCEES Annual Meeting in Indianapolis, IN, on August 24-27, 2016. Helgoth and Kester were selected as funded delegates. Linzell could be funded as a first-time attendee. Travel dates will be August 23rd and 28th.
- Conzett was authorized for the NCEES Board of Directors meeting in Indianapolis, IN, on August 23, 2016. Travel will occur on the 22nd.

Action

Motion by Klein, second by Laging to authorize travel as requested. Voting Yes: Conzett, Helgoth, Klein, Laging, Linzell, Champion, Kester. Voting No: None. Absent: Krejci.

E Applications

Administratively Approved

NCEES MLE – Engineers

E-16019 David Michael Barrientos, Mechanical; E-16014 Phillip Robert Blonn, Civil; E-16013 Alec Randall Carnes, Mechanical; E-16003 Steven Robert DiBeradine, Mechanical; E-16001 Marshall Robert Dunn, Environmental; E-16023 Steven Evin Elliott, Civil; E-16025 Nicole Dawn Franken, Environmental; E-15988 Daniel Thomas Garman, Electrical and Computer; E-15985 James Carroll Gleason, Environmental; E-16011 John Kimball Grant, Civil; E-16016 Chad Allen Green, Mechanical; E-16005 James Jeffrey Griffin, Civil; E-16009 Deyona Elaine Hays, Control Systems; E-15997 Chase William Helgenberger, Civil; E-16010 Jeffrey Gene Hoffman, Civil; E-15998 Andrew Frederic Humphrey, Electrical and Computer; E-15980 Joseph Edwin Hutchison, Mechanical; E-15984 Mark Reidar Joyce, Civil; E-16008 Mark Alan Keller, Civil; E-16021 Kenneth Paul Klein, Mechanical; E-16000 Jason Michael Leffingwell, Mechanical; E-15976 John Tienchun Liu, Civil; E-16004 Karl Jon Lueschow, Civil; E-16012 Thomas Edward MacDonald, Civil; E-16022 Kevin Thomas Miller, Civil; E-16020 Joseph Frederick Miller, Civil; E-16006 Kevin Todd Moore, Civil; E-16024 Richard Brian Nichols, Civil; E-16027 Michael Ernster O'Brien, Structural; E-15999 Chad Ryan O'Donnell, Structural; E-16017 Mark Edward Orr, Civil; E-16007 Eric Neil Parvin, Chemical; E-15982 Joshua Michael Penso, Electrical and Computer; E-16015 David Nicholas Sansotta, Civil; E-16029 Kerimar Sapp, Electrical and Computer; E-15979 Daniel Brinton Sheffer, II, Civil; E-16028 Douglas Andrew Smelker, Mechanical; E-15981 David Michael Sparks, Structural; E-15978 Paul Russell Sprong, Electrical and Computer; E-15987 Jesse Aaron Stanley, Mechanical; E-16026 Scott Severt Stilkey, Mechanical; E-15977 Shannon Dennis Taylor, Civil; E-15983 Robert Alan Thomson, Sr., Mechanical; E-16002 Michael James Trello, Structural; E-15986 Jennifer Jayne Volz, Structural; E-16018 Douglass Irving Woolf, Structural.

NCARB Certification – Architects

A-4660 Timothy David Casey; A-4658 Brian Joseph Fitzgerald; A-4664 Michael Allen Holleman; A-4663 Michele Elizabeth Hollenbaugh; A-4659 Gerald Robert Karle; A-4661 John Sherman Odom; A-4662 Timothy Robert Tracey; A-4657 William David Worthington.

Temporary Permits

T-527 Todd Lyndon Ommen, CO, Architect; T-528 David Michael Gonzales, NM, Electrical Engineer; T-529 Kaeko Leitch, MN, Electrical and Computer Engineer; T-530 Roland Joseph Diaz, Jr., Civil Engineer.

Engineer Intern Enrollment

Austin James Bollacker, NE; Kyle James Novacek, NE; Aaron Len Wiese, NE.

Architect Registration Examination/Re-approvals

Sarah Danielle Finkhouse, KS; Daniel Clayton Scott, NE.

Organizational Practice – Certificates of Authorization

CA3517 MBN Engineering Inc; CA3518 Via Rail Logistics LLC; CA3519 Engineering Excellence LLC; CA3520 Young Engineering LLC; C3521 Timber Tech Engineering Inc; CA3522 Kelly Grossman Architects LLC; CA3523 Holbert Apple Associates Inc; CA3524 Andrew Humphrey Engineering LLC; CA3525 Haltom Engineering LLC; CA3526 Reddi Incorporated; CA3527 RW Larson Associates PC; CA3528 Moody Nolan Inc; CA3529 Hixson Incorporated; CA3530 Tri-Tech Associates Inc; CA3531 Enviro Clean Cardinal LLC; CA3532 C&H Engineering and Surveying Inc; CA3533 Bohler Engineering VA LLC; CA3534 Griffin Dewatering LLC; CA3535 TPS Electrical Consulting PC; CA3536 Dewberry Engineers Inc; CA3537 Optimized Systems LLC; CA3538 Peak Power Engineering Inc; CA3539 Performa Inc; CA3540 Architectural Expressions LLP; CA3541 Excellence Engineering LLC; CA3542 LJB Inc; CA3543 AE2S Industrial LLC; CA3544 Lankford & Assoc. Consulting Engineers Inc; CA3545 Eaton Corporation.

Licensure/Examination

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Applications for licensure of Engineers by Comity

Approved: Maged Abdel-Messih, Civil, WA; Michael Allen Berger, Electrical, ND; Richard Geert Eshlaman, Civil, MI; Kathleen Joy Nordness, Mechanical, FL; Lindsey Elizabeth Roberts McKenzie, Civil, MN; Mark Perry Smith, Civil, CA.

Applications for licensure of Engineers by Experience

Approved: David Michael Gonzales, Electrical, NM; Rasko Petar Ojdrovic, Civil, MA; Robert Kenyon Wigley, Civil, PA.

Applications for licensure of Architects by Experience – None

Applications for licensure by Reinstatement – None

Applications to take the PE Exam

Approved: Landon Neil Bodenschatz, MO, Structural VL; Matthew Thomas Broghammer, NE, Electrical & Computer; Nathan Eugene Werner, NE, Mechanical.

Special Cases – Applications for licensure of Engineers by Comity

Approved: Jiang Yu, Civil, CT; Yurianto Yurianto, Civil, TX.

Special Cases – Applications for licensure of Engineers by NCEES MLE

Approved: Kevin Michael Scurry, Structural.

Special Cases – Applications to take the PE Exam

Approved: Shaddi Anthony Assad, CO, Civil.

Approval of Applications

Action Motion by Linzell, second by Klein to approve applications as recommended by staff. Voting Yes: Conzett, Helgoth, Klein, Laging, Linzell, Champion, Kester. Voting No: None. Absent: Krejci.

Other Application Issues

Contact with exam and licensee candidates

Board members were reminded that examination and licensure applicant questions and concerns should be referred to staff if brought up outside of a Board meeting.

F Financial Matters

Reports

Licensing Database Change

Board staff requested action to proceed with conversion to new database software offered by GL Solutions because of ongoing issues with the current database. Helgoth requested a summary with clear documentation be provided by staff before a vote is taken by the Board. Staff will put together and distribute supporting documents to the Board as soon as possible. A special meeting will be held to take action after members have had time to review.

Appropriation Committee's budget recommendation for mid-biennium request

LB956 provides a mid-biennium budget adjustment of \$75,000 for database software and increases the salary limitation \$11,200 to allow for a higher per diem rate. The bill was placed on Final Reading with an enrollment and review change on March 22nd and will be presented to the Governor for approval.

FY 2015-16 Financial Profile, February 2016

Budget Status Report, February 2016

MTD General Ledger Detail Report, February 2016

Fund Summary Report, February 2016

February 2016 Financial Reports were presented to the Board.

Summary and Updated Budget Status Report, as of March 15, 2016

In March 2016, the budget status was updated to reflect unforeseen changes in expenditures. AD Weaver provided estimates of projected expenditure changes. The current fiscal year will end June 30, 2016.

Approval of Financial Reports

Action Motion by Klein, second by Conzett to approve the Financial Reports as presented. Voting Yes: Conzett, Helgoth, Klein, Laging, Linzell, Champion, Kester. Voting No: None. Absent: Krejci.

Contracts

Appointment of Sean Minahan as Special Assistant Attorney General

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Pursuant to the constitutional and statutory authority of the Office of the Attorney General of the State of Nebraska, Sean A. Minahan was appointed as Special Assistant Attorney General for the purpose of representing the Board. The appointment shall commence on March 23, 2016 and expire on March 23, 2017.

Sean A. Minahan, Attorney at Law, Lamson Dugan & Murray, LLP

The proposed contract between the Board of Engineers and Architects and Sean A. Minahan, Attorney at Law, of Lamson Dugan & Murray, LLP, beginning March 24, 2016, and ending March 23, 2017, provides for legal representation of the Board as Special Assistant Attorney General at a varied hourly rate of \$210 for attorney fees, \$175 for associate attorney fees, and \$110 per hour for paralegals, working under Mr. Minahan's supervision. Only one-half of the necessary travel time required to conduct the work of the Board will be billed.

Action Motion by Helgoth, second by Laging to approve the contract with Sean A. Minahan for legal services as presented. Voting Yes: Conzett, Helgoth, Klein, Laging, Linzell, Champion, Kester. Voting No: None. Absent: Krejci.

Other Financial Matters

Office lease expiration

The lease for the Board office space in the Lincoln Community Foundation Building was initiated in 2006, revised for storage space in 2009, and expires in November 2016. Because a renewal clause was not included in the current lease, the Board may need to advertise for office space in coordination with the State Building Division of the Department of Administrative Services. A draft of the "Leasing Requisition" form was submitted for review. Champion volunteered his services to look at the office layout. Chair Kester appointed Champion as an Ad Hoc Committee to work with IED Wilbeck and the State Building Division. Members were asked to bring any suggestions for available locations to the Board.

Action Motion by Linzell, second by Klein to task the Ad Hoc Committee to work with the Interim Executive Director to move the leasing process forward. Voting Yes: Conzett, Helgoth, Klein, Laging, Linzell, Champion, Kester. Voting No: None. Absent: Krejci.

Executive Session – Commenced at 11:56 a.m.

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

Interim Executive Director compensation

Reviewed in Executive Session

G Compliance

Logs

Open cases

History of closed cases

Cases

15.04 – Summary & Documentation

Reviewed in Executive Session

15.25 – Summary

Reviewed in Executive Session

15.26 – Summary

Reviewed in Executive Session

Executive Session – Concluded at 12:34 p.m.

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

Action Motion by Helgoth, second by Laging to refer Compliance Case 15.04 to counsel for processing a judgement. Voting Yes: Conzett, Helgoth, Klein, Laging, Linzell, Champion, Kester. Voting No: None. Absent: Krejci.

Interim Executive Director compensation

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Action Motion by Conzett, second by Laging to request permission from State Personnel to grant a temporary \$11.00 per hour salary adjustment within grade for Jon Wilbeck because of a considerably increased workload and higher level of duties as the Interim Executive Director. Voting Yes: Conzett, Helgoth, Klein, Laging, Linzell, Champion, Kester. Voting No: None. Absent: Krejci.

H General Information

Recognition of Lori Krejci's service to the Board

Honoring Lori Krejci for her service to the Board was discussed. A dinner (not at the expense of the Board) will be scheduled in the next few weeks.

Public meeting notice publication

An ad for the March 24, 2016 meeting was publicized in the Lincoln Journal Star.

Board meetings and schedule

A schedule of upcoming meetings and events was provided for review. An Operational Planning Session will be held Thursday, April 14, 2016, and a regular Board meeting will be held on Friday, April 15, 2016, at 215 Centennial Mall South, Large Conference Room, Lincoln, NE. Both meetings will begin at 8:30 a.m.

Roster of Board members

A roster of the Board was provided. Notice was received from Governor Rickett's office that Lenora Isom was appointed as an Architect member. Her term begins April 8, 2016, and continues until February 28, 2021.

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.

Examination Information/Results

ARE Monthly Pass/Fail Report

Sixteen exams were attempted for various sections of the ARE in February 2016. Seven exams were passed.

ARE Candidates with Open Eligibilities

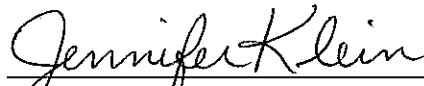
A total of 586 candidates had open eligibilities on March 1, 2016.

Other information

Approved Board policies were provided for review.

Adjournment

The meeting was adjourned at 12:44 p.m.



Jennifer Klein, Secretary