

## CALL TO ORDER

The August 6, 2021, meeting of the Nebraska Board of Engineers and Architects was held in the 5<sup>th</sup>-floor conference room, 215 Centennial Mall South, Lincoln, Nebraska. Chair Foley called the meeting to order at 8:32 a.m. and noted the location of the Open Meetings Act. Notice of the meeting was published in the Lincoln Journal Star in compliance with the Open Meetings Act.

**Roll Call:** Brett Foley, Chair; Daniel Thiele, Vice-Chair; Jan Bostelman; Bruce Dvorak; Lenora Isom; Jason Suelter; Absent: Brian Kelly, Secretary; David Johnson

**Staff Present:** Jon Wilbeck, Executive Director (ED); Amy Habe, Compliance Officer (CO); Jean Lais, Administrative Programs Officer (APO); Mia Azizah, Marketing and Communications Specialist (MCS)

Kelly will be unable to attend meetings through October. Suelter was appointed as Secretary for the extent of Kelly's absence.

*Motion by Thiele, second by Isom to name Suelter as Secretary for the extent of Kelly's absence. Voting Yes: Dvorak, Isom, Suelter, Thiele, Bostelman; Voting No: None; Absent: Johnson, Kelly*

## PUBLIC COMMENT

No members of the public were present.

## HEARINGS

10:00 a.m.

[Nebraska Board of Engineers and Architects v. Founders LLC, Case 21.11](#)

As presiding officer, Chair Foley opened the hearing at 10:09 a.m. in the matter of the Nebraska Board of Engineers and Architects (NBEA) v. Founders LLC, Case 21.11. Respondent Founders LLC, Reiss and Heather Bruning, did not attend the hearing and were not represented by counsel. Craig Martin, NBEA legal counsel, questioned Compliance Officer Habe in direct examination. Exhibits were presented to the Board as evidence. Victoria Elliott, Great Plains Reporting, recorded the proceedings. A closing statement was made by Martin. The hearing concluded at 10:23 a.m.

## A. CONSENT AGENDA

[July 9, 2021, meeting minutes](#)

*Motion by Bostelman, second by Isom to approve the consent agenda. Voting Yes: Dvorak, Isom, Suelter, Thiele, Bostelman; Voting No: None; Absent: Johnson, Kelly; Abstain: Foley*

## B. MEETING REPORTS

### NBEA Subcommittee Reports

[Catalyst Update](#)

Kaitlin Reese, Catalyst Public Affairs, provided a summary of her meeting with Hanna Murdoch from Senator Hunt's office on July 21, 2021, regarding LB 250. Murdoch indicated the bill is tenth on the legislative worksheet order, which means it will likely be debated early in the next session and will not carry priority designation. Reese reiterated NBEA's position as neutral unless the committee amendment was not adopted causing NBEA to oppose the bill strongly. Murdoch did not foresee a scenario in which the amendment would not be adopted. Reese informed her NBEA will be keeping a close eye on the bill.

Nebraska Board of Engineers and Architects  
**Board Meeting Notes – August 6, 2021, 8:30 a.m.**  
5<sup>th</sup> Floor Large Conference Room, 215 Centennial Mall South, Lincoln, NE

---

Reese also met with Christy Abraham from the League of Nebraska Municipalities (the League) and indicated the League is working with Senator Erdman on legislation the Senator would like to bring forward to allow public entities subject to the Open Meetings Act to maintain electronic minutes. Currently, only schools and education service entities can do so. Catalyst will keep an eye on the issue as it develops.

#### Farm Building Committee

ED Wilbeck provided a draft letter to be sent to contact potential stakeholders regarding the revisions the Board would like to make related to the definition of farm buildings. Bostelman recommended adding seed companies to the list of stakeholders to be contacted. ED Wilbeck will compile a list of stakeholders and send it to the committee to ensure all appropriate entities are included.

#### Rules Revisions Committee

ED Wilbeck provided draft rules revisions regarding title block requirements. The committee determined the criteria should only be applied to organizations. After discussion, the following revisions were made:

- Add “*prepared by the organization*” after “*technical documents*” in paragraph 1.
- Combine the legal name or DBA of the organization with the address and phone number.

The next step will be to send the proposed language to the professional societies for their input.

Ed Wilbeck also provided the draft test of a remediation guide to be sent out when the Board authorizes such in a compliance case to assist project owners and licensees involved to better understand Board requirements and expectations. The document will be included with every remediation authorization letter once it is completed. After discussion, the following revisions/clarifications were made:

- *What is Remediation?* – Need to clarify this is for projects on which a complaint has been filed involving unlicensed practice and remediation has been authorized by the Board
- *Does the Board Select...?* – Add that the Board maintains a list of licensees who have indicated they would be willing to assist owners with project remediation.
- *Must Construction Stop?* – Reword to clarify this depends on the respondent’s response and how far along the project has progressed.
- *Do Technical Documents Need to be submitted...?* – Remove ambiguous language.
- *What if the local authority...?* – Move this item forward in the list and revise to reference the local building officials and state fire marshal

#### Legislative Committee

The Board discussed unified/allied board structures.

### C. OLD BUSINESS

#### Motions to be considered at 2021 NCEES Annual Business Meeting

NCEES Committee and Board of Directors motions to be presented at the NCEES Annual Meeting, August 19-20, 2021, in New Orleans, LA, were reviewed and discussed.

The Board authorized the delegates to vote in support of the motions with the following exceptions:

- Advisory Committee on Council Activities Motion 4: Oppose
- Education Motion 3: Pull from consent agenda; propose revised language to add back the language *whose statutes do not otherwise prohibit* and delete the second paragraph related to the backdating of acceptable ETAC/ABET-accredited degrees.

Nebraska Board of Engineers and Architects  
**Board Meeting Notes – August 6, 2021, 8:30 a.m.**  
5<sup>th</sup> Floor Large Conference Room, 215 Centennial Mall South, Lincoln, NE

---

- Committee on Uniform Procedures and Legislative Guidelines Motion 3: Pull from consent agenda to discuss the rationale of eight hours in a twenty-four hour period was selected for allowable continuing education credit.

*Motion by Isom, second by Dvorak to authorize the Voting Delegate to vote as discussed and authorize the delegates to use their discretion if new information is presented during the NCEES Annual meeting. Voting Yes: Dvorak, Isom, Suelter, Thiele, Bostelman, Foley; Voting No: None; Absent: Johnson, Kelly*

#### NCARB ARE Pass Rates by Demographics

A copy of NCARB's ARE Pass Rates by Demographics report was provided. The information was released on July 22, 2021, and incorporated into the current NCARB by the Numbers. As part of the release, NCARB included the June Fast Facts special edition which included an overview of the report and FAQs to assist in communication.

Chair Foley informed the Board this type of study is very rare and even rarer for it to be made public. The first step was to determine if the exam itself was causing the disparity or other factor(s), and the study revealed the ARE was not the cause. NCARB is currently reaching out to organizations that work with the affected groups to see if other factors, such as work and/or education opportunities, can be identified and how NCARB may assist in correcting the disparities.

Discussion was held related to the cultural barriers and whether there are steps that can be taken to better prepare individuals for the exam, especially for someone who is just not a good test taker. NCARB is currently working on a full-scale practice exam that will be available to all exam candidates.

#### Database Update

ED Wilbeck brought the members up to date on the database conversion project. A revised completion date has been set for October 2022. As a result of the project manager leaving inLumon in June, the project is behind schedule. Wilbeck has had some preliminary discussions with NCARB regarding their database and plans on continuing these discussions. He will also be looking into what would be involved to cancel the contract with inLumon, if the Board chose to pursue this avenue.

### D. NEW BUSINESS

#### NCARB Post-Annual Business Meeting Board of Directors Brief

The brief included articles on committee structure related to diversity and underrepresented populations and other activities of the NCARB Board of Directors. Isom reported there was approximately a 50/50 split between in-person and virtual participants. The member boards approved a reduction in the NCARB annual dues from \$6,500 to \$1,000, which went into effect with the current year's dues.

ED Wilbeck will be serving on the Incidental Practice Committee this year. Isom will serve as Region 5 Chair, chair the Diversity Collaborative, and serve on the Policy Advisory Committee.

#### NCARB Region 5 Special July 21 Meeting Recap

ED Wilbeck and Isom recapped the discussions held during the July 21, 2021, NCARB Region 5 special meeting. The meeting was held primarily to vote on an increase in regional dues due to the reduction in national dues approved at the NCARB Annual Meeting in June. Regional dues were lowered approximately four years ago due to the region not holding some of the events scheduled. With the reduction in the annual dues, a discussion started related to increasing the regional dues to allow for funds to create additional executive training and other events and activities for the region. The regional members voted to increase the dues by \$1,200. A discussion will happen at the next regional meeting about what events and materials the funds will be used.

Nebraska Board of Engineers and Architects  
**Board Meeting Notes – August 6, 2021, 8:30 a.m.**  
5<sup>th</sup> Floor Large Conference Room, 215 Centennial Mall South, Lincoln, NE

---

### FY2021-22 Marketing Plan Report and Update

MSC Azizah provided a recap of the FY2021-22 Marketing Plan development and activities Board staff attended in the first half of 2021. She also provided a list of activities and events scheduled for August and September. These include:

- Presenting at the Nebraska Planning & Zoning Association (NPZA) Conference on September 15 in Kearney
- Continued contact with other organizations who may plan to hold their annual conferences this year
- An increase in social media engagement – Reports are showing LinkedIn and Facebook have increased the Board’s website traffic

### New Licensee Ceremony Update

MCS Azizah provided an update on the new licensee ceremony preparations. The event will be held at 3:00 p.m. on November 5, 2021, in the Capitol Rotunda. Due to scheduling conflicts with the Scottish Rite Masonic Temple and concerns with COVID-19, the Board had previously decided not to hold the reception afterward.

As of July 2021, the following has been confirmed:

- Anderson Photography as the event photographer
- Maximum attendance is capped at 275 if no social distancing is required – The maximum attendance with social distancing will be around 100
- AIA NE and NeSPE have been invited
- There are 101 new licensees (93 engineers/8 architects) currently eligible to attend – This number will increase as the date approaches (there were 77 attendees (27 licensees/50 guests) last year)

The following proposed timeline for the remaining preparations was provided:

- August
  - Send invitations out with an RSVP by early September
  - Follow up with AIA and NeSPE if they have not indicated they will be attending
- September
  - Confirm attending board members and who will be reading the bios of the attending licensees
  - Send out reminders to licensees who have not RSVPed
  - Confirm the number of attendees
- October
  - Confirm the number of attendees with the Capital Commission Office for the seating arrangement
  - Walkthrough with the Capital Commission
  - Finalize program/bios

After discussion, the decision was made to limit the number of guests to two per licensee. This will keep the total number in line with the desired limit if new social distancing mandates are implemented leading up to the ceremony.

Isom agreed to read the biographies of the architects, and Suelter and Thiele agreed to read those of the engineers.

### Omaha World-Herald Op-Ed, July 9, 2021

A copy of an editorial written by former senator Laura Ebke was provided related to the Champlain Towers condo in Florida.

Nebraska Board of Engineers and Architects  
**Board Meeting Notes – August 6, 2021, 8:30 a.m.**  
5<sup>th</sup> Floor Large Conference Room, 215 Centennial Mall South, Lincoln, NE

---

### Board member travel and per diem requests

The following per diem and travel requests were approved by the Board:

- Bostelman – July 14, 2021 – NCEES State of the Council (Virtual)
- Isom – August 12-13, 2021 – NCARB Diversity Collaborative (Virtual)
- Isom – July 21, 2021 – NCARB Regional 5 Special Meeting (Virtual)

ED Wilbeck informed the members he will not be attending the NCEES annual meeting in New Orleans in person but will attend virtually.

*Motion by Suelter, second by Thiele to approved the per diem requests. Voting Yes: Dvorak, Isom, Suelter, Thiele, Bostelman, Foley; Voting No: None; Absent: Johnson, Kelly*

*Motion by Suelter, second by Isom to go into executive session for the performance evaluation of the Executive Director and 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: Dvorak, Isom, Suelter, Thiele, Bostelman, Foley; Voting No: None; Absent: Johnson, Kelly*

*Chair Foley restated the limitation of the executive session.*

*Executive Session began at 10:56 a.m.*

The performance evaluation of the executive director was discussed in executive session.

## **E. COMPLIANCE**

Cases 20.02, 20.14, 20.22, 20.27, 21.11, 21.12, 21.13, 21.23, 21.24, 21.25, and 21.26 were discussed in executive session.

### **Other Compliance Issues**

Project Review 07-01 was reviewed in executive session.

Partner agency processes were reviewed in executive session.

*Motion by Suelter, second by Thiele to close the executive session for the performance evaluation of the Executive Director and 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: Dvorak, Isom, Suelter, Thiele, Bostelman, Foley; Voting No: None; Absent: Johnson, Kelly*

*Executive Session ended at 12:43 p.m.*

*Motion by Isom, second by Thiele, to accept the Executive Committee's Executive Director's performance evaluation and grant a 3.5% pay increase for ED Wilbeck retroactive to July 1, 2021. Voting Yes: Dvorak, Isom, Suelter, Thiele, Bostelman, Foley; Voting No: None; Absent: Johnson, Kelly*

*Motion by Suelter, second by Thiele, to reschedule the hearing to October 15, 2021, in Case 20.02. Voting Yes: Dvorak, Isom, Suelter, Thiele, Bostelman, Foley; Voting No: None; Absent: Johnson, Kelly*

*Motion by Suelter, second by Thiele to impose investigative costs due within 30 days and a fine of \$2,500 for unlicensed practice of engineering in Case 21.11 with the option to defer the fine if an engineer is engaged within 30 days and any deficiencies are resolved within 60 days and costs have been paid. Voting Yes: Dvorak, Isom, Suelter, Thiele, Bostelman, Foley; Voting No: None; Absent: Johnson, Kelly*

*Motion by Suelter, second by Isom to direct ED to contact local building official Case 21.12. Voting Yes: Dvorak, Isom, Suelter, Thiele, Bostelman, Foley; Voting No: None; Absent: Johnson, Kelly*

Nebraska Board of Engineers and Architects  
**Board Meeting Notes – August 6, 2021, 8:30 a.m.**  
5<sup>th</sup> Floor Large Conference Room, 215 Centennial Mall South, Lincoln, NE

---

*Motion by Suelter, second by Thiele, to open a case against the project owner in Project Review 08-01 and authorize architectural and engineering remediation and request a response within 30 days and a remediation plan within 60 days. Voting Yes: Dvorak, Isom, Suelter, Thiele, Bostelman, Foley; Voting No: None; Absent: Johnson, Kelly*

*Motion by Suelter, second by Thiele to open a case against the designer for unlicensed practice of architecture and engineering in Project Review 08-01. Voting Yes: Dvorak, Isom, Suelter, Thiele, Bostelman, Foley; Voting No: None; Absent: Johnson, Kelly*

## **F. APPLICATIONS**

### **Administratively Approved**

#### [Licensure of Professional Engineers by NCEES MLE Designation](#)

**Approved:** E-18810 Michael Dean Alexander Jr, Chemical; E-18834 Glen Stuart Ashley, Civil; E-18855 Emily Rachel Asnicar, Civil; E-18835 Jeff Russell Babineaux, Electrical and Computer; E-18836 Peter Anthony Bergamini, Electrical and Computer; E-18808 Andrew Ragnar Berglund, Civil; E-18849 Todd Michael Born, Civil; E-18843 Justin Eugene Burgoon, Structural; E-18801 Jon David Campbell, Civil; E-18802 Robert Chaves, Electrical and Computer; E-18804 Daniel Douglas Dehon, Civil; E-18837 Virgil Wayne Ellett, Electrical and Computer; E-18856 Alex Michael Fisher, Civil; E-18841 Matthew David Franks, Architectural; E-18844 Brian James Giese, Civil; E-18851 Daniel Robert Grice, Metallurgical; E-18857 Jason Cabe Johnston, Structural; E-18858 Brian Kenneth Kermode, Structural; E-18838 Daren King, Structural; E-18805 Steven Alan Klocke, Civil; E-18854 John Henry Leesman, Structural; E-18853 Brad Paul Loomis; E-18850 Nathaniel Allen Modilich, Mechanical; E-18859 Ryan Joseph Morrissey, Civil; E-18839 Mark John Mutziger, Civil; E-18840 Paul David Novogoratz, Mechanical; E-18845 Michael William Philpot, Civil; E-18809 Adam Christopher Rankin, Mechanical; E-18860 Peter Thomas Ricchio, Structural; E-18847 Colin Douglas Schaffnit, Civil; E-18861 James Stephen Simmons, Civil; E-18862 William Brent Eugene Stubstad, Electrical and Computer; E-18842 Eric Frank Trillas, Civil; E-18863 Michael Moran Vollbrecht, Structural; E-18846 Kyle Alan Wallace, Electrical and Computer; E-18803 Keri Lynn Williams, Civil.

#### [Licensure of Architects by NCARB Certification](#)

**Approved:** A-5313 Karl Nielson Drecktrah, A-5314 Gregory Dean Highbarger, A-5310 Jacob Jon Pynn Himmelman, A-5307 Mohammed Lawal, A-5312 John Allyn Montgomery, A-5309 James Douglas Pfeifer, A-5311 Daryl Ernest Walter.

#### [Temporary Permits](#)

**Approved:** T-631 M Mae Benvenga, Engineering.

#### [Engineer Intern Enrollments](#)

**Approved:** Joshua gene Behlen, Colton Samuel Bents, Elizabeth Ashley Christensen, Colton Lee Claussen, Carson Patrick Combs, Ian Omid Ghanavati, Anthony John Hamilton, Cameron Robert Hastings, Elizabeth Kay Humphus, Gregory Tyler Nelson, Jose Saul Olvera Cortes, Kyle Matthew Otto, Jared Allen Paine, Jack Douglas Post, Marie Elizabeth Wagner, Jace Devyn Wieseler.

#### [Certificates of Authorization](#)

**Approved:** CA4607 Yorke Engineering LLC, CA4608 Poole & Poole Architecture LLC, CA4609 FFKR Architects/Planners II, CA4610 Brunton Architects Ltd, CA4611 5BY5 Engineers LLC, CA4612 Lysaght & Associates PA, CA4613 Simply Structural Inc, CA4614 DBR Engineering Consultants Inc, CA4615 Daily Engineering Consultants LLC, CA4616 Berkebile Nelson Immenschuh McDowell Incorporated, CA4617 Cruz Subsurface Inc, CA4618 Mako Steel LP, CA4619 Doka USA Ltd.

Nebraska Board of Engineers and Architects  
**Board Meeting Notes – August 6, 2021, 8:30 a.m.**  
5<sup>th</sup> Floor Large Conference Room, 215 Centennial Mall South, Lincoln, NE

---

## PE Exam Approvals

**Approved:** James Vincent Ahlgren, Civil; Stephanie Ann Ahrens, Mechanical; Teresa Christine Blankman, Civil; Alexander Thomas Bleyhl, Civil; Elizabeth Ashley Christensen, Civil; William Owen Cord, Structural; Lauren Elizabeth Cramer, Civil; James Rosslyn Dykes, Civil; Edgar Rondez Flores, Mechanical; Robert Joseph Greenberg, Civil; Jawad Hussain Gull, Structural; Derek Brian Harris, Structural; Dustin Alan Hill, Mechanical; Trevor Alan Hinn, Agricultural and Biological; Heather Helen Ingerson, Electrical and Computer; Layne Andrew Kettelhake, Civil; Isaac Beau Kreikemeier, Civil; John Michale Linbo, Civil; Garrett Patrick Martindale, Structural; Timothy Micah Menter, Electrical and Computer; Walter James Moy, Civil; Chunong Xuan Nhat Ngo, Structural; Dana Lynn Pendleton, Civil; Ilya Aleksandrovich Poluektov, Civil; Jarod Anthony Ponticello, Civil; Zachery Alexander Scott, Civil; Elizabeth Noel Stagemeyer, Civil; Christopher Radersdorf Tomlinson, Mechanical; Robert John Truman, Civil; Jeffery William Vliestra, Structural; Derrick Adam Walton, Mechanical; Yuangong Wang, Structural; Gaoty Prefna Williams, Civil; Nicholas Allen Williams, Structural.

## Licensure/Examination

### Licensure of Professional Engineers by Comity and Initial Licensure

**Approved Comity Applications:** Christian Dedeurwaerder, Electrical; Subash Paudel, Civil; Troy Duane Slocum, Civil.

**Approved Initial Applications:** Timothy James Adams, Civil; Marissa Ann Gigantelli, Architectural; Eli Stromburg Green, Civil; Kyle Cassius Huntley Hall, Civil; Paolla Zulske Kovalsky, Civil; Taylor Lindell Kube, Civil; Nicholas Antonio Lasek, Mechanical; Garrett Patrick Martindale, Civil; Reese Stearn Meyer, Civil; Jordan Dale Vietz, Civil; Tyler Blaine Coutu, Civil; Eric Marvin Derickson, Civil; Steven Michael Hanna, Civil; Lucas John Harbison, Mechanical; Ryan Joseph Hempel, Mechanical; Tyler Joseph Keenen, Civil; Brian Michael Kelly, Architectural; Mark Daniel Mainelli, Civil; Mallory K Morton, Civil; Taylor Charles Reinsch, Civil; Dean Lewis Whitfield, Civil; Tyler David Wynn, Civil.

Licensure of Professional Engineers by Experience - *None*

Licensure of Architects by Comity and Initial Licensure - *None*

Licensure of Architects by Experience - *None*

Licensure of Professional Engineers by Reinstatement - *None*

Licensure of Architects by Reinstatement - *None*

## Special Cases

### Initial Licensure of Professional Engineers

**Approved:** Matthew Berry Newman, Mechanical

## Other Applications Actions

### Completed Application Statistics

Charts and statistics regarding the number of applications, certificates of authorization, and other applications by type were provided.

*Motion by Isom, second by Thiele, to accept the staff recommendations on applications. Voting Yes: Dvorak, Isom, Suelter, Thiele, Bostelman, Foley; Voting No: None; Absent: Johnson, Kelly*

## **G. FINANCIAL MATTERS**

### **Financial Reports**

[FY 2021-22 Financial Profile, July 2021](#)

[Budget Status Report – July 2021](#)

[Fund Summary Report – July 2021](#)

[MTD General Ledger Detail Report – July 2021](#)

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

### **Other Financial Matters**

[FY 2020-21 Review](#)

ED Wilbeck provided statistics and comparisons of the FY2021-21 expenditures and revenue.

## **H. GENERAL INFORMATION**

A schedule of upcoming meetings and events was provided. The next regular board meeting is scheduled for September 16, 2021, at 8:30 a.m. in the fifth-floor conference room, 215 Centennial Mall South, Lincoln, Nebraska.

### [Licensure and Certificate Trends](#)

*Numbers as of July 28, 2021*

Professional Engineers.....	8,636
Architects.....	1,923
Certificates of Authorization .....	2,306
Temporary Permits .....	15

### **Examination Information/Results**

The June ARE Pass/Fail Report was provided.

The FE Pass/Fail Report for the second quarter of 2021 was provided.

The PE CBT Pass/Fail Report for the second quarter of 2021 was provided.

### **Other Information**

[FY 2021-2022 Marketing Plan](#)

The FY2021-22 Marketing Plan was provided.

The Facebook report showed there were five stories posted between July 10-28, 2021. Analytics on each story was provided. The post related to sealing documents received the highest engagement reaching 413 people with three likes and one share.

The Instagram report shows 86 accounts were reached during the same period.

The LinkedIn report was provided.

The Website Dashboard Report indicates the Board’s website had 2,976 total visits in July. Facebook generated the most traffic from social media with 55 sessions.

Board policies as of July 9, 2021, were provided.



**ADJOURNMENT**

*Motion by Isom, second by Suelter to adjourn the meeting at 1:46 p.m.*



---

Jason L. Suelter, Secretary