

Nebraska Board of Engineers and Architects  
**Board Meeting Agenda – March 11, 2022, 8:30 a.m.**  
5<sup>th</sup> Floor Large Conference Room, 215 Centennial Mall South, Lincoln, NE

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## CALL TO ORDER

The March 11, 2022, 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 8:30 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; Brian Kelly, Secretary; Jan Bostelman; Bruce Dvorak; Lenora Isom; David Johnson; Jason Suelter

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

## ELECTION OF OFFICERS

*Motion by Isom, second by Bostelman to elect Thiele as Chair, Kelly as Vice-Chair, and Suelter as Secretary. Voting Yes: Bostelman, Dvorak, Isom, Johnson, Kelly, Suelter, Thiele, Foley; Voting No: None.*

The new officer terms became effective immediately.

## PUBLIC COMMENT

Tim Gay, Catalyst Public Affairs

### A. CONSENT AGENDA

February 18, 2022, [meeting minutes](#)

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

### B. MEETING REPORTS

#### NBEA Subcommittee Reports

[Legislative Committee](#)

A copy of the bills monitored by the Board and Catalyst Public Affairs was provided. Tim Gay with Catalyst Public Affairs reported the day was Day 40 of the 60-day session.

LB709 was voted out of committee on March 2<sup>nd</sup> with AM1936. The amendment incorporates LB263 into the bill along with other revisions. It is currently on General File and Senator McCollister has designated the bill as his priority bill.

Catalyst has been working with Senators McCollister and Briese on LB709 outlining the Board's concerns regarding the licensing standards listed in the bill. They have also had meetings with other senators and are working with the lobbyists of the engineering and architectural professional societies.

ED Wilbeck and Catalyst are attempting to explicitly exempt architects and professional engineers and architects from the bill. ED Wilbeck has also reached out to the American Council of Engineering Companies Nebraska Chapter, the American Institute of Architects – Nebraska Chapter, and the Nebraska Society of Professional Engineers (NeSPE) to discuss the board's concerns. Gay and ED Wilbeck have also heard there is potential opposition from the Governor's Policy Research Office (GPRO) to LB709.

Gay reported there is still a possibility of LB250 (Interior Designer certification) being amended into another bill. He also reported Catalyst is beginning to meet with legislative candidates as about half the seated senators will be term-limited out this year.

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## Rules Revision Committee

Revisions to the title block/technical submissions rules and continuing education audits were provided as per discussion at the February meeting. No revisions were made to Rule 2.2.4.4 related to the number of credit hours can be given for fluency in multiple languages or new Rule 10.2.5 related to the definition of a farm building.

### 6.5 Technical Submissions

6.5.1 *Technical submissions that constitute the practice of architecture or engineering shall include the following information on each drawing and the cover page and/or first page of specifications, reports, studies, and other documents:*

6.5.1.1 *The name and either address or location of the project;*

6.5.1.2 *The jurisdiction to which the technical submissions apply;*

6.5.1.3 *The legal name or DBA of the organization(s), or the name of the individual licensee(s) not practicing through an organization, that performed the work included in the technical submission or drawing along with contact information for the organization(s) or individual(s); and*

6.5.1.4 *If the licensee(s) sealing the technical submission or drawing are practicing through an organization, the certificate of authorization number(s) of the qualified organization(s).*

Discussion was held related to proposed Rule 6.5.1.2. The requirement is meant for general or standard details/specifications and does not apply to every project. It needs to be a sub-section of 6.5.1.1 or its own Rule.

### 9.7 Audits

9.7.1 *The Board may audit any licensee for compliance with the continuing education requirements. In addition, the Board will establish a number of ~~architects and professional engineers~~ licensees to be selected at random but not to exceed five percent of the total number of licensees...*

ED Wilbeck asked several other jurisdictions if they can audit licensees based on cause and if they do, any rule or statute language that allows them to do so. He received twenty-three responses. Most jurisdictions responding can audit for cause.

Discussion was held regarding the 120-day time period allowed for licensees to correct any hours disallowed during an audit. There are currently two separate scenarios in which an audit may not be completed when submitted for review. The first being a licensee renews, is selected for an audit, and believes they have the required number of hours, but during the review, hours are disallowed, and the licensee is informed they have 120-days to complete additional courses/hours to complete the audit. The second is a licensee renews, is selected an audit, and it is discovered they have not fulfilled the audit requirements. They are informed they need to complete the hours before their license can be renewed, but not time limit is given, and no penalty is imposed.

It was suggested the qualifier *disallowed hours* be removed making it a requirement for anyone that does not have enough hours to complete their audit. It was also suggested a disclosure to the renewal form and online system be added stating falsification of completing the continuing education requirement is subject to disciplinary action and possibly criminal charges.

Foley suggested more education on the waivers available may be needed and the recommendation that licensees contact the Board earlier rather than later if they believe they will not be able to complete the necessary hours.

## Other Meeting Reports

Isom reported on the NCARB Region 5 meeting which was held March 3-5, 2022. Discussion centered around Diversity, Equity, and Inclusion (DEI) and the challenges the region faces. Geography was identified as the main obstacle. Region 5 is a rural region. This makes it difficult to attract new students and architects to the region. The University of Kansas is the only college in the region to offer the IPAL program, but there are no students currently in the program or looking to enter it. It was suggested NCARB relook at the program to determine if a virtual or online internship program can be incorporated. Another topic was promoting the need for licensure to the correct demographic and the current generation.

Kelly reported on the NCARB Analysis of Practice Focus Group which took place March 7-8, 2022. The group looked at survey results on the practice of architecture as a whole.

## C. OLD BUSINESS

### Database Update

ED Wilbeck updated the members on the progress of the database conversion.

### State Fire Marshal 2022 Regulatory Forum Recap

ED Wilbeck reported on the discussion panel he participated in at the State Fire Marshal's (SFM) 2022 Regulatory Forum on March 2<sup>nd</sup>. Representatives from several other state agencies were a part of the panel including the Liquor Control Commission, DHHS, and the State Electrical Board. ED Wilbeck and the panel answered questions from the SFM leadership and staff along with attendees who work closely with the SFM. ED Wilbeck reported the event was very beneficial and suggested at least one board member attend the forum with him next year if it occurs.

### Summary of CE Audits for licenses expiring 12/31/2021

At the request of the members at the February meeting, CO Habe provided data on the continuing education audits for licenses that expired December 31, 2021.

- 117 licenses were chosen for audits – 81 have completed their audits successfully and 36 have not
- 5 applied for Emeritus status during the renewal process (1 in Nebraska and 4 out of state)
- 4 have paid the renewal fee, submitted paperwork, but have not completed their audit (all out of state)
- 9 have paid the renewal fee, but not submitted any audit paperwork (1 in Nebraska and 8 out of state)
- 18 have not paid the renewal fee/started the renewal process (3 in Nebraska and 15 out of state)

Based on the Rules revision discussion, a disclaimer will be added to the renewal forms and the online renewal system regarding the consequences of falsifying continuing education hours and a link to the continuing education pages on the Board's website.

It was suggested that this topic be added to the Board's May 12, 2022 Operational Planning agenda.

### NCARB 2022 Draft Resolutions

The following draft resolutions are being presented to the member boards for consideration. Any comments are due to NCARB by March 17, 2022.

- **Resolution 2022-A** Ratification of the Mutual Recognition Arrangement (MRA) development between NCARB and the U.K.'s Architect Registration Board (ARB). The agreement is expected to be signed in Spring 2022, and if the agreement is ratified, it will be implemented by January 1, 2023.

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- **Resolution 2022-B** updates the definition of responsible charge to reflect modern practice standards, including changing the term in *Model Law* to “responsible control”. The proposed responsible control language expands the existing definition to bring regulation into alignment with current practice, while removing ambiguity and clearly defining the critical components and expectations of architects in responsible control.
- **Resolution 2022-C** sunsets examination-related resolutions passed between 1966-1999 by the membership that no longer align with how NCARB operates today.
- **Resolution 2022-D** sunsets resolutions passed by the membership that no longer align with how NCARB operates today. This batch of resolutions focuses specifically on membership, related organizations, and other misc. policies that were passed between 1980-2020.
- **Resolution 2022-E** turns the Diversity Collaboration into a standing advisory committee in the *NCARB Bylaws* to ensure the continuity of its important work. This update to the *Bylaws* would further demonstrate the Council’s ongoing commitment to diversity, equity, and inclusion; send a clear signal that this work is a priority to the organization; and will allow the committee the opportunity to continue to serve.
- **Resolution 2022-F** updates the *NCARB Bylaws* to add the Northern Mariana Islands to Article VI; Section 2; make minor updates to Article VII; Section 5 for clarity and consistency for elections of like positions; and replace pronouns with gender-neutral alternatives.
- **Resolution 2022-G** is a holistic update to the Requirements for NCARB Certification in the *NCARB Certification Guidelines* for clarity, ease of use by applicants, and alignment with current processes. There are some recommended changes, including removing a five-year grace period for candidates in process as a blanket policy, aligning Section 5 with the Professional Conduct Committee’s Rules of Procedure, and removing appendices A and B.

An update on tabled Resolution 2021-H proposed by the Diversity Collaborative which would make modifications to positions and terms of the NCARB Board of Directors was provided. Work on exploring these issues remains ongoing as a precursor to any new or reconsidered resolution and will continue into FY23.

No action was taken by the Board on these draft resolutions. Any actions the Board is considering will be taken once the resolutions are finalized and prior to the NCARB Annual Meeting June 2-4, 2022. Isom informed the members that NCARB has tentatively scheduled two webinars for May 12 and 26, 2022 to discuss the resolutions that will be brought to the council for vote at the annual meeting.

## **D. NEW BUSINESS**

### **Trade Name Request**

A letter was received from Joshua Johnson (SmallTown Engineering) requesting the Board allow him to use the word *engineering* in his organization’s name with the Secretary of State as allowed by Neb. Rev. Stat. § 81-3436(7).

*Motion by Suelter, second by Isom to deny the use of engineering in SmallTown Engineering’s name with the Secretary of State. Voting Yes: Bostelman, Foley, Isom, Johnson, Kelly, Suelter, Thiele; Voting No: None; Absent: Dvorak*

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### Marketing Plan Update

MCS Stowater updated the members on the status of the 2021-22 Marketing Plan. Highlights included:

- Staff continues to reach out to various organizations listed in the 2021-22 Marketing Plan.
- Facebook continues to receive the most social media traffic. Posts related to specific persons, receive the most interaction.
- On March 9<sup>th</sup>, staff will present the rescheduled webinar to building and code officials via Webex. There were approximately fifty registrants with thirty to thirty-five participants. Requests for brochures and more information have started coming in from participants.
- CO Habe and MCS Stowater will be presenting at the Nebraska Rural Community Schools Association's (NRCSA) conference in Kearney on March 17, 2022.
- A map showing the non-building compliance cases for 2020-2021 was provided.
- ED Wilbeck participated in a discussion panel at the State Fire Marshalls 2022 Regulatory Forum on March 2<sup>nd</sup> in Kearney.
- The Remediation brochure is at the printers
- MCS Stowater and CO Habe continue to work on the licensing video
- MCS Stowater is working on setting up a new YouTube channel.

### NCARB January 2022 Update

A copy of the January 2022 NCARB Update was provided. Articles included a message from CEO Armstrong, organizational development, outreach, and department updates.

#### Discernment Regarding NCARB Culture; Diversity, Equity, and Inclusion (DEI); and Governance

A message from NCARB President Alfred Vidaurri regarding his efforts to lead a robust and intentional review of NCARB's volunteer culture focusing on impediments and opportunities to promote a more diverse, inclusive, and equitable organization was provided. Vidaurri shared key findings gathered from feedback at focus groups and surveys and provided a timeline for continuing the work of DEI into the next fiscal year.

#### NCARB Board of Directors Brief, January 2022

A copy of the NCARB Board of Directors' *BODbrief* was provided. The brief outlined the actions taken and discussions during its January 2022 meeting.

#### Proposed Changes to NCEES Bylaws

A copy of the proposed NCEES Bylaws changes was provided by the NCEES Special Committee on Bylaws. The changes will be proposed as motions at the annual meeting in August 2022. The committee will also make a presentation at each of the zone interim meetings in April and May.

##### **Article 3. Membership**

**Section 3.021 Associative Members.** Associate Members of NCEES shall have the privilege of the floor ~~upon~~ approval of the presiding officer at meetings of the Council. Associate Members ~~and~~ may serve on any committee or task force to which duly appointed....

**Section 3.022 Emeritus Members.** Emeritus Members of NCEES shall have the privilege of the floor ~~upon~~ approval of the presiding officer at meetings of the Council. Emeritus Members ~~and~~ may serve on any committee or task force to which duly appointed under the Bylaws.

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**Section 6.02 Quorum and Voting.** Only Member Boards shall be entitled to vote. Voting shall be by Member Boards, with each board entitled to one vote. ~~If a Member Board is represented by more than one delegate present at the time of voting, the vote may be split proportionately if its delegates wish.....~~

**Section 7.02 Advisory Committee on Council Activities.** The Advisory Committee on Council Activities (ACCA) shall consist of a chair and two members from each zone....

No action was taken. Any actions needed will be taken at a future Board meeting prior to the NCEES Annual Meeting on August 22-26, 2022.

#### Board member travel and per diem requests

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

- Bostelman – March 14, 2022 – NCEES Central Zone Leadership Committee (Virtual)
- Bostelman – April 13, 2022 – NCEES State of the Council (Virtual)
- Bostelman – May 11, 2022 – NCEES State of the Council (Virtual)
- Dvorak – April 13, 2022 – NCEES State of the Council (Virtual)
- Dvorak – April 14, 2022 – NCEES Education Committee (Virtual)
- Dvorak – May 11, 2022 – NCEES State of the Council (Virtual)
- Suelter – March 14, 2022 – NCEES Central Zone Leadership Committee (Virtual)
- Suelter – April 13, 2022 – NCEES State of the Council (Virtual)
- Suelter – May 11, 2022 – NCEES State of the Council (Virtual)
- Thiele – April 13, 2022 – NCEES State of the Council (Virtual)
- Thiele – May 11, 2022 – NCEES State of the Council (Virtual)

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

*Motion by Suelter, second by Isom to go into executive session for the discussion of compliance investigations and partner-agency processes, not a matter of public information to prevent the needless injury to the reputation of those involved. Voting Yes: Bostelman, Dvorak, Foley, Isom, Johnson, Suelter, Thiele; Voting No: None; Not Present for Vote: Kelly*

*Executive Session began at 10:09 a.m.*

## E. COMPLIANCE

Cases 20.14, 21.11, 21.12, 21.24, 21.25, 21.29, 21.31, 21.33, 21.35, 21.38, 21.39, 21.40, 21.41, 21.42, 22.01, and 22.02 were discussed in executive session.

*Dvorak left the meeting at 10:33 a.m.*

Project Review 03-01 was discussed in executive session.

Partner agency processes were discussed in executive session.

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

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*Executive session closed at 11:23 a.m.*

*Motion by Suelter, second by Kelly to dismiss Case 21.42 with no disciplinary action based on the voluntary surrender of the respondent's license. Voting Yes: Bostelman, Foley, Isom, Johnson, Kelly, Suelter, Thiele; Voting No: None; Absent: Dvorak*

## **F. APPLICATIONS**

### **Administratively Approved**

#### **Licensure of Professional Engineers by NCEES MLE Designation**

**Approved:** E-19215 Jeffrey Anthony Abbate, Electrical and Computer; E-19178 Peter Michael Albano, Civil; E-19218 Michael Ryan Beagles, Electrical and Computer; E-19217 Lester Clinton Brown, Civil; E-19181 Jonathan David Burkhardt, Civil; E-19205 Saul Arana Camarena, Electrical and Computer; E-19217 Adrian Laureles Castillo, Civil; C-19210 Adam Michael Collins, Civil; E-19213 Andrew Ryan Dixon, Civil; E-19208 Peter Wilhelm Korff, Civil; E-19204 Amanda Ann Lievens, Mechanical; E-19216 Daniel Aaron Lillie, Civil; E-19177 Ladd Damian Marks, Electrical; E-19211 Jeremy Lee McLaughlin, Civil; E-19202 David Lawrence Miller, Fire Protection; E-19207 Erik John Nyce, Civil; E-19179 Angela Marie Oberlander, Chemical; E-19206 David John Peterson Jr, Civil; E-19209 Logan Frederick Quiggle, Civil; E-19176 Jeffrey Thomas Schroeder, Civil; E-19180 Mark William Tayman, Civil; E-19212 Mark Edward Williams, Civil; E-19203 Paul Michael Wilson, Electrical and Computer

#### **Licensure of Architects by NCARB Certification**

**Approved:** A-5389 Edward John Bilek, A-5391 Shawn Patrick Coyle, A-5390 Tim Scott Gillet, A-5386 James Edward Mann, A-5395 Dwight Earl Miller, A-5394 Alfred Francis Pagano, A-5383 Taimage Robinson Payne, A-5385 Mark Edward Powell, A-5387 Hector Rocha Jr, A-5392 Cynthia Morgan Shuck, A-5393 Roger Lee Webb II

#### **Temporary Permits – None**

#### **Engineer Intern Enrollments**

**Approved:** David Paul Beauclair, Shauntaa' Sheree Burkhalter, Keenan Luke Johnson, Austin James Maurer, Andrew Evan Stirek, Chi Zhang

#### **Certificates of Authorization**

**Approved:** CA4742 Burke Structural Engineers PC, CA4743 Project Consulting Services Inc, CA4744 H Design Group LLC, CA4745 Clark Architectural Collaborative 3, CA4746 The Kidwell Group LLC, CA4747 Bieberly Architects PA, CA4748 HBM Architects LLC, CA4749 GRW Engineers Inc, CA4750 McLemore Luong Architects LLC, CA4751 Ascend Civil Engineering Group LLC, CA4752 Embris Group LLC, CA4753 JQ Engineering LLP, CA4754 PNP Design Group PLLC, CA4755 King Little Structural Engineering PC, CA4756 Prairie Engineers PC, CA4757 Steel Engineering Group PLLC, CA4758 Engineered Fire Protection LLC, CA4759 Industrial Ally Inc, CA4760 Watershape Consulting Inc

#### **PE Exam Approvals**

**Approved:** Jess Arland Hipke, Electrical and Computer; Merrett Paul Lane, Environmental; Winston Andrew Larson, Electrical and Computer; Austin James Maurer, Civil; Jinsol Sheridan, Civil

### **Licensure/Examination**

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

**Approved Initial Applications:** Connor James Kelley, Civil; John Michael Linbo, Civil; Cole Jeffrey Ridder, Civil;

**Approved Comity Applications:** Michael Joseph Clausner, Architectural; Amy Marie Haymaker, Civil; Jacob Peter Hedman, Environmental; Matthew Nicholas Tye, Civil; Jon Paul Ward, Structural

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Licensure of Professional Engineers by Experience

**Approved:** William Lane Hall, Civil

Licensure of Architects by Comity and Initial – *None*

Licensure of Architects by Experience – *None*

Licensure of Professional Engineers by Reinstatement – *None*

Licensure of Architects by Reinstatement – *None*

**Special Cases**

PE Exam Approvals

**Approved:** Mostafa Mahmoud Abdeighany Aboelkhier, Civil

**Other Issues**

Completed Application Statistics

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

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

**G. FINANCIAL MATTERS**

**Financial Reports**

FY 2021-22 Financial Profile, February 2022

Budget Status Report – February 2022

Fund Summary Report – February 2022

MTD General Ledger Detail Report – February 2022

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

**H. GENERAL INFORMATION**

A schedule of upcoming meetings and events was provided. The next regular board meeting is scheduled for April 8, 2022, at 8:30 a.m., in the fifth-floor conference room, 215 Centennial Mall South, Lincoln, Nebraska.

Johnson informed the Board he will be resigning due to additional work obligations. He anticipates his resignation to be effective sometime in June 2022.

**Licensure and Certification Trends**

Professional Engineers .....	8,443
Architects.....	1,847
Certificates of Authorization .....	2,262
Temporary Permits.....	14

**Examination Information/Results**

The March 2022 ARE Open Eligibility Report was provided.



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**Other Information**

The January 2022 NCARB Data by Jurisdiction report was provided.

The 2021-22 Marketing Plan was provided.

The Facebook Analytics report shows it reached 230 individuals with 62 page visits and 6 new Likes. There are currently 477 followers.

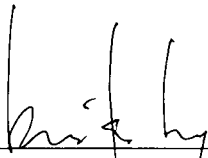
The LinkedIn Analytics showed there were 53 page views with 16 unique visitors. Traffic was highest from February 15-17<sup>th</sup>.

The Website Dashboard indicates the Board's website had 3,512 total visitors in February. Facebook generated the most traffic from social media with 19 sessions.

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

**ADJOURNMENT**

*Chair Thiele adjourned the meeting at 11:44 a.m.*



~~Jason Suelter, Secretary~~

BRIAN KELLY