

Nebraska Board of Engineers and Architects
Board Meeting Minutes
April 18, 2014

CALL TO ORDER

The meeting was held at 215 Centennial Mall South, 5th Floor Large Conference Room, Lincoln, Nebraska. Chair Klein 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 on the Board's website and in the Lincoln Journal Star in compliance with the Open Meetings Act.

Roll Call: Jennifer Klein, Chair; Lori Krejci, Vice-Chair; Michael Conzett, Secretary; Mark Champion; Fred Choobineh; Roger Helgoth; Krista Kester; Tom Laging.

Staff Present: Steve Masters, Executive Director (ED); Sandra Weaver, Administrator (AD); Lisa Mathews, Compliance Officer (CO); Jean Lais, Administrative Assistant (AA); Rachel Fetterman, Public Information Officer (PIO).

Appointments

9:15 a.m. - Rich Lombardi, American Communications Group, Inc. (*Section E - Legislative Committee*)

10:00 a.m. - Bob Bartle, Special Assistant Attorney General (*Section D - Compliance*)

Agenda Items

A Consent Agenda

Meeting Minutes

March 14, 2014 meeting minutes

Approval of Consent Agenda

Action Motion by Helgoth, second by Conzett to approve the consent agenda. Voting Yes: Conzett, Helgoth, Kester, Krejci, Laging, Champion, Choobineh, Klein. Voting No: None. Absent: None.

B Financial Matters

Reports

FY 2013-14 Financial Profile, March 2014

Budget Status Report, March 2014

MTD General Ledger Detail Report, March 2014

Fund Summary Report, March 2014

ED Masters reviewed the financial reports with the Board. FY 2013-14 will end on June 30, 2014 and FY 2014-15 will include all "new" appropriations authorized by the legislature as well as carryover appropriation from FY 2013-14.

Approval of Financial Reports

Action Motion by Krejci, second by Laging to approve the financial reports. Voting Yes: Conzett, Helgoth, Kester, Krejci, Laging, Champion, Choobineh, Klein. Voting No: None. Absent: None.

2014 Strategic Planning Session Facilitation Contract

Steven R. Wolf, Issues Management Solutions

The proposed contract with Steven R. Wolf, Issues Management Solutions, beginning on May 1, 2014 and ending August 31, 2014 would provide for payment of services for the Board's Strategic Planning Sessions at a varied hourly rate of \$159.04 per hour for the Strategic Planner/Facilitator and \$48.23 per hour for administrative support working under the Independent Contractor's supervision, with a maximum fee of five thousand, three dollars, and eighteen cents (\$5,003.18).

Action Motion by Kester, second by Krejci to approve the 2014 Strategic Planning Session facilitation contract with Steven R. Wolf, Issues Management Solutions, as presented. Voting Yes: Conzett, Helgoth, Kester, Krejci, Laging, Champion, Choobineh, Klein. Voting No: None. Absent: None.

C Applications

Administratively Approved

NCEES MLE - Engineers

E-15063 Brian James Beaulieu, Civil; E-15097 Ryan James Bierwerth, Fire Protection; E-15094 Carey Lane Bretsch, Civil; E-15080 Tyrone Robert Carter, Civil; E-15095 Gregory Wayne Erickson, Civil; E-15059 Michael Gregg Fowler, Electrical; E-15089 Robert Thomas Hagler, II, Civil; E-15081 Allan Robert Hendrikse, Architectural; E-15082 James Edwin Johnstone, Petroleum; E-15062 Philip Howard Knisley, Mechanical; E-15060 John Alexander Knowles, Structural; E-15098 Christine Rene Kuzmowski, Civil; E-15061 Frederick William Lauer, Electrical; E-15093 Christopher Frank Lenz, Civil; E-15088 Todd Michael Lesperance,

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Structural; E-15091 Michael Joseph McLaren, Structural; E-15092 Michael Jason McTavish, Architectural; E-15090 Joshua Alan Messmer, Civil; E-15086 Patricio Nungaray, Jr., Civil; E-15096 Jack Tilden Phipps, Electrical; E-15099 Chad Nathan Reeves, Civil; E-15084 Lance Wane Scott, Civil; E-15083 Susan Allen Slattery, Mechanical; E-15085 Kyungsuk Song, Electrical and Computer; E-15087 Michael Thomas Stiebel, Electrical and Computer; E-15079 William Yord, Civil.

NCARB Certification – Architects

A-4442 Andre Christopher Ballard, Sr.; A-4439 Daniel Wyatt Bolt; A-4437 Kip James Coleman; A-4441 David Jeffrey Dixon; A-4444 David Mark Fazio; A-4440 Timothy William Johnston; A-4445 Arno Arturo Sandoval; A-4436 Timothy John Shremshock; A-4435 Frank Bryon Sotolar; A-4443 William Clayton Wright, II.

Temporary Permits

T-504 Daniel Lewin, CA, Engineering.

Engineer Intern Enrollment

John Christopher Feider, NE.

Architect Registration Examination/Re-approvals

Warren Andrew Curry, NE; Hollie Ingrid Engdahl, NE; Lindsay Marie Neemann, NE.

Organizational Practice – Certificates of Authorization

CA3153 Rieschick Engineering & Consulting LLC; CA3154 GGA-PC; CA3155 MWH Americas Inc.; CA3156 Cook Flatt & Strobel Engineers PA; CA3157 Structural Workshop LLC; CA3158 Civil Engineers of Southwest Ohio Inc.; CA3159 Southwest Environmental Engineering; CA3160 Stutzki Engineering Inc.; CA3161 Dixon & Associates; CA3162 Scanion Szynskie Group Inc.; CA3163 Contek Solutions LLC; CA3164 Exis Design Shop LLC; CA3165 Hazen and Sawyer PC; CA3166 JE Engineering LLC or EJUN Engineering LLC; CA3167 Francisco J. Herrera Architect LLC; CA3168 Audubon Engineering; CA3169 Swift River Environmental Services LLC; CA3170 Kennedy Associates/Architects Inc.; CA3171 Electrical Manufacturing and Distributors Inc.; CA3172 HMN Architects Inc.; CA3173 Infrastructure Solutions Group LLC.

Licensure/Examination

Applications for licensure of Engineers by Comity

Approved: Randall Peter Bernhardt, Structural, IL; Loren Estel Dickens, III, Civil, KS; Patrick Cooper Edwards, Civil, AL; Scott Lewis Gernhart, Civil, IA; Gabriel Jon Herrera, Mechanical, WY; Kurt Richard Hoigard, Civil, IL; William James McWilliams Civil, CO; Justin Paul Milburn, Civil, KS; Gilbert Bernard Nebgen, Electrical, TX; Nathan Anthony Pesta, Agricultural, ND; Jacob John Sauer, Civil, CO; Ashley Gaffney Signorelli, Environmental, FL; Jay S. Thakkar, Mechanical, WI; David Lorien Weimer, Electrical, IA; Tara Elyse Wetzel, Civil, WI; Garrett Michael Williams, Civil, NC.

Applications for licensure of Engineers by Experience

Approved: Rajendra Kumar Ekhalikar, Civil, NY; Phillip Clyde Sears, Mechanical, TX.

Applications for licensure of Architects by Experience - None

Applications for licensure by Reinstatement

Approved: E-13256 Alan Wayne Ely; E-7352 Gary Lee Steele.

Approved: A-3674 Jed Moulton.

Applications to take the PPE Exam

Approved: John Christopher Feider, Civil, NE.

Special Cases - Applications for licensure of Engineers by Comity

Approved: Ahmed Haider Ali, Civil, CA.

Special Cases - Organizational Practice - Certificates of Authorization

Approved: CA3178 Twin Rivers Testing & Environmental, LLC.

Approval of Applications

Action Motion by Helgoth, second by Krejci to approve the applications (except the special case for Organizational Practice – Certificates of Authorization) as discussed. Voting Yes: Conzett, Helgoth, Kester, Krejci, Laging, Champion, Choobineh, Klein. Voting No: None. Absent: None.

Action Motion by Kester, second by Helgoth to approve the Certificate of Authorization for Twin Rivers Testing & Environmental, LLC. Voting Yes: Conzett, Helgoth, Kester, Krejci, Laging, Champion, Choobineh, Klein. Voting No: None. Absent: None.

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Licensing Information

Comparison of ABET-EAC Accredited Programs and NCEES Education Standard provided.

D Compliance

Logs

Current complaints provided.

History of closed complaints provided.

Executive Session - Commenced at 9:40 a.m.

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

Cases

13.08 – Summary & Documentation

Reviewed in Executive Session

13.13 – Summary & Documentation

Reviewed in Executive Session

13.15 – Summary & Documentation

Reviewed in Executive Session

14.03 – Summary & Documentation

Reviewed in Executive Session

14.04 – Summary & Documentation

Reviewed in Executive Session. Klein recused herself because of a possible conflict of interest and left the meeting during discussion of Case 14.04.

14.05 – Summary & Documentation

Reviewed in Executive Session

14.06 – Summary & Documentation

Reviewed in Executive Session

14.07 – Summary & Documentation

Reviewed in Executive Session

Other Compliance Issues

Disciplinary action since license renewal

Reviewed in Executive Session

Affidavit modification for license reinstatement application

Reviewed in Executive Session

Executive Session - Concluded at 11:18 a.m.

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

Approval of Compliance Case Disposition

Action Motion by Helgoth, second by Laging to close Case 13.13. Voting Yes: Conzett, Helgoth, Kester, Krejci, Laging, Champion, Choobineh, Klein. Voting No: None. Absent: None.

Action Motion by Kester, second by Krejci to dismiss Case 14.04. Voting Yes: Conzett, Helgoth, Kester, Krejci, Laging, Champion, Choobineh. Recused: Klein. Voting No: None. Absent: None.

Action Motion by Kester, second by Helgoth to dismiss Case 14.06. Voting Yes: Conzett, Helgoth, Kester, Krejci, Laging, Champion, Choobineh, Klein. Voting No: None. Absent: None.

E Committee Reports

Board committee appointments and assignments

Committee appointments and assignments provided.

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Executive Committee Report

None at this time.

Education and Communication Committee Report

A Facebook Activity Report tracking activity from March 6, 2014, to April 8, 2014, was presented by PIO Fetterman.

Enforcement Committee Report

Committee Chair Krejci reported the Enforcement Committee would meet immediately after the Board meeting.

2014 NCEES Zone Meeting Planning Committee Report

The NCEES Zone Meeting Planning Committee met on March 31, 2014. Contracts are currently being approved by NCEES and planning is in the final stages. PIO Fetterman reported that as of April 8, 2014, one hundred twenty people have registered for the event including nineteen first-timers and eighteen guests.

Legislative Committee Report - 9:15 a.m.

Lombardi reported the 103rd Legislature adjourned April 17th, concluding the biennium session. Seventeen legislators will not be returning. A meeting concerning LB 665 was held with Senator Krist. ED Masters, Chair Klein and Lombardi attended. Senator Krist suggested putting the last amendment in which parties had agreed to on the record. Communication will be sent to all parties that signed off on tentative legislation. Getting a bill scheduled earlier in the 2015 session is planned. Lombardi distributed a summary of changes within LB 665, a list of interested parties, and summaries of legislation of interest passed in 2014. The Legislative Committee suggested Lombardi's contract be renewed another year to assist in the transition of ED Masters to become the face of Board.

Legislative debriefing discussion

Lombardi and ED Masters created a time line for legislative revisions and a plan to draw interested parties together. The statute revision draft needs to be submitted to the bill drafters by Fall 2014. AA Lais will discuss the coordinating professional issue with the State Board of Landscape Architects since it plans to submit a bill to revise statute during the 2015 legislative session.

F Old Business

Governance Items

2014 Strategic Session Planning discussion

ED Masters reported a list of strategic session agenda topics was sent out to members with a request for any additions. The four parts of licensure, including education, examination, experience, and enforcement will be added to the statement.

Agency Contracts

Discussion of current service contracts

The proposed FY 2014-15 contract with Richard Lombardi, American Communications Group, Inc., beginning July 1, 2014, and ending June 30, 2015, provides for legislative liaison activities, attendance of Board meetings during the legislative session to provide updates, attendance of the Board's Legislative Committee meetings, and assistance with strategizing future revisions of the Board's Act and Rules and Regulations for a maximum fee of \$21,000.

Action Motion by Helgoth, second by Krejci to approve the FY 2014-15 contract with Richard Lombardi, American Communications Group, Inc., and authorize ED Masters to sign the contract. Voting Yes: Conzett, Helgoth, Kester, Krejci, Laging, Champion, Choobineh, Klein. Voting No: None. Absent: None.

Action Motion by Helgoth, second by Laging to approve the FY 2014-15 legal services contract with Robert F. Bartle, Esquire. Voting Yes: Helgoth, Laging, Choobineh. Voting No: Conzett, Kester, Krejci, Klein. Abstain: Champion. Absent: None. Motion did not pass.

Action Motion by Kester, second by Conzett to authorize Chair Klein to appoint an Ad Hoc Committee to identify a list of qualified candidates for legal counsel with present counsel included. A list of candidates will be brought back to the next meeting. Voting Yes: Conzett, Kester, Krejci, Champion, Choobineh, Klein. Voting No: Helgoth, Laging. Absent: None. Motion passed.

After discussion, the Board tasked the Ad Hoc Committee to also review the Robert Hanna contract.

Other Items

Endorsement of Conzett for office of NCEES President-Elect for 2014-2015

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Action Motion by Krejci, second by Kester to nominate Michael J. Conzett for the Central Zone NCEES President Elect for 2014-2015. Voting Yes: Kester, Krejci, Laging, Champion, Choobineh, Klein. Abstain: Conzett, Helgoth. Voting No: None. Absent: None.
Member boards comprising the Central Zone will officially nominate their candidate for NCEES President Elect during the Interim Zone Meeting to be held May 15-17, 2014, in Lincoln, NE.

G New Business

Governance Items

A concern about the possibility of boards or board members being subject to lawsuits due to anti-trust violations will be addressed at a later date.

Addition of Policy 14.03 - Closure of Incomplete Applications

Absent specific Board action, all applications must be completed within one year.

Action Motion by Krejci, second by Laging to approve the addition of Policy 14.03 as revised. Voting Yes: Conzett, Helgoth, Kester, Krejci, Laging, Champion, Choobineh, Klein. Voting No: None. Absent: None.

New Policy 14.04 - Disclosure Updates for Applications

If an application and its disclosure statements have been signed and dated more than three months before the board meeting at which the application is to be presented for approval, a new disclosure statement may be requested by the Board.

Action Motion by Laging, second by Krejci to approve the addition of Policy 14.04 as revised. Voting Yes: Conzett, Helgoth, Kester, Krejci, Laging, Champion, Choobineh, Klein. Voting No: None. Absent: None.

Deletion of Policy 08.04 - Reimbursement for Rosters/Mailing Lists

Under amendments to § 84-712(3) contained in 2013 Neb. Laws LB 363, the actual added cost used as the basis for calculation of a fee for copies of public records cannot include any charge for the existing salary or pay obligation to public officers or public employees with respect to the first four cumulative hours of searching for, identifying, physically redacting, or copying public records responsive to a particular records request. The reimbursement policy for rosters and mailing lists is no longer applicable.

Action Motion by Kester, second by Laging to approve the deletion of Policy 08.04. Voting Yes: Conzett, Helgoth, Kester, Krejci, Laging, Champion, Choobineh, Klein. Voting No: None. Absent: None.

Engineering Items

Selection of two funded voting delegates for NCEES Annual Meeting

Choobineh and Kester will serve as funded delegates for the 2014 NCEES Annual Meeting to be held August 20-23, in Seattle, WA.

Architecture Items

NCARB request for review and feedback on proposed change to IDP

The Board reviewed the proposed change to the Intern Development Program (IDP). The change specifically relates to the reporting requirement known as the "six-month reporting rule" for IDP credit. ED Masters will respond to NCARB that the Nebraska Board has no position on the proposed change.

Other New Business

Agenda reorganization discussion

The Board was in agreement to revise the agenda as suggested by Chair Klein for the next meeting.

2014 regional and national meeting travel authorization

The date for Kester's presentation to the UN-L engineering students, in Lincoln, NE, was corrected from April 18th to April 21st, 2014.

Conzett was authorized to attend the Board of Directors Meeting in Seattle, WA on August 19th, 2014.

Conzett and Kester were authorized to attend the 2014 NCEES Annual Meeting in Seattle, WA, August 20-23, 2014.

Kester and Laging will not be able to attend the May 30, 2014 meeting. Krejci may attend but will leave early.

Hamersky congratulatory letter

The Board signed a congratulatory letter for Emeritus Board member, Albert Hamersky, in honor of his 90th birthday.

H General Information

Public meeting notice publication

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A schedule of upcoming meetings and events was provided for review.

Board meetings and schedule

A current roster of Board members was provided.

Roster of Board members

A current roster of Board members was provided.

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.

Other information

Approved Board policies were provided for review.

Adjournment

The meeting was adjourned at 12:30 p.m.



Michael Conzett, Secretary