# Board Meeting Minutes January 17, 2014

#### **CALL TO ORDER**

The meeting was held at 215 Centennial Mall South, 5th Floor, Large Conference Room, Lincoln, Nebraska. Chair Laging called the meeting to order at 8:30 a.m. and noted the location of the Public Meeting Statues. 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:** Tom Laging, Chair; Jennifer Klein, Vice-Chair; Lori Krejci, Secretary; Mark Champion; Fred Choobineh; Mike Conzett; Roger Helgoth; Krista Kester.

**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)

## **Public Comments**

No public comment

ED Steve Masters thanked members for the opportunity to serve as Executive Director and expressed appreciation for their energy and commitment to the Board.

#### **Appointments**

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

#### Agenda Items

# A Consent Agenda

# **Meeting Minutes**

December 6, 2013 meeting minutes approved as presented.

# **Approval of Consent Agenda**

Action

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

# **B** Financial Matters

#### Reports

FY 2013-14 Financial Profile, December 2013

**Budget Status Report, December 2013** 

MTD General Ledger Detail Report, December 2013

#### Fund Summary Report, December 2013

ED Masters reviewed December financial reports with the Board. It was noted revenue would show a sharper decline in FY 2014-15. Although license fees were reduced in FY 2013-14, a larger number of Certificate of Authorization renewals occur during the first few months of even years.

#### **Other Financial Matters**

# New mileage rate for personal vehicles effective January 1, 2014

Effective January 1, 2014, the standard mileage rate will be .56 cents per mile for State employees using personal vehicles for State business. Administrative Services establishes the mileage rate as per Neb. Rev. Stat. § 81-1176.

# **Budget deficit request review**

Because of a unforeseen reduction in planned expenditures, it was determined the budget deficit request was no longer needed. A letter will be prepared for the DAS Budget Administrator withdrawing the request.

#### **Approval of Financial Matters**

Action

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

#### **C** Applications

# **Administratively Approved**

#### NCEES MLE - Engineers

E-14994 Isaac Max Aboulafia, Civil; E-14973 Joseph Vincent Borrelli, Jr, Civil; E-14959 David McCain Brooks, Mechanical; E-14972 Scott Abraham Butler, Mechanical; E-15002 Humberto Louis Coelho, Civil; E-14952 Maxwell Lyons Compton, Civil; E-14984 William Robert Croasmun, Civil; E-14991 Denise Marie Dihle, Mechanical; E-14988 Gregory Cletus Doll, Electrical; E-14996 Joshua Jeremiah Jimenez, Mechanical; E-14987 David James Klimas, Mechanical; E-15000 Katrina Marie Kloberdanz, Mechanical; E-15003 Thomas John Kramer, Structural; E-14995 Robert Carlos Ortiz, Structural; E-14976 Geoffrey DeBoo Overholt, Electrical and Computer; E-14999 Blake Jonathan Pantuck, Civil; E-14932 Nathan Daniel Peleschak, Civil; E-15001 Joseph Matthew Plecnik, Civil; E-14997 Mark Edward Redmond, Mechanical; E-14989 Stephen Mark Sirtola, Civil; E-14990 Alan A. Soltani, Civil; E-14963 John Maury Stiver,

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Civil; E-14992 Frank Lillard Teasley, Civil.

#### NCARB Certification - Architects

A-4410 Mark John Bodien; A-4402 Lyle Henry Henriksen; A-4401 Scott Robert Higa; A-4400 Deborah Suzan Huff; A-4405 Benjamin Paul Kroll, A-4408 Vicki Jeanne Pollard; A-4412 Stanley Andrew Robertson; A-4403 Kurt Louis Schmitz; A-4409 Todd A. Wambach.

#### **Temporary Permits - None**

# **Engineer Intern Enrollment**

Jacob Allen Canniff, NE; Lucas John Dietterle, NE; Adam James Franzluebbers, NE; Seth Tucker Hoffman, NE.

# **Architect Registration Examination/Reapprovals**

Adam Jerod Andrews, NE; Ryan James Fisher, NE; David Emile LeBlanc, NE; Ross Jacob Miller, NE; Casey Adam Painter, NE; Timothy Murray Williams, Hong Kong.

## **Organizational Practice - Certificates of Authorization**

CA3100 Alliance Architects Inc; CA3101 Roundtable Engineering Solutions LLC; CA3102 Precision Structural Engineering Inc; CA3103 Utility Service Company; CA3104 The Architecture Studio Inc; CA3105 Power Consulting & Training Inc; CA3106 Henriksen Inc; CA3107 Arkinetics; CA3108 Greenfield Engineering Services LLC; CA3109 KlingStubbins Inc; CA3110 Wilmes & Associates Architects PSC; CA3111 Mason Industries Inc; CA3112 The Environmental Compliance Group; CA3113 Green Construction Deduction; CA3114 Gage Brothers Concrete Products Inc; CA3115 Abeinsa Abener Teyma General Partnership; CA3116 WHS Engineering Inc; CA3117 MEA Consulting Engineers Inc; CA3118 BD Construction Inc/Kearney; CA3119 United Rentals Inc.

# **Approval of Administratively Approved Applications**

Formal approval of administratively approved applications occurred after Policy 14.01 was approved under New Business of the agenda.

#### Action

Motion by Choobineh, second by Krejci to approve the administratively approved applications. Voting Yes: Krejci, Champion, Choobineh, Conzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: None.

## Licensure/Examination

# Applications for licensure of Engineers by Comity

**Approved:** Jeffrey Christopher Ford, Civil, CA; Afsar Hasan, Electrical and Computer, TX; Adam James Huff, Civil, UT; Kevin Michael Jullie, Civil, MN; Justin Michael Owens, Civil, KS; Christian Reynolds Shaw, Civil, MO; Gregory Davis Williams, Structural, IL.

# Applications for licensure of Engineers by Experience

Approved: Rex Allen Burns, Chemical, CO; Vincent Edwin Tregue, Electrical, MN.

# Applications for licensure of Architects by Experience

Approved: David Alan Pontia, OH.

# Applications for licensure by Reinstatement

Approved: E-11775 Stephen D. Ives, Civil.

# Applications to take the PPE Exam

Approved: Kristle Venisse Posadas Hawkins Beaudet, Civil, NE; Seth Tucker Hoffman, Civil, NE; Bradley Patrick Huyck, Civil, NE; Jared John Kleen, Electrical and Computer, MO; Melanie Rose Luttig, Mechanical, MO; Benjamin Jay Schroeder, Mechanical, NE; Andrew Robert Synhorst, Civil, NE; Chance Allen Thayer, Civil, NE; Joseph Steven Troester, Civil, NE.

#### Other Licensure Issues

# Request for a continuing education exemption for 2013 for active military duty

**Approved:** Brian J. Allen, E-9117, exemption of 15 hours of continuing education for 2013 because of temporary active military duty. Fifteen hours of continuing education will be required for license renewal.

# Approval of Licensure/Examination Applications/Exemption of CE

#### Action

Motion by Choobineh, second by Krejci to approve licensure and examination applications and the request for a continuing education exemption for temporary active military duty for 2013. Voting Yes: Krejci, Champion, Choobineh, Conzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: None.

# **Licensing Information**

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

#### D Compliance

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#### Logs

**Current complaints** 

History of closed complaints

Executive Session - Commenced at 8:55 a.m.

Action

Motion by Helgoth, 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 Laging. Voting Yes: Krejci, Champion, Choobineh, Conzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: None.

#### **Pending Cases**

#### 11.04 - Summary & Documentation

Reviewed in Executive Session

#### 13.01 - Summary & Documentation

Reviewed in Executive Session

#### 13.08 - Summary & Documentation

Reviewed in Executive Session

# Executive Session - Suspended at 9:20 a.m.

Action

Motion by Conzett, second by Krejci to temporarily suspend executive session for the appointment of Rich Lombardi and to address legislative issues. Voting Yes: Krejci, Champion, Choobineh, Conzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: None.

#### Executive Session - Recommenced at 10:17 a.m.

Action

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

# 13.11 - Summary & Documentation

**Reviewed in Executive Session** 

# 13.13 - Summary & Documentation

**Reviewed in Executive Session** 

## **New Cases**

#### 13.15 - Summary & Documentation

**Reviewed in Executive Session** 

# 13.16 - Summary & Documentation

**Reviewed in Executive Session** 

# 13.17 - Summary & Documentation

**Reviewed in Executive Session** 

#### 14.01 – Summary & Documentation

**Reviewed in Executive Session** 

#### Executive Session - Concluded at 10:45 a.m.

Action

Motion by Krejci, second by Klein 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: Krejci, Champion, Choobineh, Conzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: None.

# **Approval of Compliance Case Disposition**

Action

Motion by Kester, second by Choobineh to dismiss Compliance Case 13.11 without disciplinary action. Voting Yes: Krejci, Champion, Choobineh, Conzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: None.

Action

Motion by Krejci, second by Klein to send a cease and desist order for Compliance Case 13.13 and offer an informal process to resolve the matter. Voting Yes: Krejci, Champion, Choobineh, Conzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: None.

Action

Motion by Kester, second by Krejci to dismiss Compliance Case 13.16 since the Board found no probable cause. Voting Yes: Krejci, Champion, Choobineh, Conzett, Kester, Klein, Laging. Abstain: Helgoth. Voting No: None. Absent: None.

Action

Motion by Kester, second by Choobineh to assess certificate of authorization fees in arrears of \$550 in Compliance

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Case 13.17. Voting Yes: Krejci, Champion, Choobineh, Conzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: None.

#### Action

Motion by Kester, second by Krejci to assess certificate of authorization fees in arrears of \$550 in Compliance Case 14.01. Voting Yes: Krejci, Champion, Choobineh, Conzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: None.

#### **E** Committee Reports

# Board committee appointments and assignments

Committee appointments and assignments provided.

#### **Executive Committee Report**

Chair Tom Laging noted the Executive Committee had successfully negotiated with Steve Masters for the position of Executive Director. Masters was welcomed to the Board.

## **Education and Communication Committee Report**

Committee Chair Conzett noted a meeting would be scheduled during the next week.

A Facebook activity report tracking activity from December 10, 2013 to January 7, 2014, was presented by PIO Fetterman.

## **Enforcement Committee Report**

No report at this time.

# 2014 NCEES Zone Meeting Planning Committee Report

PIO Fetterman reported speakers were secured for the 2014 Zone Meeting to be held May 15-17, 2014, in Lincoln. Arrow Stage Lines will be providing Friday evening transportation. A caterer was selected to provide boxed lunches to social events on Thursday. Capitol tours will be available on Saturday. PIO Fetterman will check to see if private tours of the Capitol could be provided.

PIO Fetterman presented a volunteer signup sheet to offer assistance to the staff at the zone meeting.

# Legislative Committee Report - 9:20 a.m.

Lombardi reported public hearings for legislative bills would begin Tuesday, January 21st. LB 665, to revise the Engineers and Architects Regulation Act, was referred to the Health and Human Services Committee and will be introduced by Senator Krist. The legislative hearing for LB 665 will be held Friday, January 24th. Rich Lombardi and ED Masters will meet with the Health and Human Services Committee. Kester and Choobineh will meet with the Nebraska Society of Professional Engineers (NeSPE) and Lombardi will contact the Department of Administrative Services to address their concerns. ED Masters will make contacts as discussed and will put together a list to link testimony for the hearing. Lombardi will meet with members at 1:00 p.m. before the LB 665 hearing at the Capitol cafeteria on January 24th. Lombardi reported he had created a draft for the letter of intent. A summary of other bills of interest was also provided to the Board.

# F Old Business

#### **Governance Items**

## Revision of Policy 13.01 - Consent Agenda

The following items have been approved by the Board to be placed on the consent agenda during regular Board meetings:

- · Minutes from past meetings; and
- Noncontroversial action items at the discretion of the executive director and/or Board chair.

#### Action

Motion by Helgoth, second by Klein to approve revision of Policy 13.01 as discussed. Voting Yes: Krejci, Champion, Choobineh, Conzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: None.

# Request for act interpretation for non-occupied and non-building structures

A licensee asked for clarification of how to address projects in small towns in Nebraska without a building code or any review by a building official. In some cases, the Fire Marshal conducts the only review for health, safety, and welfare. Concern was expressed that there was no state-wide building code. The Board discussed the possibility of a public policy workshop to vet the issue and gain understanding. A suggestion was made to turn the issue over to the Education Committee.

ED Masters will make contacts with an ombudsmen and/or the State Fire Marshal to strive for a better working relationship.

#### Action

Motion by Kester, second by Krejci to have the Education Committee determine how to best vet the issue of the lack of oversight for building projects in and around small towns in rural Nebraska. Voting Yes: Krejci, Champion, Choobineh, Conzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: None.

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# **Engineering Items**

#### **E-Week activities**

PIO Fetterman reported UN-L requested that a Board member act as a judge for a student competition at its E-Week activities. Helgoth volunteered to participate. The Board will also try to acquire a booth at the event.

#### Other Items

## Continuing education issues with web-based courses

The NCEES Education Committee will be reviewing issues with continuing education courses. The subject will be addressed at the Board's 2014 Strategic Planning Session.

# Continuing education guidelines comparison

A comparison of the Board's Continuing Education Guidelines document with NCEES' continuing education guidelines and the Act was provided. The guidelines for continuing education will be reviewed at the Board's 2014 Strategic Planning Session.

#### **G** New Business

#### **Governance Items**

# Revision of Policy 07.07 - Filing Fee Waived for First Time Exam Applicants of the ARE

The filing fee is waived for first time applicants applying to sit for the Architect's Registration Examination (ARE). The reapproval filing fee to re-establish authorization to sit for the ARE is \$30.

Action

Motion by Choobineh, second by Klein to approve revision of Policy 07.07 as discussed. Voting Yes: Krejci, Champion, Choobineh, Conzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: None.

# Addition of Policy 14.01 - Applications Authorized to be Administratively Approved

The following items have been authorized by the Board to be administratively approved and placed on the agenda in the Application section under "Administratively Approved" for regular Board meetings:

- Professional engineer license applications via comity, where applicants hold an NCEES Record in good standing and meet "Model Law Engineer" or "Model Law Structural Engineer" standards as designated on the applicant's NCEES Record;
- Architect license applications via comity, where applicants hold an NCARB Certificate in good standing;
- Temporary permit applications;
- Engineer Intern enrollment applications;
- Architectural Registration Examination (ARE) applications;
- Architectural Registration Examination (ARE) reapproval applications; and
- Certificate of Authorization applications.

Action

Motion by Kester, second by Krejci to adopt Policy 14.01 with the understanding that the first notification letter to the applicant will indicate issuance is contingent on formal approval by the Board. Voting Yes: Krejci, Champion, Choobineh, Conzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: None.

# Addition of Policy 14.02 - Forensic Engineering Licensing Jurisdiction for Testing

Forensic testing requiring the services of an architect or professional engineer, for purposes of the E&A Regulation Act, is considered the practice of architecture and/or engineering, regardless of where the test material originated, if the facility performing the testing services is located in Nebraska.

Action

Motion by Choobineh, second by Krejci to adopt Policy 14.02 as discussed. Voting Yes: Krejci, Champion, Choobineh, Conzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: None.

#### **Engineering Items**

# NCEES Central Zone Awards Com. inviting nominations for Distinguished Service Award

Board members were reminded the deadline for nominations for the *Distinguished Service Award* is no later than January 31, 2014. The award will be presented at the Central Zone Interim Meeting in May 2014, in Lincoln, NE.

#### **Architecture Items**

## NCARB ARE 5.0 press release

The final Test Specification outlining the division structure for ARE 5.0 was approved December 7, 2013, by the Board of Directors of the National Council of Architectural Registration Boards. The ARE 5.0 division structure results from an effort to align the exam with more commonly defined professional architect activities of practice management, project management, and project design.

# NCARB visit to Nebraska Board

Since NCARB representatives were unable to visit the Nebraska Board in January as planned, attendance will be made at a later date. A meeting calendar will be sent to Kathy Hillegas, Director, Council Relations. It was suggested that the

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Strategic Planning session would be a good time for the NCARB visit. ED Masters and Klein will coordinate a meeting date and inform the Board know at least a month before the scheduled visit.

#### Other Items

# Approval of in-state travel for Executive Director for FY 2013-14

#### Action

Motion by Helgoth, second by Klein to approve all necessary in-state travel for official board business for Executive Director Steve Masters for the remainder of FY 2013-14. Voting Yes: Krejci, Champion, Choobineh, Conzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: None.

# **Steve Masters Offer of Employment Agreement**

Steve Masters began employment with the Board of Engineers and Architects on January 6, 2014. An Offer of Employment Agreement was signed by Masters and Chair Laging on behalf of the Board.

# Review of board membership and possible consulting activities

ED Masters stated the Offer of Employment Agreement requires disclosure of consulting work while serving as the Executive Director. In an effort to be transparent, participation as a board member of the Nebraska Water Balance Alliance (NWBA) was disclosed. The Board agreed that Masters' position as the Executive Director for the Board of Engineers and Architects could be published on the NWBA board member page. Disclosure included a request for assistance with development of the Agricultural BMP Database for the Water Environment Research Foundation and National Corn Growers. ED Masters also requested permission to continue limited consulting work for a Lincoln firm.

#### Action

Motion by Kester, second by Krejci to accept ED Masters participation on the Nebraska Water Balance Alliance Board, and assist with development of the Agricultural BMP Database for the Water Environment Research Foundation and National Corn growers during his employment as Executive Director with the Board of Engineers and Architects. Voting Yes: Krejci, Champion, Choobineh, Conzett, Helgoth, Kester, Klein, Laging. Voting No: None. Absent: None.

#### Action

Motion by Krista, second by Krejci to allow ED Masters to continue limited consulting work for an firm based in Lincoln. Voting Yes: Krejci, Kester, Klein, Laging. Voting No: Champion, Choobineh, Conzett, Helgoth. Absent: None. ED Masters volunteered to discontinue all consulting for the firm by February 2014 because of a possible conflict of interest.

# **Expiration of Board member terms**

Board member terms of Laging and Champion expire on February 28, 2014. Laging reported he would not be seeking reappointment. Since he is the architect educational member, the Dean of the UN-L College of Architecture must submit a recommendation before an appointment can be made by the Governor. Laging stated he would remain on the Board until a replacement could be found. AD Weaver will inform the Boards and Commissions office.

# 2014 regional and national meeting travel authorization

All Board members were authorized to attend the Legislative Hearing for LB 665 at the State Capitol in Lincoln, NE, on Friday, January 24, 2014.

ED Masters was authorized to attend the NCEES MBA Meeting in Scottsdale, AZ, February 5, 2014, by the Chair Laging in December since the registration deadline was before the January Board meeting.

Conzett was authorized to attend the NCEES Education Committee Meeting, Tampa, FL, February 7-8, 2014. Conzett was authorized to attend the NCEES Board of Directors Meeting in St Croix, US Virgin Islands, February 21-22, 2014.

Champion, Laging, and ED Masters were authorized to attend the NCARB Regional Summit meeting in San Antonio, TX, March 7-8, 2014. ED Masters will also be attending the MBE Workshop on March 6, 2014.

All Board members and ED Masters were authorized to attend the NCEES Central/Western Zone Meeting in Lincoln, NE, May 15-17, 2014. Helgoth and Conzett were authorized for travel status during the meeting since they will be staying overnight to help facilitate the conference.

Conzett was authorized for the NCEES Board of Directors Meeting in Lincoln, NE, May 18-19, 2014.

Champion, Laging, and ED Masters were authorized to attend the NCARB Annual Meeting in Philadelphia, PA, June 18-21, 2014.

Choobineh was authorized to attend the NCEES Annual Meeting in Seattle, WA, August 20-23, 2014.

# Funded delegates for 2014 NCARB Regional Summit Meeting

A funded delegate and MBE participation form will need to be sent to NCARB for the 2014 NCARB Regional Summit Meeting on March 7-8, 2014. The Board of Directors voted to offer the Funded Delegate Program for the Regional Summit for each Member Board to send up to two delegates. In addition, all Member Board Executives will be funded.

# Conzett candidacy for NCEES President Elect 2014-2015

Action

Motion by Choobineh, second by Krejci to support the nomination of Mike Conzett as NCEES President Elect for 2014-

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2015 and to create a consent letter to be provided to the NCEES Nomination Committee. Support was approved unanimously.

Conzett will assist in drafting a letter. The Council will vote for candidates at the NCEES Annual meeting.

#### **H** General Information

#### Public meeting notice publication

A public notice request was sent to the Lincoln Journal Star for the January 17, 2014 meeting.

# Board meetings and schedule

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

#### 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.

# **Nebraska Engineering Exam Results**

# Overall exam performance by discipline - FE

The October 2013 FE Exam performance summary from NCEES reported a total of 184 examinees sitting for the FE Exam in Nebraska.

#### Overall exam performance by discipline - PE

The October 2013 PE exam performance summary from NCEES reported a total of 64 examinees sitting for the PE Exam from Nebraska.

## Summary of October 2013 exam activities

A summary of activities related to the administration of the October 2013 exams was provided by NCEES. There were 262 candidates who sat for engineering exams with a 5.1% overall no show rate.

# October 2013 STR16 exam and component results summary

The October 2013 Structural exam and component results summary was provided by NCEES. A total of eight (8) examinees took the vertical and six (6) examinees sat for the lateral component from Nebraska.

# Exam registration numbers and pass rate history

A NCEES pass rate history of FE and PE exams taken in Nebraska from October 2010 through April 2013 was provided.

# **Architect Survey Results**

# NCARB's 2013 survey of registered architects in US

A 2013 survey of US architectural registration boards by NCARB indicates that there are currently 105,847 registered architects in the United States. This represents a 0.24 percent increase in licensed architects from last year's survey. Data was collected from jurisdictions in the Fall of 2013 and reflects data from July 2012 through June 2013.

# Other information

The current approved Board policies were provided for review.

## Adjournment

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

ori Kreici, Secretary