

Nebraska Board of Engineers and Architects
Board Meeting Minutes
April 15, 2016

CALL TO ORDER

The meeting was held at 215 Centennial Mall South, 5th Floor Large Conference Room, Lincoln, Nebraska. Chair Kester called the meeting to order at 8:32 a.m. and noted the location of the Public Meeting Statutes. Notice of the meeting was published in the Lincoln Journal Star in compliance with the Open Meetings Act.

Roll Call: Krista Kester, Chair; Roger Helgoth, Vice-Chair; Jennifer Klein, Secretary; Mark Champion; Michael Conzett; Lenora Isom; Tom Laging; Daniel Linzell. Absent: None.

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

Public in Attendance

Robin Kilgore, Budget Management Analyst, State Budget Division

J. Christopher Taylor, engineer license applicant

8:40 a.m. - Public Comment

J. Christopher Taylor addressed the Board concerning his application for licensure as a professional civil engineer. Mr. Taylor reported nine years of professional engineering experience and successful passage of the FE and PE exams on the first attempt even though his degree was not EAC/ABET-accredited and deficiencies in coursework were identified in an NCEES Credentials Evaluations report. An engineering license with a civil discipline has been held in the State of Arizona since 2012. Mr. Taylor summarized his professional experience and requested a variance of the education requirement based on his qualifications and work experience.

Agenda Items

A Consent Agenda

Meeting Minutes

March 24, 2016 meeting minutes

Approval of Consent Agenda

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

B Committee Reports

2015-16 Board committee assignments and charges

Chair Kester reported ad hoc committees would be appointed rather than standing committees. Committee appointments, tasks and deadlines were issued as follows:

- Temporary Construction Ad Hoc Committee – Klein, Linzell; October 1, 2016 deadline to review temporary construction issues and make recommendations to the Board.
- Plan Stamping/Direct Supervision Ad Hoc Committee – Conzett, Isom, Champion. Staff member CO Wilbeck was appointed Chair of the Committee; October 10, 2016 deadline to review plan stamping issues and make recommendations to the Board.
- Legislative Ad Hoc Committee – Kester, Helgoth, Laging; September 1, 2016 deadline to have met with all levels of stakeholders to reach consensus regarding possible statute revisions.

The Board will consider holding a meeting with a limited agenda in November 2016.

Executive Committee Report - None

Education and Communication Committee Report

IED Wilbeck reported AIA had not yet identified its responsibilities for a Continuing Education event since it was short staffed and busy with legislative issues. The Board will proceed with lining up NCARB and NCEES representatives to give a presentation on their organization's activities at the Continuing Education event. AIA will be contacted again next month.

An Activity Report tracking activity on the Board's website from March 16 to April 4, 2016, was provided.

Enforcement Committee Report - None

Legislative Committee Report - None

Operational Planning

Discussion of 2016 Operational Planning Meeting

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A successful operational planning meeting was held on April 14th. Various areas of operations were discussed and tasks were identified.

C Old Business

Legislative Update

LR 546, an interim study to examine whether Nebraska's occupational licensing boards are exposed to liability under antitrust laws was introduced in the Nebraska Legislature on March 29, 2016. This appears to be a direct response to the North Carolina Dental ruling. The Judiciary Committee has been designated to conduct the study and it has been referred to the Legislative Executive Board. IED Wilbeck reported NCARB and NCEES had been notified about the interim study. At the Operational Planning Meeting, the subject was discussed briefly with Legislative Liaison Lombardi. His recommendation was to wait until the end of the session to see if or how the Board could be involved. IED Wilbeck will monitor the interim study to see if there are any status changes and bring them back to the Board.

Proposed revisions to ABET Criterion 3 and 5 and response draft

ABET is proposing revisions to EAC Criterion 3 and 5. NCEES has endorsed recommendations concerning these revisions as offered by Dave Whitman of Wyoming, who served as NCEES' representative on the ABET Board. IED Wilbeck drafted a letter to ABET regarding the proposed revisions.

Action Motion by Helgoth, second by Conzett to authorize executing the letter with a minor change. Voting Yes: Helgoth, Isom, Klein, Laging, Champion, Conzett, Kester. Abstain: Linzell. Voting No: None. Absent: None.

D New Business

Architecture Items

2016 NCARB Annual Business Meeting preliminary draft agenda

A preliminary draft agenda was provided for the 2016 NCARB Annual Business Meeting to be held June 16-18, 2016. Board attendees were asked to take notes and collect handouts and bring the information back to the Board.

FY17 NCARB member dues and services memorandum

The Board received a memorandum concerning member dues and a list of services NCARB provides for member Boards.

Engineering Items - None

Other New Business

Appointment of Krejci as Emeritus member

Kester and Klein will contact Krejci concerning a way to honor her for her service to the Board.

Action Motion by Helgoth, second by Champion to designate Krejci as an Emeritus Board member. Voting Yes: Helgoth, Isom, Klein, Laging, Linzell, Champion, Conzett, Kester. Voting No: None. Absent: None.

Authorization for Travel

2016 travel and per diem authorization

IED Wilbeck was authorized to attend the 2016 NCARB Annual Meeting, in Seattle, WA, June 16-18, 2016, irrespective of who is selected as Executive Director. Travel may occur on the 15th and 19th.

Conzett was authorized to attend the following meetings to be funded by NCEES:

- NCEES Western Zone Meeting, May 19-21, 2016, in Anchorage, AK. Travel to Anchorage, AK, will occur on May 19th.
- NCEES Board of Directors Meeting, May 22-23, 2016, in Anchorage, AK. Travel home will occur on May 24th.
- International Engineering Alliance Annual Meeting, May 29-June 3, 2016, in Kuala Lumpur, Malaysia. Travel will occur on May 28th and June 4th.
- Annual NSPE Annual Meeting, June 22-25, 2016, in Dallas, TX. Travel will occur on June 22nd and 25th.

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

E Compliance

Logs

Open cases

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History of closed cases

Executive Session – Commenced at 9:34 a.m.

Action Motion by Klein, second by Linzell to enter into executive session for discussion of 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 Kester. Voting Yes: Helgoth, Isom, Klein, Laging, Linzell, Champion, Conzett, Kester. Voting No: None. Absent: None.

Cases

15.04 – Summary & Documentation

Reviewed in Executive Session

15.25 – Summary & Documentation

Reviewed in Executive Session

15.26 – Summary & Documentation

Reviewed in Executive Session

16.01 – Summary & Documentation

Reviewed in Executive Session

16.02 – Summary & Documentation

Reviewed in Executive Session

16.03 – Summary & Documentation

Reviewed in Executive Session

16.04 – Summary & Documentation

Reviewed in Executive Session

Executive Session – Concluded at 10:48 a.m.

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

Action Motion by Klein, second by Conzett to dismiss Compliance Case 16.01 with no probable cause. Voting Yes: Helgoth, Isom, Klein, Laging, Linzell, Champion, Conzett, Kester. Voting No: None. Absent: None.

Action Motion by Helgoth, second by Linzell to authorize counsel and Interim Executive Director Wilbeck to proceed with filing a formal complaint and set a hearing on May 20, 2016, at 8:30 a.m. for Compliance Case 16.02. Voting Yes: Helgoth, Isom, Klein, Laging, Linzell, Champion, Conzett, Kester. Voting No: None. Absent: None.

F Applications

Administratively Approved

NCEES MLE – Engineers

E-16032 Guy Joseph Barbera, Mechanical; E-16034 Thomas Charles Clapham, Structural; E-16058 Saadeddine Dimachkieh, Electrical; E-16056 David Andrew Edward, Environmental; E-16048 Aaron Girard Etkorn, Mechanical; E-16053 Ronald James Goff, Civil; E-16055 Brett Howard Henning, Structural; E-16033 Cory Philip Jacobs, Mechanical; E-16031 John Harvey Johnson, Civil; E-16050 Kashif Jalil Khan, Civil; E-16052 Kaeko Leitch, Mechanical; E-16054 Douglas William Luebbering, Electrical; E-16035 Thomas Earl Miller, Civil; E-16051 Jeffrey Carl Miller, Civil; E-16049 Henry Donovan Montague, Mechanical; E-16030 Michael Douglas Owens, Civil; E-16047 Gregory Harry Pestine, Civil; E-16057 John Edward White, Electrical.

NCARB Certification – Architects

A-4665 Jason Paul Chandler; A-4672 Leap Hunt Chear; A-4667 Andrew Philip Cohen; A-4673 Tyler Marvin Brock Curl; A-4671 Lauren Elizabeth DuCharme; A-4668 Kirk Christian Horner; A-4666 Timothy Wilson Maddox; A-4674 Kyle Austin Patneau; A-4670 Joseph Jerome Schuller.

Temporary Permits

T-531 Dwight Kenneth Weevie, CA, Civil Engineer; T-532 Paul Ernest Piazza, MO, Mechanical Engineer.

Engineer Intern Enrollment

Kuadjo Peniabra Aghhey, NE; Matthew Kevin Eames, NE; Timothy Keith Leiferman, NE; Nathan Daniel O'Keefe, NE; Craig Trevor Torgerson, NE; Riley James Vanek, NE; David Charles Watson, NE.

Architect Registration Examination/Re-approvals

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Benjamin Harris Taxman, NE; Trevor Lee Watson, NE.

Organizational Practice – Certificates of Authorization

CA3546 Ruby+Associates Inc; CA3547 Spur Design LLC; CA3548 Benham Design LLC; CA3550 Googleplex Inc; CA3551 Grossman and Keith Engineering Company Inc; CA3552 Fire Tower Engineered Timber Inc; CA3553 Dayton Superior Corp; CA3554 Laugerman Architects Inc.

Licensure/Examination

Applications for licensure of Engineers by Comity

Approved: John Edward Anderson, Chemical, IA; Craig William Bursch, Civil, MN; Van Michael Cashen, Mechanical, TX; Roland Joseph Diaz, Jr., Civil, SC; Srdjan Jacimovic, Civil, MO.

Applications for licensure of Engineers by Experience

Approved: John Paul Gille, IV, Civil, MN.

Applications for licensure of Architects by Experience – None

Applications for licensure by Reinstatement

Approved: E-8410 Lance LeVerne LeTellier, Civil.

Approved for a new license: A-1910 Bruce Dennis Carpenter.

Applications to take the PE Exam – None

Special Cases – Applications for licensure of Engineers by Comity

Approved: Charles Scott Learned, Mechanical, CT; Manish Bhagwandas Shah, Structural, LA.

Deferred: Deepa Reddy Akula, Civil, TX – Must submit transcript showing additional general coursework to meet the education requirement; John Christopher Taylor, Civil, AZ – Board will consider a reapplication after one of the following requirements is met: obtains an EAC/ABET-accredited degree from an engineering program, meets the NCEES Education Standard, or obtains 15 years of licensed experience in another jurisdiction.

Special Cases – Applications to take the ARE Exam

Approved: Javier Eduardo Santamaria, NE.

Approval of Applications

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

Action Motion by Klein, second by Conzett to issue a new architect license to Bruce Carpenter. Voting Yes: Helgoth, Isom, Klein, Linzell, Champion, Conzett, Kester. Abstain: Laging. Voting No: None. Absent: None.

Other Application Issues

Request to list same “architect in charge” on two certificates of authorization

A request was received from Altus Studios, PC to use the same architect in responsible charge for two organizations housed in the same office.

Action Motion by Klein, second by Champion to allow Altus Studios, P.C. and Altus Architectural Studios Inc. to use the same architect in responsible charge (A-1794 Loren Lamprecht). Voting Yes: Helgoth, Isom, Klein, Laging, Linzell, Champion, Conzett, Kester. Voting No: None. Absent: None.

Laging left the meeting at 11:30 a.m.

G Financial Matters

Reports

Licensing database change

Approval to negotiate a contract with GL Solutions to replace the Board’s current licensing and examinee database was given by the Board at the Operational Planning Meeting on April 14, 2016. IED Wilbeck will continue to work with the Office of the Chief Information Officer (OCIO) and State Purchasing in negotiations with GL Solutions. The RFP process may be required to secure a contract.

FY 2015-16 Financial Profile, March 2016

Budget Status Report, March 2016

MTD General Ledger Detail Report, March 2016

Fund Summary Report, March 2016

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Financial Reports ending March 31, 2016, were presented to the Board. Interim Executive Director Wilbeck noted the high level of per diem payments under personal services on the Budget Status Report.

Approval of Financial Reports

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

Contracts

Richard A. Lombardi, American Communications Group, Inc.

The proposed FY 2016-17 contract with Richard Lombardi, American Communications Group, Inc., beginning July 1, 2016, and ending June 30, 2017, 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. The maximum fee for the contract is \$21,000.

Action Motion by Helgoth, second by Conzett to approve the FY 2016-17 Richard A. Lombardi, American Communications Group, Inc. contract as reviewed and authorize Chair Kester to sign the contract. Voting Yes: Helgoth, Isom, Klein, Linzell, Champion, Conzett, Kester. Voting No: None. Absent: Laging.

Robert Hanna, Robert Hanna Studios

The proposed FY 2016-17 contract with Robert Hanna, Robert Hanna Studios, beginning July 1, 2016, and ending June 30, 2017, provides for black and white graphic services for use in the Board newsletter or other graphic services for public information activities as requested by the Board not to exceed a maximum fee of \$1,200.

Action Motion by Helgoth, second by Klein to approve the Robert Hanna, Robert Hanna Studios, contract as reviewed and authorize Chair Kester to sign the contract. Voting Yes: Helgoth, Isom, Klein, Linzell, Champion, Conzett, Kester. Voting No: None. Absent: Laging.

Other Financial Matters

Office lease expiration

IED Wilbeck will continue to work with Ann Tanner, the Commercial Lease Coordinator for the State Building Division and Champion to secure a desired office lease. A RFP may be required. The Board expressed interest in keeping its current office space.

H General Information

Public meeting notice publication

An ad for the April 15, 2016 meeting was publicized in the Lincoln Journal Star.

Board meetings and schedule

A schedule of upcoming meetings and events was provided for review. Revisions to the Board meeting schedule occurred as follows:

- The May 13, 2016 meeting will be moved to May 20th, and begin at 8 a.m. in the large conference room. A formal compliance hearing will be held at 8:30 a.m.
- Conzett and Helgoth will not be able to attend the meeting on June 24, 2016. The date will be revisited in May to see if a change is needed.
- The September 16, 2016 meeting will be moved to September 9th so the 2017-2019 biennium budget request can be approved by the Board before the submittal deadline of September 15th. Since the large conference room is booked, an alternative location will be reserved.

Roster of Board members

An updated roster of the Board was provided. Lenora Isom was appointed as an Architect member on April 8, 2016.

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

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Database reports reflecting licensure trends, renewal statistics, and active certificates of authorization were provided.

Examination Information/Results

ARE Candidates with Open Eligibilities – April 1, 2016

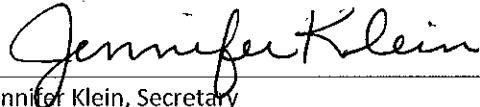
A total of 586 candidates had open eligibilities on March 1, 2016.

Other information

Approved Board policies were provided for review.

Adjournment

The meeting was adjourned at 11:50 a.m.



Jennifer Klein, Secretary