

CALL TO ORDER

The February 19, 2021, meeting of the Nebraska Board of Engineers and Architects was held in the 5th floor conference room, 215 Centennial Mall South, Lincoln, Nebraska. Chairperson Bostelman 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: Jan Bostelman, Chair; Brett Foley, Vice-Chair; Daniel Thiele, Secretary; Lenora Isom; Bruce Dvorak, David Johnson; Jason Suelter; Absent: Brian Kelly

Staff Present: Jon Wilbeck, Executive Director (Ed); Amy Habe, Compliance Officer (CO); Jean Lais, Business Manager (BM); Mia Azizah, Public Information Officer (PIO)

PUBLIC COMMENT

[Tim Gay & Jim Grotrian, Catalyst Public Affairs](#)

Kelly entered the meeting at 8:33 a.m.

A. CONSENT AGENDA

[January 22, 2021 meeting minutes](#)

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

B. MEETING REPORTS

Ad Hoc Committee Reports

[Catalyst Report](#)

Catalyst Public Affairs reported March 10th is the deadline for speaker priority requests to be submitted; senators and committees have until March 11th to designate priority bills. Each senator may select one priority bill and each committee may select two bills. In addition, the Speaker may designate up to 24 additional priority bills. Priority bills receive priority in scheduling for floor debate, however, a priority designation does not automatically mean committees will advance the bills out of committee.

Hearings on LB250 and LB263 were held on February 3rd by the Government, Military, and Veterans Affairs Committee (GMVA). Catalyst reported that Dick Clark, GMVA committee counsel, indicated it is not likely LB263 will be advanced this session. Amendment AM43 to LB250 was introduced prior to the hearing. The amendment would incorporate interior design voluntary registration to the Engineers and Architects Act, allowing NBEA to administer registration. ED Wilbeck testified in a neutral position dependent on AM43 being adopted. AM232 was filed with the bill when it came out of committee. Catalyst will set up an informational meeting with Sen. Hunt and her staff to clarify the Board's position and answer any questions they may have.

A hearing on LB213 which would require the Nebraska Department of Administrative Services (DAS) to contract for an outside efficiency review of state agencies to be completed no later than January 1, 2023. The bill includes 191 state agencies, councils, and commissions in the review, including NBEA. Jason Jackson, DAS Director, testified in opposition to the bill, stating the bill duplicates work the State is already doing and is not sustainable long-term. Given this opposition, it is not likely to move forward this session according to Catalyst.

Catalyst also provided an update of other bills they are monitoring this session.

Legislative Committee Report – Bills of Interest

LB83 – Change the Open Meetings Act to provide for virtual conferencing

A summary of the legislative action on LB83 was provided.

LB250 – Adopt the Interior Design Voluntary Registration Act

A summary of the legislative action on LB250 was provided.

LB263 – Require occupational board to issue credentials based on credentials or work experience in another jurisdiction

A summary of the legislative actions on LB263 were provided along with a copy of ED Wilbeck's written testimony on behalf of NBEA and a joint letter from NCARB and NCEES in opposition of the bill.

Other Meeting Reports – (None)

C. OLD BUSINESS

FY 2020-21 Marketing Plan Update

PIO Azizah updated the members on the status of the 2020-21 Marketing Plan. Highlights included:

- ED Wilbeck spoke with engineering Professor Calle Stolle from Doane University. Doane currently offers an engineering program, but it is not ABET-accredited. According to Stolle, they are in the process of becoming accredited. As this process will take two years to complete, Stolle and ED Wilbeck agreed to wait until the accreditation for the program is achieved before speaking to Doane students regarding licensure.
- Copies of the *Before You Build*, the *Engineers and Architects Regulations*, and flowcharts on when renovation and addition projects may require the involvement of licensees were sent out to respondents on the local jurisdiction survey conducted in January.
- As a result of the building official survey conducted earlier this year, CO Habe and PIO Azizah will be meeting with the Randolph City Administrator and Deputy Clerk on February 22nd to educate them on the E&A Act and projects that may require the involvement of licensees, and an opportunity to answer any questions they may have.
- CO Habe and PIO Azizah have also been invited to speak at the Randolph Planning Commission meeting on February 23rd. They will be giving a presentation on the NBEA, E&A Act, and examples of projects that may require the involvement of licensees.
- ED Wilbeck spoke with ARCH 680 students at the UNL College of Architecture, led by Professor Jeff Day, about the architect licensure process and recent changes due to LB755. ED Wilbeck will be giving an additional presentation to ARCH 262 class, taught by Steve Hardy, on March 11th.
- ED Wilbeck spoke at a presentation hosted by the UNL Engineering Career Services on February 10th, regarding the licensure process and revisions to the Act as a result of LB755.
- The Nebraska Planning and Zoning Association (NPZA) conference scheduled for March has been postponed until September. NBEA staff have submitted a speaking proposal and are waiting to hear if it will be selected.

Database Update

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

D. NEW BUSINESS

NCEES Central Zone Meeting and Nominations

Notice was received from NCEES that the in-person zone interim meetings have been rescheduled as virtual events. The Central Zone meeting will be held Thursday, April 29. A new member event and welcome event will be held prior to the meeting with more details coming later in the month.

A new zone secretary-treasurer will need to be elected at the meeting. Nominations are due no later than February 26th. Chair Bostelman reported that as of February 15th, no nominations had been submitted. If no nominations are received prior to the meeting, nominations will be taken from the floor during the meeting.

NCEES State of the Council Meeting Invitation

Beginning in March, NCEES will hold a series of monthly State of the Council meetings. These virtual events will help prepare board members and staff for the annual meeting in August and provide updates on other NCEES initiatives. Upcoming sessions include:

- Wednesday, March 3: Registration information will be announced for the zone interim meetings, NCEES news, and information on the 2021 annual meeting including a series of video podcasts.
- Wednesday, April 7: Updates from NCEES headquarters, information on recently released podcasts with committees and task force chairs, announcement of zone officers candidates, and information on helping with honoring the 2020 and 2021 zone service awards recipients.
- Wednesday, May 5: Wrap up from the Central and Southern Zone meetings including meeting results, what to expect at the upcoming Northeast and Western Zone meetings, and other Council updates including upcoming State of the Council meetings.

Gary Ey – NCARB Public Director Candidacy

A copy of Mr. Ey's letter announcing his candidacy for NCARB Public Director was provided. If elected, this would be his second term.

NCARB Special Meeting and Resolution 2021-01

NCARB has called a special meeting for May 12-14, 2021, for the sole purpose of considering and voting on Resolution 2021-01, which, if passed, would update the NCARB Bylaws to allow the Council to conduct official business in remote and hybrid meetings. The official action of this special meeting will occur in writing during these dates.

Iowa law, under which the Council is incorporated, permits member meetings to be conducted by telephone and/or video-based meeting tools only if specifically authorized by the articles of incorporation (articles) or bylaws of the organization. Currently neither NCARB's articles nor bylaws include such a provision; Resolution 2021-1 creates that option.

NCARB is asking member boards to take action on this resolution ahead of the 2021 Annual Business Meeting (ABM) so that the ABM can fully include all delegates and participants.

A copy of the resolution was provided.

Motion by Isom, second by Foley to direct the voting delegate to vote in favor of Resolution 2021-01. Voting Yes: Isom, Johnson, Kelly, Suelter, Thiele, Dvorak, Foley, Bostelman; Voting No: None

NCARB 2021 Draft Resolutions

A copy of the draft resolutions to be discussed at the NCARB Regional Summit meetings was provided.

- **Resolution 2021-B: NCARB Certification Guidelines Amendment-Qualifications for Education Alternative** updates the Certification Requirements in the *NCARB Certification Guidelines* to clarify that architects must be licensed for the last three (3) consecutive years in order to qualify for the Education Alternative option as well as that NCARB determines which degrees qualify for this option.
- **Resolution 2021-C: NCARB Certification Guidelines Amendment-Qualifications for Foreign Alternative** updates the Certification Requirements in the *NCARB Certification Guidelines* to address unintended impediments for foreign architects pursuing the foreign alternative path to certification that occur during the application and review process in some countries.
- **Resolution 2021-D: Sunset of Resolution 2000-1 (Opposition to Interior Design Licensing)** sunsets a 2000 resolution that states the Council can take a neutral position on interior design licensing.
- **Resolution 2021-E: Amendment and Restatement of the NCARB Legislative Guidelines and Model Law/Model Regulation** is the result of the multi-year Model Law Task Force's work to revise the *NCARB Model Law and Regulations*. It reorganizes the document, makes it easier to use, and ensures it is consistent with the uniform programs and national models for architectural licensure.
- **Resolution 2021-F: Omnibus Sunset of Resolutions in Conflict with Current Council Policies** is the first part of a multi-year effort to review and sunset resolutions passed by the membership that no longer align to NCARB operations today. These include resolutions from 1980-2018:
 - Resolution 1996-03: Encouraging Recognition of Practice of Academic Promotion/Tenure
 - Resolution 1995-11: Addition of the IDP Requirement to Architectural School Catalogs
 - Resolution 1994-01: Amending 1992 Resolution to Authorize Two ADVP Monographs Each Year
 - Resolution 1992-06 and 07: Professional Development (Continuing Education)/Activating ADVP
 - Resolution 1987-15: Removal of Impediments to Interstate Practice
 - Resolution 1983-04: Establishing a Procedure for Evaluating Alternate Education
- **Resolution 2021-G: NCARB Bylaws Amendment-Director Term Limits** reduces the term limits for directors on the NCARB Board of Directors from three years to two in the *NCARB Bylaws*.
- **Resolution 2021-H: NCARB Bylaws Amendment-NCARB Board of Directors Realignment** realigns positions on the NCARB Board of Directors in the *NCARB Bylaws* to remove the second vice president position, merge the secretary and treasurer positions, and add two at-large director positions. In addition, it creates a nominating committee to vet and nominate candidates for the at-large director positions.

Isom informed the members that the background on this resolution is based on creating a more diverse board of directors. These positions could also be used to appoint subject matter experts for special charges.
- **Resolution 2021-I: Member Board Dues Resolution** reduces the Member Board dues and updates the *NCARB Bylaws* to only require the membership to vote on future increases to the dues.

The draft resolutions will be discussed at the Regional Summit Meetings in March. The Board of Directors will then make a decision in April on which resolutions need revisions and/or will be brought before the members at the annual business meeting.

Action was deferred to a later board meeting.

NCARB BOD Brief – January 2021

The January 2021 *NCARB BOD Brief* was provided. The brief included an executive summary from President/Chair of the Board, Robert Calvani, summarizing the activities and actions of the Board during its January 2021 Board of Directors meeting.

NCARB December/January Update

The December/January *NCARB Update* was provided. Articles included a letter from CEO Armstrong, the FY21 Resolution drafts, a thank you to NCARB volunteers, an update on NCARB's strategic plan, and updates from the different NCARB departments. Vice-Chair Foley reported about 20% of the ARE candidates have used remote proctoring to date. He also reported statistically individuals using the electronic white board v. a physical white board are consistently the same.

FY 2021-22 Service Contracts

Sean Minahan, Lamson Dugan & Murray LLP

The proposed contract between the Board of Engineers and Architects (NBEA) and Sean Minahan, Attorney at Law, Lamson Dugan & Murray LLP, from July 1, 2021 to June 30, 2022, provides for legal representation of the NBEA as Special Assistant Attorney General at a varied hourly rate of \$210 for attorney fees, \$175 for associate attorney fees, and \$110 for paralegals working under Mr. Minahan's supervision. Only one-half of the necessary travel time required to conduct the work of the Board will be billed. Action was deferred to a later board meeting.

Catalyst Public Affairs

The proposed contract between the NBEA and Catalyst Public Affairs, from July 1, 2021 to June 30, 2022, provides for services as the NBEA's legislative liaison. The contract carries a yearly fee of \$18,000 to be billed quarterly. Services include providing legislative liaison activities with the Nebraska Unicameral Legislature, attending NBEA meetings during the legislative session to provide updates, and attend NBEA Legislative Committee meetings to assist in strategizing future revisions to the Engineers and Architects Regulation Act and the Board's rules and regulations. ED Wilbeck will follow with Catalyst to confirm whether the fee will need to be adjusted. Action was deferred to a later board meeting.

Board of Geologists Administrative Services Contract

The Board reviewed the proposed FY2021-22 contract to provide administrative services for the Board of Geologists, from July 1, 2021 to June 30, 2022. The proposed fee is \$18,277 to be paid quarterly.

State Board of Landscape Architects Administrative Services Contract

The Board reviewed the proposed FY2021-22 contract to provide administrative services for the Board of Geologists, from July 1, 2021 to June 30, 2022. The proposed fee is \$13,686 to be paid quarterly.

Motion by Isom, second by Suelter to approve the contract for the Board of Geologists and State Board of Landscape Architects. Voting yes: Isom, Johnson, Kelly, Suelter, Thiele, Dvorak, Foley, Bostelman; Voting No: None

Board member travel and per diem requests

The following per diem requests were approved by the Board. All meetings are currently scheduled to be held virtually.

- Bostelman – January 11, 2021 – NCEES Central Zone Planning Committee
- Bostelman – January 28, 2021 – NCEES President's Meeting Updates
- Bostelman – February 1, 2021 – NCEES Central Zone Planning Committee
- Bostelman – February 8, 2021 – NCEES EPE Committee

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- Bostelman – February 9, 2021 – NBEA February Agenda Review
- Bostelman – February 15, 2021 – NCEES EPE Committee/Central Zone Planning Committee
- Kelly – March 19, 2021 – NCARB Education Committee
- Isom - February 24, 2021 – NCARB Diversity Task Force
- Suelter – February 10-12, 2021 – NCEES SE Exam Development Meeting
- Bostelman – March 24 – NCEES Central Zone Planning Committee
- Bostelman, Dvorak, Thiele, Suelter, and ED Wilbeck – March 3, 2021, NCEES State of the Council Meeting
- Bostelman, Dvorak, Thiele, Suelter, and ED Wilbeck – April 7, 2021, NCEES State of the Council Meeting
- Bostelman, Dvorak, Thiele, Suelter, and ED Wilbeck – May 5, 2021, NCEES State of the Council Meeting

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

E. COMPLIANCE

Summary of Open Cases

Dvorak left the meeting at 10:07 a.m.

Executive Session began at 10:15 a.m.

Motion by Thiele, second by Suelter to enter into executive session for the discussion of compliance investigations, partner-agency processes not a matter of public information to prevent the needless injury to the reputation of those involved. The limitations of the executive session was restated by Chair Bostelman. Voting yes: Isom, Johnson, Kelly, Suelter, Thiele, Foley, Bostelman; Voting No: None; Absent: Dvorak.

Active Cases: Summary & Documentation

Cases 19.05, 20.02, 20.14, 20.22, 20.27, 20.30, 20.34, 20.36, 20.37, 20.39, 21.01, 21.02, 21.05, 21.06, 21.07, 21.08, 21.09, 21.10, 21.11, 21.12, 21.13, 21.14, 21.15, 21.16, 21.17, and 21.18 were discussed in executive session.

Other Compliance Issues

Project Review 02-01 was reviewed in executive session.

Partner agency processes were reviewed in executive session.

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

Executive Session ended at 12:28 p.m.

Motion by Thiele, second by Isom to dismiss Case 20.39 based on no clear bias. Voting yes: Isom, Johnson, Kelly, Suelter, Thiele, Foley, Bostelman; Voting No: None; Absent: Dvorak

Motion by Thiele, second by Isom to authorize Special Assistant Attorney General Minahan to correspond with the owner and copy the contractor and notice owner for a hearing at the April meeting in Case 21.01. Voting yes: Isom, Johnson, Kelly, Suelter, Thiele, Foley, Bostelman; Voting No: None; Absent: Dvorak

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Motion by Thiele, second by Isom to dismiss Case 21.02 with no disciplinary action based on successful remediation. Voting yes: Isom, Johnson, Kelly, Suelter, Thiele, Foley, Bostelman; Voting No: None; Absent: Dvorak

Motion by Thiele, second by Isom to dismiss Case 21.06 after sending a Letter of Caution. Voting yes: Isom, Johnson, Kelly, Suelter, Thiele, Foley, Bostelman; Voting No: None; Absent: Dvorak

Motion by Thiele, second by Isom to dismiss Case 21.07 after sending a Letter of Caution. Voting yes: Isom, Johnson, Kelly, Suelter, Thiele, Foley, Bostelman; Voting No: None; Absent: Dvorak

Motion by Thiele, second by Foley to dismiss Case 21.16 without disciplinary action after sending a Letter of Caution. Voting yes: Isom, Johnson, Kelly, Suelter, Thiele, Foley, Bostelman; Voting No: None; Absent: Dvorak

Motion by Thiele, second by Isom to open a case against the property owner and authorize architectural and plumbing engineering remediation and request a response within 30 days and a remediation plan within 60 days on Project Review 02-01. Voting yes: Isom, Johnson, Kelly, Thiele, Foley, Bostelman; Voting No: None; Abstain: Suelter; Absent: Dvorak

F. APPLICATIONS

Administratively Approved

Licensure of Professional Engineers by NCEES MLE Designation

Approved: E-18593 Neal Roger Benish, Civil; E-18574 Brent Scott Brubaker, Civil; E-18594 John Henry Bucher III, Electrical and Computer; E-18604 James Alan Corsiglia, Structural; E-18575 Christopher William Erwin, Structural; E-18576 Edward John Garbin Jr, Civil; E-18582 Karol Gasteyer Giokas, Mechanical; E-18595 Christopher Michael Girard, Structural; E-18569 Jeffrey Lowery Groom, Civil; E-18591 Jeffrey Mark Hedman, Civil; E-18596 Floyd Ray Hodges Jr, Electrical and Computer; E-18583 Jason Lee Hulme, Electrical and Computer; E-18597 Robert Wesley Jones II, Civil; E-18602 Brandon Jay Lackey, Electrical and Computer; E-18601 Kenneth Wayne Ludwig, Electrical and Computer; E-18603 Benjamin Dvid Maziarz Myers, Electrical and Computer; E-18584 Andre Charles Monnot, Civil; E-18586 Scott Austin Nesvold, Civil; E-18585 Uzoma Kelechi Ohadomere, Electrical and Computer; E-18598 Christopher Michael Ross, Mining and Mineral; E-18587 Mary Elizabeth Ruble, Civil; E-18588 Daniel Mark Schafran, Electrical and Computer; E-18599 Christopher John Slevin, Mechanical; E-18589 Jeremy James Stech, Civil; E-18592 Geoffrey Hunter Thiesse, Electrical and Computer; E-18600 Bruce David Tourigny, Electrical

Licensure of Architects by NCARB Certification

Approved: A-5242 Robert Peter Budetti Jr, A-5247 Michael Edward DeRouin, A-5250 Charles Robert Fowler, A-5249 Kevin Clifford Holm, A-5243 Bradley Scott Lang, E-5245 Scott Gary Nacheman, A-5248 Mark John Sullivan, A-5251 Son Thanh Thai, A-5246 Robert James Warshefski Jr

Temporary Permits

Approved: T-625 Russel Lee Renner, Engineering; T-626 Salah Al-Deen Yousef, Engineering

Engineer Intern Enrollments

Approved: Jordan Nicole Koskelin, Aime Fey Vallani, James Edwards White

Certificates of Authorization

Approved: CA4497 Vista Structural Engineering LLC, CA4498 Baker Mechanical Inc, CA4499 Tritech Fall Protection Systems Inc, CA4500 Intelligrated Systems LLC, CA4501 Clayco Design & Engineering LLC, CA4502 Linfield Hunter & Junius Inc, CA4503 Headwaters Corporation, CA4504 Columbia Energy and Environmental Services Inc, CA4505 Garbin GeoStructural Group LLC, CA4506 Associated Consulting Engineering Inc, CA4507 Jezerinac Group Inc, CA4508 FitzGerald Associates Architects PLLC, CA4509 Principal Engineering Inc, CA4510 Vortex Engineering Inc, CA4511 CTL Thompson Materials Engineers Inc, CA4512 Windward Engineers & Consultants LLC

Licensure/Examination

Initial Licensure of Professional Engineers (*None*)

Licensure of Professional Engineers by Comity (*None*)

Licensure of Professional Engineers by Experience

Approved: Joseph Trent Cragin, Structural

Initial Licensure of Architects (*None*)

Licensure of Architects by Comity (*None*)

Licensure of Architects by Experience

Approved: James Arthur Walbridge

Licensure of Professional Engineers by Reinstatement (*None*)

Licensure of Architects by Reinstatement (*None*)

PE/SE Exam Approvals

Approved: Sam Allen, Civil; John Samaan Farag, Civil; Jacob Xavier Glair, Electrical & Computer; Youngqiang Gong, Civil; Michale Greufe, Civil; Jennifer Marie Hames, Mechanical; Ekram Zakher Louka, Civil; Kevin Michael McIntyre, Mechanical; Jesse Peter Menter, Electrical & Computer; Mallory K Morton, Civil; Timothy Clair Murphy, Structural; Gabriel Christian Najera, Civil; Mark Joseph Niechwiadowicz, Electrical & Computer; Louis Paul Oborny Jr, Industrial & Systems; Justin Lee Ward, Civil

Special Cases

Licensure of Professional Engineers by Comity

Approved: Jaizinho Vasquez, Electrical

Deferred: Amol V. Sawant – Board deferred until deficiency of 16 general education hours is removed.

Other Applications

Disclosures

The Board reviewed the renewal disclosure for Heath Dumack, license E-14745 and approved his renewal.

Motion by Foley, second by Isom to accept the staff recommendations on the applications and renewal disclosures. Voting yes: Isom, Kelly, Suelter, Thiele, Foley, Bostelman; Voting No: None; Abstain: Johnson

Completed Application Statistics

ED Wilbeck provided charts and statistics regarding the number of applications, certificates of authorization, and applications by type.

G. FINANCIAL MATTERS

Financial Reports

FY 2020-21 Financial Profile, January 2021

MTD General Ledger Detail Report, January 2021

Fund Summary Report, January 2021

Budget Status Report, January 2021

ED Wilbeck reviewed the financial reports with the members.

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

H. GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next board meeting is scheduled for March 12, 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 February 10, 2021

Professional Engineers.....	8,355
Architects.....	1,838
Certificates of Authorization.....	2,192
Temporary Permits.....	5

Examination Information/Results

There were 115 ARE candidates with open eligibilities as of February 1, 2021.

The monthly ARE Pass/Fail reports for December 2020 and January 2021 were provided along with the 2020 yearly pass/fail statistics.

The FE and PE/SE pass/fail statistics for 2020 Fourth Quarter were provided.

Other Information

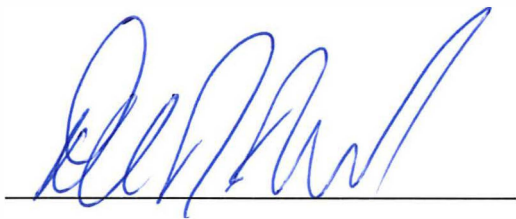
The Facebook Analytics Report showed 122 were reached from January 13, 2021 to February 9, 2021.

The Website Dashboard Report indicated the Board’s website had 3,287 total visitors in January.

Board policies as of January 22, 2021 were provided.

ADJOURNMENT:

Chair Bostelman adjourned the meeting at 12:53 p.m.



Daniel J. Thiele, Secretary