Board members present were Chairwoman Karen Purcell, PE; Vice-Chair Michael Kidd, PLS; Kent Anderson, PE; Past-Chair Robert LaRiviere, PLS; Brent Wright, PE/SE; Thomas Matter, Public Member; Gregory DeSart, PE; Tracy Larkin-Thomsen, PE and Angelo Spata, PE. Also present were Patty Mamola, Executive Director; Louisa Kern, Administrative Assistant; Jasmine Bailey, Licensing Specialist; Murray Blaney, Operations/Compliance; Chris MacKenzie, Board Legal Counsel. The following people attended as guests of the board:

Veronica A Chauvel, CE/SE, #013848, Miyamoto International, Inc
Edward Wang, PE, U.S. Department of the Interior Bureau of Reclamation

1. **Call to Order and Roll Call of Board Members**

   Chairwoman Purcell declaring a quorum present, called the meeting to order at 10:02am.

2. **Pledge of Allegiance**

3. **Public Comment Period**

   Ms Purcell said that before we move to public comment, she would like to read the mission statement of the board as a reminder of the board’s purpose. The mission statement reads as follows:

   The purpose of the board as stated in Nevada Revised Statute 625.005 is to safeguard life, health and property and to promote the public welfare by providing for the licensure of qualified and competent professional engineers and professional land surveyors and our mission is founded on the board’s purpose, the board’s mission is to uphold the value of professional engineering and land surveying licensure by assessing minimum competency for initial entry into the profession and to insure on going standard of professionalism by facilitating compliance with laws regulations and code of practice and to provide understanding and progression in licensure by openly engaging with all stakeholders.

   There was no public comment.

4. **Introductions and Guest Orientation**
Board members introduced themselves. Ms Purcell welcomed the board guests and asked them to introduce themselves.

5. **Approval of Regular Board Meeting Minutes of May 9, 2019**

19-35 A motion was made by Mr Kidd, seconded by Mr LaRiviere to approve the minutes with the edits as noted. The motion passed unanimously.

6. **Approval of Regular Special Board Meeting Minutes of May 14, 2019**

19-36 A motion was made by Mr DeSart, seconded by Ms Larkin-Thomason to approve the minutes with the edits as noted. The motion passed unanimously.

7. **Financial Statements**

   a. **April 2019 Financial Statements**

   Ms Mamola reviewed the April 2019 financial statements and asked if there were any questions from the board.

   Mr Spata commented while the overall budget was on track, the monthly revenues and expenses budget vs actual had a degree of swing. He asked if the projections were linear or were they forecasted. Ms Mamola said that anticipated expenses were based on historic timing but ad hoc expenses were forecasted. She said the expense side can sway if an invoice is late arriving or ad hoc expenses drop outside the anticipated timeframe. She continued to say for revenues, at the time of budgeting, historical timing was used but we are now opening the renewal portal early which changes the incoming revenue schedule. Ms Mamola said that future revenue budgets will be more in line with the actuals.

   b. **May 2019 Financial Statements**

   Ms Mamola reviewed the May 2019 financial statements and asked if there were any questions from the board. There were no questions.

   19-37 A motion was made by Mr LaRiviere, seconded by Mr DeSart to approve the April 2019 and May 2019 financial statements. The motion passed unanimously.

8. **Compliance Reports**
a. **Compliance officer report on complaints being investigated**

1. **20180014 – Dispute between two engineers**

Mr Blaney said that the case has come back from the board liaison with a recommendation to dismiss the complaint. He said that we are in the process of notifying the complainant and respondent.

2. **20180019 – Incompetency and misconduct in producing a design report**

Mr Blaney said this complaint has been on the docket for a while because the amount of information to review and the need for technical assistance. He said the investigation has been completed and case summary has been prepared and sent to a board liaison for review.

3. **20180020 – Structural design: Incompetency and failure to act in the client’s best interests**

Mr Blaney reported that the recommendation from the board liaison was to move forward with a stipulated agreement. The complaint is with board counsel who is in negotiation with the respondent’s counsel.

4. **20180021 – Incompetence in producing an elevation certification**

Mr Blaney said that the respondent has retained counsel and Mr MacKenzie has been working with their attorney to come to a final agreement on terms of a stipulated agreement.

5. **20180025 – Incompetency in producing a radius map survey**

Mr Blaney said the investigation is complete and the case is with Mr MacKenzie. We expect some push back from the respondent’s counsel so we will keep the board liaison posted on the negotiation of stipulated terms.

6. **20190001 – Practicing with an expired license**

Mr Blaney said that a stipulated agreement will be presented to the board today for consideration.

7. **20190002 – Faithful agent: failure to deliver services**

Mr Blaney reported that the investigation continues on this complaint. An engineer was hired off Craigslist and produced a sub-standard work product and failed to meet agreed to deadlines. Information is still coming in from the complainant, but we hope to have the case summarized and out for board liaison review shortly.

8. **20190004 – Failure to act in a professional manner**

Mr Blaney said that this case involves plans for a home remodel being held back by the engineer as leverage for payment of a debt by another company where a family member of the client is employed. The formal response has just been received and is currently under review. Mr Blaney added that although it appears to be a monetary dispute – there is concern about the professional conduct of the
licensees involved.

9.  **20190005 – Incompetence and improper stamping and sealing of an engineering document**

Mr Blaney said that the complaint has just been withdrawn by the complainant, a state agency, but as part of our process a case summary will be prepared and reviewed by board liaison to get an opinion on behalf of the board before the complaint is formally dismissed.

   a. **Consideration of probation reports:**

      | Name                  | License Number |
      |-----------------------|----------------|
      | Larry J Sanchez       | PE #15752      |
      | Lazell Preator        | PE #14982      |
      | Michael Regan         | PE #11081      |
      | Roger Blair           | PE #24744      |
      | John Mutiso           | PE #22799      |
      | Mingqiao Zhu          | PE #15943      |

Mr Kidd inquired if Mr Preator had made any payment toward his administrative fine. Mr Blaney said that no payment has been received and a reminder on the terms of his probation and further invoices will be sent to Mr Preator.

9. **Board Counsel Report**

Mr MacKenzie said there are currently four proposed stipulated agreements that have gone out in the last three months, one is for your consideration on the next matter. As indicated by Mr Blaney three of the four respondents have retained counsel which can involve a lot of back and forth. He said it is sometimes helpful in the stipulated agreement process to have counsel involved to make sure the respondents are fully informed and understand the procedure so they can make educated decisions.

Mr MacKenzie said after receiving a stipulated agreement, the respondent has the opportunity to accept the stipulation as composed and if they do the agreement will come before the board for consideration. But that doesn’t mean the board has to accept it. The board can discuss and suggest revised terms or reject an agreement outright. Mr MacKenzie continued to say if the respondent rejects the agreement, staff and the board liaison can consider a revision but more likely the case will then go to formal hearing before the full board.

10. **Discussion and possible action on stipulated agreements.**

   a. **Stipulated agreement for Robert “Dooley” Riva, PE, license number 018231, complaint number 20190001.**

Mr MacKenzie reviewed the facts and stipulated terms to the agreement. He asked for questions from the board or if there were none, that a motion be put forward.
Mr LaRiviere asked for clarification on whether the administrative fine was directed to the state general fund. Mr MacKenzie said it was and that investigative and administrative costs were directed to the board to cover expenses.

Mr Wright and Mr DeSart asked for information about the process of reviewing and re-sealing the projects that were produced with an expired license. Ms Mamola said that Mr Riva could re-stamp those projects himself pending reinstatement of his license by the board. Ms Mamola also clarified that even though building codes could well have changed since the design, in the re-sealing a notation would need to be made that the design was in conformance with applicable codes at the time.

Mr Kidd said that he felt the fine amounts were not punitive enough with regard to the fact that Mr Riva knowingly signed documents with an expired license. He said it was not a mistake, it was purposeful. Mr Spata and Mr DeSart agreed and it was suggested that a flat administrative fine be imposed and amount per project fine amounts be revised upward.

Mr Matter said that the probation period of two years seemed lenient considering he was fraudulently signing documents for a decade.

Mr LaRiviere said that the engineer needs to be reminded of his ethical obligation as a professional and felt that a requirement of the passage of an advanced college level engineering ethics course was warranted.

Mr MacKenzie said that based on the discussion by the board, he would suggest that a motion be made with guidelines to staff on revisions to the terms of the stipulated agreement.

19-38 A motion was made by Mr LaRiviere, seconded by Mr Matter to reject the agreement with a recommendation to increase the probation period up to ten years, the suspension stayed period be increased, and the passage of an advance ethics course be required. Mr DeSart amended the motion, seconded by Mr Spata, to add a flat administrative fine and the per project fine amount be revised upward. The motion with the amendment passed unanimously.

Mr MacKenzie said the process going forward would be that staff and the board liaison will take the recommendations and a new stipulated agreement would be drafted and sent to the respondent to consider. If the respondent finds it acceptable then they could sign it again and return it to the board for consideration. If the respondent rejects the revisions it would be determined by the board liaison and staff whether it’s appropriate to go forward with a formal hearing.
11. Discussion and possible action on administrative report by executive director

a. Approved licensees report

Ms Mamola reviewed the approved licensees report. There were no questions from the board.

b. Action items related to 2017-2021 Strategic Plan

Ms Mamola said that this item was a place holder for discussion. She said at the next board meeting a summary would be provided of what has been accomplished to date as outlined in the plan (ACTION Item) to help identify what next steps the board would like to see taken.

c. Items related to National Council of Examiners for Engineering & Surveying (NCEES)
   i. Western/Southern Zone meeting

Ms Mamola said the joint Western/Southern Zone meeting was held in Idaho mid-May. She said the NCEES Education Committee reported at the meeting that they are proposing a motion that adds language to model law that would require having ABET/ETAC degrees, which are engineering technology degrees accredited by ABET, evaluated by NCEES to meet its engineering education standard. The NCEES MBA committee strongly argued against that motion. The MBA committee strongly believes that it adds an unnecessary barrier to license mobility as thirty-four states already license engineers with engineering technology degrees and when evaluating those degrees using the NCEES engineering education standard, those technology degrees would never meet that standard so that would preclude anyone with an engineering technology degree from ever getting licensed. Thirty-four states, including Nevada, license engineers with a technology degree and six years’ experience, not the same experience as we give for a ABET accredited engineering degree, but with an extra two years’ experience, if it’s working already in thirty-four states why would we want to insert an unnecessary barrier for licensing engineers.

   ii. Annual meeting agenda, action items, and consideration of motions

Ms Mamola said the items listed in the board packet are related to issues relevant at the NCEES annual meeting including a list of the motions and the NCEES Board of Directors positions on each of those motions. Ms Mamola asked the board to familiarize themselves with the information in preparation for discussions prior to the business sessions where state votes are cast.

Mr DeSart said that items are often amended or changed at the last minute and asked for clarification on the board’s ability to meet and discuss items at the conference venue.
Ms Mamola asked that Mr MacKenzie look into open meeting law as it relates to out-of-state conference where the board as one – not as individuals – cast a vote on NCEES related issues. (ACTION Item)

d.  **Consideration of board authorized digital signatures, input received from southern and northern Nevada building departments and licensees**

Ms Mamola said that staff are working with ASCE and APWA to host a workshop in Northern Nevada on digital signatures and electronical submittals. A date and venue should be finalized and information sent out early next month.

12. **Discussion and possible action on board committee reports**

a.  **Administrative Procedures Oversight Committee, Chair Karen Purcell**

Ms Purcell said that the committee had not met since the last board meeting.

b.  **Legislative Committee, Chair Michael Kidd**

   i.  **Proposed changes to NRS/NAC 625**

Mr Kidd reported that the legislative session has ended and that the Governor signed our bill on June 1, 2019 and it went into law on July 1, 2019.

Ms Fischer thanked the board, the board chair and Ms Mamola for the very timely responses to any questions she had during the legislative session, and for being available to attend hearings/workshops on short notice. She added that advanced work by staff in preparing talking points and collateral made conveying information to legislators much more efficient.

c.  **Professional Association Liaison Committee, Chair Greg DeSart**

Mr DeSart said that the PAL meeting was held this morning and was well attended with representatives from APWA, ACEC, NALS, ASCE and we had two representatives on the phone from NSPE Southern Nevada. He said the meeting was a great conduit with industry and has been a catalyst in getting workshops in place for discussions on digital signatures and electronic submissions in conjunction with NSPE in the south and ASCE and APWA in the north. Mr DeSart said issues are still arising with QBS and ACEC is appreciative of the support from the board. Mr DeSart reported the NALS had created a young surveyors program that was off to a good start, and that NALS was also working
in conjunction with NDOT to improve accessibility to right-of-way records through an online portal.

Mr DeSart said that NSPE asked if the board might consider allowing mentoring hours to be accrued as professional development hours (PDHs). He said that he would suggest it as an agenda item for the board to consider. [ACTION Item]

Mr DeSart said that he had discussed the board’s move forward with a public outreach plan. The area that generated most discussion was the social media component. All of the organizations seem to be struggling in that area. He suggested the board may be in a position, through our PR firm, to perhaps provide guidance or coordination with our industry partners in that area to create some synergy.

Mr Kidd said that another item of note was that the associations across the board seemed very supportive of providing financial support to Nevada STEM competitions. He said it was very encouraging to see their response to that part of the discussion.

d. Public Outreach Committee, Chair Greg DeSart

i. Continuing Education Event October 10, 2019

Mr Blaney said the speaking line-up had been finalized with an internationally recognized futurist – Nickolas Badminton – as the keynote presenter. He said that a save-the-date email would be sent out later today and registration for the event would open the second week of August with 150 spots available.

ii. Discussion and possible action on vendor selection as recommended by Public Outreach Committee as a result of Request for Proposal to perform communications/public outreach/social media professional services for 2019-2020 fiscal year. And, possible action on granting approval for committee chair, Greg DeSart to negotiate an agreement with the selected vendor in the not-to-exceed amount of $50,000.

Mr DeSart said that the Public Outreach Committee met yesterday after reviewing five responses to our public outreach RFP. Two finalists were selected and were interviewed. The format was for each firm to do a ten-minute presentation followed by a Q & A with a series of the same nine questions being asked of both firms. The two firms interviewed were KPS3 and Vogel Designs.

Mr DeSart said that both firms did a really good job and it was a difficult decision but our recommendation to the board is that we select Vogel Designs as a consultant. They are also the firm that had redesigned our website so they are already familiar with our branding. Mr DeSart said that in addition to motion to approve Vogel Designs, the committee is requesting the board’s authorization for himself (Mr DeSart) to negotiate a contract not to exceed fifty thousand dollars.
Mr LaRiviere asked what the duration of any contract would be. Mr DeSart said the term would be one year.

19-39 A motion was made by Ms Larkin-Thomason, seconded by Mr Spata to accept the committee's recommendation of Vogel Designs and authorize Mr DeSart to negotiate a contract with Vogel Designs for an amount not to exceed $50,000. The motion passed unanimously.

Mr DeSart said he would envision quarterly strategy sessions with Vogel Designs through the Public Outreach Committee and he encouraged any board members to attend those meetings. He said recommendations from the committee would be brought to the board for discussion as action items. The full board would have opportunity for feedback throughout the process.

e. Committee assignments for fiscal year 2019-2020.

Ms Purcell reviewed the committee assignments.

Administrative Procedures Oversight Committee:

Chaired by Mr Kidd with Mr Matter, Mr Wright and Ms Mamola as committee members.

Legislative Committee:

Chaired by Mr Spata, with Mr Kidd, Mr Wright, Ms Purcell, Mr MacKenzie, and Ms Mamola as committee members.

Professional Association Liaison Committee:

Chaired by Mr DeSart, with Mr LaRiviere, Ms Larkin-Thomason, and Ms Mamola as committee members.

Public Outreach Committee:

Chaired by Mr DeSart, with Mr Anderson, Ms Purcell, Ms Larkin-Thomason, and Ms Mamola as committee members.

Mr Kidd reported that the exam was on track for its scheduled release date.

14. **Discussion and possible action on Nevada Governor's Office of Finance Division of Internal Audits, Audit Report Number 19-03, and Nevada Executive Branch Audit Committee Meeting June 25, 2019.**

Ms Mamola said that the information in the board packet is a follow-up report by the governor’s office of finance to the phased audits the board has been subject to over the last eighteen months. She said she wanted to make the board aware of the findings and initial recommendations in the report. Ms Mamola continued to say there was a recent meeting of the audit committee but no motions to take action based on the report’s finding were put forward. She said she would keep the board informed as to any further developments.

15. **Discussion and possible action on corporate name requests.**

The board reviewed and discussed CCS Engineering Nevada's application for corporate name approval.

19-40 A motion was made by Mr Anderson, seconded by Mr DeSart for staff to contact the business principal and review their definition of engineering against the statute definition of engineering, advising that signing of the application is subject to the penalty of perjury if professional engineering is performed without a licensed professional on staff. The motion passed unanimously.

16. **Consideration of applicant requests to waive certain requirements of NRS/NAC Chapter 625 for initial licensure.**

Ms Purcell said she had reviewed the waiver requests and was recommending that waivers be granted for Mr Grille-Gavazzo and Mr Wright. For Mr Ghadiri’s waiver request, her recommendation was a denial because he did not satisfy the engineering experience requirements.

19-41 A motion was made by Ms Purcell, seconded by Mr Kidd recommending the granting of waivers to Mr Wright and Mr Grille-Gavazzo and the denial of the waiver request by Mr Ghadiri. The motion passed unanimously.
17. **Board approval of non-appearance applications for initial licensure.** Refer to Addendum A for list of applicants.

The board reviewed 45 non-appearance applications for initial licensure and recommendations were made.

19-42 A motion was made by Ms Larkin-Thomason, seconded by Mr Kidd, to approve the recommendations made as noted in Appendix A. The motion passed unanimously.

18. **Discussion and possible action on status of Board and staff assignments.**

Ms Mamola reviewed those items completed and those still pending. There were no questions or comments from the board.

19. **Discussion and possible action on meeting dates.**

Ms Mamola reviewed the future meeting dates and asked that board members contact her if they had any conflicts.

20. **Discussion and identification of topics for future meetings including possible proposed amendments to the Nevada Professional Engineers and Land Surveyors Law, Nevada Revised Statutes and Nevada Administrative Code Chapter 625.**

Mr Kidd asked that when the PE state discussion item gets agendized, and if the board was agreeable, that public works directors and building officials be invited to weigh in and comment.

21. **Signing certificates of licensure.**

The board signed wall certificates for those persons who were licensed by comity and initial licensure.

22. **Public comment.**

Mr Wang asked if the board would consider comity licensure for professional engineers from Taiwan.

Ms Mamola said that the board has a policy that if a country or jurisdiction is signatory to the mobility agreement, the International Engineering Alliance mobility agreement, and that engineer is licensed in that country and is on that country’s APEC register or IPEA register, then we will grant them comity,
so we treat them no different than any US comity other than we don’t require a NCEES record, but instead require a paper filing so we get an overview of the applicants professional engineering experience. Ms Mamola added that the board would request that Taiwan create a similar reciprocating pathway for Nevada licensees to become licensed in Taiwan.

Adjournment.

Ms Purcell adjourned the meeting at 1:30pm

Respectfully – Patty Mamola
Executive Director