Chairman Robert LaRiviere, PLS, declaring a quorum present, called the meeting to order at 9:30am, in the Holsum Bread Building at 241 W Charleston Boulevard, Suite 130, Las Vegas, Nevada. Board members present were Vice Chairman Karen Purcell, PE; Kent Anderson, PE; Michael Kidd, PLS; Brent Wright, PE/SE; Thomas Matter, public member; Gregory DeSart, PE; and Angelo Spata, PE. Tracy Larkin-Thomsen, PE joined via teleconference. Also present were Patty Mamola, Executive Director; Louisa Kern, Administrative Assistant; Murray Blaney, Compliance Officer; Chris MacKenzie, Board Legal Counsel. The following people attended as guests of the board:

Matthew J.C. Steinmetz, EE/ME, #022714
Mark A. Stefle CE/PLS # 021261

1. Call to Order and Roll Call of Board Members

All board members with the acceptance of Tracy Larkin-Thomason were present.

2. Pledge of Allegiance

3. Public Comment Period

Mr Tony Simmons, PE, made the following public comment.

Mr Simmons said he was a PE in the state of Nevada and had formerly worked with NV Energy. He said that he was here today to encourage the board to support two changes to the NRS. Firstly, NAC 625.610 needs to promote to an NRS, where it is a requirement that any document going to a public official be signed, stamped, and dated by a PE and he said that it is currently not being followed state wide. He added, specifically the PUCN does not do that at all and that the PUCN makes decisions based on lawyers and not engineers. Mr Simmons said that the second item was that the utility exemption where the utility engineers aren’t PE’s, which needs to go away. He continued to say that right now the utilities across the state have figured out how to use that exemption to basically bypass standard electrical safety practices. Mr Simmons said they (the utility companies) will go and have somebody prepare a report to be reviewed by a PE, but a PE never sees it, and it will go straight to the agency that is looking at it. He said often there are no comments from the reviewing agency and we have found reports they have been quite wrong. Mr Simmons said that on a project in New Mexico he had found there were eight or nine different errors in its protocol. He added that it had been reviewed by the manufacturer and by the utility engineers. Mr Simmons said there really is a problem relying on utility engineers to have the same level expertise and the same level of commitment to public safety because they don’t. He added that he believes these issues need to go to the 2021 legislature to basically make the laws a lot stronger in Nevada. Our laws are a lot stronger than other states but there is a gap that is being basically abused by the lawyers that know how to abuse it.

4. Introductions and Guest Orientation

Chairman LaRiviere welcomed the board guests and asked them to introduce themselves.

5. Approval of Regular Board Meeting Minutes
a. March 14, 2019

19-25 A motion was made by Mr Matter, seconded by Mr Anderson, to approve the March 14 minutes. The motion passed unanimously.

6. Financial Statements

a. February 2019 Financial Statements

Ms Mamola reviewed the February 2019 financial statements. There were no questions from the board.

b. March 2019 Financial Statements

Ms Mamola reviewed the March 2019 financial statements. Mr Matter asked if the amount for office equipment and furniture was related to the Reno office relocation. Ms Mamola said it was.

19-26 A motion was made by Ms Purcell seconded by Mr Spata, to approve the February and March financial statements. The motion passed unanimously.

7. Compliance Reports

a. Compliance officer report on complaints being investigated

1. 20180014 – Dispute between two engineers

Mr Blaney said a response has been received from the respondent. He added that it had been reviewed and that a couple of items needed to be clarified before the case would be sent out for board liaison review.

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

Mr Blaney said that this case required some technical help in reviewing the evidence presented. He added that technical expert has sent back their report and it is currently under review by Mr Wolf. Mr Blaney added that he expected the case to be out for review by board liaison in early June.

3. 20180020 – Faithful agent; failure to act in client’s best interests

Mr Blaney said that this case was has been reviewed by a board liaison and is now with Mr MacKenzie.

4. 20180021 – Incompetence in producing an elevation certification

Mr Blaney said that this case too had been reviewed by a board liaison and was now with Mr MacKenzie.

5. 20180025 – Incompetency and Faithful agent; failure to act in client’s best interests

Mr Blaney said that the case is in regards to a radius map survey. He added that the case will be sent out for board liaison review following the board meeting.

6. 20190001 – Practicing with an expired license

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Mr Blaney said that the complaint has been reviewed by a board liaison and is currently with Mr Mackenzie.

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

Mr Blaney stated that this complaint involves an engineer who was hired off Craigslist who apparently has not delivered services, and there also doesn’t appear to have been a contract. He added that the case is in the investigative stage.

8. **20190003 – Code of conduct: relating to surveying services performed**

Mr Blaney said the last case listed actually came in right before this board packet went out and since its receipt we have been in contact with the respondent and the complainant. It seems like there was a misunderstanding, so now those two parties are talking. Mr Blaney said just before leaving Reno, the complainant called and withdrew the complaint, and from a staff perspective we did not see anything further to pursue.

b. **Consideration of probation reports:**

Larry J Sanchez, PE #15752
Mohan B Upasani, PE #11760
Michael Regan, PE #11081
John Mutiso, PE #22799
Lazell Preator, PE #14982
Roger Blair, PE #24744
Mingqiao Zhu, PE #15943

Mr Blaney said that Mr Upasani has fulfilled the terms of his stipulated agreement and that his Nevada license is released from probation.

8. **Board Counsel Report**

Mr MacKenzie said relating to case # 20180020, the deadline for a response to the proposed stipulated agreement was not met, however the respondent was in contact and asked for a three week extension to secure counsel in addition to his insurance defense counsel. Mr MacKenzie added that when there is pending litigation we tend to try to stay out of it so there aren’t conflicting legal actions. They may attempt to try their entire case with conflicting results that could end up in a 4 day hearing. If there is minimal liability, where the liability is not the question, and it is just a question of damages, Mr MacKenzie stated that we can tend towards processing the case as a disciplinary matter. Based on that premise, Mr MacKenzie told the respondent to contact counsel and have counsel let Mr MacKenzie know whether or not there are questions regarding liability or questions regarding damages. If it is just damages Mr MacKenzie stated we can proceed. The respondent may want to enter a stipulation, and if not, we will proceed with the potential of a hearing and decide on what is the appropriate discipline. If liability is the issue than a tolling disagreement may be appropriate and once the legal proceedings are complete we would proceed with the discipline.

Mr MacKenzie said that the proposed stipulated agreement for case # 20180021 has been drafted and is nearly ready to go out, and the proposed agreement for case # 20190001 is in the process of being put together.

9. **Discussion and possible action on administrative report by executive director**

a. **Approved Licensees Report**

Ms Mamola reviewed the approved licenses report. There were no questions from the board.
b. **Action Items Related to 2017-2021 Strategic Plan**

Ms Mamola said that this agenda item was a placeholder for any discussion relating to the boards strategic plan.

Mr LaRiviere asked if any board members had questions or comments about the strategic plan. There were none.

c. **Items Related to National Council of Examiners for Engineering & Surveying (NCEES)**

i. **Western/Southern Zone Meeting**

Ms Mamola said that the Western and Southern Zone meeting is coming up in Boise, ID next week and that the meeting agenda is included in the board member packet.

Ms Mamola said that NCEES had sent out notifications about when the last paper exams were going held, and they are as follows:

The PE ME, last paper administration will happen October 2019. Beginning November 4, 2019 examinees will be able to schedule computer based testing appointments. The exam will be offered year round starting April 1, 2020.

The PE FPE exam will be offered for the last time with pencil and paper in October 2019. It will transition to computer based testing in October 2020 and will be offered on a single day as there is not enough volume to warrant offering it year round.

The PE MINE exam will move to computer based testing in 2021 and mining will also be only offered on a single day.

The PE EE exams will move to computer based testing in 2021.

The PE CE will be moved to computer based testing in 2023.

The PE SE will become computer based in 2024 and it is yet to be determined if it will be year round or a single day.

d. **Clark County bill draft request 54-487, Assembly Bill 2**

Ms Mamola said that as far as we are aware the bill is dead and that it never made it out of committee. She added that it could show up as an amendment to another bill but we are watching for that and we do not anticipate that at this point.

e. **Consideration of board authorized digital signatures, input received from southern Nevada Workshop hosted by southern Nevada branch of National Society of Professional Engineers, and upcoming workshop in Reno**

Ms Mamola said that this item remains on the agenda because it is an ongoing conversation. She said a workshop was held in Southern Nevada on March 27th that was hosted by NSPE and was well attended with over 110 attendees. We are working with ASCE to host a similar event in Reno that will likely be in late July or
early August. Ms Mamola said there was great discussion and it was obvious that there is confusion and misunderstanding by entities and licensees, so we are looking forward to continuing that discussion and to also to get some information back so the board can decide if the applicable regulations should be amended.

10. Board Committee Reports

a. Administrative Procedures Oversight Committee, Chair Karen Purcell

Ms Purcell said that APOC met on April 4, 2019 and the following items were discussed:

i. Fiscal year 2018-2019 audit

Ms Purcell said that the APOC committee recommended that we stay with the same company as last year, Wipfli. Ms Purcell added that this was for consistency and typically an audit cycle goes three years, we will consider switching to a different firm next year.

Mr MacKenzie advised the board that before a motion and vote can be taken on the item, the action item would need to be properly agendized and noticed to be in compliance with Nevada open meeting law.

Ms Mamola said she would include the action item on the agenda for a future board meeting.

ii. Fiscal year 2019-2020 budget

Ms Mamola explained that the budget as presented had been built differently than those presented previously, and that she would like to adopt the format going forward if the committee was agreeable. Ms Mamola said the format proposed has a baseline operational budget with an additional column for tracking expense items that had been identified by the board as deferred costs. These are items that have been deferred for a number of years but still need to be addressed. She said they are outlined in the business plan with estimated costs for budgeting purposes. Ms Mamola added that separating the standard operations from the deferred items allow for better tracking and easier visual reference in the monthly financials.

Ms Mamola asked if the board had any questions relating to the budget format or any specific budget line items or amounts. There were no questions from the board.

Ms Purcell said that the proposed budget had been reviewed at the APOC meeting and the APOC committee recommended approval of the budget by the board.

19-27 A motion was made by Mr Kidd seconded by Mr Anderson, to approve the fiscal year 2019-2020 budget. The motion passed unanimously.

iii. Consideration of executive director work performance and salary

Ms Purcell said that at the last APOC meeting the executive director work performance salary was reviewed and discussed with the consensus that our executive director is doing an outstanding job. Ms Purcell added that the APOC committee recommended a 6.7% merit salary increase.

19-28 A motion was made by Mr Matter seconded by Mr Kidd, to approve the executive director work performance review and salary increase. The motion passed unanimously.

b. Legislative Committee, Chair Michael Kidd
i. **Proposed changes to NRS/NAC 625**

Ms Mamola reported that SB407 was heard in the Senate Commerce and Labor Committee April 5th and it passed unanimously out of the senate. She added that it was then was heard at the Assembly Commerce and Labor Committee on April 26 and assembly woman Deena Neil has an issue with word “privileged”. Ms Mamola said that Ms Fischer is working to meet with Assemblywoman Neil and discuss, and if necessary, our fallback plan would be to remove that language from the bill. Ms Mamola continued to say that Senator Brookes said he doesn’t want to take it out for one assembly woman but we are leaving it up to Ms Fischer to gage the temperature and see if we will succeed without her vote, and if so we will leave it in, but if it looks like we won’t then we are going to have an amendment to take it out. Ms Mamola then said if the bill makes it through the assembly without amendment it would then go to the Governor for signature. If it has to be amended, it then has to go back to the senate and get their approval, then back to the Governor. Ms Mamola added that since the bill was heard in the assembly committee the now bill needs to be heard and discussed in their closed work session which we are not allowed to go to. If they have questions they will ask us but once it is done in work session they will take a vote and then we will see what happens.

Mr MacKenzie said that keeping the language as written is not critical as we haven’t had it come up as an issue. He added that our current statute states that all of our investigative records are confidential, but with the addition of “privileged” they could be subject to discovery in litigation where someone could issue a subpoena requiring the turnover of these confidential files. Mr MacKenzie said the board of accountancy has it and they are the only other board that does, and it might be good for us to have it.

Ms Mamola said that as soon as we are done with this legislative session we will start reviewing regulations that we need to revisit and update, adding to the list we have already started. Ms Mamola said a legislative committee meeting will be scheduled and we will start discussing those as soon as the initial review is complete. **(ACTION Item)**

c. **Professional Association Liaison (PAL) Council, Chair Greg DeSart**

Mr DeSart reported that the PAL Council had met that morning and that he had reminded everyone about the board calendar so when planning events they can use the calendar to avoid date conflicts. He added that it was offered to all the professional associations that board members are available to make presentations about board updates at luncheons, workshops or other professional events. Mr DeSart said that CMAA showed interest in having an update presentation and would coordinate with Ms Mamola when they had a date.

d. **Public Outreach Committee, Chair Greg DeSart**

i. **Continuing Education Even for Fall 2019**

Mr DeSart said the primary focus of yesterday’s meeting was to reevaluate the role of the public outreach committee and make sure it was in alignment of the goals set out in the board’s strategic plan. He said that there had been some confusion regarding the goal of improved connections with legislators, and whether that should be a part of the outreach committee or if it should be a legislative committee function. Mr DeSart said the consensus was, to prevent future confusion, to move that role to the legislative committee.

Mr DeSart said that the other key item discussed by the committee was having a board social media presence as part of our overall public outreach. Mr Anderson added that the board needs to reach out to the next generation of engineers, whether it is from high school, middle school, or college, who are engaged in social
media and can get their own conversations regarding licensure going back and forth. He said it would be useful if it could also develop into a forum where they could ask questions about licensing or professional engineering in Nevada, where it could give advice to the next generation on a path to licensure or at least points them in the right direction.

Mr DeSart said that social media in of itself isn’t the solution to public outreach; rather it is a part of the solution. He added that currently the board relies on Ms Mamola to get out and to talk about what the board does, which is good in itself, but he would like encourage the board members to personally get involved and take responsibility as board members to get out and make the public and professional connection. Mr DeSart continued to say that this will achieve a couple of goals; first it shows that the board is diverse, consisting of different people with multiple different backgrounds CE, PLS, ME, EE SE; and secondly it will help board members become more actively engaged in the regulatory business of the board – where having to give a 10 minute presentation about board functions will definitely sharpen your knowledge. Mr DeSart said that physical outreach by board members will be a catalyst to social media presence.

Mr DeSart said that the committee is recommending that staff do a RFP for a consultant to propose an outreach communications plan, including a social media campaign, and provide a price for both creating the plan and eventually manage the plan. (ACTION Item) Mr DeSart added that he was seeking a motion and vote for the board’s approval to move forward with requesting proposals from public relations and communications agencies.

Mr MacKenzie advised that to do that, the item would need to properly agendized, and that it is not on the agenda for this meeting. He recommended to that it be set on the agenda for the next scheduled meeting of the board or that a special board meeting date be set.

Ms Mamola said that with respect to timelines it would work best to schedule a special board meeting. She polled board members and a special board meeting via teleconference was scheduled for Tuesday May 14, 2019 at 9:00am.

11. Discussion and possible action on Nevada specific Professional Land Surveyor exam, Nevada Revised Statutes 625.280 and Nevada Administrative Code 625.310

Mr Kidd reported that the exam questions were complete and that staff will begin formatting the exam questions along with a practice exam. (ACTION Item) He said that the statute and regulation reference had been formatted and will be available along with the BLM guide on the board website, and a condensed study guide was also in development. (ACTION Item) Mr Kidd added that the goal is to start using the revised Nevada specific PLS exam in September. (ACTION Item)

Mr LaRiviere commended Mr Kidd and the committee for the time and effort, and said the revised exam is very comprehensive.

12. Election of board chair and vice chair for one year terms commencing on July 1, 2019, in accordance with Nevada Revised Statute 625.110 and Nevada Administrative Code 625.100 specific Professional Land Surveyor exam, Nevada Revised Statutes 625.280 and Nevada Administrative Code 625.310 (4).

19-29 A motion was made by Mr LaRiviere seconded by Mr DeSart, to nominate Ms Purcell for board chair. The motion passed unanimously.
A motion was made by Ms Purcell seconded by Mr Matter, to nominate Mr Kidd for board vice chair. The motion passed unanimously.

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

There were no corporate name requests that required board consideration.

14. **Board approval of non-appearance applications for initial licensure. Refer to Addendum A for list of applicants.**

The board reviewed 13 non-appearance applications for initial licensure and recommendations were made.

A motion was made by Ms Purcell, seconded by Mr Anderson, to approve the recommendations made as noted in Appendix A. The motion passed unanimously.

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

Ms. Mamola reviewed those items completed and those still pending.

Ms Purcell asked if Ms Mamola could compile a list of those states and territories that are considered discipline specific with regard to professional engineering licensure in preparation for the future discussion related to the possibility of becoming a PE state. (ACTION Item)

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

Ms Mamola said that the next board meeting on July 11, 2019 would be in the new Reno office space. She continued to say that the September 12, 2019 board meeting had been confirmed for Elko and would be held at the Red Lion hotel. Ms Mamola asked that Ms Kern finalize board member travel arrangements. (ACTION Item)

17. **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**

No topics were put forward. Mr LaRiviere asked that any items be forwarded to Ms Mamola and Ms Purcell.

18. **Signing certificates of licensure.**

Certificates of licensure were signed by board members.

19. **Public Comment**

There was no public comment.

Ms Purcell, on behalf of the board, thanked Mr LaRiviere for his dedication as a board member, vice chair, and chairman, over his nine years of service. Mr LaRiviere expressed his appreciation and said it was his honor to serve on the board.
Adjournment

Chairman LaRiviere adjourned the meeting at 10:56am, on Thursday, May 9, 2019.

Respectfully,

Patty Mamola, PE
Executive Director