NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Regular Board Meeting
Held virtually, Thursday, July 9, 2020

Board members participating were Chairwoman Karen Purcell, PE; Vice Chair Michael Kidd, PLS; Brent Wright, PE/SE; Matthew Gingerich, PLS; Gregory DeSart, PE; Thomas Matter, public member; Tracy Larkin Thomason, PE; and Angelo Spata, PE. Also joining were Patty Mamola, Executive Director; Chris MacKenzie, Board Legal Counsel; Susan Fisher, Government Affairs Liaison; Jake Wolf, Compliance Investigator; Murray Blaney, Operations/Compliance; and Louisa Kern, Administrative Assistant. The following people attended as guests of the board:

Jay Wiggins, NV Energy
Paul McGuire, Public Utilities Commission
Rob Bates, Southwest Gas
Sofia Potter-Grace, PE
Jesse Murray, NV Energy
Stefany Mullin, Public Utilities Commission
Kevin Lang, Southwest Gas
Garrett Weir, Public Utilities Commission
Anthony Peressini, candidate for initial licensure

1. **Meeting conducted by Chair Karen Purcell, call to order and roll call of board members to determine presence of quorum.**

Ms Purcell called the meeting to order at 9:32am.

2. **Pledge of Allegiance**

3. **Public comment.**

There was no public comment.

4. **Discussion and possible action on approval of May 14, 2020, board meeting minutes.**

20-74 A motion was made by Mr Spata, seconded by Mr DeSart to approve the May 14, 2020 board meeting minutes. The motion passed unanimously.
5. **Discussion and possible action on approval of June 11, 2020, special board meeting minutes.**

20-75 A motion was made by Mr Spata, seconded by Mr Gingerich to approve the June 11, 2020 special board meeting minutes. The motion passed unanimously.

6. **Discussion and possible action on financial statements.**

   a. **April 2020 financial statements**
   b. **May 2020 financial statements**
   c. **June 2020 financial statements**

Ms Mamola reviewed the April 2020, May 2020, and June 2020 financial statements as presented to the board and answered board member questions.

20-76 A motion was made by Mr DeSart, seconded by Ms Larkin Thomason to approve the April 2020, May 2020, and June 2020 financial statements. The motion passed unanimously.

7. **Anthony Peressini oral interview, consideration of initial licensure as a Civil Engineer.**

Ms Mamola explained to Mr Peressini that he had the option to request the oral interview be conducted in closed session. Mr Peressini asked that the oral interview be held in closed session.

   *CLOSED SESSION Oral Interview – no minutes taken*

20-77 A motion was made by Mr Spata, seconded by Ms Larkin Thomason to approve Mr Peressini’s application for licensure as a civil engineer. The motion passed unanimously.

8. **Discussion and possible action on compliance reports by Compliance Officer.**

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

Mr Blaney reported on the status of the five (5) open compliance case files and answered questions from board members. He added that two (2) possible complaints are pending.
b. **Consideration of probation reports:**

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<tr>
<th>John Mutiso, PE #22799</th>
<th>Richard LaPrairie, PE #12970</th>
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<tr>
<td>Richard Warren, PE #17389</td>
<td>John Skwiot, PE #20561</td>
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<td>Dooley Riva, PE #18231</td>
<td>Ralph Heninger, PE #5191</td>
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Mr Blaney reviewed the standing of licensees currently on probation. He added Mr Mutiso is nearing the end of his probation period, and the removal of probation status on his license is conditional on the acceptance of his whitepaper being considered by the board today.

c. **Consideration and acceptance of John Mutiso, PE #22799, white paper on ethics related to forensic engineering as required by stipulated agreement.**

Mr Blaney reviewed Mr Mutiso's disciplinary action and answered board member questions.

20-78 A motion was made by Mr Spata, seconded by Ms Larkin Thomason to accept Mr Mutiso’s whitepaper on ethics related to forensic engineering. The motion passed unanimously.

9. **Discussion on Board Counsel Report.**

Mr MacKenzie: reported that he did not have any matters pending at this time.

10. **Discussion and possible action on board committees—members, quorum, voting—as related to Nevada open meeting law.**

Ms Purcell reviewed the updated assignment of boards members to committees of the board.

Mr DeSart asked for clarification, with regard to open meeting law, of staff being voting members of board committees.

Mr MacKenzie said after a thorough review of the AG's administrative handbooks and various statutes and regulations, there doesn’t appear to be a lot of guidance in terms of whether or not you should have staff on the subcommittees. He added, in terms of good practice it's probably a good idea not to have them as voting members of the committee. He continued to say, designating staff to be in attendance, as support staff, where they can participate in discussions or provide reports as requested by the committee chair, is practical. But the decision-making component and voting should only be in the purview of assigned committee members.

Ms Mamola said an adjustment would be made to how committee participants are listed. Board members or others assigned would be listed as *members*, and government affairs consultants, board counsel, and staff would listed as *staff liaison*. 
Mr DeSart moved that the board formalize as policy with regard to committee assignments, that board members would be considered the members of the committee and the staff liaisons assigned to those committees would not be considered members of the committee, but they would be supporting the committee and at the direction of the chairman of each committee. Mr Kidd seconded the motion.

Mr MacKenzie suggested, because non-board members are allowed to be members of a committee, the motion be amended to state, named members of a committee appointed by the board chair, other than staff, counsel, or contract consultants, would be considered voting members of the committee.

20-79 Mr Kidd said he agreed with the friendly amendment (see motive and amendment above). The motion passed unanimously.

11. Discussion and possible action on administrative report by Executive Director.

a. Approved licensees report

Ms Mamola reviewed the approved licensees report and answered board member questions.

b. Action items related to 2017-2021 Strategic Plan

Ms Mamola said the Strategic plan approved by the board in 2017 is due to expire 2021, and as previously discussed, we would like to set a date, or dates, to review and refresh the plan as is stands. She said the tentative date and time was Friday September 11, 2020, from 9am to 1pm. Ms Mamola added that a second date and time may need to be considered for extended discussion and consideration.

Mr Kidd said in the 2017 planning session, participation and input from those outside the board was valuable, and suggested it be considered again for the strategic plan review. ACTION Item

Ms Mamola said the virtual plan review would be posted as a public meeting and outside participation would be encouraged.

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

i. Annual meeting

Ms Mamola reminded board members that NCEES virtual business meeting is scheduled for Thursday, August 27, 2020, at 2:30pm. She said materials to be considered for voting, along with national board of directors and western zone officer ballots have just been made available and a special board meeting will be scheduled for their consideration.

Board members discussed availability for a special board meeting, and a date and time of July 22, 2020, at 3pm was decided.
d. **Consideration of board authorized digital signatures, input received from southern and northern Nevada building departments and licensees**

Ms Mamola said during the last taskforce meeting, “war-gaming” various electronic submittal/digital signature scenarios, the working group got a good understanding of the frustrations being experienced by licensees and agencies. She said the members of the taskforce, as homework, were going to continue working together to see if the issues could be solved. The goal is to draft a “how-to” guidance document that would be easy to send to all the professionals and the building departments to get everybody on the same page doing what they need to do. Ms Mamola added that another taskforce meeting would be scheduled in August to review the resolution of issues and create a first draft of the guide. (**ACTION Item**)

  
e. **Consider updating license certificates including use of signature images in lieu of manually signing with ink**

Ms Mamola said with the challenges of not being able to meet in-person and get live signatures on the certificates of licensure, we are proposing that the board consider allowing staff to insert electronic images of your signatures on the certificates at the time of issuance.

  
  20-80 A motion was made by Mr Wright, seconded by Mr Gingerich, that in lieu of hand signing each certificate, board staff collect representative signatures from each board member and use an electronic copy of that signature on the certificates as our new policy. The motion passed unanimously.

  
f. **Discuss Special Survey submitted by the Nevada State Board of Professional Engineers and Land Surveyors at request of the Nevada Sunset Subcommittee on the Legislative Commission**

Ms Mamola reviewed and answered questions about the Special Survey she completed and submitted to the Nevada Sunset Subcommittee on the Legislative Commission on behalf of the board.

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

  
a. **Administrative Procedures Oversight Committee, Chair Michael Kidd**

Mr Kidd said he had nothing to report on behalf of the committee.

  
b. **Legislative Committee report, Chair Angelo Spata**

  i. **Discussion and possible action on public workshop related to proposed regulation changes and resultant draft Small Business Impact Report**
Mr Spata reported on the process to date of the 10-year regulatory review. He said a virtual public workshop was held on June 30, 2020, to gather further public comments on the proposed regulation changes. He added that the Legislative Committee had reviewed the final draft of the Small Business Impact report and is recommending approval by the board. Mr Spata said a copy of the report was included in the board packet for review and consideration by the full board.

20-81 A motion was made by Mr Spata, seconded by Mr Matter to approve the Small Business Impact Report and move it forward in the public regulatory review process.
The motion passed unanimously.

ii. Discussion and possible action on bill draft request for changes to NRS 625, 270, decoupling of exams from experience requirements for professional land surveyor applicants

Mr Spata said this item is the bill draft request for NRS 625.270 relating to decoupling the exam from experience requirement for PLS applicants. He said it has been discussed by the board in the past and we would now like to formalize moving forward with a vote of the full board.

20-82 A motion was made by Mr Spata, seconded by Ms Larkin Thomason to approve moving forward with a bill draft request to decouple the PLS exam. The motion passed unanimously.

iii. Discussion and possible action on bill draft request for changes to NRS 625.095, licensing exemption for natural gas utilities

Ms Mamola gave background on the events in Massachusetts that led to an NTSB report recommending, among other items, that states that have statutory licensure exemptions related to natural gas public utilities, remove those exemptions from their law. Letters were sent by the NTSB to state governors, including our own, asking for the exemption to be removed. We have been working with the Nevada Public Utilities Commission on the issue and they have provided the proposed amendment language. Southwest Gas has authored a related whitepaper and is in support of the proposed change. Ms Mamola added that the board’s government affairs liaison, Ms Fischer, has forwarded the language to NV Energy for consideration and feedback.

Ms Purcell said public comment had been forwarded and would now be read into the record.

Chairwoman Purcell, P.E. and Members of the Board,

My name is Jesse Murray and I am the Vice President of Gas Delivery for NV Energy. I have been licensed by this board since 2011, license number 21314. NV Energy provides natural gas service to approximately 175,000 customers in the Reno-Sparks metropolitan area. We are regulated as a natural gas utility by the Public Utilities Commission of Nevada. I appreciate the board’s time and the opportunity to submit written comments and would like to provide comments on agenda item 12(b)(iii) regarding the bill draft request for changes to NRS 625.095 governing the licensing exemption for natural gas utilities.
In September 2018, an incident occurred in the Merrimack Valley of Massachusetts when a natural gas distribution system was over pressurized, causing a series of fires and explosions that killed 1 person, injured 22 others, and damaged 131 structures. The National Transportation Safety Board investigated the incident and issued a series of recommendations to prevent a future occurrence. One of the recommendations, addressed to 31 states including Nevada, seeks to eliminate an existing public utility exemption for Professional Engineering review and approval of natural gas facility design.

As a natural gas provider, NV Energy follows rigorous engineering and design standards and processes to ensure public safety and comply with federal and state regulations. Keeping our customers, the general public and our employees safe around natural gas is our highest priority. NV Energy already employs many Nevada licensed mechanical, civil, and chemical engineers in our natural gas operations. While licensure does not necessarily guarantee nor indicate proficiency in natural gas design, our company recognizes that licensure can be an important component in the professional development, proficiency, and ethical character of an engineer engaged in natural gas design.

NV Energy supports the removal of the current public utility’s exemption in this statute for natural gas projects that meet a threshold of elevated risk to public safety. Criteria for elevated risk should include changes to systems that result in an increase of the maximum allowable operating pressure of a system, any design work on transmission pipelines as defined by 49 CFR Part §192.3, or design work that materially impacts pressure regulating facilities. It is important to note the licensure will not be substituted for any other specific natural gas training and experience that we currently provide to gas distribution design engineers. Rather, requiring a PE stamp on these designs will be utilized as a complimentary and additional step in our engineering, design process review and approval process to further mitigate risk.

I ask that the board consider additional points specifically on the BDR. First, as we are already regulated by the Pipeline and Hazardous Materials Safety Administration and the Pipeline Safety Staff of the Public Utilities Commission of Nevada, the board should consider ensuring that the BDR language clearly delineates jurisdictional authority to those existing regulating entities. Second, the BDR language as currently drafted should be clarified to ensure that removal of the exemption applies only to the natural gas operations of a utility. As NV Energy also provides electric service, the language as currently written could be interpreted to apply to both NV Energy’s gas and electric operations, and I do not believe that this was the intent of either the NTSB recommendation or the author of the BDR.

I appreciate the board’s consideration in this matter. Thank you, Jesse Murray, Vice President, Gas Delivery, NV Energy

Ms Purcell opened the floor for any additional public comment.

Mr Lang: My name is Kevin Lang. I’m the director of engineering services for Southwest Gas Corporation based out of Las Vegas and I’m also a registered professional civil engineer here in the state of Nevada. I appreciate the opportunity to provide oral comments this morning to the Nevada board regarding the recent National Transportation safety board or NTSB recommendations to 31 States including Nevada to eliminate the current Public Utilities exemption per for professional engineering review and approval of natural gas facility, as a matter of context Southwest Gas is the largest Natural Gas Distribution utility in the state of Nevada serving over 760 thousand customers in the state through over 15,000 miles of distribution piping and over 800 miles of transmission piping between the utility company and the Paiute pipeline, a wholly owned subsidiary of Southwest Gas.
Southwest Gas provided for the board's reference a copy of the company's position paper on the NTSB recommendations and I'll provide a brief summary of that right now. Southwest Gas has been closely monitoring the developments regarding this subject and supports the removal of the current Public Utilities exemption in the state of Nevada for complex and high-risk natural gas projects, provided that a clear delineation is established between the jurisdictional authority for natural gas pipeline safety compliance and the oversight and licensing of Professional Engineers held by this board.

In Nevada, the Public Utilities Commission has jurisdictional authority for pipeline safety for regulated Natural Gas Utilities within the state, as further described in the company's position paper the company specifically supports the application of a professional engineering review of the following types of natural gas pipeline work based upon the complexity and relative risk of the work being performed. Design work that creates or reconfigures a pressure regulating station. Design work for new compressor stations, design work for new transmission pipelines and pressure increased projects for transmission and distribution natural gas pipelines, while Southwest Gas currently employs Professional Engineers amongst its engineering personnel company-wide and encourages its Engineers to pursue their professional engineering licenses, the company currently does not require a PE review nor do we sign or seal our natural gas plans today.

The company's position paper goes on to further outline the various company policies that meets or exceed both state and federal pipeline safety regulations. In addition to the company's belief and practice that its engineers develop and maintain the necessary knowledge and experience to design a natural gas facility. A PE license by itself does not guarantee that an individual possesses the necessary knowledge and experience to adequately design natural gas facilities.

For the board's reference the last two pages of the company’s position paper provide a high-level overview of the Merrimack Valley Natural Gas accident investigated by the NTSB, which led to their subsequent recommendation to the natural gas industry just for your general reference. And finally, we also included a copy of the American Gas Association or AGA position paper on this topic, AGA is an industry association representing over 200 local energy companies in the natural gas industry. AGA supports a similar position as the company on this topic. Now that concludes my summary of the company’s position on the NTSB recommendation.

Regarding the proposed legislative changes for the Nevada revised statutes NRS 625.095, the company has conducted a preliminary review of the initial draft proposed by the Public Utilities Commission of Nevada, and I believe has been presented to this board and supports the general intent of this legislative change. The company currently understands that the legislative change will trigger the Public Utilities Commission of Nevada to initiate and Nevada Administrative Code change to provide the specific commission regulation related to this subject following the successful approval of the BDR. The company will continue to work closely with the Public Utilities Commission of Nevada as these efforts advance.

That concludes my formal public comment for today, I appreciate the opportunity again to present to this report.
Ms Mamola said with the Nevada Energy concern that proposed language could be interpreted to include electrical services, where they would prefer to see an alteration in the language to make it absolutely clear that the exemption would only be removed for the natural gas operations, she would work with a PUC representative to revise the language.

Mr Weir, GC for the PUC, said he would work with Ms Mamola, the utilities, and our technical experts of the commission to develop some language that satisfies or that alleviates NV Energy’s concern.

Mr Purcell asked if board members would be agreeable to Ms Mamola and Mr Weir revising the proposed language and re-presenting to the board for consideration. The board members agreed. *(ACTION Item)*

Ms Mamola said the revised language would be presented for board consideration at the special board meeting on July 22, 2020.

Mr Spata said he supports the change specific to natural gas facilities, but it should be noted that the statute was initially put on the legislative committee agenda to evaluate across all exemptions, and that he would like to see a wider discussion before hastily moving any change forward.

Ms Mamola said that can be added as an agenda item to the next LegComm meeting. *(ACTION Item)*

c. Professional Association Liaison Committee, Chair Greg DeSart

Mr DeSart said because of technically difficulties, the PAL meeting was rescheduled for July 15, 2020, at 4pm. *(ACTION Item)*

Mr Spata suggested that the PAL meeting may be a good forum to encourage industry participation in the board strategic planning process. *(ACTION Item)*

d. Public Outreach Committee, Chair Greg DeSart

Mr DeSart said the committee had met on July 8, 2020, and the meeting was primarily a debrief by Vogel Design of the public outreach/social media campaign. He said the campaign has been a success and the analytics point to 58% increase in web traffic to the board’s website since the social media campaign started in late January 2020. Mr DeSart said the committee discussed the next steps with social media and determining a set of goals and objectives for the next phase. He said it concluded that it would be best for that to happen following the board review and refresh of the strategic plan. At that point the committee can give Vogel Designs direction based on the board’s goals and then request a proposal for possible consideration at the November 2020 board meeting. Mr DeSart said in the meantime, with the social media platforms up and running, and summer typically a period of reduced online engagement, a “maintenance level” of posting – would continue until the new communication objectives are set.
13. **Discussion and possible action related to designating Kent B Anderson, PE, retiring board member, emeritus status pursuant to Nevada Administrative Code 625.125, for a period of one year.**

Ms Mamola said Nevada Administrative Code 625.125, allows the board to grant a past board member emeritus status, emeritus status allows a board member to continue to participate in NCEES. She continued to say, Mr Anderson was appointed to a NCEES exam committee for Professional Engineers and so he’s asked that the board grant him emeritus status, for a period of one year, which would enable him the opportunity to continue to participate in that committee for a one year period – pending this board’s approval.

Mr DeSart asked for the recent history of emeritus members being granted by the board.

Ms Mamola gave the board an overview and answered board member questions.

20-83 A motion was made by Ms Larkin Thomason, seconded by Mr Kidd, to grant Mr Anderson Nevada board member emeritus status for a period of one year. The motion passed unanimously.

Ms Mamola said she would notify Mr Anderson and send letter to NCEES informing of his being granted Nevada board member emeritus status for a period of one year. (ACTION Item)

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

Ms Mamola said there were no corporate name requests requiring board consideration.

15. **Consideration of initial licensure applicant requests to waive certain requirements of Nevada Revised Statutes and Nevada Administrative Code Chapter 625.**

Mr DeSart recommended granting the waiver requests of NRS 625.183 (4) (a) for Kyle Thompson, applying for environmental engineering licensure.

20-84 A motion was made by Mr DeSart, seconded by Mr Wright to approve the waiver request. The motion passed unanimously.

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

The Board reviewed nine applications in the board packet and addendum for initial licensure and recommendations were made.

20-85 A motion was made by Ms Larkin-Thomason, seconded by Mr Kidd to approve the initial licensure applications as noted. The motion passed unanimously.
17. **Discussion and possible action on status of Board and staff assignments.**

Ms Mamola reviewed the action items listed in the board packet, reported on status, and answered questions from the board.

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

Ms Mamola reviewed future board, zone, and NCESS meeting dates.

Mr Spata asked that Ms Mamola send out calendar notifications/invites to the board for the future dates so they can be accounted for in their future scheduling. *(ACTION Item)*

19. **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 future meeting topics were put forward.

20. **Signing certificates of licensure.**

21. **Public comment.**

Ms Fisher said she had secured, in anticipation of the board approving the proposed amendments to NRS 625.095 and 270, a bill sponsor - Assemblywoman Sandra Jauregui. She is a member of the majority party and sits on Commerce and Labor which is where the bills will go. Ms Fisher added she originally approached Assemblywoman Maggie Carlton because of her position in the legislative leadership, but with this being her last session, she (Assemblywoman Carlton) recommended Ms Jauregui. Ms Fischer continued to say she connected with Assemblywoman Jauregui and explained to her the workings of the proposed amendments and Assemblywoman Jauregui said she would be happy to carry the BDR pending approval by the board.

22. **Adjournment**

Ms Purcell adjourned the meeting at 11:55am.

Respectfully,  

Patty Mamola  
Executive Director