

NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Regular Board Meeting, Thursday, January 16, 2020
Held at 241 W Charleston Boulevard, Suite 130, Las Vegas, Nevada, 89102

Chairwoman Karen Purcell, PE, declaring a quorum present, called the meeting to order at 9:30am. Board members present were Vice Chairman Michael Kidd, PLS; Brent Wright, PE/SE; Matthew Gingerich, PLS; Gregory DeSart, PE; Thomas Matter, public; Tracy Larkin-Thomason, PE; and Angelo Spata, PE. Kent Anderson, PE; was excused. Also present were Patty Mamola, Executive Director; Chris MacKenzie, Board Legal Counsel; and Murray Blaney, Operations/Compliance.

The following people attended as guests of the board:

Sandy Solares, CE (Civil Engineer) # 26780

Nick Ariotti, PLS # 22373

Brian Robertson, PE (Colorado Electrical Engineer), NCEES Western Zone Vice President

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

2. Pledge of Allegiance.

3. Public comment.

Chairwoman Purcell said that before moving to public comment, she would like to read the mission statement of the board as a reminder of the board's purpose.

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 stake holders.

There was no additional public comment

4. Introductions and guest orientation

Board members, staff and guests introduced themselves.

5. Continuation of January 15, 2020 formal hearing and possible disciplinary action related to complaint number 20180021, David Richards, PLS, license number 10026.

Ms Purcell said the continuation of the January 15, 2020, formal hearing had been rescheduled as a Special Board Meeting on February 4, 2020, at 9:00am at the board office in Las Vegas. Ms Mamola said the notifications for the Special Board Meeting would be sent out and the agenda for the meeting posted for the public.

6. Discussion and possible action on approval of November 14, 2019, Board Meeting minutes.

20-01 A motion was made by Mr Spata, seconded by Mr Wright to approve the November 14, 2019 meeting minutes. The motion passed unanimously. Mr Gingerich abstained and Mr Anderson was not present for the vote.

7. Discussion and possible action on approval of November 21, 2019, Special Board Meeting minutes.

20-02 A motion was made by Mr Spata, seconded by Mr Matter to approve the November 21, 2019 meeting minutes. The motion passed unanimously. Ms Purcell abstained and Mr Anderson was not present for the vote.

8. Discussion and possible action on approval of December 16, 2019, oral interview minutes.

20-03 A motion was made by Mr Spata, seconded by Mr DeSart to approve the December 16, 2019 oral interview minutes. The motion passed unanimously. Mr Anderson was not present for the vote.

9. Discussion and possible action on financial statements.

Ms Mamola reviewed the financial statements presented to the board and answered board member questions.

a. October 2019 financial statements

b. November 2019 financial statements

c. December 2019 financial statements

20-04 A motion was made by Ms Larkin-Thomason, seconded by Mr Gingerich to approve the October 2019, November 2019, and December 2019 financial statements. The motion passed unanimously. Mr Anderson was not present for the vote.

10. 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 ten (10) open compliance case files and answered questions from board members.

b. Consideration of probation reports:

Larry J Sanchez, PE #15752	Mingqiao Zhu, PE #15943
John Mutiso, PE #22799	Richard Warren, PE #17389
Lazell Preator, PE #14982	Dooley Riva, PE #18231

Mr Blaney reviewed the ongoing status of whitepapers submitted to the board as terms of stipulated settlements.

Mr Blaney reported that Mr Warren's probation status was currently under review. He said Mr Warren had not yet submitted a list of projects that involved structural engineering under his civil license as required by the terms of his stipulated agreement. He added that a letter indicating his non-compliance had been prepared and would be sent to Mr Warren.

11. Discussion on Board Counsel Report.

Mr MacKenzie said he had no ongoing matters to report other than the two (2) stipulated agreements presented to the board for consideration.

12. Discussion and possible action on stipulated agreement for Richard LaPrairie, PE, license number 012970, complaint number 20190002.

Mr MacKenzie reviewed the facts and terms of the stipulated agreement and answered questions from the board. The core issue was the failure to have a written contract which resulted in confusion in the scope of the project and a complete breakdown in communication between the two parties.

Mr Wright commented that board had seen a number of compliance issues where there was no written contract, and that having a contract in writing could have prevented the problems.

He added that it appears that a number of licensees are unaware of the requirement and some re-education may be needed. Mr Wright continued to say the Legislative Committee should consider, in the review of continuing education, requiring licensees to do a refresher on Nevada laws and regulations. (ACTION)

Mr Spata agreed that it is something to be considered by the Legislative Committee and that it could be an item to be addressed by the Professional Association Liaison Committee as well. (ACTION)

Mr DeSart said that getting information out to licensees would fall under the purview of the Public Outreach Committee. He added the soon to be launched social media communications campaign would be a good medium to achieve an expanded reach. (ACTION)

20-05 A motion was made by Mr Spata, seconded by Mr Matter to approve the stipulated agreement. The motion passed unanimously. Mr Anderson was not present for the vote.

13. Discussion and possible action on stipulated agreement for John Skwiot, PE, license number 020561, complaint number 2019007.

Mr MacKenzie reviewed the stipulated agreement facts and proposed terms for consideration by the board and answered board member questions.

20-06 A motion was made by Mr Kidd, seconded by Ms Larkin-Thomason to approve the stipulated agreement. The motion passed unanimously. Mr Anderson was not present for the vote.

14. Presentation by Brian Robertson, PE, NCEES Western Zone Vice President.

Mr Robertson provided a powerpoint presentation (included in the meeting packet) giving an overview of the National Council of Examiners for Engineering and Surveying (NCEES). Mr Robertson reviewed the following areas (below) in his presentation and answered board member questions.

- Visions and Mission of NCEES
- Organizational Structure
- NCEES Services
- Committees, Task Forces, and Annual Meeting
- Getting Involved with NCEES
- NCEES and Public Protection
- NCEES Surveying Examinations (potential changes to the PS Exam)

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

Ms Mamola reviewed the agenda items and answered board member questions.

a. Approved licensees report

There were no questions from the board.

b. Action items related to 2017-2021 Strategic Plan

There were no questions from the board.

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

i. Western/Southern/Central/Northeast Zone meeting

Ms Mamola reviewed the schedule for the zone meeting and identified the delegated who would be funded by NCEES. She asked if all board members were planning on attending. Mr Wright said he had a schedule conflict and would not be able to attend.

ii. Karen Purcell nomination for Western Zone Vice President

Ms Mamola asked for consideration of the board for the endorsement of Ms Purcell's nomination for Western Zone Vice President.

20-07 A motion was made by Mr Wright, seconded by Ms Larkin-Thomason to endorse Ms Purcell's nomination for Western Zone Vice President. The motion passed unanimously. Mr Anderson was not present for the vote.

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

Ms Mamola reviewed the January 8, 2020, meeting of the digital signatures taskforce. She said the main items that came from the discussion were; firstly, philosophical - are they really needed and should we go down this path; and second, if we do proceed, addressing the logistics related to electronic submissions – file size, do submissions in preliminary stages (30%, 60% etc) need to be signed, and at final submission does every sheet need a digital signature (again, with respect to file size).

Ms Mamola said the next meeting of the taskforce would be held on February 18, 2020. Ms Mamola added that participants in the PAL Committee would be added to the meeting invite

distribution list. (ACTION)

Mr DeSart asked for clarification if anybody from TMWA was participating in the taskforce discussions. Ms Mamola she would review who was on the master invite list that was created by Randall Rice with ASCE. (ACTION)

16. Discussion and possible action on board committee reports.

a. Administrative Procedures Oversight Committee, Chair Michael Kidd

Mr Kidd said that APOC had not meet since the last board meeting.

b. Legislative Committee, Chair Angelo Spata

i. Proposed changes to Nevada Revised Statutes Chapter 625, 327, 329 and Nevada Administrative Code Chapter 625

Mr Spata listed the itemized statutes and regulations that were being reviewed, along with the committee member assigned as lead. He said in addition to the listed regulations staff would evaluate all regulations and make recommendations as part of the required 10-year comprehensive review.

Ms Mamola said as part of the process, staff will review the regulations with their associated statutes to see if there are any gaps to filled. She added that NRS's and NAC's will be compared to NCEES model laws and rules.

NAC 625.610 (10) – digital signatures – Ms Purcell

NAC 625.610 (13) – revisions to original plans and successor engineer – Mr Spata & Ms Mamola

NRS 625.398, NAC 625.430 and NAC 625.470 – professional development hours – Mr Wright

NRS 625.580, NAC 625.610 (5)(6)(7) – responsible charge of work – Ms Mamola & Mr Spata

NRS 625.040 – practice of land surveying – Mr Kidd

NAC 625.210 – application reference requirements, citizenship – staff

NRS 625.530 – public works exemption from using licensed professional engineer – staff

NRS 625.095 (formerly 625.500) – public utility exemption from using licensed professional engineer – Ms Mamola

NRS 625.390 – NCEES record in lieu of Nevada application – staff

NRS 625.175, NAC 625.220 – discipline specific versus a PE State discussion – Ms Purcell

NAC 625.310 (4) – authority to charge for Nevada specific survey exam – staff

NRS 327, NRS 329 - NGS datum update – Mr Kidd

Mr Spata said the committee discussed the timelines involved for any possible amendments and the item leads were tasked to review and report back to the committee with an overview on the priority and timetable for their assignment. He added that Ms Mamola would present a proposed schedule for the regulatory process.

The next committee meeting was scheduled for February 3, 2020 at 4pm.

c. Professional Association Liaison Committee, Chair Greg DeSart

Mr DeSart reported that the committee had discussed the launch of the board’s social media communications plan, and the association members were encouraged to participate in the program through their organization’s social media accounts.

Mr DeSart said there was a discussion related to a possible workshop or forum on continuing education to get licensee feedback before moving into the regulatory process. He said the consensus was it would be appropriate to first get board approval before moving to organize and schedule an event. Ms Mamola said a discussion item would be added to the agenda for the Special Board Meeting on February 4, 2020 for board consideration. (ACTION)

Mr DeSart said the committee meeting concluded with each of the organizations giving an update on their local activities.

Mr Kidd asked to have an agenda item added to the next PAL Committee meeting related to the plan submittal process with public entities. (ACTION).

d. Public Outreach Committee, Chair Greg DeSart

Mr DeSart said the committee has not met since the last board meeting, but the board would be hearing today from the consultants as they roll out the public outreach communications plan. He added that he would like to schedule the next committee meeting, if possible, the day before the March 4, 2020 board meeting. Ms Mamola said she would review the date and confirm with Mr DeSart. (ACTION)

17. Presentation by Vogel Designs on planned communications/public outreach/social media plan

The Vogel Designs team gave an overview of the launch plan for public outreach and the social media focus. Mr Vogel described the changes being made to the website landing pages in preparation for social media driving users to the site. Ms Collins outlined the social platforms to be utilized in the launch – LinkedIn, Twitter, and Facebook – and that a YouTube channel would come online at a later date. Mr Stone reviewed the Google Analytics that had been installed on the website and how social media content will be developed relative to keywords for search engine optimization. Ms Jolly added that relationships with STEM and industry partners would be used to help build content engagement and that web tools would measure the social media reach.

A discussion took place about the level of social media participation by board members. Mr MacKenzie urged a cautious approach as social media can be seen as serial communication, in particular with any matters that could fall under the jurisdiction of the board and that had not yet been deliberated on.

Mr Vogel finished the presentation in saying the public outreach/social media communications campaign would be launched coinciding with the first 2020 Nevada Connection online newsletter which is scheduled for Tuesday January 28.

18. Discussion and possible action on Nevada specific Professional Land Surveyor exam, Nevada Revised Statutes 625.280 and Nevada Administrative Code 625.310 (4).

Mr Blaney said the reference material was being sorted and prepared for hosting on the board website, and presentation format was being worked on. He added question sets for the practice exam and live exam were being finalized. Mr Blaney said the target date to release the practice exam and all reference material was June 1, 2020. (ACTION)

19. Discussion and possible action on corporate name requests.

Ms Mamola said the next two items relate to name requests – per NRS 625.520 – that both have the engineering in their name but do not qualify for any exemption. She continued to say the names are not coupled with a discipline recognized by the board. Mr MacKenzie said even though the name is not coupled with a discipline recognized by the board, NRS 625.520 (4) allows for additional consideration in stating whether the use of the terms *directly or indirectly employ any means which in any manner tends or is likely to mislead the public or any member thereof that any person is qualified or authorized to practice engineering.*

Ms Mamola said the items were presented for consideration so the board could give staff direction on how to proceed with these types of requests.

A discussion amongst the board members ensued.

20-08 Mr DeSart made a motion in giving direction to staff, if a company has the word engineering in its name and it isn't coupled with a discipline regulated by the board, and in the description of the business services there is no indication that they're offering professional engineering without a licensee, than the request can be approved at the staff level. Mr Wright seconded the motion. The motion passed unanimously. Mr Anderson was not present for the vote.

20-09 A motion was made by Mr Spata, seconded by Mr Wright, to approve the corporate name request for *Superior Welding Engineering and Robotics LLC*. The motion passed unanimously. Mr Anderson was not present for the vote.

20-10 A motion was made by Mr Wright, seconded by Ms Larkin-Thomason, to approve the corporate name request for *Conwell Audio and Production Engineering LLC*. The motion passed unanimously. Mr Anderson was not present for the vote.

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

Ms Purcell recommended granting the waiver request of NRS 625.193 (1) (a) for John Lincoln, applying for electrical engineering licensure.

20-11 A motion was made by Ms Purcell, seconded by Mr Matter to approve the waiver request. The motion passed unanimously. Mr Anderson was not present for the vote.

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

The Board reviewed 24 applications for initial licensure and recommendations were made.

20-12 A motion was made by Mr Spata, seconded by Mr Gingerich to approve the initial licensure applications as noted. The motion passed unanimously. Mr Anderson was not present for the vote.

22. 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.

23. Discussion and possible action on meeting dates.

Ms Larkin-Thomason asked that board members be notified of all board and committee meetings, and all other board related events as soon as dates became known. Ms Mamola said she would send outlook calendar invites to all members for all board activities when dates were finalized. (ACTION)

Mr Spata asked for clarification on the schedule for rural Nevada board meetings. Ms Mamola said it had originally been discussed that they be held at rural location annually, but because of travel times and associated committee meetings around board meeting dates, the schedule had been amended to biennially.

24. 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 discussed.

25. Signing certificates of licensure

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

26. Public comment.

There was no public comment.

27. Adjournment.

Chairwoman Purcell thanked the board guests for attending and their participation. The meeting was adjourned at 2:10pm, on January 16, 2020.

Respectfully,

Patty Mamola
Executive Director

