Board members participating were Chairwoman Karen Purcell, PE; Vice Chair Michael Kidd, PLS; Matthew Gingerich, PLS; Thomas Matter, public member; Angelo Spata, PE; and Tracy Larkin-Thomason, PE. Attending their first board meeting as board members were Lynnette Russell, PE, and Robert Fyda, PE. Also joining were Patty Mamola, Executive Director; Chris MacKenzie, Board Legal Counsel; Susan Fischer, Board Government Affairs Liaison; Murray Blaney, Operations/Compliance; Jake Wolf, Compliance Investigator; and Louisa Kern, Administrative Assistant. Board member Brent Wright, PE/SE, was excused.

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

Chairwoman Karen Purcell, declaring a quorum present, called the virtual meeting to order at 8:30am.

2. Pledge of Allegiance

3. Public comment.

There was no public comment.

4. Introductions and guest orientation.

Chairwoman Purcell said that before moving to introductions, 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 stakeholders.

Board members and staff introduced themselves.

5. Discussion and possible action on approval of July 9, 2020, board meeting minutes.
20-100 A motion was made by Ms Larkin-Thomason seconded by Mr Gingerich to approve the July 9, 2020 board meeting minutes. The motion passed unanimously. Mr Wright was not present for the vote. Ms Russell and Mr Fyda abstained, as they were not yet board members and did attend the meeting.

6. **Discussion and possible action on approval of July 22, 2020, special board meeting minutes.**

20-101 A motion was made by Mr Gingerich seconded by Mr Matter to approve the July 22, 2020 special board meeting minutes. The motion passed unanimously. Mr Wright was not present for the vote. Ms Russell and Mr Fyda abstained, as they were not yet board members and did attend the meeting.

7. **Discussion and possible action on July 2020 financial statements and August 2020 financial statements.**

Ms Mamola reviewed the July 2020 and August 2020 financial statements as presented to the board and answered board member questions.

20-102 A motion was made by Mr Spata, seconded by Ms Larkin-Thomason to approve the July 2020, and August 2020 financial statements. The motion passed unanimously. Mr Wright was not present for the vote.

8. **Discussion and possible action related to Christoph Lohr’s request for Nevada to send a letter to NCEES in support of adding a plumbing module to the national mechanical engineering exam.**

Ms Purcell asked Mr Lohr to introduce himself and begin his presentation.

Mr Lohr: *My name is Christoph Lohr. I’m a licensed professional engineer in my home state of Arizona and in Nevada.*

*I’m actually here on behalf of the American Society of Plumbing Engineers, specifically the professional engineering working group, to share what our working group is doing related to our talks with NCEES.*

*Basically, if you look at the mechanical umbrella of exams that NCEES offers, there is three exams currently. The first is HVAC and refrigeration, second is heat and heat mass transfer, and the third one is solid mechanics. When you look at the world of plumbing engineering back in the day, most of the concepts in plumbing engineering were thought to be very simple. So, any ABET accredited professional license engineer should be able to handle it. But if you look at the past seven years the concepts of plumbing engineering have gotten more and more complex. We are talking now medical gasses, we’re talking obviously natural gas. We're talking now micro bacteria and other microbes,*
water-borne pathogens in the water, water chemistry. All of that is becoming much much more nuanced.

When I sat for the PE exam back in 2012, I don't remember a single question, whether it was in the morning or in the afternoon, that related to plumbing engineering. There was nothing that really encapsulates any of the requirements that are needed and plumbing engineering to positively impact public health and safety. Since that time, I have dedicated my profession to plumbing engineering. I used to do both HVAC and plumbing. But now for the last eight nine years I have focused my entire career on plumbing engineering and I'm not alone. If you look at the American Society Plumbing Engineers, many of our members are young graduates.

I've spoken to the Arizona Board of Technical Registration and a number of other boards, and I have petitioned them to send a letter to NCEES to basically look into creating a plumbing exam under the mechanical discipline. I just want to say this is not creating a new discipline like fire protection - that is not what we are intending to do. Sometimes there's some confusion in that, this is only basically offering an exam under an existing discipline that a certain percentage of mechanical engineers or engineers that are currently in the construction industry would test them on the knowledge that's requisite to their daily jobs - and the new module would encompass those topics.

What I'm asking you all today, is to basically send a letter to NCEES - and I can give you a sample letter if you so desire - stating that you support the initiative of a plumbing specific exam, and includes a basic estimate of mechanical engineers in Nevada that may take the exam every year. It'll be a small percentage. We're talking about 10 to 15 percent of your state's mechanical engineers that would likely take a plumbing engineering exam.

NCEES said that if we can get 10 states to provide them some rough numbers estimates and if we're able to identify about a hundred and fifty potential test takers they would look into creating that exam. That's kind of the catalyst that they need. So, they said for us, asked me, to reach out to the various state boards and to have this conversation on this very important subject and to do the legwork and then NCEES will look into it.

So that's the conversation that I was hoping to have with the board today. I really appreciate your time and consideration.

Ms Purcell thanked Mr Lohr for his presentation. She said she would be in favor of adding this as another testing area because it is an important practice area. Ms Purcell added it would be good to test a potential engineer's knowledge on plumbing systems if that is an area of their career focus.

Mr Spata agreed with Ms Purcell and was in support of adding a specific exam module to the mechanical engineering exam.

Ms Russell asked for clarification on the interest level of people in taking a possible specialty plumbing exam.
Mr Lohr said the estimate was around 10 to 15% of mechanical engineering test takers in each state, with the actual number varying by the state size. The number annually nationwide is forecast to be around four hundred.

Mr Matter said he agreed with Ms Purcell and Mr Spata. He said in his experience, newer technologies and systems being used to power and condition built space were moving to the purview of mechanical engineers with plumbing expertise, as opposed to traditional HVAC. He said there appears to be a need for a new test module, and if NCEES has a willingness to explore it, he said it would be beneficial for us to be in support.

20-103 A motion was made by Mr Spata, seconded by Ms Larkin-Thomason to direct staff to write a letter to NCEES supporting the addition of a plumbing module to the national mechanical engineering exam. The motion passed unanimously. Mr Wright was not present for the vote.

Ms Mamola said she would draft a letter and present it to Ms Purcell for review and signature. (ACTION Item)

Mr Lohr thanked the board for their support and asked to receive a copy of the letter sent to NCEES so he could keep ASPE informed. Ms Mamola said she would send Mr Lohr a copy. (ACTION Item)

9. 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.

b. Consideration of probation reports:

Richard Warren, PE #17389  John Skwiot, PE #20561
Dooley Riva, PE #18231  Ralph Heninger, PE #5191
Richard LaPrairie, PE #12970

Mr Blaney reviewed the standing of five (5) licensees currently on probation.

Mr Kidd asked if Mr Riva was in compliance with his administrative fine payment schedule. Mr Blaney said that he was.
10. **Discussion and possible action on Board Counsel Report.**

Mr MacKenzie said had had no pending disciplinary matters to report on. He said with the board welcoming two new members, it would be timely to do a refresher of open meeting law presentation for the full board at its next meeting. **(ACTION Item)**

a. **Discussion and possible action on contract with Allison MacKenzie, Ltd for legal services, for a two-year period commencing January 1, 2021, in the not-to-exceed amount of $165,000 per year.**

Mr MacKenzie said this item related to the consideration of a contract extension for his firm’s legal services to the board. He said the contract, included in board materials for review, proposes a two-year continuation with annual billing not to exceed an annual amount of $165,000. Mr MacKenzie added that the board has not come close to the annual cap since he began serving the board. He asked if board members had any questions.

Ms Mamola said that APOC had a brief discussion during the formation of the fiscal year budget and had recommended continuing the relationship with Mr MacKenzie and his firm. She added that was the reasoning behind presenting the new contract directly to the board for consideration.

20-104 A motion was made by Mr Kidd, seconded by Ms Larkin-Thomason to approve the Allison MacKenzie, Ltd contract for legal services. The motion passed unanimously. Mr Wright was not present for the vote.

Ms Mamola said with the board’s approval the contract would be forwarded to the State Board of Examiners for consideration and approval. **(ACTION Item)**

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 reminded board members that at the board’s direction, a strategic plan refresh session would be held tomorrow morning from 9am to 1pm. The scope is to review the current plan and determine what needs to be refreshed/revised and to create an updated plan for the next three to five years.
c. Items related to National Council of Examiners for Engineering & Surveying (NCEES)

i. Annual meeting

Ms Mamola said NCEES hosted a virtual meeting on August 27th with the agenda focus being on the election results for NCEES and Western Zone officers. She then listed the election results (below):

NCEES President – Christopher Knotts, PE, from Louisiana
NCEES President-Elect – Brian Robertson, PE, from Colorado
NCEES Treasurer – Paul Tyrell, PE/PLS, from Massachusetts
Western Zone Vice President – Scott Bishop, PLS, from Utah
Western Zone Assistant Vice President – Mohammad Qureshi, PE, from California

ii. Professional engineering exam administration

Mr Gingerich said he was concerned about testing and the lack of availability for the NCEES exams (FE and PE) – because of the pandemic – and the delays new graduates might experience due to the limited testing capacity. He was concerned that NCEES might not be doing enough to help remedy the situation.

Ms Mamola said delays were being experienced but NCEES was working to get through the backlog created due to the cancelation of the April 2020 PE exams, and the impact of the temporary shutdown on computer based testing (CBT) centers. She said, on positive side, engineering and land surveying were deemed essential services and Pearson Vue centers resumed testing as soon as they were able although at a lesser capacity due to social distancing requirements. Ms Mamola said with FE exam availability, the challenge to graduates could be finding a seat. She added they may need to expand the search of available locations to find a spot in the near term. Limitations are due to government restrictions and are not within the control of NCEES. Ms Mamola said that other professions were also experiencing the same challenges.

Ms Mamola said finding solutions for the pencil and paper PE exams had been more challenging because of venue availability for the larger number of exam takers. She said she had been working on behalf of NCEES to secure additional space in Las Vegas and Reno and to also provide help in finding support staff to proctor the exams. Ms Mamola said exams would be held on successive days in October and an additional regional exam slot has been set in January 2021. Ms Mamola said NCEES has accelerated the transition away from pencil and paper to computer-based testing (CBT) for several disciplines. This too should help reduce the inconvenience of the April exam cancellations.
d. Consideration of board authorized digital signatures including the possibility of requiring third-party verification of digital signatures, input received from southern and northern Nevada building departments and licensees.

Ms Mamola said a meeting of the digital signature taskforce was held August 25th. From the meeting it was decided to draft an e-submittal/digital signature guide. Several entities have put out their own guides. We are looking to take the best of all of them and endeavor to provide a single document that will work for all Nevada agencies and professionals. Ms Mamola said the draft version of the guide has been circulated for feedback and the taskforce will meet again later in September to consider feedback and make edits. She added, as preview of the direction being taken, for electronic submittals we are proposing the professional would stamp and digitally sign only the first page of each discipline – subsequent pages of the flattened document would only contain an image of their stamp/seal and likely include an image of their signature. This has been agreed to in principle by the participating consultants and agencies on the taskforce. Ms Mamola said related regulations may need to be revisited to add clarity and to consider the requirement that the digital signatures be third-party verified – which is being requested by some agencies to comply with federal standards. Ms Mamola said, in light of that request, the board should consider encouraging – or possibly mandate – third-party verified digital signatures by offering some sort of subsidized program at the time of license renewal. She said the board could negotiate a volume discount related to anticipated demand and consider paying the partial or full cost (for licensees) of the initial signature verification. Ms Mamola said reserves held by the board had been earmarked in the business plan for such a subsidy. She added by being pro-active in the transition to digital signatures would help agencies and licenses, and the industry as a whole, become more efficient and enhance overall security.

Ms Purcell said she personally had her signature third party verified and that from her point of view it gave a greater sense of security.

Mr Matter asked if an estimate of the total cost of any possible subsidy had been made.

Ms Mamola said a ballpark figure was given by a vendor two years ago of between $200,000 - $250,000. She said the process, if it were to go forward, would need to be by competitive bid and would need to comply with all applicable Nevada statutes and regulations.

Ms Purcell asked that staff research the costs involved with third-party digital signature verification so the board can have a more detailed discussion at a future board meeting. [ACTION Item]

12. Discussion and possible action on board committee reports.

a. Administrative Procedures Oversight Committee, Chair Michael Kidd
Mr Kidd reported that the committee had not met since the last board meeting.

Ms Mamola said some items had come up that would need to be considered by APOC and a committee meeting would be scheduled before the next board meeting. (ACTION Item)

b. Legislative Committee report, Chair Angelo Spata

Mr Spata gave an update on the regulatory review process. He asked if staff had received any notification from the LCB about the status of the proposed amendments to NAC 625.

Mr Blaney said aside from notification that LCB file “R” numbers had been assigned to the 5 categories submitted, no other information had been received. He said he would contact LCB to get an updated timeframe and report back to Mr Spata.

Mr Spata asked that Ms Fischer give an update related to proposed statutory amendments and the associated bill draft request.

Ms Fisher reported that the bill sponsor, Assemblywoman Jauregui, is working with the LCB to approve having both items, decoupling and the gas utility exemption, together in one bill. Typically, they need to be in the same vein – but we’ll work to keep them together. Ms Fischer added that she is tracking a long list of BDRs that could have an impact on the professions, licensing, and the board. She said Assemblyman Roberts is sponsoring a bill that makes various changes to professional and occupational licensing and that she has reached out to get an indication of the intent of the changes. The feedback received was that it involved breaking down barriers to reciprocal licensure.

c. Professional Association Liaison Committee, Chair Greg DeSart

Ms Purcell asked Mr Gingerich, who was replacing former board member Mr DeSart as chair, for any updates.

Mr Gingerich said the next committee meeting was scheduled for next week and Mr DeSart would be participating to facilitate the handover of the chair role.

d. Public Outreach Committee, Chair Greg DeSart

Ms Mamola said that Mr Wright will take-over leading the committee from Mr DeSart. She added that the committee’s next meeting would be scheduled following the strategic plan refresh to consider the outcomes in relation to the scope for future public outreach/communications.

Ms Mamola added that updated board committee assignments were included in the board packet.
13. Discussion and possible action on bill draft request for changes to NRS 625.095, licensing exemption for natural gas utilities.

Ms Mamola said that at the July 22 Special Board meeting board counsel asked for the opportunity to simplify and clarify the language. She added we believe Mr MacKenzie’s revision has done that and that the revised language was found to be acceptable by Southwest Gas, Nevada Energy, and the Public Utilities Commission of Nevada.

20-105 A motion was made by Mr Gingerich, seconded by Mr Matter to approve the language revision. The motion passed unanimously. Mr Wright was not present for the vote.

Ms Fischer said the revision would be provided to the legislator carrying the BDR.


Ms Mamola said relating to the governor’s past directives and the impacts of the pandemic, we would like to request accommodations similar to those made in the June license renewal cycle for the December license renewal period. She said in June language was added to the renewal materials allowing extra time to accrue professional development hours (PDHs) — where renewal applicants who did not have the minimum of 30 PDHs could attest that they would accrue the additional hours needed within the next 180 days. In addition, in June late fees were waived and license expiration was deferred for 90 days. Ms Mamola said for the December cycle we are asking the board that the PDH extension by carried over. The renewal period will not be extended (deferral of license expiration) and the waiving of late fees will not carry through for December renewals.

Mr Spata asked for clarification on the PDH accrual extension. Ms Mamola said it is only temporary request while education opportunities continue to be impacted by COVID-19.

20-106 A motion was made by Mr Spata, seconded by Mr Kidd to approve the 180 grace period for continuing education accrual in the December 2020 license renewal period. The motion passed unanimously. Mr Wright was not present for the vote.

Ms Mamola said she would adjust the December 2020 renewal materials to reflect the board’s decision. (**ACTION Item**)

15. Discussion and possible action on corporate name requests.

Ms Mamola said there were no corporate name requests requiring board consideration.
16. Consideration of initial licensure applicant requests to waive certain requirements of Nevada Revised Statutes and Nevada Administrative Code Chapter 625.

Mr Spata recommended granting the request to waive NRS 625.183 (4) (b) made by Ermias Gebremedhin applying for civil engineering licensure.

20-107 A motion was made by Mr Spata, seconded by Mr Kidd to approve the waiver request. The motion passed unanimously. Mr Wright was not present for the vote.

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

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

20-108 A motion was made by Ms Larkin-Thomason, seconded by Mr Spata to approve the initial licensure applications as noted. The motion passed unanimously. Mr Wright was not present for the vote.

18. 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.

19. Discussion and possible action on meeting dates.

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

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 Spata requested an agenda item be added to the Legislative Committee relating to work experience requirements for the acceptance of applications (what we are requiring versus what should be required), and an item to review overall exemptions to licensure in the law. (ACTION Item)

Mr Gingerich requested an agenda item be added to the Legislative Committee regarding a review of standards of practice/standards of care related to land surveying. (ACTION Item)
Ms Larkin-Thomason requested an agenda item be added to the Public Outreach Committee relating to the ReConnect event and the consideration of a virtual program. (ACTION Item)

Mr Kidd asked that the PAL meeting scheduled for September 15 be rescheduled to later in the month to accommodate a number of city of Henderson officials that have conflict with a scheduled city council meeting. Ms Mamola said she would doodle poll participants to arrange a new date and time. (ACTION Item)

21. Public comment

There was no public comment.

22. Adjournment

Ms Purcell, before adjourning, again welcomed the new board members, Ms Russell and Mr Fyda, and acknowledged Mr DeSart’s contribution as a board member and as chair of several committees of the board.

Ms Purcell adjourned the meeting at 10:25am.

Respectfully, 

Patty Mamola 
Executive Director