

NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Regular Board Meeting
Held in Reno, Nevada, Thursday, July 12, 2018

Chairman Robert O LaRiviere, PLS, declaring a quorum present, called the meeting to order at 9:30 am, in the Ed and Mary Alice Pine Board Room 1755 East Plumb Lane Suite 135, Reno, Nevada 89502. Board members present were Vice Chairman Karen Purcell, PE; Kent Anderson, PE; Michael G Kidd, PLS; Brent Wright, PE/SE; Angelo Spata, PE; Tracy D Larkin-Thomason, PE; Gregory P DeSart, PE; and Thomas Matter, public member. Also present were Patty Mamola, PE, Executive Director; Chris MacKenzie, Board Legal Counsel; Louisa Kern, Administrative Assistant; Murray Blaney, Compliance Officer; Jake Wolf, Compliance Investigator; and Susan Fischer with McDonald Carano. The following people attended as guests of the board;

Annette McFarland, PE (Mining) # 23215
Coeur Mining
George Lightwood, PE (Mining) # 012212
Golder Associates

James Frost, applicant for PE (Mining) was present for an oral interview, and Casey Mentzer, applicant for PE (Chemical), was in attendance.

1. **Call to Order and Roll Call of Board Members**
2. **Pledge of Allegiance**
3. **Public Comment Period**

There were no public comments.

4. **Introductions and Guest Orientation**

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

5. **Discussion and possible action on Approval of March 8, 2018 Regular Board Meeting Minutes**

The board considered the minutes and no comments or corrections were given.

18-39 Motion was made by Vice Chairman Purcell, seconded by Mr Kidd, to approve the minutes as written. The motion passed with Mr Spata abstaining.

6. **Discussion and possible action on financial statements**
 - a. **April 2018 Financial Statements**
 - b. **May 2018 Financial Statements**

Ms Mamola reviewed the financial statements for each month. Mr DeSart asked for an opinion on the actual revenues exceeding the projected amounts. Ms Mamola said it is due to the continued rise in the number of applicants for comity licensure, which can mainly be attributed to the ongoing improvement in the economic conditions in Nevada.

18-40 Motion was made by Ms Larkin-Thomason, seconded by Mr Anderson, to approve the financial statements for the two months. The motion passed unanimously.

7. Committee assignments for one year terms commencing on July 1, 2018

Mr LaRiviere listed the assignment of members and staff to the committees of the board.

APOC: Ms Purcell, Chair; Mr Kidd, Mr Matter and Ms Mamola
Legislative: Mr Kidd, Chair; Mr Wright, Ms Purcell, Mr Spata and Ms Mamola
PAL Council: Mr DeSart, Chair; Mr LaRiviere, and Ms Mamola
Outreach: Mr DeSart, Chair; Mr Anderson, Ms Purcell, Ms Larkin-Thomason, and Ms Mamola

Mr LaRiviere thanked the committee members for volunteering their time.

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

a. Compliance officer report on complaints being investigated

1. 20170013 – Unethical conduct by an employee

Mr Blaney said that this case has been open since October 2017. The delay is in the rebuttal from the complainant to the engineer’s response to the allegations. Mr LaRiviere asked how long should we allow for the rebuttal – and Mr Blaney replied that there is no precedent, but he will continue to follow-up with the complainant to move toward a resolution of the case.

2. 20180001 – Failure to act as a faithful agent

Mr Blaney stated that the respondent had refunded fees to the complainant, and as result the complaint has been withdrawn. He continued to say that there wasn’t compelling evidence for the board to continue to pursue complaint.

3. 20180002 – Incompetence in producing a forensic report

Mr Blaney reported the case stems from a collapse of a swimming pool and the subsequent insurance claim. The complainant is alleging that incompetence by the licensee who prepared the forensic report impacted his insurance claim. Mr Blaney said that a response from the complainant’s attorney has been received and is currently being reviewed. He said he hopes to have the case out to a board liaison shortly.

4. 20180003 – Faithful agent; failure to act in client’s best interests.

Mr Blaney said this complaint involves a fixed based operator at an airport who wanted to do some expansion under their airport lease. An engineer was retained to help them through the planning process but the project ultimately was not approved. The complainant alleges the licensee did not do thorough due diligence in the planning approval process. Mr Blaney reported that the response and a rebuttal were currently being reviewed.

5. 20180006 – Allegation of forgery

Mr Blaney stated that the case had come back from the board liaison and we believe there is enough to find the licensee in violation and that a stipulated agreement will be prepared.

Summary:

6. 20180007 – Failure to perform services in a timely manner

Mr Blaney reported that the complaint was withdrawn by the contractor who filed it, and staff did not find enough evidence of a violation to continue with the case.

7. 20180008 – Failure to act as faithful agent to client

Mr Blaney said complainant alleges that the licensee did not disclose all possible options regarding a misaligned boundary wall on a sub-division project, which resulted in unnecessary costs to her project. Mr Blaney continued to say that the response was back in and is being reviewed.

8. 20180009 – Dispute with engineer over professional duties

Mr Blaney reported that this was a dispute regarding contracted field testing. He said that the case has been out for board liaison review and the recommendation was to dismiss the case.

9. 20180010 – Allegation of plagiarism

Mr Blaney said an employee of an engineering firm has moved on to start his own firm and his former employer is alleging that he has taken proprietary design and information with him and is using it with his new company. Mr Blaney continued to say that the PE was hired at the newly formed company and that this licensee is apparently stamping the plagiarized designs. Mr Blaney said we think there is enough initial evidence to validate the complaint, so we are asking for a response from the engineer who was stamping the documents.

10. 20180011 – Self-report of disciplinary action by another state

Mr Blaney said the respondent has been disciplined by the Texas board and after our board liaison review we are going to take reciprocal action in Nevada. He continued to say the violation was such in Texas that we would like to do a stipulated agreement, with probation and not punitive terms, so we can see what work this engineer is doing in the state of Nevada.

11. 20180013 – Employer vs former employee

Mr Blaney said that the case is a re-filing in Nevada of complaint that was originally filed with and adjudicated by the Colorado board, where it is alleged an employee solicited clients, removed proprietary documents, and approached staff, in the forming of his own company while still an employee of the complainant. Mr Blaney reported that the board liaison has recommended a letter of concern, mirroring the Colorado board action.

12. 20180014 – Dispute between two engineers

Mr Blaney said the case is a dispute between a consultant engineer (complainant) and project managing engineer, with the allegations of slander, unpaid invoices, and unauthorized changes to design documents. The complaint is still under initial review but it is hoped to get it out to board liaison in the near future.

13. 20180015 – Self-report of disciplinary action by another state

Mr Blaney stated the respondent has been disciplined by the Oklahoma board and we are considering reciprocal action in Nevada. Mr Blaney continued to say that Oklahoma had found the licensee in violation and imposed a sizable administrative fine. Mr Blaney said in talking with the Oklahoma board staff, they really didn't think the engineer understood the meaning of responsible charge of work. Mr Blaney reported the board liaison is recommending reciprocal action via a stipulated agreement.

b. Consideration of probation reports:

Jason E Caster, PLS #19338
Michael Keegan, PE #8821
Michael Regan, PE #11081

Larry J Sanchez, PE #15752
Mohan B Upasani, PE #11760

Mr Blaney reported that Mr Caster has fulfilled the terms of his probation. He continued to say Mr Winchell has paid his fine in full, submitted to us per his requirement of his stipulated agreement, a copy of the report to his client, and refunded all fees to his client. Mr Blaney also clarified the original project dates listed in Mr Upasani's probation reports.

9. Discussion on Board Counsel Report

Mr MacKenzie presented an overview of the process for stipulated agreements (which he likened to a plea deal) for the benefit of new board members, outlining the involvement of the board liaison, board counsel and the executive director in the determination of pursuing an agreement, and drafting the terms of any such agreements. He continued to say that a draft stipulated agreement is proposed to the respondent, and if they agree with it then we will present it to the board. Mr MacKenzie then stated that the board does not have to follow the stipulated agreement, if so desired; the matter can be moved forward to a formal hearing.

Mr MacKenzie said that he had also done some research on Bill Draft Requests (BDRs) with the Legislative Counsel Bureau and we need to see whether or not we need separate BDR's or if we can combine them into one, in terms of different issues. He said it appears we can do them all together but we might want to consider doing them separately if some of them are relatively straight forward and others are more involved. Ms Fischer suggested that separating the issues into two or more BDRs might be the best course.

10. James Frost oral interview, consideration of initial licensure as a Mining Engineer (For Possible Action) Portions of this interview may be conducted in closed session pursuant NRS241.030

Mr LaRiviere asked that Mr Frost state his name for the record and then asked if he was agreeable to the oral interview being conducted in open session. Mr Frost agreed to being interviewed in open session. Mr LaRiviere stated that Mr Anderson had requested Mr Frost appear for the oral interview, and asked that Mr Anderson begin the questioning.

Mr Anderson stated that Mr Frost was requesting a waiver of two years of supervision by a professional engineer. He continued to say that he had reviewed Mr Frost's experience but wanted to know more specific

detail about what projects he had worked on, and what engineering principles he had used.

Mr LaRiviere asked Mr Frost to give an overview of his experience in the mining industry. Mr Frost stated that the reason for his waiver request was that it is difficult in the mining industry to work under the direct supervision of a PE. He said he had in a few instances, worked several supervisory levels below, but never directly underneath. He continued to say that he takes licensing very seriously, but in his experience in the mining industry, engineers have mixed feelings about becoming a licensed professional. Mr Frost added that he believes he does have the experience required to fulfill the waiver to become a professional engineer. Mr Frost then gave a review of his career to date to the board. He listed his employer and positions held chronologically, and highlighted the work performed – that included the following: high wall vibration control, blast designs, drill depths, shortage planning, ramp designs, water scheduling, and some pit design. He added that he was also involved in long range planning and reserve estimation. Mr Frost continued to say that in his work experience he had learned the power of design on the front end, and how an engineer can balance safety and production.

Ms McFarland, guest board member, asked when working on pit designs, what software Mr Frost had used for his design work. Mr Frost said he had used MineSight in Alaska, Vulcan in South America, and was most recently using Deswick in Canada. He continued to say that he learned MineSight from someone who would be considered a power user; Vulcan he had learned in school and reapplied it in South America; Deswick he had become familiar with after making the change from Vulcan when returning to work in North America. Ms McFarland then asked if Mr Frost had calculated cut-off grades. Mr Frost responded, saying that he used the grade and cut off estimation book. He added that before running anything based on current financial criteria, variables in cost default were considered, and he would run the cut off to get a clear idea of what he should be looking for.

Mr Lightwood, guest board member, asked for clarifications from Mr Frost with regard to the job titles and actual work performed in his experience overview. Mr Frost explained what was involved in each role and clarified the use of engineering principles within each position, where he was preparing mine plans, reserve estimates, shot plans etc. He added that his total work time was 8 years and his experience performing engineering during that period would equate to at least 4 years. Mr Lightwood also asked Mr Frost to clarify his use of block models with his consulting company. Mr Frost explained how he had used a free software block model platform and branded it as his own when client inputs were made. He said he did this to avoid confusion.

Mr DeSart asked if Mr Frost had done slope stability calculations, if he did, how? He followed up by asking about the estimating depression of wells and dewatering, to clarify if that was part of Mr Frost's work product.

Mr Frost responded that he had done slope stability calculations, and explained his process, then added that the results were then verified by a consultant geotechnical firm. He continued to explain his experience with regard to wells and dewatering.

Mr DeSart and Mr Lightwood both agreed that Mr Frost was applying engineering principles and offering engineering opinions, but shared the concern that this work was being performed without the influence of a licensed professional engineer, and the implications of this being done without being in responsible charge. It was mentioned that often ethical implications of engineering decisions is lost without the supervision of a licensed professional. Mr Frost described a situation where he had a difference of opinion regarding reserve estimates with a client, saying that their ethics did not align, and he didn't mind losing a client for not compromising.

Ms McFarland asked why is it that Mr Frost wanted to get his PE in mining. Mr Frost responded that he has realized that he has a little bit more of a responsibility to engineering than he does to his company. He continued to say he thinks there is a fundamental disconnect with what the public perceives and what engineers actually do, especially licensed engineers. There is a certain level of responsibility to be an engineer and there is even more to be a licensed engineer. He said he believes people fall under the veil of not being a PE, saying they are not a PE so they are not as responsible, and that is not the case for him. He added he wanted to be a PE so he can start training other people in becoming professional engineers, and be able to give them supervision that he was never able to receive.

Mr Anderson said he now has a better understanding of what Mr Frost has been up against with respect to supervision, his dedication, and desire to do engineering. But added, that he still had reservations about licensing someone that hadn't worked directly under a PE. Ms Mamola commented that in some of these unique fields that don't have a lot of licensees it is a challenge to get direct supervision under a PE. She added that the board can make accommodations if there was a PE in the supervisory chain of command, even if they are a few levels removed. Ms Mamola said from what we have heard, Mr Frost would meet that requirement in that it is likely he has two years supervision under a licensed professional in his command chain.

18-41 Motion was made by Mr Anderson, seconded by Mr Spata, to approve Mr Frost's waiver and application for licensure as a mining engineer. The motion passed unanimously.

11. Discussion and possible action on the Governor's Finance Office Department of Internal audits Audit Report of Nevada's independent regulatory boards that was presented to the executive Branch Audit committee on June 14, 2018

Mr LaRiviere asked that Ms Mamola give an overview of the audit report. Ms Mamola said that she attended the meeting where audit committee discussed the initial findings. She said the Governor stated that he was frustrated with how some boards had responded to the audit information requested. She added the Governor commented about the fact the state board members were appointed by the Governor and that he expected a greater level of cooperation with finance audit office on audits. Ms Mamola said there will likely be ramifications from the recommendations of the report. She continued to say that phase two of the audit process would be coming up in the near future where the auditors request detailed information on each individual board's operations and procedures. Ms Mamola recommended that the board provide a formal response to the audit report, and asked if the chair could charge the legislative committee with a thorough review of the report and to prepare a draft response. Mr LaRiviere agreed and said he would.

Mr LaRiviere questioned the item regarding executive directors exceeding 95% of the Governor's salary. Ms Mamola responded that there is an issue of interpretation as to whether all executive directors are state employees – to who that item would apply. She continued to say that a previous AG's opinion, that included the contractors and engineers/land surveyors boards, stated that staff were not employees of the state. Ms Mamola added that board employees historically were not considered part of the PERS system because they do not fall into the state personnel classification. Ms Mamola then said there had been requests made for clarification from the AG's office, one a general request by the Governor's office, and the other board specific from the contractors board. She said the outcome of those requests would determine if the board needed its own specific opinion.

Mr MacKenzie added that it is an unusual situation that different boards have different statutes and they don't all mirror each other as to the formation and operation. He continued to say that there are different standards for the individual boards, and this kind of conclusory audit produces general comments about all boards together with very little breakdown. Mr MacKenzie said he believes that in phase two the audit office will be

talking to each board individually and break it down more specifically and hopefully there will be more revelations as to why each board operates the way they do. And also break down their statutory framework and their many decades of operation.

Mr DeSart asked for clarification about the board's reserve calculation as shown in the report. Ms Mamola responded that the amount was misleading as it has been grouped together with the monies that have designated to address deferred costs. She explained how the amount had accrued following the economic downturn in the state, and that costs had been deferred since that period as the board had been conservative with system maintenance and upgrades. Ms Mamola continued to say since the reporting of that dollar figure, a reserves policy had been adopted by the board and a business plan had been produced outlining how to address the deferred items and their cost estimates. Mr DeSart suggested that to avoid any misunderstanding by the state auditors, a separate financial item for deferred costs should be explored to create separation from what would be considered reserves. Ms Mamola agreed and said that she would seek guidance from the financial auditor and also mentioned that it was planned to retain an accounting consultant to advise on best practice and efficiency with the board financials.

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

a. Approved Licensees Report

Ms Mamola said that for March, April, and May 229 applications for comity/endorsement licensure had been processed. In addition, there were 14 reinstatement applications and 48 initial licensure applications. Ms Mamola continued to say that the average time to process comity/endorsement applications is 12 days.

b. Action items related to 2017-2021 Strategic Plan

Ms Mamola said she would upload the board business plan to the board Dropbox folder so that all members have access to it.

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

i. NCEES annual meeting action items and conference report

Ms Mamola said that the NCEES annual meeting is coming up August 15 -18 in Scottsdale, AZ. She added that she provided a listing of the action items and the NCEES board of director's position on those items that we will be voting on. She continued to say, if any board member had a strong opinion about an issue and were not going to be at the NCEES meeting, to contact her with any questions or concerns.

d. Consideration of board authorized digital signatures and input received from Nevada Building Officials

Ms Mamola said that this item is being kept on the agenda as a work in progress. She stated that she is working on getting a webinar in place with the Nevada building officials to provide them with more information, and give the opportunity for them to ask questions. Ms Mamola said that she has asked Mr MacKenzie to look at our laws as well as any other state laws to see what we need to do or what we can do. She added that this is in relationship to considering the board becoming a government authorizing agency for digital signatures.

Mr MacKenzie stated that NRS chapter 720 relates to digital signatures and there is some significant administrative code in the early 2000's for digital signatures on contracts etc. He continued to say that there

is the question related to bringing the board in to confirm that the signatories are actually licensed, and currently NRS and NAC are not really specific to this process. He clarified that this is bringing the board in and not necessarily as a certifier of the signature but the verifier that the signatory is indeed licensed. Mr MacKenzie said it will be interesting to see how it all comes together, even if we need new regulations at some point in time to confirm that process. Ms Purcell added that sitting on the NCEES technology taskforce, she has become aware that clarification for boards in the digital signature process, verifying that the professional is licensed as opposed to certifying the signature, is a struggle. Ms Mamola said that someone, some board, will need to lead the way in this process to find the best solution for the public entities and the licensees.

A discussion then ensued about the testing of digital signature software. Mr Wright said a dozen or more staff in his firm had been using the platform and reported it had been working well. Ms Purcell said that the test group at her firm had integration issues with some design software and the bugs still needed to be worked out. Ms Mamola added that she was exploring whether the board should be part of the pilot test to be the verifier of licensure, so that we are proving that those in the test group are licensed. She said that if the board participates in the pilot test, there are items in the contract that need to be resolved with the help of Mr MacKenzie.

13. Discussion and possible action on board committee reports.

a. Administrative Procedures Oversight Committee, Chair Karen Purcell

i. Audit proposals for fiscal year 2017-2021

Ms Purcell reviewed the items discussed at the July 10th committee meeting. She said the first item was audit proposals for fiscal year 2017-2018, four were received. Pricing ranged from \$12,500 – \$17,000 and ultimately it was the recommendation of APOC to stay with WIPFLI, the firm that conducted the last fiscal audit for consistency.

18-42 Motion was made by Mr Kidd, seconded by Mr Anderson, to approve the selection of WIPFLI for the fiscal audit. The motion passed unanimously.

ii. Office Relocation

Ms Mamola reviewed the current details of the Reno office lease and what was being proposed with the new office space. She added the proposed space was located in the same building, as the proximity to the airport was very convenient for board members, and overall square footage would be less than the current office. Ms Mamola said that the monthly costs would be slightly higher than current levels, but with an upgraded facility. Mr Spata asked that the costs of moving and possible disruption to operations be considered along with the proposal. Ms Mamola added that if the proposal were approved, she would like to move forward with Mr MacKenzie's assistance in drafting terms of a new lease.

18-43 Motion was made by Ms Purcell, seconded by Ms Larkin-Thomason to approve moving forward with plans for the office relocation. The motion passed unanimously.

b. Legislative Committee, Chair Michael Kidd

Mr Kidd said the committee reviewed the status of the proposed changes to NAC /NRS. He continued to say the amendments to the NACs came back from legislative council with little or no edits. Mr Kidd added that mapping and the hydrographic options were discussed that we may be looking into for licensure. He said that

the Governors audit report was also reviewed.

Ms Fischer said that a legislative meet and greet, to be cohosted with the architectural and the contractor boards had been finalized and the room reserved. She said the date was Friday February 15, 2019, from 8am – 12pm. Ms Mamola added that she will prepare collateral as a takeaway for the guests as reminder of the issues the board is seeking support on, with input and approval from the board.

Mr Kidd asked that the items in NRS 329 for which amendments are being proposed, be included in the agenda for the next legislative committee meeting. Ms Mamola said she would add those items to the agenda.

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

Mr DeSart gave an overview of the meeting earlier in the morning. He said Mr LaRiviere presented a summary of board activities to those present; he continued that Ms Mamola updated the council on the status of the proposed amendments to NAC 625 in the legislative process. Mr DeSart said that the representatives from APWA, ACEC, NALS, and ASCE who were present, gave updates on their organizations activities. He said that ACEC was continuing to work on the QBS issue with the RTC, which is something the board had been working with ACEC to facilitate. He added that NALS discussed getting engaged with UNLV or UNR to link civil engineering programs to the surveying programs, by getting surveying back into the engineering curriculum.

d. Public Outreach Committee, Chair Greg DeSart

Mr DeSart reviewed the current standing of the October PDH Event the board is hosting; he reiterated that it was part of the board's direction from the strategic plan. Ms Mamola stated the event is open to anyone in the engineering and land surveying fields, not just licensees.

Mr Anderson commented that with regard to public outreach, the contractor's board produced announcements that stressed the importance of hiring licensed contractors. He added that we should consider something similar with regard to engineering and land surveying. Ms Mamola said that perhaps it could be the charge of the public outreach committee. She mentioned that in Florida, some licensing boards had put out television public service announcements about using licensed professionals. She continued to say that it needed to be thought through as to who the targeted audience is and what should be our key message? Ms Mamola continued to say that the public outreach committee should be in charge with kind of working through this and seeing what makes sense. Ms Mamola also said that NCEES is reinstating their public outreach committee and is well funded, and could perhaps steer something at a national level.

14. Corporate Name Requests

There were no corporate name requests to be considered.

15. Discussion and possible action on Professional Land Surveyor Experience Summary sheet that serve as a supplemental questionnaire submitted by applicants for Licensure as a Nevada Professional Land Surveyor

Ms Mamola reviewed the limited history on the experience summary sheet. Mr Kidd said he felt the need and content of the sheet should be reviewed by a subcommittee. He added that he would look into the formation of that committee. Mr Kidd said the updates to state specific exam were still being worked on and completion was a function of finding available time. Ms Mamola offered that staff could assist where needed.

16. Discussion and possible action on updating the definition of surveying to include the practice areas of mapping and sciences, photogrammetry, and hydrographic

Ms Mamola stated that she had received information from Florida as they do license mapping and sciences. She added that their laws and examples are in the information packet, along with NCEES model law. Mr Kidd said that there will be good discussion relative to this issue at the NCEES annual meeting. Ms Mamola said that she and Mr Kidd will connect on the topic, hopefully before the next board meeting, to present updated information.

17. Consideration of applicant requests to waive certain requirements of NRS/NAC for license.

Waiver of Two Years Supervision under a PE

Mr Anderson recommended the granting of the waiver request by Caleb Cook, applying for licensure as a chemical engineer.

Mr Anderson recommended the granting of the waiver request by Casey Mentzer, applying for licensure as a chemical engineer.

18-44 Motion was made by Mr Anderson, seconded by Ms Purcell, to grant the waiver requests.
The motion passed unanimously.

Ms Purcell recommended the granting of the waiver request by Kevin Tibbs, applying for licensure as a mechanical engineer.

18-45 Motion was made by Ms Purcell, seconded by Mr Spata, to grant the waiver request.
The motion passed unanimously.

Waiver of References From The Same Company

Mr DeSart recommended the granting of the waiver request by Harold McCoy, applying for licensure as a civil engineer.

18-46 Motion was made by Mr DeSart, seconded by Mr Anderson, to grant the waiver request.
The motion passed unanimously.

Mr Anderson recommended the granting of the waiver request by Casey Mentzer, applying for licensure as a chemical engineer.

18-47 Motion was made by Mr Anderson, seconded by Ms Purcell, to grant the waiver request.
The motion passed unanimously.

Waiver of References Same Discipline

Mr Anderson recommended the granting of the waiver request by Casey Mentzer, applying for licensure as a chemical engineer.

18-48 Motion was made by Mr Anderson, seconded by Ms Purcell, to grant the waiver request.
The motion passed unanimously.

Ms Purcell recommended the granting of the waiver request by Kevin Tibbs, applying for licensure as a mechanical engineer.

18-49 Motion was made by Ms Purcell, seconded by Mr Spata, to grant the waiver request. The motion passed unanimously.

18. Board Approval of Non-Appearance Applications for initial Licensure. Refer to Addendum A for List of Applicants

Ms Mamola stated the education policy changes requested by the board have been made to the education policy.

The Board considered 25 non-appearance applications for initial licensure and recommendations were made.

18-50 Motion was made by Mr DeSart, seconded by Mr Kidd, to approve the recommendations as noted in appendix A. The motion passed unanimously.

19. Discussion and possible action on status of Board and staff assignments

Ms Mamola reviewed those items completed and those still pending.

20. Discussion and possible action on meeting dates

Ms Mamola said that a request had been made by Ms Larkin-Thomason for the consideration of moving board meetings to the third Thursday of the month because of work conflicts. Ms Mamola asked that board members review their schedules and e-mail her with comments regarding the consideration of this change.

21. Discussion and identification of topics for future meetings including, possible proposed amendments to the Nevada Professional Engineers and Land Surveyors Law, NRS/NAC Chapter 625

There was no discussion concerning this agenda item.

22. Signing Certificates of Licensure

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

23. Public Comment

Mr Neal Jones, Nevada license #14791 read a prepared statement and asked that it be entered into the minutes.

Adjournment

There being no further business, Chairman LaRiviere adjourned the meeting at 12:51 pm, on Thursday, July 12, 2018.

Respectfully,

Patty Mamola, PE
Executive Director

Statement for the July 12, 2018 meeting of the Nevada State Board of Engineers and Land Surveyors. Public comment section # 2.

My name is Neal Jones.

My license number is 14791.

I ask that my written prepared statement be included in the minutes of this meeting.

My comment is in regards to complaints that I have filed with the Board against a person licensed as an Engineer in the State of Nevada.

- This Engineer is employed by the State of Nevada as a Staff Engineer III.
- This Engineer works under the direct authority of the State Engineer.
- This Engineer is listed as a Professional Engineer on the flowchart for his Division.
- This Engineer signs his work as a Professional Engineer.
- This Engineer claims that his work was reviewed by (3) other Professional Engineers, therefore it cannot possibly be wrong.

In my complaints, I have provided the Board with clear documentation that this person has falsified information, put this false information into a public document and has lied to not only to me, but to the Board in his response to my initial complaint.

The compliance officer has refused to provide me with the response, or any information, that was supplied to the Board in response to my follow-up complaint against this Engineer.

The actions of this Engineer have allowed, in the words of the State Engineer, the “illegal use of water” to continue at a business.

The actions of this Engineer and his falsification of information may lead to detrimental effects on the health, safety and water quality for an entire community.

As is stated on the website for this Board, I have a responsibility to report violations of NRS 625. The website also states that we as Engineers have an ethical obligation to report, especially violations that jeopardize the health, safety and welfare of the public.

Prior to submitting my latest complaint against this Engineer to the Board, this Engineer was confronted with the documentation of these illegal deeds. This Engineer then had the Attorney General’s Office write a threatening letter to my legal counsel and demand that I not exercise my legal rights to file a complaint against this person.

Though the Code of Conduct (NRS 625.140) for Engineers is stated to be applicable to **all** persons licensed under the provisions of NRS 625, nevertheless the Board has decided that they do not have jurisdiction over **this** particular Engineer.

- Is it the person or the position that this person is employed as that the Board does not seem to feel they have jurisdiction over?
- When I ask the Compliance Officer for justification and clarity for this ruling, dismissing my complaint, I am ignored.

So, I am asking the Board to provide justification as to why **this** particular Engineer is exempt from adhering to the Code of Conduct that **all** Engineers licensed in the State of Nevada are required, by law, to abide by.

If it is not the person but the position that this particular Engineer holds that is exempt from following the most basic precepts of honesty, integrity and exemplary moral behavior that is expected of Engineers, then I ask the Board; "are there other engineering positions that are exempt from our Code of Conduct?"

If there are other positions of employment (or other Engineers) that are exempt, how was this established?

For the benefit of the general public, the Board should publish this list of positions (or Engineers) that are not required to uphold the basic integrity, dignity and honesty that people expect when dealing with an Engineer.

That way the general public can be aware that when they are dealing with these persons in these particular positions (or these particular Engineers) that they will have no recourse if this Engineer decides to falsify information, place that false information into a public document, lie about what they have done and possibly put the health, safety and welfare of an entire community at risk.

I am asking the Board to place this subject on the agenda for their next meeting, so that it may be discussed openly, honestly and transparently.

I am asking the Board to provide justification for its decision that it does not have jurisdiction over a particular Engineer or that this Engineer's position of employment places him above the responsibility to abide by the Code of Conduct that all Engineers have agreed to abide by are bound by law to uphold, especially when this Engineer's actions may lead to adverse effects on the health, safety and welfare of the public.

Will the Board Chairman commit to providing justification for the Board's decision, a decision that makes a mockery of our code of conduct?

Will the Board Chairman commit to placing this subject on the agenda for an open and transparent discussion at its next meeting?

Thank you for the opportunity to speak at this meeting.

Neal Jones, P.E.
njones14791@gmail.com