

**BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
**Minutes of the Special Board Meeting**  
**held in Reno, Nevada Friday, February 23, 2018**

Chairman Robert O LaRiviere, PLS, declaring a quorum present, called the meeting to order at 9:30am, in the Ed and Mary Alice Pine Board Room, Suite 130 at 1755 East Plumb Lane, Reno, Nevada. Board members present were Vice Chairman Karen D Purcell, PE; Michael G Kidd, PLS; Amy Y Cheng, PE; L Brent Wright, PE/SE; Kent B Anderson, PE; and Tracy Larkin-Thomason, PE. Also present were Patty Mamola, PE, Executive Director; Murray Blaney, Compliance Officer; Chris MacKenzie, Board Legal Counsel; and Susan Fisher with McDonald Carano. Board members Tracy Larkin-Thomason, PE; Bud A Cranor, Public and Gregory P DeSart, PE were absent.

**1. Call to Order and Roll Call of Board Members**

**2. Public Comment Period**

There were no public comments.

**3. Discussion and Possible Action on Proposed Changes to Nevada Administrative Code 625 and Nevada Revised Statutes 625**

**a. NAC 625.610 Stamps, Seals and Signatures**

Mr Blaney asked if there were any further edits to the text and said a copy of the surveyor stamp will be added prior to being finalized. Ms Mamola stated the board is to take a vote to approve the language as it is so far, realizing there may be edits due to input from the public workshops as well as the small business impact study. Chairman LaRiviere called for a motion to approve as written.

18-05 Motion was made by Mr Kidd and seconded by Ms Purcell.

Mr Anderson expressed a concern with item 13 (revising original plans) saying he believes there is a misunderstanding of the requirement by various agencies. Ms Mamola suggested not changing the wording at this point, pending additional input from the workshops. She also said the board could have a discussion with entities misinterpreting the requirement.

Ms Cheng asked about clarifying the difference between digital and electronic signatures. Ms Mamola answered that after the workshops and survey, they will determine the most appropriate location for the definition.

After a vote, the motion by Mr Kidd carried.

**b. NAC 625.630 Advertising For or Offering to Perform Engineering**

Mr Blaney requested comments on changes. Ms Mamola gave a brief overview of the regulation. Mr LaRiviere commented that it's a good step forward.

18-06 Mr Kidd made a motion to approve, which was seconded by Ms Purcell. Motion carried.

**c. NAC 625.260 Licensure As Structural Engineer**

Mr Anderson suggested an alternate way to define building height. Ms Mamola answered that this definition, which was used previously, didn't work, and structural engineers determined the current proposed method. Mr LaRiviere asked Mr Wright if he was ok with how building height is described. Mr Wright answered that he thinks it is a good definition.

18-07 Motion to approve was made by Mr Wright, seconded by Mr Kidd. Motion carried.

**d. NAC 625.545 Written Contract Required**

Ms Mamola described the addition to the NAC (require disclosure be made whether the licensee has current professional liability insurance.) Mr Anderson asked if this change could bring more complaints to collect on insurance. Ms Mamola answered that it's hard to say, but there've been issues where smaller firms have something go wrong, and the homeowner has no recourse. She said this change would provide some protection to the public and allow them to make an informed decision whether or not to hire someone with professional liability insurance. Mr LaRiviere said he thinks this is a good item.

Mr Wright asked if it would be better for the licensee to disclose the amount of professional liability insurance, so the client can make an informed decision whether the licensee has the capacity to cover a major problem. Mr Anderson gave an example of a claim against him. Mr LaRiviere said there would always be those instances, but ultimately, it's best for the consumer. Ms Mamola said including the limits was a good suggestion and the language would be modified to include the disclosure in the body of the written contract. Mr MacKenzie suggested the change be in the form of a motion.

18-08 Motion was made by Mr Wright and seconded by Mr Kidd. Motion carried with a single nay vote by Mr Anderson.

Mr Anderson said he doesn't think the board has any business dictating contracts. Mr Wright suggested that it be a requirement in the proposal to inform the public that the professional they hire has insurance. Mr LaRiviere asked if it would be in the proposal and contract with Ms Mamola answering that it should be in the contract. Ms Cheng wanted to confirm she understands the changes. Ms Mamola said based on Mr Wright's motion, both a disclosure and the limits will be required.

Mr Wright stated he may want to modify his motion to avoid the discrepancy of whether it needs to be in the written contract or simply disclose the coverage. Mr Kidd expressed concern that the licensee could say there was a conversation about coverage with nothing in writing, which he may not support. Mr Anderson clarified his motion modification to add "in writing" to the disclosure statement. Mr MacKenzie stated he was concerned with proving the disclosure was delivered and having it in the contract provides written acknowledgement of receipt. Mr Wright stated this may be a big burden as a client may provide a "take it or leave it" contract with no way for the licensee to add an insurance disclosure. Mr MacKenzie stated this is more targeted to the smaller client, with larger clients protecting themselves through their contracts. Ms Mamola advocated leaving the language as is. Mr LaRiviere said an insurance requirement is already standard when signing a contract with a larger firm, to which Mr Wright agreed. Mr Blaney said the original intent was to protect a homeowner who's a novice in dealing with a professional engineer or land surveyor.

18-09 Motion to approve adding language as written with the addition of the motion that passed to add insurance limits was made by Mr Kidd and seconded by Mr Wright. Motion carried.

e. **NRS 625.386 Engineer Intern and Land Surveyor Intern Qualifications**

Ms Mamola stated the language is irrelevant and needs to be removed.

18-10 Motion to approve was made by Mr Kidd and seconded by Ms Purcell. Motion carried.

f. **NRS 625.407 Conditions Under Which Business Organizations May Practice**

Ms Mamola said this change removes the physical requirement to have an Professional Engineer in an office in Nevada to provide engineering services.

Ms Purcell mentioned that there is another similar item (NRS 625.285) that was missed. Ms Mamola said it was the same item but only one item was listed on the agenda. Mr MacKenzie said that because it's not an agenda item there can't be action taken but that it doesn't preclude proceeding as there might be additional changes that come before the board. Ms Mamola said that since this is an NRS, no workshops are needed and she would include the drafts for NRS 625.203 and 625.285 on the agenda for the March 8 board meeting.

18-11 Motion was made to approve by Mr Kidd and seconded by Ms Purcell. Motion carried.

g. **NRS 625.520 Unlawful Practice of Engineering**

Ms Mamola reviewed the changes regarding protection of the term Engineer coupled with a discipline recognized by the board. There was a discussion by the board about the reasoning for making the change. Mr MacKenzie reminded the board that this item opens the ability to use the term "engineer" (for example: automotive engineer) as long as it's not coupled with "licensed," "professional," or "registered" or with any discipline. Mr Blaney said they receive calls complaining about people using the term engineer (e.g. sanitation engineer), which he doesn't think is misleading to the public, but was still taking up staff time, which is why the text was changed.

Mr LaRiviere asked if this will change when the Secretary of State sends applications for new businesses. Ms Mamola answered no, but that this should help the board in considering name approvals for companies wanting to use engineer in their name. Mr Wright said he thinks this change makes perfect sense.

18-12 Motion was made to approve by Mr Kidd and seconded Mr Wright. Motion carried.

h. **NRS 625.425 Certain Records Privileged and Confidential**

Ms Mamola reviewed the changes adding "privileged" to the language.

18-13 Motion was made to approve by Mr Kidd and seconded by Ms Purcell. Motion carried.

i. **NRS 625.460 Cease and Desist Orders**

Ms Mamola reviewed the changes adding the ability to issue a cease and desist order to the statutes.

18-14 Motion was made to approve by Mr Kidd and seconded by Ms Purcell. Motion carried.

**4. Public Comment**

Ms Fisher commented that the proposed changes are ambitious, but good changes that will sit well with legislators. She said she is socializing the boards proposed changes with legislators to get their reactions, and she is getting positive feedback.

**Adjournment**

There being no further business, Chairman LaRiviere adjourned the meeting at 10:09am. on Friday, February 23, 2018.

Respectfully,

Patty Mamola, PE  
Executive Director