1. **Public comment.**

Mr LaRiviere – I am Bob LaRiviere, past board member and chair of this board. I would like to make a comment regarding item 13.b.i on the proposed changes to NRS and NAC relating to continuing education. In my opinion I believe this Board needs to lead by example for other licensing boards and to our licensees in this state to stand firm on the 30 PDH required every two years. We as professionals need to keep up with technology of our chosen professions by attending seminars, lunch and learns that most companies sponsor. In my opinion is not very difficult to earn 15 hours per year. Thank you.

13.b. **Legislative Committee**

Mr Spata gave a general update on the committee’s progress to date. He said committee convened on January 15, 2020 where it was decided that the 10-year audit of regulations be undertaken. In addition, the committee was tasked with the reviewing items that had come to the board’s attention over the previous nine months. He continued to say that leads were assigned to be responsible for the various items and tasked with completing an initial review.

Mr Spata said at the next meeting on February 4, 2020, each of the leads presented an update of their research or thoughts on the topics assigned. Individual items and topic groupings were then prioritized related the immediate need and the length of process for any amendment considerations.

Mr Spata said that at the meeting held on February 18, 2020 the committee reviewed and discussed the proposed amendments to items considered to be of a higher priority. Based on the committee’s discussion and recommendations, today’s agenda has been separated into two sections – items that have been reviewed and put forward for board approval; and items that committee felt need broader discussion and input at the board level.

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

Mr Spata said that items listed under 13b.i. “for board approval” are generally editorial in nature. He said the committee felt these could be put forward for approval and could start to move onward while we continue to discuss some of the other bigger items. Mr Spata added that notes were included with each item to give context to the proposed amendment.

Mr Spata said he had identified three proposed amendments in the first section that my need to be highlighted for additional discussion - 625.425, 625.613 and 625.615. Ms Mamola asked that 625.21X also be added to that list. Mr Wright requested that 625.220 be added as well.
Mr Spata said he thought the best approach would be to review each item individually to see if any board member had questions or comments, and then consider taking a vote for approval or give direction for amendment or further discussion and research. He added that even though an amendment may be approved by a vote of the board today, there is a lengthy public review process involving small business impact studies, public workshops and public hearings, before the possibility of adoption. Any vote today is to approve the proposed language moving forward in the review process.

Mr Spata said staff had reviewed all regulations, and there are a number where no changes are recommended, but that does not mean the board cannot recommend an amendment if we see an issue.

→ NAC 625.21X

Ms Mamola said that a need was seen, from board discussion, to create this regulation to clarify the issue related to master’s degree and what we call “double-dipping”. The language originally proposed was amended (parts stricken) following discussion at the recent Legislative Committee meeting.

The board discussed whether the proposed regulation – as amended – did in fact improve the understanding of the statute. Mr Spata and Ms Mamola explained the reasoning for the language being removed and that the revised text, when reviewed in conjunction with referenced statute subsection – NRS 625.183.4 – would remove previous misunderstandings related to the statute.

20-22 A motion was made by Mr Spata, seconded by Mr Anderson to approve creating the new regulation with the language as presented. The motion passed unanimously.

→ NAC 625.220

Mr Spata asked if there were any comments or questions.

Mr Wright questioned why Architectural Engineering was included in the description narrative.

Ms Mamola replied that it was included as a reference to the exams offered by NCEES, the board could reconsider adding it as a licensed discipline.

Mr Wright said the board had previously decided against licensing Architectural Engineering
and he was not in favor of reopening the discussion, and asked that it be removed from further consideration.

20-23 A motion was made by Mr Gingerich, seconded by Mr Wright to approve the amended language as presented. The motion passed unanimously.

→ NAC 625.230

Mr Spata said 625.230 related to a text revision to include the NCEES record that is being utilized in the application process. There were no comments or questions.

20-24 A motion was made by Mr Spata, seconded by Mr Kidd to approve the amended language as presented. The motion passed unanimously.

→ NAC 625.310

Mr Spata asked if there were any questions or comments the adjustments to text related to state specific exams.

Mr Gingerich questioned the verbiage uses to describe the exam related to chapter 625 of the NRS and NAC. A discussion ensued and the consensus was to retain wording presented.

20-25 A motion was made by Mr Spata, seconded by Mr Anderson to approve the amended language as presented. The motion passed unanimously.

→ NAC 625.320

Mr Spata said it is proposed that 625.320 be completely deleted as it's no longer applicable. It's redundant to section 625.310 that was just approved.

20-26 A motion was made by Mr Gingerich, seconded by Mr Kidd to approve the removal of the regulation. The motion passed unanimously.

→ NAC 625.330

20-27 A motion was made by Ms Larkin-Thomason, seconded by Mr Spata to approve the amended language as presented. The motion passed unanimously.

→ NAC 625.340
A motion was made by Ms Larkin-Thomason, seconded by Mr Spata to approve the removal of the regulation. The motion passed unanimously.

→ NAC 625.350

A motion was made by Ms Larkin-Thomason, seconded by Mr Spata to approve the removal of the regulation. The motion passed unanimously.

→ NAC 625.360

A motion was made by Ms Larkin-Thomason, seconded by Mr Spata to approve the removal of the regulation. The motion passed unanimously.

→ NAC 625.410

Mr Spata said this item relates to a correction in terminology.

A motion was made by Mr Wright, seconded by Ms Larkin-Thomason to approve the amended text as presented. The motion passed unanimously.

→ NAC 625.425

Ms Mamola outlined the proposed amendment to the regulation and asked for board discussion.

Mr DeSart said with the past amendment to NRS 625.407 he would recommend that just the firm be registered to offer professional services in the state, and that the registration can list who is in responsible charge of each discipline. He added that removal of the brick & mortar requirement made listing branch offices obsolete. Mr Wright and Mr Kidd agreed.

A motion was made by Mr DeSart, seconded by Mr Wright to direct staff to change the language so it is more about registering the firm and less about registering each office. The motion passed unanimously.

Ms Mamola said staff would re-work the language of the amendment based on the board’s recommendation and present the revision to the Legislative Committee for consideration, and if the committee approves the change then the item can move forward in the public approval process. (ACTION)
A motion was made by Ms Larkin-Thomason, seconded by Mr Spata to approve the amended language as presented. The motion passed unanimously.

A motion was made by Mr Spata, seconded by Mr Kidd to approve the amended language as presented. The motion passed unanimously.

A motion was made by Ms Larkin-Thomason, seconded by Mr Kidd to approve the amended language as presented. The motion passed unanimously.

A motion was made by Ms Larkin-Thomason, seconded by Mr Wright to approve the amended language as presented. The motion passed unanimously.

Mr Spata said that completes the first review section of “For Board Approval”. He said all were passed except for NAC 625.425 which we're going to reword regarding registering the firm only and then it'll come back to the Legislative Committee, and if approved, it will follow the schedule of the other board approved regulations.

Mr Spata said that the second group of “For Board Discussion”, similar to the first group, we can vote on these and pass them through, he said there's going to be a few that will require more debate prior to taking board action. The items related to continuing education will be held and discussed with the survey results under agenda item 13.b. ii.

Ms Larkin-Thomason said coming from a public agency the issue of not being able to provide references to applicants within the organization is a very common challenge, she said she would strongly support the amendment.

Ms Mamola said that a fee change is included within the amendment and the financial analysis is being compiled for review by APOC. She continued to say that any motion would need the caveat that APOC would need to approve the fee reduction after considering the financial impacts.
A motion was made by Ms Larkin-Thomason, seconded by Mr Kidd to approve
the amendment pending consideration and approval of the fee reduction
by the Administrative Procedures Oversight Committee.

The motion passed unanimously.

Mr Spata said there was no recommended changes to NAC 625.215 but there is a discussion
item related to its associated statute NRS 625.270.

→ NRS 625.270

Ms Mamola said this item is about considering updating NRS 625.270 to decouple the exam
from experience which allows land surveyors to take the PLS exam at any time they feel
they’re ready to take it.

A motion was made by Mr Spata, seconded by Mr Gingerich to approve the
amended language to the statute as presented. The motion passed unanimously.

→ NAC 625.240

Ms Mamola said these changes are to update this regulation to say specifically endorsement
licensure and to streamline current process, as it relates to SB 69, for applicants that meet or
exceed the NCEES Model Law Engineer or Model Law Surveyor requirements. Ms Mamola
added that APOC will need to review the fee reduction component impacts. (ACTION)

A motion was made by Mr Spata, seconded by Mr Kidd to approve
the amendment pending consideration and approval of the fee reduction
by the Administrative Procedures Oversight Committee.

The motion passed unanimously.

Mr Spata suggested that the next series of regulations be discussed together as they are
related to continuing education in 13.b. ii. – but the following had no changes recommended -
NAC 625.440 and NAC 625.460

Ms Mamola said that items NAC 625.510 through NAC 625.540 are related to the Code Of
Conduct section. She asked the board to consider repealing those NACs and replace with
NSPE’s Code of Ethics or replace with NCEES’ Model Rules.

Ms Mamola said the proposed language adopts by reference NSPE’s Code of Ethics and is
modelled after NSBAIDRD regulations that adopted by reference The Architects Institute Code of Ethics. She added the option to consider is the NCEES Model Rules. Ms Mamola continued to say that all options are open; repeal and replace, edit current language, or make no changes.

Mr Kidd said, for reference, similar to the NSPE Code of Ethic, NSPS has a Creed and Canons for professional surveyors. He asked that they be included for consideration.

Mr DeSart said he was concerned with “by reference” in that we may be tied to something that can be changed and we may not agree with.

Ms Mamola said that would be true with the NSPE code, and suggested that the NCEES Model Rules might be the preferred option. Then if we don't like something, we can strike it, if we think we need to add something we can. It is an option that can be sent to the Legislative Committee to take a more detailed look.

Ms Mamola said she thought the NCEES option was more detailed than what we currently have in regulation.

Mr Spata said the brevity of the current code could be by design.

Mr MacKenzie said in terms of enforcement it is beneficial to be more specific, in giving licensees more guidance. Being brief allows a larger net to be cast.

Mr DeSart said he preferred it be brief and had general concern about having too much specific regulation, but he could see how it could clarify things – though on the other hand, it may also open the door to the filing of frivolous complaints.

Mr Kidd said he felt the section needed more time with legislative committee to review and weigh the options.

Mr Spata said this was a good input from the board. He said in general terms that the NCEES option is probably more applicable, but we need to look at it and see if it's just overly detailed or can be abbreviated versus what we currently have in regulations. The section will be moved to the Legislative Committee for further review and recommendation. (ACTION)

Ms Mamola said **NAC 625.550** relates to whether the current language could be construed to be used against an agency if they weren't filing complaints with the board. She said that the
intent was a mechanism to support and enable public entities as opposed to being punitive.

Mr DeSart said considering our conversations at other committees, it's quite common for legitimate reasons to have more than three reviews. It seems like changing this may make sense.

Mr MacKenzie suggested adding clarifying statements of scenarios that would form the basis of and support a governmental agency licensee filing a complaint. That could be a way of removing the “shall” vs “may” question.

Mr Wright said perhaps the language ought to be revised to maybe clarify that these three scenarios are evidence of the possibility that they're acting incompetently or without the best interest of the public or however the wording would be. But in saying that, a licensee that has evidence of another's incompetence or possible public harm can file a complaint anyway – so this might be a waste of a regulation.

Mr MacKenzie said he would work on revised language options. (ACTION)

→ NAC 625.610

Ms Mamola said that proposed revisions to this item are to remedy the problematic issues involved with electronic submissions and digital signatures. She added that a referenced statute – NRS 625.565 – is include and has a suggested change for discussion.

Ms Mamola reviewed the proposed changes. She said instead of signing across the stamp, it says you sign legibly across or adjacent to the image. The problem has been that some agencies are not accepting documents because the signature has to be across the stamp - but licensees say that often when they sign over the stamp it obscures it. So hopefully this settles the issue. Changing impression to image because no longer do we impress it is an image and we want to make it clear that we allow an image and then under item 10 is where the significant changes are, 10a we would like to delete. 10a says the files containing the document are locked electronically to prevent any changes to the document. That’s where the agencies are having problems because the documents are locked, and then we’re proposing additional language in b that says, “secure methods are in place to”, and then we propose deleting “prevent the transferring or removing of the seal and digital signature”. So, it's says, “secure encryption methods are in place to identify the licensee and to track any changes made to the document after the documents are submitted”. Ms Mamola added that staff had questions whether 12. d. was necessary. The recommendation was to strike that section of the regulation.
A motion was made by Mr Spata, seconded by Mr Wright to approve the amended language in supplemental section 625.610, additionally striking out item 12. d. The motion passed unanimously.

→ NRS 625.565

Ms Mamola asked if there was any discussion relating to NRS 625.565.

Mr Kidd said that land surveyors that are doing small scale drainage plans may not being taking into consideration the drainage picture and anticipating larger issues – and this could be problematic.

Mr Gingerich said taking into the account rural areas with lesser outside expertise, he would be a little reluctant to take a tool away from somebody that has the knowledge and is doing small scale drainage plans, that may have no other options. He added that there still would be grounds to be held in violation if a license was practicing outside of their expertise.

A motion was made by Mr Gingerich, seconded by Mr DeSart to not amend NRS 625.565. The motion passed. Mr Kidd opposed.

Ms Mamola said the next item NAC 625.620 relates to firms and fictitious names. The filing procedure the regulation outlines is not something that is currently done in the firm registration process. Ms Mamola asked Mr MacKenzie for his opinion on whether the regulation should be edited or possibly deleted.

Mr MacKenzie said his recommendation would be to keep the regulation as is and add a requirement to firm registration that that any dba name be listed on the application form.

Ms Mamola agreed and recommended that no action be taken on the regulation and that an adjustment be made to the firm registration application. (ACTION)

Mr Spata said with the next item NAC 625.635 there were no recommended changes.

Ms Mamola said regulations NAC 625.640 through NAC 625.648 relates to disciplinary action and advisory committee. As part of the process she suggested that staff review the regulations with Mr MacKenzie with a view to possibly codifying our Rules of Practice. Any proposed changes would be presented to the Legislative Committee before going to the board for any proposed changes. (ACTION)
ii. **Consider survey results related to continuing education requirements for professionals**

Mr Spata suggested rather than getting into the specifics of the proposed amendments to the continuing education section **NAC 625.430, NAC 625.450, NAC 625.460, NAC 625.470, NAC 625.480** and **NAC 625.490**, that the board first discuss the survey results and then have an open discussion on continuing education and profession development hours. Mr Spata asked Mr Wright to summarize the survey results.

Mr Wright – *The survey was sent out to 12,000+ licenses and 2,100 responses were received. Of those, about 69% of all the respondents responded to the question of, will the modifying of the CEU requirement from 30 hours per biennium to the proposed 3 hours per biennium, two in ethics and one in Nevada laws and rules, impact public protection. Will it improve, or will it detract from it, basically 69% said it would improve to make the change or would make no change. Of just Nevada respondents about 72% responded it would improve or have no change on public safety. In the written comments, Mr Kidd noted that there was a reasonably high percentage of people that spoke well of PDHs and didn't have a problem with current number of CEU’s or they thought that continuing education was important. Mr Wright stated his take-away was that many of the comments showed there might have been confusion among the respondents about the question. Respondents might have confused the need for continuing education to ensure engineers stayed abreast of technology and practices, which he said he didn’t think anybody disagrees is necessary, with the need for the state to mandate continuing education. Mr Wright stated he felt clarification was needed around whether CEU should be state mandated and if it should be, how much should be state mandated. He also stated that when the board hosts the required workshops, the board needs to provide clarity so people can understand the board is not saying you shouldn’t have continuing education, the board is just questioning whether or not the board needs to mandate continuing education.*

Ms Purcell said she would like to go around the table to get individual board member’s opinions.

Mr DeSart – *Generally speaking, I think this proposal is sensible and realistic and I believe, I guess I would fall into the camp of continuing education likely promoting public safety, then to hurt it and I say that through my experience in the past three and a half years on the board where most but not all of the things that have gone to the board have been due to ethics violations or a misunderstanding of the Nevada laws. And I think that if you have less continuing education requirements, then state mandated PDH requirements would be better if focused on those two things—ethics and Nevada laws. I think that’s going to improve the practice and improve the promoting of public safety. I also believe that a lot of the things that*
people currently use as PDHs fall into two categories that I don’t think meet the spirit of PDHs. One of them are last-minute internet classes that are taken the week before their renewal so that they can check the box if they have the 30 hours and the other are social events where they go out and mix and mingle and network with their peers. The social events, honestly, I think are more valuable than the last minute internet classes because I do think that networking and exchanging ideas with your peers raises the bar, you know when you have relationships with other engineers you can exchange ideas and you start to get a feel for the standard of practice, at the same time I don’t think that’s really the spirit and intent of the thousands of comments that said we need professional development. They are talking about keeping up with technology and the changing practice and I think these networking events primarily networking events don’t really accomplish that. The other thing that I would say is that if you are a practicing engineer or land surveyor in order to stay relevant, you have to keep up with technology. You have to keep up with the latest things or you pretty much go out of business. I was a little bit surprised to see the results, because I expected to see more opposition and at the same time as I pointed out earlier in the PAL committee meeting the people who are opposed to this idea are emotionally and strongly opposed to this idea and that if we move forward with it, we should expect extreme opposition, but I think it’s a worthwhile cause.

Mr Matter – It’s tough for me to provide input, since I am not required to take PDHs, but I think to a certain extent I think continuing education is important for growth and understanding, from listening to the comments I’ve heard here, I think there’s a lot of classes that people, I can agree with Greg’s sentiment, that there’s a lot of classes that you know fit the bill, I guess or allow you to get CEU’s without having to do much. I’ve heard the same arguments made by doctors, the same arguments made by nurses, which my wife is, to PDHs and why you do them and reality of when they get done. I think it would be a definite benefit if it was reduced and far more effective if it was narrowed to specific requirements, and that comes with a cost and who’s going to pick up that cost. The man who sat before us today got his license back, was it something we could have done as a board to require PDHs that might have informed him to not do what he did prior to it happening. I think you are going to see a lot of push back from NCEES and professional societies. I understand it is very difficult, everybody who’s working in any profession right now working more hours and doing more things with less time, they might take PDHs online, running in the background while continuing to do other work. Is it really doing anything other than wasting time and distracting them from the efficiency in their work and productivity? I don’t have a good answer for it other than I do think they are necessary, but maybe not as many and more directed, I guess.

Mr Anderson – First of all, I’ll tell you that I’m 100% in favor of continuing education because I have to do it all the time, but it’s the things that I’m doing for continuing education that can’t be documented in credits, downsizing my company and getting rid of designers and stuff like
that. I am on YouTube finding out how AutoCAD does this, doing hydro analysis - I haven’t
done this in 20 years. Those are things that I have to do, they are things that need to be done.
It doesn’t help anybody for the state to mandate. You have to have certain things, so many
credits done, and you know done by accredited classes and things like that. If you are
interested you will do it, if you want to go through self-study, you’ll do it and anybody staying
in business, I’ve been in this business 48 years. I didn't do things back then the same as I do
now, 48 years later. Like I said, I’m 100% in favor of continuing education, but I don’t think
mandating, putting it in a regulation should possibly jeopardize somebody’s license, because
you know he is busy or he doesn’t have the time, he is in an administrative position where he
is not really practicing any more or things like that and you’re not even doing engineering but
need to have his license. I’m against having it as a regulation.

Ms Larkin-Thomason – Not to follow trend here, but I would say I do think having something
like ethics and maybe Nevada law would be beneficial because I think that’s something that
typically we don’t get in typical training, as my career has changed over the years I am
reaching out and learning new and different things. I’m very much into connected
infrastructure, learning new traffic communication methods, these are relevant to my work
and it is something that I need to do if I want to continue my work and be relevant when I am
speaking, but to say that it's a mandate, you know, I’m checking a box. For my traffic
certification, which is a different certification, it still requires 15 PDHs of traffic engineering
and that’s to check the box and that is literally just check the box because I have to find 15 of
those a year specific to that area and frankly those classes don’t mean a lot to me because it’s
not an area that I practice in. But I think a good engineer is going to continue to learn. I do
think ethics and Nevada law would be good to mandate, because how many times before
being on the board did you check, you know, check the regs on a regular basis? So, if
something changes, you might note that there was some regulatory change. So, I’m all for
reducing or at least reduce it down to 3 or reduce it to a half or… and not mandating the level
we have now.

Mr Wright – I’m all for continuing education and I think any responsible engineer is and I’m not
seeing in any of my time on the board, as short as it’s been, that anyone’s come in for any
discipline or any problem because they weren’t kept abreast of the developments in their
particular field. Checking the box to fulfill a 30 PDH requirement I don’t think moves the
needle at all. Even though us, ReConnect which I thought was great, the board put that on,
you know if I want to learn something interesting, I can watch Ted Talks on YouTube, but it
doesn’t change my competency in what I do. Our mandate as board members is to ensure a
minimal competency of the licensees and to protect the health, welfare and safety of the
public and there’s no evidence that I’ve seen, that I’ve heard of that the engineers in
California, Arizona or Colorado where CEUs are not required are any less competent or any
less abreast of the latest developments. There’s no evidence that the residents of those states
are any less safe or the projects are done more poorly. You know that the fact that things are changing, which they are changing they have, and they always will be not a reason for the state to mandate engineers to check a box of 30 PDHs, everyone needs to have continuing education to keep abreast. Just because other states are doing it, isn’t a good reason for us to do it, and the fact that professional organizations are all for it because that helps support them is also not a good reason to do it. So, this is my opinion, I think changing continuing education to focus just on those items that we’ve seen are an issue and trusting engineers to stay abreast without us looking over their shoulder is a much better way to go.

Mr Gingerich – So, I guess my concerns are, as I think about changing this to what we propose is really a setback, I think in 1995 when they proposed this addition I think there were 10 states that did continuing education and now it’s 40 or more. I think all the other professions, doctors, lawyers, school teachers, all have some requirement for continuing education and I think I would struggle as a professional and I know, you know, we’re obligated to do it to learn, to stay current with everything. But if you remove a requirement, I think people will tend to let it go and then maybe a couple years later they haven’t had any sort of education. I do tend to agree that maybe there needs to be a little bit of focus put into the requirements, perhaps some specifics as to business classes or ethics seminar, might be warranted and maybe a little more direction as to what counts as continuing education. Certainly, when the law was put in 10 years ago or in 95, the resources weren’t as broad as they are today, a YouTube video on AutoCAD is something that you’re learning and can count and maybe we can specify that a little better in the regs. So, I’d be reluctant to change it.

Mr Kidd – Couple of things. I think first of all, I think this group has a little bit of a bias with our peers that we associate with because this group I think is intermixed with the top performers of our professions and I think there’s a good portion of our professions that don’t function and think the same way that this group does and with the peers that we associate with. I’m a big fan of specifying more focus, but going from 30 to 3, I think is hard for me to accept. I’m somewhere in between, you know, improving safety, reducing or getting rid of or going from 30 to 3, I think is, it’s difficult to justify, for me personally. I think a lot people use the regulation, the requirement of state-mandated continuing education, helps them get support from their employers to go to some of these continuing education events, to go to conferences and professional organization meetings. I’d support some kind of reduction in continuing education, with better focus on what is considered continuing education. I think a mix of ethics and regs, but I think there still should be some kind of requirement for something technical, that’s my view.

Mr Spata – I think that continuing education is needed and very important to be mandated but to what degree? I think that’s what we’re debating, I know for myself most my continuing education fits the needs, like Tracy where you’re at in your career. Unfortunately, it’s not as
much tactical as it maybe used to be, you know, I just recall, I think how this got on the agenda initially we were getting some letters and some input and you don't know this Matt, but you know middle or late last year we were getting some suggestions to make it even looser than what I think it already is and that’s what kind of raised the discussion, are we getting any value the looser we make it and so I think at a minimum we do need to have something regarding the law and ethics as a requirement. Sounds like we almost all agree on that. I was against loosening it up further, which was some of the suggestions from some of the PEs here in Nevada. So, I think if anything, if we’re going to have it, we need to make it focused. I’m on the fence if it drops all the way down to three. It just seems odd to me to drop it all the way to 3. I don’t know that I’m against it either, but if we’re going to have something, I think it needs to be less specific. You must take an AutoCAD class, but I don’t think it should be as loose as you go socializing or you be a mentor, I’m trying to think of what some of the others are, I think we need to not loosen it up. If everybody feels it’s of value, especially some of the letters like we got today then, you know, we shouldn’t water it down any further than it already is and I think having 30 hours of watered down stuff doesn’t get us what we need. Maybe people are doing 5 of that 30 of something meaningful. So, let’s make it 5 for the 30, you know, if that’s what it is. I don’t know. So, I’m still kind of on the fence. I think we need to revamp it. I think we need to lower it, just what the number is and how specifically the requirements, I’m still trying to wrap my head around.

Ms Purcell asked board guest Ms Kramer for her opinion.

Ms Kramer – I think I can maybe provide a little perspective of someone younger in their career, I actually felt when I got my license that taking the ethics exam was very helpful. I didn’t really realize the importance of it beforehand and it was helpful to go through and see the different laws and requirements. I think having that when you start out is helpful, and then maybe providing an update when a code does change would be great. But I am for continuing education, especially as I am growing right now, I think, you know learning and attending conferences and different seminars is very important to me and as Michael brought up, it was actually helpful being able to share that as the requirement with your employer.

Ms Larkin-Thomason – I just have a comment. I want to acknowledge the points that both Kristin (Ms Kramer) made and Mike (Mr Kidd). We are, there is a part of us that we are looking at this profession from a fairly advanced stage in our career and it’s something that we tend to forget, I think as we move on in our careers maybe we’re ticking the boxes because it no longer pertains to us. We’re past that part in our career and maybe I don’t do as much technical work anymore. So I think it’s a good point to consider particularly as you’re starting your career or you’re in the middle of your career and still advancing and that having a continuing education requirement, and I will also admit, Brent, that while I do not think that we should have PDHs just so that firms can make money off of offering PDHs but it is a reality
in belonging to a number of organizations, they do raise money and they do it by bringing valued education resources. But if they weren't bringing that value they might not still be in existence. I don't know the answer to that question, but I am just throwing that on the table.

Mr DeSart – One observation just listening to everybody and you know, and I think it’s important that if we do decide to move forward with this that we are all clear that there’s consensus that everybody in this room believes PDHs are important and that continuing education is important. And I think the question is should it be state-mandated? Right? And at what level should it be state-mandated? And I think if we go forward with that, I mean, I think it’s a much more productive conversation with the public in our workshops and I think it’s more accurate representation of what we are moving forward with, that we’re not moving forward with you know, I read, I didn’t read all 1,700 comments, but I skimmed all 1,700 comments and some of them are really strong negative comments to the concept. Where you know, you’re dumming down the profession, you’re watering down the profession, you’re going to put the public at risk and a lot of people had that opinion and I don’t think that the board, anybody on this board is proposing that. Nobody is proposing to dumb down the profession, nobody’s proposing to put the public in harm. What we’re debating and what we’re discussing is at what level should it be state-mandated and are there some areas that we should actually require to enhance public safety and based on the experience of the board who sees the bottom 10% of the professions. And what do those we generally see involve, it mostly ethics. Like the guy who was here today, understanding the law like do you have to have a contract? And occasionally, there’s somebody who’s completely incompetent and that I’ve seen before too for sure, but I don’t know that person has been licensed for a decade and whatever continuing education they got didn’t help him with that. So, the fact that I’m clear and everybody else is clear, I think that we all agree PDHs are important.

Mr Wright – Continuing education is important.

Mr Spata – With that messaging, if we go forward, we got to be prepared to answer the question. Why are we looking to modify it? I mean, what harm does it do, like we’re talking about on some of the others, well it’s been that way and it’s been working for us why change it, right? I mean this hasn’t caused problems necessarily, right? Other than like I was saying earlier maybe adding to it, but we just got to be prepared to answer the question, why, I think.

Ms Purcell – My opinion, like the rest of you, is that I feel that continuing education is very important, and I do think that we should ask the public about what should be state-mandated. However, I feel that maybe it’s somewhere more than three, but maybe less than 30 hours that there is some sort of level that is state-mandated and there hasn’t been any harm that I know of like you just said Angelo with it being in our regulations. And so, I am personally in favor of keeping the continuing education or PDH requirement but maybe not
the full 30 hours that we currently require. I think it was very interesting to hear what you had to say Kristin, as someone that’s newer to the profession as well. And so, I think we all feel that continuing education is an important part of being an engineer or land surveyor. And so, I guess with that I guess we throw it back to the leg com committee to do the next steps.

Ms Mamola - Here’s what I would suggest, I’m thinking this needs to take a separate track from our other regulations, even if it’s going to take a little bit longer. I think we need to be thoughtful and purposeful in what we’re doing, and I think we do need to collect some additional information, that was interesting comments that you made Kristin and I appreciate those comments. I think at some point we need to do another survey and be more specific like Brent said about whether it’s state-mandated or if it’s something else and if it’s going to be state-mandated what does it look like? But I think we should also include demographics of age group because I hadn’t thought about the younger people in our profession because employers may be less inclined to support them in their continuing education, so they gain the skills that they need if it’s not mandated. So that’d be interesting feedback to hear. So, what I would suggest is that we do an article in the newsletter kind of framing and explaining because people have been asking for that information--where is this coming from, what’s the board thinking? Brent could work with staff to draft a newsletter article. We can get it out quickly in another newsletter and then follow that up with a survey. We can write the survey questions to get more information that we need and then bring it back to the leg com for further evaluation before we bring back the board.

Mr Wright – Comments on the one thought it’s not doing any harm so why get rid of it? We can add a regulation that says all engineers have to stand on one leg for 10 minutes a day, it’s not that hard. Doesn’t do any harm but it doesn’t move the needle right? So I don’t think that’s a good reason to keep it and I’m not so sure that the line of thinking that if employers aren’t, don’t have an incentive because of a state-mandated CEUs to give training to their younger engineers they are not going to do it, let me just tell you as an employer of literally hundreds of engineers over the last 20 something years. As an employer I set a high priority on training because trained engineers make me more money. So, I don’t know that I agree with that line of thinking.

Mr MacKenzie – If you do this in a newsletter, I think you have to be careful not to be initially advocating for a particular position, it’s still in deliberation. And so, having Brent Wright and kind of knowing where he’s coming from might not be advisable, it might be better a third-party, represent pros and cons and get feedback.

Ms Mamola – I am proposing staff write it. We don’t have a dog in the fight and we don’t want a bias, that’s why we did the survey questions to begin with. We tried to make it benign, even though it was Brent’s idea. So, we’d like to keep it benign in the newsletter too but just to
provide some framework, you know, here's why the board’s talking about it and here is what they’re thinking.

Mr MacKenzie – And maybe present both sides opinions and not even ask a question. But I mean just be careful about advocating one side or the other for something that’s not determined yet. That is the only thing I'm concerned about, is deliberation when the board has not yet taken action.

Mr Kidd - With the message the board throws out there in whatever form or fashion the newsletter or through these public meetings, whatever. I think one thing we have to be able to answer and should stay in front of us is, what is the improvement? What are we doing here, what are we improving? And I think that quickly gets lost as soon as you start having the discussion with both points of view.

Ms Mamola - We don’t have to do a newsletter, the reason I thought about that is the phone has been ringing off the hook with that survey and people want to show up at our public meetings. I asked callers to hold up. I said the board is doing its due diligence to explore the topic. They’re exploring the options the board is asking questions and having a discussion, and I think that's the kind of things we could communicate to calm concerns.

Mr Spata - Does it add value to maybe to share the survey results, explain it’s preliminary, maybe it’s just the responses and the number of responses or something. Just at least acknowledge that we have the survey, saying thank you and then add that clarification will follow.

Mr Blaney – I think people would like that because they did the survey and we kind of did say in the end of the survey that we would let them know. People when they do a survey would like to know what’s happening next and I think that would be a good way to do it.

Ms Mamola – We could do that instead of a newsletter article.

Mr Wright – I have a question and I can't even believe I am asking this question but, not too long ago, there were concerns that maybe the Governor, somebody, others were not valuing the profession of engineering and maybe you know getting rid of the board or not considering it to be one of the learned professionals like a like a doctor or a lawyer, whatever. So like I don’t know the answer to this and this would be my only reason for maybe considering not reducing the PDHs would be simply from the highly irrational, but very real reason that if we were to dumb it down by getting rid of these PDHs that all the other learning professions require even though there's no evidence that any of them can point to, that might somehow diminish the profession of engineering in the eyes of the public or government regulators or
Ms Larkin-Thomason – I think that is a good strategic point.

Mr Kidd – I think along those lines the part of the answer to how we’re improving it is, we all agree and we end up with, we think of a reduction is a good idea, but with the reduced number having more focused requirements, I think that’s the improvement that that we’re presenting.

Mr Wright – That would seem to be an easy compromise. And a justifiable one, I mean you can justify either way I suppose.

Ms Mamola – That’s what I’ve explained to people when I responded back to their inquiries on the issue, I said the board is doing its due diligence on this issue and everything is on the table as it relates to this, so your feedback is important to help the board to determine what they’re going to do.

Ms Purcell – Have there been any states that had the continuing education requirement and then has since eliminated it.

Ms Mamola: No. But there have been other states that are asking the question, are these meaningful and are they doing what we need them to accomplish and do we need to change it similar to our current discussions. Do we need to shift our focus? Do we need to be specific? Do we need to pre-approve providers? So they are, now that the requirements have been in place for a while, other states are asking the same questions that were asking ourselves. So, there’s been no states that have done away with continuing education requirements.

Mr DeSart - And to be clear, we’re not proposing to do away with it.

Mr Wright – Just laser-focus.

Mr DeSart – Just laser-focused, just to add, at the very least I think this is a good conversation that the board should be having with industry. When I talk to people on the street the vast majority think that reducing them is a good idea. I obviously don’t represent a 12,000 person survey by any stretch but there are occasional people who strongly believe that it’s a good thing in its way it’s currently written it and I think a lot has to do with how people interpret what it really means, you know, some people believe that PDH only counts if you go to an accredited technical workshop, you know, where you study you take a test at the end and you get a grade, you know, those kinds of things and other people once again believe it’s sort of a box checking exercise that makes politicians feel better, so they can say that they have a law
that has teeth in it. But you know, it doesn’t really have it. But having the conversation collecting the data like we’ve done so far. Making a thoughtful informed decision, it’s the time do it, it’s been since 1995 and it really hasn’t been that long, but you know 23 years ago somebody thought this was a good idea probably starting with NCEES. And so, it’s time to re-evaluate and make it right.

Ms Mamola – I will say one other thing, Florida preapproves their providers and they only require 12 PDHs a year – so 24 every two.

Mr Spata – So, the action is staff will write a document or something that we will send out if that’s part of a newsletter or what not, and we will frame out the what and why and where we’re going with it. [ACTION]

Mr Wright – You mentioned maybe having the entire leg com review and provide feedback, right? Because that’s going to be a better cross-section of both camps.

Mr Kidd – And show the survey result data with what you’re putting together.

Mr Spata – We will look at putting out another survey and send that all back to leg com and figure out what’s next and then bring it back to the board. [ACTION]