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

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

2. Pledge of Allegiance

3. Public comment

Lynn Neilson: In the Professional Association Liaison (PAL) committee meeting that we had earlier today, we just briefly gave public comment on digital signatures. And I just wanted to make sure that the board is aware that we’re definitely having issues with the licensees on digital signatures and the documents being submitted to the City of Henderson and the difficulty is in the ability that we have to then review those documents. File sizes, documents being locked, and the issues go on and on. We definitely need the task force to get going because we need help from the board to fix the issues because it’s out of our control.

James Foley: This is Jim Foley from California. I’m no longer on the California board, but I just received notification from Rick Moore, that Bob Stockton one of the California board members was out jogging yesterday and he was struck by a vehicle and he passed away this morning. I just found that out and thought I would let you all know. I’m sure a number of you knew Bob.

Jason Higgins: I’m speaking on behalf of myself, a licensed land surveyor in the state of Nevada. I understand and support the recent changes to NAC that the board has championed, further I commend the board for being proactive to address recent trends by legislators across the country in occupational licensure. But unfortunately, our professions have been lumped in with all licensing boards not separated out as professions. I also commend the board’s approach in responding to the legislative Sunset committee a few years ago and educating our legislators. I believe we’re staying in front of the issues in Nevada. I’m a strong supporter of either maintaining the current biennial 30 PDH requirements, focus based requirements for ethics and state law. I’d only support a slight reduction of hours. If more focused based requirements were added or the state law requirements were increased. I believe it is incumbent upon this board that a balance be achieved in finding the right number of
PDH hours, focused requirements and being able to find the legislative support for the proposed changes. That's it. Thank you.

There was no additional public comment.

4. Introductions

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

The purpose of the board as stated in Nevada Revised Statute 625.005 is to safeguard life, health and property and to promote the public welfare by providing for the licensure of qualified and competent professional engineers and professional land surveyors and our mission is founded on the board’s purpose, the board’s mission is to uphold the value of professional engineering and land surveying licensure by assessing minimum competency for initial entry into the profession and to insure on going standard of professionalism by facilitating compliance with laws regulations and code of practice and to provide understanding and progression in licensure by openly engaging with all stakeholders.

Board members and staff introduced themselves.

5. Discussion and possible action on approval of March 4, 2020, board meeting minutes

Ms Purcell: The discussion and possible action on the March 4th, 2020 board meeting minutes. Any comments or questions? Greg do you have a comment.

20-46  A motion was made by Mr DeSart, seconded by Mr Matter to approve the March 4, 2020 board meeting minutes. The motion passed unanimously.

6. Discussion and possible action on financial statements

   a.  February 2020 financial reports

   b.  March 2020 financial reports

Ms Mamola reviewed the February 2020 and March 2020 financial statements presented to the board. There were no questions from board member.

20-47  A motion was made by Mr Spata, seconded by Mr Gingerich to approve the February 2020 and March 2020 financial statements. The motion passed unanimously.
7. Discussion and possible action on compliance reports by Compliance Officer

a. Compliance officer report on complaints being investigated.

Mr Wolf said there were eight open cases to report on. The investigations are complete on five of the cases and still under investigation on the remaining three. He added that there are currently no complaints pending.

b. Consideration of probation reports: John Mutiso, PE #22799 Dooley Riva, PE #18231 Mingqiao Zhu, PE #15943 Richard LaPrairie, PE #12970 Richard Warren, PE #17389 John Skwiot, PE #20561

Mr Blaney reviewed the status of licensees currently on probation and asked if board members had any questions or comments about the probation reports submitted.

Mr Spata asked if there was any further action required by the board related to a licensee with an expiring probation period.

Mr Blaney said as long as the licensee has met the terms of their stipulated agreement or decision and order, no further action is required from the board. He said staff will notify licensees in good standing that the probation status on their license has been removed.

8. Discussion and possible action on Stipulated Agreement for Andrew Ryan, PE, license #018055

Mr MacKenzie reviewed the stipulated facts and terms of the Ryan agreement.

Mr Spata asked for clarification on the difference in the terms between the two agreements for violations that were similar.

Mr MacKenzie said the same board liaison reviewed both cases for consistency, and it was determined that circumstances of the Heninger case were more egregious and warranted the addition of an administrative fine.

20-48 A motion was made by Mr Matter, seconded by Mr Gingerich to approvestipulated agreement for Andrew Ryan as presented. The motion passed unanimously.

9. Discussion and possible action on Stipulated Agreement for Ralph Heninger, PE, license #005191

Mr MacKenzie reviewed the stipulated facts and terms of the Heninger agreement.
A motion was made by Ms Larkin-Thomason, seconded by Mr Wright to approve stipulated agreement for Ralph Heninger as presented. The motion passed unanimously.

10. Discussion on Board Counsel Report

Mr MacKenzie said he had nothing additional to report.

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

   a. Approved licensees report

Ms Mamola reviewed the approved licensees report and answered board member questions.

   b. Action items related to 2017-2021 Strategic Plan

Ms Mamola said this agenda item is a placeholder to discuss any of the board’s identified strategic goals of outreach, licensure, regulation and operational excellence, and the tactics related to the tactics relate to achieving the stated goals. There were no questions or comments from the board.

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

      i. Western/Southern/Central/Northeast Zone meeting

      ii. Annual meeting

Ms Mamola reported that following the cancellation of the NCEES zone meetings, the annual meeting scheduled for August 26-29 in Chicago has also been cancelled. She added that the NCEES Board of Directors is meeting mid-June to discuss if they can deliver any of the business session virtually. Ms Mamola suggested that board members keep the annual meeting dates blocked on their calendars as any virtual meetings would likely be held on the same dates. She added that information would be passed along as it became available.

   d. Consideration of board authorized digital signatures, input received from southern and northern Nevada building departments and licensees
Ms Mamola said there is some urgency and we are working to schedule a virtual meeting with the Digital Signature Taskforce as soon as possible. The current situation has greatly accelerated the use of electronic submittals and issues, as mentioned by Mr Neilson in public comments, are problematic for public agencies.

12. Discussion and possible action on updating Strategic Plan

Ms Mamola said this item relates to updating the current plan which is set to expire in 2021. There are some issues that we need to consider, but it may be worth considering at least scheduling something separate to refresh the board on the background of the plan and just confirm that the goals are still the goals. We can also discuss any added activities or tasks.

Mr DeSart said a refresh of the current plan to align with the overall goals of state government would be appropriate. Ms Larkin-Thomason agreed.

Ms Purcell suggested a separate meeting be scheduled either a day before or after a board meeting to discuss the plan update.

Mr DeSart said the board should consider a day following a board meeting to have the most current information available. He suggested the day after the scheduled September board meeting.

Ms Mamola said the date would be tentatively noted – Friday September 11, 2020 (ACTION Item)

13. Discussion and possible action on board committee reports

a. Administrative Procedures Oversight Committee, Chair Michael Kidd


Ms Mamola said the committee discussed June license renewals and Governor Sisolak’s directive that boards must waive late fees. If somebody’s having a financial hardship and renewing their license and they can’t renew it on time, for a period after renewal, licenses are to be kept active and at the same time waive any late fees. The directive stated for a 90-day period after the expiration of the related executive order – and that date is currently a moving target. Ms Mamola said it is proposed that late fees be removed and license listing on the website not move a license un-renewed to delinquent status for the time being.

Ms Mamola also discussed extending the PDH accrual window for licensees renewing in June by 180
days. It was proposed that a licensee who hasn’t been able to accrue PDH hours because of the current covid-19 situation, can attest on the renewal application that they will comply and fulfil the requirement within the next six months.

Ms Mamola said APOC supports the changes and makes that recommendation to the board.

20-50 A motion was made by Ms Larkin-Thomason, seconded by Mr Spata to approve the proposed changes related to the June 2020 license renewals. The motion passed unanimously.

Ms Mamola said staff will make the recommended changes. (ACTION Item)

   ii. **Consider approval of a contract for Government Liaison Services with McDonald Carano for a two-year period in the amount of $46,800.**

Mr Kidd said after reviewing proposals, the recommendation from APOC was to select McDonald Carano for the next eighteen months.

Ms Purcell asked if the board had any questions or comment. There were none.

20-51 A motion was made by Mr DeSart, seconded by Ms Larkin-Thomason to approve contracting with McDonald Carano. The motion passed unanimously.

   iii. **Consider approval of a contract for Annual Financial Audit Services with Casey Neilon for a one-year period of 13,000 with an option for two additional years—2021 at $14,000 and 2022 at $14,500—for a total three-year amount of $41,500.**

Mr Kidd said the committee reviewed proposals for financial audit services and makes the recommendation of Casey Neilon for the contract – with the contract being for one year, with an option to extend for two additional years at the same annual rate. He added that the committee was not unhappy with the previous auditor’s performance but felt Casey Neilon was on equal footing, and ultimately the recommendation went in their favor being a Nevada based firm.

Ms Purcell asked if the board had any questions or comment. There were none.

20-52 A motion was made by Mr Wright, seconded by Ms Larkin-Thomason to approve contracting with Casey Neilon. The motion passed unanimously.

   iv. **Consider proposed budget for fiscal year 2020/2021**
Ms Mamola reviewed the budget proposals presented to the board. She said two options have been laid out, budget A is the recommendation of APOC. Ms Mamola highlighted the following:

- revenue projections had been downgraded in consideration of the covid-19 situation with a reduction in the number of comity applications and a lower rate of license renewal
- application fee reduction based on proposed regulatory amendments
- removal of late fees (related to covid-19) and eliminating online convenience fees
- conservative budgeting of expenses
- reduction in deferred expense spending
- staff salary freeze

Ms Mamola said budget B is shown because we don’t yet know the full impact of the pandemic. It shows areas where, if need be, further adjustments can be made.

20-53 A motion was made by Mr Spata, seconded by Ms Larkin-Thomason to approve budget A for the 2020/2021 fiscal year.

v. Consider performance evaluation of executive director

Mr Kidd said the committee is very pleased with the performance of Ms Mamola. Comments from APOC were the wealth of knowledge that she brings, her attention to detail, her guidance to the board, the staff that she has put together, and the direction that she gives the team. He added that the committee asked at next meeting Ms Mamola present goals, objectives and areas for development. Mr Kidd asked for board members comments.

Mr Spata said as a chair of the legislative committee, her support and responsiveness had been very much appreciated.

Ms Larkin-Thomason said that Ms Mamola work on improving the efficiency of licensure process at the national and international level should also be recognized.

Mr DeSart said he agreed with the APOCevaluation in the job that Ms Mamola does. He said his comments are related to the executive director being a member of sub-committees of the board. Mr DeSart said he was concerned about the voting rights of the executive director and whether there could pose issues with open meeting laws regarding communications with individual board members who are also committee members outside of the committee meetings. He asked that Ms Mamola and Mr MacKenzie evaluate the executive director’s role in committee participation. (ACTION item)
Mr MacKenzies said he was unsure if Ms Mamola was actually a voting member but separating that out would be a good idea. Staff can be at committee meetings with proposals and input, but ultimately it is up to the committee’s board members to determine how to proceed. If Ms Mamola is voting and I don’t recall her voting, then that’s a legitimate concern. Changing status from committee member to staff should be considered to avoid any issues with possible serial communications.

Ms Purcell said the best forum to consider that would be APOC. Mr Spata and Ms Larkin-Thomason agreed. (ACTION Item)

Mr DeSart said consideration may also be made into the job description of the executive director beyond Ms Mamola. He said her skill set as a former board member, past president of NCEES, is very unique, and with that she has a high level of trust by the board. He added it would be very unlikely anybody holding the position in the future could be as well equipped. Mr DeSart said overall role and level of autonomy vested in the director should be carefully considered by APOC.

Mr Kidd said if board members had any additional feedback direction to staff to let the committee know. He added that related to the performance evaluation, the discussion on salary the recommendation from the committee was for no increase at this time.

b. Legislative Committee, Chair Angelo Spata

Mr Spata reviewed the progress of the committee with the 10-year regulatory review. He said that 90% of the regulations proposed for amendment had been approved to move forward in the review process by the board at the March 14, 2020 meeting. The remaining 10% needed to go back to the committee for additional discussions following the board’s input and some wordsmithing of text. Mr Spata said the committee had met twice, on April 16 and May 5, to finalize the revised regulatory language and agreed to bring them forward for the board’s review today. He said the proposed amendments would be presented one-by-one for consideration, discussion and vote.

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

→ NAC 625.425

Ms Mamola said for firm registration we’re proposing to eliminate having to register each branch office in Nevada, instead we’re suggesting that firms would just register each one of its companies that has a unique Nevada state business license number. To register branches gets very confusing as to whether you’re branch or a subsidiary, but we’ve discovered is, if you are separate firm you have a separate Nevada state business license, so the language you see before you is for those changes.

The were no comments from the board.
A motion was made by Mr Spata, seconded by Mr Matter to approve the amended language as presented. The motion passed unanimously.

Mr Spata recommended that both continuing education regulations NAC 625.430 and NAC 625.470 be reviewed and discussed together.

→ NAC 625.430

Ms Mamola said this item was sent back to the committee for revision following board discussion at the last meeting. The proposal has been amended so that the number of required PDHs remains at 30 for each biennial renewal period but with the added requirement specifying that two or the 30 hours be related to professional ethics and one hour related to Nevada laws and rules.

→ NAC 625.470

Ms Mamola said the revision also proposes adding self-study as a method for meeting continuing education requirements, one hour for each hour of self-study.

Ms Spata asked Mr Wright to give background on the proposed revisions.

Mr Wright: This is quite a bit different from the language previously proposed. There seems to be two strong camps; one would like to get rid of mandating and regulating PDHs and then other camp would like to see it stay where it is - and then there are people in-between. This seems to be a good compromise between the two in that it focuses the PDHs on the two things that we've identified are things that commonly result in discipline, ethics and somebody violating the rules and regulations of the board. So, we maintain two hours of ethics and one hour in Nevada laws and rules.

The amendment also acknowledges the fact that we all agree that continuing education is important, but it can be done in different ways other than just attending a seminar or webinar or things like that. One of the more effective ways, I think, for an engineer to get their continuing education is through self-study. When new codes come out or new regulations come out, there may or may not be a seminar, but certainly the engineer needs to review it, study it so they can be current on the latest regulation or the latest materials whatever it might be. This acknowledges the fact it can be just as effective, or more effective, than paying for attending some seminar or webinar.

Another key consideration is that, this was brought up by Mr MacKenzie, this may be something that would be much more palatable to the legislature. It would be hard for a legislator or to the untrained person to comprehend that removing all PDHs would not be reducing the level of public protection and possibly endangering or reducing the level of safety or reducing the competence of engineers. That's the reason for retaining the numbers of PDHs. There was a discussion to maybe reducing it down to maybe as low as 24. There are a few states that require 24 PDHs instead of 30 and so that's something I think is still open for discussion. But the thought of reducing all the way down to three hours seem to be something where we would put a lot of effort in and something we couldn't get passed.
Ms Purcell asked for comments from the board and any public participants.

Mr DeSart: I attended the May 5th legislative committee meeting, but I did not attend the earlier one in April and when I attended the May one, I hadn’t read the minutes from the April meeting. So, I was a bit caught off guard to see that you had gone from discussing 3 PDHs to going back to 30. And so, a lot of what Brent just described was discussed in the last legislative committee meeting. I will say that I agree that we’re taking both of these two NACs together, I think it’s the 470 version relates to the participating in self-study for this to be included I think is an important component of the change. I agree with that change. I did read through the minutes eventually before this meeting from the April legislative committee meeting and it was an interesting conversation as I saw it, there was you know, there was discussion of well three might be too low, but most people on the committee felt that you know, some reduction was warranted, there was discussions of 12, 15, 24, there was discussions about how some states with lower numbers required PDHs but that were pre-approved and there was concern about us going that way which I don’t think we would go that way regardless of what are PDH numbers were and then Mr MacKenzie said that going to the legislature and possibly getting nowhere because of a perception of reducing the requirement could be seen as endangering public health and you are going to waste all this time and have a good chance of getting shot down and be put in a position where it’s difficult to defend yourself. He made a pretty good case for that and looking at the minutes it looks like that’s completely turned the tide of the conversation within about 5 minutes ended up as something more like what is being proposed today.

Speaking just philosophically, I went to one of the NCEES meetings and one of the speakers there gave a great talk, he was one of the keynotes, he said something to the effect, you know when developing regulations or administrative codes, there’s often times this sort of myopic view that you are either protecting or promoting public health, or we are reducing unnecessary regulations and that the natural tendency is for people to think of it that way. I think that’s where fear comes in about going to the legislature and being in a position of trying to defend, well you went from 30 down to 3, clearly, you’re not promoting public health. The keynote speaker talked about using and instead of or and I think his point was, that I think all boards should really be looking at the end approach to things and I think you know, we can look at promoting public health and reducing the unnecessary regulations.

From our last board meeting, I think some of us had somewhat of an epiphany that there was this perception that what the board was promoting did not support professional development hours, when in fact what the board had put out for the public comment and for the survey was state-mandated, reducing state-mandated professional development hours down to three combined with a more focused approach.

From my perspective I really believe we can have both. I like the idea of the focused PDHs. I have been on the board for just over three years. Most disciplinary cases have to do with ethics and lack of knowledge of the laws and the ones that did involve maybe a competency issue all of those people had met all of their PDH’s for all of their career and they were still incompetent. So PDHs I think I my opinion I think that is the proof that might be lacking in terms of being able to defend really the PDHs don’t necessarily, state mandated PDHs don’t necessarily change people’s competency. In my opinion I would like to think that we as a board can be focused on requiring PDHs, where they are really needed in terms of State laws and ethics and look at reducing the government burden of state
mandated PDHs.

I am totally in support of adding in the self-study, I think that's important and I think we should also really be considering as a trade-off for that. So that requiring the mandated ethics and state laws that actually is somewhat of an increase in government oversight but its focused, its purposeful, it is intended to promote public safety. I think it's a good idea and I think there's a reasonable trade off here that we can trade off and you say we're adding some state regulation by focusing your PDHs, but we're going to compensate for that by reducing the total amount of PDHs that are required and by allowing self-study and those two things both reduce the government burden on the licensees.

I would propose that we really do look at keeping this as it's written but with reducing the PDHs, I think we should be more in the 15 to 24 range and I'd like to propose that we talk about this as a board.

Mr Anderson: I don’t have any comment at this time.

Mr Wright: I agree with what Greg is saying and obviously everyone on this board knows that I’d like to see the number of PDHs drastically reduced, but I do realize whether the total is 30 hours for biennium or 24, really doesn’t make that much of a difference. We can allow self-directed study because my opinion is that you probably do need 15 hours a year to stay current in your field. But like I said that doesn't have to be 15 hours sitting in a seminar or some sort of a webinar, it has absolutely nothing to do with what you do or whether you're going to be competent or not. My personal feeling is that I'm perfectly happy if the board will accept what essentially would be 27 hours of self-study plus 2 hours and ethics in 1 hour of Nevada laws and rules and that seems to me to be a reasonable burden and also much more effective than forcing engineers to go to seminars and webinars and then in addition to the real self-directed study that keep them current in their field. That's my opinion.

Ms Larkin-Thomason: Seeing that they are including self-studies, I like that. I would agree with Brent it allows you to be more focused in your area whether it's your discipline or you are interested in that discipline. I think it accomplishes the purpose of what we're going for, because if you have someone who's really doing the professional study to increase their professionalism, they are keeping up the standards in their particular discipline. They're going to do it regardless if you have others who maybe aren't. I think we're going to get better focus. So, I agree with, I like this the self-study part.

Mr Spata: We went through this at the committee level and we figured there would be some discussion around the number. I haven't had a strong opinion one way or another. I support reducing it, my big thing was really defining what constitutes a PDH, because when this all came up originally it was about loosening it even further and to me it just waters it down even more. I like that we’ve added something a little bit tighter with the ethics and the Nevada law that we talked about. As was said by few others, if we open it up for the self-study, I support that, especially with keeping it at 30. I'm good down to 24 that Greg proposed as well, I just feel going to three might be a bit farfetched.

Mr Kidd: I would just caution that we need some kind of structure around the self-study. I think self-study is a great idea, but it shouldn't be a free-for-all for people to just submit, yeah, 20 hours of self-study either there needs to be some structure to what they report or what they're prepared to do with an audit, if the audit is still part of it.
Mr Matter: The only comment I had was very similar to what Michael just said. So how do you quantify and educate the engineers on what self-study is, what qualifies, what doesn't qualify. How do they report it?

Mr Gingrich: I can support this, I'm supportive of it. I do tend to agree with it. I think it might be a little challenging for some people to quantify what self-study is.

Mr Spata: The committee did recognize at the last meeting that we will need to address the self-study question as well as how do we specify the ethics as well as the Nevada state law. How do we validate that? And how do we test or track that, so I think that's kind of the next thing that we will have to do, but that's not necessarily, correct me if I'm wrong Patty, something that we would spell out explicitly in the statutes. Go through the public process first and then we can start to define them.

Mr Wright: In regard to how we're going to monitor self-study. You need to remember that right now as it is with no change in our regulation an engineer goes online signs up for an 8 PDH course in whatever they want that will seem reasonable. Take it in 20 minutes, print out a ticket of a certificate of eight PDHs and that's perfectly acceptable to the board. And so, I don't think we need to worry too much about, are engineers going to be fudging self-study. They're already fudging PDHs, everybody is doing it, I mean, you don't need, it's a joke to most engineers. So, I think the opposite will happen, engineers who are doing self-directed study, which is where I think most of them get the real useful information to be current and competent in their field, are going to put it down honestly, and it just seems that we need not to worry that much about it.

Ms Purcell asked for any public comment before the board continued the discussion.

Mr Foley: Thank you. I'm just glad that the Nevada board is looking at this. I think it can be a very difficult political subject. I don't know if any of you would have had the opportunity to read the letter that I sent to you. I've been somewhat disenchanted with some of the classes that are offered, continuing education classes offered by some of the technical societies. Some of them cost a lot of money and the value of the information that you can receive from those sometimes really goes begging, yet again, some of the free ones that are available especially the ones that may be pushing a new product or advanced product sometime have been quite beneficial and so I think you're wrestling with some of this now as the validity of some of these courses are really whether anybody is getting anything out of them or not, and I'm just very pleased that the Nevada board is taking a look at this and I think you're on the right approach and I think that over time you'll come up with something good. Thank you very much. I appreciate your listening to me, and I encourage you to read the letter that I have written if you haven't. Thank you very much.

Mr Higgins: I appreciate the board opening this topic up, but I think that real balance has to be struck between what our legislative review folks are going to take and what's really purposeful for our licensees. I don't, I really struggle to reduce the amount without making it more focus based. I don't think 30 hours every two years is hard to achieve at all and I think for the vast majority of professionals they look at it willingly and want to learn and it also promotes comradery at conferences and seminars, I would just really hope the board would consider, you know, keeping somewhat of a higher number of the hours required. Thank you for your time.
Mr DeSart: I just want to jump in and sort of respond based on listening to some of the other board member comments. First of all, I think just to reiterate what I think I already said is that adding more focus to PDHs is a really good idea. And I think it’s definitely aligned with the mission and purpose of the board. I think that also I am 100% on board with the idea of self-directed study and I am aligned with what Brent said in terms of the self-directed study, if we start regulating what self-directed study is than that becomes a little bit problematic to me and it really isn’t self-directed study anymore. If you get too far down the road with that, and while I said and I still agree that I think there should be a trade-off for adding the focus study and allowing some reduction down to 24, to accommodate promoting the public health and reducing unnecessary regulations, and I’m talking about state mandated PDHs, it’s not PDHs that people do anyway and that sort of thing. Where I’m going with this is along the lines of sort of some of the concerns that Mr MacKenzie brought up going to the legislature, if we go to the legislature, we don’t know what’s going to happen. But thinking it through, I could support having 30 PDHs if the unregulated self-directed study is allowed to be included in that 30 hours. I would be very concerned if in the legislative session, somehow as a negotiating chip some professional society comes in and flexes their muscles and has an undue influence on the process, we end up dropping that self-directed study and then end up with 30 PDHs of state mandated PDHs and some required PDHs, so essentially we have increased state regulations.

I just want to make sure that if this moves forward regarding, you know the way in this current form that there’s a limit on the board to hold true to that allowing that self-directed study to stay in and the end and not let it be negotiated out during the legislative session.

Mr MacKenzie: There is a legislative commission that regulations go before and so that’s the portion where you would worry about just in that legislative commission meeting or it could be brought up and opposition could be made. They would go yay or nay on whether or not it’s approved. You’re not stuck with whatever they say, you’re always able to review your regulations and bring changes. They just have to approve the changes.

20-55 A motion was made by MrWright, seconded by MrMatter to approve the amended language to both regulations as written.
The motion passed with Mr DeSart opposing.

Mr DeSart: I voted opposed just because I think PDHs should be reduced. I am just going to go on the record on that.

Ms Mamola said relating the grouping of code of conduct regulations, at the last board meeting and in the legislative committee meeting there was discussion about whether we repeal and replace our code of conduct regulations and adopt NCEES model rules or whether we take our current code of conduct regulations and modify them to be more in alignment with NCEES model rules. The legislative committee has taken the later approach to just modify where necessary.

→ NAC 625.510

Ms Mamola said the text edits were to align the regulation with NCEES model rules.
NAC 625.520

Ms Mamola reviewed the changes and said they were made to add degree of clarity to sections and remove areas that are difficult to define and possible infringements on free speech.

NAC 625.530

Ms Mamola said the term “Gratuities” is added to align with typical language for industry/professional code of conduct.

NAC 625.540

Ms Mamola said the proposed changes remove sections that are best left between the individual and firm, areas that are addressed elsewhere in regulation. The final section which has been edited out is almost universally done by companies and professional organizations for goodwill, public relations and recruitment, and there is no longer a need for inclusion in regulation.

20-56 A motion was made by Mr Spata, seconded by Mr Gingerich to approve the amended language of the four regulations as written. The motion passed unanimously.

NAC 625.550

Ms Mamola said the language proposed has been discussed and edited by the legislation committee.

20-57 A motion was made by Mr Spata, seconded by Mr DeSart to approve the amended language as written. The motion passed unanimously.

NAC 625.610

Ms Mamola said the board had seen the majority of the edits to the regulation before and the changes had been suggested by the Digital Signature Taskforce. Additional edits had been put forward after input from a public entity – section 13. She said there have been some issues with plans and who can revise them and who can’t, and we believe the language that we’re proposing here clarifies that and simplifies the language.

Ms Purcell asked for comments from board members.

Mr Spata: My only comment is just to reiterate my comment from the committee meeting. My only request was for item 13 a.i. rather than consent write inform. I’m in the minority there. I don’t feel that, if you got another professional engineer doing a design or update that you need a written statement saying that they agree, I’ve seen where people have been held hostage for that. I think informing them allows that other engineer to express any concerns with those changes. And a release of liability in that way, that’s my only comment there and I just wanted to put that on the record.

Mr Anderson: I agree with Angelo, that causes a lot of problems, I’ve spent weeks tracking down an engineer that used to be here moved onto Texas went through several companies to get this before I could get it to the city. If it’s under construction, it’s one thing, then you need to get that original
engineer to approve it. But if the project is built and coming in and doing something entirely different. Why should the original engineer have any input to that is it has no purpose.

Ms Mamola: If it's already built that's a different story. Those plans are as built. You're doing a new design. You don't need permission from that last engineer.

Mr Wright: That's always been my understanding and I think that's not what the discussion is about. Just to clarify that this is, this applies to a project that is not yet complete under construction or in design or something, once it's complete and then they want something else done that's completely a new design and this does not apply. So maybe but it sounds like there's some confusion so maybe there ought to be some language that clarifies that this applies to a project in design or under construction and does not apply to a project that is complete.

Mr Spata: It's clear to me, because I agree with Patty as-built are as-builts. It's clear to me and my comment is in-progress designs or something that's out there in the field being built. As a professional engineer myself, you know, I'm not going to make any changes that if I'm not fully understanding the initial intent to the design, I'm not going to do that without consulting that engineer but more often than not most of these changes are minor in the field and you want to be able to change them and move on but I'm going to reach out if it's a structural change right Brent. I'm going to reach out to you as the bridge engineer. You as a professional I should be able to understand what my limits of capabilities are, and this doesn't allow for that at all. You know Patty mentioned minor changes, well you know that minor change they still need to go to that original engineer and get him to sign off on it and agree to it. But just clarifying my input, to me it's clear that it's been progress, but my comment still stands for what it's worth.

Mr DeSart: It's clear to me too Angelo but it sounds like it's not clear to some people or entities. That's why I wonder if maybe I think there could be some clarifying language just maybe in 13, a licensee may revise original plans for a project where it's still under construction or not yet complete only if, at your language a.i.

20-58 A motion was made by MrWright, seconded by MrDeSart to approve the amended language with a clarification made to the first line in section 13 that this applies to projects that are still in design or under construction. The motion passed with Mr Spata opposing.

Ms Mamola said staff will make the recommended change to section 13. [ACTION item]

→ NAC 625.611

Ms Mamola said the edit was a minor change after the regulation text was initially approved by the board for clarification around electronic submittals.

20-59 A motion was made by Mr Spata, seconded by Mr Gingerich to approve the amended language as written. The motion passed unanimously.

→ NAC 625.613
Ms Mamola said the edit to 613 was the same as made to 611 – related to electronic submittals.

20-60 A motion was made by Mr Larkin-Thomason, seconded by Mr Spata to approve the amended language as written. The motion passed unanimously.

→ NAC 625.640

Ms Mamola said changes to NAC 625.640 are made to align with the board’s Rules Of Practice that were updated in November 2019.

20-61 A motion was made by Mr Spata, seconded by Ms Larkin-Thomason to approve the amended language as written. The motion passed unanimously.

→ NAC 625.642

Ms Mamola said this edit is proposed to section 3 because 30 days is often insufficient time for disciplined licensees to get signed disciplinary action from another state to the board. The edit is to change 30 days to 60 days.

20-62 A motion was made by Mr Spata, seconded by Mr Matter to approve the amended language as written. The motion passed unanimously.

→ NAC 625.645

Ms Mamola said 645 is related to conditions of probation. There's been a concern by legislators about overbroad impositions put on licensees. Board counsel is suggesting that conditions that we can apply to a licensee be limited to just facilitating probation. She added that it is limiting the board's abilities to those imposed for discipline probation.

20-63 A motion was made by Mr Gingerich, seconded by Ms Larkin-Thomason to approve the amended language as written. The motion passed unanimously.

→ NAC 625.646, NAC 625.6465, NAC 625.647, NAC 625.6475, and NAC 625.648

Ms Mamola said this section is related to advisory committees and aligns the regulation with the current Rules of Practice and ensuring confidentiality in the investigative process.

Mr MacKenzie gave an overview of the proposed amendments.

Ms Purcell asked for comments from the board.

Mr DeSart: I do have some concerns and I’d like to explore if there’s a possible way to not change a regulation to make the executive director to be able to unilaterally do some of these things that are the way it’s spelled out right now, without any board direction as it’s currently written. I understand that the executive director is going to make decisions every day and board isn’t going to
necessarily micromanage it. I am not proposing that. The first line 625.646, it changes from the board to the executive director, may establish an advisory committee, like I mentioned earlier, we have a very experienced executive director, a past board chair and former president of NCEES. But we are changing a regulation here and the next executive director may not have the same background or experience as Ms Mamola, but it'll already be a regulation. It'll be codified as to who has those responsibilities and it just seems like there should still be some direct board oversight.

Mr MacKenzie: Mr DeSart brings up a good point. We can adjust so maybe executive director in conjunction with the board liaison would make that determination, that an advisory committee is appropriate if that would make you feel more comfortable. I think that's a good point.

Mr DeSart: I think that definitely addresses my concern, something along those lines. Like I said, I wasn't quite sure how to best do it. I agree with your concern to wanting to preserve the due process, if there's a way we can do that so that the board still has the ability to designate or to be involved in some capacity. And that authority still remains with the board, I agree with that suggestion.

Mr Wright: I would just suggest that everywhere that reads, in the three places, actually in the four places where it has just the word executive director that it be replaced with the executive director and a board liaison.

Ms Mamola said staff would make the suggested text adjustments and review them with Mr MacKenzie before including in the Small Business Impact surveys. (ACTION Item)

20-64 A motion was made by Mr Wright, seconded by Mr Spata to approve the amended language to the five regulations with the edits suggested. The motion passed unanimously.

Mr Spata asked that Ms Mamola create a consolidated worksheet from the meeting minutes of current status and related action items of the regulations going forward in the public review process. Including a conformed set of regulations and an updated addendum B. (ACTION Item)

Ms Mamola said she would, and the next step is to send out the SBI survey for feedback – which will be emailed out next week. The compiling of the information for the required small business impact reports will begin at the start of June. We're anticipating the committee will have a meeting June 9 to review those results and then we'd like to propose a special board meeting on June 11 for board approval. Public workshops are planned for the end of June.

c. Professional Association Liaison Committee, Chair Greg DeSart

Mr DeSart reported that the PAL Committee had met earlier this morning and was well attended. He said the common theme amongst the different professional associations is they are all rapidly adapting to remote working and remote meeting and remote information sharing. APWA had hosted a virtual luncheon with close to 200 people participating.

Mr DeSart said ACEC had connected with the different entities in the state and reported that current
budgets will remain unchanged, but the impacts of reduced public spending will be felt in the profession in the next fiscal year.

Mr DeSart said the City of Henderson participated in the meeting and they're looking for input from both the industry and also from the board about how they can deal with what they perceived as deficient plans being submitted. They call it design by review. He added that the proposed legislative change that we passed today might give them some clarity, and that Ms Mamola was going to forward the proposed changes to them for feedback. (ACTION item) Mr DeSart said the item may need to be agendized for a board meeting to give them further direction depending on their review of the proposed regulatory change. (ACTION item)

d. **Public Outreach Committee, Chair Greg DeSart**

Mr DeSart said the committee met yesterday and got a progress report on the public outreach social media campaign. The presentation showed that we're getting good traction in the first three months, and over the next year we will be able to have a better feel for what the overall impact is. He continued to say Facebook had the most amount of traction, the largest amount of following and likes and posts, followed closely by LinkedIn, then Twitter. Mr DeSart said the program is working well, Vogel Designs is generating a lot of content, and the sense is that it is being well received. That was affirmed by the positive feedback from the PAL committee participants.

Mr DeSart said the committee would hear the final report from Vogel Designs at the next meeting – prior to the July board meeting – and get a recommendation on the next phase of the program, and what form that should take.

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

Mr Kidd said staff is working on the layout for the graphics and the layout for the study guide. The hope is to get that stuff wrapped up before our next board meeting and a close to finished product to show to the board. (ACTION Item)

15. **Discussion and possible action on corporate name requests**

There were no requests for board consideration.

16. **Consideration of initial licensure applicant requests to waive certain requirements of Nevada Revised Statutes and Nevada Administrative Code Chapter 625**
Mr DeSart recommended granting the waiver requests of NRS 625.193 (1) (a) for Wael Alshami and Paul Brich, applying for civil engineering licensure.

20-65 A motion was made by Mr DeSart, seconded by Ms Larkin-Thomason to approve the waiver requests. The motion passed unanimously.

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

The Board reviewed 23 applications in the board packet for initial licensure and recommendations were made.

20-66 A motion was made by Ms Larkin-Thomason, seconded by Mr DeSart to approve the initial licensure applications as noted. The motion passed unanimously.

The Board reviewed 6 supplemental applications (were forwarded to the board for review after the board packet was published) for initial licensure and recommendations were made.

20-67 A motion was made by Mr DeSart, seconded by Mr Matter to approve the initial licensure applications as noted. The motion passed unanimously.

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

Ms Mamola reviewed the action items listed in the board packet and reported on status.

Ms Mamola noted that the PLS supplemental experience sheet included in the application process is not supported by regulation and recommend that it be removed as a requirement.

Mr Kidd said he believes the supplemental experience requirement has value. It may need to be reviewed because of changes nationally, but consideration should be made to include it in regulation.

Mr Spata said it could be added as a future agenda item for the legislative committee to consider. (ACTION item)

20-68 A motion was made by Mr Kidd, seconded by Mr Gingerich to suspend the use of the PLS supplemental experience requirement in the application process and it be moved to the legislative committee for consideration. The motion passed unanimously.

19. Discussion and possible action on meeting dates
Ms Mamola reviewed the meeting dates as listed in the board packet.

Mr Spata noted that there is a conflict with the NCEES zone meeting in May 2021 and the scheduled May 2021 board meeting. Ms Mamola said she would propose an alternate date for the May 2021 board meeting. **(ACTION item)**

**20. Election of board chair and vice chair for one-year terms commencing on July 1, 2020 in accordance with Nevada Revised Statute 625.110 and Nevada Administrative Code 625.100**

20-69  A motion was made by Mr Matter, seconded by Mr Wright for Ms Purcell as board chair. The motion passed unanimously.

20-70  A motion was made by Ms Purcell, seconded by Ms Larkin-Thomason for Mr Kidd as board vice chair. The motion passed unanimously.

**21. Discussion and identification of topics for future meetings including possible proposed amendments to the Nevada Professional Engineers and Land Surveyors Law, Nevada Revised Statutes and Nevada Administrative Code Chapter 625**

There were no topics put forward.

**22. Signing certificates of licensure**

**23. Public comment**

There was no public comment.

**24. Adjournment**

Chairwoman Purcell adjourned the meeting at 12:45pm, on May 14, 2020.

Respectfully,

Patty Mamola
Executive Director