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

All Board members were present with the exception of Mr Spata who was excused.

2. **Pledge of Allegiance**

3. **Public Comment Period**

There were no public comments.

4. **Introductions and Guest Orientation**

5. **Approval of November 8, 2018 Regular Board Meeting Minutes**

Ms Mamola said she had an edit for the draft minutes of the previous board meeting. (ACTION)

Mr LaRiviере asked how the board was going to inform active military members about the waived application fees. Ms Mamola replied that she was planning to include a piece in the February newsletter to get the word out. Mr Kidd suggested that we pass on that information to the Society of Military Engineers to circulate and said he would give Ms Mamola their contact information. (ACTION)

A motion was made by Mr Kidd, seconded by Ms Purcell to approve the minutes with the edits noted. The motion passed unanimously.

6. **Approval of December 10, 2018, Public Hearing – Intent to Act Upon Regulations Minutes**

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

7. **Financial Statements**

   a. **October 2018 Financial Statements**

Ms Mamola reviewed the October 2018 financial statements. There were no questions from the board.

   b. **November 2018 Financial Statements**
Ms Mamola reviewed the November 2018 financial statements. She stated that revenues were up because renewal portal was opened prior to December 1st. She said that historically board staff had held the portal opening until 30 days before the end of the renewal period – which to her didn’t make sense. Mr DeSart asked if it could be continuously open. Ms Mamola replied that currently the system could only process one renewal period at a time and that PDH timeframes need to be considered, but opening as early as possible for period will become standard practice. She added that the proposed dashboard system, where licensees would have their own account, renewals could be done in any timeframe – again as long as PDH requirements are met. Mr LaRiviere suggested that changes in the renewal timeframe should be a conversation for an APOC meeting. Ms Mamola agreed and said she would note it as a future agenda item. (ACTION) 19-03 A motion was made by Ms Purcell, seconded by Mr Matter to approve the October and November 2018 financial statements. The motion passed unanimously.

8. Compliance Reports
   a. Compliance officer report on complaints being investigated

1  20180002 – Incompetence in producing a forensic report
   Mr Blaney said there is a stipulated agreement relating to this complaint for the board to consider at today’s meeting.

2  20180014 – Dispute between two engineers
   Mr Blaney said that following initial review by the board liaison, additional information related to one of the allegations was requested. He added that a response is being requested and that the case was ongoing.

3  20180019 – Incompetency and misconduct in producing a design report
   Mr Blaney said that this complaint requires some technical analysis, and that staff are in the process of identifying a neutral expert to assist with the technical review of the case information.

4  20180020 – Faithful agent; failure to act in client’s best interests
   Mr Blaney said this case was brought by a custom home builder against an engineer retained for structural services regarding an issue with the placement of a support beam. He said that the case summary is about to go out for board liaison review.

5  20180021 – Incompetence in producing an elevation certification
   Mr Blaney said this relates to an issue with an elevation certificate for a house pad and has been going on for a while. He said staff is waiting for additional clarification from the complainant’s attorney.

6  20180022 – Monetary dispute
   Mr Blaney said the recommendation from the board liaison was to dismiss the complaint. He added that both parties have been notified.

7  20180023 – Incompetence in producing a forensic report
Mr Blaney said this involves an allegation of incompetence in producing a forensic report relating to the failure of a roof following a storm cycle. He said that staff was finishing up the investigation and the case would be out for board liaison review soon.

8 20180024 – Faithful agent; failure to act in client’s best interests

Mr Blaney said that this complaint had been withdrawn and the file closed.

9 20180025 – Incompetency and Faithful agent; failure to act in client’s best interests

Mr Blaney said that this complaint had been withdrawn and the file closed.

9. Consideration of probation reports:

Larry J Sanchez, PE #15752  Lazell Preator, PE #14982
Mohan B Upasani, PE #11760  Roger Blair, PE #24744
Michael Regan, PE #11081  Mingqiao Zhu, PE #15943

Mr Blaney said that there were a significant number of reports submitted by Mr Zhu partly due to the execution date of his Oklahoma Consent Order being back in March 2018. Mr LaRiviere asked that Mr Zhu be informed to consolidate projects of a similar nature in future probation reports.

9. Board Counsel Report

Mr MacKenzie said he didn’t have anything independent to report on other than continuing to review legislative matters and following up with the board investigator with some matters pending.

10. Stipulated agreement for John Mutiso, PE, license number 22799, complaint number 2018002

Mr MacKenzie reviewed the facts and terms of the proposed stipulated agreement relating to the case against Mr Mutiso. Mr LaRiviere asked for clarification on the amounts of the fine and cost recovery. Mr Blaney replied that hearing from the board the most punitive thing for an engineer is the discipline against their professional license, and as opposed to a sizeable dollar amount, the re-education of the licensee was most important thing in the view of the board liaison.

19-04 A motion was made by Mr Kidd, seconded by Mr Anderson approve the stipulated agreement as presented. The motion passed unanimously.

11. Christopher Brickey oral interview, consideration of comity license as Civil Engineer

Mr LaRiviere informed Mr Brickey that he had the option for the oral interview to be conducted in a closed session or open session. Mr Brickey replied that he was comfortable with the oral interview being in open session. Mr LaRiviere stated the interview was being conducted in response to request by a board member to get more information to evaluate your experience. He then asked that Mr Anderson lead off with questions for Mr Brickey.
Mr Anderson stated that at the time of Mr Brickey’s application he had 1 year and 8 months of experience under a CE. He asked if that period of supervision had increased. Mr Brickey replied that he is still working for Nicklaus Engineering and that his experience time is now 2 year 4 months.

Mr Anderson asked that Mr Brickey elaborate on his engineering experience and the application of engineering principles during his work in construction. Mr Brickey said he started at the very bottom in construction and worked his way up as far as he could go to project management. He said we did our own surveys in-house and that he was involved with crews that did civil work. He continued to say that on the project management side, he was problem solving, doing specification review, and scheduling. Mr Brickey said that he had been on the project management side since 2010.

Mr LaRiviere asked Mr Brickey that if at Nicklaus Engineering the land surveying he was performing was under the direct supervision of a licensed professional. Mr Brickey replied that it was. He added that he would work with the PLS as it helped him get an overview and visuals on a project that would make for efficient management by getting a feel for potential problems at the earliest stage.

Mr DeSart asked Mr Brickey what his involvement with scheduling, specifications, inspections, and materials testing when working for Mountain States Constructors. Mr Brickey replied that when he became a superintendent he was responsible for the entire schedule of projects from the planning stage, and the ongoing management and fine-tuning as the project progressed. He said he did not do materials testing or inspections. He added that he was involved in the QA work and testing companies were hired to do the analysis. Mr Brickey said because he was actively doing the construction, he did not do the inspections, but with Nicklaus, being on the other side, he has done inspections.

Mr Brickey: So materials testing I did not do myself because we had our own hot plants so we would hire testing companies and set up our own lab and make sure they were bringing the results to us every day. If we were paving we would be testing every day and usually did QA when they did their analysis. Inspections I did not do before. In construction you are actively doing the work so you do not do inspections. We had an inspector making sure you were doing what you were supposed to. I guess the closest thing was making sure we met everything or we would be told we were out of compliance; which rarely happened. I have done inspections while I have been with Nicholas but when you are on the other side of it you are responsible to do it right.

Mr Anderson said there is a gray area in his view where the responsibilities as a contractor end and the responsibilities of an engineer begin – and what percentage of time is actually performing engineering processes. Mr DeSart asked Ms Mamola, based her background as an professional engineer that focused on construction management, for her opinion on what experience Mr Brickey did as a contractor would be applicable construction management experience. Ms Mamola replied that some of it would be applicable. She referred to Mr Brickey’s NCEES record; stating that he graduated 2010 and has 8 ½ years of experience post degree, with 2 years of those working for an engineering firm. She continued to say, the question is, of the remaining 6 years can we find 2 years of relevant experience; and Ms Mamola added the she believes there is. She said there is engineering value in what Mr Brickey did in scheduling, project management, change orders, compliance with specifications - those are all roles that an engineer would do if they were working for a contractor on a project. They are not directing work but they are over seeing and managing it. Mr DeSart said he understood, but had concerns that people only working for a contractor, and not ever having really done true construction management or engineering design work, would not necessarily meet a strict engineering criteria.

Mr Anderson said he would like to make a motion on what we discussed today and based on Mr Brickey’s professional license in AZ, that he would recommend approval.
19-05 A motion was made by Mr Anderson, seconded by Mr Wright, to approve Mr Brickey’s comity application for licensure in Nevada. The motion passed unanimously.

12. Discussion and possible action on administrative report by executive director

a. Approved Licensees Report

Ms Mamola reviewed the approved licensees report. There were no questions from the board.

b. Action Items Related to 2017-2021 Strategic Plan

Mr LaRiviere asked about the status on the social media action item to engage younger licensees and potential licensees. Ms Mamola replied that social media plan is an ongoing and it waiting on the defining of the board’s outreach “elevator pitch”. Mr LaRiviere asked if there students and faculty would be factored into the pitch. Ms Mamola replied that they would and a big progression was made today because when it was decided to include UNLV and UNR as a part of our PAL committee meetings. She added that the social media will be an agenda item for the next public outreach committee meeting. (ACTION)

Mr DeSart added that the “elevator pitch” will revolve around the four goals of the strategic plan – outreach, licensure, regulations, and operations – but the message may have to shaped differently for each audience.

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

i. Federal Trade commission Policy Paper related to enhancing occupational license probability

Ms Mamola reviewed policy paper written by the trade commission. She said she wanted to make the board aware of the commission’s view and that it was important to be paying attention to the general feeling of the federal government and be progressive in what we do otherwise someone eventually is going to be telling us to make changes whether we like them or not.

Mr LaRiviere asked if NCEES is reaching out to the FTC to educate them about the progress that has been made overall. Ms Mamola said it hasn’t happened yet but it is being talked about. She added that there is a concern that some MBA’s are not actually being progressive with their licensing procedures. Some are still treating comity licensure applications the same as they would for initial licensing, which is burdensome for the applicant. Ms Mamola continued to say that even though NCEES has the MLE, MLSE and MLS model law standards, some states fail to recognize and use it as part of their comity/endorsement processes. She said that Nevada is leading the way in using this recognized standard in accord with Wyoming to automatically approval comity applicants from that state who meet NCEES model law.

Mr Kidd said even if an applicant is licensed in another state, other than Wyoming, should it not almost equate to automatic licensure in Nevada. Ms Mamola agreed, but added that they should also meet the model law standard. Mr DeSart asked it could be taken a step further, and that maybe we remove the model law component, to where licensure in another state can equate to an administrative process of being granted comity licensure in Nevada. Ms Mamola said that is an option as long as the board is comfortable with it.

Mr Wright that would be based on the assumption that everyone in every other state is going to have standards that we can be comfortable with and will protect the health, safety and welfare of the residents of Nevada. As long as we as a board are comfortable all the other states as careful as we are in approving initial
licensure.

Mr MacKenzie questioned if the comity applicant was disciplined for an action that Nevada doesn’t recognize, how that would impact any administrative process.

Ms Mamola said that 85% of endorsement/comity applicants meet the model law standard who could be approved administratively, but it might still be worthwhile having the remaining outliers reviewed via the current endorsement process, and that would include applicants that have been subject to a disciplinary action in another state that may not be applicable in Nevada.

Ms Mamola said she would add this discussion to the next board meeting agenda as an action item to vote on. (ACTION)

ii. **Funded delegates to the 2019 Western/Southern Zone meeting**

Ms Mamola asked for an indication of board members who were planning to attend the meeting. All board members presented indicated they were attending. Ms Mamola said she would contact Mr Spata about attendance. (ACTION). Ms Mamola added that those who are not classified as funded delegates would have their travel arrangements made by board staff. (ACTION)

iii. **NTSB Report recommending elimination of the professional engineer licensure exemption for public utility work**

Ms Mamola reviewed the NTSB report in which following their investigation they are recommending utility companies no longer have a professional engineering exemption. She added that it is something to think about as a board because in Nevada Southwest Gas and NV Energy have those exemptions.

Mr DeSart said it is an item that should be put on the next PAL meeting agenda (ACTION) as NSPE is actively engaged with the utility companies any may have insight into the impact locally of the NTSB report.

d. **Clark County bill draft request 54-487, Assembly Bill 2**

Ms Mamola gave an overview of the bill draft. She added that feedback was received from Susan Fischer that the county wanted the dollar amount adjusted for inflation. But the county lobbyist has also made the statement that they want to be able to use non-professionals to do engineering, mapping, or surveying on projects less than $100,000. Ms Mamola said that is not how we have interpreted the law. Our interpretation has been that if a project is less than that amount, they still have to use a professional but not required to us QBS. Ms Mamola added that clarification is being sought by Ms Fischer because the Legislative Counsel says existing law exempts a public work that costs $35,000 or less from a requirement that a public work be executed under the supervision of a professional engineer or professional land surveyor or architect. This increases the threshold to $100, which implies that non-professionals can be used for projects under $100,000.

Mr MacKenzie said he had not heard the argument about you don’t have to be a professional engineer or land surveyor to do anything under $35,000. He added an individual who may provide those services could be individually violating our laws regarding the practice of engineering and land surveying without a license.

Ms Mamola said she would get clarification on the county’s intent on the two issues from Ms Fischer and then add them to a Legislative Committee agenda so a discussion can be held on both fronts. (ACTION). Ms Mamola added that we may have to schedule a special board meeting to talk about it.
Ms Mamola said she calculated the dollar and inflation rate values for the last two legislated increases, and then compared that to 2018, and arrived at a value of $88,600. She added that the board really needs to focus on the health, safety, and welfare of the public and if there is a concern that raising the exemption threshold would impact that.

Mr Wright said that he can see the point of view if it were a smaller project the county does not want to go through all the bureaucracy and red tape of QBS, but if this change is saying that a project under a certain size is not required to have a licensed professional then I absolutely disagree.

Mr DeSart said he had a concern that entities would use this to drive projects under $100,000 and therefore to drive the process even lower as they try to induce competition. The competition on fees and that would drive down the quality which would be detrimental to promoting the health, safety, and welfare of the public. Mr DeSart asked if any recommendation from Legislative Committee would come before the board for a vote. Ms Mamola said it would, and likely at a special board meeting. She also added input from ACEC and APWA would be useful in the discussion – preferably before the committee meets.

Mr DeSart: So bringing it to the legislative committee I think makes sense. I just want to make sure if it goes there it comes back so that the full board can then have a vote on our position (ACTION).

e. **Consideration of board authorization digital signatures and input received from Nevada Building Officials**

Ms Mamola gave a report on the NSPE panel discussion on digital signatures and electronic submissions. She said the discussion was able to lessen some of the confusion out there about digital signatures and electronic submittals. Ms Mamola added that she had said the board was looking for input to consider if we need to relax the regulations or consider heightening the regulations to best protect the public, our licensees, and help agencies do what they need to do. She continued to say that NSPE is planning a workshop near the end of March with a bigger panel discussion including more public agencies and some utility companies. Ms Mamola said we will help advertise it to get more licensees there and to continue to discuss it. She said the board will need to decide if the current regulations are good enough or if we need to relax or do we need to tighten the regulation. Mr DeSart that there was still a degree of confusion even after the initial panel discussion and that more conversation is definitely necessary.

13. **Board Committee Reports**

a. **Administrative Procedures Oversight Committee, Chair Karen Purcell**

i. **Reno office lease**

Ms Purcell said the committee approved and is recommending that the board approves approximately $5,000 for the light fixtures in the new Reno office space. Ms Purcell said the committee also reviewed a proposal for replacement of AV equipment in the new Reno office. APOC is recommending $40,000 for the replacement and upgrade of the Reno AV system, so in total the approval amount would be $45,000 including the light fixtures.

Ms Mamola said the money amount will come out of the reserves for deferred costs.

19-06 A motion was made by Mr Kidd, seconded by Mr Anderson to approve the $45,000 upgrade.
amount. The motion passed unanimously.

ii. **Budget augmentation**

Ms Mamola said after attending the Federal Association of Regulatory Boards (FARB) it was highlighted that there is an element risk to board members when using their business or personal email addresses, if subpoenaed, there may be access to business or personal communications. It was recommended that board members be provided with a separate board email for board business, with the impact being a little over $1500 a year. Ms Mamola added it was also recommended that board management have a board issued cellphone, as opposed to using a personal phone for board communication, for the same reasons.

Mr MacKenzie suggested that an affidavit be created and signed indicating the transfer of emails from a personal phone to a work phone, and from personal/work email to board email. **(ACTION)**

Ms Purcell said APOC approved the move and is making a recommendation that the budget be augmented for the $1572 per year for board emails plus an additional amount for a business cellphone.

19-07 A motion was made by Mr DeSart, seconded by Ms Larkin-Thomason to approve the budget augmentation. The motion passed unanimously.

iii. **Board Fees**

Ms Mamola said as part of the business plan, we were looking at reducing some of the fees charged by the board, and other than license fees, which are already lower than the average of our neighboring states, application fees were the first to be reviewed. Ms Mamola said based on what our projected revenues are for this year and considering the average for the past 3 years, it looks like we can conservatively reduce our application fees for initial and comity licensure from $200 to $150 and have a break even budget. She said the staff recommendation to APOC is to reduce application fees to $150 at this time, with a reevaluation at the end of the next FY to see if a further reduction can be made. Ms Mamola said that if approved that change would become effective July 1, 2019.

Ms Purcell said that APOC agrees with fee reduction and recommends approval.

19-08 A motion was made by Mr DeSart, seconded by Ms Larkin-Thomason to approve the fee reduction presented. The motion passed unanimously.

b. **Legislative Committee, Chair Michael Kidd**

Mr Kidd reported that the proposed regulations changes are yet to be heard at a Legislative Commission hearing and that proposed NRS changes are being carried by Senator Ratti in one BDR.

Ms Mamola said that the Meet & Greet with the Legislators would be held Friday February 15th 8am-12pm. She asked that board members planning to attend let her know so travel arrangements could be made. **(ACTION)**

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

Mr DeSart reviewed that PAL Council meeting held earlier today. He said in attendance were representatives from NSPE, NALS, CMAA, and APWA. He added that Dr James was present representing UNLV, and that he had recommended that the council invite UNLV and UNR to the PAL meeting as a way of engaging with faculty. Mr
DeSart said the organizations attending now have a better understanding of how the NAC and NRS work together, and how enacting change is a collaborative process.

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

Mr DeSart said there had been no activity since the last board meeting.

14. **Administrative processes for licensing applicants for initial licensure**

Ms Mamola said this item was for consideration and discussion on how we handle initial licensure. She continued to say we have heard from a number of states that staff does the processing for initial licensure like we do and like we talked about for endorsement licensure, where the board then only sees those odd anomaly applications. Ms Mamola said it now takes us at least 50 days if not longer to license someone initially because we have board meetings every 60 days. We have to cut off submitting the application 2 weeks before the board meeting because we have to get the board packet done to send out, so at a minimum it’s at least 50 days. Ms Mamola said she wanted the board to have a discussion about a change in process to see if the time period can be shortened.

Mr LaRiviere asked Ms Mamola what is typically done by other states. Ms Mamola said a number of states do approve conforming applications at the staff level, but didn’t have the exact number of how many. She continued to say that Nevada requires applicants to submit their NCEES record with their application. NCEES has the information the applicant’s record reviewed by two licensed professional engineers, and typically they are board members or past board members from other states, as well as a staff member by NCEES that is licensed. Ms Mamola this all happens prior to initial review by board staff.

Mr DeSart said that when he started on the board all members were reviewing all applications, initial and comity, at each meeting. At that time the board would block off two days because sometimes it would take two full days to go over everything in the board meeting. Now in most cases we are getting done in half a day, so I think switching all of the comity applications to staff makes sense. Mr DeSart added that for comity, staff should not send out the applications to administratively approved, that can be done in-house by staff, and they should only send comity applications outside the norm for board members to review. Mr DeSart continued to say, for initial application review he still likes the process of having the board look at them all to make sure the experience is applicable and believed that is one of our key functions. He said determining initial licensure is a heavy burden and that is a burden that goes beyond what staff should be expected to do. The board should have a say in all the initial applicants.

Mr DeSart said he did not think 50 days for initial licensure is too long and that deliberation has an important value. He said it is helpful to hear other people’s comments and it helps us all sharpen what we should be looking at.

Mr Anderson said the board needs to look at the initial applications, and that it is an important function of being a member. Mr Anderson agreed that comity process should be revisited, but that the board should still review initial applicants. Ms Larkin-Thomason and Ms Purcell agreed that board should continue to review initial applications and delegate to staff review of comity applicants.

Mr LaRiviere said the board seems to be unanimous in making adjustments to the comity review process and keeping initial licensure review as it is currently.

Mr MacKenzie said action cannot be taken to adjust comity as part of this agenda item and it would need to be an action item at a future board meeting.
Ms Mamola said she would add the comity licensure process as an agenda item for the next board meeting (ACTION).

15. **Corporate name request**

Ms Mamola reported that there has been a constant number of requests and that were routine and were able to be processed and approved at the staff level. She added that any requests received that were outside the norm would be presented to the board for deliberation.

16. **Consideration of Applicant Requests to Waive Certain Requirements of NRS/NAC 625 for Examination or Licensure**

Ms Purcell recommended granting the waiver request of Michael Kraut, applying for electrical engineering licensure.

19-09 A motion was made by Ms Purcell, seconded by Mr Anderson to approve the waiver request of Mr Kraut. The motion passed unanimously.

17. **Board approval of non-appearance applications for initial licensure**

The board reviewed 22 non-appearance applications for initial licensure and recommendations were made.

Mr DeSart requested that Mr Grant, applying for civil engineering licensure, be brought in for an oral interview for clarification on the application of engineering principles in his listed engineering experience.

19-10 A motion was made by Ms Larkin-Thomason, seconded by Ms Purcell to approve the recommendations made as noted in Appendix A. The motion passed unanimously.

18. **Board and Staff Assignments**

From May 10, 2018 board meeting:

Ms Mamola said that it was requested to improve acoustics in the Las Vegas conference room. A report with recommended improvements was received from an acoustical engineer and now we are tracking down contractors willing to bid on the installation. **This item is ongoing**.

From July 12, 2018 board meeting:

Ms Mamola said collateral material was OK to be produced and approved for legislative meet-and-greet in February 2019. Item is complete.

From September 13, 2018 board meeting:

Ms Mamola said Michael Kidd volunteered to create a committee to review the board’s PLS experience summary sheet and also consider updating the definition of surveying to include the practice of mapping and sciences, photogrammetry, and hydrographic surveying. Mr Kidd said that NALS is going to discuss this item and that he would participate. **This item is ongoing**.

Ms Mamola said that Mr DeSart had requested that there be in-depth discussion at the board meeting.
prior to a NCEES annual meeting. This item is ongoing.

Ms Mamola said Mr MacKenzie volunteered to review the application of open meeting laws as it relates to board members attending NCEES meetings, and that she also volunteered to check with other states relating to the issue. This item is ongoing.

From November 8, 2018 board meeting:

Ms Mamola said Mr MacKenzie stated that Rules of Practice would need to be updated and re-filed with the Secretary of State’s office. This item is ongoing.

Ms Mamola said Mr DeSart asked if it was possible to categorize available funds that were earmarked for deferred expenses to segregate them from reserves. She added that she needed to check with Governor’s Finance Office and report back to APOC and if possible adjust finances prior to June 30, 2019. This item is ongoing.

Ms Mamola said that the implementation of waiving application fees for active military members and spouses and priority processing was completed. Item is complete.

19. **Future Meeting Dates**

Ms Mamola said that she would like to move the January 16, 2020, meeting to January 23, 2020, and if no one has objections we would like to make that change. She also asked board members to note that we will be holding the September meeting in Elko and that staff are working on those arrangements. (ACTION)

20. **Topics for Future Meetings Including Possible Proposed Amendments to the Nevada Professional Engineers and Land Surveyors Law, NRS/NAC Chapter 625**

Mr Wright said that he would like to request a discussion about the determination of appropriate engineering experience to arrive at expanded guiding principles. Ms Mamola said she would add it as a future agenda topic. (ACTION)

21. **Signing Certificates of Licensure**

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

22. **Public Comment**

There were no public comments.

**Adjournment**

Chairman LaRiviere adjourned the meeting at 2:56pm, on Thursday, January 17, 2019.

Respectfully,

Patty Mamola, PE
Executive Director