

**NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
**Minutes of the Professional Association Liaison Committee Meeting**  
**Held at 1755 E Plumb Lane, Suite 258, Reno Nevada, on Wednesday, March 4, 2020**

Committee members present were Chairman Gregory DeSart, PE; Patty Mamola, Executive Director; and Matthew Gingerich, PLS. Also, present were Brent Wright, PE/SE, board member; Tracy Larkin-Thomason, PE board member; Michael Kidd, PLS, board member; Angelo Spata, PE, board member; Kent Anderson; PE, board member. Board staff present were Louisa Kern, Administrative Assistant; and Murray Blaney, Operations/Compliance.

**1. Meeting conducted by Committee Chair Greg DeSart, call to order and roll call to determine presence of quorum.**

Mr DeSart called the meeting to order at 8:00am.

**2. Public comment period**

Mr DeSart asked if there was any public comment.

*Mr LaRiviere – I am Bob LaRiviere. I am a past member of this board, and I'd like to make a comment for the record, guarding item number 6 of this agenda, possible regulatory changes to continuing education requirements. In my opinion, I believe this Board needs to lead by example for the other licensing boards, the licensees of the state and stand firm on the PDAs that are required. I believe this board recently sent out a survey looking for that information. Which I would be curious to learn more about today. We as professionals need to keep up with technology in our chosen professions and by attending seminars, lunch and learn that most companies and organizations sponsor. In my opinion is not difficult to earn necessary PDHs. Thank you.*

**3. Introductions**

In addition to committee members, board members, and staff, the following participated in the meeting:

- Andrew Hanson, ASCE
- Bob LaRiviere, past board chair
- Greg Phillips, NALS
- Topher Barnes, City of Henderson (Manager, Development Services)
- Lynn Nielson, City of Henderson (Manager, Plans Examining Services)
- Ed McGuire, City of Henderson (Director, Public Works)
- Jonathan Tull, NSPE
- Steve Gold, SEASoN

**4. Approval of January 16, 2020, Professional Association Liaison Committee meeting minutes**

PAL-XX A motion was made by Mr Gingerich, seconded by Ms Mamola to approve the January 16, 2020 committee meeting minutes. The motion passed unanimously.

**5. Discussion of changes to Nevada Revised Statutes 625 and 327 and Nevada Administrative Code 625, 327, and 329 to update laws and rules**

Ms Mamola reported that the board is in the process of doing a ten-year review of all regulations. She said a number of amendments have been proposed but they have not been approved by the board. Ms Mamola said the board will discuss at today's board meeting, and any regulation changes approved by the board will move forward in the public process (after a board vote at today's meeting). Proposed changes approved by the board would be shared with committee members. (ACTION Item)

**6. Discussion of survey results related to possible regulatory changes to continuing education requirements for professionals**

Ms Mamola said the board decided to move forward with a survey to take the temperature of our licensees about a possible change to mandated continuing education. She said the survey was sent to all current active and inactive Nevada licensees – from which over 2000 responses were received.

Mr DeSart asked Mr Wright for a summary of the survey results.

Mr Wright said the survey asked for an opinion about reducing the continuing education requirement from the current level, to three hours related to ethics and Nevada laws/regulations, and the impact on public protection. Whether it would either improve or have no impact or would be positive, negative or have no impact on public protection. From the total respondents, 69% responded that either it would have no impact or would be an improvement. Responses from Nevada residents only, 72% responded that it would be no impact or be an improvement. Mr Wright said this result is similar to a poll that the state of Colorado did a few years ago. He said that Colorado is one of the few states that don't require continuing education.

In summarizing the survey written comments, Mr Wright said a lot of people responded positively that we need to maintain continuing education. But that may have been a misinterpretation – in thinking that the only way that an engineer can get continuing education is if the board mandates it. Nobody is arguing that engineers don't need continuing education. The question is, does completing the board mandated 30 hours of continuing education every two years ensure the competency of engineers and that they are staying abreast of the changes in the field. Mr Wright said if that were clarified, he believed there would be a lot fewer comments.

Mr Wright said some of the comments for maintaining 30-hours referenced a study back in 1985 by the National Research Council about continuing education that concluded that continuing education is necessary. But it also concluded that there was no evidence that government-mandated continuing education is the solution. He said other comments for maintaining the current number of hours cited that all the other states are doing it, so we should do it; another group saying that engineering societies and organizations count on it for their financial support. Mr Wright said he did not see those as valid reasons to maintain the current number of continuing education hours.

Mr Wright said there are no studies, no evidence, no reports, that show that states that require continuing education have more competent engineers and the public is safer. Likewise, there are no studies, reports, or any evidence that we can find so far, that shows that states like California or Colorado or Arizona (that don't have mandated continuing education requirements) have less competent engineers or surveyors or that the public is less safe.

Mr Wright said a lot of engineers and surveyors feel that 30 hours is an unnecessary administrative burden, and that they are going to stay abreast of the changes in the industry and be current and be competent regardless of whether the board mandates 30 hours or however many hours. So that's the thinking behind considering a change to the current mandated number of hours.

Mr DeSart added that those who are in favor of a change are strongly in favor, and those that are opposed, are strongly opposed. We have to be prepared for intense, healthy conversations at the board level and through the public review process. Mr DeSart encouraged all the professional associations to gauge the temperature of their membership and share their consensus feedback

Mr Kidd said he had a different view of the survey results. Of the three opinion options - agreed, didn't agree, or no change - no change could be sided with in either the agree or disagree group. In reading through the comments, there aren't as many that support reducing the number, and to take that neutral group in a certain view, and classify with group for change - in his view, was not supported by the type and count of comments.

Mr Wright said that before the public meetings, the board should draft a clarifying document to address some things that at least are perceived to be a misunderstanding. People can then respond more accurately so we get a better feel for opinions.

## **7. Discussion of Digital Signature/Electronic Submittal Working Group**

Ms Mamola reported that the "taskforce" had its second meeting February 18, 2020. Following discussion, it was agreed by the group that Chris Roper, a former chair of the board, would make an initial attempt at revising our current language in the regulations relating to electronic submissions and digital signatures. Ms Mamola said the draft has been reviewed by staff and had been submitted for board consideration at today's board meeting.

Ms Mamola added the suggested amendments help to clear up some issues some of the agencies are having with the way the text is currently written. The taskforce will meet again before mid-year to dive deeper into specific issues being experienced with electronic submissions. The plan is to “war-game” scenarios to flesh out recommended solutions agreeable to all parties.

Mr DeSart said that this working group is promoting some very good inter-agency discussions and prompting detailed reviews of their processes. He said it’s a valuable group and ongoing conversation is important to alleviate the confusion that exists in the industry. Getting the dialog started is half the battle.

**8. Discussion of Nevada Administrative Code 625.545, written contracts required for each**

Ms Mamola said this item was added to the agenda because we are reminding licensees that contracts are required for performing professional services in Nevada. She added that is has been a topic in our public outreach platforms, and we wanted to reach out to the PAL members as well. Just as a reminder of what the regulation requires.

Mr Wright added that licensees not being aware of the regulations is one of the reasons why we're proposing that part of the revised continuing education be on Nevada laws and rules pertaining to engineers and surveyors. We have seen recent disciplinary cases where there were a surprising number of them did not meet the requirement for a written contract. So, having some sort of a requirement, that at least biennially, you review the pertinent laws and rules, as they do change from time to time, would be a good thing.

**9. Discussion of integrating public outreach campaign with professional association efforts**

Ms Mamola said she sent letters out to the PAL committee members email distribution list informing that the board now has a public outreach program and the letter had the links to our social media platforms and asked for support in following and sharing with membership. She added that if the associations had a social media presence, the NVBPELS accounts would reciprocate.

Mr DeSart said this would be an ongoing agenda item, an opportunity to talk about how it's working and see if there's any feedback from the professional associations about how we can do better at connecting.

**10. Discussion of quality of engineering and land surveying services submitted to public agencies as it relates to Nevada Administrative Code 625.550**

Mr Kidd said he had requested this item be added to the meeting agenda to get input from the professional associations. He said the issue relates to fees associated with the planning review process, and that the majority of professionals who do very good work may well be subsidizing a minority that are not performing and are using the system for “design by

review". Mr Kidd said the current fee structure, in a way, supports the under-performers, and the question to be considered is whether some sort of sliding scale structure should be put in place – where those that need minimal feedback pay a lesser amount and those needing more feedback maybe pay accordingly. He said he wanted to vet the topic through the PAL committee and get their input.

Ms Mamola said it seems like there's pressure put on engineers or land surveyors to submit documents to public agencies just to get a project moving. Developers put pressure on an engineer to submit even though they don't have all the information – just to get things going. It then becomes design by review and that penalizes everyone submitting documents because it slows down the entire process. If there's something that could be done to curtail that, what might that look like? Is it a different fee structure for those type of projects or is it something else? Is there something the board can do to support or is there something the professional societies can do, or do they have input or thoughts on the issue? Ms Mamola said it's a new issue we're bringing to the professional associations and it may need to go back to the organizations for consideration.

Mr McGuire said there are very involved projects that legitimately take three review cycles, sometimes more, but we also see instances where the thought is that they get three reviews at a minimum, so there isn't the urgency to submit a complete set for the first review. There isn't incentive to submit a complete set of plans and hopefully get one set of review comments and then submit all final drawings for final signatures. He said in private industry we quite often see very cut-throat practices to get cheap fees to land the job just to get something submitted and get in the queue and establish the start date, a placeholder. Often that is coupled with mediocre work product which requires significant time in review – design by review – which can clog the que. Mr McGuire said at the City of Henderson they pride themselves on an efficient review process but are hampered by excessive reviews that are essentially subsidized by professionals who deliver a complete work product at the outset.

Mr McGuire said we are really talking about our fee structure and I don't think we need the board to weigh in on the actual fee structure, but this concept of how do we reward really good work? Right now, we seem to be rewarding mediocre work. You can hire a cheaper engineer and get mediocre work and it doesn't really reflect in the price of the approval and the plan review because we're not charging by the hour – except for extraordinary circumstances.

Mr McGuire said the city had a few ideas; a lower fee for a first review and then just pay for subsequent reviews, but have it go up, maybe a sliding scale. If you get to a fourth review the fee could be larger from our perspective because there's going to be a bigger effort on our part. He said how we reward really good behavior is where we're trying to get and then let any proposed sliding scale fee structure be the punishment for poor performance.

Mr DeSart said it sounds like the PAL committee is a great place to get a lot of feedback from different professional associations, and my sense is that what you're really looking for is not for the board to tell you what you should do so much as support from industry.

Mr McGuire said that was correct. He said the issue was not unique to the City of Henderson and it would be appreciated if the committee could weigh in on the concept. He added it is a question of ethics and poor business practice and that it would also be good if the concern could be taken back to the professional associations for feedback and possible recommendations that they think may make improvements.

Mr DeSart asked for any comments.

Mr Wright said the discussion should also consider that the number of reviews is not always because the engineer is not doing a good work. It's not uncommon for an unlicensed engineer or someone who's not even an engineer to be the plan reviewer, who has an opinion that conflicts with the professional designing the work. The disagreement is initiated by someone, who arguably, is not qualified to override the engineer.

Mr Spata said situations dictate that an engineer's first submittals may be less than complete just to see if there is going to be buy into the design concept by the reviewer – and once the initial go ahead is given the detail it filled out. Engineers get gun-shy about front loading detail.

Mr LaRiviere said consideration needs to be made of the pressure clients (and their investors) put on the professionals. Often the date of submittal is a benchmark the client is pushing for before the complete information is available.

Mr Hanson said from ASCE's perspective it sounds almost like an ethical issue. We could bring up as a topic during our monthly meetings. He added, sometimes when you're working across multiple disciplines it's difficult to get all the facts and get a perfect plan submitted, but that being said, everybody should be trying to get a good plan set no matter what's going on. Mr Hanson said that's a point we can bring up with our group and at least discuss it and see if we can come up with any good ideas about how to change behavior.

Mr Tull said he would take the issue back to membership to solicit input to see what they think would be a good equitable solution.

Mr Gold said he would take it back to the SEASoN's board to discuss and get some perspective from membership.

Mr DeSart said feedback from ACEC, who are not present today, would be valuable as they represent both private and public consultants. He said he would be happy to reach out to them to see if they could weigh in at the next PAL meeting (ACTION Item).

Mr DeSart asked that association representatives connect with membership and join the next PAL meeting to share their feedback.

Ms Mamola said she would add the item to the next meeting agenda for input from the organizations. (ACTION Item) She added that meeting invites would be sent Mr McGuire, Mr

Barnes, and Mr Neilson (ACTION Item).

### **11. Discussion of Nevada State Board of Professional Engineers and Land Surveyors public outreach efforts**

Ms Mamola said we were planning to have an updated from Vogel Designs at today's PAL Committee meeting, but Mr Vogel is unwell and couldn't make it to this morning.

### **12. Nevada State Board of Professional Engineers and Land Surveyors activities**

Mr DeSart said he didn't have anything to add beyond what had already been discussed previously.

### **13. Professional association / industry activities**

ASCE - Mr Hanson said the current event of note was the ASCE yearly awards banquet to be held shortly, and then the Marv Byars golf tournament on July 12, 2020 to support the student chapter at the University of Nevada.

NALS – Mr Phillips reported there is a tri-state conference coming up at the end of March in Las Vegas with Arizona, California and Nevada – which is a big event. He said a lot of outreach is being done with members attending a number of career days and visiting high schools around the state. He added that NALS will be at the Nevada School Counselors Conference which is in Reno this coming weekend. Mr Phillips said the NALS young surveyors group continues to grow. 40 to 45 young surveyors are meeting quarterly and they are generating a of energy and changing the dynamics at NALS. He said the NALS 2022 committee is working with NGS and other stakeholders on how we update the datum. We have a parallel committee working on legislation, trying to draft some language – and hopefully we can forward to the board some agreed upon language in the near future.

Mr Kidd added that NALS has also agreed to contribute funds to the NCEES Future City awards beginning next year.

SEASoN – Mr Gold said Las Vegas would be hosting the National Council of Structural Engineers Association fall/winter summit in early November and the chapter will be adding support to the event.

NSPE – Mr Tull said NSPE continues to be heavily involved in STEM outreach in schools. He said they have had a lot of requests since the beginning of the year – and they are struggling to fulfill them all. He asked that anyone with an interest in helping out in the south in talking STEM with school groups to connect with NSPE. We have our MATHCOUNTS tournament finals this weekend at UNLV.

**14. Open discussion topics**

There were no topics put forward for open discussion.

**15. Next meeting date and location**

Ms Mamola said the next committee meeting would be held at 8:00am on May 14, 2020 in Las Vegas and also virtually as a zoom meeting.

**16. Public comment period**

There was no public comment.

**17. Adjourn**

Mr DeSart adjourned the meeting at 9:08am.

Respectfully,

Patty Mamola  
Executive Director