

BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Minutes of the Regular Board Meeting

held in Reno, Nevada, Thursday, September 7, 2017

Chairman Robert O. LaRiviere, PLS, declaring a quorum present, called the meeting to order at 8:30 a.m., in Conference Room 1116, Main Building Entrance, Clark County Department of Building and Fire Prevention, 4701 W. Russell Road, Las Vegas, Nevada. Board members present were Vice Chairman Karen D. Purcell, PE; Michael G. Kidd, PLS; Bud A. Cranor, Public; Kent B. Anderson, PE; Gregory P. DeSart, PE; L. Brent Wright, PE/SE; and Tracy Larkin-Thomason, PE. Also present were Patty Mamola, PE, Executive Director; Murray Blaney, Compliance Officer; Kay Smith, Administrative Assistant; and Chris MacKenzie, Board Legal Counsel. Board member Amy Y. Cheng, PE, arrived at 8:40 a.m. The following person attended as a guest of the Board:

Ryan Calahan, PE (Mechanical) #18930
FEA Consulting Engineers, Henderson

1. Call to Order and Roll Call of Board Members

2. Pledge of Allegiance

3. Public Comment Period

There were no public comments.

4. Introductions and Guest Orientation

Those present introduced themselves.

5. [Intentionally Left Blank]

6. Approval of July 20, 2017, Regular Board Meeting Minutes

The Board considered the minutes. Mr. MacKenzie noted a misspelling.

17-76 Motion was made by Mr. Anderson, seconded by Ms. Larkin-Thomason, to approve the minutes as corrected. The motion passed unanimously.

Ms. Cheng was not present during this agenda item.

7. Financial Statements

a. July 2017 Financial Statements

Ms. Smith reviewed the financial statements and she and Ms. Mamola answered questions by the Board. Ms. Mamola noted that the July numbers were adjusted, since the audit for fiscal year ending June 30, 2017, has been completed.

17-77 Motion was made by Mr. Kidd, seconded by Mr. Cranor, to approve the financial statements. The motion passed unanimously.

Ms. Cheng was not present during this agenda item.

8. Compliance Reports by Compliance Officer and Board Counsel

a. Compliance Officer Report on Complaints Being Investigated

1. 20140003 – Railroad Right-of-Way Issue

Mr. Blaney said that following a formal hearing with Raymond Hebert, PLS #6630, a post-order stipulated agreement was sent to Mr. Hebert for his review and signature. Mr. MacKenzie said that counsel for Mr. Hebert requested that Mr. Hebert be allowed to forego paying the administrative costs if he relinquished his Nevada license. Mr. Hebert would have to pay the costs if he wished to reinstate his license. Mr. MacKenzie said the post-order stipulated agreement will be presented to the Board for approval at the November 2017 meeting.

Ms. Cheng joined the meeting at this time, 8:40 a.m.

2. 20160027 – Criminal Charges

Mr. Blaney said a stipulated agreement was previously sent to Robert Coache, PE #11505 (withdrawn), for his review and signature. Mr. MacKenzie said that Mr. Coache is currently incarcerated, but the conviction is on appeal with the Nevada Supreme Court. He said a formal hearing with Mr. Coache was scheduled for today, but he and Ms. Mamola determined to forego the hearing, since Mr. Coache is incarcerated and not able to provide engineering services to the public. Mr. MacKenzie said the stipulated agreement will be presented to the Board at the November 2017 meeting.

3. 20170002 – Fire Damaged House

Mr. Blaney said the complaint against an engineer involved an older home that was partially damaged by fire. The house required design repairs as part of an insurance claim. He said that upon investigation the complaint's issues changed to the respondent's lack of clear communication with his client and clarity of his scope of work. Mr. Blaney said the case will go to an advisory committee that will be held in a couple weeks.

4. 20170004 – Incompetency in Structural Elements Under a Civil License

Mr. Blaney said the complaint originated from a project that was not reported in a probation report. He said it was found that the respondent, Larry Sanchez, PE #15752, had worked outside his area of expertise. Mr. Blaney said a stipulated agreement with Mr. Sanchez will be considered by the Board today. Please refer to agenda item 9. Consideration of Stipulated Agreements.

5. 20170005 – Contract Stamping

Mr. Blaney said the complaint involves cursory stamping of documents submitted to a public entity. The case is under review by a Board liaison.

6. 20170006 – Modifications to Original Plans

Mr. Blaney said the complaint alleges that changes were made to plans by a firm without permission. He said that upon investigation and review by a Board liaison, it was determined that the respondent firm had not violated any laws or regulations. He said the recommendation was to dismiss the case. As such, Mr. Blaney will issue letters to the complainant and the respondent advising them of the dismissal.

b. Consideration of Probation Reports

Jason E. Caster, PLS #19338
Michael Keegan, PE #8821
Michael Regan, PE #11081

Larry J. Sanchez, PE #15752
Dirk Slooten, PLS #8808
Mohan B. Upasani, PE #11760

Chairman LaRiviere said that Mr. Sanchez has not described how he has improved in areas for which he on probation. Mr. Blaney will request Mr. Sanchez to provide more detail in his next reports.

Messrs. Slooten, Keegan, Regan and Upasani did not report any work for this period.

c. Board Counsel Report

Mr. MacKenzie said the proposed lease extension for the Reno office needs to be finalized. He said that the State of Nevada is listed as the lessee instead of the Board, so the lease will need to be amended. Currently the Board is listed as the tenant.

Mr. MacKenzie said he will conduct a training session on the Open Meeting Law for the Board members at the November 2017 meeting.

Mr. MacKenzie said that Peter Keegan, deputy attorney general, advised him that there is an deputy attorney general in the Las Vegas office that can assist the Board with formal hearings. Chairman LaRiviere suggested that Mr. MacKenzie also contact Board lobbyist, Susan Fisher, to see about utilizing McDonald Carano for hearings.

9. Consideration of Stipulated Agreements – Larry J. Sanchez, PE #15752 and Raymond R. Hebert, PLS #6630

Larry J. Sanchez, PE #15752

Mr. MacKenzie said an internal complaint was filed against Mr. Sanchez for failure to report a project in his probation report. Upon investigation of the project, it was found that Mr. Sanchez had been working outside of his area of expertise concerning structural engineering work. The project was a remodel/addition for a restaurant.

Mr. MacKenzie said that Mr. Sanchez has been offered a consolidated stipulated agreement that includes a 2016 stipulated agreement since he is still on probation. He said that Mr. Sanchez has agreed to the stipulation.

The consolidated agreement stipulates that Mr. Sanchez shall not perform any structural engineering services until he provides sufficient evident to the Board that he has received adequate training to perform this work. He must also reimburse the Board's legal costs of \$2,176.00.

Mr. Sanchez will be placed on additional probation that runs concurrent with his existing probation. He shall pay any fees and costs for hiring an architect to remedy deficiencies in the project, and shall provide invoices and proof of payment to the executive director. In addition, the deadline for submitting a whitepaper on contracts required by the 2016 stipulated agreement will be moved up and Mr. Sanchez must submit it with 30 days from the date of the consolidated agreement.

Ms. Mamola said that Mr. Sanchez is self- employed, but can go to work for another firm to obtain structural engineering experience. She said he can also pay for a peer review of his structural engineering work, with the reviewer selected by the Board. Ms. Mamola said that Mr. Sanchez needs to identify his areas of structural

weaknesses and provide a plan to the Board on how to address them. She said staff has been making some suggestions to Mr. Sanchez on how to do this.

Ms. Mamola said that if the Board accepted the consolidated stipulated agreement, staff will issue Mr. Sanchez a cease and desist from performing structural engineering work. His current projects involving structures will need to be peer reviewed. Mr. Sanchez will still be able to perform civil engineering work that is not related to structural engineering.

17-78 Motion was made by Mr. DeSart, seconded by Mr. Cranor, to approve the consolidated stipulated agreement with Mr. Sanchez. The motion passed unanimously.

Raymond Hebert, PLS #6630

Ms. Mamola said that Mr. Hebert has not yet returned the stipulated agreement that was offered to him. The agreement will be presented to the Board for approval at the November 2017 meeting.

10. Administrative Report – Executive Director

d. Approved Licensees Report –Number of Licensees Approved by the Board

Ms. Mamola referred to a chart showing the number of licensees who have been approved by the Board for each month beginning with July 2016. The numbers are for initial and comity licensure. Ms. Mamola said the number of applicants for comity licensure have been steadily increasing.

e. Action Items Related to 2017-2021 Strategic Plan

Ms. Mamola said there was nothing to report this time concerning the Strategic Plan.

f. Regional Mobility Agreement Executed by Wyoming and Nevada

Ms. Mamola said that at the 2017 NCEES Annual Meeting a signing ceremony was held for a memorandum of understanding between Wyoming and Nevada for regional licensing mobility. She said the plan is to get other western states to sign on. She said that four other states have asked for copies of the MOU.

Ms. Mamola explained that a person seeking comity or endorsement licensure in Wyoming can also check a box indicating that he or she would like licensure in Nevada. She said one application is required and fees are paid to each state.

Ms. Mamola said she has written an article for the NCEES Licensure Exchange newsletter about why regional mobility is important and she provided a link to the agreement for other interested states. She will also send a letter to each state board director advising them about the agreement.

g. Colorado Report Dated May 17, 2013, on Continuing Education for Professional Engineers

Ms. Mamola said that Mr. DeSart asked her to put the Colorado report on the agenda for Board discussion after a person requested it. The report was issued by the Colorado Department of Regulatory Agencies on whether mandatory continuing education would protect the public.

Mr. DeSart said the report's summary concluded that continuing education does not protect the public's health and safety nor is it necessary to remain licensed in Colorado. He said that from his perspective continuing education is a mixed bag at best. He said that staying active and engaged in one's profession is good, but whether it makes one a better engineer and protects the public is debatable.

Mr. DeSart added that he has spoken with many people and most believe that continuing education is a waste of time and money.

Chairman LaRiviere said it is important for professionals to keep up with technology, especially for surveying, and he would hate to see the Board go backward by not requiring continuing education. He said it is his opinion to keep things as is.

Ms. Mamola said there are only 13 states that do not require continuing education. She said she spoke with the director of the Colorado Board who informed that the Department of Regulatory Agencies relied heavily on the professional societies in Colorado to provide input on whether continuing education should be mandatory. The director indicated that the professional societies did not do a very good job in presenting their case.

Ms. Mamola also said that part of the mutual recognition agreement's requirement for a person being listed on an international register is that a country's licensing process must be vetted based on equivalent competencies and lifelong learning via professional development hours (PDHs). She said the Board would be doing its Nevada licensees a disservice by removing the requirement for PDHs if the Board is interested in having mobility with other states and countries.

Mr. Wright said that professional development is a natural part of staying in business. He said that personally he thinks it is a waste of time and money. However, he said it may be a benefit to engineers in private practice or who work in certain areas that he does not.

Mr. Calahan said he sees the issue both ways. He said that continuing education is a good way to keep up with technology and be in competition to produce a good product. He added that it is important to have the continuing education requirement in terms of encouraging licensing mobility.

Mr. Anderson said he has seen no use in continuing education. He said he has learned a lot since college, but it is due to self-motivation and his desire to be a good engineer. He said that he does not need the state to require continue education in order to be a good engineer.

Vice Chairman Purcell said she thinks additional education gives one the opportunity to learn and grow. She said it is important to have continuing education and it is an important part of licensure. She said she feels strongly that the Board should not step backwards.

Mr. Cranor said he does not see why the Board would change, since the requirement for continuing education is in the statutes. He said it might not be beneficial for those present, but it is beneficial in general.

Ms. Larkin-Thomason said continuing education is a mixed bag but she has no issue with keeping it. She said she finds it is helpful in that she picks up a lot of ideas from other states at conferences. She said that one also gets out of continuing education what one puts into it.

h. National Council of Examiners for Engineering and Surveying

Ms. Mamola said that Pat Tami, PLS from California was installed as NCEES president at the Annual Meeting in August 2017. She said that Tim Rickborn, PE from the South Carolina Board was elected treasurer.

Ms. Mamola said a significant item discussed and overwhelmingly approved at the meeting was the concept of creating a public lands survey system module for the national professional land surveying exam. She said this could potentially move states away from having their state specific surveying exam for land surveyors.

Ms. Mamola said at some point Nevada may be able to move to an open-book exam on the Board's laws and regulations that is similar to the open-book, 24-question exam given to engineers for licensure. She said that Mr. Tami will create a task force to work out the details of the new exam and move forward with it.

Mr. Kidd reported that the volunteer surveyor group has met twice in Reno to revise the two-hour Nevada Specific Land Surveying exam. He said people are wrapping up their individual assignments with different parts of the test. Mr. Kidd said the new exam should be ready to implement for the upcoming holidays. He said the plan is to have three exams that will be given on a rotating basis.

Ms. Mamola said the hottest workshop topic that was well attended was the current attacks and challenges to licensure to licensure. She said that all states are under attack as licensure is being seen as a barrier to trade by state legislatures and governors. She said they want to either eliminate licensure or reduce the requirements for licensure. Ms. Mamola said the Board needs to keep aware of this issue and look for ways to reduce impacts.

Vice Chairman LaRiviere said this issue is part of the Board's plan to reach out to state legislators and educate them about the reasons for licensure. Ms. Mamola said it is also important to share how quickly the Board is getting people licensed. She said the administrative processes for licensing have been sped up but the public is still being protected.

11. Board Committee Reports

j. Administrative Procedures Oversight Committee, Chair Karen Purcell

Vice Chairman Purcell said the committee has not met recently and there was nothing to report this time.

k. Legislative Committee, Chair Michael Kidd

Mr. Kidd said the committee met the previous day. He said the committee plans to contact Board lobbyist, Susan Fisher, to request a proposal for services to assist with an outreach to the state legislators. He said the committee has established an October 2018 deadline to finalize proposed changes to NRS 625 for the 2019 legislative session.

Mr. Kidd said the committee discussed revising the stamping regulations concerning electronic submittals in order to clarify the practice. The committee also discussed revising language regarding endorsement or comity licensure requirements, advertising and offering of professional services, the requirement for a full time engineer and land surveyor in an office, and corporate name requests.

Mr. Kidd said the committee also determined that the structural limits for civil engineers need to be clarified. Mr. Wright and possibly former structural Board member, Chris Roper, will work on revisions to the language.

Ms. Mamola said the committee plans to bring some draft language to the Board for consideration at the November 2017 meeting. Mr. Kidd added that hopefully a proposed contract from Ms. Fisher to engage her services will also be available for the Board to consider at the November meeting.

l. Professional Association Liaison (PAL) Council

Mr. DeSart reported that the PAL Council met the previous day. He said that three organizations participated in the meeting – the American Council of Engineering Companies (ACEC), Structural Engineers of Southern Nevada (SEASoN), and the Society of Women Engineers (SWE).

Mr. DeSart said that topics discussed by the group included a way to create a master calendar of organization events, ACEC’s involvement with qualifications-based selection and lien laws, SEASoN’s continuing education efforts and networking for structural engineers, and fundraising by SWEA to host summer camps for young girls to encourage them to enter the engineering field.

Mr. DeSart said the group discussed adding a PAL Council Corner to the Board’s newsletter so that organizations can share what events are happening. He said that Carla Palma plans to report on SWEA in the next issue of the newsletter to share its activities and get speakers for its fundraising lunches.

Ms. Mamola said that Mr. DeSart suggested that the Board host a workshop on qualifications-based selection. She said executive directors or leaders of the agencies could be invited along with their procurement departments. She said a discussion could be held on their policies and regulations and what it means to practice professional engineering. Chairman LaRiviere said that he agreed with hosting a workshop. Ms. Mamola said one could be scheduled in January 2018 or by March 2018.

12. Corporate Name Requests

Kett Engineering Corporation – The company’s chief financial officer states that Kett provides testing services and personnel exclusively to the automotive industry.

Mr. MacKenzie noted the company is a corporation and it indicated it does not perform professional engineering services. As such, he said the company has met the requirements of the statute and is allowed to use the term “engineering. He said the Board needed to determine if the company provides professional engineering services. Mr. DeSart said the work does not sound like engineering.

17-79 Motion was made by Mr. Cranor, seconded by Mr. Anderson, to approve the company’s request. The motion passed unanimously.

13. Consideration of Waiver Requests of NRS/NAC 625 for Non-Appearance Applications for Initial Licensure

Waiver to Accept Experience Prior to or Concurrent with Education

Mr. DeSart recommended granting the waiver requests by Bill Friedman, David Hutchinson, and James Reynolds, all applying for civil licensure.

17-80 Motion was made by Mr. DeSart, seconded by Ms. Larkin-Thomason, to grant all three waiver requests. The motion passed unanimously.

Waiver of Two Years Supervision

Vice Chairman Purcell recommended granting the waiver request by Dennis Espinoza, applying for mechanical licensure.

17-81 Motion was made by Vice Chairman Purcell, seconded by Mr. Wright, to grant the waiver request. The motion passed unanimously.

Mr. Anderson recommended denying the waiver request by Sanjib Mulepati, applying for civil licensure, until he obtains references who have supervised his work.

17-82 Motion was made by Mr. Anderson, seconded by Vice Chairman Purcell, to deny the waiver request. The motion passed unanimously.

Waiver of Three References Practicing in the Same Branch of Engineering as the Applicant

Mr. Anderson recommended granting the waiver request by Ravi Sharma, applying for civil licensure.

17-83 Motion was made by Mr. Anderson, seconded by Ms. Cheng, to grant the waiver request. The motion passed unanimously.

Mr. Anderson recommended granting the waiver request by Tyson Baca, applying for civil licensure.

17-84 Motion was made by Mr. Anderson, seconded by Ms. Larkin-Thomason, to grant the waiver request. The motion passed unanimously.

Please refer to Appendix “A” of these minutes for more information about the waiver requests.

14. Board Approval of Non-Appearance Applications for Initial Licensure

The Board considered 23 non-appearance applications for initial licensure and recommendations were made.

17-85 Motion was made by Mr. Anderson, seconded by Mr. DeSart, to approve the recommendations. The motion passed unanimously.

Please refer to Appendix “B” of these minutes for the names and action taken by the Board.

15. Status of Board and Staff Assignments

Ms. Mamola reviewed those items completed and those still pending.

16. Meeting Dates

The next Board meeting is scheduled for November 9, 2017 in the Reno office.

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

There was no discussion concerning this agenda item.

18. Signing of Certificates of Licensure

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

19. Public Comment Period

Mr. Calahan gave his input about attending the meeting today. There were no other public comments.

Adjournment

There being no further business, Chairman LaRiviere adjourned the meeting at 10:26 a.m. on Thursday, September 7, 2017.

Respectfully,

Patty Mamola, PE
Executive Director