

**NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
**Minutes of the Regular Board Meeting**  
**Held virtually, Thursday, May 20, 2021 at 9:00am**

Board members participating were Chairwoman Karen Purcell, PE; Vice Chair Michael Kidd, PLS; Angelo Spata, PE; Thomas Matter, public member; Matthew Gingerich, PLS; Lynnette Russell, PE; Robert Fyda, PE and Brent Wright, PE/SE. Also joining were Patty Mamola, Executive Director; Chris MacKenzie, Board Legal Counsel; Susan Fischer, Board Government Affairs Liaison; Murray Blaney, Operations/Compliance, Louisa Kern, Administrative Assistant, and Jake Wolf; Compliance Officer.

**1. Meeting conducted by Chair Karen Purcell, call to order and roll call of board members to determine presence of quorum—board members Michael Kidd, Thomas Matter, Angelo Spata, Brent Wright, Matt Gingerich, Robert Fyda, Lynnette Russell.**

Ms Mamola conducted a roll call and a quorum was present.

**2. Pledge of Allegiance**

Following the Pledge of Allegiance, Ms Purcell read the board's purpose and mission.

*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 stake holders.*

**3. Public comment.**

Ms Mamola said a statement had been submitted for public comment by Dr Karakouzian a professor in the engineering department at UNLV.

Ms Mamola read Dr Karakouzian's emailed statement into the record.

*I am writing to you regarding the renewal of my PE license. I have been the holder of this license since the early nineties when I joined UNLV as a faculty in the civil engineering department, since then I have diligently paid my renewal dues. Faculty members at UNLV are state of Nevada employees. Accordingly, we are not allowed to compete with engineering consulting firms. Therefore, I have not used my PE license for consulting work outside UNLV. I would like to discuss the possibility of the board waiving renewal fees for university faculty.*

#### **4. Introductions**

Board members, guests and staff introduced themselves.

#### **5. Discussion and possible action on approval of March 30, 2021, special board meeting minutes.**

21-29 A motion was made by Mr Gingerich seconded by Mr Spata to approve the March 30, 2021, special board meeting minutes. The motion passed unanimously.

#### **6. Discussion and possible action on approval of April 7, 2021, special board meeting minutes.**

21-30 A motion was made by Mr Fyda seconded by Mr Matter to approve the April 7, 2021, special board meeting minutes. The motion passed unanimously.

#### **7. Discussion and possible action on approval of April 15, 2021, public hearing minutes related to intent to adopt regulations.**

21-31 A motion was made by Ms Russell seconded by Mr Spata to approve the April 15, 2021, public hearing minutes. The motion passed unanimously.

#### **8. Discussion and possible action on financial statements.**

##### **a. February 2021 financial statements**

Ms Mamola reviewed the February 2021 financial statements as presented in the board packet. There were no questions from the board.

##### **b. March 2021 financial statements**

Ms Mamola reviewed the March 2021 financial statements as presented in the board packet. There were no questions from the board.

##### **c. April 2021 financial statements**

Ms Mamola reviewed the April 2021 financial statements as presented in the board packet. There were no questions from the board.

21-32 A motion was made by Mr Fyda, seconded by Ms Russell to approve the February 2021, March 2021, and April 2021 financial statements. The motion passed unanimously.

#### **9. Discussion and possible action on compliance reports by Compliance Officer.**

**a. Compliance officer report on complaints being investigated.**

Mr Blaney reported on the status of the eight (8) open compliance case files. There were no questions from board members.

**b. Consideration of probation reports:**

Richard Warren, PE #17389  
Dooley Riva, PE #18231  
Lazell Preator, PE #14982

John Skwiot, PE #20561  
Ralph Heninger, PE #5191

Mr Blaney said that the licensees currently on probation were all in good standing. He added that Mr Preator has asked for the consideration of a payment plan with regard to investigative costs and fines. Mr Blaney said he will draft options and review with Ms Mamola before reconnecting with Mr Preator.

**10. Intentionally left blank.**

**11. Discussion and possible action on sub-lease of Las Vegas office space.**

Ms Mamola said she had been approached by LGA Architecture about sub-leasing our office and boardroom. LGA has office space in the same building we occupy in Las Vegas. She added in preparation for this discussion, a letter was sent to the property manager to seek approval from the landlord to sublease or share space in our office with another organization – and they replied with approval earlier this week. Ms Mamola said the additional revenue gained would offset rental expenses and to have the office occupied added to security of the space. A sub-lease agreement would need to be drafted with the help of Mr MacKenzie to set terms and cover insurance requirements.

21-33 A motion was made by Mr Gingerich, seconded by Mr Spata to allow the executive director to pursue the negotiation and execution of a sub-lease for the Las Vegas office space. The motion passed unanimously.

Ms Mamola said she would negotiate terms and work with Mr MacKenzie to develop sub-lease.  
(ACTION Item)

**12. Discussion on Board Counsel Report.**

Mr MacKenzie reported on pending disciplinary matters and said he would work with Ms Mamola on the best way to proceed with a use agreement or sub-lease for the Las Vegas office space.

**13. Discussion and possible action on Lynn Affleck's petition for re-licensure.**

Mr MacKenzie introduced the agenda item and gave an overview of background information related to Mr Affleck's petition for re-licensure.

Ms Purcell asked Mr Affleck if he had any opening remarks.

Mr Affleck said he didn't have anything to add to what was covered in his petition letter and thanked the board for their time and consideration.

Ms Purcell said the board members would now have the opportunity to ask questions of Mr Affleck.

Ms Russell said she would recuse herself as she has relationships with Mr Affleck's children.

Mr Spata and Mr Wright disclosed that they knew Mr Affleck's son but could remain objective in considering the petition.

Board members questioned Mr Affleck about his past disciplinary actions and what lessons he had learned since the revocation of his license, his current work situation and the supervision of his work, and what his intentions and area of practice would be if his license were to be reinstated. The board also reviewed the status of terms and conditions related to the Decision and Order issued revoking Mr Affleck's license.

Following Mr Affleck's response to questioning, the board deliberated.

21-34 A motion was made by Mr Spata that Mr Affleck's license be reinstated without limitation with the fulfillment of the following terms:

- two years' probation with quarterly probation reports to be submitted
- payment of the \$2,500 administrative fine still outstanding
- submit proof of his most recent 30 hours of continuing education
- in addition, submit proof of completion of 2 hours of professional ethics and 1 hour on Nevada professional engineering statutes and regulations
- submit a letter of recommendation from current employer in support of the license reinstatement

Mr Wright seconded the motion.

Mr MacKenzie asked, for the record, if Mr Affleck was agreeable to the terms presented and clarified that a number of the terms would need to be met before Mr Affleck's license could be reinstated.

Mr Affleck said he was agreeable to the terms.

The motion unanimously passed with Ms Russell abstaining from the vote.

#### **14. Discussion and possible action on administrative report by Executive Director.**

##### **a. Approved licensees report**

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

##### **b. Action items related to 2021-2025 Strategic Plan.**

Ms Mamola said this was a standing agenda item for board members to discuss strategic plan action items. No items were put forward by board members.

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

Ms Mamola said NCEES is still intending to have this year's annual meeting on August 18-21 in person in New Orleans, Louisiana. They did increase the number that could attend from each board to three. Ms Mamola added that she would propose the board send Karen Purcell, Michael Kidd, and myself to that meeting so that we have an engineer, a land surveyor, and the MBA as representatives from Nevada. The board agreed. Ms Mamola said our actual attendance will still be pending the relaxation of State of Nevada travel restrictions.

Mr Spata asked if there would be a preview of the NCEES action items to be voted on at the annual meeting prior to the annual meeting.

Ms Purcell said the issues that are presented ahead of time will be added to the July board meeting agenda for discussion, or if they are not yet available we will schedule a special board meeting.

**(ACTION Item)**

Ms Mamola said the meeting will be streamed virtually for those not attending in person.

##### **d. News article on engineering technology degrees**

Ms Mamola said this item was included in your board packet and the article was in response to the board's decision at the March board meeting related to experience requirements for candidates for licensure with engineering technology degrees. An investigative reporter reached out after that meeting and wanted to chat about the board's decision. Ms Mamola said the reporter had an interesting perspective based on South Carolina recently voting to change their law where applicants with engineering technology degrees could no longer get licensed at all. In the article it was highlighted that South Carolina took a step backward whereas Nevada took a step forward. Ms Mamola said the piece was good press for Nevada being forward thinking in removing unnecessary barriers to licensure.

##### **e. Consideration of board authorized digital signatures including the possibility of requiring**

**third-party verification of digital signatures, input received from southern and northern Nevada building departments and licensees.**

Ms Mamola said item is a standing agenda item for discussion and she had nothing to report at this time.

**15. Discussion and possible action on board committee reports.**

**a. Administrative Procedures Oversight Committee, Chair Michael Kidd**

Mr Kidd reported on items that were discussed at the March 30, 2021, meeting of APOC.

**i. Updated financial policy.**

Mr Kidd said, as required by amendment to NRS 622.234, staff had proposed additional internal controls for monthly expenditures and edits to the board's internal financial policy to reflect the adjustments. He said the committee reviewed the changes made and recommended the adoption of the proposed changes to the financial policy.

21-35 A motion was made by Mr Spata, seconded by Mr Fyda to approve the proposed updates to the board's financial policy as required by NRS 622.234. The motion passed unanimously.

**ii. Fiscal year 2021-2022 budget**

Ms Mamola reviewed the budget narrative and proposal as presented in the board meeting materials and asked for questions from the board.

Mr Spata asked if the potential expense off-set from the approved sub-lease of the Las Vegas office space had been included in the proposed budget.

Ms Mamola said it had not but with the board's approval today and following negotiations with LGA, the offsetting revenue would be included in the final budget revision. (ACTION Item)

Mr Spata asked what the consideration in the budget was to address the excess reserves.

Ms Mamola said the deferred expenses section of the proposed budget relate to funds pulled from board reserves. The deferred expense items are those identified in the board's business plan and we are planning to aggressively address these areas to get them complete in the next financial year.

Mr Kidd said APOC had reviewed the budget proposal in detail and recommends that the board accept the budget for 2021/2022 as presented.

20-36 A motion was made by Mr Kidd, seconded by Ms Russell to approve the budget proposed for

the 2021/2022 fiscal year. The motion passed unanimously.

### **iii. Consideration of executive director work performance and salary**

Mr Kidd said the committee conducted Ms Mamola's annual performance evaluation at the last meeting. He said based on the members discussion and consideration of Ms Mamola's performance, the APOC committee recommended a salary increase of 7% for Ms Mamola.

20-37 A motion was made by Mr Kidd, seconded by Mr Gingerich to accept Ms Mamola's evaluation and approve the 7% salary increase. The motion passed unanimously.

Mr Kidd said the following items were also discussed at the APOC committee meeting.

- third-party verification of digital signatures for licensees of the board and possible role of the board in the verification process including cost participation.

Mr Kidd said after a presentation by staff, the committee decided that cost-participation relating to third party digital signature verification vendors not be pursued at this time.

- COVID-19 impacts to office operations.

Mr Kidd said in the discussion staff said the investments made by the board in 2018 and 2019 related to upgrading website functionality, staff laptops, the VPN, and A&V capabilities, made the transition to remote operations relatively seamless. He added staff had no recommendation or request for any additional services or equipment.

- interim Special Board Meetings, in the months between regularly scheduled meetings, to expedite consideration of initial licensure applications.

Mr Kidd said the committee decided that holding short 15-minute interim virtual meetings to consider initial applications would lessen any approval wait time for initial licensure applicants. He said the meetings would be held on the second Thursday in off months and Ms Mamola would send calendar reminders to board members. (ACTION Item)

### **b. Legislative Committee report, Chair Angelo Spata**

Mr Spata said the committee had not met since the last board meeting, but he asked Ms Mamola to update the board on the status of proposed regulation amendments still outstanding.

Ms Mamola said the R 140-20RP1 file from the April 15, 2021, Public Hearing, with today's approval of the hearing minutes, will be sent to Mr MacKenzie to prepare and send to the SOS and LCB as the next step in the process. (ACTION Item) She added that the R 141-20RP1 file was still with the LCB for revision.

Mr Gingerich asked if language in AB 173 had been amended since the version last reviewed by the board.

Ms Mamola said no additional amendments were made. She added with the help of Ms Fischer and Mr MacKenzie, amendments had been made to other bills impacting the board. Changes were affected to SB 402 relating to retaining the state specific PLS exam, and to SB 288 regarding terminology used for operators of autonomous vehicles during on-road testing. Ms Mamola added that SB 155 pertaining to the State Engineer did not move forward.

**c. Professional Association Liaison Committee, Chair Matt Gingerich**

Mr Gingerich said the meeting was held yesterday and was focused on quality of engineering and land surveying documents submitted to public agencies. A number of new participants joined the conversation and there was a lengthy discussion on the issues. He said some new issues and ideas were brought up and they will be added to our list. Mr Gingerich said the interest in the core topic has grown to such a level that it is dominating the PAL meetings. He suggested that quality of submittals issue may need its own sub-committee or working group.

Ms Mamola agreed and suggested that a task-force be formed, similar to that created to tackle the digital signature and electronic submittal issue, to move forward the discussion with all parties involved.

Mr Spata questioned whether the board needs to be directly involved in the issue and felt that some of the professional engineering associations should take the lead.

Ms Mamola said the board is best placed to facilitate the discussion. She said often the groups that have been involved don't take upon themselves to connect with each other and issues can become siloed. The board's involvement to facilitate bringing everyone together so they can come up with a solution among themselves is important.

Ms Purcell said the main action item from the meeting will be to create a taskforce to review the issue further.

Ms Mamola said she would connect with all participants and let them know of the new direction.

**(ACTION Item)**

**d. Public Outreach Committee, Chair Brent Wright**

Mr Wright said the committee had a meeting scheduled for May 19 but decided not to meet because there were no pressing issues.

**e. PLS Standards of Practice Subcommittee of the Legislative Committee, Chair Matt Gingerich**



Mr Gingerich said the committee had not met since the last board meeting. He said there were some action items outstanding that needed to be completed before the next meeting would be scheduled.

**f. Committee for Planning and Hosting of 2022 NCEES Western Zone Meeting in Nevada**

Ms Purcell said the committee had its initial meeting on May 19 and reviewed the initial NCEES meeting planning document. She said the committee was developing a list of speakers, side events and possible excursions to make the conference memorable and to give it a distinct Nevada theme.

**16. Discussion and possible action on non-appearance application for endorsement licensure for Sara Sharif in the discipline of biomedical engineering.**

Ms Mamola said this item relates to a Canadian P Eng who is applying for endorsement licensure in Nevada. In Canada, along with the majority of states in the US, professional engineers are issued a general P Eng (or PE in the US) designation under which they practice in their area of expertise. Ms Mamola said because Nevada licenses by discipline, the candidate whose area of practice is biomedical engineering, has requested that as her discipline for licensure. Ms Mamola added that biomedical engineering is not a listed discipline currently recognized by the board, although NAC 625.220 does include the language *or any other discipline of engineering which the Board deems appropriate*. Ms Mamola said the board is being asked to consider adding biomedical engineering as a discipline, and if so, consider the candidate's application for licensure in that discipline.

In the board's discussion there was a consensus against adding a new discipline for licensure that was not fully understood or vetted by the board. It was acknowledged that with new and hybrid technologies requests for licensure outside of the traditional disciplines of professional engineering would increase, and that Nevada wants to be a progressive state and provide opportunities, but predefined approval procedures need to be in place first for guidance. It was determined that issue be moved to the legislative committee to consider options relating to disciplines not currently recognized and the path to licensure for emerging technologies.

With regard to Ms Sharif's application, after deliberation it was decided that licensure in the existing discipline of mechanical engineering or electrical engineering be offered.

20-38 A motion was made by Mr Wright, seconded by Mr Fyda to offer Ms Sharif the option to be licensed in mechanical or electrical engineering. The motion passed unanimously. Mr Kidd was absent from the vote.

Ms Mamola said she would contact Ms Sharif about adjusting her application discipline to mechanical or electrical. (ACTION Item)

Ms Mamola added that the discussion item would be added to the agenda for the next legislative committee meeting. (ACTION Item)

**17. Discussion and possible action on future licensing of emerging technology engineering disciplines.**

Ms Mamola said this item is being discussed at the national level and is particularly relevant following the discussion about licensing in biomedical engineering. She added following recommendation of the earlier discussion, her recommendation would be this item too be referred to the legislative committee for detailed review. (ACTION Item)

Mr Spata agreed with the referral to the legislative committee. He said discussions relating to being a discipline specific vs a PE state had been deferred until in-person NCEES meetings were available. With meetings now opening up we can restart the discussion with other states to get their perspective. Mr Spata reminded all board members that they are welcome to participate and add to the discussions of the legislative committee meetings

Ms Mamola said she would send an additional reminder to all board members on the date and time of the LegComm meetings, and forward pre-meeting materials to all. (ACTION Item)

**18. Election of board chair and vice chair for one-year terms commencing on July 1, 2021, in accordance with Nevada Revised Statute 625.110 and Nevada Administrative Code 625.100.**

Ms Purcell said this agenda item relates to the election of board chair and vice chair for one-year terms commencing on July 1, 2021, in accordance with NRS 625.110 and NAC 625.100.

21-39 A motion was made by Ms Purcell, seconded by Mr Gingerich to nominate Michael Kidd, PLS, for the position of board chair for a one-year term. The motion passed unanimously.

21-40 A motion was made by Mr Kidd, seconded by Mr Gingerich to nominate Thomas Matter, public member, for the position of board vice chair for a one-year term. The motion passed unanimously.

**19. Discussion and possible action on legislative session report from Board's government Liaison, Susan Fisher.**

Ms Fisher reported that AB 173 passed both the assembly and the senate unanimously and that it has been presented to Governor Sisolak for signing. She added the NTSB has been notified to let them know the exemption from requiring professional engineers for natural gas utilities has now been removed from Nevada law. Ms Fisher said she had spoken at length with Senator Spearman, the sponsor of SB 402, and informed her that even though there is a fiscal impact on the board there is zero impact on the state general fund. The senator was not aware that we do not receive any monies from the general fund and that our employees are not paid by the state general fund. Apparently, some confusion has been created because fiscal note requests have been sent to a number of boards

who are self-financed – but requests should only relate to boards who are directly tied to the state general fund. Ms Fisher said SB 335 is also being monitored for possible longer-term impacts on the board. She said a full report at the end of the session will be submitted to the board of all the bills that were watched and worked on.

Ms Russell asked Ms Fisher, for the benefit of those in the meeting who are not familiar with AB 173, to review the contents of the bill.

Ms Fisher said assembly bill 173 was introduced by assembly woman Sandra Jauregui , who also chairs the assembly committee on commerce and labor where the bill was heard in both houses. Our bill did two things. The first was a recommendation from the NTSB following the gas line explosion in Massachusetts, to remove an exemption in the law that said that if there are plans for natural gas lines that are being done within a regulated public utility that operates natural gas, the plans did not have to be reviewed and stamped by a professional engineer. The second streamlined licensing for land surveyors so that they had more flexibility on when they can sit exams. The previous language was very linear and dictated a timeline. The amendment allows candidates to take the exam whenever they feel comfortable and the legislature agreed with us that that was a good thing to do.

## **20. Consideration of initial licensure applicant requests to waive certain requirements of Nevada Revised Statutes and Nevada Administrative Code Chapter 625.**

Mr Spata recommended granting the request to waive NRS 625.183 (4) (b) made by Benjamin Ashcraft applying for civil engineering licensure.

21-41 A motion was made by Mr Spata, seconded by Mr Gingerich to approve the waiver request.  
The motion passed unanimously.

Ms Purcell recommended granting the request to waive NRS 625.183 (4) (b) made by Samuel Williams applying for mechanical engineering licensure.

21-42 A motion was made by Ms Purcell, seconded by Mr Fyda to approve the waiver request.  
The motion passed unanimously.

Mr Spata recommended granting the request to waive NRS 625.193 (1) (a) made by Henry Bishara applying for civil engineering licensure.

21-43 A motion was made by Mr Spata, seconded by Mr Fyda to approve the waiver request.  
The motion passed unanimously.

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

The Board reviewed sixteen applications in the board packet for initial licensure and

recommendations were made.

21-44 A motion was made by Mr Fyda, seconded by Ms Russell to approve the initial licensure applications contained in the addendum to the board packet as noted. The motion passed unanimously.

The Board reviewed a further three applications in the supplemental addendum for initial licensure and recommendations were made.

21-45 A motion was made by Mr Gingerich, seconded by Ms Russell to approve the initial licensure applications as noted. The motion passed unanimously.

## **22. Discussion and possible action on status of Board and staff assignments.**

Ms Mamola said action item list and status of board and staff assignments is shown on page 294 of the board packet. The list included all action items from board meetings as well as committees so that anyone who is interested can see all action items in one document. Ms Mamola asked if any clarifications were needed or if the board had questions.

Mr Kidd requested that the next hard copy print run of the statute and regulation handbook include NRS/NAC 327 and 329. Ms Mamola said that will be noted (ACTION Item).

Ms Mamola added contact had been made with state printing and once the final group of regulation amendments complete the public hearing adoption process, state printing would work on our behalf with the LCB to get permission to print an updated revision.

Ms Russell asked to be added to the western zone interim meeting planning committees. (ACTION Item)

## **23. Discussion and possible action on meeting dates.**

After discussion it was decided to move the July meeting to Wednesday July 14, 2021, at 9:00am and the November meeting to Thursday November 18, 2021, at 9:00am (ACTION Item)

## **24. 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.**

No topics were put forward for future discussion.

## **25. Public comment.**

There was no public comment.

## 26. Adjournment

Mr Kidd said on behalf of the board he would like to recognize Ms Purcell for her guidance and leadership as board chair, especially during a pandemic.

Ms Purcell said it has been her honor and privilege to serve as board chair the last two years and she looked forward to continuing as a board member in the future.

Ms Purcell thanked the board members for their participation and adjourned the meeting at 12:10pm.

Respectfully,

Patty Mamola  
Executive Director