

NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Regular Board Meeting
Held in Reno, NV, Thursday, March 10, 2022 at 9:30 am

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

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

It was determined a quorum was present.

2. Pledge of Allegiance.

Following the Pledge of Allegiance, Mr Kidd 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.

There was no public comment.

4. Introductions

Board members and staff introduced themselves.

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

Ms Purcell recommended granting the request to waive NRS 625.183 (4) (b) made by Manuel Perez applying for control systems engineering licensure.

22-13 A motion was made by Ms Purcell, seconded by Mr Spata to approve the waiver request. The motion passed unanimously.

Mr DeSart recommended granting the request to waive NRS 625.183 (4) (b) made by Kyle Lindahl applying for mining engineering licensure.

22-14 A motion was made by Mr DeSart, seconded by Ms Purcell to approve the waiver request. The motion passed unanimously.

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

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

22-15 A motion was made by Mr Gingerich, seconded by Ms Purcell to approve the initial licensure applications contained in the board packet as noted. The motion passed unanimously.

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

22-16 A motion was made by Mr Spata, seconded by Mr Gingerich to approve the initial licensure applications contained in supplement to the board packet as noted. The motion passed unanimously.

7. Discussion and possible action on approval of January 20, 2022, board meeting minutes.

22-17 A motion was made by Mr Spata, seconded by Mr Gingerich to approve the January 20, 2022, board meeting minutes. The motion passed unanimously.

8. Discussion and possible action on approval of February 17, 2022, interim board meeting minutes.

22-18 A motion was made by Mr Fyda, seconded by Ms Russell to approve the February 17, 2022, interim board meeting minutes. The motion passed unanimously.

9. Discussion and possible action on financial statements for January 2022.

Ms Mamola reviewed the January 2022 financial statements as presented in the board packet. There were no questions from the board.

22-19 A motion was made by Ms Purcell, seconded by Mr Gingerich to approve the January 2022, financial statements. The motion passed unanimously.

10. 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 seven (7) open compliance case files. There were no questions from board members.

b. Consideration of probation reports:

Dooley Riva, PE #18231

Lazell Preator, PE #14982

John Skwiot, PE #20561

Robert Mercado, PLS #10352

Ralph Heninger, PE #5191

Timothy Prockish, PE, 12931

Jason Caster, PLS #19338

Mr Blaney reviewed the status of licensees on probation. He said Mr Mercado's PLS license had moved to suspended status as a result of the Decision and Order issued by the board following the January 20, 2022, board meeting.

Mr Matter asked if the suspension of Mr Mercado's license had been communicated to other states where he may be licensed.

Mr Blaney said it hadn't, but he would update Mr Mercado status in the NCEES shared enforcement system. (ACTION Item)

Mr Kidd asked about Mr Caster's status, and whether staff has been in contact with him and if Mr Caster was working toward completing the terms of his stipulated agreement with the board.

Mr Blaney said staff have been in contact with Mr Caster, and to date he has met the first date sensitive term – an attestation relating to his review of Nevada statutes and regulations – that was due within 30 days of the agreement being executed.

Mr DeSart asked, based on complaints filed over the last several years, what would be the main three issues for discipline with licensees.

Mr Blaney said failure to be a faithful agent, relating to non-adherence to contracted terms; failure to be in responsible charge of work product released; and not having a written contract – which is really faithful agent again – where issues arise between licensee and client because of a lack of clarity.

11. Discussion and possible action on stipulated agreement for.

Ms Mamola said that the stipulated agreement was not available at the time the agenda was posted.

12. Discussion and possible action on white paper submitted by Timothy Prockish, PE, license number 12391, complaint number 20210002, white paper is a condition of the stipulated agreement.

Ms Mamola:

I just have a comment. It is a good white paper, I just thought it was interesting that the one point for which he was disciplined, was not addressed in the white paper, and that was not reviewing documents thoroughly before stamp and signing. So, I just thought it was an interesting omission. But otherwise, it was a good white paper.

Mr Spata:

I thought the same thing too, but I wasn't going to be critical of that.

Ms Mamola:

We can note that to him when we get back to him.

Mr Gingerich:

If have seen this typically a condition in other stipulated agreements. A question though, do we provide a general template for the format of the whitepaper?

Ms Mamola:

No, we leave it up to them. They have a lot of latitude in what they want to provide in that white paper. And so, as board members, you're looking to see, did they generally get the gist of why they were disciplined and are they going to do better in the future?

Mr Spata:

Did they put the effort in, I mean, we've rejected a few and had them rewrite them.

Mr Gingerich:

So, there is an opportunity to do that. And staff probably catches some that are not even worthy of making the cut.

Ms Mamola:

Exactly. We've done that too.

Mr Spata:

It's evident he's put some work into it. So, like you said, he didn't mention the specific item for which he was disciplined.

Mr Matter:

Is there a way we could be more specific in outlining the engineering or surveying NRS or NAC as it pertains to the topic of the whitepaper. So, then we can ensure that he's learning about what he did wrong. That being said, it is a decent whitepaper and he obviously put some effort into it.

Mr MacKenzie:

If you look in the stipulated agreement, in section three, a and b, and what we set forth. It says, Mr. Prockish's whitepaper is supposed to be on the following topics. It says, Mr Prockish's and Dinter's role in responsible charge of work means and what it means to ensure responsible charge of documents signed and stamped by him. It is in the stip and maybe we didn't do a good job of explaining what you were wanting. And we could probably cure what you're talking about within the bounds of the stipulated agreement, where we can probably be clearer and more concise as to what we put in the stipulated agreement.

Ms Mamola:

And I think to board member Matters' point, that is in the stip. We could go back to Mr Prockish and say, you need to address this specifically, about what it means to you to be in responsible charge. He hit two things that he's doing to make sure he's in responsible charge, but he missed the important item of thoroughly reviewing the documents before he places a stamp and signature on them. And so, we could say yes, good effort, and we appreciate it, but you missed one key point. We want you to update your white paper and include that, if that's the pleasure of the board.

Ms Purcell:

I would just like to make a comment, just so everyone is aware and I'm sure that they are, that the initial complaint against Mr Prockish was filed by an employee of my company. And so, again, I just want to make everyone aware of that. However, I do think that this was a good white paper, and he did put in a good amount of effort, but I agree with the comments that he didn't really address the action that was done.

Ms Russell:

I'd like to make a motion that it be revised. It is a good whitepaper, but it is incomplete.

22-20 A motion was made by Ms Russell seconded by Mr Gingerich requesting Mr Prockish revise his

white paper to address the concern relating to the thorough review of work product before sealing and signing. The motion passed unanimously.

13. Discussion on Board Counsel Report.

Mr MacKenzie said he had nothing specific to report, although we do have one pending proposed stipulated agreement, but we may need get some guidance from the board on the board's inclination regarding complaints when there's pending litigation. We've always tried to not interfere with the pending litigation and it's kind of a touchy thing, and I'm not sure we can set forth parameters, but it's a situation in this matter.

Mr Kidd said it would be a good idea to have it on the agenda for a future meeting with some backup or some pros and cons for discussion. (ACTION Item)

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

There were no questions or comments from the board relating to the strategic plan.

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

Ms Mamola reviewed the upcoming dates for the NCEES Western Zone and Annual Meetings and asked for an indication of who was planning to attend. Funded delegates for the Annual Meeting were also determined.

15. Discussion and possible action on board committee reports.

a. Administrative Procedures Oversight Committee, Chair Thomas Matter

Mr Matter said the committee had not met since the last board meeting and he had nothing to report.

b. Legislative Committee report, Chair Angelo Spata

Mr Spata said the committee met on March 2 and four items have been brought forward for discussion

and consideration by the board. There were several additional items that were reviewed but no action was recommended, and one relating to NAC 625.260 that will be reviewed by a small working group.

i Consider draft attestation for endorsement licensure applicants that acknowledges familiarity with Nevada Revised Statutes Chapter 625 and Nevada Administrative Code Chapter 625.

Mr Spata said this item was to consider a draft attestation for endorsement licensure applications that acknowledges familiarity with the NRS revised statutes chapter 625 and Nevada administrative code 625. He said this replaces the requirement for endorsement applicants to take a short exam, where applicants attest as part of the application process that they have read and are familiar with the statutes and regulations that regulate the engineering profession in the state.

22-21 A motion was made by Ms Purcell, seconded by Mr Matter to approve using an attestation for PE endorsement application. The motion passed unanimously.

ii. Consider proposed language for bill draft request to amend Nevada Revised Statute 625.050 related to engineer in responsible charge of observation, inspection, and testing of construction and construction materials.

Mr Spata said this item is one that we've discussed previously, and it is in your board packet with the clarification and the proposed edits. The edits were following a prior board meeting and were brought back to the committee just for final validation.

22-22 A motion was made by Mr Spata, seconded by Mr Matter to approve the proposed language to move forward in the BDR process. The motion passed unanimously.

iii. Consideration of additional affidavit requirement for license renewal related to good character and dishonesty as related to Nevada Revised Statutes 625.183.2(a), 625.270.2 (a), and 625.410.4.

Mr Spata said this item relates to an additional question to be asked during the renewal of a license. He added that it is the same affidavit question asked of applicants for initial and endorsement licensure.

22-23 A motion was made by Mr Spata, seconded by Mr Gingerich to approve the proposed affidavit question be added to license renewal applications. The motion passed unanimously.

iv. Consider updating Nevada Revised Statute 327.030(3)(a) to change United States Survey Foot to International Foot.

After discussion about when (the effective date) the federal implementation of the change to the

International Foot would be, the recommendation was to draft the amendment and hold any BDR submittal until the actual timeframe for the datum change is set. Consideration of who would put the BDR forward, the board, NALS or NDOT, can also be determined in the meantime.

22-24 A motion was made by Mr Gingerich, seconded by Ms Russell to approve the drafting the amendment pending date of implementation confirmation. The motion passed unanimously.

c. Professional Association Liaison Committee, Chair Brent Wright

Mr Wright reported that the committee had met yesterday afternoon and those participating gave an update on their organization's activities. He added that there was no item of note to be reported to the board.

d. Public Outreach Committee, Chair Robert Fyda

Mr Fyda said the committee had not met since the last board meeting and he had nothing to report, but a meeting would be scheduled around the end of the financial year to review the outreach metrics. He added he would work with Ms Mamola to coordinate that meeting. (ACTION Item)

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

Mr Gingerich said the committee's next meeting is scheduled for March 17 and he would report progress at the May board meeting.

f. Committee for Planning and Hosting of 2022 NCEES Western Zone Meeting in Nevada, Chair Karen Purcell

Ms Purcell reported that since the last committee meeting on November 8 staff had been working on the theme and speaker program for the zone meeting. We will be highlighting Nevada's history. Gaming commissioner Ben Kieckhefer will deliver the welcome and opening remarks, Paul Pace, PLS, will be our lunch presenter, and author Greg Crouch, who wrote the *Bonanza Kings* will be the featured dinner speaker. Ms Purcell said final details are being wrapped up, and the committee will have one final meeting just before the event, but we are looking forward to hosting one of the first NCEES in-person events in a couple of years.

16. Discussion and possible action on board liaison, Greg DeSart's report on City of Henderson Quality of Plan Submittal Task Force.

Mr DeSart reported that the City of Henderson staff are summarizing the topics of the previous meetings and drafting a best practices document. Once the document is produced, we'll bring it to

the board with the intent to seek board endorsement of that document.

17. Discussion and possible action on information provided by government liaison representative from McDonald Carano related to Nevada's legislative special session and other board related matters.

Ms Fisher said there is not too much going on legislatively, but we were made aware that a senator was perhaps interested in a bill to reduce the education time for land surveyors from 4 to 2 years. She said she had connected with the senator and he remembers talking to somebody about it, but he doesn't think he made a commitment, and he wants to discuss it. Ms Fisher said a meeting has been set for next Wednesday and Ms Mamola is also invited to join.

10:00am

18. Consider providing a letter of support for College of Southern Nevada offering of a 4-year land surveying degree.

Ms Mamola said this item relates to a proposal by the College of Southern Nevada (CSN) to create a four-year survey program, similar to what is offered at Great Basin College (GBC) in Elko. A request has been made for a letter of support from the board, through the Nevada Association of Land Surveyors (NALS), to endorse the CSN proposal. Ms Mamola said the request was made by Trent Keenan, representing NALS, and Mr Keenan is here to give some background.

Mr Keenan said NALS was approached by CSN about the possibility of creating a second bachelor's degree program in the state. NALS sees the need for a program to be available in a major metropolitan area for full time in-person programs. NALS has reached out to individual surveying firms in the state and currently has 27 letters of support that will be forwarded to CSN. Mr Keenan said he has also talked to Byron Calkins, who heads the program at GBC, and he support a second program in the state and is in support of the CSN initiative.

Dr Sims with CSN said in the process of forming the proposal, CSN engaged with GBC and other stakeholders and the consensus was there is a massive demand for this type of program. He expanded on the detail of the program and desire to be ABET accredited. He said support from the board would carry weight when consideration is made by the Board of Higher Education.

Mr Calkins with GBC said he was very much in support of a new program being developed in the Las Vegas metro area. He outlined from his experiences what would make the program successful and sustainable. He offered his continued support as CSN moves forward through the formation and implementation process for the program.

Ms Purcell asked what the process timeframe was for a program to become ABET credited.

Dr Sims said it generally takes about two years – about the time from the start to when the first class graduates.

Mr Gingerich said he is fully in support of adding a program at another institution. The state is in need of more surveyors, and we need increased access to education.

22-25 A motion was made by Mr Gingerich, seconded by Ms Purcell to approve the board providing a letter of support for the development of a 4-year land surveying program at the College of Southern Nevada. The motion passed unanimously.

Ms Mamola said she would draft a letter of support on the board's behalf and forward it to Dr Sims.
(ACTION Item)

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

Ms Mamola said the action item list and status of board and staff assignments is shown in the board packet. The list includes 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. There were none.

20. Discussion and possible action on meeting dates.

Ms Mamola reviewed the future board and NCEES meeting dates and answered questions.

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

No items were put forward for consideration.

22. Public comment.

There was no public comment.

23. Adjournment

Mr Kidd thanked the board members for their participation and adjourned the meeting at 11:11

Respectfully,

Patty Mamola
Executive Director