

NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Regular Board Meeting
Held at 1755 E Plumb Lane, Suite 258, Reno, NV 89502, Thursday, July 21, 2022, at 10:30am

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; 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; Murray Blaney, Operations/Compliance; and Jasmine Bailey, Licensing.

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.

Before 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.

2. Pledge of Allegiance.

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 denying the request to waive NRS 625.183 (4)(b) made by Meh Fuzur

Rahaman applying for electrical engineering licensure. Ms Purcell said after reviewing his waiver request and his application, while his experience is very commendable, she was recommending that we deny his waiver request. She added that it's very important to have some experience under a professional engineer. None of his references are licensed professional engineers and nor are his supervisors that he submitted as references. Ms Purcell said having worked on projects in the area that he is currently working in, she is aware that there are current professional engineers in that practice area and it is possible for him to get experience under a licensed professional.

Mr Wright asked if there are people in his field that he could work with, is it possible for him, without changing his job to just have them review his work and not work under them.

Ms Purcell said that if he were to have a professional engineer review his work and even if it was an interrelated discipline, that would be acceptable.

22-41 A motion was made by Ms Purcell, seconded by Mr Wright to deny 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 nineteen applications in the board packet for initial licensure and recommendations were made.

22-42 A motion was made by Mr Gingerich, seconded by Ms Purcell to approve the initial licensure applications contained in the board packet with recommendations noted. The motion passed unanimously. (Mr Rahaman's application was not approved due to failed waiver request.)

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

22-43 A motion was made by Mr Fyda, seconded by Ms Russell to approve the initial licensure applications contained in the supplemental board packet with recommendations noted. The motion passed unanimously.

7. Discussion and possible action on approval of May 12, 2022, board meeting minutes.

22-44 A motion was made by Mr Spata, seconded by Mr DeSart to approve the May 12, 2022, board meeting minutes. The motion passed unanimously.

8. Discussion and possible action on approval of June 9, 2022, interim board meeting minutes.

22-45 A motion was made by Mr Spata, seconded by Ms Russell to approve the June 9, 2022, interim board meeting minutes. The motion passed unanimously.

9. Discussion and possible action on financial statements.

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

22-46 A motion was made by Ms Purcell, seconded by Mr DeSart to approve the May 2022 and June 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 six (6) 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	Ali Fakih, PE # 28788
Lynn Affleck, PE # 7676	Douglas Fellenz, EI # OT 8691

Mr Blaney reviewed the status of licensees on probation. He said there had been no movement from Mr Mercado toward addressing the outstanding items in his stipulated agreement. Mr Blaney said he has been in contact with Mr Mercado a number of times and outlined the action needed, but nothing has been received to date. He added that Mr Caster has been advised of the request for revision of his white paper and that when received it will go directly to Mr Gingerich for review and consideration on behalf of the board.

11. [intentionally left blank]

12. Discussion on Board Counsel Report.

Mr MacKenzie said he had nothing new to report at this time.

13. Discussion and possible action on statute of limitations for bringing a claim for errors, blunders, and/or negligence related to boundary determinations from a land survey.

Mr MacKenzie said the general question was brought to his attention in relation to a blown survey and the limitations on a time frame for a potential claim/lawsuit against the professional land surveyor who conducted the survey. He said based on his research, the clock starts for the owner at the time of discovery – when the alleged surveying error/discrepancy is discovered – with the limitation then being four years from that mark to initiate a legal claim. Mr MacKenzie added that if action is not initiated by owner within that time frame the claim is then barred. He added, it is to be noted that if ownership of the property changes the clock for any potential claim will reset from the time the successive owner becomes aware of an issue.

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)

i. NCEES Western Zone meeting hosted by Nevada

Ms Mamola reported that the event appeared to be successful and very good feedback was received from attendees.

ii. NCEES Annual meeting action items and conference reports

Ms Mamola said included in the board packet are the action items and conference reports relating to the upcoming NCEES annual meeting for informational purposes, but if there items that members want to discuss in more detail, we can under this agenda item. No items were put forward for further discussion.

d. Consider pursuing new contract for board counsel (current contract goes through December 31, 2022).

Ms Mamola said the current contract for board counsel expires the December 31st of this year, 2022. If we desire to continue with his services, we need to work on a new contract for board consideration at the next full meeting.

22-47 A motion was made by Ms Purcell, seconded by Mr Wright to pursue a new contract with Allison MacKenzie, for the longest term allowable. The motion passed unanimously.

15. Discussion and possible action on board committee reports.

a. Administrative Procedures Oversight Committee, Chair Thomas Matter

i. Approval of contract for Trinity for firm registration database in the amount of \$33,000.00.

Mr Matter outlined the details of the contract being presented for consideration. He added that the committee is recommending approval.

Mr DeSart asked if the contract amount was a one-time fee or if there were additional ongoing fees expected.

Mr Blaney said the amount is a one-time development fee based on the scope outlined. Following acceptance and launch there will be an ongoing hosting fee, around \$165/month, and then we'll negotiate a support agreement.

22-48 A motion was made by Ms Purcell seconded by Mr Spata to approve the contract with Trinity for the development of new firm registration database in the amount of \$33,000.00. The motion passed unanimously.

ii. Approval of contract for InLumon for continued hosting and maintenance of licensing database in the amount of \$37,800.00.

Mr Matter said this contract relates to formalizing the continuation of services to host and maintain our current licensing database. He said the maximum term of the contract is 24 months, and the committee is recommending approval.

22-49 A motion was made by Ms Russell seconded by Mr Spata to approve the contract with InLumon for continued hosting and maintenance of licensing database in the amount of \$37,800.00. The motion passed unanimously.

iii. Approval of contract for Erlach Computer Consulting for IT service in the amount of

\$48,367.32.

Mr Matter said this contract is for a new vendor for IT support. He said staff reported poor service from the current vendor and initiated a request for proposals. The committee is requesteng the board consider approving the contract with Erlach Computer Consulting. He added the committee supports the staff request.

Mr Wright asked if the scope included a cybersecurity review.

Ms Mamola said we will be having a conversation with the vendor, they wanted to wait until their contract was approved, to talk about added security measures and migrating us to the cloud, getting rid of our onsite server for security reasons. But, yes, review of our cybersecurity is included in the scope.

22-50 A motion was made by Ms Purcell seconded by Mr Fyda to approve the contract with Erlach Computer Consulting for IT service in the amount of \$48,367.32. The motion passed unanimously.

iv. Approval of contract for McDonald Carano for government liaison services in the amount of \$96,000.00.

Mr Matter said the committee recommends the board approve the contract with McDonald Carano to continue providing their government liaison services.

Ms Mamola added that the contract proposed is for 4 years at \$2,000/month.

22-51 A motion was made by Ms Purcell seconded by Mr Gingerich to approve the contract with McDonald Carano for government liaison services in the amount of \$96,000.00. The motion passed unanimously.

b. Legislative Committee report, Chair Angelo Spata

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

c. Professional Association Liaison Committee, Chair Brent Wright

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

d. Public Outreach Committee, Chair Robert Fyda

Mr Fyda said the committee met on July 11 to review the metrics of the program, essentially our social media campaign, to look at the effectiveness with the decreased frequency of posting. He said the results showed an increase in subscribers, and spikes in engagement when content was targeted at engineering and land surveying graduates. Mr Fyda continued to say that continuing education webinars were very well received, and this medium will be developed going forward as an avenue to expand outreach.

Ms Mamola added the committee agreed the current budgeted amount of \$17,500 (of which \$4,000 is earmarked for social media) in the 2022/2023 fiscal year is adequate to meet the boards goals.

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

Mr Gingerich said the committee met June 2, 2022, and finalized a number of amendments. There are some proposed changes that will take more consideration, but there were good comments from the committee that gave a solid direction. Mr Gingerich added a date will be set for another follow-up meeting and the goal is to have all the committee's recommendations complete and to submit as one batch to the Board Leg Comm for review and discussion – likely sometime in the new year.

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

Mr DeSart said the task force has reactivated and has eight people tasked with preparing a best practices manual. There are four topics areas and the group has formed teams of two to write a draft for each section. Ms Mamola has volunteered to compile the sections into a draft document. Mr DeSart said when the draft document is ready for review, the taskforce will meet to get concurrence with a goal of then forwarding to the board for review/feedback and consideration on whether endorse the document.

Mr DeSart clarified that it is not going to be an official board document – it is to be issued by the taskforce with a possible endorsement by the board. He added if the board votes to endorse, the document could be accessed through the website and be pushed out to the engineering and entity community to encourage people to review and adopt some of these best practices.

17. Discussion and possible action on pursuing/negotiating a new lease for the Las Vegas office.

Ms Mamola said the lease on our Las Vegas office expires, January 31, 2023, so we need to decide if we want to retain the current office. She has spoken to the property manager and indicated that if we were to stay, we'd like to be able to negotiate the monthly rate lower and as well as consider a longer lease term. By January of 2023, we'll be paying a \$1.80 per square foot and she was thinking we could negotiate a 10-year lease or a 5-year with a 5-year option starting at a reduced rate.

Mr Wright suggested that upgrade of the air-conditioning units be considered in the negotiations of the lease extension. He said the space and location is great, but the mechanical background noise, albeit better than it was, can be a distraction during meetings.

Ms Mamola said it was noted and she would include that consideration in the negotiations of an extension. (ACTION Item)

22-52 A motion was made by Mr DeSart, seconded by Ms Purcell to allow the Executive Director to move forward and negotiate with the property manager on a possible lease extension for the Las Vegas office space. The motion passed unanimously.

18. Discussion and possible action on board committee assignments for fiscal year 2022-2023.

Mr Kidd reviewed the committee assignments as outlined in the board materials. There were no questions from board members.

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

Ms Fisher said our bill draft has been submitted to assemblywoman, Elaine Marzola. There are indications Ms Marzola is moving toward a higher leadership role, possibly as the incoming chair of Commerce and Labor. She added the bill draft request has been assigned BDR # 609 and will be converted to whatever bill number once it is introduced. Ms Fisher said Ms Marzola has been contacted by lobbyists for the professional engineering association, and they wanted to know what the bill was about. Ms Fisher said that engineering associations had been engaged early on in the process and have been involved in all the discussions. Ms Marzola released the informational one pager to those needing more understanding and I offered that she could send them my way for a more detailed explanation.

Ms Fisher said other bill drafts have been submitted and there are a couple of them that are related to boards. One is from Senator Fabian, and it just says, "revises provisions relating to boards and commissions". We did reach out to him and he said that he wants to look at fixing the lack of participation. He said some boards have a hard time getting a quorum, or getting people to volunteer to serve on the boards, and he also mentioned that he's open to reducing the number of commissions.

20. 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.

21. Discussion and possible action on meeting dates.

Ms Mamola reviewed future meeting dates and said calendar invites would be sent to board members as placeholders/reminders. (ACTION Item)

Mr Wright asked that a PAL meeting be scheduled before the next full board meeting in September. (ACTION Item)

22. 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.

23. Public comment.

There was no public comment.

24. Adjournment.

Mr Kidd thanked the board members for their participation and adjourned the meeting at 11:45 am.

Respectfully,

Patty Mamola
Executive Director