

NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Regular Board Meeting
Held at 241 W Charleston Blvd., Suite 130, Las Vegas, NV 89102
on Thursday, September 15, 2022, at 8:30am

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 and Greg DeSart, PE; Brent Wright, PE/SE. Also present were Patty Mamola, Executive Director; Chris MacKenzie, Board Legal Counsel; Susan Fischer, Board Government Affairs Liaison; and Murray Blaney, Operations/Compliance.

Board guest, Gerald Gunny, PE/SE.

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.

3. Public comment.

There was no public comment.

4. Introductions.

Board members, the board guest, 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.

Mr DeSart recommended approval of the request to waive NRS 625.183 (4)(b) made by Nicholas Aboumrad applying for civil engineering licensure.

22-54 A motion was made by Mr DeSart, seconded by Mr Fyda 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 eight applications in the board packet for initial licensure and recommendations were made.

22-55 A motion was made by Ms Purcell, seconded by Mr Gingerich to approve the initial licensure applications contained in the board packet with recommendations noted. The motion passed unanimously.

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

22-56 A motion was made by Ms Purcell, seconded by Mr Gingerich 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 July 21, 2022, board meeting minutes.

22-57 A motion was made by Mr Spata, seconded by Ms Russell to approve the July 21, 2022, board meeting minutes. The motion passed unanimously.

8. Discussion and possible action on approval of August 11, 2022, interim board meeting minutes.

22-58 A motion was made by Mr DeSart, seconded by Ms Russell to approve the August 11, 2022, interim board meeting minutes. Mr Spata abstained as he was not present for the meeting. The motion passed unanimously.

9. Discussion and possible action on financial statements.

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

22-59 A motion was made by Mr Fyda, seconded by Mr Wright to approve the July 2022 and August 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.

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 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 Annual meeting action items and conference reports

Ms Mamola said the supplemental materials for the annual meeting are included in the board packet along with the motions reports. She asked if there were any items relating to the annual meeting that board members wished to discuss. There were none.

Ms Mamola reported that Ms Russell had been selected to be the Exams for Professional Engineers (EPE) Committee. She added we are excited to have Nevada representation on such an important committee.

14. Discussion and possible action on board committee reports.

a. Administrative Procedures Oversight Committee, Chair Angelo Spata

Mr Spata reported that the committee had not met since the last board meeting, but he would connect with Ms Mamola to schedule a meeting prior to the November board meeting. (ACTION Item)

b. Legislative Committee report, Chair Greg DeSart

Mr DeSart said the committee had not met since the last board meeting. He said he would work with Ms Mamola to review the carryover items for the committee and to schedule a meeting prior to the November board meeting. (ACTION Item)

Mr MacKenzie said with the next legislative session starting in February, proposed bill text will start to become available soon. He added that he and Ms Fisher would make the committee aware of any items in need of board consideration.

c. Professional Association Liaison Committee, Chair Brent Wright

Mr Wright said the committee met on Sept 6 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 recently and he had nothing to report to the board. He added he would connect with Ms Mamola about scheduling a meeting early in the new year before the January board meeting. (ACTION Item)

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 the bulk of the proposed amendments had been drafted but there are a few of the more challenging regulations still being worked on with input from several local surveyors. Mr Gingerich said when the language is drafted for the last few regulations it will go back to the PLS Committee for review, consideration, and approval.

Ms Mamola said following approval from the PLS Committee the packet of draft changes would then be shared with NALS and other pertinent industry organizations for industry feedback (and then back to the PLS Comm, if need be). The next step would be to LegComm for review and recommendation

and then the draft language would move forward to the board for approval, then on to the public comment period and Small Business Impact surveys.

15. Consider approval of contract for Allison MacKenzie for continued board counsel services in the amount of \$600,000.00.

Ms Mamola introduced the proposed continued contract for board counsel as presented in the board materials. She said the term is for 48 months with a yearly not to exceed amount of \$165,000. She added that Allison MacKenzie bills only for time worked and we have never come up against the do not exceed amount. The average yearly billing over the past three years has been under \$80,000/year.

Mr MacKenzie said he appreciates the opportunity to continue working with the board and asked if board members had any questions relating to the contract proposal. There were none.

22-60 A motion was made by Mr Spata, seconded by Mr Gingerich to approve the contract (48 months) for continued board counsel services from Allison MacKenzie.
The motion passed unanimously.

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 taskforce met last week to review a draft of the best practice guide. He said Ms Mamola compiled the draft from input forwarded by members of the group that were assigned to review key topics related to improving the quality of plan submittals. Mr DeSart said the next step is for taskforce to review the draft document and provide comments until a final draft is agreed upon. The final draft would then be presented to the board for consideration, comment, and possible endorsement, but not approval, as the guide would not be an official board document.

Mr Matter asked what level of detail the best practice guide would get to.

Mr DeSart said it was not created as a prescriptive guide, it is more about recommendations for the submittal process for entities and professionals statewide. It relates to checklists as to what is required for submittals, pre-submittal meetings between the entity and the design professional, and the possibility of a design review team specifically dedicated to this project on large projects.

17. 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 she is waiting and watching as bill drafts become available to see if there is any issue

that may require board consideration. She said she would coordinate with Ms Mamola if anything came up.

18. 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. There were no questions from the board.

19. Discussion and possible action on meeting dates.

Ms Mamola reviewed the future meeting dates as listed in the board packet.

Mr DeSart asked that Ms Mamola send calendar reminders on the future dates that the board had not already been notified of. (ACTION Item)

20. 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.

21. Public comment.

There was no public comment.

22. Adjournment

Mr Kidd thanked the board members for their participation, and Mr Gunny for joining as board guest, and adjourned the meeting at 10:00 am.

Respectfully,

Patty Mamola
Executive Director