

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, January 19, 2023, 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; Robert Fyda, PE; Greg DeSart, PE; and Brent Wright, PE/SE. Lynnette Russell, PE was excused. Also participating were Patty Mamola, Executive Director; Chris MacKenzie, Board Legal Counsel; Susan Fischer, Board Government Affairs Liaison; and Murray Blaney, Operations/Compliance. Jonas Hulslander LSI, attended as a board guest.

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, Brent Wright, Greg DeSart. Lynnette Russell was excused.

It was determined a quorum was present, and 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.

All rose for the 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.

Ms Purcell recommended approval of the request to waive NRS 625.183 (4)(b) made by Michael Persyn applying for chemical engineering licensure.

23-01 A motion was made by Ms Purcell, seconded by Mr Fyda to approve the waiver request. The motion passed unanimously. Ms Russell was absent for the vote.

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

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

23-02 A motion was made by Ms Purcell, seconded by Mr Spata to approve the initial licensure applications contained in the board packet with recommendations noted. The motion passed unanimously. Ms Russell was absent for the vote.

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

23-03 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. Ms Russell was absent for the vote.

7. Discussion and possible action on approval of November 17, 2022, board meeting minutes.

23-04 A motion was made by Mr Spata, seconded by Ms Purcell to approve the November 17, 2022, board meeting minutes. The motion passed unanimously. Ms Russell was absent for the vote.

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

23-05 A motion was made by Mr Gingerich, seconded by Mr DeSart to approve the December 8, 2022, interim board meeting minutes. The motion passed unanimously. Ms Russell was absent for the vote.

9. Discussion and possible action on financial statements:

a. November 2022

b. December 2022

Ms Mamola reviewed the November 2022 and December 2022 financial statements as presented in the board packet and provided clarifications for the board.

23-06 A motion was made by Mr Fyda, seconded by Ms Purcell to approve the November 2022 and December 2022 financial statements. The motion passed unanimously. Ms Russell was absent for the vote.

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	Timothy Prockish, PE #12931
John Skwiot, PE #20561	Ali Fakih, PE #28788
Jason Caster, PLS #19338	Lynn Affleck, PE #7676
Lazell Preator, PE #14982	Douglas Fellenz, EI #OT8691
Robert Mercado, PLS #10352	

Mr Blaney reviewed the status of licensees on probation. He reported that Mr Mercado was still not in compliance with his stipulated agreement and that the situation with Mr Preator's compliance would be heard by the board under agenda item 12.

9:00 am

11. Joseph Elu Chavez oral interview, consideration of initial licensure as a Civil Engineer. Portions of this discussion may be conducted in closed session pursuant to NRS 241.030.

Mr Chavez requested the oral interview be conducted in closed session.

23-07 A motion was made by Ms Purcell, seconded by Mr Matter to move the oral interview to closed session. The motion passed unanimously. Ms Russell was absent for the vote.

Mr Kidd called the meeting closed and asked that non-board members, with the exception of board counsel, leave the room.

Minutes were not taken during the closed session.

Mr Kidd called the meeting back to order at 9:20am for the oral interview deliberation.

Mr DeSart gave background on the request for the oral interview. He then said based on the description Mr Chavez gave of his experience, he no longer has concerns relating to his engineering competency, and that he has met the 15 years of engineering threshold to be considered for a waiver of the FE exam. Mr DeSart added that during the interview we learned that a significant portion of supervision of Mr Chavez was by a PE who was not a full-time employee of the company, rather under a consulting relationship. He questioned whether that relationship met the requirements of being in responsible charge.

Mr MacKenzie said if the focus of the interview was to determine experience, then it appears that has been satisfied. The element of oversight as it relates to in being under a consulting PE as we don't know how the agreement was structured.

Mr DeSart said oversight was not as concerning because of the 20 year relationship between the supervising PE and Mr Chavez, it is that the PE is a consultant and not employed the company.

Mr MacKenzie agreed that was a valid point but should likely be considered separately from Mr Chavez's waiver request and application for licensure.

23-08 A motion was made by Mr Spata, seconded by Mr Wright to approve the waiver request relating to NRS 625.193 (1)(a). The motion passed unanimously. Ms Russell was absent for the vote.

23-09 A motion was made by Mr Spata, seconded by Mr Wright to approve Mr Chavez's application for civil engineering licensure. The motion passed unanimously. Ms Russell was absent for the vote.

9:30 am

12. Discussion and possible action on compliance with terms of stipulated agreement for Lazell Preator, PE, license number 014982, complaint number 20190008 and 20200003.

Mr MacKenzie gave a summary of the information contained in the meeting materials relating to Mr Preator not being in compliance with the terms of his stipulated agreement with the board.

Mr Blaney said that yesterday – Jan 18, 2023 – staff had received the delinquent items (fine/reimbursement installment payment and probation reports) from Mr Preator, albeit several months past the dates due.

Mr MacKenzie said although the past due items have now been received, each time a required item is

late it is considered as being out of compliance. It is the board's decision if they want to do anything based on the terms of the stipulated agreement for violating it for lack of timeliness.

Mr Blaney said Mr Preator had appeared before for similar non-compliance issues at the January 20, 2022, board meeting and had verbally committed to remaining current with the terms of his stipulated agreement.

Ms Mamola said it is important to remind the board that this is a pattern of behavior – failure to meet deadlines – is what put Mr Preator in the disciplinary position where he signed a stipulated agreement.

Mr Kidd asked Mr Preator to step forward to the microphone and asked if he understood why he is appearing before the board.

Mr Preator –

Yes, I do understand why I'm here and to partially answer one of the questions is yes, when the letter was received from Mr MacKenzie on the 1st of December, I became aware of the payment not being there. Back in August, knowing that I was changing jobs, I went to my bank and tried to key in to make the monthly payment on stipulated agreement. I found out after the letter that because there was no account number as far as what it was paying for, the bank was not sending that out. But the money was there which is why I was able to pay through February.

Last summer, I made the decision to change my career a little bit. I spent August kind of winding down my work with Preator Consulting, so over the next few months, my design work will be winding down. In August, I also had surgery on my ankle. In September, I started doing part-time work for a company called JSL out of Jericho, New York, doing forensic engineering and became a full-time employee in October. I spent all of October and most of November dealing with Hurricane Ian in Florida and traveling back and forth. And then again through December and now into January. I just got back this past weekend.

Regarding the reports I was keeping up on what I was doing, but I did fail to send them in. My personal preference would be the zero tolerance. I have only stamped two projects in Nevada in this month for JSL. And then I have just a little bit of design work, couple grading plans that I'm finishing up. So, there's not a whole lot for me to report on those reports, but I still need to get them in. Again, my preference would be zero tolerance and then if I do not have them in on time that my stay would be lifted.

Mr Kidd –

You mentioned that what caught your attention was the recent letter from Mr MacKenzie.

Mr Preator –

Yes, correct.

Mr Kidd –

So, prior to that, this wasn't really high on your radar?

Mr Preator –

I was doing the reports, but like I said, I was working, you know, 60, 70 hours a week, primarily out of state, and not stamping much stuff here in the state. And I thought that my payments were being made, but as far as the reports go, you know, I keep a log of everything that I work on and I stamp now both in Nevada and I'm also licensed in Utah. So, I had forgotten to send them it is now in my calendar to make sure that they're done on the first day of the month and sent off.

Mr Spata –

As Mr Blaney said, a year ago we had the same challenge. At the time Mr Preator mentioned some hardships, which we took into account and came up with a plan that all parties felt they could agree with and maintain. But it is apparent that plan went by the wayside halfway through the year.

Mr Blaney –

Yes, that is correct. Mr Preator began missing deadlines in August of last year. Reminders were sent but none of the items were received.

Mr Gingerich –

My concern is that if you cannot deliver to the board, then I would worry for how you respond to the needs of your clients. This is very concerning.

Ms Purcell –

I believe that the actions that Mr Preator has taken shows a complete lack of respect for the board and for the requirements of the stipulated agreement. And I think that we as a board, we have given him numerous opportunities to make it right.

23-10 A motion was made by Ms Purcell, seconded by Mr Wright to remove the stay on Mr Preator's license suspension. The motion passed unanimously. Ms Russell was absent for the vote.

Mr Preator asked with the removal of the stay, is his license suspension effective immediately.

Mr MacKenzie said the suspension would go in effect when the board's decision is committed to paper (an official Decision and Order of the board) and you are served. Once you receive the official action that the stay has been removed, your license will be suspended. (ACTION Item)

13. Discussion and possible action on 10-year lease amendment for 241 W Charleston Boulevard,

Suite 130, Las Vegas, NV, in the amount of \$280,305.87.

Ms Mamola reviewed the terms of the lease amendment as outlined in the meeting materials and asked for questions.

Mr Wright asked if Ms Mamola was confident the sound mitigation clause and dollar amount relating to the HVAC was sufficient.

Ms Mamola said she felt the landlord was likely trying to limit their exposure but did feel confident the remedy was adequate.

23-11 A motion was made by Ms Purcell, seconded by Mr Spata to approve the 10-year lease amendment for 241 W Charleston Boulevard, Suite 130, Las Vegas, NV, in the amount of \$280,305.87. The motion passed unanimously. Ms Russell was absent for the vote.

14. Discussion and possible action on stipulated agreement for Manuel Armando Monarrez, PE, license number 19652, complaint number 20210011.

Mr MacKenzie introduced facts and the proposed terms of the stipulated agreement as shown in the board materials, and asked for questions from the board.

Mr DeSart said he believed the stipulated agreement as written addressed the violations of NRS and NAC chapters 625.

23-12 A motion was made by Mr Spata, seconded by Ms Purcell to approve the stipulated agreement for Manuel Armando Monarrez, PE, license number 19652, complaint number 20210011 as presented. The motion passed unanimously. Ms Russell was absent for the vote.

Mr DeSart: That was a super interesting situation, the guy is very bold, and I thought the stipulated agreement is right on point, definitely picked the right statutes or regulations that were applicable. It could have been other ones, but I thought, I think it's a good agreement.

15. Discussion on Board Counsel Report.

Mr MacKenzie said he had no pending matters to report.

16. 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 items related to board members attending the NCESS Zone Meeting in April 2023 in Houston, TX, and noted that the NCEES funded delegates were Ms Purcell, Mr Spata, and Mr Kidd.

17. Discussion and possible action on board committee reports.

a. Administrative Procedures Oversight Committee, Chair Angelo Spata.

Mr Spata said the committee had not met since the last board meeting.

b. Legislative Committee report, Chair Greg DeSart.

Mr DeSart said the committee had not met since the last board meeting, but a meeting is scheduled for February 1st.

c. Professional Association Liaison Committee, Chair Brent Wright.

Mr Wright said the committee had not met since the last board meeting, but a committee meeting is on the calendar for the day before the March board meeting.

d. Public Outreach Committee, Chair Robert Fyda.

Mr Fyda said the committee met on January 12 and reviewed our social media metrics and discussed our public outreach strategy moving forward. Staff recommended adding Instagram to the media mix, adding focus to board or staff participation in on-campus events for undergraduate engineers and land surveyors, and to move away from developing a Speakers Bureau.

Mr Spata said, relating to outreach, that he had been involved in the judging of UNLV engineering school senior projects and would be judging an upcoming Future Cities competition. He said the UNLV event was a great experience and it was a good opportunity to do outreach on professional licensure. Mr Spata added that organizers of both events mentioned that they were always looking for professionals to help mentor the groups and he encouraged board members to participate when their

schedules allowed.

Mr Mamola said that board member participation in mentorship and judging STEM competitions would make for good content for the board's social media platforms.

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

Mr Gingerich said the committee met on December 8, 2022, to review and approve another batch of regulations to move forward in the public process. He said a meeting is scheduled for January 23rd for the committee to consider amendments to regulations still outstanding.

18. 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 gave an overview of the executive orders issued by Governor Lombardo. She added with the continual review work this board has done relating to regulations and the focus on efficiency with endorsement licensure, the report should be an opportunity to highlight the great work that has been done.

Mr MacKenzie added that the board has been very progressive and that a lot of the dialogue in the required reporting will be about highlighting our processes and the progress made to date about the efficiency of endorsement licensure.

Ms Mamola said staff would review the orders and prepare action items and a schedule for consideration at the February 1, 2023, Legislative Committee meeting. (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. There were no questions from the board.

20. Discussion and possible action on meeting dates.

Ms Mamola asked if there was any objection in moving the September 2023 Las Vegas board meeting from the 14th to the 21st. There was no objection. Ms Mamola said she would update the board meeting calendars and send out revised e-calendar meeting invites. (ACTION Item)

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.

Mr Gingerich requested that the board consider Tonopah as a location for its next rural board meeting.

Ms Mamola said that it is noted for future consideration. (ACTION Item)

22. Public comment.

Mr Sobol, an applicant for civil engineering licensure, indicated that he wanted to use public comment to expand on his civil engineering experience.

Ms Mamola reminded Mr Sobol that as previously advised, the experience would need to be described in written form and added as a supplement to his application. It would then be forwarded to Mr DeSart who was designated by the board to consider if the experience was adequate for licensure.

Mr MacKenzie advised Mr Sobol that the board could not take action now based on public comment.

Mr Sobol acknowledged but continued to give an overview of his civil engineering experience. He added that he would forward a narrative as an addendum to his application.

23. Adjournment.

Mr Kidd thanked the board members for their participation and adjourned the meeting at 10:45 am.

Respectfully,

Patty Mamola
Executive Director