

**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, November 17, 2022, at 9:30am**

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 and Greg DeSart, PE; Brent Wright, PE/SE. Board member Lynnette Russell, PE, was absent. Also present 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.**

**3. Public comment.**

There was no public comment.

**4. Introductions.**

Board members, the board guest, and staff introduced themselves.

Following introductions, 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.*

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

There were no waivers to be considered.

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

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

22-63 A motion was made by Ms Purcell, seconded by Mr DeSart to approve the initial licensure applications contained in the board packet with recommendations noted. The motion passed unanimously. Mr Gingerich was recused on the PLS applicant as the applicant works for him. Ms Russell was absent for the vote.

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

22-64 A motion was made by Ms Purcell, seconded by Mr Fyda 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 September 15, 2022, board meeting minutes.**

22-65 A motion was made by Mr Spata, seconded by Mr DeSart to approve the September 15, 2022, board meeting minutes. The motion passed unanimously. Ms Russell was absent for the vote.

**8. Discussion and possible action on approval of October 13, 2022, interim board meeting minutes.**

22-66 A motion was made by Mr Fyda, seconded by Mr Spata to approve the October 13, 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. September 2022**

**b. October 2022**

Ms Mamola reviewed the September 2022 and October 2022 financial statements as presented in the

board packet. There were no questions from the board.

22-67 A motion was made by Ms Purcell, seconded by Mr Gingerich to approve the September 2022 and October 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	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 still been no movement from Mr Mercado toward addressing the outstanding items in his stipulated agreement. Mr Blaney said Mr Preator is also not current with the terms of his stipulated agreement with the board. He added Mr Preator had appeared before the board for non-compliance in January of this year.

There was a brief discussion on a possible course of action among the board members.

Mr MacKenzie said the stayed suspension of Mr Preator's license required compliance with the terms of his stipulated agreement. He recommended a notice of hearing be sent to Mr Preator to give him the opportunity to be heard. The board can then decide on the removal of the stay of suspension. Mr MacKenzie said he would prepare and send the notice to Mr Preator. (ACTION Item)

Mr MacKenzie said with the continued non-compliance by Mr Mercado it could be considered a violation of a board order. He added with the original period of probation is scheduled to end in the middle of next year and we may need to consider a formal complaint and hearing.

Ms Mamola suggested staff and Mr MacKenzie meet to discuss the next steps with Mr Mercado. (ACTION Item)

**11. Discussion and possible action on 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.**

Ms Mamola said feedback was finally received on the proposed language in our bill draft request (BDR). She said there is a concern from some parties that the proposed language is expanding the definition of the practice of engineering – which is definitely not the intent. Some alternate language has been proposed by those concerned, but it removes current language in the statute which is problematic. Ms Mamola said her recommendation is the board pause pursuing amended language and withdraw the BDR. She added more consideration and collaboration is needed prior to revisiting a proposed amendment at a future legislative session.

22-68 A motion was made by Mr DeSart, seconded by Mr Gingerich to pause the amendment to the statute and withdraw the BDR and reconsider for the 2025 legislation session. The motion passed unanimously. Ms Russell was absent for the vote.

Ms Mamola asked Ms Fisher to begin the process of withdrawing the bill draft request. (ACTION Item)

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

Mr MacKenzie said he did not have any pending items to report.

**13. Discussion and possible action on updated Board Rules of Practice.**

Mr MacKenzie reviewed the revisions made to the board’s Rules of Practice. He said the edits were made to reflect the amendments made to regulations relating to advisory committees. Mr MacKenzie answered board member questions relating to the revisions.

22-69 A motion was made by Mr Gingerich, seconded by Mr DeSart to approve the updated Board Rules of Practice. The motion passed unanimously. Ms Russell was absent for the vote.

Mr MacKenzie said with the board approval, the updated version would be filed with the Secretary of State’s Office. (ACTION Item)

Ms Mamola said following filing with the SOS, the current version will be replaced with the updated version on the board’s website. (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 items related to board members attending the NCESS Zone Meeting in April 2023 in Houston, TX.

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

**a. Administrative Procedures Oversight Committee, Chair Angelo Spata**

**i. Discussion and possible action on independent financial audit report for fiscal year 2021-2022.**

Ms Neilon gave an overview of the draft Financial Report presented in the meeting materials. She noted that the independent auditor's report has doubled in size from those in the past as some new auditing standards more clearly define responsibilities of auditors and responsibilities of management and requires that added assertions as to how the audit is conducted. Ms Neilon also noted and outlined the new standard for how leases are reported and made the board aware of future changes as to how subscription-based technology would be viewed and audited. Ms Neilon said the audit resulted in an unmodified opinion, which is the highest level of assurance that can be provided on a set of financial statements.

There were no additional questions from the board.

Mr Spata said the APOC committee reviewed the audit report and recommends board approval.

22-70 A motion was made by Mr Spata, seconded by Ms Purcell to approve the financial audit report for fiscal year 2021-2022. The motion passed unanimously. Ms Russell was absent for the vote.

**ii. Discussion and possible action on purchase of equipment in the amount of \$9,274.93 for three laptop computers and two docking stations to replace three existing laptop computers and one hard drive nearing end of use and to provide increased computing memory and speed.**

Mr Spata said the first item is really for informational purposes, out of necessity the purchase has already been made. He added Ms Mamola had presented the reasoning to APOC and the committee

agreed with her decision.

22-71 A motion was made by Mr Spata, seconded by Ms Purcell to approve (retrospectively) the amount spent on office computer equipment replacement. The motion passed unanimously. Ms Russell was absent for the vote.

Ms Mamola said, for clarification, we're not seeking a budget augmentation for the aforementioned and the following. We believe there is enough savings within the current budget to accommodate the added expenses but are seeking board approval for the expenses.

**iii. Discussion and possible action on Erlach quote for eliminating server and moving to a cloud-based solution.**

Ms Mamola gave background on the request for the cloud solution.

Mr Spata said APOC reviewed the details of the quote and recommends approval from the board.

22-72 A motion was made by Mr Spata, seconded by Ms Purcell to approve the quote and move forward in eliminating the server and moving to a cloud-based solution. The motion passed unanimously. Ms Russell was absent for the vote.

**iv. Discuss and possible action on CCS quote for purchasing and installing battery backup systems to support the Reno and Las Vegas office A/V systems.**

Mr Spata gave an overview of the request and that APOC recommends the board approve the quote.

22-73 A motion was made by Mr Spata, seconded by Mr DeSart to approve the quote for purchasing and installing battery backup systems to support the Reno and Las Vegas office A/V systems. The motion passed unanimously. Ms Russell was absent for the vote.

**b. Legislative Committee report, Chair Greg DeSart**

Mr DeSart reported the committee met on October 18 primarily just to get organized and come up with a game plan for moving forward. He said there was time spent talking about BDR 609, which the board voted to pull today. Mr DeSart said a list of regulations to be reviewed was put together and staff will do some research for the committee to consider at its next meeting.

Ms Mamola said the proposed regulation amendments from the PLS Standards of Practice Subcommittee will also be presented to LegComm at its next scheduled meeting. (ACTION Item)

**c. Professional Association Liaison Committee, Chair Brent Wright**

Mr Wright reported the committee had not met since the last board meeting. He said a meeting would be scheduled in the new year, either before the January or March board meeting. (ACTION Item).

**d. Public Outreach Committee, Chair Robert Fyda**

Mr Fyda said the committee had not met recently but had a meeting scheduled for January 12, 2023.

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

Mr Gingerich said the committee has not met since the last board meeting. The next meeting is scheduled for December 8, 2022, and he would report progress at the January 19, 2023, board meeting.

**16. Discussion and possible action on board liaison, Greg Dessert's report on City of Henderson Quality of Plan Submittal Task Force including consideration of industry's draft Quality of Plan Submittal Best Practices Manual.**

Mr DeSart gave an overview of the draft Quality of Plan Submittal Best Practices Manual. He said the document outlines two main factors, improving communication and standardizing the processes, where there is a role for the public agency and then there's a role for the design professional in each of those. Mr DeSart added, for clarification, that the document is not a Nevada Board document. The board was a resource in getting all the parties together and to initiate the discussion. Any board endorsement or acknowledgement would be to add credibility to the manual and help its circulation when finalized.

22-74 A motion was made by Mr DeSart, seconded by Mr Spata for the board to acknowledge and endorse this document. The motion passed unanimously. Ms Russell was absent for the vote.

Mr DeSart said the task force that put the manual together will be meeting again to approve the final version. He said following that, an announcement in the newsletter outlining the many industry and entity participants in the formation of the best practices outline, and the board endorsement, would help gain acceptance and hopefully traction. (ACTION Item)

Ms Mamola said the document would be hosted on the board website as a resource and that she would connect with some of the building official associations to introduce the guide. (ACTION Item)

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

**board related matters.**

Ms Fisher gave an overview of the state's mid-term election results. There were no questions from the board.

**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 meeting dates through November 2023. There were no questions from the board.

**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 adjourned the meeting at 11:15 am.

Respectfully,

Patty Mamola  
Executive Director