

**NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
**Minutes of the Regular Board Meeting**  
**Held 8:30am Thursday, July 20, 2023, at the TownPlace Suites,**  
**2625 Jennings Way, Elko, NV 89801**

Board members participating were Chairman Angelo Spata, PE; Vice Chair Brent Wright, PE/SE; Thomas Matter, public member; Robert Fyda, PE; Karen Purcell, PE; Michael Kidd, PLS; Matthew Gingerich, PLS; Greg DeSart, PE. Board member Lynnette Russell, PE, was excused. Also joining were Patty Mamola, Executive Director; Chris MacKenzie, Board Legal Counsel; Murray Blaney, Operations/Compliance; Jasmine Bailey, Licensing Specialist; and Derek Vogel, Communications/Compliance. Board guests were Robert Thibault, PE/PLS, and Sami Yousef, PE.

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

The meeting was called to order by Mr Spata, and quorum was determined. Mr Spata then 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 attendees rose for the pledge of allegiance.

**3. Public comment.**

There was no public comment.

**4. Introductions.**

All board members, staff, and board guests 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 Taha Alamin applying for control system engineering licensure.

23-48 A motion was made by Ms Purcell, seconded by Mr DeSart to approve the waiver request. The motion passed unanimously. Ms Russell was absent for the vote.

Mr Gingerich recommended denying the request to waive NRS 625.270 (3) made by Edward Rodriguez applying for land surveying licensure. He said that the board doesn't have statutory authority to waive the four-year degree requirement for licensure. Mr Gingerich added Mr Rodriguez could re-apply after fulfilling the degree requirement that includes a minimum of 30 units of advanced surveying education.

23-49 A motion was made by Mr Gingerich, seconded by Mr Kidd to deny 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 twenty applications in the board packet for initial licensure and recommendations were made.

23-50 A motion was made by Mr Spata, seconded by Ms Purcell to approve the applications for initial licensure contained in the board packet with recommendations noted (with the exception of the denied waiver request). The motion passed unanimously. Ms Russell was absent for the vote.

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

23-51 A motion was made by Ms Purcell, seconded by Mr Fyda to approve the applications for initial licensure contained in the board packet with recommendations. The motion passed unanimously. Ms Russell was absent for the vote.

**7. Discussion and possible action on approval of May 11, 2023, board meeting minutes.**

23-52 A motion was made by Mr Gingerich, seconded by Mr Kidd to approve the May 11 2023, board meeting minutes with edits to be made as noted by Mr Thibault. The motion passed unanimously. Ms Russell was absent for the vote.

**8. Discussion and possible action on approval of June 8, 2023, interim board meeting minutes.**

23-53 A motion was made by Ms Purcell, seconded by Mr DeSart to approve the June 8, 2023, interim board meeting minutes. The motion passed unanimously. Ms Russell was absent for the vote.

**9. Discussion and possible action on financial statements.**

**a. April 2023.**

**b. May 2023.**

**c. June 2023.**

Ms Mamola reviewed the April 2023, May 2023, and June 2023 financial statements as presented in the board packet and provided clarifications for the board.

23-54 A motion was made by Mr Kidd, seconded by Mr DeSart to approve the April 2023, May 2023, and June 2023 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 ten (10) open compliance case files. There were no questions from board members.

**b. Consideration of probation reports:**

Dooley Riva, PE #18231	Ali Fakih, PE #28788
Jason Caster, PLS #19338	Lynn Affleck, PE #7676
Lazell Preator, PE #14982	Douglas Fellenz, EI #OT8691
Robert Mercado, PLS #10352	Armando Monarrez, PE #19652
Timothy Prockish, PE #12931	

Mr Blaney reviewed the status of licensees currently on probation. He said Mr Fakih had fulfilled the terms of his stipulated agreement with the board and the probation status will be removed from his Nevada license. Mr Blaney reported that Mr Preator was not currently in compliance with his settlement with the board. He added that although his license is currently suspended, he is still required to abide by the terms of the stipulated agreement.

The board discussed possible next steps regarding Mr Preator's non-compliance. Mr MacKenzie outlined the options for the board and suggested it be considered as an agenda item for the next

board meeting. (ACTION Item)

**11. Discussion and possible action on stipulated agreement for Mark Johnson, PE, license number 19830, complaint number 20220004.**

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. There were none.

23-54 A motion was made by Mr DeSart, seconded by Mr Wright to approve the stipulated agreement for Mark Johnson, PE, license number 19830, complaint number 20220004 as presented. The motion passed unanimously. Ms Russell was absent for the vote.

**12. Discussion and possible action on stipulated agreement for Buckley Blew, PLS, license number 24520, complaint number 20230004.**

Mr MacKenzie reviewed facts and the proposed terms of the stipulated agreement as shown in the board meeting packet.

23-55 A motion was made by Mr Kidd, seconded by Mr Fyda to approve the stipulated agreement for Buckley Blew, PLS, license number 24520, complaint number 20230004 as presented. The motion passed unanimously. Ms Russell was absent for the vote.

**13. Discussion on Board Counsel Report.**

Mr MacKenzie said other than comment on agenda item 18, which he would hold until then, the formalization of an employee handbook was still in his court. He said a draft would be forwarded to Ms Mamola for consideration by the appropriate committee before the next board meeting. (ACTION Item)

**14. Discussion and possible action on administrative report by Executive Director.**

**a. Approved licensees report.**

Ms Mamola reviewed the approved licensee report as presented in the board packet.

**b. Action items related to the 2021-2025 Strategic Plan.**

Ms Mamola asked if there were any questions relating to the strategic plan. There were none.

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

**i. Annual Meeting Conference Report and Action Items.**

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. Several items were discussed and a consensus to be taken forward to the NCEES annual meeting was reached. Ms Mamola added that the outcome of the voting items at the annual meeting will be reported at the September 21, 2023, board meeting. (ACTION Item)

**15. Discussion and possible action on continuing financial audit services with Casey Neilon for an additional three years at \$16,500 for 2023 audit, \$17,500 for 2024 audit, and \$18,500 for 2025 audit, for a total contract amount of \$52,500.**

Ms Mamola reviewed the proposal as presented in the board meeting materials for re-contracting with current independent auditors Casey Neilon.

23-56 A motion was made by Ms Purcell, seconded by Mr Kidd to approve the contract for continuing financial audit services with Casey Neilon for an additional three years at \$16,500 for 2023 audit, \$17,500 for 2024 audit, and \$18,500 for 2025 audit, for a total contract amount of \$52,500. The motion passed unanimously. Ms Russell was absent for the vote.

**16. 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 and he had nothing to report.

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

Mr DeSart said the committee had not met recently. He added with the moratorium on regulations lifted a meeting would need to be scheduled before the next board meeting. (ACTION Item)

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

Mr Wright said since he was unable to attend the last meeting asked that Mr Gingerich give the report.

Mr Gingerich said the bulk of the meeting was an overview by Dr James of projects by the UNLV civil engineering capstone class. He added that a follow-up on the topic would be discussed at the next PAL meeting.

**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. He added that a meeting will be held before the next board meeting to review the past activities and to consider plans for the next year.

Mr DeSart suggested the committee discuss outreach opportunities when board meetings are held rurally (Elko, Tonopah etc.) and consider piggyback outreach while the board is these locations and visit engineering or land surveying related groups. The committee could consider what could be done around the 2024 Tonopah meeting as part of public outreach. (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 and he had nothing to report. He added that a meeting will be held before the next board meeting considering regulation review and amendment has been given the go-ahead again.

**17. Discussion and possible action on board committee assignments for fiscal year 2023-2024.**

Mr Spata reviewed the committee assignments as presented in the board packet.

**18. Discuss legislative and regulatory matters with board's government liaison, Susan Fisher.**

Ms Mamola said Ms Fisher sends her apologies for being unable to attend the meeting.

Ms Mamola reviewed the end of session legislative report that had been prepared by Ms Fisher. She highlighted areas relating to open meeting law, regulatory review reporting requirements, and applicant background checks that were relevant to the board. Ms Mamola recognized the work done by Ms Fisher and Mr MacKenzie during the regular and special legislative sessions.

Ms Mamola highlighted AB 431 for the board and asked Mr MacKenzie to give an overview of the intent.

Mr MacKenzie gave summary of his interpretation of the intent of proposed oversight by Business and Industry and answered questions from the board.

Ms Mamola said, as mentioned previously in the committee reports, the moratorium on regulation changes had been lifted by executive order. She said the plan was to now move ahead with the process for amendment and repeal of the regulations that had been previously proposed including those proposed to be amended or repealed in the reports to the Governor.

Mr Gingerich asked if work previously conducted in the public process could be used in moving the proposed regulations changes forward.

Mr MacKenzie said that it was worth asking the question of the LCB. He said the work done was based on intent to make changes as opposed to just exploring change. He recommended staff check with LCB. (ACTION Item)

**19. Consider any bill draft requests proposed by the Legislature to amend Nevada Revised Statutes related to regulatory boards and/or changes to Nevada Revised Statutes chapter 625, 329, and 327.**

Ms Mamola said there was nothing to report at this time.

**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. There were no questions from the board.

**21. Discussion and possible action on meeting dates.**

Ms Mamola said future meetings were outlined in the board packet and that any new dates added would be emailed, including upcoming NCEES western zone (Bozeman, MT) and annual meetings (Chicago, IL), as schedule reminders for board members to add to their calendars. (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.**

Ms Mamola said that the electronic submittal digital signatures discussion was held off until the September board meeting.

Mr DeSart noted that some state agencies are not accepting electronic submittals – which seemed cumbersome given the availability of technology today. He asked that some form of outreach be considered.

Ms Mamola said she was aware that several agencies, at last check, did not have the capabilities to review electronic submittals. She said she would check to see if that situation had changed. (ACTION Item)

No other topics were put forward.

**23. Public comment.**

Mr Spata said although Ms Russell was not able to attend this meeting, he would like to thank her for her service to the board.

Ms Mamola said Ms Russell had asked her to speak on her behalf, and that Ms Russell appreciated and truly enjoyed her experience serving on the board and she's very grateful for the experience and wanted to express her gratitude to the other board members for their camaraderie and support.

Mr DeSart asked that consideration be given to reinstating some form of recognition for retiring board members. Recognition events had been put on hold by the pandemic. (ACTION Item)

**24. Adjournment.**

Mr Spata thanked the board members for their participation and adjourned the meeting at 10:50 am.

Respectfully,

Patty Mamola  
Executive Director