

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 89102
on Thursday, November 16, 2023, at 10:15am

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

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

Mr Spata called the meeting to order, and a quorum was determined.

2. Pledge of Allegiance.

3. Public comment.

Aaron Blaisdell, PLS

I'm a PLS board member from Washington State, and I'm coming before you in public comment. I was recently nominated by the Washington State Board for the position of NCEES Western Zone Vice President. I am encouraged by a lot of great ideas and really great people, many of whom are in this room, specifically on your board, or have been involved with NCEES for quite some time.

One of the things that I am actively seeking and once elected to the Western Zone Vice President position is to really build on that prior commitment of fellow board members of collaboration with neighboring states. It's the using and the building on the resources of NCEES, dealing with investigations, which is a very taxing issue sometimes, but really what other resources are out there and build those resources together. I'm going to be fostering and asking people, some of you are in this room, I'm going to be asking you to really help out and share your knowledge of what things work. Unfortunately, there are things that have not worked and so I want to encourage participation.

One of the things that I've done with being nominated by the Washington State Board is I've been attending Western Zone specifically for meetings and there are quite a number of similarities across all of our boards that are really the pain points that we need to recognize. Being heard is one of the things that we need within our zone, and we are one of the, if not the most active zones within the organization so I want to make that available to continue.

So again, I appreciate the time this morning. I'm really looking for your support and with that I can certainly be available for questions. I believe that the board has my contact information as well, so thank you.

Elizabeth Johnston, PE

I'm a registered electrical and fire protection engineer in the state of Alaska. I'm the current NCEES Assistant Zone Vice President, and I'm calling you today because I am running for a position with NCEES. I'm running for the position of NCEES President-elect, and I just wanted to reach out and ask for your vote.

I have always found the volunteer spirit of your state to be really inspiring. When I was reviewing your meeting minutes from prior years, I saw that you're a very active board, and I know that I've stolen some things from the Nevada board. I used your electronic submittal digital signature guide that you guys put together to work on some very similar things for the Alaska board. And I just love it when I can take lessons from one board and apply them to my own. And I am available to answer your questions but thank you for your time.

4. Introductions.

Board members and staff introduced themselves.

Mr Spata 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.

Mr Gingerich recommended approval of the request to waive NRS 625.270 (2)(b) made by Aaron Martinez applying for land surveying licensure.

23-67 A motion was made by Mr Gingerich, seconded by Ms Purcell to approve the waiver request. The motion passed unanimously.

Ms Purcell recommended approval of the requests to waive NRS 625.183 (4)(b) and NRS 625.390 (2) (a) made by Alison Hall and John Bigda both applying for fire protection engineering licensure.

23-68 A motion was made by Ms Purcell, seconded by Mr Fyda to approve the waiver requests.
The motion passed unanimously.

Ms Purcell recommended approval of the requests to waive NRS 625.183 (1)(a) made by Jesus Ferrer applying for control systems engineering licensure.

23-69 A motion was made by Ms Purcell, seconded by Mr Matter 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 twenty applications in the board packet for initial licensure and recommendations were made.

23-70 A motion was made by Mr Matter, seconded by Mr Gingerich to approve the applications for initial licensure contained in the board packet with recommendations noted. The motion passed unanimously.

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

23-71 A motion was made by Mr Wright, seconded by Ms Purcell to approve the applications for initial licensure contained in the board packet with recommendations noted. The motion passed unanimously.

7. Discussion and possible action on approval of September 21, 2023, board meeting minutes.

23-72 A motion was made by Mr Wright, seconded by Mr DeSart to approve the September 21, 2023, board meeting minutes. The motion passed unanimously.

8. Discussion and possible action on approval of October 12, 2023, interim board meeting minutes.

23-73 A motion was made by Mr Matter, seconded by Mr Dixon to approve the October 12, 2023, board meeting minutes. The motion passed unanimously. Ms Purcell abstained as she was

not present at the meeting.

9. Discussion and possible action on financial statements:

a. July 2023

b. August

c. September

Ms Mamola reviewed the July, August, and September 2023 financial statements as presented in the board packet and provided clarifications for the board.

23-74 A motion was made by Mr DeSart, seconded by Mr Gingerich to approve the July, August, and September 2023 financial statements. The motion passed unanimously.

10. Discussion and possible action on compliance reports by Compliance Officer.

Compliance officer report on complaints being investigated. Mr Blaney reported on the status of the nine (9) open compliance case files. There were no questions from board members.

b. Consideration of probation reports:

Dooley Riva, PE #18231	Buckley Blew, PLS #24520
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	Mark Johnson, PE #19830

11. Discussion on Board Counsel Report.

Mr MacKenzie reviewed the compliance cases he was reviewing and outlined a timeline on when the complaints would be presented for board consideration.

12. 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 and answered questions from board members.

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

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

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

Ms Mamola said the dates and times for the upcoming NCEES Western Zone meeting have been finalized. The event (in Bozeman, MT) begins with a welcome reception on Thursday May 16, 2024, at 6PM and concludes early afternoon on Saturday May 18, 2024. After discussion, Ms Purcell, Mr Kidd, and Mr Matter were designated as the funded delegates from Nevada. Ms Mamola said the other board members should register directly through the notification email from NCEES. She added that staff can assist with registration and travel as needed.

13. Discussion and possible action on board committee reports.

a. Administrative Procedures Oversight Committee, Chair Brent Wright

Mr Wright reported the committee met on October 3, 2023, to review the first draft of the personnel policy manual. He said the committee provided input and Mr MacKenize and Ms Mamola are going to revise and present a second draft for APOC to consider at the next scheduled meeting.

Ms Mamola said the goal is to have a revision for the committee to consider in January 2024, and then forward to the board for ratification at the full board meeting that same month. (ACTON Item)

b. Legislative Committee report, Chair Greg DeSart

Mr DeSart said the committee met yesterday and considered two items. The first being a presentation deck compiled by Mr Fyda – and presented by Ms Mamola as he was unable to attend – which explored the issues involved in relating to licensure and emerging technologies. He said Mr Fyda is the lead on developing a position statement for the board regarding alternative licensure models. Mr DeSart said from the discussion during the presentation a couple of action issues emerged. The first being the consideration of an NRS/NAC amendment relating to the supervisory requirement that two of the four years requirement experience be under a PE in the same discipline – something that we see often as a waiver request that almost always is approved; and the second, looking into a possible hybrid model for licensure where the traditional disciplines (CE, ME, EE etc) remain as they are now – licensed by discipline - and a general PE category is added to address emerging categories like bio-medical and robotics engineering.

Mr DeSart said the second main agenda item for the meeting was the review of the draft Small Business Impact Statement following the SBI survey results. He said the draft statement was

discussed and the committee agreed with the findings as presented.

c. Professional Association Liaison Committee, Chair Matt Gingerich

Mr Gingerich reported that the committee had met this morning and an item of note, reported by UNLV, was the strength of enrollment in engineering programs; where they are seeing growth, particularly from Nevada residents.

d. Public Outreach Committee, Chair Karen Purcell

Ms Purcell said the committee had not met since the last board meeting.

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

Mr Gingerich said the sub-committee had not met since the last board meeting, but was scheduled to meet December 5, 2023, to consider the technical comments generated by the Small Business Impact Survey.

14. Discussion and possible action on independent financial audit report for fiscal year 2022-2023.

Ms Mamola said the item relates to the consideration of the independent audit of the past fiscal year by Casey Neilon the auditing CPAs retained by the board. She said Ollis Brown, the lead auditor, has joined the meeting and will review the report and answer any questions from board members.

Mr Brown gave an overview of the draft Financial Report presented in the meeting materials. He highlighted changes to governmental accounting standards that impacted the report and explained adjustments as to how deferred revenue is calculated and reported and noted an adjustment had been made to the prior period reporting. Mr Brown 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 questions from the board.

23-75 A motion was made by Ms Purcell, seconded by Mr Fyda to approve the financial audit report for fiscal year 2022-2023. The motion passed unanimously.

15. Consider survey results and Small Business Impact study related to proposed updates to Nevada Administrative Code chapter 625, also consider draft schedule for adopting regulations.

Ms Mamola said this item relates to the Small Business Impact survey and required Small Business

Impact Statement for the proposed regulation amendments. She said the survey results and draft statement were included in the board packet for review and consideration. Ms Mamola added that the Small Business Impact Statement requires board approval before it can be included with the Notice of Public Workshop.

Mr Spata asked if there any comments or question from board members.

Mr DeSart said something that was discussed at the Legislative Committee meeting, although there were not many respondents and comments in general relative to the number of licensees the survey was sent to, comments that were received centered around NAC 625.545 and changing the word “date” to “scheduled”. He said it appeared that some respondents interpreted “schedule” as requiring something very detailed like a full Gantt chart. Mr DeSart said the committee discussed and the intent, using an example, is something as simple as “the work will be completed one month after we get this piece of information”. He said something that simple is still a schedule and gives the client an indication of the timeframe.

Mr Wright said often licensees are sub-consultants and require the completion of tasks by others and can only work as fast as the client provides the needed work product or information.

Mr DeSart said the committee agreed that “schedule” was more applicable as sometimes a date is too specific. He added staff and board members attending will be prepared to give examples of the intent if questions or comments arise during the public workshops.

23-76 A motion was made by Ms Purcell, seconded by Mr Gingerich to approve the Small Business Impact Statement as presented. The motion passed unanimously.

Ms Mamola gave an overview of the schedule for the public process in adopting the regulation changes as outlined in the board packet. She said public comment for the workshops will be gathered and presented to LegComm and the PLS Sub-committee as needed to consider the need for any revisions. (ACTION Item)

16. Discussion on process and schedule for updates to Nevada Administrative Code chapter 625 related to Governor Lombardo Executive Orders 2023-003 and 2023-004.

Ms Mamola reviewed the status of the regulations relating to the governor’s executive orders. She said the draft language for all but one of the R-files had been received back from the LCB and staff have completed an initial review. Ms Mamola added that after all R-file has been received from the LCB and reviewed and approved by the board, an Intent to Adopt Regulations Hearing would be scheduled. (ACTION Item)

17. Board training on Nevada Open Meeting Law.

Mr MacKenzie presented a PowerPoint training for the board on Nevada Open Meeting Law.

18. Discussion and possible action on information provided by government liaison representative from McDonald Carano related to Nevada's legislative and regulatory matters and any associated board matters.

No report. Ms Fisher was excused from the meeting.

19. Discussion and possible action on status of Board and staff assignments.

Ms Mamola reviewed the status of board and staff assignments. There were no questions.

20. Discussion and possible action on meeting dates.

Mr Dixon said he had a conflict with the January 2024 board meeting date.

After a brief discussion on board member availability, Wednesday January 24, 2024, at 8:30am was decided as the new date and time. Ms Mamola said a calendar invite would be sent out as a reminder. (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.

Ms Mamola suggested that the topic of NCEES Western Zone elections for Zone VP and President-elect, which comes from Western Zone, be added to the March 2024 board meeting agenda. She added the candidate information should be available by late February, and if the board wishes, the candidates can be invited to join the meeting to answer questions. (ACTION Item).

Mr Gingerich put forward that the with the NCEES decision on modules for the national PLS exam, an agenda item for the board or legislative committee be added to consider impacts on Nevada statutes and regulations.

Mr Spata suggested that the impacts first be explored by LegComm, and the item be added to a future committee agenda when details from NCEES are available. (ACTION Item)

Mr Wright added that board PLS members should be invited to attend the LegComm discussions. (ACTION Item)

22. Public comment.

There was no public comment in-person, via email, or virtually.

23. Adjournment.

Mr Spata thanked the board members for their participation and adjourned the meeting at 12:25 pm.

Respectfully,

Patty Mamola
Executive Director