

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 21, 2023, at 8:30am

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; and Jay Dixon, PE. Board Member Matthew Gingerich, PLS, was excused.

Also participating were Patty Mamola, Executive Director; Chris MacKenzie, Board Legal Counsel; Murray Blaney, Operations/Compliance; Jasmine Bailey, Licensing Specialist; Derek Vogel, Communications/Compliance; and Ed McGuire, Professional Standards .

Board guests were Gerald Gunny, PE/SE, and Rebecca Diggins, PE/SE.

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, Jay Dixon.

2. A quorum was determined.

It was determined a quorum was present.

3. Pledge of Allegiance.

All stood for the pledge of allegiance.

4. Public comment.

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

5. 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.

There were none.

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

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

23-59 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. Mr Gingerich 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.

23-60 A motion was made by Mr Fyda, seconded by Ms Purcell to approve the applications for initial licensure contained in the supplement to the board packet with recommendations noted. The motion passed unanimously. Mr Gingerich was absent for the vote.

7. Discussion and possible action on approval of July 20, 2023, board meeting minutes.

23-61 A motion was made by Mr Kidd, seconded by Mr Fyda to approve the July 20, 2023, board meeting minutes. The motion passed unanimously. Mr Gingerich was absent for the vote.

8. Discussion and possible action on approval of August 10, 2023, interim board meeting minutes.

23-62 A motion was made by Mr Fyda, seconded by Ms Purcell to approve the August 10, 2023, board meeting minutes. The motion passed unanimously. Mr Gingerich was absent for the vote.

9. Discussion and possible action on financial statements.

a. July 2023

b. August 2023

The financial statements were not finalized in time for the meeting, will be presented at the November board meeting.

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 eight (8) 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

Mr Blaney reviewed the status of licensees currently on probation.

11. Discussion and possible action on delegation of formal hearings to a hearing officer, Nevada Revised Statute 625.150 (5).

Ms Mamola said this item relates to SB 431 and discussions with those involved with Business and Industry. One of the main themes coming out of the legislation is the need for uniformity in how boards handle disciplinary actions, and the preference is for the use of hearing officers. Ms Mamola added that the contractor's board process was been suggested as a model.

Mr MacKenzie said he had a knowledge of the format the contractors board follows. He added the process for this board would be to explore what changes would be required to the Rules of Practice to facilitate a transition to using a hearing officer.

Ms Mamola said staff would work with Mr MacKenzie to gather information on the contractor's board process and draft proposed revisions to the Rules of Practice for the board to consider. (ACTION Item)

Mr Spata suggested that having a board member work with staff in the drafting process would prudent.

Ms Purcell volunteered to be the board liaison.

12. Discussion on Board Counsel Report.

Mr MacKenzie reported that we had a proposed stipulated agreement go out and it has been rejected by the licensee so we're in the process of drafting a formal complaint. Mr MacKenzie said he had been informed by the licensee that counsel had been retained, but not yet identified. He added since it's a southern Nevada matter it would probably be heard at the January board meeting.

13. 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 National Council of Examiners for Engineering & Surveying (NCEES)

i. Annual Meeting Conference Report and Action Items.

Ms Mamola said the annual meeting conference report and action items, and the resulting votes are included in the board packet for review. She asked if there were any questions. There were none.

Ms Mamola said an item of note was the approval of the PLSS module relating to the PS exam and the board would need to consider any required changes to our statutes and/or regulations closer to the time of NCEES's implementation of the new PLSS module.

14. Discussion and possible action on electronic submittals and digital signatures, Nevada Administrative Code chapter 625, NAC 625.610.

Ms Mamola said this item was added to the agenda at the request of the board following public comment at a previous board meeting. The commentor originally expressed frustration at Nevada regulations relating to electronic submittals and digital signatures, but after talking to him the underlying issue was the variance in requirements for submittals and signatures between entities. Ms Mamola added that a comment from yesterday's PAL meeting was along the same lines, about working toward a standardization of the electronic submittal and digital signature requirements among reviewing entities. She said it might be time to revisit the 1.0 version of the board's Electronic Submittal and Digital Guide to address more advanced issues that have come to light.

Ms Mamola said Mr McGuire had done some background research on electronic submittals, and we also have two guests from the City of Henderson who are well versed in the process who can speak to what works well and what not so well.

Ms Mamola asked Mr McGuire to report his findings to the board.

Mr McGuire (NVBPELS staff, Professional Standards)

I was asked to do some research, and I started with the quality of plan submittal group that came out of PAL. There were about 19 members who weighed in on that, so I emailed all of those plus a few extra. I think the good news is we didn't get a lot of response, because overall, it works. It turns out most of the comments that I got back were one entity loves it, one entity doesn't love it. And then I had a detailed conversation with a couple of entities.

Every entity has to decide how they're handling that electronic submittal in the routing, so I emailed some people directly, because I got so few responses and said, what do you think? I know you work in multiple offices and multiple places, and they said, no comment. I mean, it works. Any of the inconsistencies is part of my job to work out, so I had a number of consultants say, it's certainly not your regs that are the problem. One was pretty upset with a particular entity, so it's not anything that we could dictate how one entity does it versus another entity, but overall, it was an interesting comment. The people that work in multiple disciplines say, talk to the architects. They follow our lead, but they don't seem to care as much. I don't know if that's the right way to phrase that on the record, but in general, they weren't sweating that detail any more than they did with a rubber stamp. If it was stamped and signed, it's good enough.

The Contractors Board takes any electronic signature. There's no certificates or security required. One entity offered a suggestion that would certainly simplify everyone's life and has no security whatsoever with it. But if you wanted a suggestion, if someone was comfortable with the level of security, it's your seal, it's your signature. So, at the end of the day, they figured out their own problem, but it's interesting. It's not universal yet. I mean, it's out there, it's used by so many industries, but with some nuance.

Mr Gunny (City of Henderson, Fire and Safety Division, Structural Engineer)

As far as my experience, I do a lot of plan reviews with regards to building permits and I've seen a lot of electronic submittals, in the last few years. The City of Henderson Development Services Center requires all submittals to be electronically submitted at this time. And from my experiences, I would say 80 to 90 percent of the engineers are in compliance with the digital signature requirement from NAC 625.610.10. I would say the ones that are not are typically from out-of-state professional engineers, not familiar with our Administrative Code requirements. Also, I would say projects that have multiple engineering disciplines where they are trying to submit electronically and in one format where it's one single PDF where they have all the disciplines and format where we require a digital signature from each engineer record to be on the cover sheet presents problems as well.

Ms Diggins (City of Henderson, Fire and Safety Division, Structural Engineer)

I would say the only other issue we've had is that our internal software has sometimes removed the digital signature. It caused conflict with projects because the engineer had done their diligence by stamping but it was not processed due to the removal of the digital signature, so the owner/contractor

got involved. The City of Henderson has had some go-arounds to fix that issue. Other than that, I would agree with Gerald that 90% of the engineers are able to digitally sign with no issue.

Mr Gunny

A couple months ago we did have a problem with our internal permitting software where we would take the electronic submittals and then integrate them into our Bluebeam PDF for review for plans examiners. It was stripping the metadata and removing the engineer of record's digital signature, and that was a problem on our end. And once we discovered what was creating that, we resolved it and hasn't been an issue since then. But again, as far as recommendations would say, the board has a guide for how to properly do the digital signatures and it's available on the website for engineers as a resource. Again the biggest problems we have are submittals that have multi disciplines of engineering on them and they just can't take the time to follow the resource to be able to get each individual engineer's digital signature on the cover sheet.

Ms Purcell (Board Member)

So that situation like what are you typically seeing? Are you seeing like the last one that signed it digitally, you see that digital signature?

Mr Gunny

Typically, yes, we will see the lead project manager their digital signature on the cover sheet with the other engineering disciplines to see the electronic seal on it on the other respective plans.

Ms Purcell

Do you see where they attempted to digitally sign or not?

Mr Gunny

No.

Ms Purcell

So typically, just the the lead.

Mr Gunny

Exactly, yes.

Ms Purcell

Like the leads that will sign in and then the other disciplines are not digitally signed?

Mr Gunny

Exactly, yes. and then we would have a comment to provide the digital signatures of those other engineers and we recommend that they submit each discipline as a separate PDF, so that the engineer of record provides their digital signature to the cover sheet again. There is a way if they wanted to have a single PDF they could do it if they follow the recommendations and the guidelines, but what we're finding

is a lot of engineers are not necessarily taking the time to do that.

Ms Purcell

So, are you seeing some submittals that are multi-disciplined correct, like the way you have the cover sheet signed by all the disciplines?

Mr Gunny

No, I haven't seen any.

Ms Diggins

Our public works engineer was stating that the surveyors and the engineers usually have issues because one will have to digitally sign and send to the other but then that becomes an issue for them and so they have a screening before any documents come into the City of Henderson.

Ms Purcell

Okay thank you. So, the combining of disciplines sounds like it's an issue.

Mr Gunny

It's problematic. Yes definitely, there's a way to resolve it, but we're just not seeing it.

Ms Purcell

Sounds like they're not understanding how to use a portfolio function. On the line is Joey Ganser. Joey and I work in the same office, and we are electrical engineers, so we sign multi-disciplined drawings all the time. We sign our discipline and the mechanical signs for a building/structure, like the whole plan set. Joey has a little bit more experience as far as combining so I asked Joey if he would like to comment.

Mr Ganser (PK Electrical, Electrical Engineer)

My name is Joey Ganser I'm with PK electrical. Like Karen mentioned, we are usually the last ones to stamp and sign a set. When I receive a multidisciplinary set of drawings, and as the gentleman from Henderson was stating, the issue is not just following the procedure. What we do when we are part of a multidisciplinary package is the prime consultant will package everybody's drawings and have them include an image of everyone's stamp and signature, so there's no digital signature applied at that point, so that package is compiled and then the architect or the prime consultant will apply a blank stamp location on the cover sheet for each discipline. So once all of those signature boxes are applied to the cover sheets, then the set is sent around, and everybody simply applies their digital signature to their box, and there are no modifications made to the document after that point other than the existing signature boxes where the digital signatures are applied. So, it does not invalidate previous signatures. There are no markups or comments being added in between, and what you're left with is a complete multidisciplinary set with multiple digital signatures that remain valid.

Mr Kidd (Board Member)

Question for the folks that are using this and sounds like there is the ability for it to work. Are the guidelines from the board sufficient? Is there anywhere that could be improved or is it more messaging and getting people to understand how to use it?

Mr Gunny

I would say so. I would think it would be a great recommendation to remind all licensed engineers about the digital signature requirements, just to refresh the requirements and all new licensees to follow, to read and review the guidelines for their development.

Mr Ganser

I can interject, I know Ms Mamola had mentioned the task force that was put together that I was actually a part of as well. It probably isn't a terrible idea to revisit the existing guidelines that are now a year old. I think we've maybe learned a few things and we could enhance that guideline as a task force.

Mr Spata (Board Member)

I think that would be good, but it also sounds like at some level the agencies might have to have their own little white paper that supplements what they'll allow and not allow as well, in some cases.

Ms Mamola (NVBPELS staff, Executive Director)

Well, that was the reason we did the guide to hopefully have the agencies be consistent in how they applied their processes so that professionals wouldn't have to do something different for every agency. I think the guide doesn't talk specifically in a lot of detail about how to combine those documents. I don't remember doing it, and that's what we need to add—be more explicit about our instructions related to that. And now that we know more, we can do that, but I think reconstituting the committee would be helpful to do that. And then I think we can also re-engage the public agencies that have been doing it a while now and ask if they can consider getting on the same page of how implement electronic submittals.

Mr DeSart (Board Member)

I had a comment really quick. In these presentations that I've been making over the last couple years to different professional organizations I've had several people come back to me with feedback that they specifically would like the board to engage with the public about these things and provide interpretation and the opportunity to ask questions. And these are my words not theirs, but I guess kind of be spoon-fed information. And I would also be in support of—through public outreach—setting up some workshops, so both licensees and entities can get in the room and somebody from the board—somebody like Karen or maybe even Joey from PK—could get up there and say this is how we do it and this is how we make it work. I think reading a document is very useful and it's great to have as a reference guide but having somebody get up there and walk you through it through an example, I think would be insightful for a lot of these people that are still struggling.

Ms Diggins

The City of Henderson has been strictly enforcing the digital signature. We have heard other jurisdictions are not as strictly enforcing. We would like the board's opinion on as a jurisdiction does it fall in the jurisdiction to enforce that digital signature? Okay so it's the jurisdiction's responsibility to make sure all documents coming into the city are digitally signed or does it fall in the engineer who did not digitally sign?

Ms Mamola

Both. We've had to pick up the phone, and we're happy to call entities, if we become aware of entities violating the regulation. We're happy to call the agency and let them know they're violating the regulation and even if you're a non-engineer there's something in our statute where we could take action against a public official that knowingly/intentionally violates our statute. However we are not to that point, the bottom line is if they're accepting electronic submittals, they need to require a digital signature.

Mr Spata thanked those that participated in the discussion and asked Ms Mamola to outline how she sees the next steps that need to be taken to address the issues brought forward.

Ms Mamola said it would good to re-convene the task force that drafted the electronic submittal and digital signature guide to look at the issues highlighted in today's discussion – digitally signing a multiple discipline submittal and the entity intake requirements for electronic submittals. (ACTION Item)

Ms Purcell volunteered to be the board representative on the task force.

Ms Mamola added, relating to Mr DeSart's comment, the staff will work on developing some form of introductory in-person workshops/lunch and learns for licensees, giving hands guidance on preparing and digitally signing an electronic submittal. (ACTION Item) And as part of that larger process, engage with other stakeholder organizations that may have an interest. (ACTION Item)

15. Discussion and possible action on board committee reports.

a. Administrative Procedures Oversight Committee, Chair Brent Wright.

Mr Wright said the committee had not met since the last board meeting. He said the next meeting was scheduled for October 3rd at 3pm.

b. Legislative Committee report, Chair Greg DeSart.

i. Consider proposed updated regulations from the PLS Regulation Subcommittee, see list of regulations, Attachment A (green fill).

Mr DeSart said the committee met on September 13th and reviewed the regulations listed and are recommending approval by the board. He added that the regulations had come from a special sub-committee who had previously reviewed, proposed the amendments, and voted on their approval.

Regulations from the PLS Regulation Subcommittee

NAC 625.655 *Applicability of statutes and regulations.*

NAC 625.666 *Positional certainty: Horizontal and vertical components of certain land surveys.*

NAC 625.670 *Required research, identifications, measurements and computations.*

NAC 625.680 *Disagreements concerning measurements or positions of monumented corners.*

NAC 625.700 *Report to client of discrepancies concerning boundary lines.*

NAC 625.710 *Identification and description of monuments.*

NAC 625.720 *Drawing of survey; certification.*

NAC 625.740 *Classifications of surveys; use of classifications and requirements for positional certainty.*

NAC 625.760 *Contract drawings and specifications; special instructions.*

NAC 625.770 *Verification of location of certain points; notification of insufficient dimensions or details.*

NAC 625.775 *Positional certainties for marking locations of proposed fixed works.*

NAC 625.780 *Sketches, cut sheets and field notes.*

NAC 625.785 *Verification surveys: Exchange of information.*

NAC 625.790 *Preparation of legal description of property.*

23-63 A motion was made by Mr DeSart, seconded by Mr Fyda to approve the regulation changes as presented. The motion passed unanimously. Mr Gingerich was absent for the vote.

ii. Consider proposed updated regulations identified by board members and staff to comply with Governor Lombardo's Executive Orders 2023-003 and 2023-004, see list of regulations, Attachment A (blue fill).

iii. Consider proposed updated regulations identified by board members and staff, see list of regulations, Attachment A (yellow fill).

Mr DeSart said item ii related to regulations already reviewed by the board as part of the process required by the governor's executive orders issued earlier in the year. He said the regulations had been through public workshop and hearing process and had been adjusted based on feedback. He highlighted that item iii contained NAC 625.240, which was part of the executive order batch, but had additional edits made based on public comment from the April 20, 2023, hearing. Mr DeSart added the proposed change to NAC 625.545 come from the legislative committee and the regulation was unrelated to the executive orders.

Regulations from Executive Orders 2023-003 & 2023-004

NAC 625.210 *Application for licensure or certification; fees.*

NAC 625.230 *Applications for licensure in multiple categories or disciplines.*

NAC 625.240 *Licensure on basis of previous licensure in another jurisdiction; examinations; evaluation of applications; issuance of license.*

NAC 625.310 *Examinations: Generally.*

NAC 625.330 *Examinations: Notice and duty to appear.*

NAC 625.460 *Inactive status: Requirements for renewal of identification card.*

NAC 625.620 *Fictitious names.*

NAC 625.625 *Notice of change in licensee's employer, category or discipline.*

NAC 625.635 *Representation of parties; qualifications of attorneys.*

NAC 625.660 *Responsibility for compliance with standards of practice.*

NAC 625.668 *Positional certainty: Horizontal and vertical positions of monuments.*

NAC 625.690 *Location of corners, boundaries and monuments.*

NAC 625.765 *Establishment of final location of points.*

NAC 625.795 *Duties regarding geographic information systems.*

Regulations from the Legislative Committee

NAC 625.545 *Written contract required for each client.*

Mr DeSart said the regulations listed in 15.b.ii and 15.b.iii could be combined in to a single motion.

23-64 A motion was made by Mr DeSart, seconded by Mr Kidd to approve the regulation changes in 15.b.ii and 15.b.iii as presented. The motion passed unanimously. Mr Gingerich was absent for the vote.

iv. Consider education matrix for licensing of professional land surveyors per Nevada Revised Statutes chapter 625, NRS 625.270.

Mr DeSart said the last item that the committee considered is the staff prepared education matrix for licensing of professional land surveyors to give clearer direction and guidance about how to deal with a variety of different combinations of education and experience. He said there was good discussion, and the committee did request edits to the draft document. Mr DeSart said committee recommends approval of the matrix as presented.

Ms Mamola added that the document was in response to the board asking for this as the statute states a four-year land surveying degree acceptable to the board, and we've been flexible on what that looks like, and the board wanted written guidance, which provides transparency. We can put it on our website so there's no question about what the board is looking for when land surveyors are seeking licensure.

23-65 A motion was made by Mr DeSart, seconded by Mr Kidd to approve the education matrix for licensing of professional land surveyors as presented. The motion passed unanimously. Mr Gingerich was absent for the vote.

c. Professional Association Liaison Committee, Chair Matt Gingerich.

Mr Spata said that a PAL committee meeting was held yesterday (Sept 20) and was less well attended than normal because of a conflict with the APWA conference. He added that nothing of note related to the board was discussed.

d. Public Outreach Committee, Chair Karen Purcell.

Ms Purcell reported that the committee had met on September 12 to review social media metrics and analytics. She said the board's platforms have continued to see consistent growth over the last period. Ms Purcell said the committee discussed ramping up board member participation in presenting to industry groups, universities, and adding in some high school level presentations. She added staff would be available build presentation decks.

Mr DeSart said he had positive feedback from his presentation at the APWA conference and encouraged other board members to make themselves available to interested groups and build on the momentum created by in-person meetings post pandemic.

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

Mr Spata reported that most the items relevant to the committee were covered by Mr DeSart's Legislative Committee report.

16. Discussion and possible action on draft schedule for regulatory changes—regulations to comply with Governor Lombardo's Executive Orders 2023-003 and 2023-004, regulation changes related to PLS Standards of Practice Subcommittee and any other proposed regulation changes, see list of regulations, Attachment A.

Ms Mamola reviewed the schedule for moving forward with proposed regulatory changes approved earlier in the meeting. She reported the batch of regulations associated with the governor's executive orders were being packaged for review and drafting by the LCB legal division. Ms Mamola added that we hope to see draft language back by early December. Ms Mamola said the PLS regulations + NAC 625.545 would now move to the Small Business Impact review, with a survey being sent to licensees and a follow-up impact report drafted. She said a public workshop would then be held in early December to get additional input.

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

Mr Spata reviewed the revised committee assignments related to Ms Russell leaving the board and Mr Dixon's appointment to the board.

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

No report - Ms Fisher was unable to attend the meeting.

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 pending to report and there were no items put forward by the board.

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

Ms Mamola reviewed the status of board and staff assignments.

A discussion ensued about NDEP and the implementation of an electronic submittal process. It was agreed that Ms Mamola will reconnect with NDEP leadership to explore any areas of support the board could offer in helping them make the transition from paper submittals to electronic submittals.

(ACTION Item)

21. Discussion and possible action on meeting dates.

Mr Spata reviewed the upcoming schedule of meetings. There were no questions.

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.

There were no topics put forward.

23. Public comment.

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

24. Adjournment.

Mr Spata thanked the board members for their participation and adjourned the meeting at 10:20 am.

Respectfully,

Patty Mamola
Executive Director