

**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 Wednesday, January 24, 2024, 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; Jay Dixon, PE; and Matthew Gingerich, PLS.

Also participating were Patty Mamola, board staff; Chris MacKenzie, board legal counsel; Murray Blaney, board staff; Jasmine Bailey, board staff; 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.**

**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.**

Ms Purcell recommended approval of the request to waive NRS 625.183 (4)(b) made by Jesse Reek

applying for electrical engineering licensure.

24-01 A motion was made by Ms Purcell, seconded by Mr Fyda to approve the waiver request. The motion passed unanimously.

Mr DeSart recommended approval of the requests to waive NRS 625.183 (4)(b) and NRS 625.390 (2) (a) made by John DeWolff applying for environmental engineering licensure, with the caveat that three (3) additional months of supervision under a licensed PE (ENVE) be completed in good standing before licensure is granted.

24-02 A motion was made by Mr DeSart, seconded by Mr Wright to approve the waiver requests with the recommendations as noted. The motion passed unanimously. Mr Fyda abstained from the vote.

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

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

24-03 A motion was made by Mr Kidd, seconded by Mr Matter to approve the applications for initial licensure contained in the board packet with recommendations noted. The motion passed unanimously.

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

24-04 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 noted. The motion passed unanimously.

**7. Discussion and possible action on approval of November 16, 2023, board meeting minutes.**

24-05 A motion was made by Mr Matter, seconded by Ms Purcell to approve the November 16, 2023, board meeting minutes. The motion passed unanimously.

**8. Discussion and possible action on approval of December 14, 2023, interim board meeting minutes.**

24-06 A motion was made by Mr Gingerich, seconded by Mr DeSart to approve the December 14,

2023, board meeting minutes. The motion passed unanimously.

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

**a. October 2023**

**b. November 2023**

**c. December 2023**

Ms Mamola reviewed the October, November, and December 2023, financial statements as presented in the board packet and provided clarifications for the board.

24-07 A motion was made by Ms Purcell, seconded by Mr Kidd to approve the October, November, and December 2023, financial statements. The motion passed. Mr Matter was not present for the vote (he stepped out of the room at 9:00am).

**10. Discussion and possible action on compliance reports by board staff.**

**a. Board staff report on complaints being investigated.**

Mr Blaney reported on the status of the seven (7) 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 reported on the status of licensees currently on probation. He noted that Mr Preator is not in compliance with the terms of his stipulated agreement with the board. Mr Blaney said Mr Affleck and Mr Fellenz have fulfilled the terms of their respective Decision and Orders, will be released from probation with the board upon board acceptance of their probation reports. He added that Mr Johnson recently completed the NAWT training as required by his stipulated agreement.

**11. Discussion on Board Counsel Report.**

Mr MacKenzie gave a brief overview of the items he is working on. There were no questions from the

board.

**9:30 am**

**12. Formal hearing and possible disciplinary action related to complaint number 20230019, Lazell Preator, PE, license number 14982.**

Deputy Attorney General Chricy Harris introduced herself for the record.

Ms Harris asked if Mr Preator was present or connected online.

Ms Mamola confirmed that Mr Preator was not present and not connected virtually or by telephone.

Ms Harris said we received an update yesterday from Mr Preator via email. In his email submitted to board staff, he provided that he would not be able to attend today's disciplinary hearing. He is currently outside of Las Vegas and due to current storms, he has determined that it would not be safe for him to travel. Also in the email, he made representations that amount to admissions of the alleged facts on the complaint. He's also clarified in his email that he understands that he's violated the terms of his suspension and that he also understands that he cannot work as an engineer until such time as he's able to meet with the board. So based on those representations, and serving as board counsel for this particular item, she recommended that the board continue this disciplinary hearing matter to a time that works not only just for the board but for Mr Preator. Ms Harris added this continuance is to give him the opportunity to make appearances because even though we have admissions of the allegations of fact in the complaint, he may not necessarily be in agreement with whatever discipline the board should impose. Ms Harris said we will need a motion to grant the continuance and then it was her recommendation for board counsel to re-notice to the respondent the agreed upon date.

Ms Purcell asked for an update on the current status of Mr Preator's Nevada license.

Mr MacKenzie said the lift of the stay of his suspension based on the board's decision and order of February 2023, ended Preator's probation January 14th of this year. He added Mr Preator has not applied to renew his license, which expired on December 31, 2023, so Preator's license is currently expired.

Mr Wright asked for clarification of the staff process for Mr Preator applying for the renewal of an expired license.

Ms Mamola said because his license was in suspended status prior to its expiration, the licensing system has a hard stop and will not allow a renewal application to proceed. If an application for a suspended license is mailed in, it would be routed to compliance for their review.

Mr MacKenzie said it may be best that he to contact Mr Preator and explore another stipulated agreement based on the emailed admission and see if we can fashion something for the board to consider in the future.

Mr Spata asked if proposing a stipulated agreement would involve a board liaison.

Mr MacKenzie said yes, a board liaison would review and make recommendation on a proposed stipulated agreement for Mr Preator.

24-08 A motion was made by Mr Wright, seconded by Mr Kidd to grant a continuance and allow board counsel to consult with the respondent on a possible settlement agreement. The motion passed unanimously.

Mr MacKenzie said with the continuance being granted the hearing would not proceed today. He thanked the witness who was attending in-person and those witnesses connected virtually for their willingness to give testimony, and that they would be contacted by staff regarding details of any future hearing.

**13. Discussion and possible action on stipulated agreement for Andrew Hammond, PE, PLS, license number 21191, complaint number 20220009.**

Mr MacKenzie introduced facts and the proposed terms of the stipulated agreement as shown in the board materials. He added that when presented with this proposed stipulated agreement, Mr Hammond quickly said he would refund all the money to the complainant, and with that, he provided proof. Mr MacKenzie said the stipulated agreement was revised to reflect payment had been made. With that change, Mr Hammond signed the stipulated agreement and it's before the board for its consideration. Mr MacKenzie asked if the board had questions or comments.

Mr Gingerich said he agreed with the stipulated agreement, particularly with review of the work. He asked if any issues of competency with prior work is discovered what would be the course of action.

Mr MacKenzie said a complaint has not been brought to the board for consideration for any other work, so if an issue were discovered there would be potential for the board to consider additional corrective or disciplinary action after the facts are known.

24-08 A motion was made by Mr Kidd, seconded by Ms Purcell to approve the stipulated agreement for Andrew Hammond, PE/PLS, license number 21191, complaint number 20220009 as presented. The motion passed unanimously.

#### **14. Discussion and possible action on administrative report by board staff.**

##### **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 reminded board members of the upcoming zone meeting in Bozeman, MT, beginning on Thursday May 16, 2024, at 6PM and concluding early afternoon on Saturday May 18, 2024. She added that 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 said that staff can assist with registration and travel as needed.

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

##### **a. Administrative Procedures Oversight Committee, Chair Brent Wright.**

###### **i. Discussion and possible action on draft personnel policy employee handbook.**

Mr Wright said the committee had met on January 17, and recommended further revisions to the draft policy which Mr MacKenzie has made. He said the up-to-date version is in the meeting materials for board consideration. Mr Wright asked for board comments on the current draft.

Mr Gingerich suggested edits to the bottom of page 3 – last bullet point, replace “to” with “or” – and an edit to the continued section at the top of page 4 – replace “company” with “State Board”.

Ms Mamola said the edits were noted and the document would be revised. (ACTION Item)

24-09 A motion was made by Mr Wright, seconded by Mr Fyda to approve the personnel policy employee handbook with the edits noted. The motion passed unanimously.

###### **ii. Discussion and possible action on recruitment process, timeline, and job announcement for filling the vacant Executive Director position.**

Mr Wright said APOC had discussed this agenda item and Ms Purcell volunteered to work with Ms

Mamola to draft a job announcement, description, and outline the form and timeline of the process. He said the materials are in the board packet for review and asked if board members had any questions or comments.

Mr Kidd asked if headhunter assistance had been considered in the recruitment process.

Mr Spata said it was considered by the committee, but it would be something that could be explored after the board sees the response from the initial recruitment efforts.

Ms Mamola and Ms Purcell outlined the method and timeline of advertising and screening applications that would be received.

Mr Wright suggested that the preference of the new executive being based in Reno be removed to allow the option of basing out of the Las Vegas satellite office. (ACTION Item)

Mr DeSart said sending the job announcement to wider industry professional associations may expand the reach for candidates. (ACTION Item)

24-10 A motion was made by Mr Wright, seconded by Ms Purcell to approve the recruitment process, timeline, and job announcement for filling the vacant Executive Director position. with the adjustments made as discussed. The motion passed unanimously.

### **iii. Consideration of board appointment of an interim executive director.**

Mr Spata said APOC had discussions defining the role of the interim director until a permanent replacement is appointed. He said there needed to be a separation of the personnel functions from the task driven operations, and the committee agreed to appoint a board member liaison to manage human resources elements. Mr Spata added that Ms Purcell agreed to fulfill that role. He said the daily operations of the board would be managed by the interim appointee, with Ms Purcell having oversight of human resources elements such as salary, reviews, and staff personnel issues.

Ms Purcell said the board had selected her to do a staff assessment via one-on-one interviews and follow-up emails to help decide what the board is to look for in a new executive director. She said the information was used in drafting the announcement and job description for recruitment, in edits for the personnel policies, and that it would be beneficial for her to meet with the new director when hired to go over her findings.

Mr DeSart said that it was his understanding from the APOC meeting that the staff assessment by Ms Purcell was going to be shared for board consideration in this meeting's board packet. He added that he believed the board should see a copy and have the ability to review and assess the findings.

Mr MacKenzie said the staff assessment can be considered a performance review, and personnel reviews in public setting have a set of requirements of open meeting law that need to be met. He added staff personnel review, other than the executive director, is not a function of the board, and including any memo relating to staff assessment for board review without the appropriate noticing to all involved has the potential to violate the rules that govern that process. Mr MacKenzie said the focus of the review was to establish what the board is looking for in an executive director going forward, in getting feedback from staff of things that work and things that may be considered to be changed.

Mr Spata said we need to also balance board members becoming part of that staff review process and now being managers, seven managers of our staff, which right now we currently have delegated to an executive director. Part of this recommendation is to delegate that to Ms Purcell. He added, we need put some trust in that and her professionalism in addressing personnel issues. But if something rose to the effect that we needed to make public notice and notify personnel, again, that would probably be a recommendation coming from Ms Purcell's assessment, which I am not hearing at this time.

Mr DeSart said he understood the concern relating to open meeting laws and agreed that the board doesn't want to have board members act as eight managers of staff, but added for the board to make informed decisions, he thought it would be reasonable for the board to have access to the information that was gathered.

Mr Gingerich asked if it were possible for the board to have a closed session.

Mr MacKenzie said no, the board would have to give the required formal notice and have a separate meeting. He added that any memo relating to the assessment would become a public record.

Mr DeSart asked if it would become public record if it's issued as confidential information to the board.

Mr MacKenzie said a private meeting with counsel can be held if there is potential liability or litigation pending. He added that the assessment intent was to identify what the board is looking for in recruiting an executive director, but if it crossed over into other issues that would be considered a personnel matter which are dealt with by the executive director.

Mr Spata said until a permanent executive director is in place, personnel issues would be the purview of the board liaison Ms Purcell.

Mr MacKenzie said having a designated liaison to handle any issues is best until a permanent executive director is in place. Involving the board as a whole is problematic. Mr MacKenzie asked Ms Harris, Deputy Attorney General, for her opinion.



Ms Harris said she shared in Mr MacKenzie's concerns. It is best to have, once everything is fleshed out, someone in the executive director's role to handle personnel matters specifically. She added it gets really complicated when you involve the board because everything that you review, all discussions that the board would have are subject to public records requests. Ms Harris said there are certain aspects you may want to keep, that's confidential, you also may want to avoid creating the possibility of litigation related to handling personal matters. Ms Harris said these are items that are just best vested in the executive director.

Mr Spata said the recommendation is for a board liaison handle those matters in the interim. He said Ms Purcell has been designated until a new executive director is in place.

Mr DeSart said he was satisfied with the explanation, and would leave this to whoever the board selected as the permanent executive director to initiate whatever has been started.

24-11 A motion was made by Mr Wright, seconded by Mr Kidd, that APOC recommend Mr Blaney as interim director with operation responsibilities and any human resource related issues will be under the purview of the board liaison Ms Purcell. The motion passed unanimously.

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

Mr DeSart said the committee met last week, January 16, and for the most part the committee discussed proposed regulation changes to contracts and PLS standards of practice and also LCB changes based on the Governor Lombardo directives. He added the committee is recommending approval of the changes that are included in agenda items 16a and 16b of the agenda.

Mr Spata asked, with the number of regulations that are being proposed for change, is there any outreach planned to inform licensees of the pending changes.

Mr DeSart said it hadn't been addressed directly by the committee, but that it is a good idea. Mr DeSart said there is an APWA conference coming up in the spring and he would be willing, as he has done in the past, to present on the regulation updates. He added that it might be beneficial to have a PLS board member join to present on the PLS standards of practice revisions –maybe Mr Gingerich could cover the northern Nevada APWA and Mr Kidd the southern Nevada APWA. (ACTION Item)

Ms Mamola said there was also a five-state survey conference coming up at the end of March that she and Mr Gingerich are planning to attend and talk about the regulation updates. (ACTION Item)

**c. Professional Association Liaison Committee, Chair Matt Gingerich.**

Mr Gingerich said the committee had met January 16, and the main topic of discussion were updates

from the professional association on their activities. Mr Gingerich noted how active Dr James is in promoting the engineering profession and his involvement in Future Cities. He added kudos to Mr Spata for his involvement as well as serving as a judge in the Future Cities competition.

**d. Public Outreach Committee, Chair Karen Purcell.**

Ms Purcell said the committee had not met since the last board meeting but would meet before the March board meeting. (ACTION Item) Ms Purcell said that the committee would be available to assist LegComm related to regulation updates.

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

Mr Gingerich said the sub-committee last met on December 5, 2023, to consider public feedback and make revisions to the PLS regulation updates, which are being considered by the board today.

Ms Mamola said even though the PLS regulations have been moved forward to the board, it is advisable to keep the committee active just a bit longer, until the board receives the draft language from LCB.

Mr Gingerich asked if the board would be involved in the datum changes.

Ms Mamola said only in a support role. She added it was her understanding that the lead would likely be NDOT.

**16. Discuss proposed regulation changes, process for updating, and schedule for updating, see Attachment A for list of regulations.**

**a. Regulation changes to contracts and PLS Standards of Practice.**

Ms Mamola said the regulation changes, as presented, have been fully vetted many times through the PLS standards of practice subcommittee, as well as the legislative committee. She added they have gone through the required statutory public process, and if everyone is in agreement with the language, the next step following board approval today, would be staff forward the packet to the Legislative Council Bureau for legal language drafting. (ACTION Item)

Ms Mamola said, as Mr DeSart mentioned earlier, the legislative committee is recommending approval of the language as presented.

Mr Gingerich said several comments were received from the small business impact survey, and draft language was also sent to the legislative committee of the Nevada Association of Land Surveyors for

feedback. He said good input was received and was incorporated in revised text for the final draft presented to the board today.

24-12 A motion was made by Mr Gingerich, seconded by Mr Fyda to approve the proposed regulation changes to contracts and PLS Standards of Practice as presented. The motion passed unanimously.

**b. Legislative Counsel Bureau language proposed for board regulation changes related to Governor Lombardo’s Executive Orders 2023-003 and 2023-004—LCB files: R 077-23, R079-23, R126-23, R105-23.**

Ms Mamola gave an overview of the changes to regulations as a result of Governor Lombardo’s executive orders issued in early 2023.

Mr DeSart highlighted an addition to the language drafted by the LCB in NAC 625.310. He explained the addition of the text “...and other structures” to section 1(b). Mr DeSart added that the legislative committee is recommending the board approve the regulation changes as presented.

24-13 A motion was made by Mr DeSart, seconded by Mr Kidd to approve the regulation changes to Governor Lombardo’s Executive Orders 2023-003 and 2023-004—LCB files: R 077-23, R079-23, R126-23, R105-23 as presented. The motion passed unanimously.

Ms Mamola said with board approval today, staff would prepare the agenda and posting for a public hearing to adopt the regulation changes – which will either be scheduled with the March board meeting or as a separate special board meeting. (ACTION Item)

**17. 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.**

Ms Fisher said the legislative interim committees are now up and running, with a growth and infrastructure committee going on as we speak this morning and they're hearing presentations predominantly on various utilities throughout the state. She reported the governor has a new chief of staff, Ryan Cherry, who we know well and have worked a lot with over the years. Ms Fisher reported she recently met with the assembly majority leader and the chair of assembly commerce and labor, which is where all of the board bills would go. They both encouraged her to let any clients with potential bills for the 2025 session to start the process early. Ms Fisher added if there was anything coming out of the LegComm, we would need to start work on it very soon.

Mr DeSart offered his congratulations on her upcoming retirement, and that she would be missed.

Ms Mamola and Mr MacKenzie added their congratulations, and thanked Ms Fisher for her guidance over the many regulation updates and legislative sessions.

Ms Fisher said a transition plan has been developed and Lindsay Knox (Reno office) and Cassidy Wilson (Las Vegas office) would tag-team taking care of the board's government affairs going forward.

**18. Discussion and possible action on status of Board and staff assignments.**

Mr Spata said that Ms Mamola had provided him with a list of executive director action items that she could help with before her final day. He requested that Mr Blaney and Ms Mamola review those items and work with Ms Purcell to prioritize their completion. Items with a longer time frame would be identified and be considered for Ms Mamola if the board wants to retain her as consultant in the future. (ACTION Item)

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

Ms Mamola asked Mr MacKenzie if he had any conflict with the January 16, 2025, Las Vegas board meeting date, as she would like to confirm the date to avoid conflicts with major city-wide conferences in January.

Mr MacKenzie said he doesn't have his client dates set yet but will confirm as soon as he does.

**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.**

Ms Purcell asked that an agenda item be added in March to discuss who the board is going to support for upcoming western zone elected officer positions.

Ms Mamola said staff have noted to invite candidates to the March board meeting to just provide some context and under the NCEES business agenda item the board can then discuss who they may want to support. (ACTION Item)

Mr Spata asked how the process of comity MLE and non-MLE would be handled until a new executive director is in place, and whether that process would be something that APOC would need to address.

Ms Mamola said the current review process would remain with Mr Blaney inserted as the interim director. She said he is familiar with the application review process and can maintain it until a permanent replacement is in place.

**21. Public comment.**

There was no public comment.

**22. Adjournment.**

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

Respectfully, Murray Blaney  
Board Staff