

NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Regular Board Meeting
Held at 1755 E Plumb Lane Reno, NV 89502 on Thursday, March 14, 2024, at 11:00am

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; Matthew Gingerich, PLS.

Also participating were Patty Mamola, Board Staff; Chris MacKenzie, Board Legal Counsel; Murray Blaney, Board Staff; Ed McGuire, Professional Standards, 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.

4 Introductions

All board members 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.

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

Mr Fyda recommended approval of the request to waive NRS 625.183 (4)(b) made by Daniel Addington applying for chemical engineering licensure.

24 -15 A motion was made by Mr Fyda, seconded by Ms Purcell to approve the waiver request. The motion passed unanimously.

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

The board reviewed fifteen applications in the board packet for initial licensure and there were questions and brief discussions about the experience of three applicants.

24-16 The questions were answered, and a motion was made by Mr Gingerich, seconded by Mr Kidd to approve the applications for initial licensure contained in the board packet with recommendations noted. The motion passed unanimously.

The board reviewed two (2) additional applications in a second packet, and there were no comments or questions.

24-17 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.

6. Discussion and possible action on approval of January 24, 2024, board meeting minutes.

24-18 A motion was made by Mr Desart, seconded by Mr Kidd to approve the January 24, 2024, board meeting minutes. The motion passed unanimously.

7. Discussion and possible action on approval of February 8, 2023, interim board meeting minutes.

24-19 A motion was made by Mr Fyda, seconded by Ms Purcell to approve the February 8, 2024, board meeting minutes. The motion passed unanimously.

8. Discussion and possible action on financial statements:

a. January 2024

b. February 2024

Mr Blaney presented a brief summary of the January and February financial statements as presented in the board packet.

24-20 A motion was made by Mr Kidd, seconded by Ms Purcell, to approve the January and February 2024 financial statements. The motion passed unanimously.

9. 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 eight (8) open compliance case files, of which four (4) were new. There were no questions from board members.

b. Consideration of probation reports:

Dooley Riva, PE #18231
Jason Caster, PLS #19338
Lazell Preator, PE #14982
Robert Mercado, PLS #10352

Buckley Blew, PLS #24520
Armando Monarrez, PE #19652
Mark Johnson, PE #19830
Andrew Hammond, PE/PLS #21191

Mr Blaney reported on the status of the licensees currently on probation. He noted that Mr Mercado continues to be delinquent in submitting his probation reports, and Mr Preator's reports from his original discipline are still outstanding.

Mr MacKenzie provided an explanation of options available to remedy Mr Preator's case.

10. Discussion on Board Counsel Report.

Mr MacKenzie had nothing new to report and there were no questions from the board.

11. Discussion and possible action on administrative report by staff. (For possible action)

a. Approved licensees report

Mr Blaney gave a brief summary of the licensing report and noted that February saw one of the largest number of comity applications at 140.

b. Action items related to 2021-2025 Strategic Plan

There were no comments on the strategic plan.

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

Ms Mamola gave a brief update on the NCEES Western Zone Meeting in Bozeman, Montana, May 16-18. She mentioned the candidates she included in the board packet, and a brief discussion about voting for the candidates followed. It was agreed that the board would wait until they were in attendance at the Western Zone meeting to determine how the board will vote.

d. Presentations from candidates for NCEES Western Zone officer elections.

Aaron Blaisdell, PLS, board member from Washington state, gave a summary of his background and qualifications. Mr Blaisdell highlighted his experience on the NCEES exam development committee for the surveyor PLSS module and Western Zone leadership development committee. He also mentioned the importance of student involvement, made mention of Nevada's strengths related to NCEES, and he asked for the board's vote for the NCEES Western Zone Vice President position.

Elizabeth Johnston, board member from Alaska, NCEES assistant zone vice president, gave a summary of her background and qualifications. Ms Johnston emphasized the importance of the support from professional societies to support the NCEES exams. She is impressed with some of Nevada's initiatives for comity licensure. She concluded by thanking the board for considering her for NCEES president-elect.

12. Discussion and possible action on board committee reports. (For possible action)

a. Administrative Procedures Oversight Committee, Chair Brent Wright

a.i. Consider selection of Albertson Consulting/Big Picture Software for licensing database platform development and implementation of \$60,000 and four year hosting, license, update, maintenance cost of \$103,600 (average monthly cost \$2,159).

Mr Wright provided a brief summary of the APOC committee's recommendation that the board approve staff to pursue a contract with Albertson Consulting/Big Picture Software for a new online licensing and license renewal software system, including hosting and maintenance. He said the recommendation also includes a 24-month maintenance contract extension with InLumon for the current platform. (ACTION Item)

24-21 Mr Wright motioned to approve the recommendation, Mr Spata seconded, and the motion passed unanimously.

Mr Wright continued, by summarizing the APOC committee's process for filling the Executive Director vacancy. He said APOC considered 11 applicants, shortlisted five, and three were scheduled to be interviewed today.

b. Legislative Committee, Chair Greg DeSart

b.i. Consider possible bill draft request for 2025 legislative session—NRS 625.183, 625.193, 625.270, and 625.280—and possible future regulation change—NAC 625.310.

Mr DeSart reported that the committee had met on February 29, 2024, and considered language for possible bill draft requests and regulation revisions as drafted by the LCB, R006-34.

Ms Mamola said the board packet was published before the LegComm meeting, so the materials relating to the February 29 Legislative Committee meeting were issued in the board supplemental materials.

NRS 625.183

Mr DeSart said the proposed change related to waivers regularly considered by the board, and removes the requirement of the two of the four years' experience to be under the supervision of a PE who is licensed in the discipline in which the applicant is applying for licensure.

Mr Matter said he understood what the revision was trying to accomplish, but had concerns with removing the same discipline requirement. He added the wavier considered today – which was not granted – illustrated those concerns.

Mr DeSart said today was unique, but in his recollection outside of today it has been a long time since a request has been denied. He asked, if the provision was removed from statute, would the board have the ability to deny a license in the situation similar to today's applicant whose waiver request was denied.

Ms Mamola replied no, the board would not have the ability to deny if the statute were changed as proposed.

Mr Matter said I believe we are better off having them submit a waiver request to explain their situation and for us to consider those circumstances.

Ms Purcell said she that it is better to leave the language as-is and if there is a waiver request to consider at each meeting, so be it. She added she'd rather have the ability to make sure that they're getting the proper supervision and experience under a licensed engineer in their same discipline.

Mr Kidd and Mr Wright said they agreed with Mr Matter and Ms Purcell.

24-22 Mr Matter motioned to leave the language in NRS 625.183 related to supervision under the same discipline as currently written and not accept the proposed changes. Ms Purcell seconded, and the motion passed unanimously.

NRS 625.193

Mr DeSart said the proposed revisions mainly clean up language that is no longer applicable, but of note is the revision that reduces the experience requirement for the waiver of the fundamentals of engineering (FE) exam from fifteen (15) years to eight (8) years.

Ms Mamola added that the clean up text revisions reflect that the examination process is now a National Council of Examiners for Engineering and Surveying (NCEES) function.

Mr Matter asked if the experience waiver timeframe was something set by NCEES or the board.

Ms Mamola said it is determined by the board, and added we believe the timeframe probably came from back in the day when we didn't require an engineering degree. At that time, you needed ten years of experience, and I think they just arbitrarily then set it at fifteen. If you didn't pass the FE and you had fifteen years' experience, then the board could waive it – and now the proposal is to reduce to the time from fifteen years to eight years.

Mr DeSart added the timeframe proposed of eight is years is also highly arbitrary, but the fifteen years seems a little excessive.

Ms Purcell asked about the discussion had at the LegComm meeting, how was eight years settled upon.

Mr DeSart said the discussion and the decision was somewhat arbitrary, in that fifteen years appeared excessive and eight years, where someone is well into their career with relevant experience and has passed the PE, seemed right. He added it could be any number, but four years felt low, fifteen is high, and eight sits in the middle.

Mr Gingerich said ideally, we want them to take the exam, and there may be a concern if the bar is pushed down too low or that number is too low, then maybe it opens up gaming of the system.

Mr DeSart said he didn't think the board had seen someone who met the experience years and applied for a waiver ever being denied. But that doesn't mean that there couldn't be a reason for it to be rejected. He said he thought the intent here is for applicants to have eight years of relevant experience and you pass the PE – an important component, in that you've demonstrated the minimal competence that you need to practice in your area of expertise. Mr DeSart added the FE is more of a generic test where you're going to be tested on a broader range of topics, and the further you are from graduating college you may struggle to pass the FE exam. Most practicing engineers would have a difficult time passing the FE exam.

Mr Spata asked what originated the evaluation of FE waiver timeframe.

Mr DeSart said he believed it came from up in a board meeting, evaluating waiver requirements to make sure they are not obsolete.

Ms Mamola added the evaluation is to make sure it is not an excessive and an unnecessary barrier to licensure. As written, the statute has been in place since before we started requiring an engineering degree, so it was time to re-evaluate. She added it is up to the board to decide what it thinks is appropriate.

Mr Kidd said he personally likes the eight years. If the applicant wants to expedite the timeframe, take and pass the FE.

Mr Fyda said he looked at the four years active experience requirement; eight years is double that requirement without the FE. That is how he justified the number. He added that applicants would be trading experience for the FE essentially.

Mr Wright said he agreed with what's been said. Everyone has a different way of justifying a longer period, but he thought it made sense.

Mr MacKenzie noted in NRS 625.183 the terminology relating to experience was "active experience" but in NRS 625.193 it just reads "experience". He recommended that the later be edited to include the word "active". (ACTION Item)

24-23 Mr Kidd motioned to approve the proposed revisions to NRS 625.193 with the additional edit identified by Mr MacKenzie. Ms Purcell seconded, and the motion passed unanimously.

NRS 625.270

Mr DeSart said this relates to the qualifications of applications for a professional land surveyor, and the proposed changes make this consistent with the engineering statutes.

4-24 Mr Gingerich motioned to approve the proposed revisions NRS 625.270 as presented. Mr Kidd seconded, and the motion passed unanimously.

NRS 625.280

Mr DeSart said this is very similar to NRS 625.193 previously discussed, as it's also making the language more compatible with what we have for engineers, and it is related to the fundamentals of land surveying exam, changing it from fifteen years to eight years. Mr DeSart added, based on Mr MacKenzie's previous comment, we'll need to add the word "active" in relation to experience.

(ACTION Item)

24-25 Mr Kidd motioned to approve the proposed revisions NRS 625.280 with the additional edit identified by Mr MacKenzie. Mr Matter seconded, and the motion passed unanimously.

Mr DeSart said this item is just a report from the LegComm meeting previewing a possible future revision to NAC 625.310. He said the future change is in preparation for the release of the NCEES PS exam module revisions due for release in 2027.

Ms Mamola noted that the regulation does not need approval from the board today, that it is a preview of what would likely need to happen when official notice is given by NCEES about the exam module changes. She added that they are required to give two years notice – meaning in 2025 for a release in 2027.

Mr Spata noted an edit – adding a semicolon to 3. (b) for consistency. **(ACTION Item)**

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

Mr Gingerich said the committee met yesterday and the main item of note was a discussion relating to changes to NRS Chapter 327 as result of the NOAA datum update. He added that the consideration for who will carry the BDR (NDOT, NALS, or the board) will likely move to LegComm for a discussion.

Ms Mamola noted that any BDR on the NRS 327 would be separate from those discussed earlier.

13.d. Public Outreach Committee, Chair Karen Purcell

Ms Purcell said the committee met on February 21 and reviewed the communications efforts over the past six months, and what was planned through to the end of the financial year. She added a communications/public outreach budget was presented along with a social media calendar for the committee's consideration. Ms Purcell said the committee was agreeable to both items as presented by staff.

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

Mr Gingerich reported the committee had not met since the last board meeting.

14. Discussion and possible action on updating Nevada Revised Statutes and Nevada Administrative Code chapter 625.

Mr Spata said there were no additional items to be covered under this agenda item. Mr DeSart addressed possible statute changes during his committee report.

15. Discussion and possible action on candidates for filling Executive Director position.

Mr Spata said this agenda item relates to interviewing candidates for Executive Director. He outlined how the interview would be conducted with board members asking a series of pre-determined questions, then board members could pose any follow-up questions, then there would be an opportunity for the candidates to ask questions of the board. Mr Spata added, following the interviews, the board would deliberate and consider any motions related to selecting an Executive Director.

1:00 PM

a. Interview Adam Higginbotham.

2:00 PM

b. Interview Mark Fakler.

3:00 PM

c. Interview Sam Palmer

Mr Spata said the candidate scheduled for 3PM withdrew their application.

At the conclusion of the interviews, in summary, Mr Spata said the board had two strong candidates with contrasting experience to discuss and for deliberate. He asked board members to share their thoughts on the strengths and weaknesses of each candidate. Mr Spata also asked for staff input.

The consensus was that both were worthy candidates for the position, and if during negotiations on employment terms, a candidate was to withdraw, the other would be offered the position. Mr Spata asked Ms Purcell, following candidate selection, if she would be willing to negotiate terms on behalf of the board. Ms Purcell said she would.

Following open discussion by the board, Mr Spata asked if there was a motion to be put forward.

24-26 Mr Kidd motioned that Mr Fakler be offered the Executive Director position, and if he should not accept or withdraw, the position then be offered to Mr Higginbotham. Mr Gingerich seconded the motion. The motion passed unanimously.

16. 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 Wilson reported that activity relating to primary elections was ramping up. Candidate filing deadline is tomorrow, March 15th. From there, the primary is June 11th, and so we will have more information on candidates and who's running for which office by next month. She added their office has met with almost every new candidate running for political office as well as the current legislators that are currently sitting as incumbents. Ms Wilson said, relating to BDRs, they will start working with us to find a sponsor for our BDR for the upcoming legislative session, and whenever we do sit down with legislators, we will mention the regulations that were just adopted this morning by the board and any additional items that are going to be coming up in the next few months.

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

Mr DeSart said that he, Mr Kidd, Ms Purcell, along with board staff Ed McGuire, were going to be presenting at the upcoming APWA Spring Conference in mid-April. He added if any other board members were planning on attending, they are welcome to join on the stage for the presentation and any follow-on panel discussion.

18. Discussion and possible action on meeting dates.

Ms Mamola said of note, March 13, 2025, as a new date for the Reno board meeting, and the NCEES annual meeting will be at Lake Las Vegas in 2026 –in Henderson, Nevada.

Mr Spata said the July board meeting was to be held in Tonopah on July 18, and added that there was some consideration of a mine tour the day before the board meeting at Round Mountain, and asked if a board member could explore options.

Mr DeSart and Mr Dixon volunteered to explore options.

19. 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.

Mr Spata said in the past, the board would invite guests to attend our meetings. He asked if this was something that we did only if people asked or was it something we should do a better job of reaching out and identifying possible guests.

Ms Mamola said Covid put a damper on guest invites. But, yes, we can start making invitations again.

Mr Spata said maybe as part of the outreach committee, they could discuss to get more active participation of our licensees. He said since we are going to have a board meeting in Tonopah, it would be good to reach out to licensees in the Tonopah area—mining or land surveyors.

Ms Mamola agreed and said staff would work on guests for the upcoming Las Vegas and Tonopah board meetings. (ACTION Item)

20. Public comment.

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

21. Adjournment

Mr Spata thanked those present for their participation and adjourned the meeting at 2:58pm.

Respectfully, Murray Blaney
Board Staff