Mr Spata was recently re-elected by the Board to serve a second term as chair effective July 1, 2024. He was initially appointed to the Board by Governor Brian Sandoval July 1, 2018. Governor Sisolak reappointed Angelo, July 1, 2021, to serve a second three-year term.

It’s been a busy year already, and 2024 picked up right where 2023 left off. 2023 started and concluded with our response to Governor Lombardo’s executive orders 2023-003 and 2023-004 which suspended all new regulations and recommended NVBPELS remove ten existing regulations.

As I said in last fall’s newsletter, we continually review and update our regulations, so we were already well prepared. As part of our response to the orders, several regulations were proposed for amendment or repeal, and they were recently approved for adoption at a public hearing held by NVBPELS on March 14, 2024. A regulation adoption package was forwarded to the Nevada Legislative Council Buruea who will now schedule a final public hearing for adoption of the proposed regulation changes and repeals. Read more about the regulation process in the article below.

Changing of the Guard

2024 also brought some very significant leadership changes to the Board. In January, our Executive Director, Patty Mamola, PE, announced that she was stepping down. I’ve had the good fortune to work with Patty for many years, and the list of her contributions to the Board, professionals, and the public is extensive.

Patty served as a Board member and Board chair, and as executive director, she raised the bar on how the Board operates by greatly improving the licensure application and review process. She also improved the way the Board communicates by launching a new website and logo. Legislatively, she spearheaded the revision of over 50 regulations and 8 statutes and created a pathway for international engineers to seek licensure in Nevada. Her innovation is now being used as a blueprint by other states. On behalf of the rest of the Board, I want to thank Patty and wish her well in her future endeavors.

As we say farewell to Patty, we welcome a new Executive Director, Mark Fakler, PE. Mark brings extensive private and public engineering experience managing and leading design teams. You can read more about Mark in the article below. Welcome to the Board, Mark!

Also, in this issue we take a closer look at the international license process that Patty spearheaded, we spotlight Nevada’s youngest PLS, and we conclude with our compliance report.

If you have questions for me or if you have suggestions, please contact me through the Board email board@boe.state.nv.us.
NEW EXECUTIVE DIRECTOR

On April 29, 2024, the Board welcomed new Executive Director, Mark Fakler, PE. Mark takes the reins from Patty Mamola, PE, who served as Executive Director from 2016-2024.

Role and Responsibilities

The Executive Director is responsible for providing strategic leadership for NVBPELS and the successful execution and implementation of the NVBPELS's policies, procedures, initiatives, and strategic plan. The Executive Director serves at the pleasure of the Board and manages and supervises Board staff. The Executive Director is responsible for managing the Board office with a business focused mindset, giving the proper strategic direction to staff as well as creating an operational plan for successfully executing the Board’s goals through directing the Board’s day-to-day operations.

About Mark Fakler, PE

Mr. Fakler has over 33 years of experience in general civil engineering design and management of residential developments as well as public and private site development projects. His experience includes the management of civil engineering contracts for master planned communities, large residential projects, and large commercial projects. He has been involved in the planning stages through the design and construction of master planned communities and he has been in responsible charge of the entitlement and design and of large and small residential subdivisions as well as site development projects from elementary schools to large commercial subdivisions. He is well versed in the mapping process as it relates to residential and commercial projects, and he has a keen understanding of the vital role that mapping plays in the funding of development projects and its importance to the public and the land development industry. Throughout his career, he has been responsible for the management and successful operation of large design teams and land development departments of more than 50 people.

Welcome, Mark!

REGULATION ADOPTION HEARING AND RESULTS

As we reported in the September 2023 newsletter, the Board responded quickly to Governor Joe Lombardo’s executive orders 2023-003 and 2023-004 which suspended all new regulations and required that we recommend the removal of a minimum of 10 existing regulations. The Governor lifted the moratorium on new regulations last fall, and the Board has been working expediently to complete the statutory public process and adopt the regulatory changes, prompted by the executive orders, as quickly as possible.

Updating regulations is a time-consuming, resource intensive undertaking. In recent years, the Board has been committed to continuously reviewing and updating its regulations—with an eye to eliminating unnecessary barriers to licensure and streamlining its licensing processes. The Governor’s Executive Orders provided an opportunity for the Board to take a fresh look at its regulation through the lens of the Governor.

Governor Joe Lombardo’s executive orders 2023-003 and 2023-004 resulted in the Board recommending 11 regulations be repealed and 3 regulations be updated. On March 14, 2024, the Board approved the repeals and updates and the last step in the process is for the Legislative Counsel Bureau to hold a subcommittee meeting of the legislature to adopt the changes and then codify them. We anticipate this last step will happen soon, likely before July 1, 2024.

To read NVBPELS’s adopted regulation changes, soon to be codified by the Nevada Legislative Counsel Bureau, click here.
INTERNATIONAL ENGINEERING COMITY LICENSURE

One of the Board’s primary functions has always been to license competent individuals as professional engineers. But until the last several years, licensure was only available to individuals that passed the NCEES fundamentals and professional practice exams. For engineers licensed in jurisdictions outside the US, there was no pathway for comity/endorsement licensure. Enabling comity/endorsement licensure for international engineers has been a Board ambition for many years, and Patty Mamola, PE, has led our efforts to make Nevada licensure available to engineers outside the US. She is not new to this initiative, either. She has spent over a decade working with US and international organizations to facilitate pathways to professional licensure in the US. In 2014, Engineers Canada designated her a Fellow in recognition of her efforts to improve international mobility.

When Patty became the Board’s Executive Director in 2016, and with Governor Sandoval’s initiatives to diversify Nevada’s economy by courting new technologies, she recognized the need for engineering skills transfer to support the Governor’s goals. She made international engineering licensure one of her priorities. As of April 30, 2024, Nevada has licensed over 275 professional engineers using the International Engineering Alliance mobility agreements.

The International Engineering Alliance, comprising nations committed to the highest standards of engineering practice, has established two key mobility agreements: the APEC Engineer Agreement and the International Professional Engineer Agreement. These agreements serve as bridges connecting engineering professionals across borders, facilitating the recognition of qualifications and the mobility of engineering skills.

APEC Engineer Agreement: Breaking Down Borders

The APEC Engineer Agreement, endorsed by the Asia-Pacific Economic Cooperation, promotes the mobility of engineers within the Asia-Pacific region. Under this agreement, engineers accredited as APEC Engineers in their home economy can seek licensure in participating jurisdictions, including Nevada, through streamlined processes, recognizing their qualifications and professional competence.
International Professional Engineer Agreement: Embracing Global Expertise

Similarly, the International Professional Engineer Agreement extends its reach beyond the Asia-Pacific region, encompassing signatory countries committed to recognizing the competence and qualifications of engineers on an international scale. International Professional Engineers can pursue licensure in Nevada under this agreement, leveraging their global expertise to contribute to the state’s engineering landscape.

Endorsement/Comity License Pathway: Simplifying the Process

For international applicants eligible under the APEC Engineer Agreement or the International Professional Engineer Agreement, the endorsement/comity license pathway offers a simplified route to licensure in Nevada. Through this pathway, applicants can leverage their existing credentials and experience to demonstrate their competence, bypassing certain examination requirements and expediting the licensure process.

We rely on the NCEES Record system as our application for license applicants. All applicants, including international applicants eligible under the APEC Engineer Agreement or the International Professional Engineer Agreement, must create a NCEES Record that includes their college transcripts and work experience. But since international applicants are not required to take the national FE or PE exams, we would instead verify the applicant's listing on their home jurisdiction's APECEA or IPEA register to establish equivalency in professional competency. The criteria for establishing and maintaining a jurisdictional APECEA or IPEA register as well as the professional competencies required for a professional engineer to be listed on each of the registers is rigorous and very comprehensive.

At the Nevada State Board of Professional Engineers and Land Surveyors, we recognize the invaluable contributions of international engineering professionals to our state’s development and prosperity. We are the first state board to offer a pathway for international engineers to get licensed. That not only increases the pool of skills Nevada engineers can provide in the state, but it also stimulates job creation. For more information on the endorsement/comity license pathway for international applicants, please visit our website, https://nvbpels.org/apply/international-engineering-comity/.

AN INTERVIEW WITH NEVADA'S YOUNGEST PROFESSIONAL LAND SURVEYOR

Kaitlin Constantine has a very interesting story to tell. She is Nevada’s youngest professional land surveyor (PLS). She also earned a civil engineering degree BEFORE she became a land surveyor. Now that she is established as a practicing professional land surveyor, she plans to take steps to continue making progress in pursuit of her professional engineering license (PE).

Kaitlin’s path to professional licensure in both professions is uncommon, and she was kind enough to share her experiences and insights with us earlier this year. We posted a blog of the interview on our website, and we have also been releasing video clips through our social media channels. You can read the full interview here, and you can watch the videos on our social channels.

Read Kaitlin’s Interview Here
NCEES - PROFESSIONAL ACTIVITIES AND KNOWLEDGE STUDY (PAKS) FOR PE FIRE PROTECTION EXAM

NCEES is seeking licensed fire protection engineers to participate in a professional activities and knowledge study, or PAKS, for the PE Fire Protection exam. The results of this online survey will be used to update the content of the PE exam, which is a process that occurs every six to eight years.

NCEES requires a cross section of licensed professional engineers practicing fire protection engineering—including those working in industry, consulting, the public sector, and academia—to complete the survey. If you are a licensed professional engineer, we would appreciate your input. The survey can be completed in about 20–40 minutes.

The survey will be open until July 22, 2024. Please help us spread the word about this important study by sharing this email with any colleagues who are licensed fire protection engineers. NCEES sincerely thanks you for your contribution to ensure the PE Fire Protection exam is reflective of the current practice of P.E.s.

For more information, contact NCEES Exam Services Operations Manager Lehmone Dekle, P.E., at ldekle@ncees.org.

Click here for access to the online survey

NEVADA LAW AND PROFESSIONAL ETHICS WEBINARS

Join us for two webinars that will satisfy the requirement for 1 hour to review NRS and NAC chapter 625 and 2 hours of professional ethics.

Nevada Statutes and Regulations
Monday May 20 – 12:00 pm to 1:00 pm PDT

Professional Ethics Webinar
Tuesday May 21 – 11:30 am to 1:30 pm PDT

The link to join both webinars is https://zoom.us/j/8286438008

For those unable to participate live, the sessions will be recorded and will be available on the Board’s website Thursday, May 23, 2024.
NEVADA BOARD COMPLIANCE ACTIONS

M Armando Monarrez, PE 019652

Case Number: 20210011

Violation of NAC 625.530(1) and NAC 625.545

In 2017, Mr Monarrez’s current client was contracted with the then President of CVL, to provide civil engineering services for a project in Henderson, Nevada. This project was a master improvement plan that included services such as hydraulic and hydrologic calculations, precise grading and wall plan, sewer plans, and technical drainage study. The contract for this project provided, “[i]f the site plan should change after CVL has commenced work, any revision required will be considered extra to the contract, subject to renegotiation of our fees.”

In 2018, when the engineering work was well underway, the President of CVL passed away. CVL was then purchased by Mr Monarrez.

On or about February 12, 2019, Mr Monarrez sent an email to the client stating that part of the original design for the Hills project would no longer work and that he (Mr Monarrez) had revised the design plan.

On or about February 13, 2019, Mr Monarrez sent an email to the client, informing them that his designs could save a significant amount of money. In addition, this email stated, among other things, that “Typically Value Engineering is rewarded at 50/50 between owner and engineer of all cost savings.”

On or about May 17, 2019, Mr Monarrez sent a letter to the client titled, “The Hills Value Engineering Agreement” (hereinafter “The Change Order”). The Change Order included a term that stated, “CVL will be compensated with 30% of all construction costs savings from Cut, Blasting, Fill, Over-excavation, Import, Export, and Rock wall construction.” The Change Order also included a term that stated, “Growth Construction shall make payments of $50,000 / month until the full compensation (30% of savings) has been paid, or prior to the recordation of the Final Map.” The Change Order stated that compensation would be based on the differences between a contractor’s bid price on the original design and the revised design.

On or about May 18, 2019, the client sent Mr Monarrez an email that rejected Mr Monarrez’s proposed Change Order, stating, “we are NOT in agreement regarding the attached change order.”

In the following months, despite the client’s rejection, CVL sent invoices pursuant to the requested but rejected Change Order.

Violations and Disciplinary Actions

Pursuant to NAC 625.545, it is a violation for a licensee to perform work for a client before the licensee enters into a written contract with the client. Here, no written contract existed between Mr Monarrez and the client with regard to Mr Monarrez receiving a certain percentage of the costs saved, and no written contract existed for CVL to invoice the client $50,000 per month. Even if Mr Monarrez believed a verbal agreement existed between him and the client, NAC 625.545 is clear that a written contract must exist before a licensee performs work for a client. Thus, Mr Monarrez’s actions were in violation of NAC 625.545, as he performed work without a written contract and sent invoices pursuant to his proposed Change Order that was not accepted by the client.

Further, pursuant to NAC 625.530, it is a violation for a professional engineer to fail to act as a faithful agent or trustee for each client in the professional engineer’s relations with his or her clients. As noted previously, the client had rejected Mr Monarrez’s proposal for the Change Order, but Mr Monarrez continued to submit invoices pursuant to the Change Order over several months. Such behavior is not acting as a faithful agent for a client in the professional engineer’s relationship. Accordingly, Mr Monarrez’s actions violated NAC 625.530.

Based on the foregoing, Mr Monarrez stipulates that he violated NAC 625.545 and NAC 625.530(1).
Pursuant to NAC 625.640, a disciplinary matter may be resolved without a formal hearing by a Stipulated Agreement. To that end, to resolve the complaint, Mr Monarrez and the State Board resolve this matter on the following basis:

1. Mr Monarrez's Nevada license shall be suspended for twenty-four (24) months following entry of this Agreement, but with the suspension stayed and probation imposed for the duration of that time period. The stay of Mr Monarrez's suspension may be lifted by the State Board, upon notice and the opportunity to be heard, should Mr Monarrez fail to abide by the terms hereof. Mr Monarrez's successful completion of probation is expressly conditioned upon his full compliance with the following conditions of probation:

   a. Mr Monarrez shall submit detailed bi-monthly probation reports to the Executive Director of the State Board, which shall report any work completed in Nevada during the previous two (2) month period. A report shall be filed even if no work is performed in Nevada during the previous two (2) month period. The first report shall be due within two (2) months of the effective date of this Stipulated Agreement. Each report shall include client contact information and a copy of the contract executed for any work in Nevada, including the scope of work detail.

   b. Mr Monarrez shall pay an administrative fine of Two Thousand and No/100 Dollars ($2,000.00) within six (6) months of acceptance and execution of this Agreement by the State Board.

   c. Mr Monarrez shall pay the State Board Three Thousand Sixteen and No/100 Dollars ($3,016.00) as reimbursement of legal expenses expended by the State Board in this matter, within six (6) months of acceptance and execution of this Agreement by the State Board.

   d. Mr Monarrez shall, within one (1) year of the effective date of this Stipulated Agreement, successfully complete an intermediate level ethics course with Texas Tech University, Murdough Center for Engineering Professionalism, and submit proof of completion to the Board within sixty (60) days of completion of the course.

   e. Within thirty (30) days of license renewal, Mr Monarrez shall provide proof of completion of thirty (30) professional development hours that are required on a biennial basis for license renewal, pursuant to NAC 625.430, NAC 625.470 and NAC 625.480.

Andrew Hammond, PE/PLS 021191

Case Number: 20220009

Violation of NRS 625.410 (2), and 625.530 (1)(5).

In or around January 2019, the complainant (client) reached out to Element Engineering (Mr Hamond’s firm) via Yelp in search of a professional to help adapt and engineer house plans that had been found online. Mr Hammond replied to the inquiry via Yelp and indicated he could complete the house plans in about four (4) to five (5) weeks.

The client engaged Mr Hammond for the project in late 2019. The project included various tasks, such as surveying, site plan, grading plan, septic, structural design and calculations, and electrical plan. At the end of December 2019, the client made a 50% down payment on the house plans for the initial survey and topography. In late 2019, Mr Hammond recommended a lot merger and was retained in or around July 2020 to perform that service.

Throughout his engagement with the client, Mr Hammond communicated timelines and completion dates, but failed to meet these communicated deadlines. Mr Hammond did not make the initial submission for permits until August 22, 2021. Washoe County rejected this initial submittal as incomplete with requirements noted. Mr Hammond then had to resubmit the project three (3) more times due to further comments from Washoe County. By the time the client submitted the Complaint, Mr Hammond still had not obtained the permits for his plans.

Regarding the lot merger, Mr Hammond erroneously submitted a Boundary Line Adjustment (BLA) to Washoe County in February 2021. Washoe County rejected this BLA and advised Mr Hammond that a Reversion to Acreage (RTA) map was required. In March 2021, Mr Hammond submitted an RTA, but did not make a payment to Washoe County for RTA review. In May 2021, Washoe County emailed Mr Hammond regarding RTA submittal errors and payment for review of the RTA. In June 2021, Washoe County sent an example RTA map for reference and information for Mr Hammond to correct his March 2021 submittal. In July 2021, Mr Hammond submitted payment for RTA application and review. In August 2022, Washoe County approved the RTA map for recording after correcting errors that Mr Hammond made on the RTA map, such as including unneeded signature lines for utility companies that did not serve the client’s property.
On or about January 10, 2023, Mr Hammond refunded the Seven Thousand and No/100 Dollars ($7,000.00) that the client paid Mr Hammond for services.

VIOLATIONS and DISCIPLINARY ACTION

Pursuant to NAC 625.530(1), a professional engineer or land surveyor shall “[a]ct in professional matters as a faithful agent or trustee for each employer or client.” Here, Mr Hammond failed to act as a faithful agent. Over thirty (30) months have passed from the start of work, but no permit had been issued at the time the Complaint was filed. Mr Hammond promised the client completion deadlines, but continually missed them. Mr Hammond had never done an RTA map and admits that the timeline to complete it was unreasonable.

Pursuant to NAC 625.530(5), a professional engineer or land surveyor shall “[u]ndertake only those engineering or land surveying assignments for which he or she is qualified and engage or advise the employer or client to engage specialists and cooperate with them whenever the employer’s or client’s interests are served best by such an arrangement.” Here, Mr Hammond erroneously submitted a boundary line adjustment rather than a reversion to acreage map. The time taken and the assistance required by the Washoe County staff indicates Mr Hammond’s underqualification for the assignment undertaken. Relating to the engineering, his submissions for permitting required extra comments and review from Washoe County. Mr Hammond submitted his plans four (4) times over the course of one (1) year.

Based on the foregoing, Mr Hammond stipulates that he violated NRS 625.410(2) and NAC 625.530(1) by failing to meet deadlines he promised his client and, thus, prolonging the project. In addition, Mr Hammond stipulates that he violated NAC 625.530(5) by undertaking a project for which he was unqualified, and not seeking to engage specialists to assist.

NRS 625.410(5) provides authority for the State Board to administer discipline in Nevada for a violation of any NRS Chapter 625 statute and/or any regulation adopted by the State Board. Further, pursuant to NAC 625.640, a disciplinary matter may be resolved without a formal hearing by a Stipulated Agreement.

To that end, to resolve Complaint Number 20220009 now pending, Mr Hammond and the State Board resolve this matter on the following basis:

1. Mr Hammond’s Nevada license shall be suspended for twenty-four (24) months following entry of this Agreement, but with the suspension stayed and probation imposed for the duration of that time period.
   a. On a bi-monthly basis, Mr Hammond shall submit, to the State Board, a probation report to include any copies of executed contracts for any project or client that Mr Hammond retains during the period of his probation.
   b. Mr Hammond has reimbursed the complainant a total amount of Seven Thousand and No/100 Dollars ($7,000.00) for design and mapping fees paid to Mr Hammond (One Thousand Nine Hundred Fifty and No/100 ($1,950.00) for mapping and Five Thousand Fifty and No/100 Dollars ($5,050.00) for house design), which is satisfactory in lieu of an administrative fine.
   c. Mr Hammond shall pay legal and investigative costs to the State Board a total of One Thousand Seven Hundred and No/100 Dollars ($1,700.00) within ninety (90) days of acceptance and execution of this Agreement by the State Board.
   d. Within ninety (90) days of acceptance and execution of this Agreement by the State Board, Mr Hammond shall have any land surveying services that he has performed since November 1, 2022, reviewed by a licensed Nevada Professional Land Surveyor selected by the State Board. Further, any additional land surveying services that Mr Hammond performs in Nevada through the end of the term of his probation hereunder, shall be reviewed by a licensed Nevada Professional Land Surveyor selected by the State Board. The selected Professional Land Surveyor shall be independent of, and have no conflict of interest with, Mr Hammond, and will provide the State Board an assessment of competency for every professional land surveyor project done by Mr Hammond during the above-designated time period. Mr Hammond shall bear the cost and expense of the selected Professional Land Surveyor’s services.