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, May 9, 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; and Jay Dixon, PE; Matthew Gingerich, PLS.

Also participating were Mark Fakler, Executive Director; Patty Mamola, Board Staff; Chris MacKenzie, Board Legal Counsel; Murray Blaney, Board Staff; Jasmine Bailey, Licensing Specialist; Cassie Wilson, Government Affairs Liaison; and Bob Murnane, PE, Guest Board Member.

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.

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

2. Pledge of Allegiance.

All attendees rose for the Pledge of Allegiance.

3. Public comment.

There was no public comment.

4. Introductions

All those participating in the meeting 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 requests to waive NRS 625.183 (1)(a) made by Kunal Raithatha applying for control systems engineering licensure and Mohamed Mousa applying for fire protection engineering licensure.

24-28 A motion was made by Ms Purcell, seconded by Mr Kidd to approve the waiver requests. The motion passed unanimously.

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

The board reviewed eleven (11) applications in the board packet for initial licensure and recommendations were made.

24-29 A motion was made by Mr Fyda, seconded by Mr Gingerich to approve the applications for initial licensure contained in the board packet with recommendations noted. The motion passed unanimously.

The board reviewed five (5) additional applications in the supplement to the board packet for initial licensure and recommendations were made.

24-30 A motion was made by Ms Purcell, seconded by Mr Dixon 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 March 14, 2024, board meeting minutes.

24-31 A motion was made by Mr DeSart, seconded by Mr Wright to approve the March 14, 2024, board meeting minutes. The motion passed unanimously.

8. Discussion and possible action on approval of April 11, 2024, interim board meeting minutes.

24-32 A motion was made by Ms Purcell, seconded by Mr Fyda to approve the April 11, 2024, board meeting minutes. The motion passed unanimously.

9. Discussion and possible action on financial statements for March 2024.

Ms Blaney reviewed the March 2024, financial statement as presented in the board packet and provided clarifications for the board.

24-33 A motion was made by Ms Purcell, seconded by Mr Wright to approve the March 2024 financial statement. The motion unanimously.

10. <u>Discussion and possible action on compliance reports by Compliance Officer.</u>

a. <u>Board staff report on complaints being investigated.</u>

Mr Blaney reported on the status of the eight (8) open compliance case files. There were no questions from board members.

b. <u>Consideration of probation reports:</u>

Dooley Riva, PE #18231	Buckley Blew, PLS #24520
Jason Caster, PLS #19338	Lazell Preator, PE #14982
Robert Mercado, PLS #10352	Armando Monarrez, PE #19652
Mark Johnson, PE #19830	Andrew Hammond, PE/PLS #21191

Mr Blaney reported on the status of licensees currently on probation. There were no questions from the board.

11. <u>Discussion on Board Counsel Report.</u>

Mr MacKenzie reported that he had just completed a draft stipulated agreement relating to the Preator hearing that was held the last time the board was in Las Vegas. He said staff is reviewing the first draft and it would be revised if needed and then sent to a board liaison for consideration.

Mr Spata asked why a stipulated agreement was being pursued as opposed to a rescheduling of a formal hearing.

Mr MacKenzie said a continuance was granted, but based on the admission of several of those matters that the hearing was going to consider, pursuing a settlement would be his recommended course of action.

Mr Spata asked for clarification on the current status of Mr Preator's Nevada license.

Ms Mamola said it was under suspension through December 31, 2023, and then moved into expired status on January 1, 2024. Mr Preator does not have a current professional license in Nevada.

12. <u>Discussion and possible action on administrative report by staff.</u>

a. <u>Approved licensees report.</u>

Mr Blaney reviewed the approved licensee report as presented in the board packet and answered questions from board members.

b. <u>Action items related to 2021-2025 Strategic Plan.</u>

Mr Blaney asked if there were any questions relating to the strategic plan. There were none.

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

i. <u>United Kingdom Mutual Recognition Agreement signing ceremony.</u>

Ms Mamola reviewed the memo to the board in the meeting materials giving background on the UK Mutual Recognition Agreement. She added because of Nevada's involvement in getting the agreement in place, it would be great if board members could be in attendance at the NCEES Annual Meeting signing ceremony. The signing ceremony is Tuesday August 13. Ms Mamola reminded board members when making their travel arrangements, to arrive in time to attend.

Mr Fyda suggested that Ms Mamola be present to represent Nevada at the signing ceremony in recognition of her work in facilitating international comity with the International Engineering Alliance. The board agreed.

Mr MacKenzie said, although the signing is only ceremonial, the board should motion and vote to authorize board chair Mr Spata to sign the agreement of the board's behalf.

24-34 A motion was made by Mr Wright, seconded by Ms Purcell to empower Mr Spata to sign the agreement on behalf of the Nevada board. The motion passed unanimously.

Ms Mamola said the action items and conference reports would be available for consideration and pre-discussion at the July 18 board meeting. She added she would participate virtually to assist Mr Fakler in presenting the materials. (ACTION Item)

13. <u>Discussion and possible action on board committee reports.</u>

a. <u>Administrative Procedures Oversight Committee, Chair Brent Wright.</u>

i. <u>Budget for fiscal year July 1, 2024, to June 30, 2025.</u>

Mr Wright said the APOC committee met on April 22nd with the primary item of discussion was the fiscal year July budget for July 1st, 2024, through June 30th, 2025. That proposed budget is in the packet starting on page 350 – with a written summary on page 353.

Mr Blaney reviewed the summary as presented in the board packet and asked if there were any questions from the board. There were none.

Mr Wright said the APOC committee recommends the acceptance and approval of the budget.

24-35 A motion was made by Mr Wright, seconded by Mr Kidd to approve the budget for fiscal year July 1, 2024, to June 30, 2025. The motion passed unanimously.

b. <u>Legislative Committee report, Chair Greg DeSart.</u>

i. <u>Consider possible bill draft request for 2025 legislative session.</u>

Mr DeSart said the committee met on April 22 and this item was brought back to the board for concerning to issues highlighted by staff relating to perceived barriers to licensure - time period for waiver consideration - and detail for the justification for the waiver time period.

Mr Wright asked if NCEES Model Law offered any guidance on the FE/FS and waiver considerations.

Ms Mamola said it was not addressed in NCEES Model Law and gave and overview of the NCEES Position Statement – which states the FE/FS is required to obtain Model Law Engineer (MLE) or Model Law (Land) Surveyor (MLS) status.

Mr DeSart said relating to barriers to entry, the reduction from fifteen (15) years to eight (8) years is significant, and for justification, in addition to being an educational assessment tool, the mere act of studying for the FE/FS is an important component of preparing yourself for professional licensure. He added in reducing the waiver timeframe – or barrier – we are incentivizing people incentivizing people to go through this exercise of studying for this exam. Mr DeSart said the fundamentals exams help make a more well-rounded engineer or a more well-rounded surveyor.

Mr Wright said he believed the waiver timeframe needs to be significant enough to be an incentive to take and pass the fundamentals examinations. He added that eight years is a good number.

Mr Murnane said he agreed with Mr DeSart and Mr Wright. The FE/FS exams have value, they are great assessment tools and make you a better professional. The timeframe needs to be significant enough to incentivize graduating engineers to take and pass the exams. He added in his experience in dealing with the younger engineers, eight years is enough experience if they're terrible test takers and good engineers, which gives them an opportunity to proceed with their career.

Mr DeSart said while there is no data relating to passing the FE/FS and becoming a better professional, anecdotally it does force a candidate to study a broader area outside of their specialist area. Forcing understanding of basic electrical and mechanical engineering to name two. That understanding helps professionals better integrate into a multi-discipline design team.

Mr Spata said he agreed with Mr DeSart and Mr Wright, and that NCEES requires the FE/FS for MLE/MLS status is somewhat of a justification to incentivize applicants to take and pass the exam. He said he also sees the view of minimizing roadblocks; but added we’ve still got to preserve the integrity of the profession.

Mr Matter said he believes the FE truly helps you become a well-rounded engineer by understanding some basic components. It is important base knowledge when you're collaborating on a project where many engineering disciplines interact with each other.

Ms Purcell the fact that the exam does create more of a well-rounded knowledge base is justification to have the wavier period at level to incentivize perseverance in passing the fundamentals exams.

Mr Gingerich said he was comfortable reducing it from fifteen to eight, but I would be really reluctant to do anything less. In the preparation of taking that exam gives you a much broader appreciation for surveying.

Mr Wright said a justification for requiring the FE is to show that you have a well-balanced view of engineering as a whole and you're not just micro focused engineer but you have a broad understanding. He added the decision is just how important the FE/FS is. Is it an additional four years more important or is it an additional two years? He said he believed four years is the right number. That's a significant enough amount that it's going to encourage people to really think hard before they decide not to take it.

Mr Fyda said if the FE/FS are educational assessments, then the question becomes is how it works with additional schooling – candidates with Masters or PhDs. He said he was initially in the camp of eliminating the timeframe from statute and creating board policy to deal with each unique case. Mr Fyda said he was open to eight years, but still had the question is what does the FE serve in terms of assessment piece? He said he understood the idea that the broad scope of knowledge, but if a they have their engineering degree and received all these different advanced level classes – masters or doctorate - then is FE needed? And with that level of education is even additional experience required.

24-36 A motion was made by Mr Kidd, seconded by Mr Gingerich to the text of NRS 193 and NRS 280 as presented in the board materials – with the waiver period of eight years. The motion passed unanimously.

ii. <u>Discuss Legislative Counsel Bureau language proposed for board regulation changes related</u>

to PLS Standards of Practice-LCB file R007-24.

Ms Mamola said this agenda item was included just in case the LCB draft language was received in time for review by the PLS Standards of Practice Sub-committee and LegComm. Unfortunately, it wasn't, so the item will bump to a future board meeting.

Mr Blaney said the language was actually received yesterday and staff had not yet had a chance to review it but would do so in the next few days. He added staff would contact the chairs of the sub-committee and LegComm to schedule meetings to consider the LCB's draft language. (ACTION Item)

Ms Mamola said the LCB draft language for R006-24 is ready to be scheduled for and adoption hearing.

Mr Spata suggested a hearing could be held prior to or just after the June 13 Interim meeting.

Mr Blaney said he would work to schedule the regulation adoption hearing immediately following the 8:45am Interim meeting of June 13. (ACTION Item)

c. Professional Association Liaison Committee, Chair Matt Gingerich.

Mr Gingerich said the committee met yesterday with the item of note being qualification-based selection or QBS.

Mr Spata said he attended the meeting and had made a note on QBS. He said it is apparent that some agencies are not fully aware of the governing statute. Mr Spata suggested we look into educating some of the agencies that send the procurements out. He said the APWA fall conference could be an opportunity to reach a larger public works audience. (ACTION Item)

Ms Mamola said in any presentation including case studies/examples of what we have come across in past and how we have addressed it and how they might be proactive within their own organizations would be helpful.

Mr Murnane said there is the additional challenge that a lot of the procurement is handled by purchasing agents. He said the public works people are aware and understand the statute, but when RFPs are handled by purchasing agents there is a disconnect. He suggested some outreach been focused on those agents to increase awareness. Mr Murnane said there is an organization of local purchasing agents, and he would forward that to Mr Fakler. (ACTION Item)

d. Public Outreach Committee, Chair Karen Purcell.

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

e. <u>PLS Standards of Practice Subcommittee of the Legislative Committee, Chair Matt Gingerich.</u>

Mr Gingerich said the committee had not me recently, but with LCB language available a meeting would be scheduled shortly.

14. <u>Election of board chair and vice chair for one-year terms commencing on July 1, 2024, in accordance with Nevada Revised Statute 625.110 and Nevada Administrative Code 625.100.</u>

24-37 A motion was made by Ms Purcell, seconded by Mr Wright to reappoint Mr Spata as board chair for another term. The motion passed unanimously.

24-38 A motion was made by Mr DeSart, seconded by Mr Spata to reappoint Mr Wright as board vice-chair for another term. The motion passed unanimously.

15. <u>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.</u>

Ms Mamola said she'd like to introduce Cassidy Wilson with McDonald Carano. She said Susan Fisher is retiring, no longer going to be available, so Cassidy is going to be taking on Susan's responsibilities.

Ms Wilson said she is replacing Ms Fisher in the Reno office. She gave an overview of the filings for public office in the lead up to the June 11th primary. Ms Wilson added that following the results of the primary the focus for her office will be to meet with people that are running for office in the general election.

16. <u>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.</u>

Ms Mamola said this agenda item is added to an opportunity for Cassidy or the executive director to report on any potential bill draft requests that might have impact to this board or to other boards. She added that now the board has provided the latest information on our bill draft request, we're going to ask Ms Wilson to help us locate a sponsor for that, while staff finishes up the collateral piece that explains and supports our draft request. (ACTION Item)

Ms Wilson said they will look through different legislators and figure out who's the best fit and understands the best. She added she would also check with Ms Fisher and get her opinion as well.

17. <u>Discussion and possible action on status of Board and staff assignments.</u>

Mr Spata had questions on two longer term items on the list. One, related to the staffing of the Las Vegas office (to be posted on the board's website, and the second relating to examining use of an ALJ in the adjudication).

Staff gave detail on both items and after a brief discussion it was decided to remove both as action items from the assignments list. (ACTION Item)

18. <u>Discussion and possible action on meeting dates.</u>

Mr Spata reminded the board that he would be unable to attend the Tonopah meeting and that Mr Wright would be chairing the meeting.

Mr Dixon gave an overview of the proposed tour Round Mountain mine on July 17. He said as details were finalized, he would connect with staff and have an itinerary sent out to the board members. (ACTION Item)

Ms Purcell asked if the November 14th board meeting could be rescheduled a week earlier to November 7. After a brief discussion it was agreed to move the meeting to November 7. (ACTION Item)

19. <u>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.</u>

Ms Purcell said she would like to propose the board discuss at a future meeting the impact of AI and engineering and design and land surveying. She said there's been a lot of discussion in the industries, there's been a lot of seminars about the use of AI, and I am curious how we look at that from a board perspective.

Mr Spata agreed that the topic be added to a future meeting and asked if Ms Purcell would be willing to facilitate the discussion. Ms Purcell said she would. (ACTION Item)

Ms Wilson added that we will be seeing a lot of legislation around AI next session. There's some trade associations meetings and different key stakeholders that are already talking about the next session in BDR, so I appreciate you bringing that up, and then when I do hear something that impacts this board, I will definitely let you know.

20. <u>Public comment.</u>

There was no public comment.

21. Adjournment.

Mr Spata said before moving on to this item, with this being Ms Mamola’s last formal meeting I want to personally thank you, Patty, for everything you've done for the board, the profession. Equally as important what you've done for me in my career and being part of the board.

Mr Spata thanked Mr Murnane for taking the time to attend and asked for his feedback on the meeting.

Mr Murnane said he appreciates the job the board does in addressing issues that are important to the profession, and the board is very deliberate in the decisions being made.

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

Respectfully, Mark Fakler
Executive Director