NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Regular Board Meeting
Held at Mizpah Hotel – 100 N Main Street – Tonopah, NV 89049
on Thursday, July 18, 2024, at 8:00am

Board members participating were 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. Chair Angelo Spata, PE and Tom Matter, Public Member, were excused.

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

1. Meeting conducted by Vice Chair Brent Wright, call to order and roll call of board members to determine presence of quorum—board members Michael Kidd, Karen Purcell, Thomas Matter, Matt Gingerich, Robert Fyda, Greg DeSart, and Jay Dixon.

The meeting was called to order by Mr Wright, and a quorum was determined.

2. Pledge of Allegiance.

3. Public comment.

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

4. Introductions.

All those participating in the meeting introduced themselves.

Mr Wright read the board's purpose and mission.

The purpose of the board as stated in Nevada Revised Statute 625.005 is to safeguard life, health and property and to promote the public welfare by providing for the licensure of qualified and competent professional engineers and professional land surveyors and our mission is founded on the board's purpose, the board's mission is to uphold the value of professional engineering and land surveying licensure by assessing minimum competency for initial entry into the profession and to insure on going standard of professionalism by facilitating compliance with laws regulations and code of practice and to provide understanding and progression in licensure by openly engaging with all stake holders.

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

There were no waiver requests to be considered.

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

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

24-41 A motion was made by Ms Purcell, seconded by Mr Kidd to approve the initial licensure applications contained in the board packet with recommendations noted. The motion passed unanimously. Mr Spata and Mr Matter were excused.

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

24-42 A motion was made by Ms Purcell, seconded by Mr DeSart to approve the initial licensure applications contained in the supplemental board packet with recommendations noted. The motion passed unanimously. Mr Spata and Mr Matter were excused.

7. <u>8:45 AM – Jacob Woolman oral interview, consideration of initial licensure as a Fire Protection Engineer.</u>

Mr Woolman elected to have the oral interview conducted in closed session.

The interview of Mr Woolman was conducted in closed session.

The meeting was brought back to open session at 9:05pm for the board to deliberate on Mr Woolman's interview.

Mr Wright asked for board member comments on the oral interview.

Mr Kidd said in his professional career experience and prior in the military, working with fire protection people, his understanding was across the board, they had control and design of the entire system - the hydraulics, what the environment was, evaluating all that. He said the applicant, it appears, to be on the tail end of the process and just looking at the environment where that system gets deployed. That is my interpretation of his experience.

Mr DeSart said he believed the fundamental issue is we sometimes the board we struggle with applicants with singular experience as plan checkers and who don't have any actual design experience. He added, from the interview that we just had, my impression is that this applicant really doesn't have any design experience and may not fully understand the full scope and breadth of the design. Mr DeSart said from his perspective, he'd be interested in exploring what kind of steps could be taken by him to bridge that gap, if the board knows that that's the gap.

Ms Purcell said her thought is that if we were going to recommend approval, that we recommend approval with the advisement to basically stay in this applicant's lane and because we've all seen what has happened when someone steps out of their lane. She said she does feel that he has sufficient knowledge of all the codes and standards, but to Mr DeSart's point, there's no design experience.

Mr Wright said in his experience on the board, we grant licensure to academics who clearly have no design experience, with the justification that they're exercising engineering judgment within their lane. He added that seems to be the case with Mr Woolman. He doesn't have design experience, and he doesn't know the design of the sprinkler system, and he recognizes that, but the things he's doing to review the plan seem to me he's exercising engineering judgment within his realm of expertise. Mr Wright said the precedent's been set long ago that as long as he stays in his lane, that would be our criteria for licensing him.

Mr DeSart said "staying in his lane", would be doing plan checking, and that if at some point in his career after he gets his PE, wants to start doing design work, he would need to work under the direction of a licensed engineer for any design work that he did further down the road.

Ms Purcell agreed and said "staying in his lane" would be plan review of the systems as he is currently doing and not designing such systems at this time.

Mr Wright said we applied the general language of the NRS and NAC, it would be to only operate within the area his expertise, which in this case appears to be what you just described. He could acquire additional expertise down the road with more experience.

24-43 A motion was made by Ms Purcell, seconded by Mr Gingerich to approve Mr Woolman for licensure as a Fire Protection Engineer, with the caution to stay within his area of expertise. The motion passed unanimously. Mr Spata and Mr Matter were excused.

8. <u>9:45 AM - Kyle Randall oral interview, consideration of initial licensure as a Fire Protection Engineer.</u>

Mr Randall elected to have the oral interview conducted in closed session.

The interview of Mr Randall was conducted in closed session.

The meeting was brought back to open session at 9:05pm for the board to deliberate on Mr Randall's interview.

Mr Wright asked for board member comments on the oral interview.

Mr Kidd said if the experience described by the applicant had been in included in his NCEES record, if it had been there this interview would not likely have happened.

24-44 A motion was made by Mr Kidd, seconded by Mr DeSart to approve Mr Randall for licensure as a Fire Protection Engineer. The motion passed unanimously. Mr Spata and Mr Matter were excused.

Mr Gingerich asked that a future item be added agenda to talk about the NCEES record process. (ACTION Item)

9. Discussion and possible action on approval of May 9, 2024, board meeting minutes.

24-45 A motion was made by Mr DeSart, seconded by Mr Dixon to approve the May 9, 2024, board meeting minutes, with the edits recommended (Mr MacKenzie). The motion passed unanimously. Mr Spata and Mr Matter were excused.

10. Discussion and possible action on approval of June 13, 2024, interim board meeting minutes.

24-46 A motion was made by Mr Kidd, seconded by Ms Purcell to approve the June 13, 2024, interim board meeting minutes. The motion passed unanimously. Mr Spata and Mr Matter were excused, and Mr Dixon and Mr Wright abstained as they were not present at the meeting.

11. Discussion and possible action on financial statements.

a. April 2024.

b. May 2024.

Mr Fakler reviewed the April 2024 and May 2024 financial statements as presented in the board packet and provided clarifications for the board.

24-47 A motion was made by Mr DeSart, seconded by Mr Gingerich to approve the April 2024 and May 2024 financial statements. The motion passed unanimously. Mr Spata and Mr Matter were excused.

12. Discussion and possible action on compliance reports by Compliance Officer.

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	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.

13. <u>Discussion and possible action on stipulated agreement for Lazell Preator, suspended license number 014982, complaint number 20240005.</u>

Mr MacKenzie gave an update on the stipulated agreement relating to the hearing that was continued from the January 2024 board meeting. He said the contents of the agreement was approved by the designated board liaison on the complaint and sent to Mr Preator to respond to by July 24, 2024. Mr MacKenzie said the item was listed on the agenda in anticipation of a response from Mr Preator, but as of yet we have not heard from him. Mr MacKenzie added the matter will now move to the next full board meeting either as a consideration of the agreement if Mr Preator accepts, or a hearing based on a formal complaint if he rejects the agreement, or we do not hear back from him.

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

Nothing to report. Mr MacKenzie said he had nothing additional to report.

15. <u>Discussion and possible action on administrative report by Executive Director.</u>

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

Mr Blaney reviewed the approved licensee report as presented in the board packet. There were no questions from board members.

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

Ms Purcell said we are going to be approaching the end of that strategic plan update and we should consider a schedule to re-look at the plan.

Mr DeSart agreed and suggested early in 2025 as a possible timeframe.

Mr Kidd added that at the last revision in 2020, wider industry stakeholders both public and private were invited and provided valuable input. He said it would be important to consider invitations to those groups again to participate in the revision session(s), and board members could suggest individuals to be extended an invite.

Mr Fakler said staff would review the process from the last update and report back to the board at the September board meeting. He added that board members can forward any names of stakeholders to be considered for invite to join the planning session to him. (ACTION Item)

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

i. <u>Annual Meeting Conference Report and Action Items.</u>

This agenda item was tabled and moved for consideration at the upcoming August 8, 2024, interim board meeting.

ii. <u>United Kingdom (UK) Mutual Recognition Agreement (MRA).</u>

Mr Fakler said the agreement was included in the board packet to give board members additional time for review and that the signing ceremony where Mr Spata would sign on behalf of the Nevada board, would take place on August 13, 2024, at the NCEES Annual Meeting.

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

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

Mr Wright said the committee had not met since the last board meeting and he had nothing to report.

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

b.i. <u>Consider Legislative Counsel Bureau language proposed for board regulation changes related to PLS Standards of Practice-LCB file R007-24.</u>

Mr DeSart said the committee met on May 29 to review the LCB revisions to R007-24. He said there was good discussion, and the committee recommends acceptance and approval of the LCB recommended edits to regulations in the file. Mr DeSart added an additional edit was made by the PLS Standards of Practice Sub-committee that corrected a typo in the NAC 625.666 relating to the horizontal positional certainty for urban surveys.

Mr DeSart said the committee also reviewed the staff produced collateral piece in support of the board's bill draft requests. An edit was suggested, and staff will make adjustment to the final copy.

24-48 A motion was made by Mr DeSart, seconded by Mr Kidd to accept and approve the Legislative Counsel Bureau language proposed for board regulation changes related to PLS Standards of

Practice-LCB file R007-24. The motion passed unanimously. Mr Spata and Mr Matter were excused.

c. <u>Professional Association Liaison Committee, Chair Matt Gingerich.</u>

Mr Gingerich said the committee had not met since the last board meeting and he had nothing to report.

d. <u>Public Outreach Committee, Chair Karen Purcell.</u>

Ms Purcell said the committee had not met since the last board meeting and she had nothing to report.

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

Mr Gingerich said the committee met on May 29 to review the LCB revisions to R007-24. He said there was good discussion, and the committee recommend acceptance and approval of the LCB edit. Mr Gingerich added that recommendation was made to LegComm as reported earlier by Mr DeSart.

17. <u>Discussion and possible action on board committee assignments for fiscal year 2024-2025.</u>

Mr Wright said the committee assignments from Mr Spata for the current FY are included in the board materials for review. Mr Wright asked if there were any comments or discussion from board members. There was none.

18. <u>Discuss legislative and regulatory matters with board's government liaison, Cassidy Wilson.</u>

Mr Fakler said Ms Wilson was unable to join today's meeting because of a schedule conflict. He said that Ms Wilson had indicated that a possible bill sponsor had been identified and she was meeting with the legislator on July 29, 2024, to get confirmation. Mr Fakler said Ms Wilson will report on the outcome at the next board meeting.

19. <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>

There were no additional bill draft requests to be considered.

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

Mr Blaney said the action items were presented for review in the board meeting materials and asked if the board had any questions.

Mr DeSart asked in the items listed as assigned to Ms Mamola should be re-assigned to Mr Fakler. Mr Fakler agreed. (ACTION Item)

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

Mr Kidd requested that Mr Fakler consider Virigina City as an option for a future board meeting site. (ACTION Item)

22. <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>

Mr Kidd said he understood that the Nevada Association of Land Surveyors was sending a letter to Mr Fakler asking for a board opinion relating to a statute. He added that it would likely involve some research by Mr MacKenzie on the legislative history. Mr Kidd asked that the topic be considered for the September board meeting. (ACTION Item)

Mr DeSart said at the NCEES Zone Meeting the topic of hosting an annual dinner for new licensees was mentioned. He said the board used to host something similar 20 or so years ago where new licensees and family members would gather for a recognition dinner. Mr DeSart said it would be something he would like the board to explore hosting events in the north and the south through the Public Outreach Committee, where the committee could consider options and make a recommendation to the full board.

Mr Dixon said he supported the idea and would add the consideration to the next POC meeting agenda. (ACTION Item)

Mr Gingerich said he was aware that new draft language for the statute(s) related to the datum change will be available in the next few weeks. He added it would something he would like added to the LegComm agenda for consideration. (ACTION Item)

So, I think the LEGCOMM would be to weigh in on that and then potentially move it to the board.

23. <u>Public comment.</u>

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

24. <u>Adjournment.</u>

Mr Wright thanked the board members for their participation and adjourned the meeting at 10:30am.

Respectfully, Mark Fakler
Executive Director