NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Regular Board Meeting
Held in Virtually, Thursday, August 8, 2024, at 9:15 AM

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; Chris MacKenzie, Board Legal Counsel; Jasmine Bailey, Licensing Specialist; Derek Vogel, Communications/Compliance, and Patty Mamola.

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, Thomas Matter, Karen Purcell, 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 board members and staff participating rose for the pledge of allegiance.

3. Public comment.

There was no public comment virtually or via email.

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

There were no applicant waiver requests to be considered.

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

The board reviewed six (6) applications in the board packet for initial licensure and recommendations were made.

24-49 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. <u>Consideration to give the Board Chair, Angelo Spata, the authority to vote on behalf of the Board at the National Council of Examiners for Engineering & Surveying (NCEES) Annual Meeting.</u>

Mr MacKenzie explained that this item is on the agenda with a similar rationale to when the Executive Director is empowered with the authority to speak on behalf of the board when addressing the legislature. He said here the board is considering giving the authority to the chair to vote on behalf of the Nevada board at the NCEES Annual Meeting. Mr MacKenzie added, although the full board is usually present, there is not often time to fully deliberate before a vote is cast. The following agenda item is where the board will discuss in the public setting the issues at hand and will determine a consensus that will guide the board chair in casting the Nevada vote.

24-50 A motion was made by Mr Wright, seconded by Ms Purcell to empower Mr Spata (or his designate) to vote on behalf of the Nevada Board National Council of Examiners for Engineering & Surveying (NCEES) Annual Meeting. The motion passed unanimously.

7. <u>Discussion of National Council of Examiners for Engineering & Surveying (NCEES) Annual Meeting Conference Report and Action Items.</u>

Mr MacKenzie said, following on from the previous item, the agenda items a and b provide for review the materials provided (and available for public review) and discussion in a public setting to help determine a consensus going into the NCEES Annual Meeting. He added that the board is not making motions today because further information could come from the floor at the annual meeting that could ultimately impact the Nevada vote. Today is about building a consensus that will guide the chair at the meeting.

Mr Spata said that following the voting at the NCEES Annual Meeting, for the public record, the board will make available in an upcoming board meeting's material, the results of the conference action item voting and a record of how the Nevada board voted. (ACTION Item)

a. <u>NCEES annual meeting consent agenda includes 108 motions, board staff recommends Nevada supports keeping all motions on the consent agenda.</u>

Mr Spata said board staff prepared a memorandum summarizing the consent agenda and those items that are not on the consent agenda, and added recommendations to this body on their thoughts on how we should go forward. He said the memo recommends maintaining the items on the consent agenda as they were vetted at the zone meetings and raised no concerns. Mr Spata said he agreed with that recommendation and did not believe there is a need to discuss each of the 108 motions separately. There was no objection from the board.

b. <u>NCEES annual meeting non-consent agenda includes 7 motions, board staff recommends Nevada considers the recommendations made in the Memo to the board dated July 12, 2024.</u>

Mr Spata said related to the non-consent agenda, he agreed with the staff recommendations as noted.

He added that there are two motions open for the board to consider for a consensus.

- *Committee on Member Board Administrators Motion 2*
- *Engineering Licensure Task Force Motion 1*

Ms Mamola said there has been a recent update on the *Committee on Member Board Administrators Motion 1 and Motion 2*. She said those motions have been pulled from the business session and will not now be voted on at the annual meeting.

Mr Spata said with that update today's discussion will focus on *Engineering Licensure Task Force Motion 1* unless board members have any other motions that they would like to comment on. No other motions were put forward by board members for additional discussion. Mr Spata asked if a board member would like to begin the discussion.

Mr DeSart said as he understands the motion, the change to model law if that is that if you've been issued a license in another state that did not require a degree, and you have been licensed as a professional for seven (7) years, and five (5) years without any disciplinary action, you would be eligible for comity regardless of whether you meet the new state's specific requirements – ie requiring a four year engineering degree. He added the example used in the staff memo, an applicant licensed in Arizona (a state that doesn't require a degree for initial licensure) and has met the clean practice requirement, could be licensed by comity in Nevada. Mr DeSart said he would be in support of the motion.

Mr Wright asked for clarification on states the allow initial licensure without a degree.

Ms Mamola said she believed there are at least five (5) states that allow licensure without a degree. She added that those states have additional minimum experience requirements, which is generally ten (years) to be considered for initial licensure.

Mr Spata said that the minimum amount experience would generally be seventeen (17) years of engineering experience, plus the no disciplinary action requirement, to be considered for comity to licensure.

Ms Purcell asked if the board did approve the motion, and it went into Model Law, would the board have to consider updating any regulations to allow this alternative pathway to comity licensure.

Ms Mamola said and she believe a review and update of regulations may be necessary. As it stands now, we have a statute that states if you're licensed in another jurisdiction, and it is substantially equivalent to Nevada's, you have to allow that as a pathway to license someone. So, the board may have to address it in the supporting rule.

Mr DeSart said a thing to remember is the Model Law is a concept and is not necessarily binding in Nevada. If there is something prohibitive in our regulations, then to allow the pathway we would have to make regulatory adjustments. He added, at this stage if we have a consensus in favor of the motion, we are agreeing with the concept.

Mr Spata said in his situation as a non-degreed professional, he cannot get comity licensure in a number of states. This motion is to consider the opening of a pathway. He added that understanding the experience requirement in lieu of a degree in the states that allow non-degreed licensure is important. Mr Spata said until 2010 Nevada was a state that had a pathway for non-degree initial licensing with ten (10) years of engineering experience.

Mr Wright said if we agree in principle with the motion then a review of regulations would be necessary.

Mr Spata said if the board reaches a consensus and votes in favor of the motion, then a review of regulations by LegComm would be required. (ACTION Item)

Mr Wright said the applicant would have had to had seven years' experience a licensed professional with a clean record – meaning they have done a good job without any problems. The total engineering experience would be a close to 15+ years, where getting licensed with a degree only requires a minimum of four (4) experience, which seems an easier pathway. Mr Wright said he believed the parameters in the motion seemed reasonable.

Ms Purcell said she agreed with Mr Wright but would be interested to hear the discussion at the annual meeting but was leaning toward support of the motion. She added if we did support it would go for further discussion at LegComm.

Mr Dixon said he was initially against it, but after hearing the discussion he was more on the fence. He added he would be interested in hearing the discussion points at the annual meeting.

Mr Fyda said he supportive of this. He said liked the fact that there is another pathway, believed the timeline is fair. He added if it is being viewed as a loophole, this is probably not the easiest loophole to go for. Seven (7) years after carrying your license, he believed is an acceptable path. Mr Fyda said he too is interested in what the discussion comes up, the different points of view, at the annual meeting.

Mr Kidd said he was in favor of the motion but believes there will be some interesting discussion at the annual meeting because the concept is in direct conflict with the states that require a degree. Where applicants without a degree are told you're not really acceptable to get an initial license in Nevada, but if you go this other route and come back via comity, we can consider you for a license. He added that might be a simplistic view, but that is how he viewed it.

Mr Matter said I think there should be a pathway that doesn't require a degree, but it is not a particularly easy one. Using the Arizona example, you have to be licensed for seven (7) years, with ten (10) of engineering experienced required to get that license. So, seventeen (17) year's total experience – that's a long time. Mr Matter said he would be in support of the motion.

Mr Spata said he was supportive of the concept and too would be interested in the annual meetings discussion points. He added that as a board we will be mindful of those discussion points and any possible modifications before casting our vote. Mr Spata said we as board members and staff need to monitor what other states do when an item like this is tied to Model Law. He said with the authorization of the vote as addressed in agenda item 6, he would take today's discussion and consensus into consideration as we listen to what is on the floor during the annual meeting.

Mr MacKenzie said in summary, as a board you are just one vote of a much larger body. So, it's not a controlling final decision, but it is a controlling a vote and so that's why we go through this process. He added under the circumstances, this is the best we can do and still let the board members participate in a public meeting.

8. <u>Public comment.</u>

There was no public comment virtually or via email.

9. <u>Adjournment.</u>

Mr Spata thanked board members for their participation and adjourned the meeting at 9:55 am.

Respectfully, Mark Fakler
Executive Director