NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Interim Board Meeting
Held virtually, on Wednesday, February 12, 2025, at 2:30PM

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; Jay Dixon, PE; Greg DeSart, PE; and Matthew Gingerich, PLS.

Also participating were Mark Fakler, Executive Director; Derek Vogel; Communications; and Jasmine Bailey, Licensing.

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.**

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

2. **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.**

Mr DeSart recommended approval of the request to waive NRS 625.183 (4)(b) made by Sujata Subedi and Pace Murray, both are applying for civil engineering licensure. Mr DeSart recommended approval of both waiver requests.

25-09 A motion was made by Mr Gingerich, seconded by Mr Fyda to approve the waiver requests for Sujata Subedi and Pace Murray. 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 fourteen applications in the board packet for initial licensure. Following board discussion recommendations were made to request additional information from applicants Shayan Shahsavari and Eli Waltz.

Shayan Shahsavari is requested to provide recent experience to be reviewed by Ms Purcell and the board's executive director and if experience is acceptable to both, licensure would be approved.

Eli Waltz is requested to expand his experience with respect to mechanical engineering design. His experience provided is vague. He already has his electrical license but needs to describe his mechanical engineering experience. Ms Purcell can review the experience and if his experience is acceptable, he can be approved for licensure.

25-10 A motion was made by Mr Spata, seconded by Mr DeSart to approve the initial license applications contained in the board packet with exceptions noted (Mr Shahsavari and Mr Waltz). The motion passed unanimously.

6. <u>Discuss Senate Bill 78 which eliminates the Board and assimilates its functions into a new combined board of Professional Design and Environmental Specialists under the purview of Business & Industry.</u>

Mr Spata provided an update of actions that have transpired since our last board meeting. He said he'd like to get the board's input on next steps and confirm board's position. He reminded the board that Senate Bill 78 is generated out of Governor Lombardo's directive to look at board reform for all boards and commissions.

Mr Spata said over the course of the last couple of months he and Mr Fakler had met with Business & Industry on several occasions anticipating having their policy paper as well as the draft bill which wasn't made available until recently. He said in the meantime, he and Mr Fakler had been working on a board position paper which was shared with the board for today's meeting.

Mr Spata said he'd like to open the discussions, and get any input or additions or suggestions to the proposed response to Business & Industry's Policy Paper.

Mr DeSart said there was an in-depth discussion in the Legislative Committee meeting, and he thought it would be worthwhile to also summarize the committee's discussion.

Mr DeSart said the committee discussed SB 78 and the board's proposed position paper. He said the committee planned to make a recommendation to the board that a paper similar to this one, which is close to what was discussed, but specifically, we recommended a statement from the board to B&I that we support and agree with B&I's goals.

Mr Spata said he'd planned to update the document to include that suggestion as it was aligned with his thoughts.

Mr DeSart said the second thing is that the committee recommended the board go one step further than what the draft says in the sense that we recommend that the Board of Engineers and Professional Land Surveyors be removed from the bill, we come right out and request that from Business & Industry.

Mr Spata said he agreed with Mr DeSart and the legislative committee's recommendations. Mr Spata said he and Mr Fakler would add the recommendation to the paper as well as a summary and pointed statements upfront including wanting to work with Business & Industry to have a discussion about what are some other options that may work, knowing we need to be cautious about putting our eggs in all one basket. And then, we can talk about next steps in working through other avenues. He said he appreciates the collective board input and will work to update the response.

Mr Fyda added to Mr DeSart's response, that from a numbers standpoint, we have a larger number of licensees, and engineering representation on the board would be diluted. He said he sees the value in combining smaller boards to form larger boards. He said we operate very well, and he said he thought B&I would agree with that and also there could be some benefit to retaining boards without combining boards while still consolidating administrative functions.

Mr Spata said he agreed and had hoped that B&I's Policy Paper was going to give more context to why they left some boards alone and explain why some boards would be combined. But the paper only referenced other states where they combined the engineering boards with a few others. He said we were trying to have a conversation with B&I to better understand what set those other boards apart so they weren't combined with other boards. He said he thinks board reform is needed but we need to make the case for adequate representation due to number of licensees and the number of engineering disciplines regulated which makes us different from the other states considered by B&I.

Ms Purcell said she was in agreement with Mr Spata and Mr DeSart. She said she had a conversation with Vicki, who is the executive director of the State Board of Accountancy, and the State Board of Accountancy is on the exempt list, the Accountancy board is going to remain intact. Ms Purcell said she asked Viki how they got on that list. Ms Purcell said Viki said that, from the very beginning, she had just been very vocal as to why they need to be on the exempt list. Ms Purcell said she felt like this is what we are trying to do with this letter response to B&I.

Mr Spata said he thought some of those other boards are more politically vocal than we have been. We tend to hide in the shadows and do our job. He said some boards are definitely more politically connected, and that might be something that we need to understand and maybe consider as future steps. He said the letter would start that vocalness.

Mr Spata said in prior legislative sessions we engaged with the legislature, and we should consider continuing to be more active in the community and in politics.

Mr Fakler said we did specifically talk about making the request to get onto the exempt list. So, instead of saying being removed from the bill, which is what he said, we want to ask to be on the exempt list.

Mr Spata said for clarification we are asking to be on B&I's exempt list, B&I has a general statement that there are some things that would still be considered operationally underneath B&I. He said to note the exempt list is not "don't touch" but there are some things that would be required of those boards.

Mr Gingerich said he attended the board's LegComm meeting, and Mr DeSart did a really good job of summarizing the meeting. He said we definitely need to push for that moving toward the exemption list. He said we need to exercise caution because our board is substantially larger than the other three boards that they're merging us with. He said B&I could see this as an opportunity for efficiency to still merge us with the other 3 boards. He said we should be careful with trying to push that efficiency, or we should work distinguish ourselves based on more than just efficiency. Mr Gingerich asked about the questions or notes at the end of the proposed response.

Mr Spata said the comments were just side notes for Mr Fakler and himself to mention at our next meeting with B&I and to also sprinkle in the letter, not in a question form, but in response to a B&I concern. Mr Spata said the B&I meeting was canceled and supposed to be rescheduled.

Mr Fakler said it was supposed to be at 11 this morning but it was cancelled and needs to be rescheduled again.

Mr Gingerich said the response to B&I was well done and it looked like a lot of energy went into it, and he commended Mr Spata for putting time into it. He asked if ultimately the updated response would come before the board again for approval and also become public where it can be shared with folks.

Mr Spata said the response is somewhat public even though it's a draft being considered at today's meeting. He said his recommendation or motion was going to be with today's board input, to allow him to work with board staff to update the letter and get it submitted to B&I and subsequently provide it to the board. He said he wants to make sure the board is on the same page and in alignment and that if we feel we need to have an impromptu interim meeting to review the letter we can look to do that, but his recommendation is to delegate to him and staff, to finalize the response and get it out to B&I.

Mr Kidd said related to B&I's goals, it would be good to state that our board is already functioning at that level, or above the level of B&I's goals, as justification for our request for a carve out or to stay separate.

Mr Spata said he agreed, the response could be more pointed on that and that it was a good point. He said we did talk about that and some of these things with combining our board, some of these goals would actually go backwards. He said Mr Fakler and he had those conversations with B&I, and walked through every one of B&I's goals, and how we would go backwards with their proposed changes. He said, we have expressed much of this letter verbally, we just want to document what we said in this written response. Mr Spata said to Mr Fakler, hopefully, you're taking some of these notes, and we'll make sure these things are added.

Mr Fakler said yes, we are recording the meeting.

Mr Kidd said his only other comment was that after the board members all had a chance to speak there was a past board member attending the meeting and he was very interested in what Mr Riekki had to say.

Mr Dixon said he hadn't seen, on the legislative website, where any committee meeting had yet been scheduled. He said the bill would be scheduled to be heard by the revenue and economic development committee of the legislature and he asked if anybody had met with any members of that committee.

Mr Spata replied, no.

Mr Dixon said he was in that building once a week and is a registered lobbyist, and if it's convenient he'd be more than happy to meet with any of those committee members.

Mr Spata said we can talk about what the next steps might be, outside of the written response, and said he liked that idea. He said we've heard that there's been a memo going around that that the bill has been removed or will be significantly different than originally proposed but we haven't been able to validate that yet. He said to Mr Dixon that we may take him up on his offer as we go work to communicate about this.

Mr Spata said he thought we could agree with the need for board reform, there's over 300. He said he didn't if anybody looked deeply into the B&I policy paper. He said when you look at the last 10 years alone, how many new boards and commissions came into existence. He said our board has been around for over a hundred years. He said he was just speculating, but it looks like boards weren't contacted for input to the bill and that he knows for a fact this board wasn't contacted about how we operate. He said some of the meetings we had with B&I that they were surprised to hear some of the things we were doing. For example, they asked for our onboarding plan and said most boards don't have one, they asked for different elements of things our employee handbook. He said it's evident that some decisions were made, maybe a little hasty. He said he thought there was an opportunity, if the bill gets kicked for another couple of years to hopefully do some better outreach on these things.

Mr Matter said he was going back to what Ms Purcell said about the fact that other boards have been exempt or pulled from B&I's bill because of their talking or being out there. He said he thought that someone would look at this response and read it and would wonder why would we pull them into this bill. He asked if during the legislative session if they were going to actually read this letter, or do we need to find an advocate to make our case with legislators. He said everyone says we are a model board, we do a really good job of functioning and serving the people. He said the only thing he keeps coming back to is, if this board is absorbed or combined with other boards is it going to substantially harm the ability to competently license and or discipline licensees of the engineering and land surveying professions moving forward, which then is counterintuitive to protecting the health, safety, and welfare of the public. He said the Accountancy Board squeaked and squawked so they were pulled, and he worried that we were too much in the background and just providing answers and reasons why we should be exempted but we're not being noisy enough to get exempted.

Mr Spata said he thought there needed to be a balance and he thought we could all agree that we should be left alone, have our autonomy, as we have been. He said but on the same note recognizing there's a lot of other things at play He said we have to play the cards as if we had a say, and had to be able to help affirm our destiny. He said that if this is some direction that it's going, he wants to be able to have those open discussions with B&I. He said on the one hand, for us, as a board member he wants to do what can be done right now. He said B&I have indicated they're willing to work with us to understand how we operate and if we're combined or otherwise and said he wants to give them that opportunity and talk to them. He said that does not mean we sit on the sideline because we've got to, we represent 16,000 engineers and several professional organizations and many agencies that have political will to push this another way. He said he wants to make sure that we have a seat at the table to at least talk through the issues with the bill. He said B&I has had some boards come out of the gate pretty well swinging and maybe some of those are on the exempt list, but some of them were kind of wrote off, and they're in the bill the way they are, without any discussion. Mr Spata said as far as timing, legislators may never see that letter, but the letter is to go to B&I. Mr Spata said SB 78 is a skeleton bill when it was published by LCB. B&I has asked to make the bill more specific, so he thought we've got an opportunity there to get a change. He said the letter could also be used as a collateral piece, to share with our board members and other engineering entities that we work with.

Mr DeSart said he was waiting until all the other board members had commented before offering a couple of comments on the proposed response. He said he agreed with several of the other board member comments he thought a good strong executive summary at the beginning would be a really good idea, something that somebody who maybe doesn't want to read a 7 to 10 page memo might be at least willing to read through an executive summary, and make all of our really important points. He said the other comment he had was that it's addressed to businesses and industry, it should be considered a collateral piece that can be distributed to industry. He said he would estimate that 2 to 3 times a week somebody reaches out to him asking if I've heard about this bill and asking what the board is doing about the bill, what's the board's position. He said we have multiple audiences, and we should actively distribute the response paper. He also said in the context of these discussions, if it makes sense to add these questions to the paper and he said his opinion is we wouldn't put the questions in the response paper and that really, they're just talking points for when we meet with B&I and it'll be a much more impactful piece without the questions.

Mr Spata said he understood and agreed.

Mr Spata said thank you, great feedback. He said, so again, he'd like to make those edits that have been suggested here today as well as the ones we were already looking to do have a more pointed one-page executive summary upfront and just reposition some of our points within the paper and get it sent to B&I. He said we can then send out an announcement or something similar for different audiences and other steps are long term. He said he thought we needed to look at what Mr. Dixon had noted getting out there in the community a little bit more and starting to develop a plan for the next 2 years. He said going out on a limb that he thought we've got that time but nonetheless, we need to get out there sooner rather than later and maybe strategize. He suggested the Outreach Committee, or the LegComm Committee might be better to develop a communications plan and strategy over the next period of time, certainly near term and long term that we could all agree on and start moving forward.

Mr Matter asked if we had the board's position, do we want to fight this, or we're going to try to educate and shape it to where, when it gets restructured, we're in the best position to be able to do what we do, or some of us thought it was a bad idea, but I just don't know if we've ever come up with, a position that we've voted on as a board of what we think we should be doing.

Mr Spata said good point, he didn't know if we've all came out and voted or concur, but listening to the discussion, if he had to summarize a board position, we completely support board reform, feel that it's needed, however, we feel it would be a detriment to this board to be combined with the other boards and put under Business & Industry as noted. He said he thinks that is what he heard from every single board member. He said the only board member that had been fading in and out of the call was Mr Kidd and he asked Mr Kidd if he was having phone issues.

Mr Kidd said he was good and that he absolutely agreed. He said he thought part of that justification or statement is, we are currently a proven high performing board.

Mr Spata said yes, we're all in agreement on that. He said to Mr Matter, he thought that would be our opening statement however, we also want to be able to do our part to meet the goals and intent and right now, at least, many of the goals would be at a disadvantage if they did what they're proposing to do.

Mr Matter said it was a good summary he thought there was agreement, or at least that's where his position sits but wanted to make sure we're all on the same page.

Mr Spata said some of the logic, and it's something maybe we didn't touch on too much, are other ancillary reasons that some of these boards are being combined, and board reform is due to concerns of how they operate. He said with board turnover with term limits, keeps our culture, and how we look at things fairly consistent while getting new ideas. He said we need to recognize that there are some boards out there, both in Nevada and other states that may not operate that way, and he thought being able to hit the high points on what sets us apart and why that shouldn't change. He said Mr Fakler provided us a copy of our Sunset Review and you we were one of the few boards that passed with glowing reviews, and as a model board, we've addressed all these other issues that align with B&I's goals and recommendations. He asked if there was any comment or input on which committee would take charge of developing a future plan, a longer-term plan, as we work through Business & Industry, and certainly our constituents, as well as our lobbyists, to try to make the appropriate connections.

Mr DeSart said he had input on that, that in his opinion, we should have both committees working on this because they're kind of separate strategies. He said we should have LegComm work on a legislative strategy and then have the Outreach Committee work on an outreach strategy for the general public and industry. He said, if I'm not mistaken, Jay is on both of those committees, and we could work together.

Mr Spata said he's like to assign the action to both committees to put together a plan in the very near future, as soon as we can get a meeting on the calendar, and properly notices, because it is a public meeting, such that our next full board meeting, we could have those recommendations and vote on those as a board as we go forward, the March board meeting. (ACTION Item)

Mr Fakler acknowledged that March is the next board meeting.

25-11 A motion was made by Mr Spata, seconded by Micheal Kidd for the board to delegate himself, working with staff and Mr Fakler specifically, to update our position paper, to be sent to B&I, with the comments received today, with a focus of being more pointed in an executive summary upfront, submit the paper and continue with our calls and working with Business & Industry. Also, in parallel, get our 2 committees together as rapidly as we can, with public notice, and get some recommendations from those committees. And we mentioned 2 committees. I guess the third committee might be also if we didn't have one recently is, our PAL Committee meeting with some of the other agencies just to get any input from them. If that's warranted and then we circle back to our next full board meeting. Motion passed unanimously after the following continued discussion.

Mr Spata asked if there was any further discussion.

Mr DeSart asked if we could have a subcommittee, a public subcommittee meeting where we had the three committee chairs—LegComm, Outreach, and PAL—in in a room to divvy up the task and make sure we're all clear about who's doing what and then have subsequent committee meetings to do the work.

Mr Spata asked if Mr DeSart was asking to have a joint committee meeting.

Mr DeSart said what he was asking was if the 3 committee chairs could have a public meeting to discuss before the committees convened to discuss specific portions of the work. He said to clarify each individual role and who's going to take the lead, on what particular pieces, and then we call the separate actual separate committee meetings to do the work on the parts that we've agreed to in the meeting with just the committee chairs.

Mr Spata said he was okay with that, he was just concerned about the timing to do that with all the public meeting notices. He suggested it be maybe more prudent to just have a joint meeting.

Mr DeSart said the only issue is that the PAL committee has a bunch of people from different organizations/entities, and that could get cumbersome. He said buut maybe it's just Mr Dixon and I who will meet, or maybe we'll just get our two committees together and do those together.

Mr Spata said PAL is just getting that added input that we could utilize at our next board meeting. He said he thought if you have a joint meeting with the other committees that he'd like to be a part of that since he putting together the response to B&I. He asked Mr DeSart to work with staff separatelyand Mr Dixon to get that scheduled and he thought it would be prudent that we can then report out at the next board meeting. He said as for timing of the letter, he was going to look to rewrite in the next few days and his goal is to have it out within a week, unless we get the call rescheduled with Business & Industry in a week, then we might give it a day to at least have that call before we formally send the response. He said but right now, our plan is to send it as soon as we can. He asked Mr DeSart if he was still good with the motion?

Mr DeSart replied, yes.

Mr Spata asked if there was any further discussion.

Ms Purcell asked Mr Fakler to include all the board members on the committee invites. She said even though she was not a member of LegComm or Public Outreach, if she was available, she would like to join and there may be other board members that feel the same.

Mr Spata called for the vote and the motion passed unanimously.

7. <u>Public comment.</u>

Mr Spata opened the meeting to public comment.

Mr Riekki:

> *Mr Chairman, members of the board. I don't know if you're aware of it. I'm in the city of Las Vegas, and we're regularly tasked with looking at proposed bills and coming up with a position statement for the City Engineers Division. I'm sure the same thing goes on with building and safety and land development, all connected with public works in one way or another, and while looking at this bill. I*

haven't come across a single licensee that wasn't taken aback and somewhat alarmed by it and we're all aware that we seem to be living in a new world of government introspection, a desire to downsize and do more with less. But the board really is, very highly thought of by all of the licensees and those striving to become licensed. The city of Las Vegas, at least the city Engineer division position statement on this particular bill is strongly opposed. Although, we do have a statement that we've put together. It started out about 6 pages long, and we've boiled it down and boiled it down and then tried to put it in 3rd grade language, so that those well-meaning folks that that are not aware of the back-office work, and the and the amount of time that volunteers put in on this board might more clearly understand it. But although we, as you have stated, although we don't disagree with the purpose of this bill, we currently feel that the bill, as written, does nothing but exactly the opposite of the intent. We believe that it's going to severely hinder. There's going to be, if the port is reformed, if there's going to be a long, slow, learning curve, and I doubt that you would, with a 4-person board it is going to be near impossible to achieve the level of service that board currently puts out. I was glad to see that the board was meeting today, and thank you for the opportunity to sit in. I don't know if there's an anymore that I could share with you, I mean, I know from my time on board. The board has always gone out of its way to try to cover being a discipline state as many disciplines as we could with its representatives and not only that, but to try to try to cover the northern portion of the State as well as the Southern, to cover rural urban, high urban areas with a smattering of representation that that would make any licensee in the State feel that their individual needs and concerns are represented, and I think the bill is written will seriously injure that relationship.

Mr Spata said although I'm not supposed to respond to public comments he completely agreed. He thanked Mr Riekki for his and encouraged him to stay connected and be part of any further meetings as he was able to offer any insight.

Mr Spata asked for any other public comments.

Mr Fellenz:

I just want to say thank you so much al ALL of you for being so great throughout this entire process, and for believing in me enough when I originally stood before you over 3 years ago. Thank you...and my family thanks you.

Chrissy Wilson:

NALS Executive Director, is the sunset review available on your website? What year is your next sunset review, if things remain the same?

Mr Fakler said the last sunset review was 2018 and he did not know when the next Sunset Committee Review would be, but he could send her the 2018 review.

Mr Spata said to post the sunset review to our website, if it was not already posted there.

Mr Spata asked if there were any other public comments.

Mr Carrington:

> *This is Robert Carrington. I am the Legislative Committee chairman for the Nevada Association of Land Surveyors, and I can tell you that we have been working diligently on this, and we have come up with our own opposition letter, which we'll be glad to share with your board once we've finalized it. One of our comments was about when the last time there was sunset review going on. But since we know now that last time was 2018, and we don't know the next scheduled. I don't know how that's going to impact what happens with this bill. We do know that this bill is ultimately going to be approximately 3,000 pages, and it will probably not get approved in this legislative cycle. How deep it is, but if we don't start now with our opposition, and have oppositions of merit, as defined by the fact that your board meets all of the goals proposed goals, that this reform of boards was supposed to do and that we don't believe that it should, that we should be included with this proposed new board that they want to make. We do know that engineers are. What do you have? 9 disciplines of engineers, and you know your board does I think there's closer to 4 or 500 in total. But all of our members feel that we are represented by this board and want to continue this want this board to continue the way it's been operating, and the way you've become so efficient. I think that you, the numbers are that you, you guys renew licenses is about 4,000 every 6 months. If you have 16,000 licensees that would be every 6 months or close to that based on the alphabet of their last name. And so, I just want to say that we are working on it, and we'd be happy to share the knowledge that we are gaining, working with NCEES, our executive director Chrissy Wilson, who is listening. She's also the executive director for Arizona and for the Western Federation of Land surveyors. So, we have a good representation with Chrissy. She brings us a lot of knowledge and helps us formulate our opinions and our positions, and we'll be glad to support the board any way we can.*

Mr Spata thanked Mr Carrington. He said we'd like to get any opposition papers from yourself, from City Las Vegas, or any of the other entities that are preparing those certainly would be helpful. He said he appreciated the comments from Mr Carrington.

There was no further public comment.

8. <u>Adjournment.</u>

Mr Spata thanked the board members for their participation and adjourned the meeting at 3:45 pm.

Respectfully, Mark Fakler
Executive Director