NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Regular Board Meeting
Held at 1755 E Plumb Land, Suite 258 Reno, NV 89502
on Thursday, March 13, 2025, 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; Matthew Gingerich, PLS; and Greg DeSart, PE. Robert Fyda, PE, were excused. Also joining were Mark Fakler, Executive Director; Chris MacKenzie, Board Legal Counsel; Murray Blaney, Operations/Compliance; Jasmine Bailey, Licensing Specialist; Ed McGuire, Professional Standards; Derek Vogel, Communications; Cassidy Wilson, Government Affairs Liaison; and Camille Buehler, PE/PLS, as a board guest.

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

Mr Wright called the meeting to order, 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.

Board members, staff, and the board guest 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.

Mr Fyda and Ms Purcell, who both reviewed the waiver packet, recommended approval of the request to waive NRS 625.183 (4)(b) made by Greta Gaddis applying for environmental engineering licensure.

25-12 A motion was made by Mr Purcell, seconded by Mr Kidd to approve the waiver request. The motion passed unanimously. Mr Fyda were excused from the vote.

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

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

25-13 A motion was made by Mr Kidd, seconded by Mr Gingerich to approve the applications for initial licensure contained in the board packet with recommendations noted. The motion passed unanimously. Mr Fyda was excused from the vote.

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

25-14 A motion was made by Ms Purcell, seconded by Mr Kidd to approve the applications for initial licensure contained in the board packet with recommendations noted. The motion passed unanimously. Mr Fyda was excused from the vote.

7. Discussion and possible action on approval of January 16, 2025, board meeting minutes.

25-15 A motion was made by Mr Kidd, seconded by Mr Matter to approve the January 16, 2025, board meeting minutes. The motion passed. Mr Fyda was excused from the vote and Mr Spata abstained.

8. Discussion and possible action on approval of February 12, 2025, interim board meeting minutes.

25-16 A motion was made by Mr Matter, seconded by Ms Purcell to approve February 12, 2025, interim board meeting minutes. The motion passed unanimously. Mr Fyda was excused from the vote.

9. Discussion and possible action on January 2025 financial statements.

Mr Fakler reviewed the January 2025 financial statements as presented in the board packet and provided clarifications for the board.

25-17 A motion was made by Mr Spata, seconded by Mr Matter to approve the January 2025 financial statements. The motion passed unanimously. Mr Fyda was excused from the vote.

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

a. Compliance officer report on complaints being investigated.

Mr Blaney reported on the status of the four (4) open compliance case files.

Mr Gingerich asked for clarification on the Advisory Committee process.

Mr Blaney explained when an Advisory Committee is used in the complaint investigation process, how the committee is formed, and what the committee provides to the board liaison and executive director as part of the investigation.

b. Consideration of probation reports:

Dooley Riva, PE #18231	Buckley Blew, PLS #24520
Jason Caster, PLS #19338	Armando Monarrez, PE #19652
Mark Johnson, PE #19830	Robert Mercado, PLS #10352
Lyle Scott Mackay, PE #15131	Andrew Hammond, PE/PLS #21191
Kevin Gutman, PE #28002	

Mr Blaney reviewed the status of the licensees currently on probation and explained the process of releasing licensee from probation when they met the terms of their stipulated settlement with the board.

11. Discussion on Board Counsel Report.

Chris McKenzie reported that Decision and Order drafted following the January meeting's hearing has been executed and sent out. He noted the hearing itself originally started as a petition for re-licensure but transformed into a petition for instructions required for re-licensure, that's how the board presented its findings and that's how the decision and order was prepared and finalized. Mr MacKenzie added he had been working on two stipulated agreements which are to be considered by the board today, and an additional matter that will likely move to a hearing at the May board meeting.

12. Discussion and possible action on supplement to stipulated agreement for Andrew

Hammond, PE/PLS, license number 021191, complaint number 20220009.

Mr MacKenzie introduced the facts and proposed terms of the stipulated agreement as shown in the board meeting materials and asked if the board had questions or needed clarifications.

Mr Matter asked for clarification on the disciplines in which Mr Hammond is licensed and whether his engineering license would be subject to suspension as part of the proposed sanctions.

Mr MacKenzie said the suspension terms only relate to Mr Hammond's Nevada PLS license. His PE license would still be active but on probation from his previous disciplinary action. He added the concern of this action is his land surveying competency.

Mr Gingerich asked for clarification on any review of Mr Hammond's Nevada PLS work should he complete the terms of the agreement and have the stay of suspension reinstated.

Mr MacKenzie when if and when Mr Hammond comes before the board for an oral interview, board members can present additional requirements at that point because another board action would be generated to reflect the determination and decision of that appearance.

25-18 A motion was made by Mr Kidd, seconded by Mr Gingerich to supplemental stipulated agreement for Andrew Hammond, PE/PLS, license number 021191, complaint number 20220009. The motion passed unanimously. Mr Fyda was excused from the vote.

13. Discussion and possible action on revised stipulated agreement for James "Mick" Powers, PLS, license number 015072, complaint number 20230016.

Mr MacKenzie reviewed the facts and proposed terms of the stipulated agreement as shown in the board meeting materials and asked for any questions. There were none.

25-19 A motion was made by Mr Kidd, seconded by Mr Purcell to revised stipulated agreement for James "Mick" Powers, PLS, license number 015072, complaint number 20230016. The motion passed unanimously. Mr Fyda was excused from the vote.

14. Discussion and possible action on administrative report by staff.

a. Approved licensees report.

Mr Fakler 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 Fakler said a strategic planning update session has been rescheduled for November 12, 2025, in Reno.

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

Mr Fakler said the NCEES combined Western & Central Zone meeting would be held May 15-17 in Albuquerque, NM. He said staff have been working on travel arrangements and will send out confirmations to the board in the next couple of weeks.

15. <u>Discussion and possible action on Business & Industry Policy Paper related to SB 78.</u>

Mr Spata
For this agenda item, my thought was it is appropriate to give the board an update on where we're at with Senate Bill 78 and our position paper. I know we have sub agenda item 15A and B, which we could talk about more specifically. So as an update at our last board meeting, which was an interim board meeting on February 12th, we presented a draft write up of our position to the board in which we got a lot of great feedback and comments from this board. And as part of that board meeting, you all delegated the responsibility for myself and Mr Fakler to finalize the response to Business and Industry. With, again, a lot of great feedback.

So, following that meeting, Mr Fakler and I created an updated memo and subsequently we were able to get on another call with Business and Industry on February 26th. So, because we had that call set, we decided to hold off on submitting the letter until we had the call to really better understand where the Senate bill was and see if there was any update because at the time we were hearing rumors that there might be some changes or things adjusted to the bill. We got a good update from Business and Industry. Of course, they were pretty on target with the bill going forward and getting passed at the time. Again, this was February 26th. During that meeting, they had also asked for comments from our board on the Senate bill, and more specific comments as to any edits. At that meeting, we presented the fact that we had this response letter that we wanted to provide them with as well as our position, which they were looking forward to seeing. During the meeting, we expressed our concerns with the way the Senate bill was currently written. And the detriment that it might have on this board. So again, they were really looking forward to some comments and feedback as they weren't quite seeing it the same way maybe we were seeing it. So, we offered to provide two responses following our meeting on the 26th - three if you include our response letter. In addition to our response letter, they had asked us to provide them with our recommendations on the number of board members with their current plan. If it were to hold. The other action was they requested that we provide them with specific comments to Senate Bill 78.

Following the meeting within the day, we did provide them with our recommendations for board members and the fact that with their current plan, we felt we were way underrepresented. We did *provide that, Mr Fakler provided that to Business and Industry. We started to go into the Senate bill to provide edits, but in a prior call where they had with all of the different boards that were impacted, they had indicated a lot of the Senate bill was being scratched to take the bill basically to one third of the size to really streamline some things. So, we made a decision to wait for the new draft to come out that they had indicated was supposed to come out on March 7th. And we let them know that we would wait and comment on that. To date, we have not seen that new draft. However, we did submit our full response, which is in your board packet. We submitted that on March 3rd to Business and Industry. And again, a couple days prior, we had submitted our recommendation on the number of engineers and surveyors we would recommend with their combined board as they had recommended it.*

Subsequently, which is not in your board packet because we missed the cutoff date, we did receive an email response from Business and Industry on their review of our letter as well as our comments on the number of board members and they had provided us, which I'm going to read to you, what they see the adjustments they are willing to make based on that letter. And then that'll leave us where we're at today.

I wanted to remind everyone what they were originally proposing. What they were originally proposing was for our board to be combined with the State Board of Architecture, Interior Design, and Residential Design, the Board of Landscape Architecture and the Board of Environmental Health Specialists. The new board name for the four combined groups would be the Nevada Board of Professional Design and Environmental Specialists. They were proposing that that would be a 13-member board of which as it pertains to us, we would have two land surveyors and two professional engineers on that board. So that was what the original proposal was just to have in mind as I read their response. So, I'm going to read this word for word, and we will then insert it into the meeting minutes.

So, this is the response from Nikki Haag with Business and Industry.

Mr Spata read the following email into the meeting minutes.

To: Mark Fakler
Cc: Angelo.Spata; Kristopher Sanchez
Subject: RE: NVBPELS Policy Paper Response

Hello Mark:
We sincerely appreciate the time and effort that the Nevada State Board of Professional Engineers and Land Surveyors (NVBPELS) has taken to review the Business and Industry (B&I) Policy Paper and provide thoughtful feedback regarding SB78 and the proposed board consolidations. Your detailed response has been invaluable in ensuring that board reform is carried out in a manner that supports Nevada's professionals while aligning with the Governor strategic goals.

After carefully considering NVBPELS's concerns, we have made the determination to remove the board from the originally proposed merger with the Architects and Landscape Architects to better preserve its distinct role in engineering and land surveying. However, we will maintain the proposed merger with the Board of Environmental Health Specialists to create a new 9-member regulatory board that will enhance oversight, streamline regulatory functions, and improve efficiencies while ensuring each profession maintains strong representation.

The Nevada Board of Engineering, Surveying, and Environmental Health will consist of:

- ***4 Professional Engineers***
- ***1 Land Surveyor***
- ***2 Environmental Health Specialists***
- ***1 General Public Member***
- ***1 Chief Medical Officer***

This structure reflects the critical role that engineering, land surveying, and environmental health play in public safety, infrastructure, and environmental protection. Both professions:

- ***Require a high degree of technical expertise and regulatory oversight to protect public health and welfare.***
- ***Ensure compliance with environmental and safety standards, particularly in water quality, air quality, infrastructure development, and land use.***
- ***Operate under evidence-based regulations to safeguard Nevada's built and natural environments.***
- ***Have overlapping regulatory interests, particularly in areas such as water resource management, public health engineering, and environmental impact assessments.***

This merger is designed to preserve the integrity of each profession while fostering greater collaboration in shared areas of oversight. We recognize and respect the concerns raised regarding licensing efficiency, technical expertise, and public safety, and we remain committed to working closely with NVBPELS to ensure a smooth transition that retains the strengths of your current operations while benefiting from increased administrative efficiencies.
We appreciate your continued engagement and look forward to further discussions on implementation to ensure that this consolidation meets the needs of both professions and serves Nevada's public interest.

Thank you, Nikki
Nikki Haag Deputy Director
Office of Nevada Boards, Commissions, and Councils Standards

Mr Spata

So, with that, we got that just on Friday, the 7th. So just a few days ago. Unfortunately, we weren't able to add it to the packet. So going back to our agenda, that is our current update of where we stand. I know there's been a lot of different engineering organizations reaching out to Mr Fakler and I'm sure you've even other board members as they've been looking to Represent this particular situation.
So, with that, I guess moving to agenda item 15A the policy paper response. Again, I was greatly honored that you all left that with myself and Mr Fakler to address your comments, and I hope that I was able to capture that in that response and maybe we start with if there's any questions or concerns with the response paper we provided to B & I.

a. <u>Consider possible response to the policy paper.</u>

Mr Matter

I'll make a comment that I think you guys did a great job with it. I think the paper was very well written. I thought I'd express the opinions that we and the concerns that we put forth. So, with regards to the paper, I think you guys did a very good job and I think you represented the thoughts and ideas of the board very well, in my opinion.

Mr Dixon

I'll ditto those comments, but also, I feel like based on what I just heard that nothing changes for me. And I agree with everything in this policy paper. It remains true. Relative to at least our position as I see it

Mr Wright
Nothing changes, meaning what?

Mr Dixon
There's a request in here about an exemption.

Mr Matter
They didn't offer the exemption, correct me if I'm wrong but they broke out the landscape and the architect and the designers away from it. I'm trying to understand the symbiosis between us and the environmental side, I guess, from the expertise value of an environmental providing oversight to an engineer competency or an engineer complaint and then vice versa. An engineer being able to provide competency and the same back to the environmental side.

Mr Spata
Mr Vice Chair and board members, if I may, just if we could maybe hold to first the response letter and make sure that the response reflected our board's position. And then we could talk about what our opinion might be on the response from B&I and next steps, if you don't mind.

Mr Wright
Is there any other comment about the response letter itself? Okay. Thank you, Mr Chair. Do you want to proceed further?

Mr Spata
Sorry to have interrupted you all. Our response letter was very, I felt, direct in our desire to have our own autonomy and be left alone. I do see that that response that we got from B & I as movement. I know I heard, or I think I heard that maybe it was not. A few things that I felt were movement on it. And again, I'm not going off of our position of being left as is. But we've got to recognize that this is moving forward and also look at what we can do to make this better as we negotiate and work with legislators.

The one thing that I thought was good within the response and our verbal discussions is the fact that Senate Bill 78 requires that the executive director, if I remember correctly, reports to B & I. There's a lot of concern about the staff and what we're able to hold or keep. They are open and it was written in that response that I just read, that that is still open to work out for what's best for the board. It's not black and white that they are taking on all of the staff. So, something to be mindful of. Again, I'm not saying that that's the right answer. I'm just making sure that we're looking at the response that they've given and the movement that they have made since the original policy paper and the original Senate bill We are waiting on the draft to see if those changes that they had in the email are reflective in there that we do *have the ability to retain how we operate and our staff along with their proposed combination of the health specialist. So, I just wanted to keep that in mind. Again, I'm not saying that it means that we should not be feeling any differently than our position paper. I just wanted to get that out there. With that, I guess we can go around and get feedback on their response and next steps.*

Mr Kidd
So, I think the proposal from them that they're going to that would be one land survey member gets really challenging because any land survey item that would come to the board that land survey member would most likely be the board liaison for that item. And following all the requirements of due process, once that item comes to the board, that land survey member will not be able to be part of the discussion. So, you would have land survey items in front of the board without a land surveyor being able to speak on the item. I think that's challenging.

Ms Purcell
I would agree with Mr Kidd. That was going to be my same comment. I think that while this may be a step in the right direction, I think that we need to continue as we addressed in the policy paper. I think that even in looking at going back to the land surveying issue, number of land surveyors. The cases that we're currently investigating, if I remember correctly, three of them are land surveying related. I think that it is really important to have at least two land surveyors on the board.

Mr Matter
Not only that if you have, what if one of the land surveyors on the board has a conflict?

Ms Purcell
Correct

Mr Matter
Then you have no one to provide any representation or investigation.

Mr MacKenzie
I absolutely agree they need more than one land surveyor but if this bill goes forward. The whole process for discipline will change. We've implemented as a board through our regs for the board liaison and that and then conflicting out protecting due process. They would actually have their own investigators. "They" being the new Business and Industry would have the investigators handle that, and have hearing officers, so those matters wouldn't really become before the board. So, that liaison process would no longer be there. But absolutely, in terms of a conflict or absence there could be no representation at all for land surveyors. I think in terms of your response, should their bill go forward as they propose, the board liaison would no longer be under their structure. Just for clarification.

Mr Kidd

So Mr MacKenzie I your wisdom and insight for me, if you would. What you're describing that new process, is that more efficient and more streamlined?

Mr MacKenzie
If I may, Mr Vice Chair, Chris McKenzie again for the record. Your question as to whether it's more efficient with a hearing officer. You have one person hearing the matter and making a determination - not sure as to their credentials though. Whether or not they would be floating between all the various boards under B & I versus having somebody that's knowledgeable in land surveying and or engineering. Not sure. The beauty of this board is you basically have a jury. I mean, this has the opportunity for a lot more input in hearing matters and responding. And it's not like you're the Contractor's Board or many other boards of Nursing that have voluminous amounts of complaints and disciplinary matters to deal with. I mean we deal with a relatively small amount as a profession based on the number of professionals you have. And I think that goes to your professions as to why this is a unique board and a unique two professions, and I've said it before, you hold yourselves to higher standards than most professions do and should be proud of that. But you do provide, and this is me on my stump, you do provide a lot more encompassing review of any discipline based on your professions and your expertise. So, my answer would be more efficient, maybe, but not more effective.

Mr Spata
Until something's on paper you know the jury's out. But at least in the verbal discussions. That process that Mr MacKenzie laid out I think is not fully baked and I think there's opportunities to shape that if this were to move forward as they proposed. And again. We still have opportunity to provide comments back. I don't know that this is done. As Ms Purcell said, it's moving in a better direction, but we need to continue to provide comments and feedback. And what we're looking to do. What Mr MacKenzie laid out might be one of those things as well. As well as Mr Kidd your recommendation of another surveyor.

Ms Purcell
I have just a question. The environmental health specialists, do they currently have a board and how many are on their board presently.

Mr Fakler
Mark Fakler, for the record. There is a separate board. I don't know the name of the board and exactly how many members. One of the things I do know about it is, it is attended by a chief medical officer. And that my understanding is why that's the reason why there continues to be a chief medical officer on our board. But yes, there is a board for environmental health specialists.

Mr Gingerich
So, I agree with all the comments, but I think I also come back to the whole concept of us losing our autonomy. And how detrimental that is going to be for potential licensees and the public. So, I certainly would hope we would incorporate that back in our response.

Mr DeSart

Greg DeSart here, I wanted to first talk about the surveying members. I agree that there should be at least two, and in addition to some of the concerns about the investigative process and everything there's also a benefit that I've seen on the board of having more than one perspective on surveying issues. Same with engineering issues too, but if you just had one surveying member that member's perspective potentially would be too concentrated and you wouldn't necessarily be able to make objective decisions because you would have only one opinion from an actual surveyor. So, I think that would be a concern that I would have in addition to possible concerns that Mr. Kidd brought up. And of course, we can't answer what that would mean because we don't know what the investigative process would look like. So, I think it's just important maybe in our response that we bring up both of those issues as concerns.

Second of all is I guess I would agree with Mr Dixon that I don't really see the nexus between environmental health specialists, engineers, and land surveyors. They talk about how they both are involved with infrastructure and public health. And that's where they're making the nexus. But I think they're for different reasons. That the expertise is completely different. And so, I think our follow-up response should make it clear that we don't see the connection. Like even today, we talked about how a civil engineer does some surveying and works with surveyors and engineers and surveyors collaborate on projects. And so, we're very familiar with the connection, the interconnectivity but medical health specialists and maybe I'm just ignorant of this, but I don't see the nexus. And I think that we should say that in our response.

And then I guess the third thing is what other people have already said is already said I think we should still be requesting the exemption.

Mr Blaney

If I may, just for statistics on the record, looking at the reports of occupational licensing boards in the last year. The Environmental Health Specialist added 57 licenses for the year, whereas we would add 1200 to 1400. And as far as complaints, the outcome of complaints is listed in the reports of occupational licensing boards on the state website. And going back to 2017, there's no record of a complaint.

Mr Matter

And I think in looking at their negotiation and in what they provided back to us is a compromise a little bit. I really feel it's kind of seeing those and hearing that they're trying to find a place to put that board is what they're trying to do. Instead of divesting the engineering and land surveying board, they're trying to find a place to put some of these smaller boards. I was the one that brought up the point about I don't see the symbiosis to them, but you know, it comes back to the same thing. I still feel we should try to go for autonomy. But maybe if they're looking for a place to put that, okay, well, our board's a board of nine, you know, based upon the number of cases, issues, licensees, stuff like that. Maybe we increase our board to 11 and you put the Environmental Health Specialist and something additional. So, you provide a place for them to get the efficiencies and maybe that's a meaningful compromise on the back end of it.

Mr Spata

Yeah, that's right. I mean, that's one of their many goals is trying to get some efficiencies. Rather than that board with the stats that Murray laid out, being small like you said, kind put them under something that is operating more efficiently. And again, I don't disagree with being standalone, I want to get into that here in a minute, but we've got to ask ourselves too, even though we may not see how health and sciences lines up with us - what would that hurt us by managing that collaboratively together? So that's what we've got to challenge ourselves with and think about in a response. How would that be a detriment? Now, I agree, the number of members and changing that, that's something we could comment on to what Mr Matter, I think I heard you say. And that might be some of the response. Again, just trying to be the devil's advocate.

Mr MacKenzie

Speaking of devil's advocate, you could look at this in another way is maybe the architects were more successful in getting themselves separated from the board than we were. Because I see that they took the architects and landscape architects out. So where did they go?

Mr Spata

They're still combining it with the other ones, so they're not off the hook.

Mr MacKenzie

Who are they combined with, Angelo? Sorry.

Mr Spata

There was the board of architecture interior design and residential design and then the landscape architecture and those would still be combined, those two, but I don't know They didn't in their response letters indicate if they were putting them under somebody else. And that's what we're waiting on the new draft to find out. By no means did they indicate that they're going to be left alone.

Mr Spata

They just agreed that architecture is a bit different than engineering.

b. <u>Consider possible communication plan, associated action items, and assignments to board subcommittees.</u>

Mr Spata

Agenda item 15B was about our communication. And, you know, we talked in our meeting on February 12th of getting together and sorting through our communications plan. Obviously this email, we need to look at how we respond to that. I know we talked about having the subcommittee look at it. Mr Fakler could chime in here but when we came down to it on February 12th, we talked about, well, it should be legislative committee and then it was like well, let's combine PAL. And before you know it, all the board members wanted to be a part of that, rightfully so. So, I don't know if it's a part of this meeting because *it's not really on the agenda, but you know, I think we just need to have kind of an interim meeting to really work through what our response and position is, is my recommendation. Both to their email as well as how we want to handle it with Industry. I guess what I will throw out there, I mean there's two pieces to this.*

Again, I'm just trying to make sure that we're not getting emotional and we're thinking of everything. I don't disagree again that we need to keep that autonomy and be left alone, but we've got to be able to sell that right and how that fits with this board reform that's out there. Some of that could be done via you know some of these engineering and local agencies, which are very passionate about it. But there's still the side of if this moves forward, I want to make sure that we're getting our voice heard and we're getting the most out of this that we can if it were to happen. And maybe that's the wrong mindset as Chair that I should not have, but I feel we've already made movement in what we did in our response, and I feel like whatever we decide, we need to continue on one hand making movement if this goes forward to get in there what we need to get in there, while maybe in parallel, we're still trying to I guess get exempt, with some minimal maybe with some minimal consolidation of services, which was in our response letter. I just wanted to put that out there.

Mr Kidd
Could I impose on our guest board member to chime in and see maybe add some perspective.

Ms Buehler
Well, my first question is, is there a good likelihood this is going to go through? Is that what you guys have heard?

Ms Wilson
So right now, the bill has not been scheduled for a hearing and the language is not completely out. We're still waiting on amendments that were supposed to come out two weeks ago. So, waiting on that and then waiting for the Chair to actually put it on its committee. So, as background, this is a Business and Industry bill. So, this is a governor's priority bill that he mentioned during the State of the State. The legislature is majority Democratic, so we are just waiting to see if they will hear it and, if they have amendments, what their amendments will be.

Mr Spata
And right now, they're still rewriting that is what I understand based on other feedback. Just to add to that Cassidy's note.

Ms Buehler
Yeah, I mean, I'm thinking of it as I'm a member of the ASCE Truckee Meadows Board and I'm just thinking of how we can support what you guys want. I mean, I agree with what you guys are all saying. And I agree too that you have to be careful of supporting or providing movement if this does go through. So, I'm wondering what you know, and should we be supporting you guys by responding to the email or

to the original document?

Mr Gingerich
That's a good question. What is the answer?

Mr DeSart
I was as I'm listening to this conversation, and this might be what you're already saying. Angelo, it seems like we have to have two prongs in terms of our communication plan for this. One is a communication plan with Business and Industry and the legislature. And the second prong is a communication plan with Industry. To give guidance for a lot of the professional associations who are up in arms about it, and they are wanting to do something I think, but if we could… be clear in our communication plan with what the board believes will be the most helpful. I think that would be good, but that could be completely different than the communication we have with Business and Industry. So, it seems like we could be simultaneously essentially negotiating with Business and Industry of what we want and trying to get something along the lines of what Mr Matter said. While we're simultaneously working with the industry to help get more of a unified response from stakeholders.

Mr Spata
It was evident in the meeting Mr Fakler and I had on the 26th that they've I'm not saying it's right, but they've shut down with the boards that have drawn a hard line. They just said, "okay, that's fine That's fine. Then we'll stop talking with you and we'll shut down as well." And they're going to continue forward with what they propose, and you know to me I feel like we should try to get what we can out of it if it goes forward as our guest speaker I think was noting. And so far we have movement. We've went from four to five, which is not only five, it's a majority of the nine. Doesn't mean we can't, for all the points Mr Kidd noted, get another surveyor on there. So, Mr DeSart, I think what you're saying is absolutely correct.

Mr Matter
When I look at it from a business perspective, our board, obviously the way we show our reports we don't cost any money. As far as our revenue our expenses from the number of board members is not much other than travel to get to meetings, which we do alot virtually. I really think, you know, this has kind of been Governor Lombardo trying to make government efficient, right? And that's kind of a whole thing nationally. I really think this Environment Science one they're looking for a place to put it. They just *formed that board in 2017 or recognized that board in 2017. So, he's trying to get efficient. We have a board of nine members and whether nine is the ideal number or not, I think there's some uniqueness to it that we could provide I guess my negotiating thing I'm thinking as a recommendation is you know we put instead of pushing back like you're saying, Angelo, if we continue down where you want to be autonomous or else we're going to take our ball and we're going to go home, at the end of the day, if it goes through, the go screw yourself per se that you mentioned.*

But I think if you propose back in the negotiating and as to why, why does the board need to be X number of members? And I don't know what that right number is. I definitely do agree that you need more than one land surveyor on it. And then the number of engineers and whether or not there is or isn't a public member doesn't matter, but I think you negotiate back as they're looking to solve a problem. You can solve the problem saying, "You know, my biggest concern is the efficiency of the staff that the engineering and land surveying board has to be able to process the information for the engineering and land surveying community. And I think if maybe your secondary approach in the negotiations of, "One, yes, we still think we're optimal if we're separated. But our second component to it is if we're not, we're willing to take on this other board. I believe it was, and one being the Environmental Health Science.

We take on that board and give one of their people a board seat so we can help streamline their efficiencies. Because, I mean, if this board goes down to four members versus nine members, what do our expenses really change? If we kept the same staff, let's say. You know, what is our travel six times a year, eight times a year. For three additional or four additional people. It's negligible to the amount of So we're already as efficient as he can be. I mean, we're already really there. That's kind of the way I look at it. It still allows us to maintain our autonomy. And again, I don't know what the right number of engineers and land surveyors and or public members is. But I think where we would become inefficient is if our staff goes from the current level to half that level because they're trying to add additional staff from other places. I just don't see how the staff could operate efficiently, as efficiently as they have if that structure changes. So maybe the negotiation is we help take that on.

Mr Spata
I think you're right. The efficiency comes with this other board with just a few licensees you know becomes much smaller so that saves on the overall staff to the state. You bring a good point just to remind ourselves of really why the two, maybe three big heartaches we had with what was being presented back in November was our staff, right? And the fact that we were concerned that if we lost our staff, our executive director, and now we're under this bureaucratic entity of B & I that we would be less efficient than we are today. I think the big movement in that letter, at least the way I'm reading it, is that that is not the case. There're some things to work through. The other thing was the number of board members where we were going from nine down to four effectively you could say we're nine going to six right now because we've got a public member today, which is you, Mr. Matter, right, so it's not too terribly different and we've got two I'm sorry, three engineers and one surveyor. I think movement of a surveyor is definitely important. And I guess the way I see that is it starts to answer our questions or concerns of us being less efficient than we are today. If we're able to maintain our staff and maintain maybe not nine members, but six or seven. And now we're just helping another board operate and be more efficient overall. I think it's movement. Again, doesn't mean we shouldn't be left alone, but we just got to think of it all and be able to sell why we feel we're less efficient.

Mr Matter
To me, if I can ask you a question? I feel with the way that, and again I don't know how it all is going and versus typical. This feels to me like it's going to be one of those bills that's going to be kind of thrown at

the very last second as a negotiating tool. Okay, I'll pass this for you guys if you pass this for me. Because I've stated this, I want this. I need to go back and get a win, right? I mean, that's kind of the way it feels. To me as I look at this.

Ms Wilson

So, it depends on how the session continues. So last session with SB 431, which rolled everything under B and I, that bill was heard at the end of session and passed at the end of session. So, we are not entirely sure when this will be brought forth, but Business and Industry has been in the legislative building. I know they've been meeting with the committee chair on this. And so, they've been very open and proactive on getting this heard. I just don't know, and no one really knows the timeline. And LCB has been drafting a lot of bills and amendments. And so, I don't really know where this is on their stack.

Mr Spata

One thing just, not to add fuel to the fire, which I think is a bigger issue, that we've all got to be mindful of and take action on following this legislative session. We've talked about it in prior years for some of you that have been on the board for a while and that's just a threat to licensure overall. When we were on our call on February 26 with B & I Mr Sanchez, I think that's his name Khris he was on a bit of a tirade and generalizing across all the boards and commissions, and licensing boards and he threw out a comment that next steps would be to then eliminate licensure after this. And I don't know if it was specific to our board or a specific board. But Mr Fakler, you can correct me if I misheard that, but that's the thing that I kind of it just kind of was woven in there. I think that's to me the bigger fight or not even fight, but the thing that we've got to tackle following this legislative session.

Mr Fakler

Mr Chair, I concur. I heard that as well.

Mr Spata

And I say that in the sense of you know one of their big things with the board reform, and I'm trying to look up the action and I keep forgetting the term. Mr Fakler probably knows the term I'm talking about.

Mr Fakler

Are you looking for antitrust…

Mr Spata

Antitrust and boards and board members not really not looking out for the greater good. And the reason I guess I bring that up is I think the other value of trying to work through this is really at some level also showing that antitrust within our organization is not an issue. And if we're able to come to some meaningful resolution, I think that goes a long way. But again, one individual's opinion on the topic.

Mr Matter

Well, and I think there's a very easy argument back on that from removing licensure they're never going *to remove the requirements of licensure at a federal level, right? From federal programs, federal design. So if you're not going to have any If you're going to be required to work on a project that's got federal funds coming to it unless they're going to really truly do it at the federal Level, you need to have regulation of that to be able to be competent enough to submit or bid on those professional, those federal programs you're going to have to have licensure and that's what you use the states for.*

Mr Spata
True, but it's going on if you recall in more than our state this topic, and it is happening nationally. again, if professional engineering and land surveyors is part of that I think that's still to be determined but it is a topic out there in the… politics, right?

Mr Wright
Mr Chair, where do we go from here? What's left to discuss on this? Or what action do we need to take.

Mr Spata
I guess what I'd like to recommend, a couple things. One is we need to see the new Senate bill that's due out any day now to really have a meaningful discussion and provide meaningful input. So that we need to do. The letter or the response we got is new to all of you today and as well as I tried to read it, you know, until you see it in front of your own eyes you know I think you know we need to give you that opportunity to digest it along with the response we had. So, I'd like to recommend if it's acceptable that following this meeting, we provide it not only in our meeting minutes, but to all board members. And then third is to have a follow-up kind of interim meeting where we could just have this as the topic of the agenda. After everybody's had a chance to digest it and hopefully, we have the new board draft.

Mr Wright
Would that be prior to our meeting, our interim meeting scheduled next month? This would be an interim meeting, or would we just do it next month or what are you thinking?

Mr Spata
Well, I think for sure that would be the longest we would wait is to combine it with that interim meeting. I can't remember what our notification regulations are offhand. But I'd almost say we get it noticed pretty quickly, and we do it sooner than later is my recommendation, but no later than our scheduled interim meeting. That's my thought.

Mr Wright
Is that something where we could assign maybe Mr Fakler or board staff to come up with a date and time that will work.

Mr Spata

The other entities like ASCE, NSPE. We've had our PAL committee the other day. I guess we'll go through updates on that in a moment, but you know they're all welcome to send letters to their legislators. We ask that there's a copy that comes to us. Our response can hopefully be I mean, that's our position, right? And that's why that's public information now that could be utilized in those responses. Anyway, I just want to keep that out there.

Mr Blaney
Mr Chair, if I may. As staff, we might recommend, because we've had a lot of questions about what the board's position is, if the response to the position paper could live in a spot on our website in conjunction with the B & I policy paper so people would see the relevance. And then the other part is we do have a newsletter that we're holding because people are asking what's the board's position. If we could view the response as the board's position, we will send the newsletter out and include links to all the relevant information on the website. If the board could consider that and give staff direction.

Mr Spata
Yeah, I agree we should get I forgot that we hadn't gotten that newsletter out. Absolutely. I think we should post the policy paper a link to the current Senate bill as well as our position paper on that because it's still our position right now today, right? And get our newsletter out for sure. As for who they could contact, I guess we could build kind of a list with Cassidy's help. If there was somebody they wanted to reach out to on their own as an independent entity, then they could do that.

Mr Wright
Any other discussion about this.

Mr Spata
I don't know that there's a vote or an action other than just let's set up a follow-up meeting and get them the new response out to everybody. I don't think that's something we got to vote on.

16. <u>Discussion and possible action on legislative bills, including but not limited to:</u>

a. <u>AB 264, revising provisions relating to occupational boards.</u>

Ms Wilson said what this bill essentially allows is judicial review if a board denies licensure for someone because of bad character or morals or criminal history.

Mr MacKenzie said the reason he flagged the bill was to confirm or otherwise if either could be a reason to deny a license. He said he was unsure if character or morals had ever been a reason for the denial of an applicant.

Mr Blaney said the statute relating to applicant for initial licensure does mention "be of good character and reputation" – whatever that means – but I can't recall or have seen documented in instance where it has been discussed in relation to an applicant for initial licensure. Criminal history comes into consideration more relating to the consideration of or a basis for disciplinary action – and at the core the conviction relates directly to the profession or has the essential element as dishonesty.

Ms Purcell and Mr Kidd commented that disclosures of any criminal history is included in the NCEES record portion of the application, but there has not been anything egregious. It speaks more to the applicant being truthful and honest and owning their past.

Mr Gingerich asked what the situation would be if someone who was license in another state and had been convicted of a crime relating to dishonesty applied for licensure.

Mr Blaney said their license application would be considered because we are not in a position to re-adjudicate a criminal case and we would trust the actions of the home state licensing when they have taken administrative action. If the applicant meets the minimum competency standard they can move forward for licensure, but we'd reserve right for the board to consider possible reciprocal disciplinary action – with guard rail terms to protect the public – as a condition of that licensure.

Mr Fakler said the board has seen a situation in re-licensure recently where stipulated terms were a condition of renewal because of a disclosed criminal conviction.

b. <u>AB 270, revises provisions relating to professional engineers and land surveyors.</u>

Ms Wilson said AB 270 had a hearing last week with Assembly Minority Leader Greg Hafen as the primary sponsor and Assemblymembers Elaine Marzola and Shea Backus as the co-sponsors on the bill. She the bill went before Assembly Commerce and Labor Committee, of which Assemblymember Marzola is the chair. Ms Wilson said Mr Fakler did an amazing job meeting with legislators beforehand to go over the bill, including almost every committee member to discuss and answer any questions before the committee meeting.

Ms Wilson said we did end up having an amendment to the bill – although Mr Fakler battled hard on this one. Assemblymember Lisa Cole, who has a background in engineering and land development, had some concerns on the eight-year waiver and said she would be more comfortable with 10 years as the timeframe. Assemblymember Marzola also said she would prefer 10 to 8 as well. Ms Wilson said she and Mr Fakler sat down with Assemblymember Cole to persuade her to hold at 8 years, but after a long discussion, we decided that 10 years was best if the bill was going to be moving forward. We'd rather have an amendment of 2 years than risk the bill potentially dying and losing the other housekeeping items the bill addresses.

Mr Dixon asked what we can do to get the waiver time period back to 8 years. We worked hard to arrive at the number.

Ms Wilson said it would be hard to go back and argue against 10 because we don't have hard data to support the difference between 10 and 8. And Mr Fakler and I did spend a lot of time trying to change her mind, but she was firm with that number.

25-20 A motion was made by Mr Kidd, seconded by Mr Spata to accept and move forward with the AB 270 amended from 8 years to 10 years. minutes. The motion passed 7 to 1. Mr Fyda was excused from the vote.

c. <u>SB 78, revises provisions relating to boards, commissions, councils, and similar bodies.</u>

Ms Wilson said this item has already been discussed at length, so without any additional question we'll move to SB 129.

d. <u>SB 129, authorizes the issuance of certain occupational and professional licenses by endorsement to persons who hold similar licenses in other states.</u>

Ms Wilson said this bill had the intent of expediting comity licensure in Nevada but for us it brings some unintended consequences. It adds fingerprinting as a requirement for comity licensure which would result in significant delays in this board's current process. Senator Stone (the bill sponsor) was approached, and this board's current process and the bill impacts were explained to him. He asked for a letter to document the impacts on engineers and surveyors and said he would amend us out of the bill. Ms Wilson said she would monitor and confirm that the promised amendment is followed through on. (ACTION Item)

17. <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 has not met since the last board meeting, but a meeting scheduled in early April.

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

Mr DeSart said the the legislative committee met in January prior to our interim board meeting, and I believe I reported on that where we discussed SB. He said he had nothing new to report.

c. <u>Professional Association Liaison Committee, Chair Michael Kidd.</u>

Mr Kidd said the PAL Committee met on March 11 with very good participation. He said the bulk of the discussion was centered around SB 78 and the overall message from everyone was looking for guidance from the board on how to support the board's position. Mr Kidd said it is important that we get that message out there to the different professional societies as they are interested in lobbying their opposition to SB 78.

d. <u>Public Outreach Committee, Chair Jay Dixon.</u>

Mr Dixon said the committee had not met since the last meeting, but he will be presenting an outreach webinar through the Nevada Water Resources Association on digital signatures on water rights survey maps on April 16th.

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

Mr Gingerich said the sub-committee met on January 27 to consider the comments that we had from the public adoption hearing. Of the four comments received during the hearing, after consideration the committee is recommending no action on two and is proposing revisions to address the concerns of the other two. Mr Gingerich said one of the no-action items related to the re-ordering of the regulations, but that apparently is not something we cannot revise, rather we'll have to request a preferred order with the LCB when make our final submittal – and staff was already planning to do that. The other was a general comment, which appeared to be a misinterpretation of a regulation, and did not actually relate to anything proposed for change. It was discussed for the record but required no action. Mr Gingerich said the regulations recommended for further revision had used the term "retain" in relation to records create in the course of performing a survey, where the issue of time frame of retaining those records was the issue. After committee discussion and input from board counsel it was recommended that the verbiage be adjusted to use the "document" the information used in or created by the survey as the creation of the record (to support the survey) was deemed more than any time frame in retaining the information.

Mr Blaney said the recommended text from the committee would be presented to the board for consideration and vote, and pending that, another Adoption Hearing for the revised regulations would be held later in the year. (ACTION Item)

18. <u>Discussion and possible action on examinations required for licensure as a Professional Land Surveyor resulting from changes to national examinations occurring in 2027.</u>

Mr Gingerich said this item is included as an agenda item to determine any board action relating to the pending release of the PS exam PLSS Module by NCEES in 2027. He added any consideration of adopting the module as a requirement for PLS licensure would involve an in-depth review of statutes and regulations.

Mr Kidd gave some background on how the development of the module came about through NCEES. From mid-2027 the PS exam will be offered in two modules, one being the PS core module and the other being PLSS module, and states will have the opportunity to decide what module(s) they'll require for licensure. He added in the NCEES discussions Nevada was a big proponent of the PLSS module and would appear odd if a state that pushed for the module didn't adopt it.

Mr Gingerich said the western states are mostly agreeable to the concept that we need or would benefit from a specific PLSS module. But there is also concern about the cost and time associated with requiring two national exam modules – especially in the environment of reducing perceived barriers to licensure.

Mr MacKenzie asked for his clarification, if adopted by the board, would PLS licensure require one examination or two separate examinations.

Mr Kidd said the requirement would be two separate examinations.

Mr MacKenzie said that would create some issues statutorily in terms of semantics in what we call the module versus examination.

Mr Gingerich said as our requirement stands now, FS, PS, and the Nevada State Specific Exam, which is heavy on PLSS related questions, we are in good shape and don't need any immediate action. But we should keep the topic alive and consider forming a committee or working group to consider options for future action.

Mr Fakler said he agreed. He said convening a group or workshop to explore options and implications would be prudent as there are many moving pieces – cost to candidates, impact on comity applicants, the make-up of our state specific exam, any statute/regulation changes etc – but in the meantime I recommend we hold on a decision and we will monitor what other states are doing to help us in our decision. (ACTION Item)

Mr DeSart said the impacts of SB 78 is also factor, the make-up or the board and any committees of the board, but if action on the item is not urgent let gather information, and wait and see what happens with the bill.

Mr Gingerich said he agreed, and not taking action on the issue at this time is the action he would recommend.

19. <u>Discussion and possible action on information provided by government liaison representative from McDonald Carano related to Nevada's legislative and regulatory matters</u>

<u>and any associated board matters.</u>

Ms Wilson gave an overview of the cut-off dates for bill introductions and for bill hearings, and added the legislature does have the ability to offer exemptions at any stage. She the board's bill is in good shape as it has gone through an initial hearing. Ms Wilson said Mr Fakler is being updated via the bill tracker on any flagged bills that may require attention and possible action.

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

Mr Fakler said the assignments were listed in the board packet and asked if there were any questions from the board. There were none.

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

It was requested that the November Reno regular board meeting be rescheduled from November 11 to November 6.

Mr Fakler said that date change would not be an issue.

It was suggested with the board meeting date change, the strategic planning session should be moved to November 5, the date before the rescheduled board meeting.

Mr Fakler agreed and said he would adjust he calendar and send reminders out to the board members. (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>

No topics were put forward.

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 and thanked Ms Buehler for her participation and valuable input. He adjourned the meeting at 11:00am.

Respectfully,

Mark Fakler
Executive Director