NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Regular Board Meeting
Held at 241 W Charleston Boulevard, Suite 130, Las Vegas, NV 89102
on Thursday, May 8, 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; Greg DeSart, PE; and Robert Fyda, PE. 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. Kathy Hall, GIS Analyst, and Erik Esparza, PE, participated as board guests.

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

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

2. <u>Pledge of Allegiance.</u>

3. <u>Public comment.</u>

Mr Spata asked if there was any public comment.

Devin Cartwright

Mr Chair, members of the board. My name is Devin Cartwright, and I am on the agenda today for my PE license initial application. It's a very exciting day for me. A couple years ago, at the age of 39, I quit my 18-and-a-half year long career with the Nevada Department of Transportation and decided to finish my engineering degree. So, upon finishing and graduating this last December, I was able to take the PE and passed my first attempt. Another very exciting day, let me tell you, and I'm here before you today, just to offer any assistance you may need in, should anything come to discussion during my application. Yeah, that's all I have to say. Thank you very much.

4. <u>Introductions.</u>

Before introductions, Mr Spata read the board's purpose and mission statement.

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.

Board members, staff, and the board guest introduced themselves.

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

There were no waiver requests to be considered.

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

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

25-24 A motion was made by Mr Kidd, seconded by Ms Purcell to approve the applications for initial licensure contained in the board packet with recommendations noted. The motion passed unanimously.

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

Mr Spata asked if board members had any comments on the supplemental packet applications.

Mr DeSart said it is a unique situation with Mr Cartwright graduating so recently. I suggest we consider a discussion to understand the Board's perspective, particularly if it involves establishing precedence for these kinds of situations moving forward.

Mr Spata agreed and asked Mr DeSart to start the discussion beginning with his comments.

Mr DeSart said the applicant has 19 years of total engineering experience, worked at NDOT, doing design work, and progressively increased responsibilities during that timeframe. It appears that for a large portion of that time he was probably taking classes, and then ultimately decided to just go full time to school, and he just graduated in December. And, in my opinion, I think that his experience is applicable and seems relevant. Typically, the experience is to be accrued after graduation. He asked for staff input on their view of the application.

Mr Fakler agreed that typically the experience is gained after the degree, but the consideration is experience satisfactory to the board. With these applications, which are uncommon, staff will view to make a determination of when we believe an applicant is ready and able to apply engineering principles. In this situation we review the details of his education and the level of his experience, to determine the time thresholds. Even though his experience gained after graduation is short, the total progressive experience, the ongoing education over an extended time period, gave staff the confidence to move the applicant forward for consideration.

Mr Spata said the experience is a continued progression of the 19 year period, but typically experience is gained following the completion of education. I am comfortable with the experience but have a concern about precedence.

Mr Wright said he agreed the experience is good and he wouldn’t be opposed but was concerned that this would normally be done as a waiver request. It appears it doesn’t meet the exact criteria we normally would see, right, with education first, and then experience. He said to him that there should have been a waiver request that would be reviewed by a board member then brough before the full board.

Mr Blaney said the stature says has four years active experience in engineering which is “satisfactory to the Board…” and that is not actually waivable. For a requirement of licensure to be consider for a waiver it would need to have text in statute stating “…waived by the Board.” The statutory minimum requirement is four years of education and four years of experience, along with examinations – with the FE considered for wavier. Typically, the “satisfactory” piece is that the experience comes after the education, unless there is a unique circumstance – which is what we see with this applicant. Mr Blaney added that a precedent is not being set. Consideration of unique situations is at the discretion of the full board.

Ms Purcell said that she reviewed the expanded detail with this application, which included professional references which are not part of the public record. I believe the progressive experience is very relevant and I am more than satisfied with it. Ms Purcell added, as far as precedence, I don’t believe we are setting one, and any special circumstance should be viewed by the Board on a case-by-case basis.

Mr Blaney added that with unique applications, which are rare, that may require special consideration staff will send out an expanded packet to a board member, which includes items that a privacy protected and cannot be part of the public record, for a more in-depth view. He added that this packet was sent to Ms Purcell to review.

Mr Matter said he was of the same thought as Mr Wright that a waiver request would be applicable, but with explanation from staff he now has a better understanding.

Mr DeSart said we have typically been firm on that the four years typically had to occur after graduation. Many instances we see that the four years of schooling and four years of experience have seen overlap and held firm on the minimum of eight years being separated, and we have required additional experience after graduation. But in this case, 19 years total engineering experience, progressing consistently in the profession, it seemed very reasonable to me, but I just wanted to make sure new Board members, who haven't necessarily had this conversation, were in the loop. He added he thought this would be a good conversation to have. I support licensure for Mr. Cartwright.

Mr Fyda added he agreed with all the sentiments that have been said, so I'm in support of licensure for Mr Cartwright as well.

25-25 A motion was made by Mr Kidd, seconded by Mr DeSart to approve the applications for initial licensure contained in the supplemental packet with recommendations noted. The motion passed unanimously.

7. Discussion and possible action on approval of March 13, 2025, board meeting minutes.

25-26 A motion was made by Mr Gingerich, seconded by Mr DeSart to approve March 13, 2025, board meeting minutes. The motion passed unanimously.

8. Discussion and possible action on approval of April 10, 2025, interim board meeting minutes.

25-27 A motion was made by Mr Kidd, seconded by Ms Purcell to approve April 10, 2025, interim board meeting minutes. The motion passed. Mr Spata and Mr Gingerich abstained as they were not present at the meeting.

9. Discussion and possible action on financial statements.

a. February 2025

b. March 2025

Mr Fakler said the financial statements for February and March were presented in the board meeting materials and said he would be happy to answer any questions. There were none.

25-28 A motion was made by Mr Wright, seconded by Mr Spata to approve the February and March 2025 financial statements. The motion passed unanimously.

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 two (2) open compliance case files. He also noted there were nine additional complaints under review for probable cause.

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 reported the sad news that Mr Mercado had recently passed away. He said Mr Mercado had let his license lapse at the end of 2023 and had been current with the board Decision and Order requirements.

11. [This item intentionally left blank]

12. Discussion on Board Counsel Report.

Mr MacKenzie said we had been prepping for a hearing, the complaint had been served, but a request for continuance was made. After consultation with the director and chair, the continuance was granted. Mr MacKenzie he would keep the board apprised of any and all developments. In addition, he said SB 78 had been occupying a fair amount of time, with regular meetings held to monitor and discuss the ever-changing scope.

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

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

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 with adjustment of the November Board Meeting to Thursday the 6th, the strategic planning update session has been rescheduled for November 5, 2025, in Reno. He added a calendar reminder would be sent out to board members.

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

i. <u>Future Changes to NCEES Principles and Practice of Engineering Exams</u>

Mr Fakler said a memo was included in the meeting materials notifying the board of upcoming PE exam changes and items related to the SE exam are on the agenda for discussion at the NCEES Zone meeting later this month.

14. <u>Discussion and possible action on board committee reports. (For possible action)</u>

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

Mr Wright said the APOC Committee met on April 1, 2025, and he has two main items to report on.

i. <u>Executive director work performance and salary</u>

Mr Wright said the committee conducted a thorough performance review with Mr Fakler at the meeting. The consensus of the committee was he has been doing a great job and identified areas of focus for the next year. Mr Wright added it is the recommendation of the committee to the board that Mr Fakler receive a 6% salary increase.

Mr Spata said, before opening up for other board member comments, he has appreciated all Mr Fakler has done. He has had big shoes to fill, and with the active legislative session, his support in responding to information requests and his public outreach with legislators has been a great help.

Mr Kidd said he believed Mr Fakler was doing a great job, particularly with such an active legislative session right out of the gate.

Ms Purcell agreed and said as the board liaison with staff, she had the unique opportunity of participating in the weekly staff meeting, so I also get to observe Mr Fakler with the staff. He is doing a great job.

25-29 A motion was made by Mr Wright, seconded by Mr Dixon to approve the performance evaluation and a salary increase of 6% for the executive director. The motion passed unanimously.

ii. <u>Budget for fiscal year July 1, 2025 to June 30, 2026</u>

Mr Wright said the committee also considered the proposed budget for the next financial year. He said it is the committee's recommendation that the board approve the budget as presented in the meeting materials.

Mr Spata asked if members had any questions about the budget as presented. There were none.

25-30 A motion was made by Mr Wright, seconded by Mr Gingerich to approve the budget for fiscal year July 1, 2025, to June 30, 2026. The motion passed unanimously.

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

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

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

Mr Kidd said the PAL Committee met earlier this week with the main item of discussion being the legislative session. He said the professional associations were watching developments and reported that actively engaged with issued that impacted their membership.

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

Mr Dixon reported that the committee had not met since the last board meeting, but board members and staff have been actively engaged in outreach over the last couple of months. He said he had presented to the Nevada Water Resources Association on electronica submittals and digital signatures. Mr Dixon added the webinar produced by staff demonstrating the process was very helpful in his preparation to present.

Mr Spata said Mr McGuire and Mr Fakler did a great job presenting at the recent APWA conference.

Mr DeSart said he spoke recently at an ACEC meeting about qualifications based selection (QBS), and Mr Fakler joined and gave an update on the legislative session.

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

Mr Gingerich said the committee met January 27 to consider comments received during the R007-24

November 7, 2024, Public Adoption Hearing. He said the committee is recommending revised language to two of the regulations.

i. <u>Consider proposed revisions to PLS Standards of Practice – LCB file R007-24, specifically NAC 625.666 4 (c) and NAC 625.780, related to public comment received at the November 7, 2024, Public Hearing</u>

Mr Blaney explained that comments were received during the hearing asking about the time period associated with the word "retain" in the proposed language for NAC 625.666 4 (c). The committee considered the comment and said the intention of the change was to ensure that a record of the level of precision was generated. They agreed the determining or assigning a timeframe would be difficult, and to meet the intention it was recommended the text be revised to state "document", to meet the intent.

Mr Gingerich asked if there any questions or concerns from the board regarding the revision. There were none.

25-31 A motion was made by Mr Gingerich, seconded by Mr Kidd to approve the proposed revision to NAC 625.666 4 (c). The motion passed unanimously.

Mr Blaney said for NAC 625.780 relating construction surveys, again the word "retain" caused issue with time period, and also the requirement that survey support always be provided to the owner's representative, when in practice that is not always the practice. After consideration, the committee revised the language to remove "retain" and add "upon request" acknowledging that not all owner's representatives want the support materials.

Mr Gingerich asked if there any questions or concerns from the board regarding the revision. There were none.

25-32 A motion was made by Mr Gingerich, seconded by Mr Kidd to approve the proposed revision to NAC 625.780. The motion passed unanimously.

Mr Fakler said the next steps would be to schedule another public hearing, likely in early June, and following that, we'll package and send into the LCB for consideration.

15. <u>Election of board chair and vice chair for one-year terms commencing on July 1, 2025, in accordance with Nevada Revised Statute 625.110 and Nevada Administrative Code 625.100. (For possible action)</u>

Mr Spata said before moving on to the nominations, he wanted to thank the board members electing him as chair and he appreciated the trust that was put with him. He said it has been a unique experience, and he very much appreciated the support he has received in his role.

25-33 A motion was made by Mr Spata, seconded by Ms Purcell to nominate Mr Wright for the position of board chair. The motion passed unanimously.

Nominations were opened for the position of board vice chair.

25-34 A motion was made by Mr Wright, seconded by Mr Kidd to nominate Mr Gingerich for the position of board vice chair. The motion passed unanimously.

Mr Wright and Mr Gingerich both thanked the board for their nominations and votes.

16. <u>Consideration to give Board Chair, Angelo Spata, the continued authority to communicate on behalf of the Board with the Department of Business and Industry on matters relating to SB 78 after July 1, 2025. (For possible action)</u>

Mr MacKenzie clarified that this item relates to continuity in representing the board on legislative matters and with B&I in case a special legislative session is called after July 1, 2025, which would be past Mr Spata's term as chair.

25-35 A motion was made by Ms Purcell, seconded by Mr Wright to delegate continued authority for Mr Spata to communicate on behalf of the Board with the Department of Business and Industry on matters relating to SB 78 after July 1, 2025 position of board vice chair. The motion passed unanimously.

17. <u>Discuss Senate Bill 78 which eliminates the Board and assimilates its functions into a new combined board of Engineering, Surveying and Environmental Health under the purview of Business & Industry. (For possible action)</u>

Mr Spata said since the Interim Board Meeting, Mr Fakler and I have had a call with Business and Industry. A point that was clarified, at least on the phone, was how we will handle staff and how we will operate as a board, or a new board, I should say, if passed. The caveat is that was on a call and in some memos sent around, but not necessarily specified in bill language. Mr Spata added he felt it was positive movement.

Mr Fakler said, in addition to Mr Spata's comments, a letter was submitted to Business and Industry requesting an additional engineer and an additional surveyor on the proposed combined board.

Mr Fakler reported that a Budget Subcommittee voted against the hiring of an additional 55 employees by Business and Industry. He added Business and Industry then prepared a second amendment to SB 78. In that second amendment they're striking all the language about combining boards, so the current board structure for all the boards is going to remain as it is today. However, what's in flux is the administration, legal, etc. So, staff and autonomy of the Board appointment of the Executive Director still looks to be moving under the auspices of Business and Industry. Mr Fakler said we should keep moving forward with letting stakeholders know the status of the bill and continue working with Business and Industry to get clarifications on the intent.

Mr Spata said the session is not over so we must be diligent about keeping up with any amendments and educating stakeholders on possible impacts for proposed changes. Mr Spata added that a comment was made in an earlier meeting with B&I in that consolidation and control was the first step, but moving toward eliminating licensure altogether was the ultimate goal – which is very concerning as it relates to the health, welfare, and safety of Nevadans.

Mr MacKenzie agreed with being vigilant. The legislative session as in moves toward the final stretch can be very dynamic and nothing is over until it's over. Everything is in play until the session ends.

Mr Spata said even if this bill does pass this session, it is not going away. Strategically the board needs to consider ongoing outreach with stakeholders about the importance of professional licensure and having an effective and efficient board to manage that process. (ACTION Item)

18. <u>Discuss legislative matters with board's government liaison, Cassidy Wilson. (For possible action)</u>

Mr Fakler said Ms Wilson is unable to attend but emailed an update in advance and will read the pertinent points into the record.

Ms Wilson wrote that our bill AB 270, with the waiver, is scheduled for a May 14th Senate, Commerce and Labor hearing. There is an amendment relating to the Architectural Board that has been attached to this. It does not affect our legislation. Assemblymember Hafen will present the bill and she (Ms Wilson) and I (Mr Fakler) will be in the Las Vegas Chambers, if there are any questions.

Ms Wilson went on to mention the committee vote against recommending 55 new positions to help oversee the state's boards and commissions within the department of Business and Industry. These roles were tied to SB 78, which would be filed by existing board staff, filled by the existing board staff for more than 11 million dollars during the next budget cycle.

Mr Fakler reminded the board of the amendment to AB 270 that revised the FE/FS waiver period from 8 years to 10 years – as outlined at a previous board meeting.

19. <u>Discussion and possible action on legislative bills proposed by the Legislature to amend Nevada Revised Statutes.</u>

There were additional legislative bills discussed.

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. (For possible action)</u>

There were no comments related to the meetings and dates listed in the meeting materials.

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>

Mr Spata asked if there was any public comment.

Devin Cartwright
For the record, my name is Devin Cartwright. Mr Chair, members of the Board, I'd just like to thank you for your time spent, and special consideration and thoughtful discussion. And I'd like to highlight some thanks for the staff. They do a lot of work behind the scenes, especially those that aren't here today. Licensing specialist, Jasmine, was a big help to me. I'd like to thank her. I know you guys do a lot of hard work, and I appreciate it. I'm sure all the applicants do. Thank you very much.

24. <u>Adjournment.</u>

Mr Spata said before adjourning the meeting he would like to interested to hear from the board guests about their thoughts and experience being here today.

Mr Esparza said he was enlightened on how extremely professional, well run, and how seriously everybody takes the task of overseeing professional licensure. He said he experienced other similar boards out of state where that was not the case. Mr Esparza added he wanted to compliment the board on its professionalism.

Ms Hall said she appreciated the opportunity to see the board in action, and was impressed with the effort and detail in reviewing applications – in particular the consideration of the varying types of experience and those that may have got their formally education a little later down the line.

Mr Spata thanked the board members and thanked Ms Hall and Mr Esparza for their participation and valuable input. He adjourned the meeting at 9:50 am.

Respectfully, Mark Fakler
Executive Director