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 14, 2026, at 8:30am

Board members participating were Chair Brent Wright, PE/SE; Vice-chair Matt Gingerich, PLS; Angelo Spata, PE; Karen Purcell, PE; Michael Kidd, PLS; Greg DeSart, PE, Tom Matter, Public Member; Robert Fyda, PE, and Jay Dixon, PE.

Also participating were Mark Fakler, Executive Director; Chris MacKenzie, Board Legal Counsel; Cassidy Wilson, Government Affairs Liaison; Murray Blaney, Operations/Compliance; and Jasmine Bailey, Licensing.

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

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

He then 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.

2. Pledge of Allegiance.

3. Public comment.

Mr Wright asked if there was any public comment.

Mr Hickenbottom
I filed an application for initial licensure, and I have a little thing I prepared that I like to read.

Dear members of the board, my name is Kenneth Hickenbottom, and I have filed an application for initial licensure. My application was put on hold at the last meeting so that the board could evaluate the merits of my undergraduate education in fulfilling four years of experience towards my license. I have a doctorate in civil and environmental engineering from the University of Nevada, Reno, and a Bachelor of Science in Ecology and conservation from the same institution.

First, my undergraduate education reflects significant overlap in the core sciences *required for an environmental engineering degree at the University of Nevada, Reno. I have taken the same amount of physics and statistics and exceeded the requirements of biology, chemistry, and organic chemistry in my undergraduate education. Further, I have completed the same math requirements up to differential equations in Calculus 3 at Western Nevada College, which is not reflected in my UNR transcripts, but can be provided. My upper division courses are also applicable to engineering concepts, such as source water protection, biological remediation, and microbial population dynamics. Both my undergraduate degree and undergraduate engineering degrees place a large emphasis on field work.*

And then I would like to state that my undergraduate education prepared me to complete a rigorous doctorate program where I studied and published peer-reviewed articles about the effects of wildfire on drinking bar treatment processes and disinfection byproducts. To be admitted as a PhD candidate to this program, I had to pass a comprehensive exam administered by the department where I had to demonstrate competence and knowledge of undergraduate engineering concepts. This degree also required me to complete 48 credits of upper division and graduate-level engineering courses, which is twice as much as a master's degree requires.

Finally, I would like to point out some recent examples of the past precedent of granting 4 years of experience for non-engineering bachelor's of science degrees. Two fellow students from my graduate school cohort, Amy Dewan and Kevin Stewart, were both deservedly granted license with two years of work experience after completing master's degrees in engineering and non-engineering bachelor's in environmental science and ecology, respectively. As recently as February of this year, the board also granted licensure with 2 years of experience to Margaret DiGiorno, who holds a master's degree in engineering and an undergraduate degree in environmental science. These are all competent, licensed engineers who have a similar background to myself.

For these reasons, I hope that the board will recognize my undergraduate degree as equivalent to 4 years of experience, and grant me the maximum 6 years education credit. I'd like to thank the board for the opportunity to clarify my educational background, and for taking the time to review my application.

There was no additional public comment

4. <u>Introductions.</u>

Board members and staff 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>

Ms Purcell recommended approval of the request to waive NRS 625.183 (4)(b) made by Mohamed Abdelwahan applying for mechanical engineering licensure.

26-30 A motion was made by Ms Purcell, seconded by Mr Gingerich to approve the waiver request. The motion passed unanimously.

Ms Purcell recommended approval of the request to waive NRS 625.193 (1)(a) made by Edwin Leonin applying for electrical engineering licensure.

26-31 A motion was made by Ms Purcell, seconded by Mr Fyda to approve the waiver request. The motion passed unanimously.

Mr Fyda recommended approval of the requests to waive NRS 625.183 (4)(b) made by Jhao-Hong Chen applying for environmental engineering licensure.

26-32 A motion was made by Mr Fyda, seconded by Mr Dixon to approve the waiver request. The motion passed unanimously.

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

The Board reviewed twenty-four applications in the board packet for initial licensure. Mr Wright asked for any Board member comments or concerns related to the applications.

Mr DeSart said from the last meeting he was assigned to evaluate the full transcripts and engineering experience in Mr Hickenbottom's application and report back to with a recommendation. He said based on his in-depth review he recommends approval of the application for civil engineering licensure.

Mr Fakler presented the two applications that requested special consideration - Ernesto Hernandez and Rakhi Mondal, both applying for civil engineering licensure – for review.

Mr Spata said he agreed with the staff summation of the education and experience requirements met to date, and recommended that both applicants accrue 12 months engineering experience before being re-considered for licensure. Mr Spata volunteered to review the applications at that time (May 2027) with additional experience documented and consider them for licensure on behalf of the Board.

There were no other comments from Board members.

26-33 A motion was made by Mr Spata, seconded by Mr Kidd to approve the applications for initial licensure contained in the board packet with the recommendations noted. The motion passed unanimously.

The Board reviewed fourteen additional applications in the supplement to the board packet for initial licensure. Mr Wright asked for any Board member comments or concerns related to the application. There were none.

26-34 A motion was made by Mr Kidd, seconded by Mr Gingerich to approve the applications for initial licensure contained in the supplemental packet. The motion passed unanimously.

7. <u>Discussion and possible action on approval of March 12, 2026, board meeting minutes.</u>

26-35 A motion was made by Mr Gingerich, seconded by Mr Kidd to approve the March 12, 2026, board meeting minutes. The motion passed unanimously.

8. <u>Discussion and possible action on approval of April 9, 2026, interim board meeting minutes.</u>

26-36 A motion was made by Mr Gingerich, seconded by Ms Purcell to approve the April 9, 2026, interim board meeting minutes. The motion passed unanimously.

9. <u>Discussion and possible action on financial statements.</u>

a. <u>February 2026</u>

b. <u>March 2026</u>

Mr Fakler gave an overview of the financial statements presented in the meeting materials. He asked if there were any questions from the Board. There were none.

26-37 A motion was made by Ms Purcell, seconded by Mr DeSart to approve the February 2026 and March 2026 financial statements. The motion passed.

10. <u>Discussion and possible action on compliance reports by Compliance Officer.</u>

a. <u>Compliance officer report on complaints being investigated.</u>

Mr Blaney reported on the status of the open compliance case files. There were no questions from members.

b. <u>Consideration of probation reports.</u>

Dooley Riva, PE #18231	Buckley Blew, PLS #24520	Andrew Hammond, PE/PLS #21191
Lyle Scott Mackay, PE #15131	Kevin Gutman, PE #28002	

Mr Blaney presented the probation reports for Board consideration and asked if there were any questions. There were no questions from members.

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

a. <u>Consider the delegation of authority to Executive Director and Board Liaison to enter into a Litigation Monitoring Tolling Agreement on behalf of the Board with a respondent for a complaint filing with pending litigation.</u>

Mr MacKenzie said this relates to the delegation of authority to enter into an agreement to toll the disciplinary process when the issues at hand are subject to pending litigation. He said per the Board's Rules of Practice, the investigative consideration of a validated complaint is handled by the Executive Director and a designated Board Liaison, and we are asking that they be granted the authority to make determination and enter into a Litigation Monitoring Tolling Agreement on behalf the Board for a validated complaint – where it is deemed there is no immediate concern for public safety – to delay the disciplinary investigation and consideration until the litigation is resolved. He added the hold pauses the time component, which is one year from receipt of a complaint to filing disciplinary action, for the duration of the court process. Mr MacKenzie said delegation also preserves the due process rights of all parties involved in the complaint and removes the potential for conflicting results between the Board and the Court.

26-38 A motion was made by Mr Dixon, seconded by Mr Kidd to allow the Executive Director in conjunction with a designated Board Liaison to enter into a Litigation Monitoring Tolling Agreement with a respondent in complaints where litigation is pending and it is deemed there is no immediate risk to public safety. The motion passed unanimously.

Mr MacKenzie said he also wanted to make the Board aware of a recent AG opinion, sought by the Department of Business and Industry, that a made the determination that the Governor would have the power by declaration to restrict boards from hiring lobbyists – if he so chose. Mr MacKenzie added he was skeptical of that opinion but said it may warrant discussion at a future meeting as more information comes to light.

12. Discussion and possible action on administrative report by Executive Director.

a. Approved licensees report

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

b. Action items related to 2021-2025 Strategic Plan

i. Discuss details related to future strategic planning session

Mr Fakler said a draft of a revised Executive Summary of the Strategic Plan is a later item on the agenda for the members to review and edit as needed.

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

i. Update from NCEES Western Zone Meeting

Mr Fakler gave a summary of the recently attended zone meeting and gave updates on travel arrangements for the upcoming annual meeting to be held in Henderson.

13. Discussion and possible action on board committee reports.

a. Administrative Procedures Oversight Committee, Chair Matt Gingerich

i. Executive director work performance and salary

Mr Gingerich said the committee conducted Mr Fakler's annual performance evaluation at the April 14 meeting and noted a summary of the evaluation is included in the meeting materials. He said the committee recognized his growth in the position and the strengths he has brought to the role. Mr

Gingerich said, although it is not stated in the evaluation document, the committee noted a need to formalize the staffing depth chart and have deeper discussion about succession planning.

Mr Kidd said he agreed with developing a succession plan and suggested the consideration of additional staff positions to meet that need.

After a brief discussion it was decided that Mr Fakler, as an action item, initiate a draft succession plan and present to the APOC committee at a later date for review and input. (ACTION Item)

Mr Gingerich said in recognition of Mr Fakler's performance the committee is recommending an 8% salary increase.

26-39 A motion was made by Mr Gingerich, seconded by Ms Purcell to accept Mr Fakler's performance evaluation and approve the 8% salary increase. The motion passed unanimously.

ii. <u>Budget for fiscal year July 1, 2026, to June 30, 2027</u>

Mr Fakler reviewed the proposed budget as presented in the meeting materials and answered questions from members.

Mr Gingerich said the committee considered the proposed budget at its last meeting and recommends approval to the full board.

26-40 A motion was made by Mr Kidd, seconded by Ms Purcell to approve the budget for fiscal year July 1, 2026, to June 30, 2027. The motion passed unanimously.

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

Mr DeSart said the committee had not met since the last board meeting, but would set a committee meeting before the July board meeting.

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

Mr Kidd said the PAL committee met on May 11, but there was nothing of note discussed to report.

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

Mr Dixon said the committee has not met recently, but has a meeting scheduled for July 7.

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

Mr Gingerich said the committee had not met since the last board meeting, but he would set a committee meeting after the summer break relating to the NCEES PLSS Module and the possible impacts on the pathways to licensure in Nevada.

f. Governmental Outreach Committee, Chair Karen Purcell

Ms Purcell said the committee met on April 20. She said the committee reviewed potential legislative collateral prepared by staff, discussed the proposed NAC 232 regulations and their movement through the approval process, and had initial discussions on possible outreach strategies as we move closer to the 2027 legislative session.

14. Discuss revisions to NRS 327 (comments from public workshop).

Mr Fakler said in the meeting materials were the additional revisions proposed to NRS 327 following a public workshop held on April 15. He said the workshop was well attended with comments well taken, which have led to the revisions presented for consideration today. Mr Fakler reviewed the changes item by item and asked if there were any questions. There were none.

26-41 A motion was made by Mr Gingerich, seconded by Mr Kidd to approve the revisions to NRS 327 as presented. The motion passed unanimously.

15. Discussion and possible action on revisions to the 2025 Strategic Plan Executive Summary.

Mr Blaney gave an overview of the revisions to the summary requested at the previous board meeting.

26-42 A motion was made by Mr DeSart, seconded by Mr Spata to approve the 2025 Strategic Plan Executive Summary as revised. The motion passed unanimously.

16. Discuss the Office of Nevada Boards, Commissions, and Council Standards proposed regulation updates to NAC 232.XXX.

Mr Fakler said the regulations in the materials were adopted by B&I with no revisions following the most recent public workshop. The hearing was held this past Monday, and public comment was submitted on behalf of the Board. Mr Fakler added that the next step is for the regulations to be considered by the Legislative Commission on June 30, which he will attend.

17. Discuss legislative and regulatory matters with board's government liaison, Cassidy Polish.

Ms Polish gave an overview of recent Office of Nevada Boards, Commissions, and Council Standards regulation adoption hearing where the regulations proposed were adopted without amendment. She added the regulations would now move to the Legislation Commission for consideration and vote.

18. Consider bill draft requests proposed by the Legislature to amend Nevada Revised Statutes related to regulatory boards and/or changes to Nevada Revised Statutes chapter 625, 329, and 327.

Mr Fakler said there were no current items from the state to discuss but noted that revisions to NRS 327 as discussed earlier would be finalized.

19. Election of board chair and vice chair for one-year terms commencing on July 1, 2026, in

accordance with Nevada Revised Statute 625.110 and Nevada Administrative Code 625.100.

26-43 A motion was made by Mr Spata, seconded by Mr Dixon for Mr Wright and Mr Gingerich to continue in their roles as chair and vice chair respectively. The motion passed unanimously.

20. Discussion and possible action on status of board and staff assignments.

Mr Fakler said the list of current open action items was in the board packet and asked if board members had any questions.

Mr Spata requested, relating to the Board Book meeting materials, that a single final complete version be sent to the sent to members prior to the meeting. He said this would help in referencing items – all in one table of contents and a final complete Board Book – on the day of the meeting. (ACTION Item)

21. Discussion and possible action on meeting dates.

Mr Fakler said the meeting dates were presented in the meeting materials and that calendar invites would be sent for any new meeting dates added.

22. 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.

Mr Fakler said he received a White Paper from the American Council of Engineering Companies (Nevada) on Qualification Based Selection (QBS) with a request of consideration and possible endorsement by the Board. He added his recommendation would be that it first be reviewed and considered by the Legislative Committee, and that he would work with the committee chair to schedule a meeting in the next few weeks. (ACTION Item)

Mr Kidd requested a future agenda item to discuss what form NCEES – in its expanded role – could assist the Board with any needs at the state legislative level. He added it would be timely to consider before the NCEES Annual Meeting in August. (ACTION Item)

23. Public comment.

Mr Smart
Good morning, Mr. Chair and Board, I appreciate, the opportunity to be here. My name's Craig Smart. I'm the Director Emeritus south for ACEC, the American Council of Engineering Companies and I just wanted to come today and express appreciation for the long history that we have of collaborating and promoting and enforcing qualifications-based selection. It is a very important statute to the industry, for a myriad of benefits, including protecting, public health and safety. And, in an effort to help further define QBS as it relates to the Nevada Revised Statute, ACEC developed a position paper that we've provided to Mr Fakler.

The purpose of that paper is to parse the statute into its pertinent pieces and then connect the components as it's referenced in other areas of the statute. With the goal of having one common *definition and one common understanding of QBS in Nevada. They can be used both by the Board as well as ACEC to bolster, educate, and enforce QBS.*

We appreciate your willingness to take it up and to review it very closely. As with most statutes, it takes some diving in and parsing and figuring out all the different components of it, and we appreciate your review of that, and we look forward to having further conversations. So, thank you.

24. <u>Adjournment.</u>

Mr Wright thanked board members for their participation and adjourned the meeting at 9:45 am.

Respectfully, Mark Fakler
Executive Director