

STATE OF NEVADA  
BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS  
Minutes of the Regular Board Meeting  
held in Reno, Nevada, Thursday, July 14, 2011

Chairman Michael B. Holloway, P.E., P.Eng., Ph.D., declaring a quorum present, called the meeting to order at 9:00 a.m. in the Ed and Mary Alice Pine Board Room, Suite 130, 1755 E. Plumb Lane, Reno, Nevada. Board members present were Vice Chairman Randall M. Long, P.E.; Past Chairman Patty Mamola, P.E.; Ruedy P. Edgington, P.E.; Christine A. Milburn, Public; Robert O. LaRiviere, P.L.S.; and Samuel D. Palmer, P.E. Board member Alan R. Riecki, P.L.S. arrived at 10:15 a.m. Board member Kenneth H. Gardner, P.E. was excused. Also present were Noni Johnson, Executive Director; James E. Pehrson, Compliance Officer; W. Bruce Robb, Board Legal Counsel; and Kay Smith, Administrative Assistant. The following people attended as guests of the Board:

Trevor J. Averett, P.E. (CE) #14230  
Aesthetic Engineering, Reno  
Mark D. Morberg, P.L.S. #12466, Sparks

**Public Comment Period**

There were no comments by members of the public.

**Introductions and Guest Orientation**

Those present introduced themselves. Chairman Holloway informed that Mr. Riecki was delayed at the Las Vegas airport and would arrive later in the morning.

**1. Election of Officers**

Chairman Holloway said the election of officers would be for 2011-12. He asked the Board members what action they wished to take.

11-89 Motion was made by Ms. Mamola, seconded by Mr. LaRiviere, to table the elections until Mr. Riecki was present to participate in the elections.

There was question whether Chairman Holloway could remain chairman until Mr. Riecki arrived and elections were held since the chairman's term ended on July 1, 2011. Mr. Robb advised that Chairman Holloway was authorized to act as chairman until a chairman was elected.

There being no further discussion, the motion passed unanimously.

Later in the morning when Mr. Riecki was present, Chairman Holloway called for the election of officers beginning with chairman.

11-90 Motion was made by Mr. Palmer, seconded by Ms. Milburn, to nominate Chairman Holloway for a second term as chairman.

11-91 Motion was made by Mr. Edgington, seconded by Ms. Mamola, to nominate Vice Chairman Long as chairman.

11-92 Motion was made by Ms. Milburn, seconded by Mr. Palmer, to close the nominations. The motion passed unanimously.

A vote was taken on the nomination to re-elect Chairman Holloway as the chairman. Four Board members voted aye.

A vote was then taken on the nomination to elect Vice Chairman Long as the chairman. Four Board members also voted aye, which caused a tie between the two nominees.

Mr. Robb called for another vote to determine the election. Chairman Holloway said that for the good of the Board he would withdraw his name from the nomination. Ms. Mamola suggested he not do this and instead have another vote. Mr. Palmer said he agreed.

A vote was taken and with a majority of Board members voting aye, Chairman Holloway was re-elected as chairman.

Chairman Holloway then called for nominations for vice chairman.

11-93 Motion was made by Mr. Palmer, seconded by Mr. Edgington, to nominate Vice Chairman Long for re-election as vice chairman.

Nominations were closed as there were no further nominations made.

The motion passed unanimously and Vice Chairman Long was re-elected.

Vice Chairman Long abstained from voting on the motion.

## 2. Approval of Minutes

### a) Regular Meeting of May 12, 2011

The Board considered the minutes and no comments or corrections were given.

11-94 Motion was made by Mr. Palmer, seconded by Mr. Edgington, to approve the minutes as written. The motion passed unanimously.

Mr. Riecki was not present during this agenda item.

## 3. Financial Statements

### b) April, 2011      c) May, 2011      d) June, 2011

Ms. Smith reviewed the financial statements and she and Ms. Johnson answered questions by the Board.

11-95 Motion was made by Ms. Milburn, seconded by Mr. Palmer, to approve the financial statements for all three months. The motion passed unanimously.

### e) Kohn Colodny Audit Contract – Fiscal Year 2010-11

Ms. Johnson said that Kohn Colodny submitted a proposed contract to perform the Board's annual audit for fiscal year 2010-11. She said the fee remained at \$7,500. Ms. Johnson said that staff tentatively scheduled the audit for the latter part of July based on the Board's approval.

The Board discussed the contract and the following motion was made.

11-96 Motion was made by Mr. LaRiviere, seconded by Ms. Mamola, to continue with Kohn Colodny to perform the audit for fiscal year 2010-11. The motion passed unanimously.

Mr. Riecki was not present during discussion of the financial statements and audit contract.

#### **4. Compliance Report – Board Counsel and Compliance Officer**

##### **f) Current Investigation Status**

##### **1. 20100136 – Scott Ritchie, Non-Licensee – Formal Hearing**

Chairman Holloway recused himself from the discussion. As such, he turned the meeting over to Vice Chairman Long.

Mr. LaRiviere disclosed that his firm had interaction with Mr. Ritchie concerning the Kietzke Lane roundabout and the Regional Transportation Commission of Washoe County. However, he said that he could remain impartial towards the case.

Mr. Robb said that Mr. Ritchie and his counsel, David Brown, requested continuance of the formal disciplinary hearing that was scheduled for today. He said that he recommended to Ms. Johnson to grant the request.

Mr. Robb said that Mr. Brown advised that Mr. Ritchie very much wishes to resolve the disciplinary action if possible. He asked about the status of the Arizona board's investigation into the work that Mr. Ritchie performed in that state.

Mr. Pehrson said the Arizona board is still investigating the numerous projects that Mr. Ritchie performed there. He said that Mr. Ritchie is not licensed in Arizona.

Mr. Edgington said he would like to see the issue resolved prior to the formal hearing. He said the public's safety is not an issue and Mr. Ritchie has to come into compliance with the law.

Ms. Milburn disagreed with Mr. Edgington, stating that Mr. Ritchie is a hindrance to the public and has not learned a lesson at all. She did not favor resolving the issue prior to the formal hearing.

In closing, Mr. Robb said he will renote the formal hearing with Mr. Ritchie for the September 8, 2011 Board meeting in Las Vegas. The meeting was turned back over to Chairman Holloway.

Mr. Riecki was not present during discussion of this agenda item.

##### **2. 20110001 – Sajan I. Abraham, CE #19285 – Formal Hearing**

Mr. Robb said the formal hearing with Mr. Abraham was continued to the September 8, 2011 Board meeting.

##### **3. 20110006 – Unethical Conduct**

Mr. Pehrson recalled that this complaint was discussed at the May 2011 Board meeting. He said the complaint alleged that the respondent contracted for the complainant's professional services through the respondent's grading contractor. However, the respondent did not pay for the services rendered and instead hired another firm to perform the services. The complaint also stated that the respondent was involved in unethical practices and misconduct unbecoming a licensed engineer.

Mr. Pehrson said the complaint also alleged that the second firm used the complainant's testing and inspection data to obtain the pad certification for the project. Mr. Pehrson said he requested the permit documents from the entity in Las Vegas to verify this but found it did not occur.

Mr. Pehrson recommended that the Board dismiss the complaint against the respondent.

Vice Chairman Long said that at the May Board meeting he expressed concern that the second engineering firm used the original firm's data that was not authorized or paid for. He agreed this did not occur and said the case was a contractual issue that did not concern the Board.

Chairman Holloway said the complaint did not involve professional ethics. He said the issue was a civil problem between a developer and a professional.

Mr. Pehrson noted that the contractor performed his work for the project before a permit was issued. Mr. Palmer said the contractor built a structural pad without any inspections or authority.

11-97 Motion was made by Ms. Mamola, seconded by Vice Chairman Long, to dismiss the complaint.

Mr. Palmer asked whether a letter should be sent to the Contractors' Board informing that the contractor performed work without a permit. Mr. Robb said this was appropriate and he would work with Mr. Pehrson to prepare a letter to the Contractors' Board.

There being no further discussion, the motion passed unanimously.

Mr. Riecki was not present during discussion of this agenda item.

#### **4. 20110007 – Unlicensed Practice**

Mr. Pehrson said that the Nevada Division of Environmental Protection (NDEP) filed a complaint against an unlicensed chemical engineer, Frank Parker, who provided calculations for an ammonia refrigeration unit. The complaint also stated that Mr. Parker used inappropriate assumptions in preparing the calculations

Mr. Pehrson said that at the May 2011 Board meeting he was asked to obtain more information about Mr. Parker's calculations. He referred to the information that was given to the Board.

Vice Chairman Long said there were grounds for Board action against Mr. Parker based on his review of the complainant's backup data and the calculations. Ms. Mamola said she agreed.

Chairman Holloway suggested the Board issue Mr. Parker a letter to cease and desist practicing engineering in Nevada until he becomes licensed and to notify the New York board. Mr. Robb agreed and recommended the Board do this. He said that if Mr. Parker does not comply then the Board could file an injunction against him in district court.

11-98 Motion was made by Ms. Mamola, seconded by Mr. LaRiviere, to issue a cease and desist order to Mr. Parker and to notify the New York board. The motion passed unanimously.

Mr. Riecki was not present during discussion of this agenda item.

#### **5. 20110009 – Energy Consultant and Professional Engineer**

#### **6. 20110010 – Celtic Energy**

Mr. Pehrson gave an update concerning internal complaints that were filed against the licensed president and unlicensed manager of an energy consultant firm in Boulder City. The firm has been providing third-party energy consultations per NRS 332.360, which states that third-party consultants must be registered pursuant to NRS 625. The firm has not yet registered with the Board and does not have a full-time licensed engineer in the Nevada office.

The unlicensed manager attended the May 2011 Board meeting to address the complaints. The manager said that the engineering firm would comply with corporate registration. He also agreed to remove the title of "P.E." from his business cards, email signatures, and the firm's website. Mr. Pehrson emailed the manager regarding the agreements and to date has not heard back from him.

Mr. Pehrson confirmed that the manager has not submitted for licensure in Nevada. Staff contacted the Texas board and found that the manager was previously licensed as a professional engineer in October 1982. The manager's license expired in December 1995 because he did not renew within the previous two years.

Mr. Pehrson said that the firm's licensed engineer, who lives in Connecticut, emailed him and said the firm would comply as long as the Board can confirm it is being treated equally. Mr. Pehrson said he advised the engineer that the Board is treating the firm equally. To date he has not heard back from the engineer.

Discussion ensued concerning what action to take. Mr. Robb said the Board could take formal disciplinary action against the firm's licensed engineer for aiding and abetting the firm's manager for practicing engineering in Nevada without a license. He said a cease and desist order could also be issued to the manager concerning his use of "P.E.". Ms. Mamola suggested giving the licensed engineer ten days to comply with the Board's requirements before taking disciplinary action.

Mr. Robb said the engineer must register the firm, show that the manager has deleted any reference to "P.E." on all firm documentation, and acknowledge that the firm will not offer to perform professional engineering services in Nevada until it complies with all laws, including employing a full time licensed engineer in responsible charge.

11-99 Motion was made by Ms. Mamola, seconded by Mr. Palmer, to accept Mr. Robb's recommendation. The motion passed unanimously.

Mr. Riecki was not present during discussion of these agenda items.

## **7. 20110011 – Fraudulent Report**

A complaint was filed against an unlicensed firm owner, alleging that he took possession of another firm's report, copied it and added his company letterhead and title page, and used the report to obtain new clients. The complainant said the respondent used his name as the author of the report.

Mr. Pehrson said the complaint was discussed at the May 2011 Board meeting. He said the Board asked him to contact the licensees from the respondent's company and ask them to advise what measures they would take to prevent this issue from happening again. Mr. Pehrson referred to the letters of response that he received.

Ms. Mamola said the Board's intent was to notify the licensees that the issue involving the fraudulent report occurred under their watch. She said the letters of response were appropriate.

11-100 Motion was made by Ms. Mamola, seconded by Vice Chairman Long, to close the case. The motion passed unanimously.

Mr. Riecki was not present during discussion of this agenda item.

### **8. 20110012 – Discipline by Another State**

An internal complaint was filed against a mechanical engineer who reported disciplinary action by the New York board in June 2009 when he submitted for license renewal in Nevada in May 2011. The New York board disciplined the engineer for allowing individuals and a corporation to perform engineering services without being licensed in that state.

The Disciplinary Order from New York required the engineer to pay a \$5,000 fine, suspended his license for one month, and then placed his license on probation for 23 months that ends in July 2011.

Mr. Robb said there was a mitigating factor in that the engineer self-reported his violations to the New York board. Chairman Holloway said this meant that his failure to report the disciplinary action to the Board was not done intentionally. He said the Board usually issues letters of concern in cases like this.

Mr. Robb agreed with issuing the engineer a letter of concern. He said the respondent should also submit proof that he has fully satisfied the discipline imposed by the New York board.

11-101 Motion was made by Ms. Mamola, seconded by Mr. Edgington, to issue the engineer a letter of concern and require him to submit proof that he has complied with the Disciplinary Order of the New York board. The motion passed unanimously.

Mr. Riecki was not present during discussion of this agenda item.

### **9. 20110013 – Survey Miscalculation**

Mr. Pehrson said that a complaint was filed against a land surveyor, alleging that the curb and gutter staking he provided for a project was inaccurate up to six inches on roughly 1,600 feet of curb. A local entity verified the elevations and the curb was subsequently removed and replaced. The respondent's company was back charged for the costs. However, the complainant alleged that the respondent's company has not paid the costs.

The respondent admitted to Mr. Pehrson that he made a mistake in using a new software program. He said that he went to the project site with a level and confirmed that the curb elevations were off by the same amount as claimed by the entity.

Mr. LaRiviere said the respondent did several things wrong and should have had his crew check the work. He also expressed concern about the respondent's invoicing and said he exceeded the contract amount without an agreement. However, Mr. LaRiviere said that everyone has made mistakes and this was not a Board issue but rather a monetary issue. Mr. Edgington said that he agreed.

11-102 Motion was made by Mr. LaRiviere, seconded by Ms. Milburn, to dismiss the complaint against the respondent as it is a civil matter.

Vice Chairman Long questioned whether the Board should issue the respondent a letter of concern. Mr. LaRiviere agreed with doing this. Chairman Holloway said the Board could not dismiss the complaint if it wished to issue the letter of concern. He said the letter could address the respondent's slipshod manner of work and not the contract dispute.

Mr. LaRiviere amended his motion to issue the respondent a letter of concern. Ms. Milburn agreed as the second. Mr. LaRiviere agreed to work with Mr. Robb in preparing the letter.

There being no further discussion, the motion passed unanimously.

Mr. Riecki was not present during discussion of this agenda item.

**10. 20110014 – Unauthorized Dumpsite**

Mr. Riecki entered the conference room at this time, 10:15 a.m.

Mr. Pehrson reported that a complaint was filed against a civil engineer by a local entity, alleging that the respondent was operating a solid waste dumpsite without a permit. The complaint also alleged that the respondent was ordered to pay an administrative fine which to date he has not paid. The complainant stated that the respondent's willful disobedience constituted unethical conduct and reflected poorly on the engineering profession.

Mr. Pehrson said that it appeared that people had dumped trash on the respondent's rental property located near an alley. He said that people also dumped trash on a vacant construction lot belonging to the respondent.

Mr. Edgington said the entity that filed the complaint expressed concern about the trash causing a health issue. He said this was not an engineering issue and did not pertain to the respondent's professional license.

Chairman Holloway agreed with Mr. Edgington and said the issue was not in the Board's purview.

11-103 Motion was made by Ms. Mamola, seconded by Mr. Edgington, to dismiss the complaint against the respondent. The motion passed unanimously.

**11. 20110015 – Discipline by Another State**

Mr. Pehrson reported that an internal complaint was filed against a mechanical engineer who, upon renewal of his license in June 2011, reported disciplinary action by the Minnesota board in August 2010. The respondent was disciplined for stamping and signing mechanical/electrical drawings after his license expired. According to the respondent, he has not yet satisfied the terms of his Settlement Agreement. A \$2,500 civil penalty is due on August 2, 2011.

Ms. Johnson informed that the Minnesota board is currently closed due to state budget problems, so the respondent could not meet the terms of the agreement.

Mr. Edgington suggested the Board not renew the respondent's license until he satisfies the agreement with Minnesota. Chairman Holloway said the Board could approve the renewal but withhold the license until the respondent shows that he has met Minnesota's requirements. After further discussion the following motion was made.

11-104 Motion was made by Mr. Edgington, seconded by Ms. Mamola, to approve the respondent's license renewal in Nevada and withhold it until he shows proof to staff that he has satisfied the terms of the Settlement Agreement with the Minnesota board. Furthermore, a letter of concern will be issued to the respondent concerning his unlicensed practice in another state. The motion passed unanimously.

## **12. 20110016 – Contract and Billing Issues**

Mr. Pehrson said that a complaint was filed against a civil/structural engineer, alleging extortion and questionable billing practices. He said the contract between the complainant and the respondent appears to be vague and does not explicitly show the costs required for certain items.

Mr. Pehrson said he had not received a response from the engineer, but the deadline for a response was the next day, July 15.

Mr. Edgington disclosed that he knows both the respondent and his attorney, but could act fairly towards the complainant.

After some discussion, Chairman Holloway suggested the Board wait to receive a response to the complaint before taking any action.

11-105 Motion was made by Mr. Edgington, seconded by Ms. Mamola, to hold the complaint in abeyance until the September 2011 Board meeting. The motion passed unanimously.

## **13. 20110017 – Contract and Billing Issues**

Mr. Pehrson reported that a complaint was filed against a civil engineer, alleging questionable billing practices. He said that a response to the complaint was due the next day, July 15.

Chairman Holloway suggested tabling the matter until a response is received.

11-106 Motion was made by Ms. Mamola, seconded by Mr. Edgington, to hold the complaint in abeyance until the September 2011 Board meeting. The motion passed unanimously.

## **14. 20110018 – Plagiarism of Plans**

Mr. Pehrson said that a complaint was filed against an engineer intern by a former employer, alleging that when the respondent was terminated he removed proprietary AutoCAD files and templates from the company server. The complainant stated that the respondent used these files and templates for his personal financial gain by creating and submitting mechanical plans to a local entity for a permit.

Mr. Pehrson said he met with a building official at the entity to review the respondent's plans. He said the plan details appeared identical to the respondent's former employer's plans and he believed they were copied. Mr. Pehrson said another person paid the respondent \$5,000 to produce the plans and the contractor stamped the plans.

Mr. Robb said that litigation was recently filed in this case and he believed the litigation would be resolved fairly quickly. He recommended the Board advise the complainant that the Board will hold the complaint in abeyance until the outcome of the civil action.

Vice Chairman Long said he agreed with Mr. Robb. He said that other than plagiarism the case also involved the unlicensed practice of engineering. Mr. Pehrson said the respondent was subcontracted to the contractor and should have been licensed.

Chairman Holloway expressed concern that the respondent might continue practicing without a license. Ms. Mamola suggested the Board issue the respondent a cease and desist letter now and hold the complaint until the matter is resolved in court. Discussion ensued and the following motion was made.

11-107 Motion was made by Ms. Mamola, seconded by Mr. Edgington, to send the respondent a cease and desist letter concerning his unlicensed practice of professional engineering, and to hold the complaint in abeyance until after the court case is held and no later than the November 2011 Board meeting. The motion passed unanimously.

**g) Probation Reports**

**Jaspal S. Sidhu, CE #13796**

**GuangXi David Liu, CE #13325**

**Don J. Christiansen, CE #12374**

**Joseph R. DeBlanco, CE #15535**

Mr. Pehrson said that all probation reports were received and all probationers were in good standing. He said that Mr. DeBlanco has begun making fine payments as he agreed to do.

**h) Board Counsel's Report**

**Governor's Proclamations**

Mr. Robb said that Governor Sandoval requested that all states agencies report by December 31, 2011 on their regulations in the Nevada Administrative Code. He said the Board must review its regulations in NAC 625 to determine which ones are necessary and which can be deleted or modified.

Chairman Holloway tasked the Legislative Committee to review the regulations and make recommendations to the Board.

**i) Miscellaneous**

**Robert A. Coache, CE #11505**

Chairman Holloway said that Mr. Coache, a retired deputy state engineer, has been indicted on 50 criminal charges in Las Vegas for using his office to assist a person in selling water rights and taking money for that. He said the Board could take disciplinary action against Mr. Coache or wait until the criminal case is conducted.

Ms. Johnson said that Mr. Coache's license is currently active. Mr. Robb recommended asking Mr. Coache if he has been practicing engineering. He said that if so then it would be appropriate to move forward with a formal disciplinary complaint based on the criminal complaint's allegations. Mr. Robb said that if Mr. Coache has not been practicing, then the Board could wait until the criminal proceeding is over.

After further discussion, the following motion was made.

11-108 Motion was made by Ms. Mamola, seconded by Vice Chairman Long, to accept Mr. Robb's recommendation to hold the complaint in abeyance and ask Mr. Coache if he has been practicing professional engineering. The motion passed unanimously.

**Julio R. Sandoval, Revoked CE #15532**

Mr. Robb said that in July 2008 Mr. Sandoval's license was revoked following a formal disciplinary hearing. The Board's Decision and Order stated that Mr. Sandoval would be eligible to apply for reinstatement of his license in July 2010.

Mr. Sandoval has now submitted a written request for the Board to consider reinstating his license. In his letter, Mr. Sandoval asked the Board to approve an on-line course in engineering ethics that would satisfy the requirements of the Decision and Order. He also asked for approval to make four bimonthly payments to fulfill payment of his \$4,800 fine.

Ms. Johnson said that Mr. Sandoval has not yet submitted an application for license reinstatement. Ms. Mamola said she would like Mr. Sandoval to submit an application and meet all the requirements of the Decision and Order before giving him consideration. She said that Mr. Sandoval's timeliness in fulfilling those obligations would be a consideration.

Vice Chairman Long expressed concern that Mr. Sandoval requested consideration before meeting all of the obligations.

The Board discussed Mr. Sandoval's request to approve the on-line ethics course. It was noted that he must take an engineering ethics course and a class on communications approved by the Board.

11-109 Motion was made by Vice Chairman Long, seconded by Ms. Mamola, that the Board will not consider an application for reinstatement of Mr. Sandoval's license until all requirements of the Decision and Order are met. The Board does not accept the proposed on-line ethics course and requires Mr. Sandoval to take the Texas Tech Murdough Engineering Ethics course or an equivalent course approved by the Board. Mr. Sandoval may make fine payments, but this will delay reinstatement of his license. The motion passed unanimously.

**5. Telephone Conference with National Council of Examiners for Engineering and Surveying Exam Administration Services**

The Board had a brief discussion via conference telephone with Pam Powell, Director of Exam Administration Services, concerning Council's first exam administration in April 2011.

Ms. Powell reported that the exam process went well and the chief proctors did a good job. She said there was a 7% no-show rate which is standard. She said the proctors did have to dismiss an examinee with an unapproved calculator in Reno. Ms. Power also said that an examinee in Las Vegas had an unapproved writing instrument, but it was confiscated and he was not dismissed. Ms. Powell added that a couple of late people were turned away from the exam site.

Ms. Powell said that Council appreciated the support of the Board and its staff and is looking forward to administering the exams in October 2011.

Mr. Riecki was not present during discussion of this agenda item.

**6. Administrative Report – Executive Director**

**j) Committee Reports**

Chairman Holloway said that he made the following committee assignments:

Administrative Procedures Oversight Committee

Randall Long, Chair; Sam Palmer, Ken Gardner, Bob LaRiviere, and Noni Johnson.

Legislative Committee

Alan Riecki, Chair; Ruedy Edgington, Sam Palmer, Christine Milburn, Noni Johnson, and Bruce Robb.

Public Relations Committee

Ken Gardner, Chair; Bob LaRiviere, Randall Long, Patty Mamola, and Noni Johnson.

Professional Association Liaison (PAL) Council

Michael Holloway, Chair; Alan Riecki, and Noni Johnson.

Compliance Coordinator

Christine Milburn, Chair; Ruedy Edgington, Alan Riecki, and Noni Johnson.

**Administrative Procedures Oversight Committee – Randall Long**

Vice Chairman Long said that Chairman Holloway prepared a list of proposed increases to recoup the Board's administrative costs relating to exams and miscellaneous items that the Board currently offers to licensees and applicants.

Chairman Holloway said the Board needs to recoup its costs for some of the exams that are purchased from the National Council of Examiners for Engineering and Surveying. These do not include the application fees that are listed in the statutes in NRS 625. He reviewed the current exam costs as compared with the proposed increases. After some discussion, it was agreed to increase the amounts for the following exams:

Fundamentals of engineering	Fundamentals of land surveying
Professional engineering (exam and licensure)	Early professional engineering
Professional land surveying (exam and licensure)	Nevada specific professional land surveying

Chairman Holloway suggested that the Board authorize staff to increase the amounts if the costs for exams are raised by NCEES in the future.

11-110 Motion was made by Ms. Mamola, seconded by Ms. Milburn, to adopt the increased amounts to recoup the Board's administrative costs for the six exams as discussed.

Mr. Morberg asked if the Board wished to add that staff is authorized to increase the amounts if NCEES raises its costs for exams in the future. Ms. Mamola agreed to amend her motion to give authorization and Ms. Milburn agreed as the second.

There being no further discussion, the motion passed unanimously.

Chairman Holloway also proposed increasing amounts to offset administrative costs for such items as duplicate wall certificates, professional stamps, the late fee for exam cancellation, the fee for no-shows on exam day, and a fee for verifications of license. He asked the Committee to review the proposed increases and make a recommendation to the Board at the next meeting. He said the other Board members could give their input to Ms. Johnson.

## **Legislative Committee – Randall Long**

### **SB268 – Public Works Certificate of Eligibility**

Mr. Robb said the Board must adopt regulations per SB268 by October 1, 2011, concerning bidders preference for professional engineers and land surveyors for public works projects. He explained that the Board is charged with issuing certificates of eligibility that gives a 5% bidder preference to licensees in Nevada who have paid certain taxes within five years.

Mr. Robb said he gave Ms. Johnson a copy of the forms used by the State Contractors Board to issue certificates of preference. These forms can be used as a guideline to develop the Board's forms.

Mr. Robb noted that Governor Sandoval stated in a proclamation that no new regulations can be adopted by state agencies. He said the Board must request an exemption from Governor Sandoval who has provided an exemption for regulations that have a positive economic impact on the people of Nevada. Mr. Robb said that the State Legislature determined that SB268 would have such an impact.

Mr. Robb said the Legislative Counsel Bureau must first review the Board's regulation. He said that once LCB returns its language, the Board can conduct a workshop and public hearing to receive public comments.

John Martini, P.E. and Chris Cobb, P.E. from the City of Sparks Community Development were present at the meeting. Mr. Cobb informed that according to SB268 the City must notify the Board before it contracts with a firm. He said the Board must post the contract on its website for three days. Mr. Cobb said the City must also report how a firm was chosen and whether the firm has a preference of eligibility.

Both Mr. Cobb and Mr. Martini expressed concern about meeting the October 1, 2011 deadline in order to comply with the requirements of SB268. Chairman Holloway advised that the Board's regulation will become law once the Board adopts it as a temporary regulation, even though the Legislative Commission will give final approval after that. He asked Mr. Cobb and Mr. Martini to submit any further concerns and suggestions to Ms. Johnson.

The Legislative Committee will draft a proposed regulation for the Board's review.

### **AB1 – Financial Reporting**

Mr. Robb said that AB1 requires the Board to report the fees it charges and the fees that it does not collect to the state. Chairman Holloway added that the Board must also report any increases in fees and explain the reason for increases. Ms. Johnson said that previously the Board was only required to submit its annual audit report, but it will submit more financial information this time.

### **SB251 – Sunset Subcommittee**

SB251 established a Sunset Subcommittee of the Legislative Commission. The Subcommittee is charged to review certain boards and commissions in Nevada to determine the need for the termination, consolidation, modification or continuation of those boards and commissions. Ms. Johnson said the focus of the Subcommittee appears to be on those smaller boards deemed nonessential and those that can be merged.

## **Public Relations Committee – Ken Gardner**

Ms. Johnson reported for Mr. Gardner in his absence. She said there has been progress in the design of the Board's new website. She said the web designer is currently adding graphics and other images to the pages. Chairman Holloway asked the committee to schedule a meeting to review the website's progress.

### **k) National Council of Examiners for Engineering and Surveying**

#### **2011 Annual Meeting**

The Annual Meeting is scheduled for August 23-27, 2011 in Providence, Rhode Island. Chairman Holloway, Vice Chairman Long, Ms. Mamola, Mr. LaRiviere, Mr. Palmer, and Ms. Johnson will attend. Mr. Riecki will also attend if he is reappointed to the Board.

Ms. Johnson said she will send the proposed motions to amend Council's by-laws to the Board members for their review. Chairman Holloway asked the members to give their comments and concerns to Ms. Johnson. He said that if necessary the Board can hold a meeting by telephone conference to discuss the motions.

Chairman Holloway suggested giving a proxy vote to those attending the meeting in case there is no telephone conference meeting. The proxy would allow the attendees to vote on Council matters.

11-111 Motion was made by Ms. Milburn, seconded by Mr. Palmer, to give a proxy to those members attending the Annual Meeting so they can vote on issues in a manner they believe the whole Board would vote. The motion passed unanimously.

There was discussion on who should attend in Mr. Riecki's place in case he is not reappointed to the Board.

11-112 Motion was made by Mr. Riecki, seconded by Vice Chairman Long, to authorize Ms. Milburn to attend the Annual Meeting if Mr. Riecki is not reappointed. The motion passed unanimously.

Ms. Johnson referred to a letter the Board received from the Society for Mining and Exploration, Inc. (SME). The letter stated that SME is strongly opposed to the Master's or Equivalent (MOE) program that is currently in the NCEES Model Law. Ms. Johnson said this was for the Board's information and the issue will be discussed at the Annual Meeting.

### **l) Board Lobbyist Contract**

The Board discussed a proposed contract submitted by its current lobbyist, Randy Robison of Capitol Strategies, for the next fiscal year ending June 30, 2012.

Ms. Johnson said it would be in the Board's best interest to retain Mr. Robison because of the formation of the legislative Sunset Subcommittee, the Board's adoption of a regulation according to SB268, and the Board's required review of its regulations in NAC 625.

Chairman Holloway noted that Mr. Robison's monthly fee was half of what the Board paid during the last legislative session. He said the Board could always increase the fee if matters concerning regulations required more effort and time.

11-113 Motion was made by Ms. Mamola, seconded by Mr. LaRiviere, to approve the contract with Mr. Robison as written. The motion passed unanimously.

### **m) Sustainable Building Design Task Force Report**

Chairman Holloway said that the process to LEED certify a building involves a series of matrixes. He referred to a spreadsheet that indicated those categories the task force believes requires a professional engineer in a certain discipline of engineering. He said the task force wishes for this to be enforced because there are many LEED AP non-engineers that are not qualified to fully commission a building. Chairman Holloway said the task force recommended notifying the public entities about this issue so that LEED AP non-engineers are not allowed to do the commissioning.

Ms. Mamola suggested the Board send a letter to the Nevada entities advising them about the issue and that the Board agrees with the task force's recommendation. Chairman Holloway volunteered to prepare the letter with Mr. Robb's and Ms. Johnson's input. He suggested including an article in the Board's newsletter and posting it on the website. He said the issue could also be brought up to the Professional Association Liaison (PAL) Council.

11-114 Motion was made by Ms. Mamola, seconded by Ms. Milburn, for Chairman Holloway to draft a letter to the public entities, prepare a newsletter article, and put the issue on a meeting agenda of the PAL Council. The motion passed unanimously.

### **n) Corporate Requests to Use Term "Engineer"**

The Board acted upon the following requests.

LST Engineering, Inc. – The chief executive officer states that the company is primarily a technology research and applied development company. He states the company advances renewable energy technologies for energy production and transmission efficiencies. The officer also states the company employs engineers of all disciplines, scientists, and other researchers.

The Board considered the request.

11-115 Motion was made by Ms. Mamola, seconded by Mr. Edgington, to deny the company's request. The motion passed unanimously.

Ms. Mamola noted that the company employs engineers in all disciplines and does research and technology. She said that one could assume an engineer could be hired because "engineering" is used in the proposed name.

Proctor Engineering Group, Ltd. – The chief executive officer states that the corporation is based in California where it offers mechanical engineering services as part of a range of services.

The Board considered the request. Ms. Mamola said the company offers mechanical engineering services. Mr. Edgington said the company is an engineering firm and should have a Nevada licensed engineer.

11-116 Motion was made by Ms. Mamola, seconded by Mr. Edgington, to deny the company's request. The motion passed unanimously.

Stage & Effects Engineering, Inc. – The director states the company plans to provide atmospheric effects for the live entertainment industry – pyrotechnics, flame and fog effects for music artists' tours.

The Board considered the request.

11-117 Motion was made by Mr. LaRiviere, seconded by Ms. Mamola, to deny the company's request.

Chairman Holloway said that some of the stages existing today require engineering designs and stamps. As such, he said the proposed name is misleading to the public. Ms. Mamola said the public's safety is affected and that most of these stages should be engineered. Mr. Edgington said these comments are directed at structural things and the company is involved with stage effects.

With Mr. Edgington opposing, the motion carried.

SWI Engineering LLC – The corporate officer states the company contracts for engineering services to include the design and development of electronic circuits and printed circuit boards, software and firmware development, imbedded software implementation, and systems integration.

The Board considered the request.

11-118 Motion was made by Ms. Mamola, seconded by Mr. Palmer, to deny the company's request. The motion passed unanimously.

Pyro Engineering, Inc., dba Bay Fireworks – The chief executive officer states the company produces professional pyrotechnic displays. He said that Bay Fireworks is the name clients know and how the company markets itself.

The Board considered the request. Chairman Holloway suggested allowing the company to only market itself as Bay Fireworks, as it is attempting to register the holding company Pyro Engineering. He said that Mr. Robb had confirmed that Bay Fireworks is not misleading to the public.

11-119 Motion was made by Mr. LaRiviere, seconded by Mr. Edgington, to grant the company's request in that only Bay Fireworks can be presented to the public for marketing purposes. The motion passed unanimously.

Technology Associates Engineering Corporation (also doing business as TAEC Corp.) – The assistant secretary states that the company offers expert telecommunications solutions for broadband wireless applications. The company has a large staff of telecommunication technicians who legally perform generic engineering-type functions. However, these technicians do not fall under a specific class of licensed professional engineering because there is no licensing opportunity available.

The assistant secretary also states that the company's website clearly posts a disclaimer to be sure that the use of the term "engineering" is not misleading. The Board considered the request.

11-120 Motion was made by Mr. Edgington, seconded by Ms. Mamola, to deny the company's request.

Chairman Holloway said the acronym "TAEC" contains the word "engineering" and a member of the public may research what the acronym stands for. Ms. Mamola said there must be some confusion because the company posts a disclaimer on its website. Mr. Edgington said the company admits it performs engineering.

There being no further discussion, the motion passed unanimously.

**o) Examination Report – Lane Garrison**

Mr. Garrison reported that the first administration of exams by NCEES in April 2011 went well. He said that staff has a good relationship with the staff at NCEES.

Mr. Garrison reviewed the national and Nevada results for the April exams. He also referred to a list of statistics for the early professional engineering exam compiled by Dr. David James, P.E. at the University of Nevada, Las Vegas.

**p) Task Force Inspections White Paper**

The Board received a letter from Andy Farhan, Ph.D., P.E. concerning the white paper on inspections that a task force of Board members and other engineers prepared several months ago. Ms. Johnson said the letter was for the Board's information.

**q) Requests for Proposals – Materials Testing and Inspection**

Mr. Robb referred to a letter he prepared to the Douglas County engineer concerning the County's method of hiring material testing and inspection services. He said the County has been responsive and has agreed to revise its procurement process for these services that does not request a low bid or cost of services.

Vice Chairman Long recused himself from discussing the letter to Douglas County, as his firm responded to the County's initial request for proposal. Mr. Edgington disclosed that his firm previously worked with Douglas County, but the firm did not submit a proposal in this case.

**7. Oral Interviews – Committee Recommendations**

An oral interview was conducted with the following applicant and a recommendation was given.

Christopher Phillip Washa, applying for civil licensure after passing the early professional engineering exam in October 2010. He was requested to appear for an oral interview based on his experience.

11-121 Motion was made by Mr. Averett, seconded by Ms. Mamola, to grant licensure to Mr. Washa, with a caution to stay within his area of expertise. The motion passed unanimously.

Please refer to "Appendix A" of these minutes for further information about the oral interview.

**8. Waiver Requests of NRS/NAC 625**

The Board considered the following non-appearance waiver requests from applicants applying for reciprocal licensure and recommendations were given.

Three References in Same Discipline of Engineering

Ms. Johnson reported for Mr. Gardner in his absence. She said that he recommended granting waivers for the following applicants.

Christopher James Adams and Brent Courter, applying for electrical licensure.  
Robert Alvin Herz and Robert Posch, applying for mechanical licensure.

Two Years of Supervision by Engineer in Same Discipline

Ms. Johnson reported that Mr. Gardner also recommended granting waivers for the following applicants.

Robert Posch, applying for mechanical licensure.  
Brent Courter, applying for electrical licensure.

11-122 Motion was made by Mr. LaRiviere, seconded by Ms. Mamola, to approve Mr. Gardner's recommendations to grant the waiver requests. The motion passed unanimously.

#### Not More Than Two References from Current Employer

11-123 Motion was made by Chairman Holloway, seconded by Mr. Edgington, to grant the waiver request from Noel Zagala Herrera, applying for structural licensure. The motion passed unanimously.

The Board also considered the following non-appearance waiver requests from applicants applying for licensure by examination and recommendations were given.

#### References from Four Professional Engineers

11-124 Motion was made by Chairman Holloway, seconded by Ms. Mamola, to grant the waiver request from Melissa Whittall, applying to take the mining engineering exam. The motion passed unanimously.

#### Three References in Same Discipline of Engineering

11-125 Motion was made by Chairman Holloway, seconded by Ms. Mamola, to grant the waiver request from James Rast, applying to take the fire protection engineering exam. The motion passed unanimously.

#### Waiver of Fundamentals of Engineering Exam

11-126 Motion was made by Mr. Palmer, seconded by Ms. Mamola, to grant the waiver request from Kent Hartley, applying to take the mining engineering exam. The motion passed unanimously.

Please refer to "Appendix B" of these minutes for further information about the waiver requests.

### **9. Board Approval of Non-Appearance Applications for Reciprocal and Non-Reciprocal Licensure**

The Board considered a total of 63 non-appearance reciprocal applications and recommendations were given.

Vice Chairman Long disclosed that his firm has a contract with the firm that employs Christopher L. McCall, applying for civil licensure. However, he said he could still act fairly towards Mr. McCall's application.

Mr. Palmer recused himself from acting on the application of Gabriel A. Burgess, applying for civil licensure, as the applicant was a former employee.

11-127 Motion was made by Ms. Mamola, seconded by Mr. Palmer, to approve the recommendations that were made. The motion passed unanimously.

The Board also considered six additional applications that were not included with the first group submitted to the Board. Recommendations were given.

11-128 Motion was made by Mr. Riecki, seconded by Mr. Edgington, approve all six applications. The motion passed unanimously.

## **10. Board Approval of Non-Appearance Applications for Licensure by Examination**

The Board considered a total of 23 non-appearance applications for those persons applying for licensure after passing the early professional engineering exam. Recommendations were given.

Vice Chairman Long recused himself from acting on the application of Michael E. Miller, applying for civil licensure, as the applicant previously worked for his firm.

Mr. Edgington disclosed that he knows Anita R. Lyday, applying for civil licensure, and Michael E. Miller. However, he said he does not know them well and could act fairly toward their applications. Mr. Edgington also disclosed that he knows Maria D. Paz Fernandez, applying for civil licensure, as they are working on the same project. However, he said the applicant has limited involvement with the project and he could act fairly toward her application.

Chairman Holloway recused himself from acting on the application of Adam P. Pilarz, applying for civil licensure, as he owns stock in the company that employs Mr. Pilarz.

11-129 Motion was made by Ms. Mamola, seconded by Vice Chairman Long, to approve the recommendations. The motion passed unanimously.

The Board considered a total of 19 non-appearance applications for those persons applying for exam and licensure. Recommendations were given.

11-130 Motion was made by Ms. Mamola, seconded by Mr. Morberg, to approve the recommendations. The motion passed unanimously.

Please refer to “Appendix C” of these minutes for the names and actions taken by the Board for all non-appearance applications.

## **11. Special Consideration of Applications**

The Board considered the following applications:

David O. Isakson – He applied for land surveying licensure reciprocal with California. Board staff denied Mr. Isakson’s application because he has not taken the professional land surveying exam. Mr. Isakson appealed staff’s decision. He has a B.S. degree in civil engineering from Sacramento State College and has passed the fundamentals of engineering and the civil engineering exams. Mr. Isakson has 41.11 years of experience.

Chairman Holloway said that Mr. Robb advised that Mr. Isakson could apply for reciprocal licensure because he could legally practice land surveying in California under his civil engineering license. Ms. Johnson said that prior to 1984 in California an engineer could practice land surveying under his civil licensure.

Mr. Riecki said that Mr. Isakson has acceptable surveying experience. However, he said that question arose from the letter of the Board’s state law that requires a degree as of July 1, 2010. Chairman Holloway said Mr. Isakson could be granted reciprocal licensure if he passed the land surveying exam.

Mr. Robb referred to NRS 625.382 where it states the Board may issue a license to practice professional land surveying to an applicant, upon presentation of evidence that he is licensed to practice professional land surveying and in good standing in a state that maintains standards of land-surveying licensure equivalent to those in this state, if the applicant has the necessary qualifications.

Mr. Riecki said that Mr. Isakson has been practicing land surveying in California since 1973. He said that the civil engineering exam Mr. Isakson took in 1972 had more land surveying items in it than today's exam.

Mr. Edgington noted that in his letter Mr. Isakson requested to sit for the exam. Mr. Riecki said the Board could not approve Mr. Isakson to take the national PLS exam because the Board did not approve him prior to July 1, 2010.

After further discussion, the following motion was made.

11-131 Motion was made by Mr. Riecki, seconded by Mr. LaRiviere, to grant Mr. Isakson reciprocal licensure upon his passage of the Nevada Specific PLS exam.

Mr. Edgington said that Mr. Isakson should pass the national PLS exam in California and then the Board could grant reciprocal licensure in Nevada.

With Mr. Edgington opposing, the motion passed.

Robin Z. O'Neil – He applied for electrical licensure reciprocal with California, having a B.S. degree in electrical engineering from Rochville University. Mr. O'Neil also applied for a waiver of the fundamentals of engineering exam. He has a total of 31.6 years of experience.

Staff submitted Mr. O'Neil's application for special consideration because of his questionable college transcripts. NCEES advised staff that Mr. O'Neil's engineering degree is not valid.

Ms. Johnson said she spoke with the executive director of the California board who did some follow-up on Rochville University. The director told her that somehow the applicant slipped through and should not have been granted licensure in California. Ms. Johnson said that Mr. O'Neil's application was sent to the board's compliance officer for further investigation.

Mr. Robb recommended not granting Mr. O'Neil reciprocal licensure if his home state is questioning whether he should have been licensed. After further discussion, the following motion was made.

11-132 Motion was made by Mr. Riecki, seconded by Ms. Mamola, to place Mr. O'Neil's application on hold until the issue about his transcripts is resolved by the California board. The motion passed unanimously.

## **12. Unfinished Business (Items from May 2011 Minutes)**

Ms. Johnson reviewed those items completed and those still pending.

Ms. Mamola referred to a letter of response she prepared for an engineering firm concerning quality control and quality assurance. She said that she redrafted the letter as requested at the last Board meeting. The Board discussed the letter and approved it after a few minor revisions were suggested.

Chairman Holloway asked for submission of newsletter articles between August 1st and the 15th.

## **13. Meeting Dates**

The next Board meeting is scheduled for September 8, 2011 in the Las Vegas office.

**14. Miscellaneous**

There were no items for discussion.

**Public Comment Period**

The guests gave input about their participation in the meeting today. There were no other public comments.

**Adjournment**

There being no further business, Chairman Holloway adjourned the meeting at 4:05 p.m. on Thursday, July 14, 2011.

Respectfully,

Noni Johnson  
Executive Director