

LCB File No. R168-01

PROPOSED REGULATION OF THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION

The Nevada State Board of Professional Engineers and Land Surveyors (the "State Board"), 1755 East Plumb Lane, Suite 135, Reno, Nevada 89502, 775-688-1231, is proposing amendments to regulations pertaining to Chapter 625 of the Nevada Administrative Code. A workshop has been set for 9:00 a.m. on Friday, January 4, 2002 at the State Board's offices at 1755 East Plumb Lane, Suite 135, Reno, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed amendments to existing regulations:

Copies of the proposed amendments to existing regulations are attached as Exhibit "A" to this Notice. The terms of the proposed amendments may be summarized as follows:

1. It is proposed that NAC 625.610 be amended to require the licensee to place the expiration date of his license on all engineering plans, specifications, reports or other documents that are submitted to obtain permits, are released for construction or are issued as formal or final documents to clients, public authorities or third parties. The licensee is also required to mark interim documents to show the intended purpose of the document, such as "preliminary", "not for construction", "for plan check only" or "for review only".
2. It is proposed that NAC 625.647 be amended to provide that the advisory committee's recommendation shall be entered into evidence at any subsequently held disciplinary action before the State Board based upon the complaint heard by the advisory committee. The proposed amendment clarifies that the State Board shall give whatever weight it deems appropriate to the advisory committee's recommendation and that the State Board may accept or reject, in whole or in part, the advisory committee's recommendation.
3. It is proposed that NAC 625.6475 be amended to provide that all evidence considered by the advisory committee is admissible in a disciplinary action before the State Board and that the State Board may review the recommendation made by the advisory committee at the hearing de novo held before the State Board.

A copy of all materials relating to the proposed amendments to existing regulations may be obtained at the workshop or by contacting Noni Johnson, Executive Director of the State Board at 1755 East Plumb Lane, Suite 135, Reno, Nevada 89502. Telephone number is 775-688-1231. A reasonable fee for copying the proposed regulations may be charged.

This Notice of Workshop to Solicit Comments on Proposed Amendments to Regulation

has been sent to all persons on the State Board's mailing list for administrative regulations and posted at the following locations:

Nevada State Board of Professional Engineers and Land Surveyors
1755 East Plumb Lane, Suite 135
Reno, Nevada 89502

City of Reno, Engineering Division
450 Sinclair, 3rd Floor
Reno, Nevada 89501

City of Sparks, Engineering Division
431 Prater Way
Sparks, Nevada 89431

Clark County Building Department
500 S. Grand Central Parkway
Las Vegas, Nevada 89155-3530

City of Las Vegas, Building and Safety
400 E. Stewart Street
Las Vegas, Nevada 89101

Elko County Recorder
571 Idaho Street
Elko, Nevada 89801

DATED: This _____ day of November, 2001.

State of Nevada Board of Professional
Engineers and Land Surveyors

By _____
NONI JOHNSON
Executive Director

**NOTICE OF INTENT TO ACT UPON
PROPOSED AMENDMENTS TO REGULATIONS**

**NOTICE OF HEARING ON PROPOSED AMENDMENTS TO
REGULATIONS OF THE NEVADA STATE BOARD OF PROFESSIONAL
ENGINEERS AND LAND SURVEYORS**

The Nevada State Board of Professional Engineers and Land Surveyors (the "State Board") will hold a public hearing at 9:00 a.m. on January 7, 2002 at the Alexis Park Resort, 375 E. Harmon, Las Vegas, Nevada 89109. The purpose of the hearing is to receive comments from all interested persons regarding proposed amendments to existing regulations that pertain to Chapter 625 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed amendments to existing regulations are as follows:
 - a. The amendments to NAC 625.610 require a licensee to set forth the expiration date of his license when the licensee stamps or signs engineering plans, specifications, reports or other documents that are submitted to obtain permits, are released for construction or are issued as formal or final documents to clients, public authorities or third parties. Interim documents must be clearly marked to show the intended purpose of the document, such as "preliminary", "not for construction", "for plan check only", or "for review only".
 - b. The amendment to NAC 625.647 clarifies that the State Board may accept or reject, in whole or in part, the advisory committee's recommendation and that the State Board may give whatever weight it deems appropriate to the advisory committee's recommendation. The amendment modifies the existing regulation to provide that the advisory committee's recommendation shall be entered into evidence at any subsequently held disciplinary action before the State Board based upon the complaint heard by the advisory committee.
 - c. The amendment to NAC 625.6475 clarifies that all evidence considered by the advisory committee in its review of a complaint is admissible in a disciplinary action before the State Board. The amendment further provides that the State Board may review the evidence considered and the recommendation made by the advisory committee during the course of the hearing de novo before the State Board.
2. The proposed language of the amended regulations is attached as Exhibit "A" to this Notice.
3. The State Board does not believe that the regulations, if adopted as amended, will have an economic effect on the engineering or land surveying professions or on the public. One of the proposed amendments concerns the manner in which documents are to be stamped, dated, signed and marked prior to their submission to clients, public authorities or third parties. The proposed amendments concerning evidence submitted to an advisory committee and the advisory

committee=s recommendation notify licensees that the State Board may consider the evidence submitted to the advisory committee and the advisory committee=s recommendation to the State Board.

4. The estimated cost to the State Board for enforcement of the proposed amendments to the existing regulations is \$10,000.00 annually.

5. The proposed amendments to the existing regulations do not establish a new fee nor do they increase an existing fee.

Persons wishing to comment upon the proposed action of The State Board may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Nevada State Board of Professional Engineers and Land Surveyors, 1755 East Plumb Lane, Suite 135, Reno, Nevada 89502. Written submissions must be received by The State Board on or before Friday, January 4, 2002. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, The State Board may proceed immediately to act upon any written submissions.

A copy of this Notice and the regulations to be adopted or amended will be on file at The State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the Notice and the regulations to be adopted or amended will be available at the State Board's office at 1755 East Plumb Lane, Suite 135, Reno, Nevada 89502, and in all counties in which an office of the State Board is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This Notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.065, and on the internet at <http://www.leg.state.nv.us>. Copies of this Notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against said adoption.

This Notice of Hearing has been posted at the following locations:

Nevada State Board of Professional Engineers and Land Surveyors
1755 East Plumb Lane, Suite 135
Reno, Nevada 89502

City of Reno, Engineering Division
450 Sinclair, 3rd Floor
Reno, Nevada 89501

City of Sparks, Engineering Division

431 Prater Way
Sparks, Nevada 89431

Clark County Building Department
500 S. Grand Central Parkway
Las Vegas, Nevada 89155-3530

City of Las Vegas, Building and Safety
400 E. Stewart Street
Las Vegas, Nevada 89101

Elko County Recorder
571 Idaho Street
Elko, Nevada 89801

Should you have any questions concerning the proposed amendments to the existing regulations, please write to Noni Johnson, Executive Director of the State Board, at 1755 East Plumb Lane, Suite 135, Reno, Nevada 89502.

DATED: This _____ day of November, 2001.

State of Nevada Board of Professional
Engineers and Land Surveyors

By _____
NONI JOHNSON
Executive Director

LCB File No. R168-01

PROPOSED REGULATION OF THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

AUTHORITY: NRS 625.140; NRS 625.565(6)

NAC 625.610 is hereby amended to read as follows:

NAC 625.610 Stamps, seals and signatures on documents. (NRS 625.140, 625.565)

1. A stamp authorized by the board must be obtained at the office of the board at the expense of the licensee. *The stamp and seal shall state the licensee's name, the number of his license, the particular discipline in which he is licensed, and may bear the expiration date of the license.*

2. A person who is licensed in more than one discipline of engineering shall use a separate stamp for each discipline, except that a person who is licensed in the disciplines of civil engineering and structural engineering may use a single stamp for both disciplines.

3. The impression made by a stamp or seal must be opaque and permanent.

4. Each licensee shall validate a stamp or seal by signing his name legibly in opaque ink across the face of the impression made by the stamp or seal, ~~and~~ entering the date of stamping or sealing *and the date of the expiration of his license* immediately below the impression of the stamp or seal. The signature must not obliterate the name of the licensee, or his discipline or the number of his license. The licensee may not use a stamp or computer to produce his signature.

5. When a licensee signs, stamps or seals a document containing the work of others, the licensee represents that he has prepared or has been in responsible charge of the production of the entire document unless he includes a written statement adjacent to his signature, stamp or seal identifying the portion of the document that he prepared or for which he had responsible

charge of the work.

6. For the purposes of NRS 625.565, a professional engineer has “responsible charge of the work” and may sign, stamp or seal plans, specifications, plats or reports which were not prepared by him:

(a) If he personally supervises the work on the plans, specifications, plats or reports to the degree that he is satisfied that the work is completed in a proper and professional manner; or

(b) Where the plans, specifications, plats or reports are not prepared under his personal supervision, if he or persons under his personal supervision review the plans, specifications, plats or reports and make tests, calculations or changes in the work as necessary for the professional engineer to determine that the work has been completed in a proper and professional manner.

7. A licensee who signs, stamps or seals a document which was not prepared by him but for which he had responsible charge of the work is subject to disciplinary proceedings pursuant to chapter 625 of NRS for any errors in that document as if he prepared it himself. This subsection does not exempt any other licensee who prepared the document from disciplinary action for his errors in that document.

8. ~~For the purposes of NRS 625.565, plans, specifications, plats, reports and any other documents which are issued by a professional engineer with the intent that they be considered as formal or final documents must be stamped with the seal of the professional engineer before they are delivered to or filed with any public authority.]~~ *In accordance with the provisions of NRS 625.565, all surveying maps and records, and all engineering plans, specifications, reports or other documents that are submitted to obtain permits, are released for construction or are issued as formal or final documents to clients, public authorities or third parties must bear the*

signature and stamp of the licensee, the date of signing and the expiration date of the license. Interim documents must be clearly marked to show the intended purpose of the document, such as “preliminary”, “not for construction”, “for plan check only” or “for review only”.

9. A licensee is not required to stamp the following documents:
- (a) An engineering as-built plan or record plan;
 - (b) A report which includes observations concerning the progress of the construction of a project;
 - (c) An estimate of the costs of a project; or
 - (d) A shop drawing that is not required by the specifications of a project.

AUTHORITY: NRS 625.140

NAC 625.647 is hereby amended to read as follows:

NAC 625.647 Evaluation and disposition of complaint: Duties of advisory committee.
(NRS 625.140)

1. If the board establishes an advisory committee for the evaluation and disposition of a complaint, the advisory committee shall:

(a) Review the complaint and the written report submitted pursuant to subsection 2 of NAC 625.640 to determine whether there is probable cause to believe that the respondent violated NRS 625.410;

(b) Hold an informal conference with the respondent and any other person who may assist in resolving the complaint;

(c) Attempt to arrive at a resolution of the complaint with the respondent; and

(d) Within 15 days after the conclusion of the informal conference, submit to the executive director a report containing written recommendations regarding the disposition of the complaint.

2. In addition to the report required by paragraph (d) of subsection 1, within 15 days after the conclusion of the informal conference, the chairman of the advisory committee shall submit to the board a report which contains a summary of the informal conference and recommendations regarding the disposition of the complaint.

3. The board is not bound by any recommendation made by an advisory committee regarding the disposition of the complaint. *The advisory committee's recommendation shall be entered into evidence at any subsequently held disciplinary action before the board based upon the complaint heard by the advisory committee. The board shall give whatever weight it deems appropriate to the advisory committee's recommendation. The board may accept or reject, in whole or in part, the advisory committee's recommendation.*

NAC 625.6475 is hereby amended to read as follows:

NAC 625.6475 Evaluation and disposition of complaint: Informal conference.

1. At an informal conference held pursuant to NAC 625.647:

(a) The chairman of the advisory committee shall:

(1) Rule on the admissibility of all evidence.

(2) Accept all evidence which is relevant to the complaint.

(b) The advisory committee is not bound by the formal rules of evidence.

(c) The findings of the advisory committee must be supported by substantial evidence.

(d) *All* ~~the~~ evidence considered by the advisory committee in its review of a complaint

shall be admissible in a disciplinary action before the board ~~{must remain confidential}~~. If the board schedules the matter for a disciplinary hearing, the board will conduct a hearing de novo of the charges contained in the complaint. *During the course of the hearing de novo, the board may review the evidence considered and the recommendation made by the advisory committee.*

2. An advisory committee may continue an informal conference for good cause shown.