



Nebraska— Laws, Rules, and Ethics for Professional Engineers

Three (3) Continuing Education Hours
Course #NE101

Approved Continuing Education for Licensed Professional Engineers

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Course Description:

The Nebraska Laws, Rules and Ethics course satisfies 3 of the 30 hours of continuing professional education required for Nebraska licensed professional engineers.

The course is designed as a distance learning interactive course that enables the practicing professional engineer to examine the canons of ethics as well as keep up to date on the legal aspects that govern the practice of engineering in the state of Nebraska.

Objectives:

The primary objective of this course is to familiarize the student with the canons of ethics and familiarize the student with the laws and rules regulating the practice of engineering in the state of Nebraska.

Upon successful completion of the course, the student will have increased understanding of ethical practices and be well versed with the UT state laws and board rules.

Grading:

Students must achieve a minimum score of 70% on the online quiz to pass this course.

The quiz may be taken as many times as necessary to successful pass and complete the course.

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Nebraska Statutes

Engineers and Architects Regulation Act. (81-3401 to 81-3455)

81-3401. Act, how cited.

Sections 81-3401 to 81-3455 shall be known and may be cited as the Engineers and Architects Regulation Act.

81-3402. Architecture and engineering; regulation.

In order to safeguard life, health, and property and to promote the public welfare, the professions of architecture and engineering are declared to be subject to regulation in the public interest. The practice of architecture and engineering and use of the titles architect or professional engineer is a privilege granted by the state through the board based on the qualifications of the individual as evidenced by a certificate of licensure which is not transferable.

81-3403. Definitions, where found.

For purposes of the Engineers and Architects Regulation Act, the definitions found in sections 81-3404 to 81-3427 shall be used.

81-3403.01. ABET, defined.

ABET means an entity incorporated as the Accreditation Board for Engineering and Technology, Inc., which is a nongovernmental organization that accredits postsecondary education programs.

81-3404. Architect, defined.

Architect means a person who is licensed by the board to practice architecture.

81-3405. Board, defined.

Board means the Board of Engineers and Architects.

81-3405.01. Building official, defined.

Building official means a person appointed by the state or a political subdivision having responsibility for the public safety and welfare and the enforcement of building codes with regard to buildings and other structures within such person's jurisdiction.

81-3405.02. Building, defined.

Building means any structure used, or intended to be used, to support, shelter, or enclose any use or occupancy.

81-3406. Repealed.**81-3407. Continuing education, defined.**

Continuing education means lifelong learning and training relevant to a licensee's professional practice.

81-3408. Coordinating professional, defined.

Coordinating professional means a licensee who coordinates, as appropriate, the work of all licensees involved in a project.

81-3409. Design, defined.

Design means the preparation of schematics, layouts, plans, drawings, specifications, calculations,

and other diagnostic documents which show the features of an architectural or engineering project.

81-3410. Repealed.**81-3411. Direct supervision, defined.**

Direct supervision means having full professional knowledge and control over work that constitutes the practice of architecture or engineering.

81-3412. Emeritus, defined.

Emeritus means an architect or professional engineer who has relinquished his or her license and who is approved by the board to use the honorary title emeritus.

81-3413. Repealed.**81-3414. Engineer-intern, defined.**

Engineer-intern means a person who has been duly enrolled as an engineer-intern by the board.

81-3415. Estimator, technician, or other similar titles, defined.

Estimator, technician, or other similar titles means a person who through training or experience is performing tasks associated with the practice of architecture or engineering under the supervision of an architect or professional engineer, respectively.

81-3416. Good ethical character, defined.

Good ethical character means such character as will enable a person to discharge the fiduciary duties of an architect or professional engineer to his or her client and to the public for the protection of the public health, safety, and welfare.

81-3416.01. Intern architect, defined.

Intern architect means a person who has enrolled in the Intern Development Program of the National Council of Architectural Registration Boards and holds a degree from a program accredited by the National Architectural Accrediting Board or equivalent.

81-3416.02. Licensee, defined.

Licensee means a licensed architect or professional engineer.

81-3417. Repealed.**81-3418. Organization, defined.**

Organization means a business entity created by law, including, but not limited to, a partnership, limited liability company, corporation, or joint venture.

81-3419. Repealed.**81-3420. Practice of architecture, defined.**

(1) Practice of architecture means providing or offering to provide design services in connection with the construction, enlargement, or alteration of a building or group of buildings and the space within and surrounding the buildings. The services may include, but not be limited to, planning, providing studies, designs, drawings, specifications, and other technical submissions, and administering construction contracts. The practice of architecture does not include the practice of engineering.

(2) A person shall be construed to practice architecture, within the meaning and intent of the Engineers and Architects Regulation Act, if he or she:

(a) Practices the profession of architecture or holds himself or herself out as able and entitled to practice architecture;

(b) By verbal claim, sign, advertisement, letterhead, or card or in any other way, represents himself or herself to be an architect; or

(c) Through the use of some other title, implies that he or she is an architect or licensed under the Engineers and Architects Regulation Act.

81-3421. Practice of engineering, defined.

(1) Practice of engineering means any service or creative work that requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences. The services may include, but not be limited to, planning, providing studies, designs, drawings, specifications, and other technical submissions, and administering construction contracts. The practice of engineering does not include the practice of architecture.

(2) A person shall be construed to practice engineering, within the meaning and intent of the Engineers and Architects Regulation Act, if he or she:

- (a) Practices any discipline of the profession of engineering or holds himself or herself out as able and entitled to practice any discipline of engineering;
- (b) By verbal claim, sign, advertisement, letterhead, or card or in any other way, represents himself or herself to be a professional engineer; or
- (c) Through the use of some other title, implies that he or she is a professional engineer or licensed under the Engineers and Architects Regulation Act.

81-3422. Professional engineer, defined.

Professional engineer means a person who is licensed by the board to practice engineering.

The board may designate a professional engineer, on the basis of education, experience, and examination, as being licensed in a specific discipline of engineering signifying an area in which the professional engineer has demonstrated competence.

81-3422.01. Project, defined.

Project means one or more related activities that require the practice of architecture or engineering for completion.

81-3423. Public service provider, defined.

Public service provider means any political subdivision which employs or appoints an architect or a professional engineer to be in responsible charge of the political subdivision's architectural or engineering work.

81-3424. Repealed.**81-3425. Responsible charge, defined.**

Responsible charge means the management of the technical and financial aspects of engineering or architectural work through an organization.

81-3426. Rules and regulations, defined.

Rules and regulations means rules and regulations adopted and promulgated under the Engineers and Architects Regulation Act by the board.

81-3427. Technical submissions, defined.

Technical submissions means designs, drawings, specifications, studies, and other technical reports that constitute, or may be prepared in conjunction with, a project.

81-3428. Board of Engineers and Architects; created; members; terms; location.

(1) The Board of Engineers and Architects is created to administer the Engineers and Architects Regulation Act. The board shall consist of eight members appointed by the Governor for terms of five years terminating on the last day of February. The board shall consist of:

(a) Three architect members, two of whom shall be appointed after consulting with the appropriate architectural professional organizations, and one education member who is a faculty member of the University of Nebraska appointed upon the recommendation of the Dean of Architecture of the University of Nebraska;

(b) Four professional engineer members, three of whom shall be appointed after consulting with the appropriate engineering professional organizations, and one education member who is a faculty member of the University of Nebraska appointed upon the recommendation of the Dean of Engineering of the University of Nebraska; and

(c) One public member.

(2) Each member shall hold office after the expiration of his or her term until his or her successor is duly appointed and qualified. Vacancies in the membership of the board, however created, shall be filled for the unexpired term by appointment by the Governor. The Governor shall reappoint or replace existing members as their terms expire, and the public member shall be reappointed or replaced in the fifth year of his

or her term. The Governor may remove any member of the board for misconduct, incompetency, or neglect of duty.

(3) Each member of the board shall be a citizen of the United States and a resident of the State of Nebraska for at least one year immediately preceding appointment. Each architect or professional engineer member shall have been engaged in the active practice of the design profession for at least ten years, shall have had direct supervision of work for at least five years at the time of his or her appointment, and shall be licensed in the relevant profession.

(4) The board may designate a former member of the board as an emeritus member, but for no more than ten years after his or her original board membership expires. Emeritus member status, when conferred, must be renewed annually.

(5) The board offices shall be located in Lincoln, Nebraska.

81-3429. Board; members; per diem; expenses.

(1) Each member of the board shall receive as compensation not more than one hundred dollars per day or portion of a day for (a) participating in meetings of the board and its committees, (b) traveling to or attending authorized meetings of the National Council of Architectural Registration Boards, the National Council of Examiners for Engineering and Surveying, or their subdivisions or committees on which the member serves, and (c) other business as authorized by the board. Participation in, attendance at, and conduct of such authorized activities by telephone or electronic means shall be eligible for such compensation.

(2) Each member of the board shall be reimbursed for all necessary and authorized expenses incident to the performance of his or her duties under the Engineers and Architects Regulation Act as provided in sections 81-1174 to 81-1177.

81-3430. Certificate of appointment; oath; Attorney General; legal advisor; seal; rules and regulations.

Each member of the board shall receive a certificate of appointment from the Governor and, before beginning his or her term of office, shall file with the Secretary of State the constitutional oath of office. The board or any committee of the board is entitled to the services of the Attorney General in connection with the affairs of the board, and the board may compel the attendance of witnesses, administer oaths, and take testimony and proofs concerning all matters within its jurisdiction. The Attorney General shall act as legal advisor to the board and render such legal assistance as may be necessary in carrying out the Engineers and Architects Regulation Act. The board shall adopt and

have an official seal, which shall be affixed to all certificates of licensure granted, and shall adopt and promulgate rules and regulations to carry out the act.

81-3431. Board; meetings; officers; quorum.

The board shall hold at least one regular meeting each year. Special meetings shall be held as the rules and regulations provide and at such places as the board elects. Notice of all meetings shall be given in such manner as the rules and regulations provide. The board shall elect from its members, annually at its first meeting after March 1, a chairperson, vice-chairperson, and secretary. A quorum of the board shall consist of not less than five members.

81-3432. Engineers and Architects Regulation Fund; created; use; investment.

The Engineers and Architects Regulation Fund is created. The board shall receive and account for all money derived from the operation of the Engineers and Architects Regulation Act and shall remit the money to the State Treasurer for credit to the Engineers and Architects Regulation Fund. All expenses certified by the board as properly and necessarily incurred in the discharge of duties, including compensation and administrative staff, and any expense incident to the administration of the act relating to other states shall be paid out of the fund. Debt repayments payable pursuant to section 81- 3432.01 shall be paid out of the fund. Warrants for the payment of expenses shall be issued by the Director of Administrative Services and paid by the State Treasurer upon presentation of vouchers regularly drawn by the chairperson and secretary of the board and approved by the board. At no time shall the total amount of warrants exceed the total amount of the fees collected under the act and to the credit of the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Money in the Engineers and Architects Regulation Fund may be transferred to the General Fund at the direction of the Legislature.

81-3432.01. Repayment of qualified educational debt; authorized; eligibility.

(1) The board may repay qualified educational debt owed by an eligible graduate. Such repayment shall be made from the Engineers and Architects Regulation Fund. To be eligible for debt repayment, a recipient shall be a graduate of (a) a National Architectural Accrediting Board-accredited architecture program in Nebraska or (b) an ABET-accredited engineering program in Nebraska and shall have obtained qualified educational debt.

(2) For purposes of this section, qualified educational debt means government and commercial loans obtained by a student for postsecondary education tuition, other educational expenses, and reasonable living expenses, as determined by the board.

(3) The board may adopt and promulgate rules and regulations governing any debt repayment under this section.

81-3433. Roster.

The board shall maintain and make available to the public a complete roster of all architects and professional engineers showing their names and last-known addresses. The board may distribute a copy of the roster to each licensed person as well as county and municipal officials. The board may charge a fee for distributing the roster.

81-3434. Code of practice; contents.

(1) The Legislature hereby finds and declares that a code of practice established by the board by which architects and professional engineers could govern their professional conduct would be beneficial to the state and would safeguard the life, health, and property and promote the public welfare of the citizens of this state.

(2) The code of practice established by this section shall include provisions on:

- (a) Professional competence;
- (b) Conflict of interest;
- (c) Full disclosure of financial interest;
- (d) Full disclosure of matters affecting public safety, health, and welfare;
- (e) Compliance with laws;
- (f) Professional conduct and good ethical character standards; and
- (i) Practice of architecture and engineering.

(3) The board may adopt and promulgate rules and regulations to implement the code of practice.

(4) The board may publish commentaries regarding the code of practice. The commentaries shall explain the meaning of interpretations given to the code by the board.

81-3435. Application for licensure, examination, intern enrollment, certificate of authorization, or emeritus status; form; fees.

(1) Applications for licensure, examination, intern enrollment, a certificate of authorization, or emeritus status shall be made on a form prescribed and furnished by the board. Applications shall be made under oath.

(2) The board may accept the verified information contained in a valid Council Record issued by

the National Council of Architectural Registration Boards or the National Council of Examiners for Engineering and Surveying in lieu of the same information that is required on the form prescribed and furnished by the board.

(3) (a) The board shall establish application and licensure fees as provided in this subsection. All fees are nonrefundable.

(b) The fee for license applications may not exceed three hundred dollars.

(c) The fee for examination applications may be set to recover the costs of examination and its administration.

(d) The fee for intern enrollment may not exceed one hundred dollars.

(e) The certificate of authorization fee for organizations may not exceed three hundred dollars per

year.

(f) The fee for emeritus status may not exceed one hundred dollars per year.

81-3436. Organizational practice; certificate of authorization; when required; application; immunity; Secretary of State; registration of trade name or service mark; limitation.

(1) An individual licensed under the Engineers and Architects Regulation Act may practice or offer to practice the profession of architecture or engineering through an organization if the criteria for organizational practice established by the board are met and the organization has been issued a certificate of authorization by the board.

(2) An organization applying for a certificate of authorization shall designate at least one licensed architect as the person in responsible charge of any practice of architecture by the organization and at least one professional engineer as the person in responsible charge of any practice of engineering by the organization. One who renders

only occasional professional services for an organization may not be designated as being in responsible charge of the professional activities of an organization under this section.

(3) To obtain a certificate of authorization, a board-approved application shall be filed with the

board. The application shall contain the names and license numbers of the individual or individuals designated as in responsible charge and licensed to practice architecture or engineering in Nebraska. Certificates of authorization shall be for a defined period and may be renewed.

(4) An organization shall notify the board of any changes in the status of any individual designated as in responsible charge within thirty days after the effective date of the change.

(5) All technical submissions issued or filed for public record through an organization involving the practice of architecture or engineering shall be sealed in accordance with the act by the licensee who prepared the submissions or under whose direct supervision they were prepared.

(6) An organization is not relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners by reason of its compliance with this section. An individual practicing architecture or engineering is not relieved of responsibility for services performed by reason of employment or any other relationship with an organization holding a certificate of authorization.

(7) The Secretary of State shall not issue a certificate of authority to do business in the state to an applicant or issue a registration of name in the state to an organization which intends to engage in the practice of architecture or engineering unless the board has issued the applicant a certificate of authorization or a letter indicating the eligibility of the applicant to receive a certificate or to register the name.

(8) Except as otherwise authorized in the Engineers and Architects Regulation Act or in the Professional Landscape Architects Act, the Secretary of State shall not register any trade name or service mark which includes the words architect or engineer, or any modification or derivative of such words, in an applicant's firm name or logotype unless the board has issued the applicant a certificate of authorization or a letter indicating the eligibility of the applicant to register the trade name or service mark.

(9) A public service provider or an organization may engage in the practice of architecture or engineering for itself without obtaining a certificate of authorization.

81-3436.01. Combined services with construction services; authorized; conditions.

(1) Providing combined services involving the practice of architecture or engineering, or both, with construction services is allowed if:

- (a) An architect participates substantially in, and has direct supervision of, the architectural services provided on the project;
- (b) A professional engineer participates substantially in, and has direct supervision of, the engineering services provided on the project; and
- (c) The rendering of architectural or professional engineering services conforms to the Engineers and Architects Regulation Act and the rules and regulations.

(2) A temporary permit holder under the act may perform engineering or architectural services pursuant to this section.

81-3437. Certificate of licensure; issuance; certificate of enrollment; issuance.

(1) The board shall issue to any applicant who, on the basis of education, experience, and examination, has met the requirements of the Engineers and Architects Regulation Act a certificate of licensure giving the licensee proper authority to carry out the prerogatives of the act. If a professional engineer's license has been issued in a specific discipline, the discipline shall be specified on the certificate of licensure. The certificate of licensure shall carry the designation Licensed Architect or Licensed Professional (discipline) Engineer. The certificate shall give the full name of the licensee and license number and shall be signed by the chairperson of the board, the secretary of the board, and one other board member.

(2) The certificate of licensure shall be *prima facie* evidence that the person is entitled to all rights, privileges, and responsibilities of an architect or a professional engineer while the certificate of licensure remains unrevoked and unexpired.

(3) The board shall issue to any applicant who, on the basis of education and examination, has met the requirements of the Engineers and Architects Regulation Act a certificate of enrollment as an engineer-intern. The engineer-intern certificate does not authorize the holder to practice as a professional engineer.

81-3437.01. Seal; contents; use; prohibited acts.

(1) Each licensee authorized to practice architecture or engineering must obtain a seal. The design of the seal shall be determined by the board. If a professional engineer's license has been issued in a specific discipline, the discipline shall be

specified on the seal. The following information shall be on the seal: State of Nebraska; licensee's name; licensee's license number; and the words Architect or Professional (discipline) Engineer.

(2) Whenever the seal is applied, the licensee's signature shall be across the seal. The board may adopt and promulgate rules and regulations for application of the seal.

(3) The seal and the date of its placement shall be on all technical submissions and calculations whenever presented to a client or any public or governmental agency. It shall be unlawful for a licensee to affix his or her seal or to permit his or her seal to be affixed to any document after the expiration of the certificate or for the purpose of aiding or abetting any other person to evade or attempt to evade the Engineers and Architects Regulation Act.

(4) The seal and date shall be placed on all originals, copies, tracings, or other reproducible drawings and the first and last pages of specifications, reports, and studies in such a manner that the seal, signature, and date will be reproduced and be in compliance with rules and regulations of the board. The application of the licensee's seal shall constitute certification that the work was done by the licensee or under the licensee's control.

(5) In the case of a temporary permit issued to a licensee of another state, the licensee shall use his or her state of licensure seal and shall affix his or her signature and temporary permit to all his or her work.

81-3437.02. Coordinating professional; designation; duties.

(1) Projects involving more than one licensed architect or professional engineer shall have an architect or professional engineer designated as the coordinating professional for the entire project. The coordinating professional may, but need not, provide architectural or engineering services on the project. The coordinating professional shall apply his or her seal in accordance with the Engineers and Architects Regulation Act to the cover sheet of all documents and denote the seal as that of the coordinating professional.

(2) The coordinating professional shall be responsible for reviewing and coordinating technical documents prepared by others for compatibility with the design of the project.

81-3438. Certificates; expiration; renewal; fees; continuing education.

Certificates of licensure and certificates of authorization shall expire on a date established by the board and shall become invalid after that date unless renewed.

The board shall notify every person licensed under the Engineers and Architects Regulation Act and every organization holding a certificate of authorization under the act of the date of the expiration of the certificate of licensure or certificate of authorization and the amount of the fee required for renewal.

The notice shall be mailed at least one month in advance of the date of the expiration to the licensee or organization at the last-known address on file with the board. Valid certificates may be renewed prior to expiration upon application and payment of applicable fees. Expired certificates may be renewed in accordance with rules and regulations of the board. Renewal fees shall not exceed two hundred dollars per year. The board may require licensees to obtain continuing education as a condition of license renewal.

81-3439. Replacement certificates; fee.

The board may issue a new certificate of licensure or certificate of authorization to replace any lost, destroyed, or mutilated certificate. A fee not to exceed one hundred dollars shall be charged for each such issuance.

81-3440. Enforcement.

The board shall enforce the Engineers and Architects Regulation Act and the rules and regulations, including enforcement against any unlicensed person. If any person refuses to obey any decision or order of the board, the board or, upon the request of the board, the Attorney General or the

appropriate county attorney shall file an action for the enforcement of the decision or order, including injunctive relief, in the district court. After a hearing, the court shall order enforcement of the decision or order, or any part thereof, if legally and properly made by the board and, if appropriate, injunctive relief.

81-3441. Use of title; unlawful practice.

Except as provided in sections 81-3414, 81-3415, 81-3449, and 81-3453, an individual shall not directly or indirectly engage in the practice of architecture or engineering in the state or use the title architect or professional engineer or display or use any words, letters, figures, titles, sign, card, advertisement, or other symbol or device indicating or tending to indicate that he or she is an architect or professional engineer or is practicing architecture or engineering unless he or she

is licensed under the Engineers and Architects Regulation Act. A licensee shall not aid or abet any person not licensed under the act in the practice of architecture or engineering.

81-3442. Prohibited acts; penalties.

(1) It is unlawful for any person to:

- (a) Practice or offer to practice architecture or engineering in this state without being licensed in accordance with the Engineers and Architects Regulation Act unless such practice or offer to practice is otherwise exempt under the act;
- (b) Knowingly and intentionally employ or retain a person to practice architecture or engineering in this state who is not licensed in accordance with the act, except as provided in sections 81-3414 and 81-3415, and who is not exempted by section 81-3449 or 81-3453;
- (c) Use the words architect, engineer, or any modification or derivative of such words in its name or form of business activity except as authorized in the act or in the Professional Landscape Architects Act;
- (d) Advertise any title or description tending to convey the impression that he or she is a licensed architect or professional engineer unless the person is duly licensed under the Engineers and Architects Regulation Act;
- (e) Present or attempt to use the certificate of licensure or the seal of another person;
- (f) Give any false or forged evidence of any kind to the board or to any member of the board in obtaining or attempting to obtain a certificate;
- (g) Falsely impersonate any other licensee of like or different name;
- (h) Attempt to use an expired, suspended, revoked, or nonexistent certificate of licensure or practice or offer to practice when not qualified;
- (i) Falsely claim that he or she is licensed or authorized under the act; or
- (j) Violate the act.

(2) Any person who performs any of the actions described in subsection (1) of this section is guilty of a Class I misdemeanor for the first offense and a Class IV felony for the second or any subsequent offense.

81-3443. Enforcement procedures.

(1) A complaint against any person or organization involving any matter coming within the jurisdiction of the board shall be in writing and shall be filed with the board.

(2) A hearing on the complaint shall be held within a reasonable time in accordance with the rules and regulations and may be heard through the use of a hearing officer. The accused shall have the right to appear personally with or without counsel, to cross-examine adverse witnesses, and to produce evidence and witnesses in his, her, or its defense.

(3) The board shall set the time and place for the hearing and shall cause a copy of the complaint, together with a notice of the time and place fixed for the hearing, to be sent by registered mail to the accused, at his, her, or its last-known business or residence address known to the board, at least thirty days before the hearing.

(4) If after the hearing the board finds the accused has violated the Engineers and Architects Regulation Act or any rules or regulations, it may issue any order or take any action described in section 81-3444. If the order revokes, suspends, or cancels a license, the board shall notify, in writing, the Secretary of State. If the board finds no violation, it shall enter an order dismissing the complaint.

(5) The board may reissue a license that has been revoked. Application for the reissuance of a license shall be made in such a manner as the board directs and shall be accompanied by a fee established by the board.

81-3444. Disciplinary actions authorized; civil penalties.

(1) The board, after hearing and upon proof satisfactory to the board, may determine by two-thirds majority vote that any person or organization has violated the Engineers and Architects Regulation Act or any rules or regulations.

(2) Upon a finding that a person or organization has committed a violation, one or more of the following actions may be taken against such person or organization upon a two-thirds majority vote of the board:

(a) Issuance of censure or reprimand;

(b) Suspension of judgment;

(c) Placement of the offender on probation;

(d) Placement of a limitation or limitations on the holder of a license and upon the right of the holder of a license to practice the profession to such extent, scope, or type of practice for such time and under such conditions as are found necessary and proper;

(e) Imposition of a civil penalty not to exceed ten thousand dollars for each offense. The amount of the penalty shall be based on the severity of the violation;

(f) Entrance of an order of revocation, suspension, or cancellation of the certificate of licensure;

- (g) Issuance of a cease and desist order;
- (h) Imposition of costs as in an ordinary civil action in the district court, which may include reasonable attorney's fees and hearing officer fees incurred by the board and the expenses of any investigation undertaken by the board; or
- (i) Dismissal of the action.

(3) The board may take into account suitable evidence of reform when determining appropriate action.

(4) Civil penalties collected under subdivision (2)(e) of this section shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska. All costs collected under subdivision (2)(h) of this section shall be remitted to the State Treasurer for credit to the Engineers and Architects Regulation Fund.

81-3445. State and political subdivisions; construction projects.

Except as otherwise provided in this section and sections 81-3449 and 81-3453, the state and its political subdivisions shall not engage in the construction of any public works involving architecture or engineering unless the plans, specifications, and estimates have been prepared and the construction has been observed by an architect, a professional engineer, or a person under the direct supervision of an architect, professional engineer, or those under the direct supervision of an architect or professional engineer. This section shall not apply to any public work in which the contemplated expenditure for the complete project does not exceed one hundred thousand dollars. The board shall adjust the dollar amount in this section every fifth year. The first such adjustment after August 27, 2011, shall be effective on July 1, 2014. The adjusted amount shall be equal to the then current amount adjusted by the cumulative percentage change in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for the five-year period preceding the adjustment date. The amount shall be rounded to the next highest one-thousand-dollar amount.

81-3446. Construction projects on private lands; applicability of act; owner; duties.

(1) A project on private land is subject to the provisions of the Engineers and Architects Regulation Act unless exempt under section 81-3449 or 81-3453.

(2) The owner of any real property who allows a project to be constructed on his or her real property is engaged in the practice of architecture or engineering unless he or

she employs or causes others to employ licensed architects or professional engineers or persons under the direct supervision of

licensed architects or professional engineers to furnish at least minimum construction phase services with respect to the project or is exempt from the Engineers and Architects Regulation Act under sections 81-3449 and 81-3453.

(3) For purposes of this section:

(a) Construction phase service includes at least the following services: (i) Visiting the project site on a regular basis as is necessary to determine that the work is proceeding generally in accordance with the technical submissions submitted to the building official at the time the project permit

was issued; and (ii) processing technical submissions required of the contractor by the terms of contract documents. The term does not include supervision of construction, review of payment applications, resolution of disputes between the owner and contractor, and other such items which are considered additional construction administration services which the owner may or may not elect to include in the architect's or engineer's scope of work; and

(b) Owner means with respect to any real property the following persons: (i) The record owner of such real property; (ii) the lessee of all or any portion of the real property when the lease covers all of that portion of the real property upon which the project is being constructed, the lessee has

significant approval rights with respect to the project, and the lease, at the time the project begins, has a remaining term of not less than ten years; or (iii) the grantee of an easement granting right-of-way to construct the project.

81-3447. Repealed.

81-3448. Architect; license; application; fee; requirements; examination; temporary permit.

(1) The following shall be considered as the minimum evidence satisfactory to the board that an applicant is eligible for admission to an examination on technical and professional subjects of architecture as prescribed by the board:

(a) Graduation from a program accredited by the National Architectural Accrediting Board, or satisfying the requirements of the Education Standard of the National Council of Architectural Registration Boards as determined by the council;

(b) Establishment of a record maintained by the National Council of Architectural Registration Boards for the purpose of documenting architectural work experience for the council's Intern Development Program; and

(c) Submittal of an application accompanied by the fee established by the board.

(2) The following shall be considered as the minimum evidence satisfactory to the board that an applicant is eligible for initial licensure as an architect:

(a) Passage of an examination on technical and professional subjects as prescribed by the board as set forth in subsection (1) of this section;

(b) Completion of the Intern Development Program of the National Council of Architectural Registration Boards, or its equivalent as determined by the council;

(c) Passage of an examination on the statutes, rules, and other requirements unique to this state; and

(d) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for licensure.

(3) An individual holding a license to practice architecture issued by a proper authority of any jurisdiction, based on credentials that do not conflict with subsection (2) of this section and other provisions of the Engineers and Architects Regulation Act, may, upon application, be licensed as an architect after:

(a) Successful passage of an examination on the statutes, rules, and other requirements unique to this state; and

(b) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for licensure.

(4) An individual who holds a current and valid certification issued by the National Council of Architectural Registration Boards and who submits satisfactory evidence of such certification to the board may, upon application, be licensed as an architect after:

(a) Successful passage of an examination on the statutes, rules, and other requirements unique to this state; and

(b) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for licensure.

(5) An individual who has been licensed to practice architecture for fifteen years or more in one or more jurisdictions and who has practiced architecture for fifteen years in

compliance with the licensing laws in the jurisdictions where his or her architectural practice has occurred since initial licensure may, upon application, be licensed as an architect after:

- (a) Successful passage of an examination on the statutes, rules, and other requirements unique to this state; and
- (b) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for licensure.
- (6) An individual who holds a valid license to practice architecture in another jurisdiction may be issued a temporary permit to provide architectural services for a specific project. An individual may not be issued more than one temporary permit. Temporary permit holders are subject to all of the provisions of the Engineers and Architects Regulation Act governing the practice of architecture.
- (7) None of the examination materials described in this section shall be considered public records.
- (8) The board or its agent shall direct the time and place of the architectural examinations referenced in subsections (1) and (2) of this section.
- (9) The board may adopt the examinations and grading procedures of the National Council of Architectural Registration Boards. The board may also adopt guidelines published by the council.
- (10) Licensure shall be effective upon issuance.

81-3449. Practice of architecture; exempted activities.

The provisions of the Engineers and Architects Regulation Act regulating the practice of architecture do not apply to the following activities:

- (1) The construction, remodeling, alteration, or renovation of a detached single-family through four-family dwelling of less than five thousand square feet of above grade finished space. Any detached or attached sheds, storage buildings, and garages incidental to the dwelling are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;
- (2) The construction, remodeling, alteration, or renovation of a one-story commercial or industrial building or structure of less than five thousand square feet of above grade finished space which does not exceed thirty feet in height unless such building or

structure, or the remodeling or repairing thereof, provides for the employment, housing, or assembly of twenty or more persons. Any detached or attached sheds, storage buildings, and garages incidental to the building or structure are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(3) The construction, remodeling, alteration, or renovation of farm buildings, including barns, silos, sheds, or housing for farm equipment and machinery, livestock, poultry, or storage, if the structures are designed to be occupied by no more than twenty persons. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(4) Any public works project with contemplated expenditures for a completed project that do not exceed one hundred thousand dollars. The board shall adjust the dollar amount in this subdivision every fifth year. The first such adjustment after August 27, 2011, shall be effective on July 1, 2014. The adjusted amount shall be equal to the then current amount adjusted by the cumulative percentage change in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for the five-year period preceding the adjustment date. The amount shall be rounded to the next highest one-thousand-dollar amount;

(5) Any alteration, renovation, or remodeling of a building if the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building;

(6) The teaching, including research and service, of architectural subjects in a college or university offering a degree in architecture accredited by the National Architectural Accrediting Board;

(7) The preparation of submissions to architects, building officials, or other regulating authorities by the manufacturer, supplier, or installer of any materials, assemblies, components, or equipment that describe or illustrate the use of such items, the preparation of any details or shop drawings required of the contractor by the terms of the construction documents, or the management of construction contracts by persons customarily engaged in contracting work;

- (8) The preparation of technical submissions or the administration of construction contracts by employees of a person or organization lawfully engaged in the practice of architecture if such employees are acting under the direct supervision of an architect;
- (9) A public service provider or an organization who employs a licensee performing professional services for itself;
- (10) A nonresident who holds the certification issued by the National Council of Architectural Registration Boards offering to render the professional services involved in the practice of architecture. The nonresident shall not perform any of the professional services involved in the practice of architecture until licensed as provided in the Engineers and Architects Regulation Act. The nonresident shall notify the board in writing that (a) he or she holds a National Council of Architectural Registration Boards certificate and is not currently licensed in Nebraska but will be present in Nebraska for the purpose of offering to render architectural services, (b) he or she will deliver a copy of the notice to every potential client to whom the applicant offers to render architectural services, and (c) he or she promises to apply immediately to the board for licensure if selected as the architect for the project;
- (11) The practice by a qualified member of another legally recognized profession who is otherwise licensed or certified by this state or any political subdivision to perform services consistent with the laws of this state, the training, and the code of ethics of the respective profession, if such qualified member does not represent himself or herself to be practicing architecture and does not represent himself or herself to be an architect;
- (12) Financial institutions making disbursements of funds in connection with construction projects;
- (13) Earthmoving and related work associated with soil and water conservation practices performed on farmland or any land owned by a political subdivision that is not subject to a permit from the Department of Water, Energy, and Environment or for work related to livestock waste facilities that are not subject to a permit by the Department of Water, Energy, and Environment; and
- (14) The work of employees and agents of a political subdivision or a nonprofit entity organized for the purpose of furnishing electrical service performing, in accordance with other requirements of law, their customary duties in the administration and enforcement of codes, permit programs, and land-use regulations and their customary duties in utility and public works construction, operation, and maintenance.

81-3450. Technical submissions by architect; affix seal and signature; conditions.

(1) An architect shall not affix his or her seal and signature to technical submissions that are subject

to the Engineers and Architects Regulation Act unless the technical submissions were:

- (a) Prepared entirely by the architect;
- (b) Prepared entirely under the direct supervision of the architect; or
- (c) Prepared partially by others if the architect has reviewed and integrated the work into his or her own technical submissions.

(2) An architect may affix his or her seal to technical submissions not subject to the act if the architect has reviewed or adapted in whole or in part such submissions and integrated them into his or her work.

81-3451. Engineer-intern; enrollment; requirements; application; fee; professional engineer; license; application; fee; examination; requirements.

(1) The following shall be considered as the minimum evidence satisfactory to the board that an applicant is eligible for enrollment as an engineer-intern:

- (a)(i) Graduation from a program accredited by the Engineering Accreditation Commission of ABET;
- (ii) Graduation from a program accredited by the Canadian Engineering Accreditation Board; or
- (iii) Meeting the Education Standard of the National Council of Examiners for Engineering and Surveying as determined by the council;
- (b) Passage of an examination in the fundamentals of engineering as accepted by the Board of Engineers and Architects;
- (c) Submittal of an application accompanied by the fee established by the board; and
- (d) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for enrollment.

(2)(a) The following shall be considered as the minimum evidence satisfactory to the board that an applicant is eligible for admission to the examination on the principles and practice of engineering that is adopted by the board:

- (i)(A) Graduation from a program accredited by the Engineering Accreditation Commission of ABET;
- (B) Graduation from a program accredited by the Canadian Engineering Accreditation Board; or
- (C) Meeting the Education Standard of the National Council of Examiners for Engineering and Surveying as determined by the council;

- (ii) Passage of an examination in the fundamentals of engineering as accepted by the Board of Engineers and Architects;
- (iii) Submittal of an application accompanied by the fee established by the board; and
- (iv) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application

(b) A candidate who fails the principles and practice of engineering examination may apply for reexamination, which may be granted upon payment of a fee established by the board. In the event of a second or subsequent failure, the examinee may, at the discretion of the board, be required to appear before the board with evidence of having acquired the necessary additional knowledge to qualify before admission to the examination.

(3) The following shall be considered as the minimum evidence satisfactory to the board that an applicant is eligible for licensure as a professional engineer:

- (a) Passage of the principles and practice of engineering examination as set forth in subsection (2) of this section;
- (b) A record of four years or more of progressive post-accredited-degree experience on engineering projects of a grade and character which indicates to the board that the applicant may be competent to practice engineering;
- (c) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for licensure; and
- (d) Successful passage of an examination on the statutes, rules, and other requirements unique to this state.

(4) An individual holding a license to practice engineering issued by a proper authority of any jurisdiction, based on credentials that do not conflict with subsections (2) and (3)

of this section and other provisions of the Engineers and Architects Regulation Act, may, upon application, be licensed as a professional engineer after:

- (a) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for licensure; and
- (b) Successful passage of an examination on the statutes, rules, and other requirements unique to this state.

(5) An individual who has been licensed to practice engineering for fifteen years or more in one or more jurisdictions and who has practiced engineering for fifteen years in compliance with the licensing laws in the jurisdictions where his or her engineering practice has occurred since initial licensure may, upon application, be licensed as a professional engineer after:

- (a) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for licensure; and
- (b) Successful passage of an examination on the statutes, rules, and other requirements unique to this state.

(6) The board may designate a professional engineer as being licensed in a specific discipline or branch of engineering signifying the area in which the professional engineer has demonstrated competence.

(7) Upon application to the board in writing and payment of a fee established by the board, an individual who holds a valid license to practice engineering in another jurisdiction may be issued a temporary permit, valid for a definite period of time, to provide engineering services for a specific project. An individual may not be issued more than one temporary permit. No right to practice engineering accrues to such applicant with respect to any other work not set forth in the temporary permit. Temporary permit holders are subject to all of the provisions of the Engineers and Architects Regulation Act governing the practice of engineering.

(8) None of the examination materials described in this section shall be considered public records.

(9) The board or its agent shall direct the time and place of the engineering examinations referenced in subsections (1), (2), and (3) of this section.

(10) The board may adopt the examinations and grading procedures of the National Council of Examiners for Engineering and Surveying. The board may also adopt guidelines published by the council.

(11) Licensure shall be effective upon issuance.

81-3452. Repealed.

81-3453. Practice of engineering; exempted activities.

The provisions of the Engineers and Architects Regulation Act regulating the practice of engineering do not apply to the following activities:

(1) The construction, remodeling, alteration, or renovation of a detached single-family through four-family dwelling of less than five thousand square feet above grade finished space. Any detached or attached sheds, storage buildings, and garages incidental to the dwelling are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(2) The construction, remodeling, alteration, or renovation of a one-story commercial or industrial building or structure of less than five thousand square feet above grade finished space which does not exceed thirty feet in height unless such building or structure, or the remodeling or repairing thereof, provides for the employment, housing, or assembly of twenty or more persons. Any detached or attached sheds, storage buildings, and garages incidental to the building or structure are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(3) The construction, remodeling, alteration, or renovation of farm buildings, including barns, silos, sheds, or housing for farm equipment and machinery, livestock, poultry, or storage and if the structures are designed to be occupied by no more than twenty persons. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(4) Any public works project with contemplated expenditures for the completed project that do not exceed one hundred thousand dollars. The board shall adjust the dollar amount in this subdivision every fifth year. The first such adjustment after August 27, 2011, shall be effective on July 1, 2014. The adjusted amount shall be equal to the then current amount adjusted by the cumulative percentage change in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for

the five-year period preceding the adjustment date. The amount shall be rounded to the next highest one-thousand-dollar amount;

(5) Any alteration, renovation, or remodeling of a building if the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building;

(6) The teaching, including research and service, of engineering subjects in a college or university offering an ABET-accredited engineering curriculum of four years or more;

(7) A public service provider or an organization who employs a licensee performing professional services for itself;

(8) The practice by a qualified member of another legally recognized profession who is otherwise licensed or certified by this state or any political subdivision to perform services consistent with the laws of this state, the training, and the code of ethics of such profession, if such qualified member does not represent himself or herself to be practicing engineering and does not represent himself or herself to be a professional engineer;

(9) The work of an employee or a subordinate of a person holding a certificate of licensure or a temporary permit under the Engineers and Architects Regulation Act if the work is done under the direct supervision of a person holding a certificate of licensure or a temporary permit under the act;

(10) Those services ordinarily performed by subordinates under direct supervision of a professional engineer or those commonly designated as locomotive, stationary, marine operating engineers, power plant operating engineers, or manufacturers who supervise the operation of or operate machinery or equipment or who supervise construction within their own plant;

(11) Financial institutions making disbursements of funds in connection with construction projects;

(12) Earthmoving and related work associated with soil and water conservation practices performed on farmland or any land owned by a political subdivision that is not subject to a permit from the Department of Water, Energy, and Environment or for work related to livestock waste facilities that are not subject to a permit by the Department of Water, Energy, and Environment;

(13) The work of employees and agents of a political subdivision or a nonprofit entity organized for the purpose of furnishing electrical service performing, in accordance with other requirements of law, their customary duties in the administration and

enforcement of codes, permit programs, and land-use regulations and their customary duties in utility and public works construction, operation, and maintenance;

(14) Work performed exclusively in the exploration for and development of energy resources and base, precious, and nonprecious minerals, including sand, gravel, and aggregate, which does not have a substantial impact upon public health, safety, and welfare, as determined by the board, or require the submission of reports or documents to public agencies;

(15) The construction of water wells as defined in section 46-1212, the installation of pumps and pumping equipment into water wells, and the decommissioning of water wells, unless such construction, installation, or decommissioning is required by the owner thereof to be designed or supervised by an engineer or unless legal requirements are imposed upon the owner of a water well as a part of a public water supply;

(16) Work performed in the exploration, development, and production of oil and gas or before the Nebraska Oil and Gas Conservation Commission; and

(17) Siting, layout, construction, and reconstruction of a private onsite wastewater treatment system with a maximum flow from the facility of one thousand gallons of domestic wastewater per day if such system meets all of the conditions required pursuant to the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act unless the siting, layout, construction, or reconstruction by an engineer is required by the Department of Water, Energy, and Environment, mandated by law or rules and regulations imposed upon the owner of the system, or required by the owner.

Nebraska Administrative Code

Title 110 - CHAPTER 1. GENERAL PROVISIONS

1.1 Definitions

1.1.1 ARE: The acronym "ARE" means the Architects Registration Examination, as developed by NCARB.

1.1.2 AXP: The acronym "AXP" means the Architectural Experience Program of NCARB, or its equivalent as determined by NCARB.

1.1.3 CACB: "CACB" means the Canadian Architectural Certification Board.

1.1.4 CEAB: "CEAB" means the Canadian Engineering Accreditation Board

1.1.5 EAC/ABET: The acronym "EAC/ABET" means the Engineering Accreditation Commission of ABET Inc.

1.1.6 ETAC/ABET: "ETAC/ABET" means the Engineering Technology Accreditation Commission of ABET Inc.

1.1.7 FE Examination: "FE Examination" means the Fundamentals of Engineering Examination, as developed by NCEES.

1.1.8 NAAB: The acronym "NAAB" means the National Architectural Accrediting Board. NAAB accreditation is required for architecture programs not later than two years after issuance of the degree.

1.1.9 NCARB: The acronym "NCARB" means the National Council of Architectural Registration Boards.

1.1.10 NCEES: The acronym "NCEES" means the National Council of Examiners for Engineering and Surveying.

1.1.11 PE Examination: "PE Examination" means the Principles and Practice of Engineering Examination, as developed by NCEES.

1.1.12 E&A Act: The Engineers and Architects Regulation Act, Neb. Rev. Stat. §§ 81-3401 through 81-3455, shall be known and may be cited as E&A Act.

1.1.13 E&A Rules: The Nebraska Rules and Regulations, Title 110 of the Nebraska Administrative Code, Chapters 1 through 11, shall be known and may be cited as E&A Rules.

1.1.14 MLE: "MLE" means an individual who holds an NCEES Record that has been designated as a Model Law Engineer or Model Law Structural Engineer record by NCEES.

1.1.15 MLSE: "MLSE" means an individual who holds an NCEES Record that has been designated as a Model Law Structural Engineer by NCEES.

1.1.16 NCARB Certificate Holder: "NCARB Certificate Holder" means an individual who holds a Certificate issued by NCARB indicating the NCARB Certification requirements have been met.

1.1.17 Temporary Permit: A permit issued by the Board to an architect or professional engineer who is not licensed in Nebraska for use on a single project.

1.2 Terms Defined by Statute

Terms defined in the E&A Act will have the same meanings when used in these regulations.

1.3 Purpose

The Nebraska Rules and Regulations are set forth for the purpose of interpreting and implementing the E&A Act, establishing the Board, and conferring upon it responsibility for licensure of architects and professional engineers and the regulation of the practice of engineering and architecture.

1.4 Board's Regulatory Authority

The E&A Rules are promulgated under authority of and in conformity with the E&A Act.

1.5 Severability

If any provisions of these regulations or the application thereof to any person or circumstance is invalid, such invalidity will not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

1.6 Adoption of the Attorney General's Model Rules

The Board has adopted Title 53, Nebraska Administrative Code, Chapters 1 through 4 of the Nebraska Department of Justice, also known as the Attorney General's Model Rules, and has incorporated them into these regulations.

1.6.1 Procedures governing negotiated rulemaking will be in accordance with Title 53, Nebraska Administrative Code, Chapter 1.

1.6.2 Procedures governing petitioning for rulemaking will be in accordance with Title 53, Nebraska Administrative Code, Chapter 2.

1.6.3 Procedures governing Declaratory Rulings will be in accordance with Title 53, Nebraska Administrative Code, Chapter 3.

1.7 Federal Requirements

Nothing in the Act implies exemption from requirements of any federal statute or regulation, including, but not limited to, the Americans with Disabilities Act and the Fair Housing Act.

1.8 Record of Board's Actions

A quorum of five members of the Board is required for Board actions. The Board will keep record of actions enacted at its meetings.

1.9 Board Member Conflicts of Interest

1.9.1 Board members cannot vote on any matter in which they have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of their duties as a Board member.

1.9.2 Board members cannot use or attempt to use their official position to secure unwarranted privileges or exemptions for themselves or others.

1.9.3 Board members cannot give the impression that they may be improperly influenced in the performance of Board member duties, or that they are improperly affected by the kinship, rank, position, or influence of any party or person.

1.9.4 Board members cannot accept gifts of value or loans from persons having business before the Board which are intended to or which might appear to influence the official relationship between the donor and recipient.

1.10 Conditional License

1.10.1 The Board may authorize Board staff to issue licenses, temporary permits, or certificates of authorization on a conditional basis, pending formal approval of the applications by the Board.

1.10.2 A conditional license may be withdrawn by the Board if it determines the applicant does not qualify for any reason.

1.10.3 In the event the Board fails to give formal approval of a license that has been issued on a conditional basis, the conditional license will expire at 11:59 p.m. on the date the licensee is notified of such Board action.

1.10.4 Architectural and professional engineering services performed pursuant to a conditional license that is subsequently withdrawn by the Board will be deemed to have been performed pursuant to a valid license.

1.11 Expired License Status

1.11.1 License Expiration Date

1.11.1.1 A license to practice expires at 11:59 p.m. on the expiration date noted on the license.

1.11.1.2 An architect or professional engineer cannot practice, as provided in the E&A Act, with an expired license.

1.11.2 Renewing Expired Licenses

1.11.2.1 Licenses that have expired may be renewed during the following twelve months upon payment of a penalty plus the renewal fee.

1.11.2.2 The penalty fee to be paid for the renewal is ten percent of the renewal fee for each month after the expiration date, not to exceed the amount of the renewal fee.

1.11.2.3 Licenses that have expired and are not renewed within twelve months from their expiration date cannot be renewed, but will require reinstatement.

1.11.3 Reinstatement of a License

1.11.3.1 An expired license may be reinstated to active status, pending approval of the Board, upon submission of the following:

1.11.3.1.1 A new application;

1.11.3.1.2 Payment of fees and penalties, if applicable;

1.11.3.1.3 Documentation establishing that the applicant has complied with the continuing education requirements set forth in these rules for the two-year period immediately preceding the date the reinstatement application was received by the Board; and

1.11.3.1.4 An affidavit attesting that the applicant has not practiced engineering and/or architecture in Nebraska during the time the license was expired; or

1.11.3.1.5 If such attestation cannot be made, an explanation acceptable to the Board of the applicant's practice during the expiration period.

1.11.3.2 Applicants seeking reinstatement must meet current requirements for licensure by examination or comity.

1.11.3.3 The original license number will be retained.

1.11.4 Emeritus Status

1.11.4.1 Professional engineers and architects whose licenses are subject to renewal but who are not engaged in their professional practice may elect emeritus status.

1.11.4.2 Architects and professional engineers who have elected emeritus status may use the titles Architect Emeritus or Professional Engineer Emeritus, respectively, but are prohibited from practicing or offering to practice.

1.11.4.3 Architects and professional engineers who have elected emeritus status will receive Board publications.

1.11.4.4 To be reinstated to practice, an architect or professional engineer who has elected emeritus status must submit a new application to the Board, submit an affidavit that they have not practiced architecture or engineering during the emeritus period, and meet the requirements of Rule 9.6.1.4.

1.12 Enrollment as an Engineer Intern (EI)

1.12.1 Enrollment as an Engineer Intern may be granted upon the applicant's submission of the following:

1.12.1.1 An application and fee as prescribed by the Board;

1.12.1.2 Verification that the applicant has passed the FE Examination; such verification must be submitted directly by the jurisdiction in which the examination was taken or by NCEES;

1.12.1.3 Verification that the applicant has satisfied the education requirement set forth in Rule 2.2.1; such verification must be submitted directly

by the institution at which the education was obtained or from its authorized agent; and

1.12.1.4 Three references indicating the applicant's good reputation and ethical character.

1.12.2 Applications for enrollment as an EI may be administratively approved by Board staff but are conditional until formally approved by the Board.

1.12.3 Enrollment as an EI is not required for licensure in Nebraska or to sit for the PE Examination.

1.12 License Fees

1.12.1 The fee schedule and methods of payment will be set by the Board.

1.12.2 All fees are non-refundable. However, fees initially paid to the Board by an applicant for a specific application, but not used for that specific application, may be used as a credit for a different application fee during the same fiscal year at the applicant's discretion.

1.13 Professional Assistance

The Board may retain professional assistance in carrying out administrative matters and other general governance of the Board. Such assistance may include financial, technological, legal, and administrative consultation.

1.14 Licensee Lists

Lists of architects and professional engineers licensed by the Board, as well as those who have applied for licensure, will be issued upon written request in accordance with Nebraska law regarding the production of public records.

1.15 Photographs and Transcripts

Photographs are not required for identification on applications received by the Board. Transcripts or other documents provided by NCEES, NCARB, or issued directly by the granting institution of higher education or its authorized agent, will be acceptable as proof of graduation when such proof is required by the Board.

1.16 Emeritus Board Members

When requested by the Board, an Emeritus board member may represent the Board at authorized meetings. Expenses incurred by the Emeritus board member at such functions may be reimbursed by the Board.

1.17 Licensure of Board Members

At all times during their terms on the Board, professional engineer and architect members of the Board, including the education members, must be licensed in Nebraska in their respective professions.

1.18 Applications

1.18.1 Absent specific Board action, all documents and information requested by the Board in connection with any application must be provided by the applicant within one year. Applications that are incomplete after one year are invalid, and a new application and fee will be required.

1.18.2 Replies received from references regarding the qualifications of an applicant will be considered non-public records. The source and character of the information will not be divulged except when required by law.

1.18.3 An applicant's prior criminal or disciplinary history from any jurisdiction may be considered by the Board as part of the application process for initial licensure, comity licensure, or examination. The existence of such history is not an automatic bar to being licensed or to be allowed to take examinations, nor is disclosure intended to automatically require consideration of discipline by the Board.

1.18.4 The review and evaluation of disclosure statements provided by applicants during the licensing or examination application process may be performed by the Executive Director with the assistance of Board staff. However, the Board must review disclosures which an applicant has not previously disclosed and which indicate: 1) felony convictions; 2) probation, suspension, or revocation of an architect or professional engineer license in another jurisdiction; 3) repetitive or multiple violations; or 4) evidence of unfitness to practice the profession.

CHAPTER 2. LICENSURE OF PROFESSIONAL ENGINEERS BY EXAMINATION

2.1 Requirements for Licensure by Examination

Licensure by examination requires that the applicants have:

- (1) Satisfied the education requirements set forth in Rule 2.2;
- (2) Satisfied the experience requirement set forth in Rule 2.3;

- (3) Passed the FE Examination, the PE Examination, and the Nebraska E&A Act Examination as set forth in Rule 2.4; and
- (4) Complied with the application process set forth in Rule 2.5.

2.2 Education Requirements for Examination (FE and PE)

2.2.1 Candidates for the Fundamentals of Engineering Examination (FE) are required to hold a degree or have senior standing in a curriculum leading to an engineering degree from an EAC/ABET-accredited engineering program or meet the NCEES Education Standard.

2.2.2 Candidates for the Principles and Practice of Engineering Examination (PE) are required to hold an EAC/ABET-accredited engineering degree or meet the NCEES Education Standard.

2.2.3 A program is considered to be EAC/ABET accredited under these rules if accreditation is granted for the program no later than two years after issuance of the applicant's degree.

2.2.4 A degree in Engineering Technology does not meet the education requirements.

2.2.5 Those holding degrees from programs not EAC/ABET accredited must establish that their education meets the NCEES Education Standard by evaluation through the NCEES Credentials Evaluation.

2.2.5.1 Deficiencies defined by the evaluation service may be corrected by taking coursework related to the deficiency in a post-secondary institution offering EAC/ABET-accredited engineering programs or in programs otherwise acceptable to the Board.

2.2.5.2 Coursework from post-secondary education institutions that are not EAC/ABET accredited will be acceptable if the coursework is approved by an EAC/ABET-accredited institution to be "transferable." A letter from the EAC/ABET-accredited institution may be required for substantiation.

2.2.5.3 Passing scores will be accepted in college level exams given by approved third parties including College Board Exams (CLEP) in subjects related to the deficiency or as otherwise acceptable to the Board.

2.2.5.4 With Board approval, up to nine semester credit hours of deficiency in general education may be removed for applicants who have obtained a college

degree from an institution whose primary language of instruction is not English or who can demonstrate fluency in multiple languages or dialects.

2.2.5.5 Once the deficiencies are removed, the Board will consider the education as satisfying the Board's education requirement.

2.2.5.6 The Board may defer action on deficient applications until these education requirements have been met.

2.3 Experience

2.3.1 Candidates for the Principles and Practice of Engineering Examination (PE) shall have not less than four years of work experience acceptable to the Board.

2.3.1.1 For purposes of this rule, "work" means professional services comprising the practice of engineering.

2.3.2 Work experience for applicants may start immediately following graduation from a four-year or equivalent engineering program.

2.3.3 A candidate may not sit for the PE Examination or the SE Examination until at least four calendar years after completion of a degree from an EAC/ABET-accredited program, irrespective of the combination of work experience and education credit that may be available for an advanced degree.

2.3.3.1 Candidates who do not have a degree from an EAC/ABET-accredited program, but who have met the NCEES Education Standard, may not sit for the PE Examination or the SE Examination until at least four calendar years after completion of their baccalaureate degree, irrespective of the combination of work experience and education credit that may be available for an advanced degree.

2.3.4 Successful completion of graduate study leading to an advanced degree in engineering may satisfy part of the experience requirement.

2.3.4.1 A Masters Degree in engineering may be used for credit for one year of experience if it is preceded by a degree from an EAC/ABET-accredited baccalaureate program.

2.3.4.2 A Doctorate Degree in engineering may be used for two years of experience if it is preceded by a degree from an EAC/ABET-accredited program; in the case of a Doctorate Degree, no additional experience will be credited for a Masters Degree.

2.3.5 The Board will consider engineering experience performed outside the United States if the Board determines that such experience is gained under a licensed professional engineer from an NCEES jurisdiction, or upon reasonable investigation by an engineer Board member, that such experience was performed under circumstances comparable to the standards for engineering in the United States. All materials necessary to such determination must be provided by and at the expense of the applicant.

2.3.6 Experience must indicate that, over the course of time, the applicant's work has been of increasing quality and has required greater responsibility.

2.3.7 Only work of an engineering nature which follows graduation from a professional engineering program may be used to satisfy the experience requirement.

2.3.8 Experience must not be obtained in violation of the E&A Act.

2.3.9 Experience gained in the armed services may be used to satisfy the experience requirement if it was of a character equivalent to that which would have been gained in the civilian sector doing similar work. Generally, such experience will be creditable only if the applicant served in an engineering or engineering-related group.

2.3.10 Experience should be gained under the supervision of a licensed professional engineer or, if not, an explanation should be made showing why the experience should be considered acceptable to the Board.

2.3.11 Sales experience may be used to satisfy the experience requirement only if the applicant can demonstrate that engineering principles were required and used in gaining the experience.

2.3.12 Engineering teaching experience may be used to satisfy the experience requirement, subject to the Board's approval, if the courses were at an advanced level in a college or university offering an engineering curriculum of four years or more. "Advanced level" means select courses at the junior (300) level as approved by the Board, and all courses senior (400) level and above.

2.3.13 Experience gained in engineering research and design projects by members of an engineering faculty where the curriculum is approved by the Board may be used to satisfy the experience requirement.

2.3.14 Construction experience may be used to satisfy the experience requirement only if the applicant can demonstrate that the work required the application of engineering principles.

2.3.15 Experience may not be anticipated. The experience must have been received at the time of the application.

2.4 Examination for Licensure as Professional Engineers

2.4.1 The Examinations used by the Board to determine eligibility for licensure are the current NCEES Fundamentals of Engineering Examination (FE), the Principles and Practice of Engineering Examination (PE) or the Structural Engineering Examination (SE), and the Nebraska E&A Act Examination.

2.4.1.1 The Board will follow NCEES policies and schedules for taking and retaking FE, PE, and SE Examinations.

2.4.1.2 The Board will determine applicant eligibility for the PE Examination and the SE Examination, and forward eligibility information to NCEES.

2.4.1.2.1 Once an applicant has been approved to take the PE Examination or the SE Examination, they remain qualified to retake that same examination four times.

2.4.1.3 The Board will accept the examination result as determined by NCEES.

2.4.1.4 If there is any reported examination irregularity on the part of an applicant, the Board will investigate the allegation and take appropriate action.

2.4.1.5 Passage of the FE Examination, PE Examination, and SE Examination will be determined by the NCEES pass/fail standards in place at the time the examination was taken.

2.4.1.6 For security reasons, items in the examination will not be available for review by the examinee.

2.4.1.7 An applicant's failure to attend an examination for which he or she has been scheduled will forfeit the application fee, except as otherwise determined by NCEES policies.

2.4.1.8 Proctoring of the FE or PE Examinations will be done in accordance with NCEES rules and policies.

2.4.2 All applicants for the PE Examination or the SE Examination must have passed the FE Examination.

2.4.3 The Principles and Practice of Engineering Examination (PE Examination)

2.4.3.1 The PE Examinations are given in disciplines offered by NCEES, except that the Board reserves the right not to examine in certain disciplines offered by NCEES or to examine in specialized disciplines or areas of engineering not offered by NCEES.

2.4.3.2 The Structural PE Examination consists of two components and each component consists of two sections.

2.4.3.2.1 Receiving acceptable results on only one component or less than four sections is not sufficient for licensure in structural engineering or any other engineering discipline.

2.4.3.2.2 Applicants who have passed both components of the Structural PE Examination, or its equivalent as defined by NCEES, are eligible for licensure as a Professional Structural Engineer if the applicant meets all other requirements for licensure.

2.4.4 To be eligible to sit for the PE Examination, an applicant must:

2.4.4.1 The SE Examination consists of two components: the Vertical Forces (gravity/other) and Incidental Lateral component, and the Lateral Forces (wind/earthquake) component.

2.4.4.1.1 Applicants must submit a separate application for each discipline in which examination is requested..

2.4.4.2 Provide satisfactory evidence of meeting the education requirement as set forth in these rules;.

2.4.4.3 Provide verification of passing the FE Examination. Such verification must be received directly from the jurisdiction in which the examination was taken or from NCEES; and.

2.4.4.4 Provide three references indicating the applicant's good reputation and ethical character.

2.4.4.5 Applications for the PE Examination may be administratively approved by Board staff but are conditional until formally approved by the Board.

2.4.5 The Nebraska E&A Act Examination

2.4.5.1 Before license issuance, an applicant must pass an examination, prepared and administered by the Board, to test an applicant's familiarity with the Nebraska E&A Act, E&A Rules, and the ethics of practicing engineering.

2.4.5.2 After a second or subsequent failure of the Nebraska E&A Act Examination, the candidate may be required to acquire additional instruction before being reexamined. Such candidates are eligible for reexamination every thirty days.

2.5 Application for Licensure

2.5.1 To be eligible to sit for the PE Examination or the SE Examination, an applicant must:

2.5.1.1 Submit a completed application to the Board, accompanied by the filing fee established by the Board;

2.5.1.2 Provide satisfactory evidence of meeting the licensure standards as set forth in the Act and these rules;

2.5.1.3 Submit five references indicating good reputation and ethical character, three of which are from professional engineers. If an applicant cannot provide three references from professional engineers, five references must still be submitted together with an explanation as to why the professional references are unavailable.

2.5.2 Applications for professional engineering licensure may be reviewed by the Board.

2.6 Certificates

2.6.1 When the Board has determined that an applicant for licensure has satisfied the licensure requirements set forth herein, a certificate of licensure will be issued containing the licensed applicant's full name, license number, and designated discipline of practice.

2.6.2 Discipline of practice is the discipline of the PE Examination upon which the license is issued.

2.6.2.1 Those licensed in multiple disciplines will be issued separate certificates for each discipline.

2.6.3 Professional Engineers licensed on the basis of architectural engineering education, experience, and examination will be designated Professional Architectural Engineers. Professional Architectural Engineers are considered competent to design

engineering systems commonly associated with buildings. They may not practice or offer to practice architecture.

2.6.4 Professional Engineers who are licensed on the basis of structural engineering, experience and examination will be designated Professional Structural Engineers and may use the designation S.E. with their name.

2.7 Enrollment as an Engineer Intern (EI)

2.7.1 Enrollment as an Engineer Intern may be granted upon the applicant's submission of the following:

- 2.7.1.1 An application and fee as prescribed by the Board;
- 2.7.1.2 Verification that the applicant has passed the FE Examination; such verification must be submitted directly by the jurisdiction in which the examination was taken or by NCEES;
- 2.7.1.3 Verification that the applicant has satisfied the education requirement set forth in Rule 2.2.1; such verification must be submitted directly by the institution at which the education was obtained or from its authorized agent; and
- 2.7.1.4 Three references indicating the applicant's good reputation and ethical character.

2.7.2 Applications for enrollment as an EI may be administratively approved by Board staff but are conditional until formally approved by the Board.

2.7.3 Enrollment as an EI is not required for licensure in Nebraska or to sit for the PE Examination.

2.8 Reimbursement of Educational Debt

2.8.1 With respect to Neb. Rev. Stat. §81-3432.01, each eligible individual who passes the FE Examination on their first attempt no later than 9 months after graduation is eligible to be reimbursed \$50.00 by the Board of Engineers and Architects. Individuals who retake the exam because of a no-show or failure are not eligible for reimbursement. In order to receive reimbursement, proof of graduation must be officially issued by the degree-granting institution and received by the Board within a year of graduation. Payment will be a warrant issued by the State of Nebraska.

CHAPTER 3. LICENSURE OF ARCHITECTS BY EXAMINATION

3.1 Requirements for Licensure by Examination

Licensure by examination requires that the applicant have:

- (1) Satisfied the education requirements set forth in Rule 3.2;
- (2) Satisfied the experience requirements set forth in Rule 3.3;
- (3) Passed the ARE Examination and the Nebraska E&A Act Examination as set forth in Rule 3.4; and
- (4) Complied with the application process set forth in Rule 3.5.

3.2 Education Requirements

3.2.1 An applicant must:

- 3.2.1.1 Hold a professional degree in architecture from a program accredited by NAAB; or
- 3.2.1.2 Obtain an evaluation report in accordance with Board requirements stating that the applicant has met the NCARB Education Standard through the Education Evaluation Services for Architects (EESA) through NAAB.
 - 3.2.1.2.1 If education deficiencies are not resolved by EESA, the Board will review and make a determination of the appropriate corrective measures to remove the deficiency.

3.3 Experience

3.3.1 Completion of AXP, or its equivalent as determined by NCARB, is required prior to licensure.

3.4 Examinations

3.4.1 The Examination used by the Board to determine eligibility for licensure is the current NCARB Architect Registration Examination (ARE) as accepted by the Board.

- 3.4.1.1 The Board will follow NCARB's policies on scheduling and retaking the ARE.
- 3.4.1.2 The Board will verify applicant eligibility and forward eligibility information to NCARB.

3.4.1.3 The Board may allow candidates to make application to take all divisions of the ARE after verification of having met the education requirements and establishing an NCARB record for the purpose of documenting architectural work experience in AXP or its equivalent as determined by NCARB.

3.4.1.4 The Board will allow applicants to take the ARE at any NCARB-approved test center.

3.4.1.5 The Board will accept the examination result as determined by NCARB.

3.4.1.6 If there is any alleged improper behavior on the part of an applicant, the Board will investigate the allegation and take appropriate action.

3.4.1.7 An applicant must have passed the examination in accordance with the NCARB pass/fail standards current at the time the applicant took the examination.

3.4.1.8 For security reasons, items in the examination will not be available for review by the examinee. Examinees have the right to review or challenge failed divisions of the ARE through the Board in accordance with NCARB rules and policies.

3.4.2 Rolling Clock

3.4.2.1 Applicants are required to complete the ARE within the time limitations set by NCARB policies and procedures.

3.4.2.2 Approval to sit for the ARE terminates if the applicant has not attempted a division of the ARE within five years of such approval. Any applicant seeking initial licensure in Nebraska and whose test approval has terminated must submit a new application to the Board for approval to take the ARE.

3.4.3 The Nebraska E&A Act Examination

3.4.3.1 Following successful passage of the ARE, an applicant must pass an examination, prepared and administered by the Board, on the E&A Act, E&A Rules, and practice ethics.

3.4.3.2 The purpose of the examination is to test applicants' familiarity with the E&A Act, E&A Rules, and the ethics of practicing architecture.

3.4.3.3 After a second or subsequent failure of the Nebraska E&A Act Examination, the candidate may be required to acquire additional instruction before being reexamined. Such candidates are eligible for reexamination every thirty days.

3.5 Application for ARE Examination

3.5.1 To be eligible to sit for the ARE examination, an applicant must:

3.5.1.1 Submit a completed application to the Board, accompanied by the filing fee established by the Board;

3.5.1.1.1 The application fee is waived for first-time applicants.

3.5.1.2 Provide satisfactory evidence of meeting the education requirement as set forth in these rules;

3.5.1.3 Submit five references indicating good reputation and ethical character, three of which must be architects; and

3.5.1.3.1 If an applicant cannot provide three references from architects, five references must still be submitted along with an explanation as to why the professional references cannot be submitted.

3.5.1.4 Submit verification that the applicant has established an NCARB record for the purpose documenting architectural work experience.

3.5.2 All applications for the ARE Examination will be reviewed by the Board.

3.6 Certificates

3.6.1 When the Board has determined that an applicant for licensure by examination has satisfied the licensure requirements set forth herein, the Board will issue a certificate of licensure containing the architect's full name and license number.

3.7 Reimbursement of Educational Debt

3.7.1 With respect to Neb. Rev. Stat. §81-3432.01, each eligible individual who has graduated with a NAAB-accredited architectural degree and establishes an NCARB record may be reimbursed \$150 by the Board. In order to receive reimbursement, verification of NCARB record establishment and graduation must be received within one year of graduation. Verification of graduation may come from NCARB or officially from

the degree-granting institution. Payment will be by a warrant issued by the State of Nebraska.

CHAPTER 4. COMITY

4.1 Comity for Engineers

4.1.1 Discipline of Licensure by Comity

4.1.1.1 In order to be eligible for licensure in Nebraska the engineering applicant must qualify in one or more engineering discipline(s).

4.1.1.2 Verification of good standing must be provided by the licensing authority of the candidate's current licensure, including the discipline of the PE Examination.

4.1.1.2.1 In the event the licensing authority does not license by discipline or have record of examination discipline, verification of discipline of practice may be provided by the affidavit of an individual with knowledge of the applicant's discipline of practice. However, the Board will not accept affidavits from comity professional engineer applicants seeking licensure as a Professional Structural Engineer. Professional Structural Engineers are required to provide either 1) verification of passage of structural examination in accordance with Rule 4.1.1.5. or 2) licensure as a Professional Structural Engineer in another jurisdiction in accordance with Rule 4.1.3.

4.1.1.3 With respect to candidates applying for licensure who have passed the NCEES Structural I examination, such candidates may be eligible for licensure as a Professional Civil Engineer or another applicable discipline approved by the Board. Such applicants are not eligible for licensure as a Professional Structural Engineer without also having satisfied one of the four provisions of Rule 4.1.1.5.

4.1.1.4 Professional Engineers licensed on the basis of the Architectural Engineering examination will be designated Professional Architectural Engineers. Professional Architectural Engineers may not practice or offer to practice architecture.

4.1.1.5 Professional Engineers who have passed one of the following sets of examinations are eligible for licensure as a Professional Structural Engineer and may use the designation "S.E." with their name:

- 4.1.1.5.1 The NCEES 16-hour Structural Examination taken after January 1, 2024;
- 4.1.1.5.2 The NCEES 16-hour Structural PE Examination taken between January 1, 2011 and December 31, 2023
- 4.1.1.5.3 A 16-hour U.S.-jurisdiction-written structural examination taken prior to 2004; or
- 4.1.1.5.4 Both the NCEES Structural II Exam and an eight-hour U.S.-jurisdiction-written structural examination taken prior to January 1, 2011.

4.1.2 Comity Licensure for Model Law Engineers and Model Law Structural Engineers

- 4.1.2.1 The Board staff is authorized to review and evaluate the applications of comity applicants to determine if they meet or exceed the criteria of a MLE or MLSE as designated by NCEES.
- 4.1.2.2 If the applicant meets or exceeds these requirements, the Board staff may issue a conditional license authorizing that individual to practice engineering in Nebraska if the applicant:
 - 4.1.2.2.1 Files an application with required fee;
 - 4.1.2.2.2 Submits satisfactory evidence of such MLE or MLSE designation to the Board; and
 - 4.1.2.2.3 Passes the Nebraska E&A Act Examination in accordance with Rule 2.4.5.
- 4.1.2.3 Any information requested on the application with respect to education, experience, examinations, or references may be provided by submitting an NCEES record.
- 4.1.2.4 A listing of professional engineers issued conditional licenses will be placed on the agenda of the next meeting of the Board for formal approval by the Board.

4.1.3 Jurisdictional Comity

- 4.1.3.1 An engineering applicant who holds a current and valid license issued by a licensing authority of another jurisdiction that is recognized by the Board may be licensed by Jurisdictional Comity after the applicant:

- 4.1.3.1.1 Files an application with required fee;
- 4.1.3.1.2 Submits satisfactory evidence of such licensure to the Board;
- 4.1.3.1.3 Submits three references from professional engineers indicating good reputation and ethical character. In the event three professional engineers are not available to make such references, the applicant shall submit an explanation for the Board's review;
- 4.1.3.1.4 Submits verification that the applicant has passed the FE and PE Examinations;
- 4.1.3.1.5 Submits verification that the applicant has satisfied the education requirements set forth in Rule 2.2;
- 4.1.3.1.6 Submits four years of engineering experience that is in compliance with the licensing law in the jurisdiction where the practice occurs; and
- 4.1.3.1.7 Passes the Nebraska E&A Act Examination in accordance with Rule 2.4.5.

4.1.3.2 Any information requested on the application with respect to education, experience, examinations, or references may be provided by submitting an NCEES record.

4.1.3.3 The application will go to the Board for review and final approval.

4.1.4 Comity Licensure by Experience

4.1.4.1 Notwithstanding the education requirement of Rule 4.1.3.1.5, engineers who are licensed by a licensing authority recognized by the Board and who have at least 15 years of licensed professional engineering work experience may be licensed by experience if the engineer:

- 4.1.4.1.1 Files an application with required fee;
- 4.1.4.1.2 Submits satisfactory evidence of 15 years of licensed work experience in a discipline acceptable to the Board;
- 4.1.4.1.3 Provides three references from professional engineers indicating good reputation and ethical character. In the event three professional engineers are not available to make such references, the applicant shall submit an explanation for the Board's review; and

4.1.4.1.4 Passes the Nebraska E&A Act Examination in accordance with Rule 2.4.5.

4.1.4.2 Any information requested on the application with respect to education, experience, or references may be provided by submitting an NCEES record.

4.1.4.3 The application will go to the Board for review and final approval.

4.1.5 Temporary Permit

4.1.5.1 An engineering applicant who holds a current and valid license issued by a licensing authority of another jurisdiction that is recognized by the Board may apply for a Temporary Permit for the purpose of providing engineering service on a single project, not to exceed one year, after the applicant:

4.1.5.1.1 Files an application with required fee;

4.1.5.1.2 Submits satisfactory evidence of such licensure to the Board. Such evidence must be received directly from the licensing authority or NCEES; and

4.1.5.1.3 Passes an examination, prepared and administered by the Board, on the E&A Act, E&A Rules, and practice ethics.

4.1.5.2 The permit will include a template containing the applicant's name, permit number, expiration date, and project name and location.

4.1.5.3 In the event the project lasts longer than one year, the temporary permit holder must obtain a Nebraska license.

4.1.5.4 Engineers holding a temporary permit will use their seal from the state of verified licensure when sealing documents pertaining to the Nebraska project and must accompany this seal with the template issued by the Board.

4.1.5.5 An engineer is eligible for only one temporary permit.

4.1.5.6 Applications for temporary permits may be administratively approved by Board staff but are conditional until formally approved by the Board.

4.2 Comity Licensure for Architects

4.2.1 Comity Licensure for NCARB Certificate Holders

4.2.1.1 The Board staff is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria of an NCARB Certificate Holder.

4.2.1.2 If the applicant meets or exceeds these requirements, the Board staff may issue a conditional license authorizing that individual to offer or provide architectural services in Nebraska if the applicant:

4.2.1.2.1 Files an application with the required fee;

4.2.1.2.2 Submits satisfactory evidence of having an NCARB Certificate;

4.2.1.2.3 Submits three references indicating good reputation and ethical character; and

4.2.1.2.4 Passes the Nebraska E&A Act Examination in accordance with Rule 3.4.3.

4.2.1.3 A listing of all architects issued conditional licenses will be placed on the agenda of the next meeting of the Board for formal approval by the Board.

4.2.2 Jurisdictional Comity

4.2.2.1 An architecture applicant who holds a current and valid license issued by a licensing authority of another jurisdiction that is recognized by the Board may be licensed by Jurisdictional Comity after the applicant:

4.1.3.1.1 Files an application with required fee;

4.1.3.1.2 Submits satisfactory evidence of such licensure to the Board;

4.1.3.1.3 Submits three references from architects indicating good reputation and ethical character. In the event three architects are not available to make such references, the applicant shall submit an explanation for the Board's review;

4.1.3.1.4 Submits verification that the applicant has passed the ARE Examination;

4.1.3.1.5 Submits verification that the applicant has satisfied the education requirements set forth in Rule 3.2;

4.1.3.1.6 Submits verification that the applicant has satisfied the experience requirements set forth in Rule 3.3; and

4.1.3.1.7 Passes the Nebraska E&A Act Examination in accordance with Rule 3.4.3.

4.2.2.2 Any information requested on the application with respect to education, experience, examinations, or references may be provided by submitting an NCARB record.

4.2.2.3 The application will go to the Board for review and final approval.

4.2.3 Comity Licensure by Experience

4.2.3.1 Architects who are licensed by a licensing authority recognized by the Board examination and who have at least 15 years of licensed architectural work experience may be licensed by experience if they:

4.2.3.1.1 File the Nebraska application with required fee;

4.2.3.1.2 Submit satisfactory evidence of 15 years of licensed work experience acceptable to the Board;

4.2.3.1.3 Provide three references indicating good reputation and ethical character; and

4.2.3.1.4 Pass the Nebraska E&A Act Examination in accordance with Rule 3.4.3.

4.2.3.2 The application will go to the Board for review and final approval.

4.2.4 Temporary Permit

4.2.4.1 An architect applicant who holds a current and valid license issued by a licensing authority in another jurisdiction that is recognized by the Board may apply for a Temporary Permit for the purpose of providing architectural service on a single project, not to exceed two years, if the applicant:

4.2.4.1.1 Files an application with the required fee;

4.2.4.1.2 Submits satisfactory evidence of such licensure to the Board. Such evidence must be received directly from the licensing authority of NCARB; and

4.2.4.1.3 Passes an examination, prepared and administered by the Board, on the E&A Act, E&A Rules, and practice ethics.

4.2.4.2 The permit will include a template containing the architect's name, permit number, expiration date, and project name and location.

4.2.4.3 In the event the project lasts longer than two years, the temporary permit holder must obtain a Nebraska license.

4.2.4.4 Architects holding a temporary permit will use their seal from the state of verified licensure when sealing documents pertaining to the Nebraska project, and must accompany this seal with the template issued by the Board.

4.2.4.5 An architect is eligible for only one temporary permit.

4.2.4.6 Applications for temporary permits may be administratively approved by Board staff, but are conditional until formally approved by the Board.

CHAPTER 5. CODE OF PRACTICE

5.1 Competence

5.1.1 In practicing engineering or architecture, the licensee shall act with reasonable care and competence and shall apply the technical knowledge and skill ordinarily applied by licensees of good standing in the same locality.

5.1.2 In designing a project, the licensee shall take into account the applicable federal, state, and local laws and regulations. While the licensee may rely on the advice of other professionals (e.g., attorneys, architects, professional engineers, or other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, the licensee shall not knowingly design a project in violation of such laws and regulations.

5.1.3 The licensee shall undertake to perform professional services only when they, together with those whom the licensee may engage as consultants, is qualified by education, training, and experience in the specific technical areas involved.

5.1.4 No person shall be permitted to practice engineering or architecture if, in the Board's judgment, such person's professional competence is substantially impaired. The assessment of impairment should be performed by an appropriately qualified individual.

5.1.5 A licensee convicted of a crime in connection with their profession or a crime of moral turpitude under state law, federal law, or the law of another jurisdiction, may be held in violation of the code of practice if, in the opinion of the Board, the events and circumstances leading to the conviction indicate a condition which would affect the competency of the architect or professional engineer to serve the health, safety, and welfare of the public.

5.1.6 The licensee shall not sign, seal, or attest to any work pertaining to any technical discipline or specialty that the licensee does not have professional training and experience.

5.2 Conflict of Interest

5.2.1 The licensee shall not accept compensation for their services from more than one party on a project unless the circumstances are fully disclosed (and agreed to in writing) by all interested parties.

5.2.2 A licensee shall not perform professional services in the face of a conflict of interest that is not fully disclosed and waived in writing by all parties. A licensee has a conflict of interest when: (a) the licensee has or may acquire a financial or other interest in the project, someone participating in the project, or any component of project; or (b) the licensee's judgement may be adversely affected by a relationship with another party.

5.2.3 The licensee shall not solicit or accept compensation from material or equipment suppliers, contractors, or sub-consultants for specifying or endorsing their products.

5.2.4 A licensee serving in a paid or voluntary public capacity shall not accept payments or gifts that are intended to influence the licensee's professional judgement.

5.2.5 A licensee who initiates a complaint to the Board shall not become involved as the architect or professional engineer of record for the project which was the subject of the complaint.

5.2.6 Licensees shall not solicit or accept a contract for professional services from a governmental body when the licensee, or a principal or officer of the licensee's organization, serves as a voting or non-voting member, whether elected or appointed, or serves as an employee or contractor to perform professional services, of the same governmental body which is procuring the professional services. For purposes of this subparagraph, "governmental body" means a board, council, commission, or similar multi-membered body of any county or political subdivision. Licensees are not in violation of this provision, however, if the licensee, or the principal or officer of their

organization who serves as a member of the governmental body, plays no role in the solicitation or procurement of the contract on behalf of the governmental body.

5.3 Disclosure of Professional Relationships or Responsibility

5.3.1 A licensee making public statements on engineering or architectural questions shall disclose if the licensee is being compensated for making such statements or has a financial interest in the issue.

5.3.2 The licensee shall not misrepresent their qualifications, capabilities, and experience or that of the licensee's organization.

5.3.3 The licensee possessing knowledge of a violation of the E&A Act or these rules by another licensee shall report such knowledge to the Board.

5.4 Compliance with Laws

5.4.1 The licensee shall not violate the law of the United States or any U.S. jurisdiction that in any material way relates to the conduct of the licensee's professional practice. Allegations of violations of this section may be based on an independent finding of a violation of the law by a court of competent jurisdiction or an administrative or regulatory body.

5.4.2 The licensee shall neither offer nor give any gift of significant value, or any monetary payment with the intent of influencing a government official's judgment in connection with a prospective or existing project in which the architect or professional engineer is interested.

5.4.3 The licensee shall comply with the licensing laws and regulations governing their professional practice in any United States jurisdiction.

5.4.3.1 A licensee may be subject to disciplinary action by the Board if the licensee is disciplined in any other United States jurisdiction.

5.4.3.2 A person whose Nebraska license was issued on the basis of an NCARB Certificate or NCEES Record may, upon suspension or revocation of said certificate or record, have their Nebraska license suspended until the certificate or record is reinstated.

5.4.3.3 A Nebraska license based upon comity with another jurisdiction may be concurrently suspended upon suspension or revocation of that

jurisdiction's license, pending reinstatement of the license by the other jurisdiction.

5.4.3.4 A license under suspension must be kept current through the suspension period. If the license has expired during the suspension period, a new application for licensure will be required.

5.4.4 Licensees are responsible for obtaining formal review and approval of design work when such approval is required prior to construction.

5.4.5 An organization engaged in the practice of architecture or engineering found by a court or administrative tribunal to have violated the law of the United States or any

U.S. jurisdiction protecting the rights of persons working for the employer, such as those pertaining to harassment, discrimination, and unfair compensation, may be subject to discipline by the Board.

5.5 Professional Conduct

5.5.1 Each organization maintained for the purpose of serving the public through professional engineering or architectural work, including the preparation of drawings, specifications, reports, and the administration of contract documents, shall have a qualified architect or professional engineer in responsible charge of the work.

5.5.2 The licensee shall not sign or seal drawings, specifications, reports, or other professional work for which they do not have direct supervision. If the portions of such professional work were prepared by the licensee's consultants who are licensed under the law of the State of Nebraska or another state, the licensee may sign or seal that portion of the professional work if the licensee has reviewed such portion, has coordinated its preparation, and accepts responsibility for its adequacy.

5.5.3 The licensee shall not engage in conduct involving fraud or deliberate disregard of the rights of others. A licensee shall not counsel or assist a client in conduct that the licensee knows, or reasonably should know, is fraudulent or illegal.

5.5.4 The licensee shall not engage in unethical, immoral, or dishonorable conduct that would indicate lack of fitness to perform the tasks required by clients or a level of proficiency that is insufficient to serve the public interest.

5.5.5 The licensee shall not in advertisements or public statements engage in misleading, untruthful, or improbable statements, or flamboyant, exaggerated or extravagant claims concerning the architect's or professional engineer's professional excellence or abilities.

5.5.6 The licensee shall not knowingly aid or abet the practice or the performance of activities requiring a license by a person not licensed to conduct such practice or activity.

5.5.7 The licensee shall not deliberately make a materially false statement or fail deliberately to disclose accurately and completely a material fact requested by the Board in connection with the licensee's application for licensure or renewal or otherwise requested.

5.5.8 An architect or professional engineer shall not knowingly sign any verification document related to licensure that contains false or misleading information and shall not assist in the application for licensure of a person known by the architect or professional engineer to be unqualified.

5.5.9 An architect or professional engineer possessing knowledge of a licensure candidate's qualifications for licensure shall cooperate with the candidate, the Board, NCARB, and NCEES by responding appropriately and in a timely manner regarding those qualifications. An architect serving as an AXP supervisor for a licensure candidate shall reasonably assist the candidate in proper and timely documentation of that candidate's experience.

5.5.10 If, in the course of their work on a project, a licensee becomes aware of a decision made by the licensee's employer or client against the licensee's advice, which violates applicable federal, state, or local laws and regulations and which will, in the licensee's judgment, materially and adversely affect the health and safety of the public, the licensee shall:

5.5.10.1 Report the decision to the public official charged with enforcement of building laws and regulations; and

5.5.10.2 Refuse to consent to the decision or action.

5.5.10.3 In circumstances where the licensee reasonably believes that other such decisions or actions will be taken notwithstanding the licensee's objection, terminate the provision of services with reference to the project unless the licensee is able to cause the matter to be resolved by other means.

5.6 Use of Regulated Titles

5.6.1 Licensees who are licensed in Nebraska may identify themselves as such.

5.6.2 Licensees who are not licensed in Nebraska, but who hold a valid license in another jurisdiction recognized by the Board:

5.6.2.1 May identify themselves as such on correspondence and other routine documents that do not contain an offer to provide professional services;

5.6.2.2 May identify themselves as such on correspondence and other documents that offer to provide professional services in Nebraska, if such documents clearly indicate and disclose that the architect or professional engineer:

5.6.2.2.1 Holds a valid and current license in another jurisdiction;

5.6.2.2.2 Does not hold a current and valid license from Nebraska;

5.6.2.2.3 Would have to obtain a license in Nebraska in order to perform the services described in the offer; and

5.6.2.2.4 Has a reasonable likelihood of being issued a license in Nebraska.

5.6.3 Individuals who do not hold a current and valid license in any jurisdiction shall not use the titles architect or professional engineer.

5.6.4 Emeritus licensees may use titles in accordance with Rule 1.11.4.2.

CHAPTER 6. THE LICENSEE SEAL

6.1 Use of the Seal

6.1.1 Each person licensed as an architect or professional engineer must have a seal that bears the licensee's name, their license number, the words "State of Nebraska," and whether the individual is licensed to practice as a professional engineer, with discipline specified, or an architect.

6.1.2 The purpose of the seal is to assist in identification of the design professional responsible for work performed under the requirements of the E&A Act.

6.1.3 The seal used by an architect or professional engineer shall be legible, whether an embossing, computer generated, or other type of seal. In the absence of legibility, the seal is invalid.

6.1.4 The responsible architect or professional engineer shall identify all work that they have prepared, as well as all work that has been prepared under their direct supervision, by applying their seal to each sheet of original drawings.

6.1.5 All specifications, reports, studies, and other documents prepared as architectural or professional engineering services shall be sealed on the title page and/or the first page, as well as the last page, of the document by the individual architect or professional engineer responsible for the work. Two or more architects or professional engineers may affix their signatures and seals to a sheet provided it is designated by a note under the seal the specific subject matter for which each is responsible.

6.1.6 No seal shall be valid unless signed across the face of the seal with the architect's or professional engineer's name and the date on which the material was signed.

6.1.7 Documents clearly marked as "Draft" prepared for preliminary submission and review do not require the professional's seal, signature, and date, including documents prepared for a client or governmental agency, unless otherwise required by that entity.

6.1.8 Architects and professional engineers are responsible for providing adequate security over their seal and signature wherever it appears, regardless of whether the seal and signature is produced electronically or by other means.

6.1.9 Record and as-built drawings.

6.1.9.1 Architects and professional engineers are not obligated to seal record or as-built drawings.

6.1.9.2 If an architect or professional engineer elects to seal record or as-built drawings, the seal may be applied only to the work over which the architect or professional engineer had direct supervision or which the architect or professional engineer personally observed during construction.

6.1.9.3 Architects and professional engineers shall not seal drawings that represent changes not actually observed during construction.

6.1.9.4 Architects and professional engineers may include notations on record or as-built drawings that indicate the work that they can actually confirm based on information obtained through observation, interview, samples, and other reliable sources, such as the following:

These record drawings are a compilation of a copy of the sealed [engineering/architectural] drawings for this project, as modified by addenda, change orders, and information furnished by the contractor or others on the project. The information shown on the record drawings that was provided by the

contractor or others not associated with the design [engineer/architect] cannot be verified for accuracy or completeness. The original sealed drawings are on file at the offices of [...].

6.1.9.5 Alternatively, architects and professional engineers may seal and sign a cover letter stating what they have determined to be as-built through their own research and attach the letter to the drawings or plans.

6.1.9.6 Documentation of the work that was actually constructed is not the practice of architecture or engineering under the E&A Act.

6.1.9.7 If as-built drawings are produced from sealed design drawings, the seal of the licensee(s) that prepared the drawings will either a) be removed if practical, or b) be accompanied by a note next to or over the seal indicating that the seal relates only to the design and not the as-builts.

6.2 Projects Based on Previously Sealed Project Documents

6.2.1 Design documents prepared for projects that are designed by architects and professional engineers licensed in jurisdictions other than Nebraska may be used for the construction of the project in Nebraska if reviewed, revised as appropriate, and sealed by an architect or professional engineer licensed in Nebraska under the following circumstances:

6.2.1.1 The original architects and/or professional engineers provide written consent for the adaptation of the documents or, if such permission cannot reasonably be obtained, the architect or professional engineer seeking to adapt the documents provides a written explanation of the circumstances that prevent such permission from being obtained;

6.2.1.2 The documents include appropriate revisions relating to site and local climate considerations;

6.2.1.3 The documents are reviewed for zoning and code compliance, and revised as necessary;

6.2.1.4 The architect or professional engineer in Nebraska accepts full responsibility of the revised documents; and

6.2.1.5 The seal of a coordinating professional is applied, if required.

6.3 The Coordinating Professional

6.3.1 The Coordinating Professional is a licensed professional engineer, professional landscape architect, or architect recognized as such by the project owner.

6.3.2 The Coordinating Professional's role is:

6.3.2.1 To coordinate communication between the design professionals related to technical documents on the project;

6.3.2.2 To act as project liaison with the governing building official; and

6.3.2.3 To verify that all design disciplines involved in a project are working in coordination with one another, and that any changes made to the design are approved by the corresponding discipline, so that life, health, safety, and welfare are not compromised.

6.3.3 The Coordinating Professional's seal does not indicate responsible charge or direct supervision of the work.

6.3.4 The Coordinating Professional must use the following language in conjunction with their individual seal for identification as the Coordinating Professional: "I, (name of licensee), am the Coordinating Professional on the (name of project) project."

6.4 Direct Supervision of Work

6.4.1 In order to exercise full professional knowledge of and control over work, a licensee in direct supervision of architectural or engineering work must:

6.4.1.1 Have and exercise the authority to review and to change, reject, or approve both the work in progress and the final work product, through a continuous process of examination, evaluation, communication, and direction throughout the development of the work;

6.4.1.2 Be personally aware of the project's scope, needs, parameters, limitations, and special requirements;

6.4.1.3 Be capable of answering questions relevant to the architectural or engineering decisions made as part of the services provided, in sufficient detail to demonstrate reasonable knowledge of and proficiency in the work; and

6.4.1.4 Be reasonably satisfied with the product of the services rendered and accept full responsibility for the work.

6.4.2 The Board has final authority regarding the determination of whether technical documents were actually prepared under the direct supervision of a licensee.

6.5 Technical Submissions

6.5.1 Technical submissions that constitute the practice of architecture or engineering shall include both (1) the name, and (2) either the address or location, of the project on each drawing and the cover page and/or first page of specifications, reports, studies, and other documents:

6.5.2 If the work shown on technical submissions is not being performed through an organization as provided in Neb. Rev. Stat. § 81-3436, the licensee's (1) name and (2) contact information shall be included on technical submissions.

6.5.3 If the work shown on technical submissions is being performed through an organization or organizations as provided in Neb. Rev. Stat. § 81-3436, (1) the organization(s) legal name or DBA, (2) contact information, and (3) the organization(s) certificate of authorization number(s) shall be included on technical submissions.

6.5.4 If sealed standards such as drawings, details, and specifications prepared by a jurisdiction are used in a project, the name of the jurisdiction which prepared the standards shall be noted on the technical submissions.

CHAPTER 7. ORGANIZATIONAL PRACTICE

7.1 Applications

Organizations practicing or offering to practice engineering or architecture in Nebraska must apply to the Board for a Certificate of Authorization. The Board will review the organization's application and issue a Certificate of Authorization if the minimum requirements are satisfied. The certificate is for use only by the organization to indicate that it has satisfied the minimum requirements of the Board for a period of two years to practice or offer to practice the professions of engineering and/or architecture in the State of Nebraska. The certificate of authorization may be used to file any applications with the Nebraska Secretary of State to fulfill the appropriate statutes or requirements for practicing in Nebraska as a corporation, partnership, limited liability company, professional corporation, or other such organizational designations appropriate under Nebraska law.

7.2 Minimum Organizational Requirements

7.2.1 The minimum requirement for an organization to practice engineering in Nebraska is to have one professional engineer for engineering practice for the duration of the certificate of authorization.

7.2.2 The minimum requirement for an organization to practice architecture in Nebraska is to have one architect for architectural practice for the duration of the certificate of authorization.

7.2.3 The minimum requirement for an organization to practice engineering and architecture in Nebraska is to have one professional engineer and one architect for engineering and architectural practice for the duration of the certificate of authorization.

7.2.4 The architect and/or professional engineer must be licensed to practice in the State of Nebraska and must regularly perform professional services for the organization.

7.3 Criteria for Issuing a Certificate of Authorization

7.3.1 For certification to practice the profession of engineering, the signature of one or more professional engineers licensed in the State of Nebraska must appear on the organization application.

7.3.2 For certification to practice the profession of architecture, the signature of one or more architects licensed in the State of Nebraska must appear on the organization application.

7.3.3 A licensed professional whose signature appears on the application may or may not have ownership interest in the organization.

7.3.4 The applicant must pay appropriate application fees.

7.3.4.1 Fees for certificates of authorization may be based on the total number of architects and professional engineers, licensed in any jurisdiction, who are employed by that organization.

7.3.5 An individual who has elected to take emeritus status is not eligible to sign an organization's application for a Certificate of Authorization.

7.3.6 Should any licensed professional who has signed the application leave the organization, die, or lose their signatory authority, the organization within 30 days must notify the Board and file an amendment to its application identifying the new licensed professional with signatory authority.

7.3.7 A temporary permit may be issued to a qualifying applicant practicing through an organization when the associated organization obtains a certificate of authorization.

7.3.7.1 The temporary permit holder will be listed on the certificate of authorization as the architect or professional engineer in responsible charge of the organization.

7.3.8 Applications for certificates of authorization may be administratively approved by Board staff but are conditional until formally approved by the Board.

7.4 Design-Build

An organization may offer or provide engineering and/or architectural services combined with construction services under the following conditions:

7.4.1 An architect and/or professional engineer licensed to practice in Nebraska participates substantially in those aspects of the services which involve engineering and/or architectural services;

7.4.2 At the time the organization offers to perform such combined services, the organization delivers to the project owner a written statement identifying the architect and/or professional engineer who will perform the architectural &/or engineering services for the design-build project;

7.4.3 The architect and/or professional engineer engaged by such organization to perform the engineering and/or architectural services with respect to a design-build project has direct supervision of such work;

7.4.4 If an architect and/or professional engineer engaged by such organization to perform the architectural and/or engineering services on the project ceases to be involved in the project, the design-builder promptly notifies the project owner of such departure and of the identification of the architect and/or professional engineer who will assume those responsibilities;

7.4.5 An organization offering design-build services, using its own employees who are licensed as architects or professional engineers in Nebraska, complies with the E&A Act by procuring a certificate of authorization to practice engineering and/or architecture; and

7.4.6 The performance of architectural and/or engineering services by such licensed architect and/or professional engineer conforms to the E&A Act and E&A Rules.

CHAPTER 8. ENFORCEMENT

8.1 Initial Review of Complaints and Compliance Issues

8.1.1 When a complaint is received by the Board in which a person or organization is alleged to have violated the Act, or if the Board becomes aware of a compliance issue that may constitute a violation of the Act, the Board may refer the complaint or compliance issue to a committee or an investigator, or may consider the complaint or compliance issue without such referral.

8.1.2 If applicable, the committee or investigator shall make a recommendation as to:

8.1.2.1 Whether the matter should be dismissed for lack of probable cause; or

8.1.2.2 Whether there is probable cause that a violation of the Act has occurred; or

8.1.2.3 Whether further investigation is required in order to determine whether there is probable cause.

8.1.3 Upon receipt of a recommendation or upon consideration by the entire Board, the Board will determine whether there is probable cause and, if so, whether informal or formal process should be undertaken to resolve the matter. If the Board finds there is no probable cause, the complaint shall be dismissed.

8.1.3.1 The Board may make a determination on probable cause with or without having requested a response from the respondent.

8.1.4 A complaint or compliance issue against any person or organization may be brought in the name of the Board. A complaint may be filed by the Executive Director when he or she discovers a probable violation of the Act. If a Board member discovers a probable violation of the Act, the member may bring it to the Executive Director's attention.

8.2 Informal Process

The Board may utilize an informal process as described below in lieu of, or as a prerequisite for, entering into a formal legal process.

8.2.1 The respondent is entitled to copies of the complaint and all information upon which the probable cause determination was made.

8.2.2 The Board and the respondent may reach an agreement as to the terms of the resolution of the matter without the respondent's appearance before the Board.

8.2.3 If an agreement is not reached without the appearance of the respondent, the respondent will be requested in writing to appear before the Board for an informal discussion of the matter.

8.2.3.1 The Board may, but need not, request any other party involved in the complaint to appear along with the respondent. Such appearance is voluntary and cannot be compelled.

8.2.3.2 Copies of the documents referred to in Rule 8.2.1 shall be provided to the respondent no later than the time the request to appear is made.

8.2.4 At the scheduled meeting with the Board, the Board shall clearly state to the party or parties that the meeting is informal and that no individuals or organizations will be giving up their rights to due process by participating in the informal process.

8.2.5 The Board may request that a party or parties bring materials, documents, or exhibits to facilitate the informal discussion with the Board.

8.2.6 The matter will be resolved if the Board and the respondent can reach terms of mutual agreement on the issues, and a consent agreement or other such document is executed on those terms. Acceptable terms may include, but are not limited to, a requirement for additional professional education, limitations on practice, civil penalties, and assessment of fees and/or costs.

8.2.7 The Board may separate issues within a complaint into those that can be resolved with an informal process from those that must be resolved under a formal process.

8.2.8 The respondent's participation in the informal process is voluntary, not mandatory.

8.3 Formal Process

8.3.1 The procedure for hearings in matters not resolved by informal process shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice.

8.3.1.1 The formal process shall be initiated by the filing of a petition in accordance with the Nebraska Administrative Code. The Board's receipt of a complaint does not constitute initiation of a formal process.

8.3.2 Any person aggrieved by a final decision in a formal process is entitled to judicial review under the Administrative Procedures Act, or resort to such other means of review as may be provided by law.

8.4 Remediation

8.4.1 Projects with inadequately sealed documents or work performed by an unlicensed individual may be remediated under the following circumstances:

8.4.1.1 Pursuant to a complaint alleging the unlicensed practice of engineering or architecture, the Board may, at its discretion, allow work not in compliance with the E&A Act or the E&A Rules to be remediated by the following method:

8.4.1.1.1 A licensed architect or professional engineer, as appropriate, must submit a letter to the Board bearing the architect's or professional engineer's seal, explaining their relationship to the project, and identifying deficiencies, if any, found in the improperly sealed documents, including the need for involvement of other design disciplines; and

8.4.1.1.2 If the project is under construction, the remediation architect or professional engineer must identify immediate concerns of public safety and, when required, notify the appropriate authority to halt construction; and

8.4.1.1.3 If deficiencies are identified, the remediation architect or professional engineer must recommend design solutions to correct those deficiencies; and

8.4.1.1.4 The letter will become a permanent part of the existing contract documents; and

8.4.1.1.5 Revisions made to the deficient documents by the remediation architect or professional engineer must be attributed accordingly; and

8.4.1.1.6 The remediation architect or professional engineer must assume responsibility for the design, and a coordinating professional must be designated if required; and

8.4.1.1.7 New documents, prepared by the licensed professionals involved must be sealed, signed, and dated; and

8.4.1.1.8 The remediation architect or professional engineer shall not seal any of the unsealed or improperly sealed documents with respect to the project.

8.4.1.1.9 The remediation architect or professional engineer will submit a final letter confirming the project is in compliance with the E&A Act, all deficiencies have been removed, and taking responsibility for the project.

8.4.1.2 The Board may take steps to issue a cease and desist order or any other remedy available to the Board under the law if, for any reason, no solutions are proposed to correct the deficiencies or the recommended solutions are not implemented.

8.5 Failure to Comply with Board Orders

8.5.1 If any person refuses to obey any decision or order of the Board, enforcement proceedings may be commenced in the appropriate district court in accordance with Neb. Rev. Stat. § 81-3440.

8.6 Organizations Practicing without a Certificate of Authorization

8.6.1 Regarding compliance with the Act by organizations allegedly practicing or offering to practice without holding a current certificate of authorization: in those cases where the alleged violation occurs within the past five years, and the organization has had no prior complaints or issues related to unauthorized practice, the Board has authorized the Executive Director to request that those organizations apply for a Certificate of Authorization immediately and pay any applicable in arrears fees. If the organization indicates to the Executive Director that they will not comply, the matter will be referred to the Board to determine whether a complaint should be filed.

CHAPTER 9. CONTINUING EDUCATION

9.1 Introduction

9.1.1 Every architect and professional engineer must meet the Continuing Education requirements of these regulations as a condition for license renewal or reinstatement.

9.2 Requirements

9.2.1 Architects must complete 24 actual hours of architectural-related learning every biennial period to satisfy the continuing education requirement.

9.2.2 Professional engineers must complete 30 actual hours of engineering-related learning every biennial period to satisfy the continuing education requirement.

9.2.3 Unless restricted by Rule 9.3 or its subsections, acceptable continuing education activities include, but are not limited to, the following:

9.2.3.1 Successful completion of college courses from an educational institution that offers EAC/ABET- or NAAB-accredited programs, or courses transferrable to and accepted for credit by an educational institution that offers EAC/ABET- or NAAB-accredited programs;

9.2.3.2 Successful completion of short courses, tutorials, web-based activities, and distance-education courses offered for self-study, independent study, or group study;

9.2.3.3 Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations;

9.2.3.4 Teaching or instructing in 9.2.3.1 through 9.2.3.3 above;

9.2.3.5 Authoring published papers, articles, books;

9.2.3.6 Participating in the development of items for NCEES or NCARB examinations;

9.2.3.7 Active participation in professional or technical societies in which a licensee either serves as an officer or actively participates in a technical committee of the society related to the practice of architecture or engineering;

9.2.3.8 Authoring a patent related to architecture or engineering; and

9.2.3.9 Active participation in educational outreach activities pertaining to professional licensure or the architecture/engineering professions that involve K-12 or higher education students.

9.2.4 Acceptable continuing education topics must be either: 1) technical in nature, or 2) a topic that is part of that profession's body of knowledge as developed by the applicable national professional engineering society or categorized as a Health Safety and Welfare topic by NCARB

9.3 Restrictions

9.3.1 Web-based offerings provided by (1) International Association for Continuing Educational Training (IACET) approved providers, (2) institutions of higher education that have an accredited program in architecture or engineering, (3) professional engineering or architectural societies, (4) technical societies and associations recognized at a national level, (5) governmental agencies, or (6) NCARB and NCEES may constitute all of the biennial education requirement.

9.3.2 Web-based offerings from a provider not listed in Rule 9.3.1 may constitute no more than one-fourth of the biennial education requirement, that is six hours for architects or seven and one-half hours for professional engineers.

9.3.2.1 Web-based offerings including webinars, video conferences, and online meetings led by an instructor that enables both the instructor and attendees to give, receive, and discuss information in real time is not restricted under Rule 9.3.2

9.3.3 At least one hour of the biennial continuing education requirements must be directly related to ethical issues of a licensee's professional practice.

9.3.4 An individual who is both an architect and professional engineer may use ethics related hours and any other hours to satisfy the continuing education requirements of both licenses if the subject is both architecture- and engineering-related learning.

9.3.5 Self-guided activities planned and performed under the licensee's own direction and guidance may constitute no more than one-fourth of the biennial education requirement, which is six hours for architects or seven and one-half hours for professional engineers.

9.4 Units and Carry-over

9.4.1 The Board has final authority with respect to approval of courses, credit, unit value for courses, and other methods of earning continuing education credit. No pre-approval of offerings will be issued.

9.4.2 The conversion of other units of credit to actual hours is as follows:

9.4.2.1 One actual hour is equivalent to at least 50 minutes of instruction.

9.4.2.2 One semester credit hour of formal education is equivalent to 45 actual hours.

9.4.2.3 One quarter credit hour of formal education is equivalent to 30 actual hours.

9.4.2.4 With respect to Rule 9.2.3.4, credit for teaching or presenting an activity may be credited double the number of actual hours. Credit is valid only for the first offering or presentation. Full-time faculty may not claim credit associated with their regular teaching duties.

9.4.2.5 Each published peer-reviewed paper or book in the licensee's area of professional practice is equivalent to 10 actual hours.

9.4.2.6 Each published paper or article which does not meet the requirements of Rule 9.4.2.5 but is in the licensee's area of professional practice is equivalent to five actual hours.

9.4.2.7 Service as an officer in a professional or technical society is equivalent to two actual hours. Actual hours are not earned until the end of each year of service is completed. Participation on a professional or technical society's technical committee is equivalent to the actual hours spent on that committee.

9.4.2.8 A patent is equivalent to 10 actual hours.

9.4.2.9 Licensees participating in the development of items for NCEES or NCARB examinations is equivalent to 15 actual hours per calendar year.

9.4.2.10 With respect to rule 9.2.3.10, serving on a ABET/EAC- or NAAB-accreditation program evaluating team is equivalent to 15 actual hours per evaluation.

9.4.3 Architects and professional engineers may carry up to one-half of the required continuing education credits from the previous biennial period. Excess credits can be carried over only into the biennial period immediately following the period in which the credit was earned.

9.4.4 Ethics hours can be carried over.

9.5 Recordkeeping

9.5.1 Every architect and professional engineer is responsible for maintaining records necessary to support credits claimed for continuing education. Records required include, but are not limited to:

9.5.1.1 A log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and unit credits earned;

- 9.5.1.2 Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance; or
- 9.5.1.3 Records relating to continuing education that are maintained by NCEES, NCARB, or other organizations may be accepted by the Board as evidence of completion of the continuing education requirements.

9.6 Exemptions and Waiver

- 9.6.1 Architects and professional engineers may be exempt from the continuing education requirements for one of the following reasons:

- 9.6.1.1 Architects and professional engineers licensed by examination or comity are exempt for their initial renewal period. Architects who complete more than 24 acceptable hours and professional engineers who complete more than 30 acceptable hours in their initial renewal period are eligible to carry over excess continuing education credits, subject to the limitations described in this chapter.

- 9.6.1.2 Contingent upon approval from the Board or Executive Director:

- 9.6.1.2.1 Architects and professional engineers serving on active duty in the armed forces of the United States or any state for a period of time exceeding 120 days in each calendar year of their renewal period are exempt from obtaining the continuing education hours required during that renewal period.

- 9.6.1.2.2 Architects and professional engineers serving on active duty in the armed forces of the United States or any state for a period of time exceeding 120 days in only one calendar year of their renewal period require 15 actual hours of engineering-related learning at the time of license renewal if licensed as a professional engineer, or 12 actual hours of architectural-related learning if licensed as an architect.

- 9.6.1.2.3 Licensees must submit military orders or other supporting documentation to the Board as proof that they qualify for exemption from the continuing education requirements.

- 9.6.1.3 Architects and professional engineers experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the Board may be exempt. Supporting documentation must be furnished to the Board.

9.6.1.4 Architects and professional engineers who have elected emeritus status are exempt from the continuing education requirement. In the event such a person elects to have their license to practice reinstated, continuing education hours must be earned for each year of emeritus status before the license will be reinstated, but not to exceed 24 hours for architects or 30 hours for professional engineers. Such credits must be earned in accordance with the restrictions related to continuing education requirements.

9.6.2 The Board may, at its discretion, waive the continuing education requirement for any architect or professional engineer.

9.7 Audits

9.7.1 The Board may audit any licensee for compliance with continuing education requirements. In addition, the Board will establish a number of licensees, to be selected at random but not to exceed five percent of the total number of licensees, to submit documentation verifying compliance with the continuing education requirement.

9.7.2 Board staff is authorized to review, verify, and approve continuing education audit submittals. Submittals that raise significant questions of acceptability will be forwarded to the Board for final determination.

9.7.3 If the Board disallows any of the continuing education hours claimed, the applicant must, within 60 days after notification of disallowance, substantiate the original claim or to earn other credit to satisfy the continuing education requirement. Extension of time may be granted by the Board on an individual basis but must be requested by the licensee within 30 days after notification of disallowance, and may not exceed an additional 60 days.

CHAPTER 10. EXEMPTIONS; CLARIFICATION

10.1 Introduction

Any citation to the state building code means the most recent edition of the state building code as adopted in Neb. Rev. Stat. § 71-6403.

10.2 Definitions; Neb. Rev. Stat. §§ 81-3449 (1) & 81-3453 (1)

The following definitions may be used as an adjunct to that reference:

10.2.1 Above-grade Finished Space: For single-family through 4-dwelling units; this includes all enclosed, potentially-habitable area on any level, up to a maximum of three levels.

10.2.2 Detached sheds or storage buildings and attached or detached garages, up to a maximum of three stalls, are exempted from the area calculations for Residential occupancies.

10.2.3 Occupancy Classification relates to the type of occupancy intended for the built area and shall be as defined in the state building code.

10.2.4 Building area shall be as defined in the state building code.

10.2.5 Farm building shall be defined as an agricultural building is defined in the state building code.

10.3 Statutory Exemptions to the Engineers and Architects Regulation Act

Notwithstanding other provisions of the E&A Act, persons who are not licensed architects or professional engineers may perform planning and design services in connection with any building, structure, or work as indicated below:

OCCUPANCY CLASSIFICATION	MAXIMUM BUILDING AREA	10.3.1 A -
Assembly	Less than 1,000 square feet	

10.3.2 B - Business Less than 3,000 square feet

10.3.3 E - Educational Less than 1,000 square feet

10.3.4 F - Factory Less than 5,000 square feet

10.3.5 H - Hazardous

H-1, H-2, H-3, H-4 Less than 2,000 square feet

H-5 Less than 4,000 square feet

10.3.6 I - Institutional

I-1 Personal care Less than 3,000 square feet

I-2 Healthcare Less than 5,000 square feet

I-3 Detention Less than 3,000 square feet

I-4 Day care Less than 2,000 square feet

10.3.7 M - Mercantile Less than 3,000 square feet

10.3.8 R - Residential

R-1, R-2, R-4 Less than 4,000 square feet

R-3 single family through four-plex Less than 10,000 square feet

10.3.9 S - Storage Less than 5,000 square feet

10.3.10 U - Utility Less than 5,000 square feet

10.3.11 Any structure which contains two or more occupancies is governed by the most restrictive occupancy for the purpose of utilizing Rule 10.3.

10.4 Renovations and One-Level Additions

10.4.1 Renovations and one-level additions to an existing building, structure, or work are exempt from the E&A Act if:

10.4.1.1 The total impacted area is less than the area set by Section 10.3 of this Chapter; and

10.4.1.2 The area of renovation or addition does not adversely impact the mechanical system; the electrical system; the structural integrity; the means of egress; and does not change or come into conflict with the occupancy classification of the existing or adjacent tenant space, building, structure or work.

10.5 The Practice of Engineering and Architecture

10.5.1 The development and utilization of construction means and methods such as schedules, work plans, work orders and directions, procedures, construction calculations, selection, provision and use of temporary facilities in support of construction activities, reports, selection and use of safety procedures and facilities, instructions and similar items customarily used by contractors to implement construction work designed by licensed persons does not constitute the practice of engineering or architecture.

10.5.2 The preparation by employees of construction companies of ancillary drawings and data, such as field details, shop drawings, product data, conceptual drawings, calculations, diagrammatic instructions and similar documents and information, which are typically utilized to implement the construction of a facility designed by a licensed person does not constitute the practice of engineering or architecture.

10.5.3 The performance of field layout and installation work by employees of construction companies on projects designed by a licensed person or persons, including construction work such as field staking and measurement; installation of material or equipment at designed locations or locations selected in the field; field fitup and modification work; and layout of construction installation and support work does not constitute the practice of engineering or architecture.

10.5.4 The estimate of the cost of construction work (including the extent of the cost of changes in the work) by construction companies including such things as preparing and reviewing preliminary concepts of the project, identifying the scope of the construction work, preparing preliminary schedules and sequences for the construction work, and evaluating the estimates of subcontractors and suppliers, does not constitute the practice of engineering or architecture.

10.5.5 The performance of work customarily involved in project management of construction work on projects designed by licensed persons does not constitute the practice of engineering or architecture. Examples would be:

- 10.5.5.1 The evaluation of the project and its budget;
- 10.5.5.2 Services relating to financing the project;
- 10.5.5.3 Recommendations on construction feasibility, timing of design and construction, and factors relating to construction costs such as alternative designs prepared by a licensed professional;
- 10.5.5.4 Procurement of labor and materials;
- 10.5.5.5 Coordination and evaluation of subcontractor performance;
- 10.5.5.6 Preparation of schedules;
- 10.5.5.7 Estimating the project costs;
- 10.5.5.8 Performing construction work; and
- 10.5.5.9 Reporting on the progress and costs of the work.

10.5.6 Preliminary and Final Plats

Preparation of a preliminary plat is not restricted, but the final plat must be prepared and certified by a registered Land Surveyor. If, however, the final plat contains streets

(other than rights-of-way), sewers, water lines, or other engineering works, it needs to be prepared and certified by both a registered Land Surveyor and a professional engineer. Mathematical details of the final plat are the responsibility of the registered Land Surveyor. Physical details, such as grading, public works, or construction are the responsibility of the professional engineer and may not be certified by the registered Land Surveyor.

10.5.7 Livestock Waste Permits; Neb. Rev. Stat. §§ 81-3449(13) & 81-3453(12)

Under the E&A Act, the seal of an architect or professional engineer will be required for work related to livestock waste facilities only when the work falls within the definition of practice of architecture (Neb. Rev. Stat. § 81-3420) or practice of engineering (Neb. Rev. Stat. § 81- 3421).

10.5.8 Water Based Fire Protection Systems; Neb. Rev. Stat. §§ 81-3449 (11) & 81-3453 (7)

Nothing in the E&A Act prevents a certified water-based fire protection system contractor with a responsible managing employee from engaging in the business of installation, repair, alteration, addition, maintenance, or inspection of water-based fire protection systems, or system layout recognized by the State Fire Marshal, in accordance with Neb. Rev. Stat. §§ 81-5,158 to 81-5,164.

10.5.9 Participation in a Conceptual Design Competition

Participation in a conceptual design competition in Nebraska is not considered the practice of architecture or engineering.

10.5.10 Spill Prevention Containment and Countermeasures

Preparation of Spill Prevention Containment and Countermeasure (SPCC) plans for a project located in Nebraska that requires the seal of a professional engineer, constitutes the practice of engineering and must be prepared by a professional engineer licensed by the Board.

10.5.11 Forensic Engineering

Forensic testing requiring the services of an architect or professional engineer, for purposes of the Act, is considered the practice of architecture and/or engineering, regardless of where the test material originated, if the facility performing the testing services is located in Nebraska.

10.5.12 Expert Witness

An architect or professional engineer who serves as a testifying or non-testifying expert in a lawsuit or arbitration in the state of Nebraska regarding issues within the scope of their professional knowledge is not practicing architecture or engineering in Nebraska for purposes of the Act, and such service does not constitute the unauthorized practice of engineering or architecture if the expert is not licensed in this State.

10.6 Building Officials

Notwithstanding these exemptions, the responsible building official may require plans and specifications to be designed and prepared by an architect and/or professional engineer if the official finds a hazard to life, health, safety, or welfare due to the unusual circumstances of the building or structure or an unusually large number of potential occupants in relation to square footage for a particular occupancy.

10.7 Emergency Services

A person who is not currently licensed in this state, but who is currently licensed in another jurisdiction in the United States, may provide uncompensated (other than reimbursement of expenses) professional services at the scene of a declared emergency at the request of a public officer acting in an official capacity.

CODE OF ETHICS

Preamble

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity.

Engineering has a direct and vital impact on the quality of life for all people.

Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

I. Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

- 1) Hold paramount the safety, health, and welfare of the public.
- 2) Perform services only in areas of their competence.
- 3) Issue public statements only in an objective and truthful manner.
- 4) Act for each employer or client as faithful agents or trustees.
- 5) Avoid deceptive acts.
- 6) Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

II. Rules of Practice

1. Engineers shall hold paramount the safety, health, and welfare of the public.

- 1) If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.

- 2) Engineers shall approve only those engineering documents that are in conformity with applicable standards.
- 3) Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
- 4) Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.
- 5) Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
- 6) Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.

2. Engineers shall perform services only in the areas of their competence.
 - 1) Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
 - 2) Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
 - 3) Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.
3. Engineers shall issue public statements only in an objective and truthful manner.
 - 1) Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.

- 2) Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
- 3) Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.

4. Engineers shall act for each employer or client as faithful agents or trustees.

- 1) Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
- 2) Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
- 3) Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
- 4) Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
- 5) Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.

5. Engineers shall avoid deceptive acts.

- 1) Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.

2) Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

III. Professional Obligations

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.

- 1) Engineers shall acknowledge their errors and shall not distort or alter the facts.
- 2) Engineers shall advise their clients or employers when they believe a project will not be successful.
- 3) Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
- 4) Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
- 5) Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.

2. Engineers shall at all times strive to serve the public interest.

- 1) Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
- 2) Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.

- 3) Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
- 4) Engineers are encouraged to adhere to the principles of sustainable development¹ in order to protect the environment for future generations.

3. Engineers shall avoid all conduct or practice that deceives the public.

- 1) Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
- 2) Consistent with the foregoing, engineers may advertise for recruitment of personnel.
- 3) Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.

4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.

- 1) Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.
- 2) Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.

5. Engineers shall not be influenced in their professional duties by conflicting interests.

- 1) Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.
- 2) Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.

6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.

- 1) Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.
- 2) Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.
- 3) Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.

7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.

- 1) Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.
- 2) Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.
- 3) Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.

8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.

- 1) Engineers shall conform with state registration laws in the practice of engineering.

- 2) Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.
9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.
 - 1) Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
 - 2) Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.
 - 3) Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.
 - 4) Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.
 - 5) Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.

REFERENCES

Nebraska State Board of Engineers & Architects, Regulations

<https://ea.nebraska.gov/nebraska-engineers-and-architects-regulation-act>

Nebraska Statutes, Chapter 81 (§ 81-3401 to § 81-3455)

<https://nebraskalegislature.gov/laws/browse-chapters.php?chapter=81>

Nebraska Administrative Code, Title 110

<https://sos.nebraska.gov/regulations/rules-and-regulations-search>

National Society of Professional Engineers, Code of Ethics

<https://www.nspe.org/resources/ethics/code-ethics>