

BOARD OF EXAMINERS FOR LAND SURVEYORS

March 22, 2018

Oath of Office was performed for newly appointed Board of Examiners for Land Surveyors board member Virlyn Bolte.

The Board of Examiners for Land Surveyors (Board) convened at 9:00 a.m. at 555 N. Cotner Blvd., Lower Level, Lincoln, NE with the following members present:

Mary L. Pro, Chair
James W. Hawks, Vice Chair
Virlyn S. Bolte
Jerry G. Hain
Dennis L. Whitfield
Casey Sherlock, Ex-Officio Secretary

Others present:
Lee Wagner
Gerri Monahan

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on March 7, 2018.

All items voted on were done so in the form of a roll call vote.

The Chair stated that this meeting was being held in compliance with the updated Nebraska Open Meetings Act (Act) and that a current copy of the Act was available on the table.

Hawks moved and Hain seconded that the January 18, 2018 Board meeting minutes be approved.

Voting Aye: Hain, Hawks, Pro, Whitfield. Abstaining: Bolte.

Motion carried.

Item 5 was moved ahead of Item 4 to accommodate land surveyor (LS).

Hain moved and Hawks seconded that the Board go into closed session at 9:01 a.m. with Secretary Sherlock, Monahan and Wagner present for the purpose of discussing Complaint #17-2.

Voting Aye: Hawks, Pro, Whitfield, Hain, Bolte.

Motion carried.

Chairperson Pro stated that the discussion in closed session will be limited to Complaint #17-2.

Hain moved and Hawks seconded that the Board return to regular session at 9:40 a.m.

Voting Aye: Pro, Whitfield, Bolte, Hain, Hawks.

Motion carried.

Chairperson Pro stated that no subject matter other than Complaint #17-2 was discussed in closed session.

Hawks moved and Bolte seconded that Secretary Sherlock send a letter to the LS asking for substantial filing of surveys to the State Records Repository within the next 60 days, issue a report to the Board on the status of the filings at the next meeting, and work out financial obligations to meet needs with LS.

Voting Aye: Whitfield, Bolte, Hain, Hawks, Pro.

Motion carried.

Hawks moved and Whitfield seconded that the Board go into closed session at 9:46 a.m. with Secretary Sherlock and Monahan present for the purpose of discussing Complaint #17-1.

Voting Aye: Bolte, Hain, Hawks, Pro, Whitfield.

Motion carried.

Chairperson Pro stated that the discussion in closed session will be limited to Complaint #17-1.

Hawks moved and Hain seconded that the Board return to regular session at 9:51 a.m.

Voting Aye: Hain, Hawks, Pro, Whitfield, Bolte.

Motion carried.

Chairperson Po stated that no subject matter other than Complaint #17-1 was discussed in closed session.

Hawks moved and Bolte seconded to Close Complaint 17-1.

Voting Aye: Hawks, Pro, Whitfield, Bolte, Hain.

Motion carried.

Hawks moved and Whitfield seconded that the Board go into closed session at 9:53 a.m. with Secretary Sherlock and Monahan present for the purpose of discussing Class 1 Registration and Applications and the confidential reference letters.

Voting Aye: Pro, Whitfield, Bolte, Hain, Hawks.

Motion carried.

Chairperson Pro stated that the discussion in closed session will be limited to Class 1 Registration and Applications and the confidential reference letters.

Whitfield moved and Bolte seconded that the Board return to regular session at 10:23 a.m.

Voting Aye: Whitfield, Bolte, Hain, Hawks, Pro.

Motion carried.

Chairperson Pro stated that the no subject matter other than Class 1 Registration and Applications and the confidential reference letters was discussed in closed session.

Whitfield moved and Hain seconded that that inasmuch as Christopher M. O'Malley passed the Nebraska State Specific Examination on 2-26-2018 and has completed the requirements for registration in Nebraska and that upon receipt of the registration fee in the amount of \$100.00 he be granted registration dated March 22, 2018 Certificated No. 796.

Voting Aye: Bolte, Hain, Hawks, Pro, Whitfield.

Motion carried.

Hawks moved and Hain seconded that the application of Don D. Terry be approved and that he be permitted to take the PS and Nebraska State Specific land surveyor examinations.

Voting Nay: Hain, Hawks, Pro, Whitfield, Bolte.

Motion failed.

Bolte moved and Hain seconded that Secretary Sherlock ask Mr. Terry to amend his LS application by providing more detailed experience logs to be considered at next meeting.

Voting Aye: Pro, Whitfield, Bolte, Hain, Hawks.

Motion carried.

Whitfield moved and Hawks second that the application of Dustin L. Beaudette be approved and that he be permitted to take the PS and Nebraska State Specific land surveyor examinations.

Voting Aye: Whitfield, Bolte, Hain, Hawks, Pro.

Motion carried.

Hawks moved and Hain seconded that the application of Christopher L. Schulte be approved and that he be permitted to take the PS and Nebraska State Specific land surveyor examinations.

Voting Aye: Bolte, Hain, Hawks, Pro, Whitfield.

Motion carried.

Whitfield moved and Hawks seconded that the application of Peter S. Geissler be approved and that he be permitted to take the Nebraska State Specific land surveyor examination.

Voting Nay: Hain, Hawks, Pro, Whitfield, Bolte.

Motion failed.

Hawks moved and Hain seconded that Secretary Sherlock write Mr. Geissler advising him his Class 1 LS Application was denied. Mr. Geissler must first apply as a Surveyor-in-Training.

Voting Aye: Hawks, Pro, Whitfield, Bolte, Hain.

Motion carried.

Bolte moved and Hawks seconded that the Board go into closed session at 10:49 a.m. with Secretary Sherlock and Monahan present for the purpose of discussing the Class 2 application and the confidential reference letters.

Voting Aye: Pro, Whitfield, Bolte, Hain, Hawks.

Motion carried.

Chairperson Pro stated that the discussion in closed session will be limited to the Class 2 applicant and the confidential reference letters.

Whitfield moved and Hawks seconded that the Board return to regular session at 10:54 a.m.

Voting Aye: Whitfield, Bolte, Hain, Hawks, Pro.

Motion carried.

Chairperson Pro stated that no subject matter other than the Class 2 application and the confidential reference letters was discussed in closed session.

Hawks moved and Bolte seconded that the Class 2 application of Joe Dale Whitlock for registration by reciprocity from South Dakota be approved and that he be required to appear before Secretary of the Board for an interview and Nebraska State Specific land surveyor examination.

Voting Aye: Bolte, Hain, Hawks, Pro, Whitfield.

Motion carried.

Bolte moved and Hawks seconded that the Board go into closed session at 10:57 a.m. with Secretary Sherlock and Monahan present for the purpose of discussing the Class 3 application and the confidential reference letters.

Voting Aye: Hain, Hawks, Pro, Whitfield, Bolte.

Motion carried.

Chairperson Pro stated that the discussion in closed session will be limited to the Class 3 applicant and the confidential reference letters.

Whitfield moved and Hawks seconded that the Board return to regular session at 10:59 a.m.

Voting Aye: Hawks, Pro, Whitfield, Bolte, Hain.

Motion carried.

Chairperson Pro stated that no subject matter other than the Class 3 application and the confidential reference letters was discussed in closed session.

Whitfield moved and Bolte seconded that the Class 3 application of Jeffrey Michael Boden for registration by Surveyor-in-Training be approved and that inasmuch he has demonstrated a knowledge of surveying fundamentals by passing a National Council of Examiners and Surveyors examination on September 24, 2016, and upon receipt of the registration fee in amount of \$20, he be granted registration dated March 22, 2018 under Certificate No. 278.

Voting Aye: Pro, Whitfield, Bolte, Hain, Hawks.

Motion carried.

The Board discussed Rules & Regulations Professional Development and random method of audit selection. The Board determines the percentage to be selected for audit. On-line professional development hours (PHDs) also were discussed. The Professional Development Form is to be updated before the next renewal period.

Phone calls to the State Surveyor's Office were discussed. Secretary Sherlock will keep a log of complaint type calls. Formal complaints are to be filed using the complaint form on the Board of Examiners for Land Surveyor website and must be notarized.

Hawks moved and Hain seconded that the Board go into closed session at 12:07 p.m. with Secretary Sherlock and Monahan present for the purpose of discussing the Kansas Disciplinary Report.

Voting Aye: Whitfield, Bolte, Hain, Hawks, Pro,

Motion carried.

Chairperson Pro stated that the discussion in closed session will be limited to the Kansas Disciplinary Report.

Hain moved and Hawks seconded that the Board return to regular session at 12:34 p.m.

Voting Aye: Bolte, Hain, Hawks, Pro, Whitfield.

Motion carried.

Chairperson Pro stated that no subject matter other than the Kansas Disciplinary Report was discussed in closed session.

Whitfield moved and Hawks seconded that Secretary Sherlock invite LS to appear at the next board meeting to discuss actions of Kansas Disciplinary Report and lack of 30 day notifications to Board of violations in other states.

Voting Aye: Hain, Hawks, Pro, Whitfield, Bolte.

Motion carried.

Retiring board member recognition was discussed and whether or not a state agency can use licensing fees for awards. Hawks will contact PSAN regarding plaques.

National Council of Examiners for Engineering and Surveying (NCEES) funded delegates for the Central Zone meeting in Rapid City in May was discussed.

Hawks moved and Whitfield seconded that the three funded delegates would be Board members Hain and Bolte and Associate Member Monahan.

Voting Aye: Hawks, Pro, Whitfield, Bolte, Hain.

Motion carried.

Funded delegates for the NCEES Annual Meeting in August in Scottsdale, Arizona were discussed. Registration opens in May.

Hawks moved and Whitfield seconded that Secretary Sherlock and new Board member Bolte qualify as first-time attendees (funded by NCEES) and Board members Hain, Hawks, Pro and Whitfield are eligible to fill the three funded delegate positions.

Voting Aye: Pro, Whitfield, Bolte, Hain, Hawks.

Motion carried.

Hawks moved and Bolte seconded that the January and February expense vouchers be approved.

DAS Building Div., November parking	15.00
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DAS IMServices, Nov – Dec static web hosting	40.00
DAS Material, Nov. Board Mtg., Notice	9.04
DAS Materiel Div., December postage	20.74
General Fund Reimbursement, 2 nd Qtr. FY 17-18	1440.78
Hain, Jerry, January Board mtg. travel expenses	34.88
Hansen, Richard, January Board mtg. travel expenses	74.12
Whitfield, Dennis, January Board mtg. travel expenses	54.50
January Total	<u>\$1,704.05</u>
BELF Office Rent, January – March	678.75
DAS Materiel Div., BELS Letterhead	173.89
NCEES 2018 Member Board Fee	2,600.00
February Total	<u>\$3,452.64</u>

Voting Aye: Whitfield, Bolte, Hain, Hawks, Pro.

Motion carried.

Secretary Sherlock reported on legislative bill LB299.

Meeting packet confidentiality was discussed.

The next meeting is scheduled for May 11, 2018 in Lincoln.

Hawks moved and Bolte seconded to designate the May meeting the Annual Meeting of the Board this year. Election of Officers will take place at the May meeting.

Bolte moved and Hain seconded that the meeting be adjourned at 1:02 p.m.

All in favor. Motion carried.

Casey C Sherlock, Secretary