

BOARD OF EXAMINERS FOR LAND SURVEYORS

March 25, 1999

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

Darold E. Tagge, Chairperson  
Donald L. Pettigrew, Vice-Chairperson  
Sheryl K. Jordan  
Dennis D. Podany  
Robert D. Proett  
James L. Brown, Secretary

Others present:

Kathy Martin

Public notice of this meeting was given by publication in *The Lincoln Star and Journal* on March 12, 1999.

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

Moved by Podany and seconded by Jordan that the minutes of the June 30, 1998 meeting be approved.

Voting Aye: Pettigrew, Podany, Proett, Tagge, Jordan.

Motion carried.

Moved by Podany and seconded by Jordan to reconsider the motion of June 30, 1998 that the amended draft of Addendum B (Minimum Standards for Improvement Location Surveys) as attached be approved.

Voting Aye: Podany, Tagge, Jordan.

Voting Nay: Proett, Pettigrew.

Motion carried.

Moved by Podany and seconded by Jordan to accept and approve Chapter 2 and Chapter 9 of the Rules and Regulations and Addendum B as attached.

Voting Aye: Tagge, Jordan, Podany.

Voting Nay: Proett, Pettigrew.

Motion carried.

Moved by Proett and seconded by Jordan that the Board go into executive session at 9:18 A.M. with James L. Brown and Kathy Martin present for the purpose of discussing Complaint 96-1, Complaint 96-2 and Complaint 99-1.

Voting Aye: Tagge, Jordan, Pettigrew, Podany, Proett.

Motion carried.

Moved by Jordan and seconded by Proett that the Board return to regular session at 11:05 A.M.

Voting Aye: Jordan, Pettigrew, Podany, Proett, Tagge.

Motion carried.

Moved by Podany and seconded by Jordan to conduct an audit of the PDHs submitted by Arthur D. Burr, LS-344.

Voting Aye: Pettigrew, Podany, Proett, Tagge, Jordan.

Motion carried.

Moved by Podany and seconded by Proett that the report on the October 2, 1998 Nebraska Law examinations be accepted and approved.

Voting Aye: Podany, Proett, Tagge, Jordan.

Absent: Pettigrew

Motion carried.

Moved by Proett and seconded by Podany that Lee D. Wagner be granted registration under Class I provisions and assigned LS-557.

Voting Aye: Proett, Tagge, Jordan, Pettigrew, Podany.

Motion carried.

The Board discussed release of examination grades.

The Board discussed handling of complaints.

Moved by Podany that complaints shall be acted upon within one year.

Motion failed for lack of second.

Moved by Podany and seconded by Pettigrew that the following registrants be granted an inactive status:

Kirby Griffin, LS-538  
Donald L. Jourdan, LS-307  
Paul Kasl, LS-246  
Karl Moseman, LS-549 (effective 2/15/99)  
Francis L. Rotter, LS-253  
Walter P. Ward Jr., LS-364  
Daniel J. Westover, LS-513

Voting Aye: Tagge, Jordan, Pettigrew, Podany, Proett.

Motion carried.

TO: Board of Examiners for Land Surveyors

FROM: Kathy Martin

DATE: March 25, 1999

I have reviewed the PDHs of the following individuals and recommend their licenses be renewed with the carry-over applied to the next biennium:

Applicant	Carry-over Claimed	Carry-over Recommended
Lynn D. Birkel, LS-497	15.0	15.0
Steven C. Cobb, LS-412	15.0	15.0
Dean M. Connett, LS-249	15.0	15.0
Chris E. Dorner, LS-507	15.0	15.0
Dennis J. Engelke, LS-531	9.5	9.5
Jack C. Fitch, LS-336	15.0	15.0
Richard L. Hansen, LS-382	15.0	15.0
Robert D. Heese, LS-463	15.0	15.0
Gary H. Hubbs, LS-494	2.0	2.0
Mitchell W. Humphrey, LS-492	15.0	15.0
Wayne G. Kirk, LS-310	15.0	15.0
Thomas L. Krueger, LS-448	15.0	15.0
Danny J. Martinez, LS-498	15.0	15.0
David H. Neef, LS-475	15.0	15.0
Paul A. Reid, LS-415	15.0	15.0
Dale W. Sall, LS-345	15.0	15.0
Kenneth D. Schroeder, LS-428	15.0	15.0
LaVern F. Schroeder, LS-312	15.0	15.0
Lloyd C. Smith, LS-437	15.0	15.0
Marvin L. Svoboda, LS-489	1.0	1.0

Moved by Proett and seconded by Pettigrew that the Board accept the recommendations of Kathy Martin for the audit of PDHs.

Voting Aye: Jordan, Pettigrew, Podany, Proett, Tagge.

Motion carried.

Moved by Podany and seconded by Proett that inasmuch as James L. Arens and William J. Jonas passed the reciprocity examinations on February 22, 1999 and February 26, 1999 respectively and have completed the requirements for registration in Nebraska by reciprocity from South Dakota and Oklahoma respectively that they be granted registration under Certificate No. LS-558 and LS-559.

Voting Aye: Pettigrew, Podany, Proett, Tagge, Jordan.

Motion carried.

The Board recessed at 12:00 P.M.

The Board reconvened at 1:25 P.M.

Moved by Proett and seconded by Jordan that the Board go into executive session at 1:26 P.M. with Kathy Martin present for the purpose of discussing applicants for Class II, Class III and Class I registration.

Voting Aye: Podany, Proett, Tagge, Jordan, Pettigrew.

Motion carried.

Moved by Podany and seconded by Jordan that the Board return to regular session at 5:37 P.M.

Voting Aye: Proett, Tagge, Jordan, Pettigrew, Podany.

Motion carried.

Moved by Podany and seconded by Jordan that the application of Michael J. DeDecker for registration by reciprocity from Colorado be approved and that he be required to appear before the Secretary of the Board for an interview and land surveyor examination.

Voting Aye: Tagge, Jordan, Pettigrew, Podany, Proett.

Motion carried.

Moved by Podany and seconded by Jordan that the application of David L. Stookey for registration by reciprocity from Iowa be approved and that he be required to appear before the Secretary of the Board for an interview and land surveyor examination.

Voting Nay: Jordan, Pettigrew, Podany, Proett, Tagge.

Motion not carried.

Moved by Podany and seconded by Jordan that the application of Clyde D. Spencer for registration by reciprocity from Alabama be approved and that he be required to appear before the Secretary of the Board for an interview and land surveyor examination.

Voting Aye: Podany, Jordan

Voting Nay: Pettigrew, Proett, Tagge.

Motion not carried.

Moved by Podany and seconded by Jordan that the application of Dean F. Glorso for registration by reciprocity from Colorado be approved and that he be required to appear before the Secretary of the Board for an interview and land surveyor examination.

Voting Aye: Podany, Proett, Tagge, Jordan, Pettigrew.

Motion carried.

Moved by Podany and seconded by Jordan that the application of Alan C. Estvold for registration by reciprocity from North Dakota be approved and that he be required to appear before the Secretary of the Board for an interview and land surveyor examination.

Voting Aye: Proett, Tagge, Jordan, Pettigrew, Podany.

Motion carried.

Moved by Podany and seconded by Jordan that the application of Craig S. Boldman for registration by reciprocity from Wisconsin be approved and that he be required to appear before the Secretary of the Board for an interview and land surveyor examination.

Voting Nay: Tagge, Jordan, Pettigrew, Podany, Proett.

Motion not carried.

Moved by Podany and seconded by Proett that the application of Timothy J. Robinson be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Aye: Jordan, Pettigrew, Podany, Proett, Tagge.

Motion carried.

Moved by Podany and seconded by Proett that the application of Paul W. Berning be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Nay: Pettigrew, Podany, Proett, Tagge, Jordan.

Motion not carried.

Moved by Podany and seconded by Proett that the application of Jai J. Andrist be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Nay: Podany, Proett, Tagge, Jordan, Pettigrew.

Motion not carried.

Moved by Podany and seconded by Proett that the application of Kelly Stevens be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Nay: Proett, Tagge, Jordan, Pettigrew, Podany.

Motion not carried.

Moved by Podany and seconded by Proett that the application of Patrick W. Kirk be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Aye: Pettigrew

Voting Nay: Tagge, Jordan, Podany, Proett.

Motion not carried.

Moved by Podany and seconded by Proett that the application of Lisa M. Stadler be approved and that she be permitted to take the next surveyor-in-training examination.

Voting Aye: Jordan, Pettigrew, Podany, Proett, Tagge.

Motion carried.

Moved by Podany and seconded by Proett that the application of Kyle E. Catt be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Aye: Pettigrew, Podany, Proett, Tagge, Jordan.

Motion carried.

Moved by Podany and seconded by Proett that the application of Grant L. Miller be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Aye: Podany, Proett, Tagge, Jordan, Pettigrew.

Motion carried.

Moved by Podany and seconded by Proett that the application of Timothy R. Wetovick be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Aye: Proett, Tagge, Jordan, Pettigrew, Podany.

Voting Nay: Podany

Motion carried.

Moved by Podany and seconded by Proett that the application of Mark L. Poland be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Aye: Tagge, Jordan, Pettigrew, Podany, Proett.

Motion carried.

Moved by Podany and seconded by Proett that the application of Charles G. Lovell be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Nay: Jordan, Pettigrew, Podany, Proett, Tagge.

Motion not carried.

Moved by Podany and seconded by Proett that the application of Steven M. McNaney be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Nay: Pettigrew, Podany, Proett, Tagge, Jordan.

Motion not carried.

Moved by Podany and seconded by Proett that the application of Patrick G. Schiltz be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Aye: Podany, Proett, Tagge, Jordan, Pettigrew.

Motion carried.

Moved by Podany and seconded by Proett that the application of Melissa M. Cotter be approved and that she be permitted to take the next surveyor-in-training examination.

Voting Aye: Proett, Tagge, Jordan, Pettigrew, Podany.

Motion carried.

Moved by Podany and seconded by Proett that the application of Marc J. Raphael be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Aye: Tagge, Jordan, Pettigrew, Podany, Proett.

Motion carried.

Moved by Podany and seconded by Proett that the application of Warren R. Headlee be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Aye: Jordan, Pettigrew, Podany, Proett.

Voting Nay: Tagge.

Motion carried.

Moved by Podany and seconded by Proett that the application of Andrew L. Broeker be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Aye: Pettigrew, Podany, Proett, Tagge, Jordan.

Motion carried.

Moved by Podany and seconded by Proett that the application of Reed O. Schwartzkopf be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Aye: Podany, Proett, Tagge, Jordan, Pettigrew.

Motion carried.

Moved by Podany and seconded by Proett that the application of Chad R. DeBusk be approved and that he be permitted to take the next surveyor-in-training examination pending receipt of PDHs.

Voting Aye: Proett, Tagge, Jordan, Pettigrew, Podany.

Motion carried.

Moved by Podany and seconded by Proett that the application of Darren P. Shanks be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Aye: Tagge, Jordan, Pettigrew, Podany, Proett.

Motion carried.

Moved by Podany and seconded by Proett that the application of Eric M. Breuer be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Aye: Jordan, Pettigrew, Podany, Proett, Tagge.

Motion carried.

Moved by Podany and seconded by Proett that the application of Stacey L. Fryc be approved and that she be permitted to take the next surveyor-in-training examination.

Voting Aye: Podany.

Voting Nay: Pettigrew, Tagge.

Abstaining: Proett, Jordan.

Motion not carried.

Moved by Podany and seconded by Proett to defer action on the surveyor-in-training application of Stacey L. Fryc.

Voting Aye: Podany, Proett, Tagge, Jordan, Pettigrew.

Motion carried.

Moved by Podany and seconded by Proett that the application of Travis D. Ferguson be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Aye: Proett, Tagge, Jordan, Pettigrew, Podany.

Motion carried.

Moved by Podany and seconded by Proett that the application of Timothy J. Conway be approved and that he be permitted to take the next surveyor-in-training examination pending receipt of PDHs.

Voting Aye: Tagge, Jordan, Pettigrew, Podany, Proett.

Motion carried.

Moved by Podany and seconded by Proett that the application of Jeffrey S. Dell be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Aye: Jordan, Pettigrew, Podany, Proett, Tagge.

Motion carried.

Moved by Podany and seconded by Proett that the application of Rodney R. Zulkoski be approved and that he be permitted to take the next surveyor-in-training examination.

Voting Aye: Pettigrew, Podany, Proett, Tagge, Jordan.

Motion carried.

Moved by Podany and seconded by Pettigrew that the application of Chad Marsh be approved and that he be permitted to take the next land surveyor examination.

Voting Aye: Podany, Proett, Tagge, Jordan.

Voting Nay: Pettigrew.

Motion carried.

Moved by Podany and seconded by Pettigrew that the application of Derek Beenblossom be approved and that he be permitted to take the next land surveyor examination.

Voting Aye: Proett, Tagge, Jordan, Pettigrew, Podany.

Motion carried.

Moved by Podany and seconded by Pettigrew to defer action on the land surveyor application of Ted L. Gillham.

Voting Aye: Tagge, Jordan, Pettigrew, Podany, Proett.

Motion carried.



Moved by Podany and seconded by Pettigrew that the application of Dennis P. Sullivan be approved and that he be permitted to take the next land surveyor examination.

Voting Aye: Jordan, Pettigrew, Podany, Proett, Tagge.

Motion carried.

Moved by Podany and seconded by Pettigrew that the application of Nicholas J. Johannsen be approved and that he be permitted to take the next land surveyor examination.

Voting Aye: Pettigrew, Podany, Proett, Tagge, Jordan.

Motion carried.

Moved by Podany and seconded by Pettigrew that the application of David D. Goff be approved and that he be permitted to take the next land surveyor examination.

Voting Aye: Podany, Proett, Tagge, Jordan, Pettigrew.

Motion carried.

Moved by Podany and seconded by Pettigrew that the application of Michael J. Smith be approved and that he be permitted to take the next land surveyor examination.

Voting Aye: Proett, Tagge, Jordan, Pettigrew, Podany.

Motion carried.

Moved by Podany and seconded by Pettigrew that the application of Mark W. Fredrickson be approved and that he be permitted to take the next land surveyor examination.

Voting Nay: Tagge, Jordan, Pettigrew, Podany, Proett.

Motion not carried.

Moved by Podany and seconded by Pettigrew that the application of Brian J. Foral be approved and that he be permitted to take the next land surveyor examination.

Voting Nay: Jordan, Pettigrew, Podany, Proett, Tagge.

Motion not carried.

Moved by Podany and seconded by Pettigrew that the application of Richard Kingman be approved and that he be permitted to take the next land surveyor examination.

Voting Aye: Pettigrew, Proett.

Voting Nay: Podany, Tagge, Jordan.

Motion not carried.

Moved by Podany and seconded by Pettigrew that the application of Dean A. Wilke be approved and that he be permitted to take the next land surveyor examination.

Voting Nay: Podany, Proett, Tagge, Jordan, Pettigrew.

Motion not carried.

Moved by Podany and seconded by Pettigrew to defer action on the land surveyor application of Frank L. Phillips.

Voting Aye: Proett, Tagge, Jordan, Podany.

Voting Nay: Pettigrew

Motion carried.

Moved by Podany and seconded by Pettigrew that the application of Cevin C. Imus be approved and that he be permitted to take the next land surveyor examination.

Voting Aye: Tagge, Jordan, Pettigrew, Podany, Proett.

Motion carried.

Moved by Podany and seconded by Pettigrew that the application of Daniel A. Thomson be approved and that he be permitted to take the next land surveyor examination.

Voting Nay: Jordan, Pettigrew, Podany, Proett, Tagge

Motion not carried.

Moved by Podany and seconded by Pettigrew that the application of Paul H. Wisnieski be approved and that he be permitted to take the next land surveyor examination.

Voting Nay: Pettigrew, Podany, Proett, Tagge, Jordan.

Motion not carried.

Moved by Podany and seconded by Pettigrew that the application of Karen D. Brouwer be approved and that she be permitted to take the next land surveyor examination.

Voting Nay: Podany, Proett, Tagge, Jordan, Pettigrew.

Motion not carried.

Moved by Podany and seconded by Pettigrew that the application of Robert L. Kephart, Jr. be approved and that he be permitted to take the next land surveyor examination.

Voting Nay: Proett, Tagge, Jordan, Pettigrew, Podany.

Motion not carried.

Moved by Podany and seconded by Pettigrew that the application of Ronald G. Ridgway be approved and that he be permitted to take the next land surveyor examination.

Voting Aye: Jordan, Pettigrew, Podany, Proett.

Voting Nay: Tagge.

Motion carried.

Moved by Podany and seconded by Pettigrew to defer action on the land surveyor application of Joseph P. Haas.

Voting Aye: Jordan, Pettigrew, Podany, Proett, Tagge.

Motion carried.

Moved by Podany and seconded by Pettigrew that the application of William E. Knight be approved and that he be permitted to take the next Nebraska examination pending receipt of PDHs.

Voting Aye: Pettigrew, Podany, Proett, Tagge, Jordan.

Motion carried.

Moved by Podany and seconded by Pettigrew that the application of Jeff Gibbs be approved and that he be permitted to take the next Nebraska examination.

Voting Aye: Podany, Proett, Tagge, Jordan, Pettigrew.

Motion carried.

Moved by Proett and seconded by Jordan that the applications of Barton A. Brower, Jr., Deryl D. Sorgenfrei, Jamie L. Blodgett, Roger Hofts, Brent D. Cyboron and Albert G. Demuth be approved conditional upon payment of the re-examination fee and that they be permitted to take the next surveyor-in-training examination.

Voting Aye: Proett, Tagge, Jordan, Pettigrew, Podany.

Motion carried.

Moved by Proett and seconded by Pettigrew that the application of Todd L. Whitfield be approved and that he be permitted to take the next land surveyor examination.

Voting Aye: Tagge, Jordan, Pettigrew, Podany, Proett.

Motion carried.

Moved by Proett and seconded by Jordan that the following vouchers be approved:

Dennis D. Podany, travel expense.....	46.80
Donald L. Pettigrew, travel expense .....	233.80
Board of Educ. Lands & Funds, rent 7/1/98 to 12/31/98.....	961.15
Board of Educ. Lands & Funds, rent 1/1/99 to 3/31/99.....	480.57
Cornhusker State Industries, envelopes .....	137.36
Cornhusker Super 8 Motel, lodging expense for Pettigrew for June meeting.....	42.28
DAS-Accounting, 98-99 accounting services .....	216.00
DAS-Materiel, printing annual report.....	310.93
DAS-Materiel, printing pocket cards .....	76.45
DAS-Materiel, May postage .....	8.33
DAS-Materiel, June postage .....	30.90
DAS-Materiel, July postage.....	25.77
DAS-Materiel, August postage.....	19.66
DAS-Materiel, September postage .....	16.80
DAS-Materiel, October postage .....	117.86
DAS-Materiel, June telecommunications .....	0.28
DAS-Materiel, July telecommunications.....	0.09
Dennis D. Podany, travel expense NCEES annual meeting.....	475.75
Dick Blick, supplies .....	7.92
General Fund Reimbursement, 4 <sup>th</sup> quarter 97-98 .....	921.92
General Fund Reimbursement, 1 <sup>st</sup> quarter 98-99 .....	952.91
General Fund Reimbursement, 2 <sup>nd</sup> quarter 98-99 .....	959.46
Hilton Hawaiian Village, lodging for NCEES annual meeting.....	875.75
J. P. Cooke, LS stamp for Gray .....	23.38
J. P. Cooke, LS stamps for Lorenzen, Dickinson, Carr .....	68.30
Journal-Star Printing Co., newspaper subscription.....	55.90
Kathy Martin, travel expense NCEES annual meeting.....	243.50
LOIS, statutes & Attorney General's opinions on CD.....	630.00
NCEES, registration fee for annual meeting .....	450.00
NCEES, SIT & LS booklets and scoring for 9804 examination.....	1,110.00
NCEES, 1999 membership fee.....	270.00
Office Depot, report cover for budget.....	3.79

Voting Aye: Jordan, Pettigrew, Podany, Proett, Tagge.

Motion carried.

Moved by Jordan and seconded by Podany that the meeting be adjourned.

Voting Aye: Pettigrew, Podany, Proett, Tagge, Jordan.

Motion carried.

The Board adjourned at 6:05 P.M.

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James L. Brown, Secretary

NEBRASKA ADMINISTRATIVE CODE

LAST ISSUE DATE: SEPTEMBER 1, 1994

Title 234 - Board of Examiners for Land Surveyors - Rules and Regulations

Chapter - 2 - Application for Registration:

001. Application forms for registration as a land surveyor and surveyor-in-training may be obtained from the office of the Secretary of the Board of Examiners for Land Surveyors. Sec. 81-8,114

002. Applications must be received by the Secretary ninety days in advance of the examination date. Applications must be typed or neatly lettered in ink on forms prescribed and furnished by the Board. To be acceptable they must be filled out completely and in the detail required. Sec. 81-8,114

003. Prior to January 20, 2001 no ~~Ne~~ application for registration as a land surveyor will be accepted unless it is accompanied by a check, draft or money order in the amount of \$100.00 made payable to the Secretary of the Board of Examiners for Land Surveyors. Effective January 20, 2001 no application for registration as a land surveyor will be accepted unless it is accompanied by a check, draft or money order in the amount of \$140.00 made payable to the Secretary of the Board of Examiners for Land Surveyors. The fee shall be considered an application fee and shall not be returned to applicants who are unsuccessful for any reason. Sec. 81-8,118

004. Prior to January 20, 2001 no ~~Ne~~ application for registration as a surveyor-in-training will be accepted unless it is accompanied by a check, draft or money order in the amount of \$75.00 made payable to the Secretary of the Board of Examiners for Land Surveyors. Effective January 20, 2001 no application for registration as a surveyor-in-training will be accepted unless it is accompanied by a check, draft or money order in the amount of \$100.00 made payable to the Secretary of the Board of Examiners for Land Surveyors. The fee shall be considered an application fee and shall not be returned to applicants who are unsuccessful for any reason. Sec. 81-8,109

005. All information received from references named by the applicant shall be held in confidence by the Board. No member of the Board shall be named as a reference. Sec. 81-8,109 and 81-8,118

006. An applicant shall not be admitted to the examination until satisfactory replies have been received from a minimum of 3 of his or her references. It is suggested that each applicant contact his or her references to avoid delay. Sec. 81-8,110.08

007. Application for inactive classification may be made by submitting a request in writing to the Secretary of the Board. Sec. 81-8,119.01

008. No application for inactive classification will be accepted unless it is accompanied by his or her personal seal or a sworn statement certifying its loss or destruction and a check, draft or money order in the amount of \$50.00 made payable to the Secretary of the Board of Examiners for Land Surveyors. The fee shall be considered an application fee and shall not be returned to applicants for any reason. Sec. 81-8,119.01

## NEBRASKA ADMINISTRATIVE CODE

LAST ISSUE DATE: SEPTEMBER 1, 1994

Title 234 - Board of Examiners for Land Surveyors - Rules and Regulations

### Chapter - 9 - Disciplinary Actions:

001. The Board may revoke or suspend the registration of any land surveyor or place any land surveyor on probation when such land surveyor has been found guilty of: (1) fraud or deceit in obtaining a registration; (2) negligence or incompetency in the performance of his or her duties; (3) misconduct in the performance of his or her duties; or (4) failure to file a record of survey as provided in Section 81-8,122.01, R.R.S., 1943. Before the Board shall take such disciplinary action the applicant or registrant shall be given a hearing as provided in Section 81-8,124 to 81-8,125, R.R.S., 1943 conducted according to Chapter 11 and all other applicable rules and statutes. Sec. 81-8,122.01; 81-8,124 and 81-8,125

002. The Board may revoke the registration of any inactive registrant when such registrant has been found guilty of: (1) fraud or deceit in obtaining a registration; (2) negligence or incompetency in the performance of his or her duties while actively registered; (3) misconduct in the performance of his or her duties while actively registered; (4) failure to file a record of survey as provided in Section 81-8,122.01, R.R.S., 1943 while actively registered; or (5) actively practicing land surveying while inactively registered. Before the Board shall take such disciplinary action, the applicant or registrant shall be given a hearing as provided in Section 81-8,124 to 81-8,125, R.R.S., 1943 conducted according to Chapter 11 and all other applicable rules and statutes. Sec. 81-8,119.01; 81-8,122.01; 81-8,124 and 81-8,125

003. The "Minimum Standards for Surveys" published, approved and recommended by the Professional Surveyors Association of Nebraska at its annual meeting in February 1989 is hereby made part of these rules and regulations as Addendum A. The "Minimum Standards for Improvement Location Surveys" is hereby made part of these rules and regulations as Addendum B. The Board in consideration of any action based upon negligence, incompetency or misconduct of any land surveyor or inactive registrant shall use these "~~Minimum Standards for Surveys~~" above noted addendums and all publications to which they refer. The use of these standards shall be the guideline for practice but shall not prevent the Board from using its collective experience and judgement to determine when negligence, incompetency or misconduct has occurred in any specific instance.

004. Any registered land surveyor or inactive land surveyor who received his or her registration based upon registration in another state shall be subject to disciplinary action based entirely upon actions taken by that state. In the event that said state revokes such registration the Board shall revoke the Nebraska registration. In the event that said state suspends such registration the Board shall suspend the Nebraska registration for a similar period. Any revocation or suspension implemented under this paragraph shall become effective 30 days after the action of the Board unless appealed by the registrant. In the event of an appeal the registrant shall be given a hearing conducted according to Chapter 11 and all other applicable rules and statutes. Sec. 81-8,124 and 81-8,125

## **Addendum B**

### Minimum Standards for Improvement Location Surveys

#### Preamble

These standards are intended to be the minimum requirements for improvement location surveys in the State of Nebraska.

An improvement location survey shall be defined as a survey which produces a report that shows the location of buildings with foundations actually located on the land covered by the legal description provided by the client. The improvement location survey is not a boundary survey as identified by Nebraska State Statute 81-8, 109.

#### Research and Investigation

- A. The Registered Land Surveyor shall use the description furnished by the client to perform the improvement location survey. If the Registered Land Surveyor determines the description to contain apparent incompleteness, insufficiencies, or be subject to junior/senior rights, the Registered Land Surveyor shall so advise the client that additional information will be required to complete the survey.
- B. After all necessary written documents, as furnished by the client, have been analyzed the survey shall be based on a field investigation of the property. The Registered Land Surveyor shall make a thorough search of physical monuments and analyze evidence of occupation. A minimum of two (2) monuments acceptable to the Registered Land Surveyor within the same block in urban situations and within the same section in rural situations, either found or re-established, shall be used.
- C. Monuments may be permanent and semi-permanent points such as, but not limited to, stones, axles, re-bars, crosses, and pipes. Fence lines, mowing lines, hedge rows, etc. are not considered acceptable monuments of the parcel of land. Appropriate survey instrumentation and measuring equipment shall be utilized. The minimum shall be transit and/or measuring tapes.
- D. A Registered Land Surveyor in the State of Nebraska shall not provide to any party an Improvement Location Report unless in possession of a work order signed by the client as indication that he/she has been advised of the different types of surveys available and the scope of each.

#### Drafting

A sketch of the parcel of land (titled Improvement Location Report) shall be used in support of the improvement location survey and the following minimum standards shall be used.

- A. Parcel lines with the dimensions from the deed description or plat shall be shown.
- B. Major improvements (permanent structures) shall be shown with dimensions and descriptions (e.g., residences, garages, outbuildings with foundations).
- C. Major improvement locations shall be shown with dimensions to the parcel line, with two dimensions shown. Offsets shall be shown radial or perpendicular to the parcel line. The level of certainty of the measurements shall be so indicated in parenthesis after each dimension or by means of a general note. Example: 12.5' ( $\pm 0.5'$ ), 20' ( $\pm 1'$ )
- D. Monuments accepted shall be shown and described.
- E. Easements provided to the Registered Land Surveyor by the client shall be shown.
- F. A North arrow shall be shown.

- G. The following caption shall appear prominently on the report:

<b>Improvement Location Report</b>
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- H. A statement that the accompanying Improvement Location Report is a representation of the conditions that were found at the time of the improvement location survey and that the document does not constitute a boundary survey and is subject to any inaccuracies that a subsequent boundary survey may disclose. It shall state that the information shown on the report should not be used to establish any fence, structure, or other improvements. The report shall state whether the measurements shown on it are based on plat or deed information and verified as shown and that the Improvement Location Report represents only visible building improvements.
- I. The legal description of the parcel of land shall be included on the report.
- J. The Registered Land Surveyor shall sign, seal, and date the report.



Work Order

Client: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Ordered By: \_\_\_\_\_

Common Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Deliver \_\_\_\_\_ Copies to: \_\_\_\_\_

Anticipated closing date: \_\_\_\_\_ Need by date: \_\_\_\_\_

Is estimate of fee required prior to service? Yes \_\_\_\_\_ No \_\_\_\_\_

**Please read carefully and indicate the type of service you wish to order.**

\_\_\_ **Improvement Location Report:** This is a minimum survey that shows the location of the buildings and foundations actually located on the land covered by the legal description proved by the client. This is NOT a boundary survey and is subject to any inaccuracies that a boundary survey may disclose. THE IMPROVEMENT LOCATION REPORT SHOULD NOT BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF ANY FENCE, STRUCTURE OR OTHER IMPROVEMENTS.

\_\_\_ **Boundary and Improvement Location Survey:** A boundary survey of the parcel of land will be made in accordance with State Statutes and the corners of the parcel of land will be located and verified or re-established. The improvements on the parcel of land will be located and a check for encroachments onto or from the subject parcel of land will be made. This survey CAN be used for the construction of a fence, structure or other improvements.

\_\_\_ **ALTA (American Land Title Association) Survey:** This is the most comprehensive type of survey. It covers all the aspects of the boundary and improvement location survey together with the identification of any additional evidence of possession or use which could be adverse to the interests of the borrower.

We, the undersigned have read, understand and have indicated the type of survey to be performed.

\_\_\_\_\_  
Client

\_\_\_\_\_