

BOARD OF EXAMINERS FOR LAND SURVEYORS

May 10, 2018

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:
John Jelkin, Assistant Attorney General
Jayme Malone
Gerri Monahan
John Weis

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on April 25, 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 Bolte seconded that the March 22, 2018 Board meeting minutes be approved.

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

Motion carried.

Whitfield moved and Hawks seconded that the Board go into executive session at 9:02 a.m. with Secretary Sherlock, Monahan and Jelkin present for the purpose of discussing previous disciplinary action review and to prevent needless injury to the reputation of a person/s and as such person/s has not requested a public meeting.

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

Motion carried.

Chairperson Pro stated that the discussion in executive session would be limited to previously disciplinary action review.

Hain moved and Hawks seconded that the Board return to regular session at 9:13 a.m.

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

Motion carried.

Chairperson Pro stated that no subject matter other than previous disciplinary action review was discussed in executive session.

Hawks moved and Hain seconded that the Board go into closed session at 9:14 a.m. with Secretary Sherlock, Monahan, Jelkin, Malone and Weis present to prevent needless injury to the reputation of a person/s and as such person/s has not requested a public meeting.

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

Motion carried.

Chairperson Pro stated that the discussion in closed session would be limited to Kansas Disciplinary Report, Spring 2017.

Hawks moved and Bolte seconded that the Board return to regular session at 9:27 a.m.

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

Motion carried.

Chairperson Pro stated that no subject matter other than Kansas Disciplinary Report, Spring 2017 was discussed in closed session.

Whitfield moved and Hawks seconded that Secretary Sherlock send a letter to the Land Surveyor (LS) asking for a chronological report of all disciplinary related actions received since registered as a Nebraska LS. The Report is to be sent to the Secretary of the Board no later than June 9, 2018.

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

Motion carried.

Hawks moved and Whitfield seconded that Secretary Sherlock contact LS, advising discussion and expectation of substantial filings due to State Records Repository. Appearance before Board may be necessary.

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

Motion carried.

Hain moved and Hawks seconded that the Board go into closed session at 9:41 a.m. with Secretary Sherlock, Monahan, and Jelkin present for the purpose of discussing Complaint #18-1 and to prevent needless injury to the reputation of a person/s and if such person/s has not requested a public meeting.

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

Motion carried.

Chairperson Pro stated that the discussion in closed session would be limited to Complaint #18-1.

Hain moved and Bolte seconded that the Board return to regular session at 10:05 a.m.

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

Motion carried.

Chairperson Pro stated that no subject matter other than Complaint #18-1 was discussed in closed session.

Assistant Attorney General Jelkin discussed LB 299, the Occupational Board Reform Act, effective July 1, 2019.

Jelkin exited the meeting at 10:11 a.m.

Hain moved and Hawks seconded that the Board go into closed session at 10:21 a.m. with Secretary Sherlock and Monahan present for the purpose of discussing Class 1, 2, and 3 applications, their confidential reference letters, and to prevent needless injury to the reputation of a person/s and if such person/s has not requested a public meeting.

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

Motion carried.

Chairperson Pro stated that the discussion in closed session would be limited to Class 1, 2 and 3 applications and the confidential reference letters.

Whitfield moved and Hain seconded that the Board return to regular session at 11:00 a.m.

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

Motion carried.

Chairperson Pro stated that no subject matter other than Class 1, 2, and 3 applications and their confidential reference letters were discussed in closed session.

Whitfield moved and Bolte seconded that the application of Don Douglas Terry be approved and that he be permitted to take the NCEES PS exam and Nebraska State Specific exam.

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

Motion failed.

Hawks moved and Whitfield seconded that Secretary Sherlock send applicant a letter informing applicant of Board action.

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

Motion carried.

Whitfield moved and Hawks seconded that the Class 2 application of Aaron J. Handl for registration by reciprocity from Colorado 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: Whitfield, Bolte, Hain, Hawks, Pro.

Motion carried.

Whitfield moved and Hawks seconded that the Class 2 application of Robert Joseph Kohler for registration by reciprocity from North 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: Hain, Hawks, Pro, Whitfield.

Voting Nay: Bolte.

Motion carried.

Hawks moved and Hain seconded that the Class 2 application of Monte Sudbeck for registration by reciprocity from Colorado 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: Hain, Hawks, Pro, Whitfield, Bolte.

Motion carried.

Hawks moved and Whitfield seconded that the Class 2 application of Brian K. Belcher for registration by reciprocity from Wisconsin 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: Hawks, Pro, Whitfield, Bolte, Hain.

Motion carried.

Hain moved and Bolte seconded that the Class 3 application of Dylan J. Campbell 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 February 13, 2018. Upon receipt of the registration fee in amount of \$20, Campbell will be granted registration dated May 10, 2018 under Certificate No. 279.

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

Motion carried.

Hawks moved and Bolte seconded that the Board go into closed session at 11:10 p.m. with Secretary Sherlock and Monahan present for the purpose of discussing inactive to active registration status and to prevent needless injury to the reputation of a person/s and if such person/s has not requested a public meeting.

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

Motion carried.

Chairperson Pro stated that the discussion in closed session would be limited inactive to active registration status.

Bolte moved and Hain seconded that the Board return to regular session at 11:32 a.m.

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

Motion carried.

Chairperson Pro stated that no subject matter other than inactive to active registration status was discussed in closed session.

Whitfield moved and Bolte seconded that the inactive application of Michael DeDecker and his PDH hours for active registration be approved and he be classified as active upon receipt of \$100 made payable to the Board. No fee or PDHs will be due until one full renewal biennium cycle has passed. Thirty PDHs and renewal fee will be due for the following biennial renewal period.

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

Motion carried.

Hain, Bolte and Monahan reported on the National Council of Examiners for Engineering and Surveying (NCEES) Central Zone meeting held in Rapid City, S.D.

NCEES Annual Meeting, Scottsdale, Arizona, in August funded delegates will be first-time attendees Sherlock and Bolte and Board members Hain, Pro and Whitfield.

Hain moved and Hawks seconded that members and staff of the Nebraska Board of Examiners for Land Surveyors are hereby given blanket approval to travel within the State of Nebraska in performance of his or her official duties while attending board meetings or seminars as the official representative of the examining board. This blanket approval is also granted for these members and staff when necessary to claim reimbursable travel expenses.

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

Motion carried.

Written authorization, in the form of a motion in the meeting minutes, is necessary for out-of-state travel for Board members and staff.

Hawks moved and Bolte seconded that the March and April expense vouchers be approved.

DAS Building Div., January parking	15.00
DAS IMServices, Jan - Feb static web hosting	40.00
DAS Materiel, January Board Mtg., Notice	9.04
DAS Materiel, February postage	40.87
Hain, Jerry, March Board mtg. travel expenses	34.88
Hawks, James, March Board mtg. travel expenses	246.34
Whitfield, Dennis, March Board mtg. travel expenses	54.50
March Total	<u>\$440.63</u>
Comfort Suites, Hawks, March Bd. Mtg.....	81.00
DAS Building Div., February and March parking	30.00
DAS Materiel Div., March postage	62.22
General Fund Reimbursement, 3 rd . Qtr. FY 17-18	1440.78
J.P. Cooke Company, LS Seal and freight: O'Malley	32.66
April Total	<u>\$1,646.66</u>

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

Motion carried.

Whitfield moved and Bolte seconded to suspend the rules and regulations and cast a unanimous ballot for Hawks as Chairperson effective July 1, 2018.

Voting Aye: Whitfield, Bolte, Hain, Pro.

Abstain: Hawks.

Motion carried.

Bolte moved and Hawk seconded to suspend the rules and regulations and cast a unanimous ballot for Hain as Vice Chair effective July 1, 2018.

Voting Aye: Bolte, Hawks, Pro, Whitfield.

Abstain: Hain.

Motion carried.

The next meeting is scheduled for July 19, 2018 in Lincoln.

Bolte moved and Hain seconded that the meeting be adjourned at 12:13 p.m.

All in favor. Motion carried.

Casey C. Sherlock, Secretary