

BOARD OF EXAMINERS FOR LAND SURVEYORS

July 19, 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:

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

Others present:  
Gerri Monahan

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on July 3, 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.

Pro moved and Whitfield seconded that the May 10, 2018 Board meeting minutes be approved as corrected.

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

Motion carried.

Hain moved and Whitfield seconded that the Board go into executive session at 9:03 a.m. with Secretary Sherlock and Monahan present for the purpose of discussing disciplinary action report 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 Hawks stated that the discussion in executive session would be limited to disciplinary action report.

Hain moved and Pro seconded that the Board return to regular session at 9:06 a.m.

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

Motion carried.

Chairperson Hawks stated that no subject matter other than disciplinary action report was discussed in executive session.

Hain moved and Pro seconded that Secretary Sherlock send LS letter stating that Board received disciplinary action report and a copy was placed in LS file.

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

Motion carried.

Hain moved and Pro seconded that the Board go into closed session at 9:15 a.m. with Secretary Sherlock and Monahan present for the purpose of discussing Complaint 17-2 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: Bolte, Hain, Hawks, Pro, Whitfield.

Motion carried.

Chairperson Hawks stated that the discussion in closed session would be limited to Complaint 17-2.

Hain moved and Pro seconded that the Board return to regular session at 9:20 a.m.

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

Motion carried.

Hain moved and Pro seconded that Secretary Sherlock contact LS, advising Board has reviewed progress with an expectation of additional substantial filings due to State Records Repository.

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

Motion carried.

County surveyor and government corners were discussed. A LS set government corners and after contact with State Surveyor Sherlock, LS has removed and applied correct caps. LS will file corrected surveys with the State Records Repository.

Whitfield moved and Bolte seconded that the Board go into closed session at 9:44 a.m. with Secretary Sherlock and Monahan present for the purpose of discussing wireless tower site surveys 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, Bolte, Hain, Hawks.

Motion carried.

Chairperson Hawks stated that the discussion in closed session would be limited to wireless tower site surveys.

Hain moved and Pro seconded that the Board return to regular session at 10:17 a.m.

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

Motion carried.

Chairperson Hawks stated that no subject matter other than wireless tower site surveys was discussed in closed session.

Whitfield moved and Bolte seconded that Secretary Sherlock send letter to LS asking him/her to appear before NBELS Board at their September 20th meeting to explain their business relationship with survey company and filing of surveys.

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

Motion carried.

Hain moved and Pro seconded that the Board go into closed session at 10:29 a.m. with Secretary Sherlock and Monahan present for the purpose of discussing Class 1 and 2 applications, the 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: Hain, Hawks, Pro, Whitfield, Bolte.

Motion carried.

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

Whitfield moved and Hain seconded that the Board return to regular session at 10:37 a.m.

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

Motion carried.

Chairperson Hawks stated that no subject matter other than Class 1 and 2 applications and the confidential reference letters were discussed in closed session.

Whitfield moved and Bolte seconded that the application of Dylan Campbell be deferred for registration to allow him to gain additional experience in preparation for the land surveyor examinations. The Board will continue consideration of his application with updated experience logs for up to one year without causing forfeiture of the application fee.

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

Motion carried.

Whitfield moved and Bolte seconded that the Class 2 application of Derek J. Weidensee 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: Whitfield, Bolte, Hain, Hawks, Pro.

Motion carried.

Pro moved and Hain seconded that the Class 2 application of Brian Thomas Brinkman 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: Bolte, Hain, Hawks, Pro, Whitfield.

Motion carried.

Bolte moved and Whitfield seconded that the Class 2 application of Kyle J. Roddy for registration by reciprocity from Minnesota 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.

Hain moved and Bolte seconded that the Class 2 application of Jacob R. Carroll for registration by reciprocity from Oklahoma 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 Pro seconded that the Board go into closed session at 10:42 a.m. with Secretary Sherlock and Monahan present for the purpose of discussing Class 2 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: Pro, Whitfield, Bolte, Hain, Hawks.

Motion carried.

Chairperson Hawks stated that the discussion in closed session would be limited to Class 2 registration status.

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

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

Motion carried.

Chairperson Hawks stated that no subject matter other than Class 2 registration status was discussed in closed session.

Hain moved and Pro seconded that inasmuch as Timothy L. Fish has taken the Nebraska reciprocity examination on June 21, 2018 and has completed the requirements for Class 2 registration in Nebraska, by reciprocity from North Carolina, and that upon registration fee in amount of \$100.00 he be granted registration dated July 19, 2018, under Certificate No, 798.

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

Motion failed.

Bolte moved and Pro seconded that inasmuch as Monte Sudbeck passed the Nebraska reciprocity examination on June 29, 2018 and has completed the requirements for Class 2 registration in Nebraska, by reciprocity from Colorado, and that upon registration fee in amount of \$100.00 he be granted registration dated July 19, 2018, under Certificate No, 797.

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

Motion carried.

Pro moved and Hain seconded to approve the reinstatement application of Travis Gray, LS 556, and his PDH hours, upon receipt of reinstatement fee of \$220 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: Hawks, Pro, Whitfield, Bolte, Hain.

Motion carried.

The Board discussed revisions and updates for the upcoming biennial renewal form.

Pro moved and Hain seconded that the Board audit 25% of upcoming LS renewals.

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

Motion carried.

Strategic planning for the Board was discussed. Items requiring statute changes include compliance and enforcement, certificate of authorization, and definition of "file" as it relates to filing of surveys. Rules and Regulations also will be revised.

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

Pro moved and Hain seconded that the May and June expense vouchers be approved.

BELF, April-June Office Space Rent .....	678.75
DAS Building Div., April parking .....	15.00
DAS IMServices, March-April static web hosting .....	40.00
DAS Material, March and May Board Mtg., Notices .....	18.08
DAS Materiel, April postage .....	16.87
Hain, Jerry, May Board mtg. travel expenses .....	34.88
Hawks, James, May Board mtg. travel expenses .....	246.34
Whitfield, Dennis, May Board mtg. travel expenses .....	54.50
May Total .....	<u>\$1,104.42</u>
DAS IMServices, May static web hosting .....	20.00
DAS Materiel Div., May postage .....	48.05
June Total .....	<u>\$68.05</u>

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

Motion carried.

Secretary Sherlock reported on an engineering company offering land surveying services. Sherlock will send a letter to the engineering company advising that it is unlawful for any person to offer or practice land surveying in Nebraska unless such person has been duly registered under the Land Surveyors Regulation Act.

A surveyor doing work in Sherman County reported to Secretary Sherlock regulations requiring land surveyor signature to be notarized when submitting subdivision surveys.

County surveyors in Cass, Douglas, Lancaster, and Sarpy counties will be invited to the September 20<sup>th</sup> Board meeting.

The next meeting is scheduled for September 20, 2018 in Lincoln.

Whitfield moved and Hain seconded that the meeting be adjourned at 12:15 p.m.

All in favor. Motion carried.

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Casey C. Sherlock, Secretary