

BOARD OF EXAMINERS FOR LAND SURVEYORS

March 21, 2019

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:
Roger Carrell
John Jelkin
Marlon Vogt
Lee Wagner
Gerri Monahan

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on March 6, 2019.

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.

Hain moved and Pro seconded that the January 10, 2019 Board meeting minutes be approved.

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

Motion carried.

The Chair reordered agenda items to accommodate guests.

Hain moved and Pro seconded that the Board go into executive session at 9:04 a.m. with Sherlock, Jelkin, LS, and Monahan present for the purpose of discussing LS Biennial Renewal 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.

Chair stated that the discussion in executive session would be limited to Biennial Renewal.

Whitfield moved and Bolte seconded that the Board return to regular session at 9:24 a.m.

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

Motion carried.

Chair stated that no subject matter other than Biennial Renewal was discussed in executive session.

Hain moved and Pro seconded to approve renewal and notify LS.

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

Motion carried.

Whitfield moved and Bolte seconded that the Board go into executive session at 9:30 a.m. with Sherlock, Jelkin, LS, 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.

Chair stated that the discussion in executive session would be limited to Complaint 17-2.

Pro moved and Whitfield seconded that the Board return to regular session at 9:34 a.m.

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

Motion carried.

Chair stated that no subject matter other than Complaint 17-2 was discussed in executive session.

Bolte moved and Pro seconded that Secretary Sherlock send letter to LS, thanking LS for surveys filed and note complaint remains open until completion of all surveys in question are filed in State Records Repository.

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

Motion carried.

Hain moved and Bolte seconded that the Board go into executive session at 9:39 a.m. with Sherlock, Jelkin and Monahan present for the purpose of discussing Unlicensed Practice 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: Pro, Whitfield, Bolte, Hain, Hawks.

Motion carried.

Chair stated that the discussion in executive session would be limited to Unlicensed Practice.

Pro moved and Whitfield seconded that the Board return to regular session at 10:15 a.m.

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

Motion carried.

Chair stated that no subject matter other than Unlicensed Practice was discussed in executive session.

Jelkin was excused from the meeting.

Whitfield moved and Hain seconded that the Board go into executive session at 10:20 a.m. with Sherlock and Monahan present for the purpose of discussing pending Complaint 19-1 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.

Chair stated that the discussion in executive session would be limited to pending Complaint 19-1.

Bolte moved and Whitfield seconded that the Board return to regular session at 10:31 a.m.

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

Motion carried.

Chair stated that no subject matter other than pending Complaint 19-1 was discussed in executive session.

Biennial renewals and audit reviews were discussed.

Pro moved and Bolte seconded to accept the PDH audit reports as reviewed.

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

Motion carried.

Bolte moved and Pro seconded to deny LS renewal due to lack of professional development hours submitted. Notification to be sent by certified mail.

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

Motion carried.

Pro was excused at 11:30 a.m.

The Board welcomed Marlon Vogt, National Council of Examiners for Engineering and Surveying (NCEES) Central Zone Vice President. Vogt talked about benefits the Board receives as a member of NCEES. Vogt also talked about challenges to public safety.

Hain moved and Bolte seconded that inasmuch as J. Patrick Murphy, LS 703, has met the requirements, he be granted inactive registration status effective March 21, 2019.

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

Motion carried.

Whitfield moved and Hain second that the application of Dylan J. Campbell be approved and that he be permitted to take the PS and Nebraska State Specific land surveyor examinations.

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

Motion carried.

Hain moved and Bolte second that the application of Tyler Jon Weers be approved and that he be permitted to take the PS and Nebraska State Specific land surveyor examinations.

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

Motion carried.

Whitfield moved and Hain seconded that the application of James L. Payne for registration by reciprocity from Missouri be approved and that he be required to appear before the Secretary of the Board for an interview and land surveyor examination.

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

Motion carried.

Whitfield moved and Bolte seconded that inasmuch as Joe Dale Whitlock passed the Nebraska reciprocity examination on February 1, 2019 and has completed the requirements for Class 2 registration in Nebraska, by reciprocity from South Dakota, and that upon registration fee in amount of \$100.00, he be granted registration dated March 21, 2019, under Certificate No. 802.

Voting Aye: Bolte, Hain, Hawk. Nay: Whitfield. Absent: Pro.

Motion carried.

Bolte moved and Hain seconded that inasmuch as Aaron J. Handl passed the Nebraska reciprocity examination on February 22, 2019 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 March 21, 2019 under Certificate No. 803.

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

Motion carried.

Whitfield moved and Hain seconded that inasmuch as Tarron E. Meaie passed the Nebraska reciprocity examination on March 13, 2019 and has completed the requirements for Class 2 registration in Nebraska, by reciprocity from Iowa, and that upon registration fee in amount of \$100.00, he be granted registration dated March 21, 2019, under Certificate No. 804.

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

Motion carried.

Bolte moved and Hain seconded that inasmuch as Bradley D. Neumiller passed the Nebraska reciprocity examination on March 18, 2019 and has completed the requirements for Class 2 registration in Nebraska, by reciprocity from Wyoming, and that upon registration fee in amount of \$100.00, he be granted registration dated March 21, 2019, under Certificate No. 805.

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

Motion carried.

Before formal filing of surveys in the State Records Repository, newly registered land surveyors are asked to send their first 5 Nebraska surveys to the Nebraska State Surveyor for review. This is a courtesy service to potential unique situations that may arise when surveying in Nebraska.

Rules and regulations will be discussed at the next Board meeting.

Hain moved and Bolte seconded to approve the agreement for 10% of office staff and 10% of space rental used by the Board in the State Surveyor's Office in Board of Educational Lands and Funds Office Building for FY 18-19, FY 19-20 and FY 20-21.

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

Motion carried.

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

DAS Building Div., December parking	15.00
DAS Materiel, printing, Nov. mtg. notice	9.04
DAS Materiel, December postage	137.74
General Fund Reimbursement, 2 nd Qtr, FY 18-19	1,445.28
Hain, Jerry, Jan. Board mtg. travel expenses	37.12
NCEES 2019 dues	2,600.00
Whitfield, Dennis, Jan. Board mtg. travel expenses	58.00
January Total	<u>\$4,302.18</u>
BELF, Oct-Dec Office Space Rent	728.75
Comfort Suites, Hawks, Jan. Bd. Mtg.	81.00
DAS Building, January parking	15.00
DAS IMServices, January – February static web hosting	40.00
DAS Materiel, January postage	128.83
DAS Materiel, printing, Jan. mtg. notice	9.04
February Total	<u>\$1,002.62</u>

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

Motion carried.

Whitfield moved and Hain seconded to reaffirm funded delegates for NCEES Central/Northeast Zone joint interim meeting in Portsmouth, New Hampshire, May 24, 2019. Names submitted to NCEES were Hain, Hawks, Pro and MBA Sherlock.

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

Motion carried.

Hain moved and Whitfield seconded to approve Board members Bolte, Hain, Pro, Whitfield, and MBA Sherlock as possible delegates for 98th NCEES Annual meeting in Washington, D.C., August 14-17, 2019.

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

Motion carried.

Secretary Sherlock reported on NBELS on-line payments and possibility of on-line renewals and applications. Costs are being explored. Legislative bills were highlighted. Microfiche surveys are being added to the State Records Repository.

Whitfield read a “Professional Land Surveyors Week” proclamation signed by Governor Ricketts.

The next meeting is scheduled for May 16, 2019 in Lincoln.

Hain moved and Bolte seconded that the meeting be adjourned at 1:41 p.m.

All in favor. Motion carried.

Casey C. Sherlock, Secretary