

BOARD OF EXAMINERS FOR LAND SURVEYORS

July 25, 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:

Jerry G. Hain, Chair
Virlyn S. Bolte, Vice Chair
James W. Hawks
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 10, 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.

Hawks moved and Pro seconded that the May 16, 2019 Board meeting minutes be approved.

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

Motion carried.

Hawks moved and Pro seconded that the Board go into executive session at 9:05 a.m. with Sherlock and Monahan present for the purpose of discussing Unlicensed Practice #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: Hawks, Pro, Whitfield, Bolte, Hain.

Motion carried.

Chair stated that the discussion in executive session would be limited to Unlicensed Practice #1.

Pro moved and Bolte seconded that the Board return to regular session at 9:18 a.m.

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

Motion carried.

Chair stated that no subject matter other than Unlicensed Practice #1 was discussed in executive session.

Whitfield moved and Bolte seconded that the Board go into executive session at 9:18 a.m. with Sherlock and Monahan present for the purpose of discussing Unlicensed Practice #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: Whitfield, Bolte, Hain, Hawks, Pro.

Motion carried.

Chair stated that the discussion in executive session would be limited to Unlicensed Practice #2.

Whitfield moved and Hawks seconded that the Board return to regular session at 9:44 a.m.

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

Motion carried.

Chair stated that no subject matter other than Unlicensed Practice #2 was discussed in executive session.

Whitfield moved and Hawks seconded that Secretary Sherlock draft a letter for Attorney General approval before notifying Board of Engineers & Architects of possible statute violation and copy other parties when letter is approved.

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

Motion carried.

Hawks moved and Pro seconded that the Board go into executive session at 9:45 a.m. with Sherlock and Monahan present for the purpose of discussing 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: Hawks, Pro, Whitfield, Bolte, Hain.

Motion carried.

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

Whitfield moved and Pro seconded that the Board return to regular session at 9:54 a.m.

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

Motion carried.

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

Hawks moved and Bolte seconded to accept Secretary Sherlock's report on Complaint 19-1.

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

Motion carried.

Filing of Limited Liability Company (LLC) and Corporations was discussed. Correspondence from Secretary of State's Office (SOS) and Nebraska Professional Corporation Act Statutes 21-2201 and 21-101 were reviewed.

A 2016 Nebraska Supreme Court question on whether land surveyors are professionals for purposes of professional negligence was discussed.

A LLC form, to be used by the Board, will be developed and reviewed at next meeting. Board affirmed that Secretary Sherlock can sign LLC certificates.

Whitfield moved and Hawks seconded that inasmuch as Tyler Jon Weers passed the Principles and Practices of Surveying (PS) examination on May 9, 2019 and Nebraska State Specific examination on

June 6, 2019 and has completed the requirements for Class 1 registration in Nebraska, and upon receipt of the registration fee in amount of \$100.00, he be granted registration dated July 25, 2019, under Certificate No. 807.

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

Motion carried.

Whitfield moved and Bolte seconded that the application of Jay A. Johnson 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 Aye: Hain, Hawks, Pro, Whitfield, Bolte.

Motion carried.

Bolte moved and Pro seconded that the application of Eric Alan Trentmann 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, Pro, Whitfield, Bolte, Hain.

Motion carried.

Pro moved and Hawks seconded that the application of Douglas Howe 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: Pro, Whitfield, Bolte, Hain, Hawks.

Motion carried.

Whitfield moved and Bolte seconded that the Board go into executive session at 10:32 a.m. with Sherlock and Monahan present for the purpose of discussing Class 2 Registrations – Reciprocity 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: Whitfield, Bolte, Hain, Hawks, Pro.

Motion carried.

Chair stated that the discussion in executive session would be limited to Class 2 Registrations – Reciprocity.

Bolte moved and Pro seconded that the Board return to regular session at 10:44 a.m.

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

Motion carried.

Chair stated that no subject matter other than Class 2 Registrations – Reciprocity was discussed in executive session.

Hawks moved and Pro seconded that inasmuch as Andres H. Estrada passed the Nebraska Reciprocity examination on June 20, 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 July 25, 2019, under Certificate No, 808.

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

Motion carried.

Pro moved and Hawks seconded that inasmuch as John David Keller passed the Nebraska reciprocity examination on July 22, 2019, and has completed the requirements for Class 2 registration in Nebraska, by reciprocity from Oklahoma, and that upon registration fee in amount of \$100.00, he be granted registration dated July 25, 2019, under Certificate No, 809.

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

Motion carried.

Before formal filing of surveys in the State Records Repository, a newly registered land surveyor is 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.

The NBELS Strategic Plan was discussed. Comparisons between LLC Act, Certificates of Authorization (COA), Professional Corporations Act, and Professional Services were discussed. A meeting with the Secretary of State will be requested. Rules and Regulations changes and Model Laws will be reviewed at future meetings. Legislation to add Land Surveyors as professionals may be drafted.

Secretary Sherlock presented a PPT on the National Geodetic Survey (NGS) 2022 datum change. The Nebraska State Plane Coordinate Systems (SPC) is changing. The SPC designates geographical position of point on the surface of the earth. Changes will be submitted by 2022 to National Geodetic Survey (NGS) for locations of points on the surface of the earth, within the State of Nebraska. Nebraska uses the Lambert projection. On the NAD27 datum the state is divided into two zones, a north zone and south zone and the coordinates are expressed in the U.S. survey foot. Zones may be by regional or county. The new datums are to be more compatible to GPS surveys. The NGS will not support the older datums. Professional Surveyors Association of Nebraska (PSAN) and Southeast Nebraska Land Surveyors Association (SENLISA) have submitted letters of support.

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

DAS Building Div., April parking	15.00
DAS Materiel, printing, May mtg. notice	9.04
DAS Materiel, April postage	25.99
General Fund Reimbursement, 4th Qtr. rent FY 18-19	703.75
Hain, Jerry, May Board mtg. travel expenses	37.12
Hawks, James, May Board mtg. travel expenses	262.16
J.P. Cooke, seal & freight	32.70
Whitfield, Dennis, May Board mtg. & exam review travel expenses	116.00

May Total \$1,201.76

Comfort Suites, Hawks, May Bd. Mtg lodging	81.00
DAS Building, May parking	15.00
DAS IMServices, May – June static web hosting	40.00
DAS Materiel, May postage	54.58
Office Depot, April supplies, some credit due in July	77.21
Whitfield, Dennis, June recip exam review travel expenses	58.00

June Total \$325.79

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

Motion carried.

Chair Hain and Vice Chair Bolte will represent the Board at the NCEES Annual Meeting in August in Washington, D.C.

Secretary Sherlock reported on State Record Repository filing and fees. If filed by the county surveyor, a government official, no fee is required. County surveys are to be filed at the county and not housed at a company.

The next meeting is scheduled for September 19, 2019 in Lincoln.

Pro moved and Hawks seconded that the meeting be adjourned at 11.52 a.m.

All in favor. Motion carried.

Casey C. Sherlock, Secretary