

BOARD OF EXAMINERS FOR LAND SURVEYORS

September 19, 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
Mary L. Pro
Dennis L. Whitfield
Casey Sherlock, Ex-Officio Secretary

Others present:
Gerri Monahan

Absent:
James W. Hawks

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on September 4, 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.

Whitfield moved and Bolte seconded that the July 25, 2019 Board meeting minutes be approved.

Voting Aye: Hain, Pro, Whitfield, Bolte.

Absent: Hawks.

Motion carried.

Whitfield moved and Bolte seconded that the Board go into executive session at 9:03 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: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

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

Bolte moved and Pro seconded that the Board return to regular session at 9:28 a.m.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

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

Whitfield moved and Pro seconded that Secretary Sherlock contact Assistant Attorney General Jelkin and ask for an update on his findings prior to the next meeting and contact the two individuals for information/services provided for each.

Voting Aye: Whitfield, Bolte, Hain, Pro.

Absent: Hawks.

Motion carried.

Whitfield moved and Pro seconded that the Board go into executive session at 9:31 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: Bolte, Hain, Pro, Whitfield.

Absent: Hawks.

Motion carried.

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

Whitfield moved and Pro seconded that the Board return to regular session at 9:47 a.m.

Voting Aye: Hain, Pro, Whitfield, Bolte.

Absent: Hawks.

Motion carried.

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

Whitfield moved and Bolte seconded that Secretary Sherlock send a letter to Sarpy County Surveyor Office and invite personnel to the next Board meeting.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

The Nebraska Board of Examiners for Land Surveyors' Application for Certificate of Registration for Limited Liability Company (LLC) was reviewed.

Pro moved and Bolte seconded that the Board approve the NBELS Application for Certificate of Registration for Limited Liability Company.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

Whitfield moved and Pro seconded that the Board go into executive session at 10:02 a.m. with Sherlock and Monahan present for the purpose of discussing Class 1 Applications – Land Surveyor 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, Pro.

Absent: Hawks.

Motion carried.

Chair stated that the discussion in executive session would be limited to Class 1 Applications – Land Surveyor.

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

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

Absent: Hawks.

Motion carried.

Chair stated that no subject matter other than Class 1 Applications – Land Surveyor was discussed in executive session.

Monahan was excused.

Whitfield moved and Pro seconded that the application of Brandon O. Wood for land surveyor registration be approved and that he be permitted to take the Principles and Practice of Surveying (PS) and Nebraska State Specific land surveyor examinations.

Voting Aye:.

Voting Nay: Hain, Pro, Whitfield, Bolte.

Absent: Hawks.

Motion failed.

Whitfield moved and Bolte seconded that the application of Stephen Lewis Zimmerman II for land surveyor registration be approved and that he be permitted to take the Principles and Practice of Surveying (PS) and Nebraska State Specific land surveyor examinations.

Voting Aye:.

Voting Nay: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion failed.

Whitfield moved and Pro seconded that the Board go into executive session at 10:35 a.m. with Sherlock present for the purpose of discussing Class 1 Registration – Land Surveyor 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.

Absent: Hawks.

Motion carried.

Chair stated that the discussion in executive session would be limited to Class 1 Registration – Land Surveyor.

Whitfield moved and Pro seconded that the Board return to regular session at 10:45 a.m.

Voting Aye: Whitfield, Bolte, Hain, Pro.

Absent: Hawks.

Motion carried.

Chair stated that no subject matter other than Class 1 Registration – Land Surveyor was discussed in executive session.

Whitfield moved and Pro seconded that inasmuch as Christopher L. Schulte passed the Principles and Practices of Surveying (PS) examination on August 1, 2019 and sat for the Nebraska State Specific examination on August 29, 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 September 19, 2019.

Voting Aye:.

Voting Nay: Bolte, Hain, Pro, Whitfield.

Absent: Hawks.

Motion failed.

Bolte moved and Pro seconded that the Board go into executive session at 10:47 a.m. with Sherlock present for the purpose of discussing Class 2 Applications – 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: Hain, Pro, Whitfield, Bolte.

Absent: Hawks.

Motion carried.

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

Whitfield moved and Bolte seconded that the Board return to regular session at 10:51 a.m.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

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

Whitfield moved and Pro seconded that the application of Christopher Roland Michaud for registration by reciprocity from Maine 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.

Absent: Hawks.

Motion carried.

Whitfield moved and Pro seconded that the application of Lewis Michael Helms 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:.

Voting Nay: Whitfield, Bolte, Hain, Pro.

Absent: Hawks.

Motion failed.

Whitfield moved and Bolte seconded that the Board go into executive session at 10:53 a.m. with Sherlock present for the purpose of discussing Class 2 Registration – 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: Bolte, Pro, Whitfield, Hain.

Absent: Hawks.

Motion carried.

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

Bolte moved and Whitfield seconded that the Board return to regular session at 11:01 a.m.

Voting Aye: Hain, Pro, Bolte.

Voting Nay: Whitfield.

Absent: Hawks.

Motion carried.

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

Pro moved and Bolte seconded that inasmuch as Timothy L. Fish passed the Nebraska reciprocity examination on September 17, 2019 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 September 19, 2019, under Certificate No 810.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

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 Board discussed the Nebraska Professional Corporation Act.

Proposed changes to the Nebraska Engineers and Architects Regulation Act were reviewed.

National Geodetic Survey (NGS) 2022 Datum changes were reviewed.

Pro moved and Bolte seconded that the July and August expense vouchers be approved.

Comfort Suites, Hawks, July Bd. Mtg lodging	81.00
DAS Building Div., June parking	15.00
DAS Materiel, June postage	5.57
General Fund Reimbursement, 4th Qtr. FY 18-19, Contractual Srvs	1,497.59
Hain, Jerry, July Board mtg. travel expenses	37.12
Hawks, James, July Board mtg. travel expenses	262.16
Lincoln Journal Star, July meeting notice	9.04
Office Depot, May supplies	36.43
Whitfield, Dennis, July Board mtg. travel expenses	58.00
July Total	<u>\$2,001.91</u>
DAS Building Div., July parking	15.00
DAS IMServices, July – August static web hosting	48.00
DAS Materiel, FY 19-20 Accounting Assmt.	92.00
DAS Materiel, July postage (344 annual reports \$337.24)	404.57
DAS Materiel, FY 19-20 Purchasing Assmt.	10.00
General Fund Reimbursement, 1st Qtr. FY 19-20, Rent	703.75
J.P. Cooke Co. 4 seals and freight TW, AE, JDK, TA	119.90
Office Depot, June supplies	70.09
August Total	<u>\$1,463.31</u>

Voting Aye: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

Chair Hain and Vice Chair Bolte reported on the NCEES Annual Meeting in August in Washington, D.C.

Secretary Sherlock reported on correspondence submitted to all Nebraska County Surveyors regarding official county surveys and fees charged for filing of official county government surveys.

Secretary Sherlock distributed graphs indicating the total annual Nebraska licensed surveyors registered since 1957. Resident vs non-resident reciprocity numbers were charted.

Bolte moved and Pro seconded that Complaint 19-1 be closed and both parties be notified.

Voting Aye: Whitfield, Bolte, Hain, Pro.

Absent: Hawks.

Motion carried.

The next meeting is scheduled for November 14, 2019 in Lincoln.

Bolte moved and Pro seconded that the meeting be adjourned at 12:38 p.m.

All in favor. Motion carried.

Casey C. Sherlock, Secretary