

BOARD OF EXAMINERS FOR LAND SURVEYORS

November 14, 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:
Asst. Attorney General John Jelkin
Gerri Monahan

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on October 30, 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.

Pro moved and Bolte seconded that the September 19, 2019 Board meeting minutes be approved.

Voting Aye: Hain, Pro, Whitfield, Bolte.

Abstain: Hawks.

Motion carried.

Hawks moved and Bolte seconded that the Board go into executive session at 9:02 a.m. with Sherlock, Monahan, and Jelkin 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.

Hawks moved and Pro seconded that the Board return to regular session at 9:56 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 10:01 a.m. with Sherlock, Monahan and Jelkin 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 Bolte seconded that the Board return to regular session at 10:07 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.

Jelkin was excused at 10:08 a.m.

Whitfield moved and Hawks seconded that the Board go into executive session at 10:10 a.m. with Sherlock and Monahan present for the purpose of discussing Complaint 19-2 and Complaint 19-3 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, Hawks, Pro, Whitfield, Bolte.

Motion carried.

Chair stated that the discussion in executive session would be limited to Complaint 19-2 and Complaint 19-3.

Hawks was excused at 10:37 a.m.

Whitfield moved and Pro seconded that the Board return to regular session at 11:18 a.m.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

Chair stated that no subject matter other than Complaint 19-2 and Complaint 19-3 was discussed in executive session.

Whitfield moved and Pro seconded that LS be notified of Complaint 19-2, send copy of complaint to LS, invite LS to next Board meeting, ask LS to provide a written response to complaint and provide supporting documentation, and note that failure of LS to appear at next Board meeting may place LS in violation of State Statute 81-8,123.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

Whitfield moved and Pro seconded that Complaint 19-3 be tabled until formal complaint is filed.

Voting Aye: Whitfield, Bolte, Hain, Pro.

Absent: Hawks.

Motion carried.

Sherlock reported on Certificates of Registration for Limited Liability Company (LLC) applications.

Bolte moved and Pro seconded that the Board go into executive session at 11:27 a.m. with Sherlock and Monahan present for the purpose of discussing Class 1 Registration – Land Surveyor; Class 2 Applications – Reciprocity; Class 3 Application/Registration – Surveyor-in-Training; and Class 4 – Inactive Registration, 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 will be limited to, Class 1 Registration – Land Surveyor; Class 2 Applications – Reciprocity; Class 3 Application/Registration – Surveyor-in-Training; and Class 4 – Inactive Registration.

Pro moved and Bolte seconded that the Board return to regular session at 11:44 a.m.

Voting Aye: Hain, Pro, Whitfield, Bolte.

Absent: Hawks.

Chair stated that no subject matter other than Class 1 Registration – Land Surveyor; Class 2 Application – Reciprocity; Class 3 Application/Registration – Surveyor-in-Training; and Class 4 Inactive Registration; were discussed in executive session.

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.

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 Nebraska State Specific examination on November 7, 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 November 14, 2019, under Certificate No. 811.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

Whitfield moved and Pro seconded that inasmuch as Don Douglas Terry passed the Principles and Practices of Surveying (PS) examination on October 18, 2019 and sat for the Nebraska State Specific examination on November 8, 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 November 14, 2019.

Voting Aye:.

Voting Nay: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion failed.

Whitfield moved and Pro seconded that the application of James Denver Winchester for registration by reciprocity from Oklahoma be approved and that he be required to appear before the Secretary of the Board for an interview and land surveyor examination.

Voting Aye: Whitfield, Bolte, Hain, Pro.

Absent: Hawks.

Motion carried.

Whitfield moved and Pro seconded that the application of Gregory R. Meinecke for registration by reciprocity from Wyoming be approved and that he be required to appear before the Secretary of the Board for an interview and land surveyor examination.

Voting Aye: Bolte, Hain, Pro, Whitfield.

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: Hain, Pro, Whitfield, Bolte.

Absent: Hawks.

Motion carried.

Whitfield moved and Pro seconded that the Class 3 application of Joseph J. Poole for registration by Surveyor-in-Training be approved and that inasmuch as he has demonstrated a knowledge of surveying fundamentals by passing a National Council of Examiners for Engineering and Surveying (NCEES) examination August 16, 2019, and upon receipt of the registration in the amount of \$20, Poole be granted registration dated November 14, 2019 under Certificate No. 282.

Bolte moved and Pro seconded that inasmuch as Eugene M. Gollehon, LS 134, has met the requirements, he be granted inactive registration status effective December 31, 2019.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

Certificate of Authorization (COA) for land surveyors was discussed as part of the Board's strategic plans. Surrounding state COA's were considered. The addition of land surveying to existing statutes was

discussed. Lobbyists will be contacted and invited to a future meeting. Senators will be contacted once a bill is drafted.

The Professional and Surveying Interstate Resolution of Cooperation (ROC) was discussed. Assistant Attorney General Jelkin earlier said their office did not see any conflict with the ROC. No action was taken by the Board.

Hain and Whitfield are unable to attend the Central Zone Meeting in Houston, Texas in April 2020.

Whitfield was excused at 11:51 a.m.

Pro moved and Bolte seconded that the September and October expense vouchers be approved.

DAS Building Div., August parking	15.00
DAS IMServices, September web hosting	28.00
DAS Materiel, August postage	33.33
DAS Material, Annual Report printing	631.44
Hain, Jerry, September Board mtg. travel expenses	37.12
Lincoln Journal Star, September meeting notice	9.61
Whitfield, Dennis, Sec of State mtg. & Sept. Bd. mtg. travel expenses	116.00
September Total	<u>\$870.50</u>
DAS IMServices, October web hosting	28.00
DAS Materiel, September postage	54.09
General Fund Reimbursement, 1 st Qtr. FY 19-20, other contract srvs	1,532.56
General Fund Reimbursement, 2nd Qtr. FY 19-20, Rent	703.75
J.P. Cooke Co. 1 seal and freight, TLF	33.20
October Total	<u>\$2,351.60</u>

Voting Aye: Bolte, Hain, Pro.

Absent: Hawks, Whitfield.

Motion carried.

Sherlock reported on calls received in the office. Sherlock refers callers to statutes when necessary. An issue to address is city administrators setting property corners. Property corners are to be set by registered land surveyors.

The Board discussed posting of items on their website in form of a newsletter. Items to be posted will be reviewed at next meeting.

2020 meeting dates were set:

January 23, March 19, May 21, July 16, September 17, and November 19.

The next meeting is scheduled for January 23, 2020 in Lincoln.

Bolte moved and Pro seconded that the meeting be adjourned at 12:31 p.m.

All in favor. Motion carried.

Casey C. Sherlock, Secretary