

BOARD OF EXAMINERS FOR LAND SURVEYORS

May 21, 2020

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 (via conference call)
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 May 6, 2020. 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.

Due to COVID 19 – the March 19, 2020 meeting of the Board was canceled.

Whitfield moved and Bolte seconded that the January 23, 2020 Board meeting minutes be approved.

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

Motion carried.

Pro 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 Complaint 19-2 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: Hawks, Pro, Whitfield, Bolte, Hain.

Motion carried.

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

Pro moved and Whitfield seconded that the Board return to regular session at 9:08 a.m.

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

Motion carried.

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

Bolte moved and Pro seconded that Secretary Sherlock send letter to LS stating that compliance with January 24, 2020 letter was not been met. The Board requests that all corrections be made and surveys be filed in the State Records Repository no later than June 10, 2020. Complaint 19-2 will remain open until items are revised and filing compliance is met.

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

Motion carried.

Whitfield moved and Pro seconded that the Board go into executive session at 9:11 a.m. with Sherlock and Monahan present for the purpose of discussing Complaint 20-1 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 Complaint 20-1.

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

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

Motion carried.

Chair stated that no subject matter other than Complaint 20-1 was discussed in executive session.

Bolte moved and Hawks seconded that Secretary Sherlock send letter to LS stating that a formal complaint has been filed against the LS and attendance is required at the next meeting scheduled for July 16, 2020, in order to discuss the complaint.

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

Motion carried.

Unlicensed Practice #2 was discussed. Assistant Attorney General Jelkin will be sending a letter to the engineer.

Bolte 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 Lack of Minimum Standards by Land Surveyors 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 Lack of Minimum Standards by Land Surveyors.

Pro moved and Bolte 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 Lack of Minimum Standards by Land Surveyors was discussed in executive session.

Bolte moved and Hawks seconded that letters be sent to two LS's, requesting appearance at July 16, 2020 meeting to discuss lack of following minimum standards and filing of surveys in the State Records Repository,

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

Motion carried.

The Board's official seal, as noted in State Statute 81-8, 121 and Section 7 of By-Laws was discussed. Many seals used are not the official seal provided by the Board to each new registered land surveyor. Official digital seals may be developed by the Board.

Whitfield moved and Hawks seconded that a letter be sent to all Nebraska Registered Land Surveyors notifying them that they may only use the official Board issued seal in either digital or rubber stamp form. The Secretary shall create a digital seal of the Board's approved design to be sent to any registrant upon request. Surveys without the official provided seal will be returned to the surveyor.

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

Motion carried.

Bolte moved and Hawks seconded that the Board go into executive session at 10:43 a.m. with Sherlock and Monahan present for the purpose of discussing Class 1 Application and Registration – Land Surveyor; Class 2 Applications and Registrations – Reciprocity; Class 3 Applications and Registrations – Surveyor-in-Training; and Class 4 – Inactive Application 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 Class 1 Application and Registration – Land Surveyor; Class 2 Applications and Registrations – Reciprocity; Class 3 Applications and Registrations – Surveyor-in-Training; and Class 4 – Inactive Application.

Pro moved and Bolte seconded that the Board return to regular session at 11:36 a.m.

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

Motion carried.

Chair stated that no subject matter other than Class 1 Application and Registration – Land Surveyor; Class 2 Applications and Registrations – Reciprocity; Class 3 Applications and Registrations – Surveyor-in-Training; and Class 4 – Inactive Application, was 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.

Bolte moved and Pro seconded that the Class 1 application of Jeffrey M. Boden for land surveyor registration be approved and he be permitted to take the Principles and Practice of Surveying (PS) and Nebraska State Specific land surveyor examinations.

Voting Aye:

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

Motion failed.

Whitfield moved and Bolte seconded that inasmuch as Dylan J. Campbell passed the Principles and Practices of Surveying (PS) examination on November 20, 2020 and the Nebraska State Specific examination on January 27, 2020 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 May 21, 2020, under Certificate No.818.

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

Motion carried.

Pro moved and Hawks seconded that the application of Michael R. Geiger for registration by reciprocity from Georgia 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.

Voting Nay: Hain, Whitfield, Bolte.

Motion failed.

Bolte moved and Whitfield seconded that the application of Stephen Lewis Zimmerman II for registration by reciprocity from Wisconsin 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.

Whitfield moved and Bolte seconded that the application of Brian L. Yentes 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: Pro, Whitfield, Bolte, Hain, Hawks.

Motion carried.

Whitfield moved and Bolte seconded that the application of Nicholas C. Phipps for registration by reciprocity from Tennessee 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, Hawks, Pro.

Motion carried.

Bolte moved and Pro seconded that the application of Thomas D. Strong for registration by reciprocity from Pennsylvania 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, Hawks, Pro, Whitfield.

Motion carried.

Whitfield moved and Hawks seconded that the application of Neil Charles Shultz for registration by reciprocity from Pennsylvania 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.

Pro moved and Bolte seconded that the application of Mark W. Nolte 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, Hawks.

Motion carried.

Bolte moved and Pro seconded that inasmuch as Brian K. Belcher, Ohio, requested a reciprocity examination extension to complete his examination, the Board grants an extension date to July 1, 2020. If Belcher is unable to complete and pass the examination by that date, a new application will need to be submitted.

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

Motion carried.

Whitfield moved and Hawks seconded that inasmuch as Ray L. Riggs passed the Nebraska reciprocity examination on March 3, 2020 and has completed the requirements for Class 2 Registration in Nebraska, by reciprocity from Missouri, and that upon registration fee in amount of \$100.00, he be granted registration dated May 21, 2020 under Certificate No. 819.

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

Motion carried.

Pro moved and Whitfield seconded that inasmuch as Gregory R. Meinecke passed the Nebraska reciprocity examination on March 3, 2020 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 May 21, 2020 under Certificate No. 820.

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

Motion carried.

Bolte moved and Pro seconded that the Class 3 application of Jeffry L. Daharsh for registration by Surveyor-in-Training (SIT) be approved and that inasmuch he has demonstrated a knowledge of surveying fundamentals by passing the NCEES Fundamentals of Surveying (FS) examination on March 6, 2020, and upon receipt of the SIT registration in the amount of \$20.00, Daharsh be granted SIT registration dated May 21, 2020 under Certificate No. 284.

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

Motion carried.

Whitfield moved and Bolte seconded that the Class 3 application of Evan James Nekuda for registration by Surveyor-in-Training (SIT) be approved and that inasmuch he has demonstrated a knowledge of surveying fundamentals by passing the NCEES Fundamentals of Surveying (FS) examination on March 6, 2020, and upon receipt of the SIT registration in the amount of \$20.00, Nekuda be granted SIT registration dated May 21, 2020 under Certificate No. 285.

Voting Aye: Hawks, Pro, Whitfield, Bolte.

Voting Nay: Hain.

Motion carried.

Pro moved and Hawks seconded that the Class 3 application of Brent D. Krumbach for registration by Surveyor-in-Training (SIT) be approved and that inasmuch he has demonstrated a knowledge of surveying fundamentals by passing the NCEES Fundamentals of Surveying (FS) examination on March 6, 2020, and upon receipt of the SIT registration in the amount of \$20.00, Krumbach be granted SIT registration dated May 21, 2020 under Certificate No. 286.

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

Motion carried.

Whitfield moved and Pro seconded that inasmuch as John T. Meng-Frecker, LS 548, has met the requirements for Class 4 inactive land surveyor registration, he be granted inactive registration status effective May 21, 2020.

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

Motion carried.

The Board reviewed their strategic plan. LB 1187 to change provisions relating to the Occupational Board Reform Act, is in conflict with the Board's R&R, Chapter 12, 017 Administrative Rules. The Board operates under Rules and Regulations and Statutes. Changes to the Rules and Regulations (R&R) will be considered. After the Professional Surveyors Association of Nebraska's (PSAN) Minimum Standards for Surveys is revised and approved at their 2021 Annual Meeting, the Board's Rules and Regulations will be amended and reviewed for legislative changes.

The Board discussed the National Council of Examiners for Engineering and Surveying (NCEES) survey regarding restructuring of the Principles and Practice of Surveying (PS) exam.

NCEES's 2020 Zone Meeting in Houston, TX, in April and Annual Meeting in Chicago, IL scheduled for August have been canceled due to COVID-19.

Professional Development Hours (PDHs) for upcoming renewal were discussed. Communications from land surveyors that have planned continuing education opportunities that have been cancelled due to COVID-19 were discussed.

Hawks moved and Pro seconded that Secretary Sherlock contact Governor Ricketts office to request an Executive Order to relax the requirements of 30 Professional Development Hours down to 20 PDHs for this biennium only. The remainder of the requirements to renew will remain the same for the biennium of January 1, 2019 thru December 31, 2020.

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

Motion carried.

Pro moved and Bolte seconded that the January, February, March, and April vouchers be approved.

BELS Office Rent, 3 rd Qtr.	703.75
DAS Building Div., October parking	15.00
DAS Building Div., November parking	15.00
DAS IMServices, December web hosting	28.00
DAS Materiel, December postage	16.51
General Fund Reimbursement, 2 nd Qtr.	1,532.70
Hain, Jerry, January Board mtg. travel expenses	36.80

Lincoln Journal Star, January Bd meeting notice	9.04
Office Depot, November office supplies	17.26
Whitfield, Dennis, Dec-Jan. exams, Jan. Board mtg. travel expenses	173.00
January Total	<u>\$2,547.06</u>
Comfort Suites, Hawks, January Board mtg. lodging	81.00
DAS Building Div., December parking	15.00
DAS IMServices, January web hosting	28.00
DAS Materiel, January postage	73.44
J.P. Cooke Co. 6 LS seals and freight,	173.85
February Total	<u>\$371.29</u>
DAS Building Div., January parking	15.00
DAS IMServices, February web hosting	28.00
DAS Materiel, February postage	89.46
NCEES, 2020 Membership dues	2,600.00
March Total	<u>\$2,732.46</u>
BELS Office Rent, 4 th Qtr.	703.75
DAS Building Div., March parking	15.00
DAS IMServices, March web hosting	28.00
DAS Materiel, March postage	33.70
General Fund Reimbursement, 2 nd Qtr.	1,532.70
Lincoln Journal Star, January Bd meeting notice	9.04
April Total	<u>\$2,322.19</u>

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

Motion carried.

Hawks moved and Pro seconded that members and staff of the Nebraska Board of Examiners for Land Surveyors are hereby given blanket approval to travel within the State of Nebraska in performance of his or her official duties while attending board meetings or seminars as the official representative of the examining board. This blanket approval is also granted for these members and staff when necessary to claim reimbursable travel expenses.

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

Motion carried.

Written authorization, in the form of a motion in the meeting minutes, is necessary for out-of-state travel for Board members and staff.

Secretary Sherlock reported that original and General Land Office (GLO) resurvey plats and land patent information is being scanned and added to the State Surveyor's Office / State Records Repository website.

Pro moved and Hawks seconded to suspend the rules and regulations and cast a unanimous ballot for Virlyn Bolte as Chairperson effective July 1, 2020.

Voting Aye: Pro, Whitfield, Hain, Hawks.

Abstain: Bolte.

Motion carried.

Pro moved and Bolte seconded to suspend the rules and regulations and cast a unanimous ballot for Denny Whitfield as Vice Chairperson effective July 1, 2020.

Voting Aye: Bolte, Hain, Hawks, Pro.

Abstain: Whitfield.

Motion carried.

The next meeting is scheduled for July 16, 2020 in Lincoln.

Pro moved and Hawks seconded that the meeting be adjourned at 12:57 p.m.

All in favor. Motion carried.

Casey C. Sherlock, Secretary