

BOARD OF EXAMINERS FOR LAND SURVEYORS

September 17, 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:

Virlyn S. Bolte, Chair  
Dennis L. Whitfield, Vice Chair  
Jerry G. Hain  
James W. Hawks  
Mary L. Pro  
Casey Sherlock, Ex-Officio Secretary

Others present:  
Fred Franklin  
Gerri Monahan

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on September 2, 2020.

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.

All items voted on were done so in the form of a roll call vote.

Hawks moved and Pro seconded that the July 16, 2020 Board meeting minutes be approved.

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

Motion carried.

Whitfield moved and Hawks seconded that the Board go into executive session at 9:04 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.

Whitfield moved and Hain seconded that the Board return to regular session at 9:48 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.

Hawks moved and Pro seconded that the Board close Complaint 19-2 and for Secretary Sherlock to send a letter to the LS indicating that directions of the Board issued January 24, 2020 letter have been resolved. The Secretary also will send a letter to the person filing the complaint noting Complaint 19-2 has been closed.

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

Motion carried.

Agenda item #6a was moved ahead of agenda item #5 to accommodate LS.

Whitfield moved and Hain seconded that the Board go into executive session at 10:09 a.m. with the land surveyor (LS), 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: Bolte, Hain, Hawks, Pro, Whitfield.

Motion carried.

Chair stated that the discussion in executive session would be limited to Lack of Minimum Standards by Land Surveyors.

LS was dismissed.

Pro moved and Whitfield seconded that the Board return to regular session at 12:06 p.m.

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

Motion carried.

Chair stated that no subject matter other than Lack of Minimum Standards was discussed in executive session.

Hain moved and Pro seconded that Secretary Sherlock send a letter thanking LS for appearing and addressing the issue of revising a subdivision survey and filing of survey in the State Records Repository as the profession of land surveying Nebraska is a serious matter due to it being in the best interest of the citizens of the State of Nebraska in order to safe guard life, health and property.

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

Motion carried.

Whitfield moved and Hawks seconded that the Board go into executive session at 12:07 p.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: Pro, Whitfield, Bolte, Hain, Hawks.

Motion carried.

Chair stated that the discussion in executive session would be limited to Complaint 20-1.

Hawks moved and Pro seconded that the Board return to regular session at 1:20 p.m.

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

Motion carried.

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

Hawks moved and Pro seconded that Secretary Sherlock send letter to LS stating Board's responses to documentation and information submitted by LS and ask LS to provide written report responding to Board's directives within 30 days or before the next Board meeting.

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

Motion carried.

The Board will discuss the issue of Complaint 20-1 at its next meeting and at that time will determine if further investigation is necessary prior to making a final decision on the merit of the complaint. The profession of land surveying Nebraska is a serious matter due to it being in the best interest of the citizens of the State of Nebraska in order to safe guard life, health and property.

Pro moved and Hawks seconded that the Board go into executive session at 1:30 p.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: Hain, Hawks, Pro, Whitfield, Bolte.

Motion carried.

Chair stated that the discussion in executive session would be limited to Lack of Minimum Standards by Land Surveyors.

Hain moved and Hawks seconded that the Board return to regular session at 2:14 p.m.

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

Motion carried.

Chair stated that no subject matter other than Lack of Minimum Standards was discussed in executive session.

Hawks moved and Hain seconded that Secretary Sherlock send a letter notifying LS that the Board is not satisfied with lack of response for filing of surveys, from other sources, in the State Records Repository. Formal response from the LS will determine further action as the profession of land surveying Nebraska is a serious matter due to it being in the best interest of the citizens of the State of Nebraska in order to safe guard life, health and property.

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

Motion carried.

Whitfield moved and Hain seconded that the Board go into executive session at 2:22 p.m. with Sherlock and Monahan present for the purpose of discussing Violations of Land Surveying in Nebraska 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 Violations of Land Surveying in Nebraska .

Hawks moved and Pro seconded that the Board return to regular session at 2:27 p.m.

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

Motion carried.

Hawks moved and Pro seconded to table Violations of Land Surveying in Nebraska until further actions by the LS to be completed by September. 29, 2020.

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

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

Motion carried.

Whitfield moved and Hain seconded that the Class 2 Application of Kyle Lee Brady for land surveyor registration by reciprocity from Texas 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 Pro seconded that the Class 2 Application of Michael Blake Brown for land surveyor registration by reciprocity from Texas 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.

Hawks moved and Pro seconded that inasmuch as Mark W. Nolte passed the Nebraska reciprocity examination on August 28, 2020 and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from Missouri, and that upon registration fee in amount of \$100.00, he be granted registration dated September 17, 2020 under Certificate No. 822.

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

Motion carried.

Whitfield moved and Hain seconded that inasmuch as Douglas Howe passed the Nebraska reciprocity examination on August 31, 2020 and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from Colorado, and that upon registration fee in amount of \$100.00, he be granted registration dated September 17, 2020 under Certificate No. 823.

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

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.

Hain moved and Pro seconded that the Board go into executive session at 2:42 p.m. with Sherlock and Monahan 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: Hawks, Pro, Whitfield, Bolte, Hain.

Motion carried.

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

Whitfield moved and Hawks seconded that the Board return to regular session at 2:47 p.m.

Whitfield moved and Hain seconded inasmuch as Nicholas Cole Phipps has taken the Nebraska reciprocity examination on September 16, 2020 and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from Tennessee, and that upon registration fee in amount of \$100.00, he be granted registration dated September 17, 2020 under Certificate No. 824.

Voting Aye:.

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

Motion failed.

The Board discussed the Professional Development Hours (PDHs) due for the upcoming biennium renewal.

Per request, Governor Ricketts issued “Executive Order No # 20-23, Coronavirus – Land Surveyor Continuing Education Waiver”, due to a state of emergency, declared in Nebraska on March 13, 2020, to control the spread of the COVID—19, and the cancelation of planned continuing education opportunities...

Hawks moved and Pro seconded that the Board lower the PDH hour requirement to 20 hours for the upcoming renewal period. Any certificate holder who completes in excess of 20 hours of professional development within the preceding 2 calendar years may have the excess, not to exceed 15 hours, applied to the requirement for the next biennium.

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

Motion carried.

The remainder of the requirements to renew will remain the same for the biennium of January 1, 2019 thru December 31, 2020. All PDHs must be obtained during the time the surveyor’s registration has been active.

In addition, the Board voted to audit 25 percent of all renewals to insure compliance with professional development requirements.

Hawks moved and Pro seconded to audit 25% of 2019-2020 biennial renewals.

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

Motion carried.

Names appearing on the audit list, will be notified and required to provide the necessary documentation. Audit letters will be mailed prior to November 1, 2020 with renewal forms.

Hawks moved and Hain seconded that the July and August expense vouchers be approved.

BELS Rent, 1 <sup>st</sup> Qtr., FY 20-21.....	703.75
Comfort Suites, Hawk July Bd mtg lodging .....	81.00
DAS Building Div., June parking .....	15.00
DAS IMServices, June web hosting .....	28.00
DAS Materiel, June postage (\$156.64 – LS seal ltr) .....	213.83
General Fund Reimbursement, 4 <sup>th</sup> Qtr. FY 19-20 other contract srvs....	1,532.72
Hain, Jerry, July Board Meeting mileage .....	36.80
Hawks, Jim, July Board Meeting mileage .....	259.90
J P Cooke Co., seal & freight .....	32.75
Lincoln Journal Star, July Bd mtg notice .....	9.04
Whitfield, Denny, July Board Meeting mileage .....	57.50
July Total .....	<u>\$2,970.29</u>
DAS Accounting, FY 20-21 Acctg & Auditing Services .....	85.00
DAS Building Div., July parking .....	15.00
DAS IMServices, July web hosting .....	28.00
DAS Materiel, FY 20-21 Purchasing Assmt .....	10.00
DAS Materiel, July postage (370 annual reports \$348.81) .....	475.54
August Total .....	<u>\$613.54</u>

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

Motion carried.

Secretary Sherlock presented a copy of Agency 062 – Board of Examiners–Land Surveyors 2021-2023 Biennial Budget Request.

Secretary Sherlock also report that 94 digital seals have been issued.

Updated Minimum Standards for Surveys continued to be discussed by Professional Surveyors Association of Nebraska.

Secretary Sherlock posted a question to other Member Board Administrators (MBA) regarding surveyor's certificate utilized by land surveyors on survey plats to certify their survey plat documents. Several states responded.

The next meeting is scheduled for November 19, 2020 in Lincoln.

Hawks moved and Hain seconded that the meeting be adjourned at 3:27 p.m.

All in favor. Motion carried.

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Casey C. Sherlock, Secretary