

BOARD OF EXAMINERS FOR LAND SURVEYORS

November 19, 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, via video conference  
James W. Hawks  
Mary L. Pro  
Casey Sherlock, Ex Officio Secretary of The Board

Others present:  
Brent Jorgensen, via video conference  
Gerri Monahan

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on November 4, 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 September 17, 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 9:02 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 Hawks seconded that the Board return to regular session at 9:06 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 Whitfield seconded that Secretary Sherlock send a letter to Land Surveyor (LS) that the revised survey has not been received by the Nebraska Survey Record Repository and completion of revision is requested prior to the January meeting. The Board will revisit Complaint 19-2 at that meeting.

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

Motion carried.

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

Whitfield moved and Pro seconded that the Board go into executive session at 9:08 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: 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.

Whitfield moved and Pro seconded that the Board return to regular session at 9:42 a.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.

Whitfield moved and Hawks seconded that Secretary Sherlock send a letter to LS that revised final plat has been reviewed and meets Minimum Standards.

The LS also will be requested to confirm survey caps was placed at each boundary corner.

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

Motion carried.

Hawks moved and Hain seconded that Secretary Sherlock send letter to LS following up from previous correspondence regarding filing of surveys as required by law. LS will remain in status of non-compliance for violations of Nebraska Revised Statute 81-8,122.01. LS will be advised to contact former clients, employees, agents or business partners to obtain copies of surveys that may need to be filed, and report to the Board of progress of obtaining and filing of surveys.

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

Motion carried.

Hawks moved and Pro seconded that Secretary Sherlock send letter to LS following up from previous correspondence to revise one survey and submit to State Records Repository.

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

Motion carried.

Hawks moved and Pro Hain seconded that the Board go into executive session at 9:52 a.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: Bolte, Hain, Hawks, Pro, Whitfield.

Motion carried.

Chair stated that the discussion in executive session would be limited to Violations of Land Surveying in Nebraska.

Whitfield moved and Pro seconded that the Board return to regular session at 9:55 a.m.

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

Motion carried.

Whitfield moved and Pro seconded that Secretary Sherlock send letter to LS thanking him/her for revising the survey to meet minimum standards and filing the survey in the State Records Repository.

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

Motion carried.

The Board returned to item 5.

Whitfield moved and Pro seconded that the Board go into executive session at 10:00 a.m. with LS, 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.

LS was dismissed at 11:10 a.m.

Hawks moved and Pro seconded that the Board return to regular session at 11:16 a.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 continue to find a resolution to remaining issues before the Board will take further action on this complaint.

Secretary Sherlock also will send a letter to the complaintee with the Board's instruction for resolution by the two LSs.

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

Motion carried.

Progress of both LSs will be reviewed at the January 2021 meeting.

Whitfield moved and Pro seconded that the Board go into executive session at 11:29 a.m. with Sherlock and Monahan present for the purpose of discussing Class 1 Registration – Land Surveyor; Class 2 Applications – Reciprocity; Class 2 Registration – Reciprocity; and Class 4 Inactive Registration Applications, 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 discussion in executive session would be limited to Class 1 Registration – Land Surveyor; Class 2 Applications – Reciprocity; Class 2 Registration – Reciprocity; and Class 4 Inactive Registration Applications.

Hawks moved and Whitfield seconded that the Board return to regular session at 11:40 a.m.

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

Motion carried.

Chair stated that no subject matter other than Class 1 Registration – Land Surveyor; Class 2 Applications – Reciprocity; Class 2 Registration – Reciprocity; and Class 4 Inactive Registration Applications was discussed in executive session.

Whitfield moved and Hawks seconded that inasmuch as Jeffrey Boden passed the Principles and Practices of Surveying (PS) examination on September 30, 2020 and sat for the Nebraska State Specific examination on November 6, 2020 and upon receipt of the registration fee in amount of \$100.00, he be granted registration dated November 19, 2020.

Voting Aye:

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

Motion failed.

Hawks moved and Whitfield seconded that the Class 2 Application of James R. Park, Jr. for land surveyor 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: Whitfield, Bolte, Hain, Hawks, Pro.

Motion carried.

Hawks moved and Pro seconded that inasmuch as Stephen Lewis Zimmerman II passed the Nebraska reciprocity examination on September 21, 2020 and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from Wisconsin, and that upon registration fee in amount of \$100.00, he be granted registration dated November 19, 2020 under Certificate No. 824.

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

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.

Whitfield moved and Pro seconded that inasmuch as Rodney Gene Davison, LS 484; Marcus P. Lang, LS 528; Richard Leonard Ronkar, LS 383; Ronald E. Teten, LS 544; and Ronald L. Way, LS 442; have met the requirements, they be granted inactive registration status effective March 31, 2021.

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

Motion carried.

Sixty Nebraska LS Renewal forms and fees have been received to date. Twenty were audits, four were non renewing inactives and one non renewing active LS.

Pro moved and Whitfield seconded to accept the PDH audit report.

Voting Aye: Pro, Whitfield, Bolte Hain.

Abstaining: Hawks.

Motion carried.

Hawks moved and Pro seconded to approve Chair Bolte, and Member Board Administrator (MBA) Sherlock, to virtually attend the National Council of Examiners for Engineering and Surveying (NCEES) Board Presidents Assembly ( BPA) and MBA meeting in Greenville, South Carolina, January 29, 2021.

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

Motion carried.

Hawks moved and Whitfield seconded to approve Hain and Pro as NCEES Central Zone Meeting delegates for the April 28 – May 2, 2021 meeting in Des Moines, Iowa.

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

Motion carried.

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

DAS Building Div., August parking .....	15.00
DAS IMServices, August web hosting .....	28.00
DAS Materiel.63 <sup>rd</sup> Annual report printing (credit due \$370.80).....	1,019.23
DAS Materiel, July office supplies .....	65.11
DAS Materiel, August postage .....	71.90
Hain, Jerry, September Board Meeting mileage .....	36.80
Hawks, Jim, September Board Meeting mileage .....	259.90
J P Cooke Co., seal & freight (replacement seal) .....	57.20
Whitfield, Denny, September Board Meeting mileage .....	57.50
September Total .....	<u>\$1,610.64</u>
BELS Rent, 2 <sup>nd</sup> Qtr., FY 20-21.....	703.75
DAS Building Div., September parking .....	15.00
DAS IMServices, September web hosting .....	28.00
DAS Materiel, August office supplies .....	11.98
DAS Materiel, 63 <sup>rd</sup> Annual report printing (credit) .....	-370.80
DAS Materiel, September postage (PDH ltrs 153.27) .....	236.71
J P Cooke Co., 2 seals & freight .....	59.75

General Fund Reimbursement, 1 <sup>st</sup> Qtr., FY 20-21 .....	1,605.41
October Total .....	<u>\$2,289.80</u>

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

Motion carried.

Secretary Sherlock recognized Ryan Luedke, Draftsman for State Surveyor Office, for 15 years of service. Ryan assists with the State Records Repository and NBELS web site. Luedke will be transferring to the Board of Educational and Funds mid-year 2021.

Secretary Sherlock also reported that 100 digital seals have been issued.

A Nevada researcher and writer has been surveying licensing boards for demographics and when the research article is published, the Board will receive a copy. In Nebraska, the average age of an active registered land surveyor is 57.

Updated Minimum Standards for Surveys continued to be discussed by Professional Surveyors Association of Nebraska (PSAN). Legal counsel has reviewed the Minimum Standards revisions. Secretary Sherlock continues to provide reports to PSAN for their quarterly newsletter.

Surveyor continuing education or professional development hours was discussed as more education may be offered on-line. The Board felt the industry will need to make courses more valuable and also offer business and ethic practices courses.

2021 Board meeting dates were set: January 21, March 11, May 20, July 22, September 23, and November 18. Meeting dates are published on the NBELS web site.

The next meeting is scheduled for January 21, 2021 in Lincoln.

Pro moved and Hawks seconded that the meeting be adjourned at 12:25 p.m.

All in favor. Motion carried.

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Casey C. Sherlock, Secretary