

BOARD OF EXAMINERS FOR LAND SURVEYORS

January 21, 2021

The Board of Examiners for Land Surveyors (Board) convened at 9:01 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
Mary L. Pro
Casey Sherlock, Ex Officio Secretary of The Board

Absent:
James W. Hawks

Others present:
Gerri Monahan

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on January 5, 2021.

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.

Whitfield moved and Pro seconded that the November 19, 2020 Board meeting minutes be approved.

Voting Aye: Hain, Pro, Whitfield, Bolte.

Absent: Hawks.

Motion carried.

Whitfield moved and Pro 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: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

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

Whitfield moved and Pro seconded that the Board return to regular session at 9:14 a.m.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

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

Whitfield moved and Pro seconded that Secretary Sherlock send a letter to Land Surveyor that if the revised survey has not been received by the Nebraska Survey Record Repository by 5:00 p.m. CST, January 26, 2021, the Board will reopen Complaint 19-2 at their next meeting.

Voting Aye: Whitfield, Bolte, Hain, Pro.

Absent: Hawks.

Motion carried.

Whitfield moved and Pro seconded that Secretary Sherlock send a letter to Land Surveyor (LS) that if the revised survey has not been received by the Nebraska Survey Record Repository, then formal action for non-compliance by LS will be taken.

Voting Aye: Bolte, Hain, Pro, Whitfield.

Absent: Hawks.

Motion carried.

Whitfield moved and Pro seconded that the Board go into executive session at 9:22 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: Hain, Pro, Whitfield, Bolte.

Absent: Hawks.

Motion carried.

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

Hain moved and Pro seconded that the Board return to regular session at 9:33 a.m.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

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

Pro moved and Hain seconded to close Complaint 20-1 and that Secretary Sherlock send a letter to LS and complaintee noting the Board would like the LSs to work towards a common resolution to the issues between the surveys.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

Lack of Minimum Standards by Land Surveyors was discussed. The Board determined no further action would be taken with two LS and one LS would be monitored for progress in filing surveys in the State Records Repository.

Pro moved and Whitfield seconded that the Board go into executive session at 10:26 a.m. with Sherlock and Monahan present for the purpose of discussing Class 1 Application – Land Surveyor; Class 1 Registrations – Land Surveyor; Class 2 Registration – Reciprocity; Class 3 Applications / Registrations – Surveyor-in-Training; 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: Whitfield, Bolte, Hain, Pro.

Absent: Hawks.

Motion carried.

Chair stated that discussion in executive session would be limited to Class 1 Application – Land Surveyor; Class 1 Registrations – Land Surveyor; Class 2 Registration – Reciprocity; Class 3 Applications / Registrations – Surveyor-in-Training; and Class 4 - Inactive Registration Applications.

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

Voting Aye: Bolte, Hain, Pro, Whitfield.

Absent: Hawks.

Motion carried.

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

Whitfield moved and Pro seconded that the Class 1 application of Samuel David Decker 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:

Voting Nay: Hain, Pro, Whitfield, Bolte.

Absent: Hawks.

Motion failed.

Pro moved and Whitfield seconded that inasmuch as Jeff Boden passed the Principles and Practices of Surveying (PS) examination on September 30, 2020 and passed the Nebraska State Specific examination on November 23, 2020 and upon receipt of the registration fee in amount of \$100.00, he be granted registration dated January 21, 2021 under Certificate 825.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

Whitfield moved and Pro seconded that inasmuch as Jeffrey L. Daharsh passed the Principles and Practices of Surveying (PS) examination on October 16, 2020 and passed the Nebraska State Specific examination on December 17, 2020 and upon receipt of the registration fee in amount of \$100.00, he be granted registration dated January 21, 2021 under Certificate 826.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

Pro moved and Whitfield seconded that inasmuch as Brent D. Krumbach passed the Principles and Practices of Surveying (PS) examination on October 9, 2020 and passed the Nebraska State Specific examination on December 17, 2020 and upon receipt of the registration fee in amount of \$100.00, he be granted registration dated January 21, 2021 under Certificate 827.

Voting Aye: Whitfield, Bolte, Hain, Pro.

Absent: Hawks.

Motion carried.

Hain moved and Pro seconded that inasmuch as Michael Blake Brown passed the Nebraska reciprocity examination on December 18, 2020 and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from Texas, and that upon registration fee in amount of \$100.00, he be granted registration dated January 21, 2021 under Certificate No. 828.

Voting Aye: Bolte, Hain, Pro, Whitfield.

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.

Pro moved and Whitfield seconded that the Class 3 application of Brian J. Morgan 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 October 30, 2020, and upon receipt of the SIT registration in the amount of \$20.00, Morgan be granted SIT registration dated January 21, 2021 under Certificate No. 288.

Voting Aye: Hain, Pro, Whitfield, Bolte.

Absent: Hawks.

Motion carried.

Hain moved and Pro seconded that the Class 3 application of Adam Kerr 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 September 10, 2020, and upon receipt of the SIT registration in the amount of \$20.00, Kerr be granted SIT registration dated January 21, 2021 under Certificate No. 289.

Voting Aye: Pro, Whitfield, Bolte, Hain,

Absent: Hawks.

Motion carried.

Whitfield moved and Pro seconded that inasmuch as Kelly A. Beatty, LS 476; Louis L. Austin, LS 309; Ronald E. Ilk, LS 482; and Michael Ross Johnson, LS 526, have met the Class 4 requirements, they be granted inactive registration status effective March 31, 2021.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

NIC Nebraska is assisting the Board with moving towards an on-line application process. Board members were set up with IDs to access information.

Forty four Nebraska LS active and 4 inactive renewal forms and fees are pending. Eleven are on the audit list.

Three active land surveyors and four inactive have notified the Board they will not renew.

Executive Order #20-23, Coronavirus - Land Surveyor Continuing Education Waiver: The Board lowered the Professional Development Hours (PDHs) requirement to a minimum of 20 hours for the biennium renewal. Any certificate holder who completes in excess of 20 hours of professional development within the preceding two calendar years (2019-2020) may have the excess, not to exceed 15 hours, applied to the requirements for the next biennium.

A chart of carryover hours was reviewed. The majority of renewals, to date, had at least 30 Professional Development Hours. A few logged between 20 and 29 hours.

Forty seven PDH audits, with documentation, were reviewed.

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

Voting Aye: Whitfield, Hain, Pro.

Abstaining: Bolte.

Absent: Hawks.

Motion carried.

The National Council of Examiners for Engineering and Surveying (NCEES) Member Board Administrator and Board Presidents Assembly upcoming meetings are virtual. Vice Chair Whitfield will attend for Chair Bolte.

Hain and Pro will represent the Board at the Central Zone virtual meeting in Des Moines, Iowa.

Whitfield moved and Pro seconded that the November and December expense vouchers be approved:

Comfort Suites, Hawks Sept. and Nov. meeting lodging	162.00
DAS Building Div. October parking	15.00
DAS IMServices, October web hosting	28.00
DAS Materiel, NBELS envelopes	161.70
DAS Materiel, October postage (renewals 188.01)	192.35
Hawks, Jim, November Board Meeting mileage	259.90
Lincoln Journal Star, Sept. and Nov. meeting notice	18.08
Whitfield. Dennis, November Board Meeting mileage	<u>57.50</u>
November Total	\$894.53
DAS Building Div., November parking	15.00
DAS IMServices, November web hosting	28.00
DAS Materiel, NBELS letterhead	170.89

DAS Materiel, October office supplies	52.15
DAS Materiel, November postage	43.07
J P Cooke Co., 1 seal & freight	32.75
 December Total	 \$341.86

Voting Aye: Bolte, Hain, Pro, Whitfield.

Absent: Hawks.

Motion carried.

Thirteen new Nebraska Land Surveyors were registered in 2020. Two are Nebraska residents. Five Surveyor-in-Training certificates were granted.

Secretary Sherlock discussed a survey question regarding performing a topographic survey in Nebraska on federal property as a contractor for the federal customer in which no boundary work was involved. Discussion with the Nebraska Attorney General's office concluded that while performing topographic surveying services under contract with the United State Government on land owned by the United State Government, one would not be subject to licensure in the State of Nebraska by the Board of Examiners for Land Surveyors in Nebraska.

Proposed Nebraska legislation pertaining to land surveyors was discussed. Bills introduced include, LB 422, LB 224 and LB 213.

The July meeting was changed to July 15. Additional meeting dates are published on the NBELS web site under the General Information link.

The next meeting is scheduled for March 11, 2021 in Lincoln.

Pro moved and Hain seconded that the meeting be adjourned at 12:02 p.m.

All in favor. Motion carried.

Casey C. Sherlock, Secretary