

BOARD OF EXAMINERS FOR LAND SURVEYORS

March 11, 2021

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 of the Board

Others present
Jeremy Feusner, Kearney, President, Professional Surveyors Association of
Nebraska, PSAN
Jerry Penry, Lincoln, Chair, PSAN Ethics/Standard of Practice Committee
Rex Heiden, York
Gerri Monahan

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on February 24, 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.

Public was asked to reserve a time to speak on a specific agenda item.

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

Whitfield moved and Hain seconded that the January 21, 2021 Board meeting minutes be approved.

Voting Aye: Hain, Pro, Whitfield, Bolte.

Abstaining: Hawks.

Motion carried.

Pro 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 Pro 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.

Hawks moved and Pro seconded that Secretary Sherlock send a letter to Land Surveyor (LS) that the revised survey has been received and all requirements of the Board have been met. Complaint 19-2 is now resolved.

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

Motion carried.

Agenda item #6 was moved ahead of item #5 to accommodate speaker's presentation.

Jeremy Feusner, President, Professional Surveyors Association of Nebraska (PSAN), gave an overview of PSAN's Minimum Standards Revisions. PSAN members and Southeast Nebraska Land Surveyors Association (SENLISA) members were involved in the process enduring two years. First adopted in 1989, the minimum standards were revised, approved and adopted by PSAN membership on February 12, 2021.

Feusner reviewed section by section for the Board.

Feusner, Penry and Heiden were all excused.

Whitfield moved and Hawks seconded that the Board go into executive session at 10:09 a.m. with Sherlock and Monahan present for the purpose of discussing PSAN's Revisions to the Minimum Standards 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 PSAN's Revised Minimum Standards.

Secretary Sherlock distributed the PSAN's adopted Revised Minimum Standards to the Board for review.

Hawks moved and Hain seconded that the Board return to regular session at 10:18 a.m.

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

Motion carried.

Chair stated that no subject matter other than PSAN's Revised Minimum Standards was discussed in executive session.

Hawks moved and Hain seconded to authorize Secretary Sherlock to proceed with the process of amending the Board's Rules & Regulations to incorporate revisions of minimum standards.

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

Motion carried.

A public hearing will be part of the process of amending the Board's Rules and Regulations.

Hawks moved and Pro seconded that the Board go into executive session at 10:30 a.m. with Sherlock and Monahan present for the purpose of discussing Lack of Minimum Standards by Land surveyors 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 Hawks seconded that the Board return to regular session at 10:35 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.

Hawks moved and Hain seconded that Secretary Sherlock send a letter to LS requesting an update on progress of filing surveys prior to the May Board meeting.

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

Motion carried.

Whitfield moved and Pro seconded that the Board go into executive session at 10:42 a.m. with Sherlock and Monahan present for the purpose of discussing Class 2 Application – Reciprocity; Class 2 Registration – Reciprocity; Class 2 Reinstatement – Reciprocity; and Class 3 Application / Registration – Surveyor-in-Training; 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 2 Application – Reciprocity; Class 2 Registration – Reciprocity; Class 2 Reinstatement – Reciprocity; and Class 3 Application / Registration – Surveyor-in-Training.

Hawks moved and Hain seconded that the Board return to regular session at 10:55 a.m.

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

Motion carried.

Chair stated that no subject matter other than Class 2 Application – Reciprocity; Class 2 Registration – Reciprocity; Class 2 Reinstatement – Reciprocity; and Class 3 Application / Registration – Surveyor-in-Training; was discussed in executive session.

Whitfield moved and Hawks seconded that the Class 2 application of Scott Bruce for land surveyor 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: Pro, Whitfield, Bolte, Hain, Hawks.

Motion carried.

Hawks moved and Pro seconded that inasmuch as Brian L. Yentes passed the Nebraska reciprocity examination on February 23, 2021 and has completed the requirements for Class 2 land

surveyor registration in Nebraska, by reciprocity from Iowa, and that upon registration fee in amount of \$100.00, he be granted registration dated March 11, 2021 under Certificate No. 829.

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

Motion carried.

Hain moved and Whitfield seconded that inasmuch as Jerry Froese, LS 551, reciprocity from Kansas, has completed the requirements for reinstatement with his Professional Development Hours (PDH), he be approved for registration upon receipt of reinstatement fee in amount of \$220.00.

Voting Aye:

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

Motion failed.

Hawks moved and Hain seconded that Secretary Sherlock send a letter asking LS to submit samples of surveys done in Nebraska while LS was an active LS in Nebraska. Reinstatement to be reconsidered at the Board's May meeting.

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.

Hawks moved and Pro seconded that the Class 3 application of Walter R. Johnson 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 February 2, 2021, and upon receipt of the SIT registration in the amount of \$20.00, Johnson be granted SIT registration dated March 11, 2021 under Certificate No. 290.

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

Motion carried.

The Electronic Government Service Level Agreement and Addendum Two with NIC Nebraska was discussed. NIC Nebraska is assisting the Board with moving towards an on-line application process.

Hawks moved and Pro seconded that the Chair be authorization to sign the Electronic Government Service Level Agreement and Addendum Two with NIC Nebraska.

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

Motion carried.

Board members were set up with IDs to access information.

Secretary Sherlock provided an on-line application process demo.

Twenty eight Nebraska LS active and 4 inactive renewal forms and fees are pending. Two are on the audit list.

Nine renewals with PDH audits and documentation were reviewed.

Hawks moved and Pro seconded to accept the PDH audit report as reviewed.

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

Motion carried.

The National Council of Examiners for Engineering and Surveying (NCEES) Central Zone virtual meeting will be held April 29. Board members were encouraged to register.

Pro moved and Hawks seconded that the January and February expense vouchers be approved:

BELS Rent, 3 rd Qtr., FY 20-21	703.75
DAS Building Div. December parking	15.00
DAS IMServices, December web hosting	28.00
DAS Materiel, December postage (renewals/receipts/pc. 107.48)	134.85
Data Source Media, office supplies	100.00
General Fund Reimbursement, 2 nd Qtr., FY 20-21, Contractual Svcs.	1,605.41
Lincoln Journal Star, January meeting notice	9.04
NCEES, 2021 dues	2,600.00
Whitfield. Dennis, January Board Meeting mileage	<u>56.00</u>

January Total \$5,252.05

DAS Building Div., January parking	15.00
DAS IMServices, January web hosting	28.00
DAS Materiel, December office supplies	15.69
DAS Materiel, January postage	125.73
J P Cooke Co., 4 seals & freight	<u>115.00</u>

February Total \$299.42

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

Motion carried.

Secretary Sherlock reported that his report of the Nebraska State Surveyor and the Nebraska Board of Examiners for Land Surveyors is being published in PSAN's "The Nebraska Surveyor" newsletter. The State Surveyor's Office has purchased a Bookeye scanner. All Nebraska county clerks and county surveyors will be advised of the scanner to use for scanning their survey records.

State Surveyor Office staff member Ryan Luedtke will be transferring to the Educational land and Funds office. A licensed surveyor will be hired to help review surveys to be filed in the State Records Repository and do possible survey work. The LS will need to complete and pass the deputy surveyor exam.

A GPS R10 unit also has been purchased for the State Surveyor's Office.

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

The next meeting is scheduled for May 20, 2021 in Lincoln. This will be the annual meeting and election of officers.

Additional meeting dates are published on the NBELS web site under the General Information link.

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

All in favor. Motion carried.

Casey C. Sherlock, Secretary