

BOARD OF EXAMINERS FOR LAND SURVEYORS

May 20, 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
Buckley Blew, Arkansas
Gerri Monahan

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

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.

Hawks moved and Hain seconded that the March 11, 2021 Board meeting minutes be approved.

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

Motion carried.

Whitfield moved and Pro seconded that the Board go into executive session at 9:04 a.m. with LS, Sherlock and Monahan present for the purpose of discussing Complaint 21-1 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: Hawks, Pro, Whitfield, Bolte, Hain.

Motion carried.

Chair stated that the discussion in executive session would be limited to Complaint 21-1.

Hain moved and Pro seconded that the Board return to regular session at 9:22 a.m.

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

Motion carried.

LS was dismissed.

Chair stated that no subject matter other than Complaint 21-1 was discussed in executive session.

Hawks moved and Pro seconded to close Complaint 21-1 and that Secretary Sherlock send a letter to Land Surveyor (LS) and complaintee that the surveys have been received and all requirement of the Board have been met.

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

Motion carried.

Hain moved and Hawks seconded that the Board go into executive session at 9:30 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.

Hawks moved and Pro seconded that the Board return to regular session at 9:43 a.m.

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

Motion carried.

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

Hain moved and Hawks seconded that Secretary Sherlock send a letter informing LS the issue is now dismissed.

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

Motion carried.

Whitfield moved and Hawks seconded that the Board go into executive session at 9:55 a.m. with Sherlock and Monahan present for the purpose of discussing Class 1 Application – Land Surveyor; Class 2 Applications – Reciprocity; Class 2 Applications – Reciprocity Reinstatement; Class 3 Application / Registration – Surveyor-in-Training; and Class 4 Application – Inactive 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 discussion in executive session would be limited to Class 1 Application – Land Surveyor; Class 2 Applications – Reciprocity; Class 2 Applications – Reciprocity Reinstatement; Class 3 Application / Registration – Surveyor-in-Training; and Class 4 Application – Inactive.

Hawks moved and Hain seconded that the Board return to regular session at 10:25 a.m.

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

Motion carried.

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

Whitfield moved and Hawks seconded that the Class 1 application of Joseph J. Poole 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.

Voting Nay: Bolte, Hain, Pro, Whitfield.

Motion failed.

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

Hawks moved and Hain seconded that the Class 2 application of Kenneth Dale Huffman for land surveyor registration by reciprocity from Colorado 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, Bolte.

Voting Nay: Whitfield, Hain.

Motion carried.

Hawks 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), and survey examples, he be approved for registration upon receipt of reinstatement fee in amount of \$220.00.

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

Motion carried.

Pro moved and Hawks seconded that inasmuch as Mark E, Johnson, LS 794, reciprocity from South Dakota, 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: Whitfield, Bolte, Hain, Hawks, Pro.

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 Josh Siel 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 24, 2021, and upon receipt of the SIT registration in the amount of \$20.00, Siel be granted SIT registration dated May 20, 2021 under Certificate No. 291.

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

Motion carried.

Pro moved and Hawks seconded that inasmuch as Victor A. Beenblossom, LS 461 has met the Class 4 requirements, he be granted inactive registration status effective March 31, 2021.

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

Motion carried.

2019-2020 NBELS Biennial Renewals was discussed. To date, 290 active LS and 10 inactives have renewed. In addition, there are three non-renewing LS; four non-renewing inactives; ten active LS going inactive; two deceased inactives and four deceased LS, eight LS delinquents; and three inactive LS delinquents. The Nebraska LSs represented a 7.1% decline in registrants.

Two LS renewals with PDH audits and documentation were reviewed.

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

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

Motion carried.

Hawks moved and Pro seconded that registration by exam, reciprocity, or reactivation licensees will have no PDHs or renewal fee due until one full renewal biennium cycle has passed. 30 PDHs and renewal fees will be due for the following biennial renewal period.

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

Motion carried.

Minimum standards education was discussed. After the Board's updated Rules and Regulations are approved, two hours of Nebraska Minimum Standards for Surveys and/or ethics will be considered.

The Board discussed possible revisions to their Rules and Regulations. At the March 11, 2021 meeting, the Board authorized Secretary Sherlock to proceed with the process of amending the Board's Rules & Regulations to incorporate revisions of minimum standards. A public hearing will be part of the process of amending the Board's Rules and Regulations. A Rules and Regulations checklist from the Attorney General's office was reviewed.

Secretary Sherlock gave an overview of the National Council of Examiners for Engineering and Surveying (NCEES) Central Zone virtual meeting held April 29.

Hawks moved and Hain seconded to approve Board Member Pro and Associate Member Sherlock as the NCEES funded delegates to attend the NCEES Annual Meeting in New Orleans, LA in August.

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

Motion carried.

Whitfield moved and Pro seconded to approve the agreement for 10% of office staff and 10% of space rental used by the Board in the State Surveyor's Office in the Board of Educational Lands and Funds Office Building for FY 21-22 thru FY 24-25. Payment shall be paid annually in advance in July.

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

Motion carried.

Hawks moved and Pro seconded that members and staff for 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: Hain, Hawks, Pro, Whitfield, Bolte.

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.

Hawks moved and Pro seconded to approve Secretary Sherlock to proceed with the on-line application process thru NIC – Nebraska Interactive.

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

Motion carried.

Hawks moved and Pro seconded that the March and April expense vouchers be approved:

DAS Materiel, February postage	51.35
DAS IMServices, February web hosting	28.00
Lincoln Journal Star, March meeting notice	9.04
Hain, Jerry, March Board Meeting mileage	35.84
Hawk, James, March Board Meeting mileage	253.12
J P Cooke Co., 1 seal & freight	33.05
Whitfield, Dennis, March Board Meeting mileage	<u>56.00</u>

March Total \$466.40

BELS Rent, 4 th Qtr., FY 20-21	703.75
DAS Materiel, March office supplies	16.87
DAS Building Div. February & March parking	30.00
DAS Materiel, March postage (29 certified ltrs 234.14)	307.41
DAS IMServices, March web hosting	28.00
General Fund Reimbursement, 3rd Qtr., FY 20-21, Contractual Srvs.	<u>1,605.41</u>

April Total \$2,691.44

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

Motion carried.

Pro moved and Hawks seconded to suspend the rules and regulations and cast a unanimous ballot for Denny Whitfield as Chairperson effective July 1, 2021.

Voting Aye: Bolte, Hain, Hawks, Pro

Abstain: Whitfield.

Motion carried.

Hawks moved and Whitfield seconded to suspend the rules and regulations and cast a unanimous ballot for Mary Pro as Vice Chairperson effective July 1, 2021.

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

Motion carried.

Secretary Sherlock noted 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.

LB 224, changing provisions for appointment of a county surveyor in certain counties was approved by the Governor on April 23, 2021.

The next meeting is scheduled for July 15, 2021 in Lincoln.

Additional meeting dates are published on the NBELS web site <https://nbels.nebraska.gov/> under the General Information link.

Hain moved and Hawks seconded that the meeting be adjourned at 12:56 p.m.

All in favor. Motion carried.

Casey C. Sherlock, Secretary