

BOARD OF EXAMINERS FOR LAND SURVEYORS

July 15, 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:

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

Others present
Jerry Penry, Deputy State Surveyor
Gerri Monahan

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on June 30, 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 Bolte seconded that the May 20, 2021 Board meeting minutes be approved.

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

Motion carried.

Bolte moved and Pro seconded that the Board go into executive session at 9:01 a.m. with Sherlock, Penry and Monahan present for the purpose of discussing Class 1 Applications – Land Surveyor; Class 2 Applications – Reciprocity; Class 2 Registrations – Reciprocity; and Class 3 Applications / Registrations - 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: Hawks, Pro, Whitfield, Bolte, Hain.

Motion carried.

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

Hain moved and Hawks seconded that the Board return to regular session at 9:45 a.m.

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

Motion carried.

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

Bolte moved and Pro seconded that the Class 1 application of Joseph J. Poole for land surveyor registration be approved and he be permitted to take the Principles and Practice of Surveying (PS) and Nebraska State Specific land surveyor examinations.

Voting Aye: Whitfield, Bolte, Hawks, Pro.

Voting Nay: Hain.

Motion carried.

Hawks 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 the Principles and Practice of Surveying (PS) and Nebraska State Specific land surveyor examinations.

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

Motion carried.

Pro moved and Hawks seconded that the Class 2 application of J. Michael Russell for land surveyor registration by reciprocity from Oklahoma 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.

Motion carried.

Hain moved and Bolte seconded that the Class 2 application of Kevin Flood for land surveyor registration by reciprocity from Iowa 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, Whitfield, Bolte, Hain.

Motion carried.

Hawks moved and Pro seconded that inasmuch as Kenneth Dale Huffman, passed the Nebraska reciprocity examination on June 28, 2021 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 July 15, 2021 under Certificate No. 830.

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

Motion carried.

Bolte moved and Hain seconded that inasmuch as Nicholas Cole Phipps, passed the Nebraska reciprocity examination on July 12, 2021 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 July 15, 2021 under Certificate No. 831.

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 Bolte seconded that the Class 3 application of Thomas Zeckser 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 June 1, 2021, and upon receipt of the SIT registration in the amount of \$20.00, Zeckser be granted SIT registration dated July 15, 2021 under Certificate No. 292.

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

Motion carried.

Hain moved and Hawks seconded that the Class 3 application of Phillip Michael Spenner 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 March 24, 2021, and upon receipt of the SIT registration in the amount of \$20.00, Spenner be granted SIT registration dated July 15, 2021 under Certificate No. 293.

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

Motion carried.

Hawks moved and Bolte seconded that the Class 3 application of Joshua Jay Gilbertson 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 June 1, 2021, and upon receipt of the SIT registration in the amount of \$20.00, Gilbertson be granted SIT registration dated July 15, 2021 under Certificate No. 294.

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

Motion carried.

The on-line application process, developed by Nebraska Interactive, was reviewed. On-line applications are being received. Biennial renewals will be available on-line for 2022.

Two additional land surveyors (LS) have renewed, with late fees.

The current complaint form and proposed complaint form were reviewed.

Pro moved and Hain seconded to approved the new complaint form and have it available as a fill in application and also downloadable from the web site.

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

Motion carried.

The Board reviewed a draft of revisions to amend their Rules and Regulations and to incorporate revisions of Minimum Standards for Surveys in Nebraska.

Hain moved and Pro seconded to change the maximum number of on-line Professional Development Hours completed from 10 to 15 hours.

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

Motion carried.

Pro was dismissed at 12:00 p.m.

The main topics considered for the Board's Rules and Regulations revisions included, but are not limited to, the following:

- New rule for general provisions and adoption of the Attorney General's Model Rules;
- New rule utilizing a simplified fee schedule incorporated within the By-Laws adopted by the Examining Board under authorities granted by statute;
- New rule for allowing registrants to obtain Professional Development Hours through online resources;
- New rule requiring a minimum of 2 hours of continuing education in either ethics or the Minimum Standards for Surveys in Nebraska as requested by the state professional society;
- New rule covering the rights and privileges of the use of the land surveyor's seal, including security over the seal, identification of the works of coordinating professionals, and provisions for determining direct supervision of work;
- New rule for obtaining a Certificate of Registration provide the name of a licensed professional land surveyor associated with the service of professional land surveying by a partnership, limited liability company, corporation, or joint venture;
- Revision and adoption of new Minimum Standards for Surveys in Nebraska attached as Addendum A as requested by the state professional society.

Hawks moved and Hain seconded to approve the Board's Rules and Regulations revisions and to incorporate revisions of Minimum Standards for Surveys in Nebraska.

Voting Aye: Bolte, Hain, Hawks, Whitfield.

Absent: Pro.

Motion carried.

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

Hawks moved and Bolte seconded to set the Board's Rules and Regulations hearing for 10 a.m. on September 23 at the Board meeting.

Voting Aye: Hain, Hawks, Whitfield, Bolte.

Absent: Pro.

Motion carried.

The National Council of Examiners for Engineering and Surveying (NCEES) Resolution of Cooperation (ROC) to facilitate interstate licensure for professional engineers and professional surveyors was discussed. Board members felt the ROC did not address specific land surveying statutes and licensing laws in Nebraska to meet qualifying requirements for licensure as a registered professional land surveyor in Nebraska.

Hain moved and Bolte seconded to not approve the NCEES Resolution of Cooperation.

Voting Aye: Hawks, Whitfield, Bolte, Hain.

Absent: Pro.

Motion carried.

Hain moved and Hawks seconded that the May and June expense vouchers be approved:

DAS Materiel, April postage	2.61
DAS IMServices, April web hosting	28.00
Lincoln Journal Star, May meeting notice	9.04
Hain, Jerry, May Board Meeting mileage	35.84
Hawk, James, May Board Meeting travel	277.80
Whitfield, Dennis, May Board Meeting mileage	<u>56.00</u>
May Total	\$409.29

DAS IMServices, May web hosting	28.00
DAS Building Div. April & May parking	30.00
DAS Materiel, May postage	<u>53.83</u>
June Total	\$111.83

Voting Aye: Whitfield, Bolte, Hain, Hawks.

Absent: Pro.

Motion carried.

Secretary Sherlock introduced Jerry Penry as the new Deputy State Surveyor for the State Surveyor's Office. Penry will assist the State Surveyor with survey related duties, survey filings for the State Records Repository, and survey work as needed for the Board of Educational Lands and Funds.

The next meeting is scheduled for September 23, 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 1:50 p.m.

All in favor. Motion carried.

Casey C. Sherlock, Secretary