

BOARD OF EXAMINERS FOR LAND SURVEYORS

March 17, 2022

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, (arrived at 9:30 a.m.)  
Casey Sherlock, Ex Officio Secretary of the Board

Absent:  
James W. Hawks

Others present:  
John Jelkin, Assistant Attorney General  
Jerry Penry, Deputy State Surveyor  
Gerri Monahan

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on March 7, 2022.

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.

Pro moved and Bolte seconded to add agenda item #3, Approval of Minutes of January 20, 2022 Board Meeting, back on the agenda and approve the January 21, 2022 Board Meeting minutes as presented.

Voting Aye: Pro, Whitfield, Bolte.

Absent: Hain, Hawks.

Motion carried.

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

Comfort Suites, Hawks lodging, January meetings .....	81.00
DAS Materiel, December postage .....	24.91
DAS IMServices, December web hosting .....	28.00
Data Source Media, office supplies .....	25.00
Hawk, James, January Board Meeting travel .....	326.38
J.P. Cooke Co., 1 LS seal & freight .....	33.50
NCEES 2022 Member Board Fee .....	<u>2,600.00</u>
January Total .....	\$3,118.79
DAS Building Div. December & January parking .....	30.00
DAS IMServices, January web hosting .....	28.00
DAS Materiel, January postage .....	69.30
Lincoln Journal Star, January meeting notice .....	11.05
Office Depot, December office supplies .....	<u>51.02</u>

February Total ..... \$189.37

Voting Aye: Pro, Whitfield, Bolte.

Absent: Hain, Hawks.

Motion carried.

Secretary Sherlock gave an overview of the Board's Title 234 Rules and Regulations process to date. The Attorney General's office did not approve the possible revisions of adding Chapter 6 Certificate of Registration as amended at the November 19 rulemaking hearing. The addition of a Certification of Registration will require a statutory change.

The revised Title 234 Rules and Regulations now contain 13 chapters. The definition of a control survey will be added to definitions: Control Survey, a control survey utilizes and/or establishes primary monuments that form the basis of control, both horizontally and vertically, from which subordinate surveys are referenced into and adjusted. These surveys may include, but are not limited to, route alignments, photogrammetry, topographic mapping and boundary surveys. The positions of the monuments within a control survey provide the standard of accuracy from which subsequent and subordinate surveys are governed.

Mr. Jelkin offered to do a quick review of the revised Title 234 Rules and Regulations before they are sent to other Nebraska state agencies in the Rules and Regulation process.

Bolte moved and Pro seconded to proceed with Title 234 Rules & Regulations as amended; deleting Chapter 6 (Certificate of Registration), renumbering the chapters, and addition of control survey to definitions.

Voting Aye: Pro, Whitfield, Bolte.

Absent: Hain, Hawks.

Motion carried.

Pro moved and Bolte seconded to instruct Secretary Sherlock to proceed with scheduling a public hearing on the revised Rules and Regulation to Title 234 for May 19 at 10:00 am at 555 North Cotner Boulevard, Lower Level Board Room, Lincoln, NE.

Voting Aye: Whitfield, Bolte, Pro.

Absent: Hain, Hawks.

Motion carried.

The Board reviewed legislative bills. LB 1122, authorizing certain activities, providing a requirement related to land surveying, and providing liability, was advanced to General File on February 15 after a February 11 hearing. If the bill is not added with another bill, then the process of introducing a bill will start over the next legislative session.

Jerry Hain arrived at 9:30 a.m.

Review of additional legislative bills included LB 43, LB 179, LB 213, LB 224, LB 263, LB 422, LB 709, LB 791, LB 814, LB 975, LB1127 and LB 1174.

Mr. Jelkin was excused at 10:02 a.m.

Pro moved and Bolte seconded that the Board goes into executive session at 10:04 a.m. with Sherlock, Penry, and Monahan present to discuss Class 2 Application – Reciprocity, Class 2 Registration – Reciprocity, and Class 3 Applications and Certificates – 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: Bolte, Hain, Pro, Whitfield.

Absent: Hawks.

Motion carried.

The Chair stated that discussion in the executive session would be limited to Class 2 Application – Reciprocity, Class 2 Registration – Reciprocity, and Class 3 Applications and Certificates – Surveyor-in-Training.

Pro moved and Hain seconded that the Board returns to regular session at 10:15 a.m.

Voting Aye: Hain, Pro, Whitfield, Bolte.

Absent: Hawks.

Motion carried.

The Chair stated that no subject matter other than Class 2 Application – Reciprocity, Class 2 Registration – Reciprocity, and Class 3 Applications and Certificates – Surveyor-in-Training was discussed in the executive session.

Pro moved and Bolte seconded that the Class 2 application of Thomas Whitson Brooks, Jr. for surveyor registration by reciprocity from Alabama 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.

Absent: Hawks.

Motion carried.

Pro moved and Hain seconded that since Michael Nathan Kern, passed the Nebraska reciprocity examination on March 1, 2022, and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from Minnesota, and that upon \$100.00 registration fee, he be granted registration dated March 17, 2022, under Certificate No. 839.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

Before the formal filing of surveys in the State Records Repository (SRR), 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.

Bolte moved and Pro seconded that the Class 3 application of Dustin C. Shropshire for registration by Surveyor-in-Training (SIT) be approved and that since he has demonstrated a knowledge of surveying fundamentals by passing the NCEES Fundamentals of Surveying (FS) examination on

December 22, 2021, and upon receipt of the SIT registration for \$20.00, Shropshire be granted SIT registration dated March 17, 2022, under Certificate No. 296.

Voting Aye: Whitfield, Bolte, Hain, Pro.

Absent: Hawks.

Motion carried.

Pro moved and Bolte seconded that the Class 3 application of Nicholas Paul Hollatz for registration by Surveyor-in-Training (SIT) be approved and that since he has demonstrated a knowledge of surveying fundamentals by passing the NCEES Fundamentals of Surveying (FS) examination on April 28, 2021, and upon receipt of the SIT registration for \$20.00, Hollatz be granted SIT registration dated March 17, 2022, under Certificate No. 297.

Voting Aye: Bolte, Hain, Pro, Whitfield.

Absent: Hawks.

Motion carried.

Sherlock reported on giving presentations at the recent Professional Surveyors Association of Nebraska (PSAN) Winter Seminar in Kearney.

Governor Ricketts reappointed Dennis Whitfield to the Board of Examiners for Land Surveyors for another term.

The National Council of Examiners for Engineering and Surveying (NCEES) Central Zone meeting will be held in Oklahoma City, OK in April. The Nebraska Board delegates are Bolte and Pro. The annual meeting will be held in Carlsbad, CA in August.

Sherlock and Penry have been conducting survey work on some parcels of Board of Educational Lands and Funds (BELF) lease property.

County survey books continue to be scanned and added to the State Surveyor's Office website. County survey records can be accessed under "Links", County Survey Records, Contributed Files. <https://sso.nebraska.gov/nescdb/contributed-files.html>

Nebraska Revised Statute 84-413 Survey Record Repository, duties. The survey record repository shall: (3) As funds become available from the fees collected pursuant to this section, and at no cost to the counties, request records of all surveys completed prior to July 17, 1982, from the counties and incorporate such records into the repository files.

Bolte moved and Pro seconded that the Chair prepare a letter of recognition to PSAN for moving forward the land surveyor profession in Nebraska.

Voting Aye: Hain, Pro, Bolte.

Abstain: Whitfield.

Absent: Hawks.

Motion carried.

The next Board meeting will be held on May 19, 2022, at 9:00 a.m. in Lincoln. A public hearing for Title 234 Rules and Regulations will be held at 10:00 a.m. This will be the annual meeting of the Board and the election of officers also will take place.

Bolte moved and Pro seconded that the meeting is adjourned at 10:47 a.m.

All in favor. Motion carried.

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Casey C. Sherlock  
Ex Officio Secretary of the Board