

BOARD OF EXAMINERS FOR LAND SURVEYORS

September 15, 2022

The Nebraska 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:

Mary L. Pro, Chair
Jerry G. Hain, Vice Chair
Virlyn Bolte
James W. Hawks
Dennis L. Whitfield

Casey Sherlock, Ex Officio Secretary of the Board

Others present:
Brent Cyboron, Chapman
Sandy Cyboron, Chapman
Christopher O'Malley, Sidney
Jerry Penry, Deputy State Surveyor
Gerri Monahan, Admin. Asst.

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on September 2, 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.

Hain moved and Hawks seconded to approve the July 21, 2022 Board Meeting minutes as presented.

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

Motion carried.

Hawks moved and Bolte seconded that the July and August expense vouchers be approved:

Comfort Suites, Hawks, May meeting lodging	85.00
DAS Accounting & Auditing Services, FY 22-23	111.00
DAS Building Div., May parking	15.00
DAS IMServices, May web hosting	28.00
DAS Materiel, June postage	28.56
DAS Purchasing Assessment, FY 22-23	8.00
Hain, Jerry, July Board Meeting mileage	40.00
Hawks, James, July Board Meeting travel	344.46
NBELS Rent, 1 st Qtr, FY 22-23	550.00
Whitfield, Dennis, July Board Meeting mileage	<u>62.50</u>
July Total	\$1,272.52

DAS Building Div., June & July parking	30.00
DAS IMServices, July web hosting	28.00
DAS Materiel, July postage	82.43
DAS Materiel, Printing Annual Report	655.81
Lincoln Journal Star, July meeting notice	9.04
Office Depot, June supplies	<u>17.06</u>
 August Total	 \$822.44

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

Motion carried.

Hain moved and Hawks seconded that the Board go into executive session at 9:05 a.m. with Sherlock, Penry, Monahan, and land surveyors present to discuss performance reviews of registered land surveyor surveys 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.

The Chair stated that discussion in the executive session would be limited to Performance Reviews of Registered Land Surveyor Surveys.

Land surveyors were dismissed following the discussion of their surveys.

Hain moved and Hawks seconded that the Board returns to regular session at 12:10 p.m.

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

Motion carried.

The Chair stated that no subject matter other than Performance Reviews of Registered Land Surveyor Surveys was discussed in the executive session.

The Board directed the Secretary to send a letter to the LSs in attendance as follows: Thank you for attending the board meeting and discussing surveys performed by you prior to September 15, 2022. The board took no action regarding past surveys.

Hawks moved and Hain seconded that the Board will monitor and review surveys performed by the land surveyors completed after September 15, 2022 to ensure compliance with all laws, rules and regulations. Should the Board discover material discrepancies, negligence, incompetency, or misconduct in the performance of their duties as a Nebraska Registered Land Surveyor, the Board may investigate their actions. The Board will be reviewing their work for at least the next 7 months and may continue to monitor their work indefinitely in the performance of its duties.

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

Motion carried.

Hawks moved and Hain seconded to approve the Board's revised complaint form.

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

Motion carried.

The Nebraska Board of Examiners for Land Surveyors, Rules and Regulations, has been approved by the Attorney General and is now at the Governor's Policy Research Office (GPRO) for additional review by the Governor. The rules and regulations can be tracked at:
<https://www.nebraska.gov/nesos/rules-and-regs/regtrack/index.cgi>

The Board took a working lunch break from 12:34 to 1:19 p.m.

Whitfield moved and Bolte seconded that the Board go into executive session at 1:22 p.m. with Sherlock, Penry, and Monahan present to discuss Class 1 Application – Land Surveyor, Class 2 Applications – Reciprocity, and Class 3 Application and Certification – 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: Whitfield, Bolte, Hain, Hawks, Pro.

Motion carried.

The Chair stated that discussion in the executive session would be limited to Class 1 Application– Land Surveyor, Class 2 Applications – Reciprocity, and Class 3 Application and Certification – Surveyor-in-Training.

Whitfield moved and Hawks seconded that the Board returns to regular session at 1:53 p.m.

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

Motion carried.

The Chair stated that no subject matter other than Class 1 Application – Land Surveyor, Class 2 Applications – Reciprocity, and Class 3 Application and Certification – Surveyor-in-Training, were discussed in the executive session.

Hawks moved and Hain seconded that the Class 1 application of Adam Kerr for Nebraska land surveyor registration be approved and he is permitted to take Principles and Practice of Surveying (PS) and Nebraska State-Specific land surveyor examinations.

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

Motion carried.

Whitfield moved and Bolte seconded that the Class 2 application of Chase Brinker for Nebraska 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 Nebraska land surveyor examination.

Voting Aye: Hawks, Pro, Bolte.

Voting Nay: Whitfield, Hain.

Motion carried.

Bolte moved and Hawks seconded that the Class 2 application of Jeremy Adam Lawson for Nebraska land surveyor registration by reciprocity from Arkansas be approved and that he be required to appear before the Secretary of the Board for an interview and Nebraska land surveyor examination.

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

Motion carried.

Hawks moved and Hain seconded that the Class 2 application of John E. Pratt for Nebraska land surveyor registration by reciprocity from Kansas be approved and that he be required to appear before the Secretary of the Board for an interview and Nebraska land surveyor examination.

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

Motion carried.

Hain moved and Hawks seconded that the Class 2 application of Robert W. Bryan for Nebraska land surveyor registration by reciprocity from Texas be approved and that he be required to appear before the Secretary of the Board for an interview and Nebraska land surveyor examination.

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

Motion carried.

Whitfield moved and Bolte seconded that the Class 2 application of Philip Ryan Horne for Nebraska land surveyor registration by reciprocity from Pennsylvania be approved and that he be required to appear before the Secretary of the Board for an interview and Nebraska land surveyor examination.

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

Motion carried.

Bolte moved and Whitfield seconded that the Class 3 application of Grainger Browne for registration as a Nebraska 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 March 9, 2022, and upon receipt of the SIT registration for \$20.00, Browne be granted Nebraska SIT registration dated September 15, 2022, under Certificate No. 300.

Voting Aye: Hawks, Pro, Whitfield, Bolte.

Voting Nay: Hain.

Motion carried.

Upcoming biennial renewals were discussed. Nebraska Interactive (NIC) is developing an online renewal form for land surveyors. A letter, with instructions, will be emailed to all active and inactive Nebraska land surveyors (LS). Surveyors will need to complete the electronic renewal process and electronic payment of the renewal fees. The renewal form will ask for contact info, professional development hours (PDHs), code of ethics, payment, etc. Active land surveyors on the audit list will be notified during the process and will need digital images or scans of all PDH certificates to upload their audit documents. Approved renewals will receive an electronic pocket card.

Active registrants with some missing contact info will be contacted, for updates needed in the Board's database, before sending the renewal information.

Surveyor-in-training registrants will receive a form for updating contact information. SITs do not have a renewal fee or PDHs due.

Hain moved and Hawks seconded that the Board audit 25% of the active registered land surveyors for the upcoming biennial renewal.

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

Motion carried.

Sherlock reported on the biennium budget process. Possible expenditures to be considered include Microsoft surface pros for Board members. Additional information will be presented at the November meeting.

Pro, Hawks, and Sherlock gave overviews of activities from the recent NCEES (National Council of Examiners for Engineering and Surveying) Annual Meeting in Carlsbad, California. Exam price increases, board liabilities, and model laws were highlighted.

Sherlock reported on additional survey fieldwork for the Board of Educational Lands and Funds (BELF) in various Nebraska counties, an upcoming presentation to the Nebraska Department of Right of Way, and a ground penetrating radar system demonstration.

The next Board meeting will be held on November 17, 2022, at 9:00 a.m. in Lincoln. 2023 meeting dates will be set.

Hawks moved and Bolte seconded that the meeting is adjourned at 2:38 p.m.

All in favor. Motion carried.

Casey C. Sherlock
Ex Officio Secretary of the Board

The mission of the State Board of Examiners for Land Surveyors is to enforce and administer the laws relating to the regulation of land surveying through licensing in Nebraska and to ensure the quality of land surveying in Nebraska for the protection of the public.