

BOARD OF EXAMINERS FOR LAND SURVEYORS

November 17, 2022

The Nebraska Board of Examiners for Land Surveyors (Board) convened at 9:05 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 Examining Board

Others present:
Jerry Penry, Deputy State Surveyor
Gerri Monahan, Admin. Asst.

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

Hain moved and Hawks seconded to approve the September 15, 2022 Board Meeting minutes as presented.

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

Motion carried.

Hawks moved and Hain seconded that the September and October expense vouchers be approved:

DAS IMServices, August web hosting	28.00
DAS Materiel, August postage, (Annual Report \$746.58)	781.89
Data Source Media, black toner	37.00
Hain, Jerry, September Board Meeting mileage	40.00
Hawks, James, September Board Meeting travel	344.46
Whitfield, Dennis, September Board Meeting mileage	<u>62.50</u>
September Total	\$1,293.85
DAS IMServices, September web hosting	28.00
DAS Materiel, September postage	74.10
General Fund Reimbursement, 1 st Qtr., FY 22-23	1,823.82
Lincoln Journal Star, September meeting notice	9.04
NBELS Office Rent, 2 nd /qtr., FY 22-23	550.00
Office Depot, August supplies	<u>40.04</u>
October Total	\$2,525.00

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

Motion carried.

Secretary Sherlock outlined the Board's cash fund status and discussion with the budget office. The Board will review expenses and set a minimum amount for their cash fund. Fees will be reviewed at a future meeting.

Laptops and tablets were discussed for use by Board members to assist with the preparation and review of meeting items and to reduce paper and postage expenses. The Board members will review the state's policy on the use of agency property.

Hawks moved and Bolte seconded that the Board authorizes Secretary Sherlock to purchase five 10" Surface Pros with a mouse, pen, keyboard, and carrying case not to exceed \$5,000.00.

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

Motion carried.

The Nebraska Board of Examiners for Land Surveyors, Title 234 NAC 1-13, Appendix I, II, Revision of Rules and Regulations, was approved by Governor Ricketts on September 23, 2022. The revisions became effective on September 28, 2022.

The Board reviewed and discussed statutes changes for the Board, starting with Land Surveying 81-8,109 thru 81-8-127. Discussion items included land surveying definitions, professional land surveyor, control survey, board of examiners duties, changing the language of registered to professional, organizational practice, certificate of authorization; land survey filing, complaints, and unlawful practice.

Statutes 76-2502 thru 76-2506, the Nebraska Plane Coordinate System Act, were reviewed. Updates to the plane coordinate for stating the geographic positions or locations of points within the State of Nebraska were defined.

Statutes 81-407 and 81-413 about the Survey Record Repository fees were reviewed.

Statutes 81-1704, 81-1716, and 81-1717 were reviewed. Registered land surveying and surveyor language will be updated to professional land surveying and professional surveyor.

Hain moved and Hawks seconded that the Board move forward with the statute changes as discussed and present the changes together for legislative bills for NBELS, Nebraska Plane Coordinate System, State Records Repository, and Professional Services for the upcoming legislative session.

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

Motion carried.

Secretary Sherlock reported that the current online biennial renewal process is working well. Twenty-five percent of active registrants will be audited. Audit documents will be reviewed at the January Board meeting.

Questions about professional development hours were discussed.

Bolte was dismissed at 12:00 pm.

Hawks moved and Hain seconded that part-time teaching professional development hours goes under Chapter 11, 002.07.

Voting Aye: Hain, Hawks, Pro, Whitfield.

Absent: Bolte.

Motion carried.

Secretary Sherlock reported that there were no updates to performance reviews of registered land surveyor surveys.

Hawks moved and Hain seconded that the Board go into executive session at 12:20 p.m. with Sherlock, Penry, and Monahan present to discuss Class 1 Applications – Land Surveyor, Class 2 Applications – Reciprocity, and Class 2 Registrations – Reciprocity, 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.

Absent: Bolte.

Motion carried.

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

Hawks moved and Hain seconded that the Board returns to regular session at 12:45 p.m.

Voting Aye: Hawks, Pro, Whitfield, Hain.

Absent: Bolte.

Motion carried.

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

Whitfield moved and Hawks seconded that the Class 1 application of Joshua Jay Gilbertson 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:

Voting Nay: Pro, Whitfield, Hain, Hawks.

Absent: Bolte.

Motion failed.

Hawks moved and Hain seconded that the Class 1 application of Jeffrey Donald Dimon 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: Whitfield, Hain, Hawks, Pro.

Absent: Bolte.

Motion carried.

Hain moved and Whitfield seconded that the Class 1 application of Brent Joseph Hegemann 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: Hawks.

Voting Nay: Hain, Pro, Whitfield.

Absent: Bolte.

Motion failed.

Whitfield moved and Hawks seconded that the Class 1 application of Brian J. Morgan 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.

Absent: Bolte.

Motion carried.

Hawks moved and Hain seconded that the Class 2 application of Christopher Ihde 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: Hawks, Pro, Whitfield, Hain.

Absent: Bolte.

Motion carried.

Hain moved and Whitfield seconded that the Class 2 application of Chase J. Corbridge 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: Pro, Whitfield, Hain, Hawks.

Absent: Bolte.

Motion carried.

Whitfield moved and Hawks seconded that the Class 2 application of Casey Wayne Faircloth 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: Whitfield, Hain, Hawks, Pro.

Absent: Bolte.

Motion carried.

Hawks moved and Hain seconded that since James Janisse passed the Nebraska reciprocity examination on September 30, 2022, and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from Texas, and that upon \$100.00 registration fee, he be granted registration dated November 17, 2022, under Certificate No. 842.

Voting Aye: Hain, Hawks, Pro, Whitfield.

Absent: Bolte.

Motion carried.

Hain moved and Whitfield seconded that since Robert W. Bryan passed the Nebraska reciprocity examination on October 6, 2022, and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from Texas, and that upon \$100.00 registration fee, he be granted registration dated November 17, 2022, under Certificate No. 843.

Voting Aye: Hain, Hawks, Pro, Whitfield.

Absent: Bolte.

Motion carried.

Whitfield moved and Hawks seconded that since Nicholas R. Jensen passed the Nebraska reciprocity examination on October 20, 2022, and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from North Dakota, and that upon \$100.00 registration fee, he be granted registration dated November 17, 2022, under Certificate No. 844.

Voting Aye: Hawks, Pro, Whitfield, Hawks.

Absent: Bolte.

Motion carried.

Hawks moved and Hain seconded that since Chase Brinker passed the Nebraska reciprocity examination on November 10, 2022, and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from Colorado, and that upon \$100.00 registration fee, he be granted registration dated November 17, 2022, under Certificate No. 845.

Voting Aye: Pro, Whitfield, Hain, Hawks.

Absent: Bolte.

Motion carried.

Hawks moved and Hain seconded that the Board return to regular session at 12:45 p.m.

Voting Aye: Hawk, Pro, Whitfield, Hain.

Absent: Bolte.

Motion carried.

Before the 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.

Sherlock discussed that the Regional State Plane Coordinates System of 2022 (SPCS2022) was provisionally approved then final approval was granted. SPCS2022 is the latest design of 25 regional systems. This is part of modernizing the National Spatial Reference System.

Penry reported on additional survey fieldwork for the Board of Educational Lands and Funds (BELF) in various Nebraska counties of Knox, Holt, Wheeler, and Franklin.

Whitfield shared a replat he was approached to complete. In prior surveys, minimum standards were not met at existing subdivisions.

The Board discussed sending the Minimum Standards to zoning plat offices.

Hawks moved and Hain seconded that Secretary Sherlock invite LS with knowledge about the replat surveys to attend the next Board meeting.

Voting Aye: Whitfield, Hain, Hawks, Pro.

Absent: Bolte.

Motion carried.

2023 meeting dates were set: January 17, March 16, May 16, July 20, September 21, and November 8.

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

Whitfield moved and Hawks seconded that the meeting is adjourned at 1:25 p.m.

All in favor. Motion carried.

Casey C. Sherlock
Ex-Officio Secretary of the Examining 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.