

BOARD OF EXAMINERS FOR LAND SURVEYORS

January 17, 2023

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 Examining Board

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

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on January 6, 2023.

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 were voted on in the form of a roll call vote.

Hawks moved and Hain seconded to approve November 17, 2022, Board Meeting minutes as presented.

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

Motion carried.

Hain moved and Hawks seconded that the November and December expense vouchers be approved:

DAS Building Div., August parking .....	15.00
DAS IMServices, October web hosting .....	28.00
DAS Materiel, October postage .....	12.92
Hain, Jerry, November Board Meeting mileage .....	40.63
Hawks, James, November Board Meeting travel .....	344.46
Whitfield, Dennis, November Board Meeting mileage .....	<u>62.50</u>
November Total .....	\$503.51
Comfort Suites, Hawks lodging, July/Sept/Nov meetings .....	243.00
DAS IMServices, November web hosting .....	28.00
DAS Materiel, November postage .....	24.34
J.P. Cooke Co., 4 seals & freight .....	121.95
Lincoln Journal Star, November meeting notice .....	9.04
Office Depot, October supplies .....	<u>18.86</u>
December Total .....	\$445.76

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

Motion carried.

Hain moved and Hawks seconded that the Board go into executive session at 9:03 a.m. with Land Surveyor, Sherlock, Penry, and Monahan present to discuss Land Surveying Practices and Minimum Standards, 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 Land Surveying Practices and Minimum Standards.

LS was dismissed at 9:50 a.m.

Hawks moved and Bolte seconded that the Board returns to regular session at 10:50 a.m.

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

Motion carried.

The Chair stated that no subject matter other than Land Surveying Practices and Minimum Standards were discussed in the executive session.

Whitfield moved to investigate the land surveyor under 81-8-123 for negligence, incompetence, and misconduct in duties. Motion died for lack of a second.

Whitfield moved and Hawks seconded that Secretary Sherlock send the land surveyor a letter asking for updated procedures and adjusted business practices.

Voting Aye:

Voting Nay: Bolte, Hain, Hawks, Pro.

Abstain: Whitfield.

Motion failed.

The Board does not regulate business practices.

Whitfield moved and Hain seconded that Secretary Sherlock send the land surveyor a letter on how issues discussed will be addressed to bring surveys into compliance with the minimum standards. The land surveyor will have 30 days to respond.

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

Motion carried.

Hawks moved and Hain seconded that Secretary Sherlock send letters to the two land surveyors asking them to get together and work out the discrepancies on the survey in question. If they are unable to cooperate and resolve the issues, then bring it to the Board.

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

Motion carried.

Hain moved and Hawks seconded that Secretary Sherlock send a letter to the land surveyor regarding compliance with filing surveys in the State Records Repository within 30 days or the Board will take formal action for noncompliance.

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

Motion carried.

The land surveying profession and filing of surveys is a serious matter due to it being in the best interest of the citizens of the State of Nebraska to safeguard life, health, and safety.

Secretary Sherlock reported that surveys being monitored and reviewed by the land surveyors since the September meeting are following compliance with the laws and rules and regulations.

Secretary Sherlock reviewed the Board's cash fund status. The Board's tablets arrived and Board members were able to access items for the January meeting.

The Board's updated Rules and Regulations, approved by Governor Ricketts and effective September 28, 2022, will be part of the session for the upcoming Professional Surveyors Association of Nebraska (PSAN) Winter Conference in Kearney. Registered Land Surveyors will be able to earn two professional development hours by attending and participating in that particular seminar.

Hawks moved and Hain seconded to authorize funds for printing 200 Minimum Standards booklets for the Professional Surveyors Association of Nebraska (PSAN) Winter Conference and Board's Rules and Regulations seminar in Kearney.

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

Motion carried.

Legislative Bill 102, to change provisions relating to the Land Surveyors Regulation Act and the Nebraska Plane Coordinate System Act, was discussed. Secretary Sherlock prepared the fiscal note and a hearing is scheduled for January 26.

Hawks moved and Hain seconded that Secretary Sherlock prepare a letter for all state senators outlining the bill's intent, under the Chair's signature.

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

Motion carried.

Secretary Sherlock reported that the current online biennial renewal process is working well. The majority of land surveyors have renewed. Two registered land surveyors with out-of-state complaints have not responded to requests for additional information. Two registered land surveyors have not responded with audit documents. Renewals received after January 2, 2023, may be subject to audit.

The Board discussed renewals and the lack of document submission. The land surveyor registrations will be canceled if the Board does not receive the requested renewal information by April 1, 2023.

Of the twenty-five percent of active registrants being audited, the majority have responded. The Board reviewed the audit report. Additional renewals with audit documents will be reviewed at the March meeting.

Hain moved and Hawks seconded to approve 75 of the 78 audits received from registered land surveyors.

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

Motion carried.

Hawks moved and Hain seconded that Secretary Sherlock send a letter to three registered land surveyors on the audit list to appear before the Board at their March 16 meeting for non-approval of renewal and audit documents.

Voting Aye: Pro, Bolte, Hain, Hawks.

Voting Nay: Whitfield.

Motion carried.

Questions about professional development hours (PDHs) were discussed. Land surveyors are professionals and are responsible for determining if they believe they have obtained professional development hours for their activities. In the event of an audit, land surveyors would be responsible to provide proof of PDH's and the Board would then determine if they agree with the land surveyor's audit document submissions for the satisfaction of the biennial PDH requirement.

Hain moved and Bolte seconded that Secretary Sherlock send a letter to the land surveyor noting that the Board does not pre-approve any courses or any other potential categories for professional development hours.

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

Motion carried.

Hawks was dismissed at 12:15 p.m.

Whitfield moved and Bolte seconded that the Board go into executive session at 12:25 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: Bolte, Hain, Pro, Whitfield.

Absent: Hawks.

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.

Hain moved and Bolte seconded that the Board returns to regular session at 12:47 p.m.

Voting Aye: Hain, Pro, Whitfield, Bolte.

Absent: Hawks.

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 Bolte seconded that the Class 1 application of Thomas D. Zeckser 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, Bolte, Hain.

Absent: Hawks.

Motion failed.

Whitfield moved and Hain seconded that the Class 1 application of Bryan Adam Brown 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: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

Bolte moved and Hain seconded that the Class 2 application of Michael Wangemann for Nebraska land surveyor registration by reciprocity from Utah 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, Pro.

Absent: Hawks.

Motion carried.

Bolte moved and Hain seconded that the Class 2 application of Bradley Ray Geater for Nebraska 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 Nebraska land surveyor examination.

Voting Aye: Bolte, Hain, Pro, Whitfield.

Absent: Hawks.

Motion carried.

Hain moved and Bolte seconded that the Class 2 application of Joseph Allen Poppenga for Nebraska land surveyor registration by reciprocity from South Dakota 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, Bolte, Pro, Whitfield.

Absent: Hawks.

Motion carried.

Hain moved and Bolte seconded that since James Andrew Schlieman passed the Nebraska reciprocity examination on December 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 January 17, 2023, under Certificate No. 846.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

Whitfield moved and Hain seconded that since Simon Lawrence Kiefer passed the Nebraska reciprocity examination on December 21, 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 January 17, 2023, under Certificate No. 847.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Absent: Hawks.

Motion carried.

Whitfield moved and Bolte seconded that since Chase James Corbridge took the Nebraska reciprocity examination on January 12, 2023, 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 January 17, 2023, under Certificate No. 848.

Voting Aye:

Voting Nay: Whitfield, Bolte, Hain, Pro.

Absent: Hawks.

Motion failed.

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.

Secretary Sherlock shared his latest PSAN report and 2022 registration numbers for land surveyors and surveys-in-training.

Hain moved and Whitfield seconded to approve Secretary Sherlock to sign the Board's Memorandum of Understanding (MOU) with DAS State Accounting to conduct the agency's own agency pre-audit as allowed by Nebraska Revised Statute § 81-1111.01.

Voting Aye: Bolte, Hain, Pro, Whitfield.

Absent: Hawks.

Motion carried.

Whitfield submitted a recent Plat from a Nebraska LS. The plat angle point was also the lot corner of adjoining lot being surveyed by Whitfield and was not found. Plat appears to be a paper plat.

Hain and Whitfield talked about the ground penetrating radar tests he and the State Surveyor conducted.

Chair Pro plans to attend the upcoming informal meeting with History Nebraska about the Nebraska Archeological Resources Preservation Act and will report at the March Board meeting.

The next Board meeting will be held on March 16, 2023, at 9:00 a.m. in Lincoln.

Bolte moved and Hain seconded that the meeting is adjourned at 1:10 p.m.

All in favor. Motion carried.

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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.