

2BOARD OF EXAMINERS FOR LAND SURVEYORS

March 16, 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, via remote

Casey Sherlock, Ex-Officio Secretary of the Examining Board

Others present:
Carmel Conway, Omaha
Timothy Conway, Omaha
Noah Jensen, Omaha
Cory Webber, Cheyenne, WY
Jerry Penry, Deputy State Surveyor
Gerri Monahan, Admin. Asst.

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on March 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 January 17, 2023, Board Meeting minutes as presented.

Voting Aye: Hain, Hawks, Pro, Bolte.

Abstain: Whitfield.

Motion carried.

Hain moved and Hawks seconded that the January and February expense vouchers be approved:

Contractual Services, 2 nd Qtr., FY 22-23	1,823.82
DAS Materiel, December postage	55.04
DAS IMServices, December web hosting	28.00
Data Source Media, toner	25.00
Rent, 3 rd Qtr., FY 22-23	550.00
Hain, Jerry, January Board Meeting mileage	42.58
Hawks, James, January Board Meeting travel	358.02
NCEES 2023 Member Board Dues	2,600.00
Whitfield, Dennis, January Board Meeting mileage	<u>65.50</u>
January Total	\$5,547.96

Comfort Suites, Hawks lodging, January meeting	85.00
DAS IMServices, January web hosting	28.00
DAS Materiel, January postage	65.66
DAS Materiel, Minimum Standards Book	314.06
J. P. Cooke Co., 2 seals & freight	60.60
Lincoln Journal Star, January meeting notice & new fee	29.61
Office Depot, December supplies	46.90
Office Depot, 5 tablets and accessories	4,012.00
 February Total	 \$4,641.83

Voting Aye: Hawks, Pro, Bolte, Hain.

Abstain: Whitfield.

Motion carried.

Hain moved and Bolte seconded that the Board go into executive session at 9:05 a.m. with Sherlock, Conway, Jensen, Weber, Penry, and Monahan present to discuss biennial renewals, 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, Bolte, Hain, Hawks.

Abstain: Whitfield.

Motion carried.

The Chair stated that discussion in the executive session would be limited to biennial renewals.

The Board met individually with three land surveyors and each one was dismissed after addressing the Board members.

Hain moved and Bolte seconded that the Board returns to regular session at 10:18 a.m.

Voting Aye: Bolte, Hain, Hawks, Pro.

Abstain: Whitfield.

Motion carried.

The Chair stated that no subject matter other than biennial renewals was discussed in the executive session.

Bolte moved and Hain seconded to approve the documents received from the three remaining land surveyors on the audit list.

Voting Aye: Bolte, Hain, Hawks, Pro.

Abstain: Whitfield.

Motion carried.

Hawks moved and Bolte seconded that the Board accepts the professional development hours submitted by Mr. Conway.

Voting Aye: Hain, Hawks, Pro, Bolte.

Abstain: Whitfield.

Motion carried.

Hawks moved and Hain seconded that the Board accepts the professional development hours submitted by Mr. Jensen.

Voting Aye: Hawks, Pro, Bolte, Hain.

Abstain: Whitfield.

Motion carried.

Hawks moved and Bolte seconded that the Board accepts the professional development hours submitted by Mr. Weber.

Voting Aye: Pro, Bolte, Hain, Hawks.

Abstain: Whitfield.

Motion carried.

Bolte moved and Hawks seconded that the Board go into executive session at 10.24 a.m. with Sherlock, Penry, and Monahan present to discuss Complaint 23-1 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, Hawks, Pro.

Not voting: Hain.

Abstain: Whitfield.

Motion carried.

The Chair stated that discussion in the executive session would be limited to Complaint 23-1.

Bolte moved and Hawks seconded that the Board returns to regular session at 10:51 a.m.

Voting Aye: Bolte, Hain, Hawks, Pro.

Abstain: Whitfield.

Motion carried.

The Chair stated that no subject matter other than Complaint 23-1 was discussed in the executive session.

Bolte moved and Hain seconded to dismiss Complaint 23-1 due to lack of probable cause.

Voting Aye: Hain, Hawks, Pro, Bolte.

Abstain: Whitfield.

Motion carried.

Secretary Sherlock reported that the land surveyors, whose surveys continued to be monitored and reviewed since the September meeting, are following compliance with the laws and rules and regulations.

Board members suggested inviting Douglas County and Sarpy County Surveyors and city officials to discuss subdivisions and boundary surveys. Statutes will be reviewed and provided at the May meeting to provide county and city officials with the new minimum standards before inviting them to a future meeting.

Bolte moved and Hain seconded that the Board go into executive session at 10.56 a.m. with Sherlock, Penry, and Monahan present to discuss Minimum Standards and LS Performance Reviews 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, Bolte, Hain.

Abstain: Whitfield.

Motion carried.

The Chair stated that discussion in the executive session would be limited to Minimum Standards and LS Performance Reviews.

Hain moved and Hawks seconded that the Board returns to regular session at 12:38 p.m.

Voting Aye: Pro, Bolte, Hain, Hawks.

Abstain: Whitfield.

Motion carried.

The Chair stated that no subject matter other than Minimum Standards and LS Performance Reviews was discussed in the executive session.

Bolte moved and Hain seconded that the Board file a complaint against the LS for neglect of professional responsibility, noncompliance with the Board's instructions, and include a letter with the complaint.

Voting Aye: Bolte, Hain, Hawks, Pro.

Abstain: Whitfield.

Motion carried.

Hawks moved and Bolte seconded to invite LS to May 16 meeting to discuss requirements of the Lands Surveyors Regulation Act and the lack of filing of surveys signed and sealed by the LS.

Voting Aye: Bolte, Hain, Hawks, Pro.

Abstain: Whitfield.

Motion carried.

Hain moved and Hawks seconded to send LS a letter to appear at the May 16, 2023 Board meeting to discuss minimum standards for surveys in Nebraska, non-compliance with filing surveys in the State Records Repository, and subdivision work.

Voting Aye: Hain, Hawks, Pro, Bolte.

Abstain: Whitfield.

Motion carried.

Hawks moved and Hain seconded to send LS a letter to appear at the May 16, 2023 Board meeting to discuss a survey completed in Butler County, Nebraska.

Voting Aye: Hawks, Pro, Bolte, Hain.

Abstain: Whitfield.

Motion carried.

All meeting invites, with specific issues, are to be mailed via certified mail with a receipt.

Board members recommended sending a letter to all registered Nebraska land surveyors to uphold the minimum standards and file all legal description surveys in the State Records Repository.

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 on the Board's appropriation hearing.

Legislative bills 102 and 102A moved to General File. Senator priority bills have hearings on the agenda before other bills.

Hain moved and Hawks seconded that the Board go into executive session at 12:51 p.m. with Sherlock, Penry, and Monahan present to discuss Class 1 Applications – Land Surveyor, Class 1 Registration – Land Surveyor, Class 2 Applications – Reciprocity, Class 2 Registration – Reciprocity, Class 3 Surveyor-in-Training Application and Registration, 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, Bolte, Hain, Hawks.

Abstain: Whitfield.

Motion carried.

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

Hain moved and Bolte seconded that the Board returns to regular session at 1:17 p.m.

Voting Aye: Bolte, Hain, Hawks, Pro.

Abstain: Whitfield.

Motion carried.

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

Hawks moved and Hain seconded that the Class 1 application of Brent Joseph Hagemann 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: Bolte, Hain, Hawks, Pro.

Abstain: Whitfield.

Motion failed.

Bolte moved and Hain 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: Hain, Hawks, Pro, Bolte.

Abstain: Whitfield.

Motion failed.

Hain moved and Hawks seconded that inasmuch as Adam Kerr passed the Principles and Practices of Surveying (PS) examination on March 1, 2023, and passed the Nebraska State Specific examination on March 14, 2023, and has completed the requirements for Class 1 registration in Nebraska, and upon receipt of the registration fee in the amount of \$100, he be granted registration dated March 16, 2023, under Certificate No. 848.

Voting Aye: Hawks, Pro, Bolte, Hain.

Abstain: Whitfield.

Motion carried.

Hawks moved and Bolte seconded that the Class 2 application of Jon Nathaniel Master for Nebraska land surveyor registration by reciprocity from Wyoming 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, Bolte, Hain, Hawks.

Abstain: Whitfield.

Motion carried.

Bolte moved and Hawks seconded that the Class 2 application of Charles Lynn Jurica 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.

Abstain: Whitfield.

Motion carried.

Hawks moved and Bolte seconded that the Class 2 application of Duffy Denny Haggarty for Nebraska land surveyor registration by reciprocity from Washington 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.

Abstain: Whitfield.

Motion carried.

Hain moved and Hawks seconded that the Class 2 application of Lee K. Goss for Nebraska 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 Nebraska land surveyor examination.

Voting Aye: Hain, Hawks, Pro, Bolte.

Abstain: Whitfield.

Motion carried.

Hawks moved and Hain seconded that the Class 2 application of Dustin Ford for Nebraska 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 Nebraska land surveyor examination.

Voting Aye: Hawks, Pro, Bolte, Hain.

Abstain: Whitfield.

Motion carried.

Bolte moved and Hawks seconded that since Chase James Corbridge passed the Nebraska reciprocity examination on March 9, 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 March 16, 2023, under Certificate No. 849.

Voting Aye: Pro, Bolte, Hain, Hawks.

Abstain: Whitfield.

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.

Hain moved and Hawks seconded that the Class 3 application of John Spencer Howell 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 November 7, 2022, and upon receipt of the SIT registration for \$20.00, Howell be granted SIT registration dated March 16, 2023, under Certificate No. 301.

Voting Aye: Bolte, Hain, Hawks, Pro.

Abstain: Whitfield.

Motion carried.

The National Council of the Examiners for Engineering and Surveying (NCEES) will hold its 102nd Annual Meeting in Boston, MA, August 15-18, 2023. Registration begins in May.

Hain moved and Bolte seconded that Board approves Bolte, Pro, and Hain as delegates and Sherlock as the Member Board Administrator (MBA) for the NCEES Annual Meeting, August 15-18 in Boston, MA.

Voting Aye: Bolte, Hain, Hawks, Pro.

Abstain: Whitfield.

Motion carried.

Secretary Sherlock reported that the “Black Book” for the Nebraska State Board of Examiners for Land Surveyors, contains the following: Title 234 – Nebraska Administrative Code, Rules & Regulations, Minimum Standards for Land Surveys in Nebraska, and Minimum Standards for Improvement Location Report. The latest Rules & Regulations became effective on September 28, 2022, and can be found on the Board’s website at <https://nbels.nebraska.gov/>

Chair Pro reported on a meeting held with History Nebraska and their repository for documents.

The next meeting will be held May 16, 2023 at 9:00 am at 555 N. Cotner Blvd, LL Conference Room, Lincoln, NE.

Hawks moved and Hain seconded that the meeting is adjourned at 1:33 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.