

BOARD OF EXAMINERS FOR LAND SURVEYORS

May 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  
Virlyn Bolte  
Dennis L. Whitfield

Casey Sherlock, Ex-Officio Secretary of the Examining Board

Absent:  
Jerry G. Hain, Vice Chair

Others present:  
Joshua Gilbertson, Axtell  
Joseph Poole, Waverly  
Jerry Penry, Deputy State Surveyor  
Gerri Monahan, Admin. Asst.

Secretary Sherlock announced James Hawks resigned effective 3-21-2023. Governor Pillen will select a replacement.

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on May 5, 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.

Whitfield moved and Bolte seconded to approve March 16, 2023, Board meeting minutes as presented.

Voting Aye: Pro, Whitfield, Bolte.

Motion carried.

Bolte moved and Whitfield seconded that the March and April expense vouchers be approved:

DAS IMServices, February web hosting .....	28.00
Hain, Jerry, March Board Meeting mileage .....	42.58
Hawks, James, March Board Meeting travel .....	358.02
J. P. Cooke Co., 2 seals & freight .....	<u>60.60</u>
March Total .....	\$489.20
Contractual Services, 3 <sup>rd</sup> Qtr., FY 22-3 .....	1,823.82
DAS IMServices, March web hosting .....	28.00
DAS Materiel, March postage (297 PCs \$172.27) .....	293.73
Lincoln Journal Star, March meeting notice .....	9.04
Rent, 4 <sup>th</sup> Qtr. FY 22-23 .....	<u>550.00</u>
April Total .....	\$2,704.59

Voting Aye: Pro, Whitfield, Bolte.

Absent: Hain.

Motion carried.

Whitfield moved and Bolte seconded to table Agenda Item 5, Land Surveying Practices, Minimum Standards, and LS Performance Reviews, until the July meeting.

Voting Aye: Pro, Whitfield, Bolte.

Absent: Hain.

Motion carried.

The Board discussed county surveyor's reviews of surveys not meeting the minimum standards of seven items required. The review process was outlined. The Board has no authority on preliminary work, however, when a survey is stamped and filed, the Board has authority.

Whitfield moved and Bolte seconded to table Agenda Item 6, ROW Acquisitions, until the July meeting and invite five county surveyors to attend a future meeting to discuss reviewing plats and Right of Way (ROW) acquisitions.

Voting Aye: Whitfield, Bolte, Pro.

Absent: Hain.

Motion carried.

The five county surveyors to be invited to a future meeting include the counties of Douglas, Lancaster, Sarpy, Hall, and the Nebraska Department of Transportation (NDOT).

Bolte moved and Whitfield seconded to table Agenda Item 7, Complaints, until the July meeting.

Voting Aye: Bolte, Pro, Whitfield.

Absent: Hain.

Motion carried.

Whitfield moved and Bolte seconded that the Board go into executive session at 9:30 a.m. with Sherlock, 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, Whitfield, Bolte.

Absent: Hain.

Motion carried.

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

Whitfield moved and Bolte seconded that the Board returns to regular session at 10:31 a.m.

Voting Aye: Pro., Whitfield, Bolte.

Absent: Hain.

Motion carried.

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

Whitfield moved and Bolte seconded to approve the Buckley Blew, LS 763, for biennial renewal.

Voting Aye: Pro, Whitfield, Bolte.

Absent: Hain.

Motion carried.

Whitfield moved and Bolte seconded to approve Rex Randall Jones, LS 753 for biennial review.

Voting Aye:

Voting Nay: Whitfield, Bolte, Pro.

Absent: Hain.

Motion failed.

Bolte moved and Whitfield seconded that inasmuch as Jeffrey A. Kubota, LS 774, reciprocity from Kansas, has completed the requirements for reinstatement with his Professional Development Hours (PDH) he be approved for registration upon receipt of the reinstatement fee in the amount of \$220.00 Reinstatement is effective May 16, 2023.

Voting Aye: Bolte, Pro, Whitfield.

Absent: Hain.

Motion carried.

Whitfield moved and Bolte seconded that inasmuch as Stephen L. Humphries, LS 587, from Nebraska, has completed the requirements for reinstatement with his Professional Development Hours (PDH) he be approved for registration upon receipt of the reinstatement fee in the amount of \$220.00 Reinstatement is effective May 16, 2023.

Voting Aye: Pro, Whitfield, Bolte.

Absent: Hain.

Motion carried.

Bolte moved and Whitfield seconded that inasmuch as Aaron J. Handl, LS 803, reciprocity from Colorado, has completed the requirements for reinstatement with his Professional Development Hours (PDH) he be approved for registration upon receipt of the reinstatement fee in the amount of \$220.00 Reinstatement is effective May 16, 2023.

Voting Aye: Pro, Whitfield, Bolte.

Absent: Hain.

Motion carried.

The agenda was altered to allow land surveyor applicants to speak to the Board. Neither requested a closed session.

Joshua Jay Gilbertson asked to speak with the Board as to why his Land Surveyor application was denied. The Board asked Mr. Gilbertson to outline his military service surveying time experience and the military surveying process. He also spoke about duties with his current employers. The Board thanked him for meeting with them.

The applicant was dismissed at 11:00 am.

Joseph J. Poole asked to speak with the Board as to why his Land Surveyor application was denied. The Board asked Mr. Poole to outline his surveying time and work experience. He has taken 15 PDHs in place of filing a new application. The Board thanked him for meeting with them.

The applicant was dismissed at 11:26 a.m.

Bolte moved and Whitfield seconded that the Class 1 application of Joshua Jay Gilbertson for Nebraska Land Surveyor registration be approved and he be permitted to take the Principles and Practices of Surveying (PS) and Nebraska State-Specific land surveyor examinations.

Voting Aye: Pro, Whitfield, Bolte.

Absent: Hain.

Motion carried.

Bolte moved and Whitfield seconded that the Class 1 application of Joseph J. Poole for Nebraska Land Surveyor registration be approved and he be permitted to take the Principles and Practices of Surveying (PS) and Nebraska State-Specific land surveyor examinations.

Voting Aye: Whitfield, Bolte, Pro.

Absent: Hain.

Motion carried.

Whitfield moved and Bolte seconded that the Board go into executive session at 11:29 a.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, Pro, Whitfield.

Absent: Hain.

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.

Whitfield moved and Bolte seconded that the Board returns to regular session at 11:51 a.m.

Voting Aye: Pro, Whitfield, Bolte.

Absent: Hain.

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, was discussed in the executive session.

Bolte moved and Whitfield seconded that the Class 1 application of Richard L. Skarin for Nebraska Land Surveyor registration be approved and he be permitted to take the Principles and Practices of Surveying (PS) and Nebraska State-Specific land surveyor examinations.

Voting Aye: Pro, Whitfield, Bolte.

Absent: Hain.

Motion carried.

Whitfield moved and Bolte seconded that the Class 1 application of John Spencer Howell for Nebraska Land Surveyor registration be approved and he be permitted to take the Principles and Practices of Surveying (PS) and Nebraska State-Specific land surveyor examinations.

Voting Aye: Pro, Whitfield, Bolte.

Absent: Hain.

Motion carried.

Bolte moved and Whitfield seconded that the Class 2 application of Robert Levine Johnston, Jr. 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: Whitfield, Bolte, Pro.

Absent: Hain.

Motion carried.

Whitfield moved and Bolte seconded that the Class 2 application of Jody Allen Budde 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, Pro, Whitfield.

Absent: Hain.

Motion carried.

Bolte moved and Whitfield seconded that the Class 2 application of Michael John Wormley for Nebraska land surveyor registration by reciprocity from North 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: Pro, Whitfield, Bolte.

Absent: Hain.

Motion carried.

Whitfield moved and Bolte seconded that the Class 2 application of Clayton Crofts 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: Pro, Whitfield, Bolte.

Absent: Hain.

Motion carried.

Bolte moved and Whitfield seconded that since Jeremy Adam Lawson passed the Nebraska reciprocity examination on March 20, 2023, and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from Arkansas, and that upon receipt of \$100.00 registration fee, he be granted registration dated May 16, 2023, under Certificate No. 850.

Voting Aye: Pro, Whitfield, Bolte.

Absent: Hain.

Motion carried.

Whitfield moved and Bolte seconded that since Joseph Allen Poppenga passed the Nebraska reciprocity examination on March 24, 2023, and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from South Dakota, and that upon receipt of \$100.00 registration fee, he be granted registration dated May 16, 2023, under Certificate No. 851.

Voting Aye: Whitfield, Bolte, Pro.

Absent: Hain.

Motion carried.

Bolte moved and Whitfield seconded that since Duffy Denny Haggarty took the Nebraska reciprocity examination on April 13, 2023, and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from Washington, and that upon receipt of \$100.00 registration fee, he be granted registration dated May 16, 2023, under Certificate No. 852.

Voting Aye: Pro.

Voting Nay: Bolte, Whitfield

Absent: Hain.

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.

The National Council of the Examiners for Engineering and Surveying (NCEES) will hold its 102<sup>nd</sup> Annual Meeting in Boston, MA, August 15-18, 2023. Registration begins in May. Chair Pro is now unable to attend. Delegates representing the Board are Bolte, Hain, and Sherlock as the Member Board Administrator (MBA)..

Secretary Sherlock reported that LB 102 is on General File and will carry over to the second session of the 108<sup>th</sup> Legislature.

Sherlock attended meetings at Southeast Community College in Milford and also spoke to the land surveyor class.

Sherlock and Penry gave presentations at the recent GIS Symposium in LaVista, NE.

The Professional Surveyors Association of Nebraska (PSAN) Summer Conference will be July 14 in Harrisburg.

The Board's rent and contractual services contracts, and travel policies will be reviewed at the July meeting.

No Board reports were presented.

Whitfield moved and Bolte seconded to table Agenda Item 15, Election of Officers, until the July meeting.

Voting Aye: Pro, Whitfield, Bolte.

Absent: Hain.

Motion carried.

The next meeting will be held July 27, 2023, at 9:00 a.m. at 555 N. Cotner Blvd, LL Conference Room, Lincoln, NE.

Bolte moved and Whitfield seconded that the meeting is adjourned at 12:10 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.