

BOARD OF EXAMINERS FOR LAND SURVEYORS

September 21, 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:

Jerry G. Hain, Chair  
Virlyn S. Bolte, Vice-Chair  
Mary L. Pro  
Dennis L. Whitfield

Casey Sherlock, Ex-Officio Secretary of the Examining Board

Others present:  
Ron Hill, Council Bluffs, IA, Hill-Farrell Associates, Inc.  
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 11, 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.

Pro moved and Whitfield seconded to approve the July 11, 2023, Board meeting minutes as presented.

Voting Aye: Hain, Pro, Whitfield, Bolte.

Motion carried.

Whitfield moved and Pro seconded that the July and August expense vouchers be approved:

DAS Accounting, Accounting & Auditing Assmt, FY 23-24 .....	125.00
DAS IMServices, June web hosting .....	28.00
DAS Materiel, June postage .....	57.35
DAS Materiel, Purchasing Assmt., FY 23-24 .....	6.00
General Fund, 1 <sup>st</sup> Qtr. Office space rent .....	582.25
General Fund, 4 <sup>th</sup> Qtr. Contractual Services .....	1,823.82
Hain, Jerry, July Board Meeting mileage .....	42.58
JP Cooke Co., seals and freight .....	115.65
Lincoln Journal Star, June Board Meeting Notice.....	9.04
Whitfield, Dennis, July Board Meeting mileage .....	<u>65.50</u>
July Total .....	\$2,855.19
Bolte, Virlyn, June & July Board Meeting mileage .....	180.78
Comfort Suites, Hawks March meeting lodging .....	85.00
DAS Materiel, July postage .....	74.37
Lincoln Journal Star, July Board Meeting Notice .....	<u>9.04</u>
August Total .....	\$349.19

Voting Aye: Pro, Whitfield, Bolte, Hain.

Motion carried.

Pro moved and Bolte seconded that the Board go into executive session at 9:03 a.m. with Sherlock, Penry, Monahan, and the land surveyor (LS) to discuss land surveying practices, minimum standards, land surveyor performance review, and Complaint 23-4, and to prevent needless injury to the reputation of a person/s and as such person/s has not requested a public meeting.

The Chair stated that discussion in the executive session would be limited to land surveying practices, minimum standards, land surveyor performance review, and Complaint 23-4.

Whitfield moved and Bolte seconded that the Board return to regular session at 10:28 a.m.

Voting Aye: Whitfield, Bolte, Hain, Pro.

Motion carried.

The Chair stated that no subject matter other than land surveying practices, minimum standards, LS (land surveyor) performance reviews, complaint 23-4, were discussed in the executive session.

LS was dismissed from the room at 10:50 a.m.

Whitfield moved and Bolte seconded that Secretary Sherlock send a letter requesting LS to provide the Board, within 30 days, a means to correct the deficiencies of the plats discussed to meet Minimum Standards for Land Surveys in Nebraska.

Voting Aye: Bolte, Hain, Pro, Whitfield.

Motion carried.

Whitfield moved and Bolte seconded that the Board go into executive session at 10:53 a.m. with Sherlock, Penry, and Monahan to discuss land surveying practices, minimum standards, and land surveyor 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: Hain, Pro, Whitfield, Bolte.

Motion carried.

The Chair stated that discussion in the executive session would be limited to land surveying practices, minimum standards, and land surveyor performance reviews.

Bolte moved and Pro seconded that the Board return to regular session at 12:16 p.m.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Motion carried.

The Chair stated that no subject matter other than land surveying practices, minimum standards, and land surveyor performance reviews were discussed in the executive session.

Bolte moved and Pro seconded that Secretary Sherlock send a letter to four land surveyors requesting their appearance at the November 8, 2023, Board meeting to discuss land surveying practices as they pertain to the minimum standards for surveys in Nebraska and the filing requirements of surveys signed and sealed by the LS.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Motion carried.

The Board discussed drafting a letter to send to all registered Nebraska land surveyors noting the previous minimum standards and the new minimum standards for land surveys in Nebraska. Many surveys are not meeting the minimum standards in Nebraska for setting corners. Clients are not to determine the work of the land surveyor.

Whitfield moved and Bolte seconded that the Board go into executive session at 12:28 p.m. with Sherlock, Penry, and Monahan to discuss complaints 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, Pro.

Motion carried.

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

Bolte moved and Pro seconded that the Board return to regular session at 1:37 p.m.

Motion carried.

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

Bolte moved and Pro seconded to acknowledge receipt of a letter from the land surveyor to correct deficiencies on their plats as discussed at the July 11, 2023, Board meeting.

Voting Aye: Hain, Pro, Whitfield, Bolte.

Motion carried.

The Board continued with a working lunch.

Whitfield moved and Bolte seconded that Secretary Sherlock send a letter to the land surveyor requesting their appearance at the November 8, 2023, Board meeting to discuss Formal Complaint 23-3 and process to resolve issues.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Motion carried.

Bolte moved and Pro seconded that the Board go into executive session at 1:48 p.m. with Sherlock, Penry, and Monahan present to discuss a Class 3 Application and Certification – Surveyor-in-Training, and to prevent needless injury to the reputation of a person and as such person has not requested a public meeting.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Motion carried.

The Chair stated that discussion in the executive session would be limited to a Class 3 Application and Certification – Surveyor-in-Training.

Bolte moved and Pro seconded that the Board return to regular session at 1:55 p.m.

Voting Aye: Whitfield, Bolte, Hain, Pro.

Motion carried.

The Chair stated that no subject matter other than a Class 3 Application and Certification – Surveyor-in Training, was discussed in the executive session.

Pro moved and Whitfield seconded that the Class 3 application of Jack Reiman 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 October 25, 2022, and upon receipt of the SIT registration for \$20.00, Reimer be granted SIT registration dated September 21, 2023, under Certificate No. 304.

Voting Aye: Hain, Pro, Whitfield.

Abstain: Bolte.  
Motion carried.

Board member Pro was excused at 1:58 p.m.

Whitfield moved and Bolte seconded that the Board go into executive session at 1:59 p.m. with Sherlock, Penry, and Monahan present to discuss Class 1 Application – Land Surveyor; Class 1 Registrations – Land Surveyor; Class 2 Applications – Reciprocity; Class 2 Registration – Reciprocity; Class 3 Applications and Certifications – Surveyor-in-Training; and Reinstatement - 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, Whitfield, Bolte.

Absent: Pro.

Motion carried.

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

Whitfield moved and Bolte seconded that the Board return to regular session at 2:31 p.m.

Voting Aye: Whitfield, Bolte, Hain.

Absent: Pro.

Motion carried.

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

Whitfield moved and Bolte seconded that the Class 1 application of Jared Ryan Yendra 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, Hain.

Absent: Pro.

Motion carried.

Whitfield moved and Bolte seconded that the Class 1 application of Phillip Michael Spenner 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:

Voting Nay: Whitfield, Bolte, Hain.

Absent: Pro.

Motion failed.

Bolte moved and Whitfield seconded that since Richard L. Skarin passed the Principles and Practices of Surveying (PS) examination on August 18, 2023, took the Nebraska State Specific examination on September 15, 2023, and has completed the requirements for Class 1 registration in Nebraska, and upon receipt of the \$100.00 registration fee, he be granted registration dated September 21, 2023, under Certificate No. 856.

Voting Aye:

Voting Nay: Bolte, Hain, Whitfield.

Absent: Pro.

Motion failed.

Whitfield moved and Bolte seconded that since John Spencer Howell passed the Principles and Practices of Surveying (PS) examination on July 13, 2023, took the Nebraska State Specific examination on September 18, 2023, and has completed the requirements for Class 1 registration in Nebraska, and upon receipt of the \$100.00 registration fee, he be granted registration dated September 21, 2023, under Certificate No. 857.

Voting Aye:

Voting Nay: Hain, Whitfield, Bolte.

Absent: Pro.

Motion failed.

Bolte moved and Whitfield seconded that the Class 2 application of Darryl D. Coster for Nebraska land surveyor registration by reciprocity from New Mexico 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.

Absent: Pro.

Motion carried.

Whitfield moved and Bolte seconded that the Class 2 application of Kyle Tims Pruett for Nebraska land surveyor registration by reciprocity from Illinois 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.

Absent: Pro.

Motion carried.

Bolte moved and Whitfield seconded that since Michael John Wormley took the Nebraska reciprocity examination on August 10, 2023, and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from North Dakota, and that upon receipt of the \$100.00 registration fee, he be granted registration dated September 21, 2023, under Certificate No. 858.

Voting Aye:

Voting Nay: Whitfield, Bolte, Hain.

Absent: Pro.

Motion failed.

Whitfield moved and Bolte seconded that the Class 3 application of Drew Scott Peterson 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 April 20, 2023, and upon receipt of the SIT registration for \$20.00, Peterson be granted SIT registration dated September 21, 2023, under Certificate No. 305.

Voting Aye:

Voting Nay: Bolte, Hain, Whitfield

Absent: Pro.

Motion failed.

Bolte moved and Whitfield seconded that the Class 3 application of Wyatt Edward Smith 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 June 12, 2023, and upon receipt of the SIT registration for \$20.00, Smith be granted SIT registration dated September 21, 2023, under Certificate No. 306.

Voting Aye:

Voting Nay: Hain, Whitfield, Bolte.

Absent: Pro.

Motion failed.

Whitfield moved and Bolte seconded that inasmuch as James J. Coutts, LS 738, reciprocity from Utah, has completed the requirements for reinstatement with his Professional Development Hours (PDH), he be approved for registration upon receipt of the reinstatement fee of \$220.00. Reinstatement is effective September 21, 2023.

Voting Aye: Whitfield, Bolte, Hain.

Absent: Pro.

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.

Monahan reported on the National Council of Examiners for Engineering and Surveying (NCEES) annual meeting she attended in Boston, MA. Items included the Surveying Forum/Ethics, Central Zone meeting, business sessions, motion votes, NCEES Foundation, and Law Enforcement Forum. The next NCEES annual meeting will be in Chicago, IL. The next central zone meeting will be in Des Moines, IA.

Secretary Sherlock reported that he attended a recent Workforce Leadership Team (WLT) meeting at Southeast Community College (SCC), Milford.

Sherlock talked about the State Records Repository (SRR) microfiche image project of adding more images to the SRR.

Sherlock and Penry attended the Professional Surveyors Association of Nebraska (PSAN) Summer Conference in Harrisburg, NE. Students from the SCC Land Surveying program also were in attendance.

The Robert Harvey Remembrance will be on October 20, 2023, in St. Paul, NE. In 1903, Harvey was appointed as Nebraska's first state surveyor.

The next Board meeting will be held November 8, 2023, at 9:00 a.m. at 555 N. Cotner Blvd, LL Conference Room, Lincoln, NE.

Bolte moved and Whitfield seconded that the meeting be adjourned at 3:02 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.