

BOARD OF EXAMINERS FOR LAND SURVEYORS

January 11, 2024

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:
Jeremy Bender, Sarpy County
Michael Caniglia, City of Omaha
John Jelkin, Assistant Attorney General, Lincoln
Gerri Monahan, Admin. Asst.

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on December 29, 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 Bolte seconded to approve the November 8, 2023, Board meeting minutes as presented.

Voting Aye: Hain, Pro, Whitfield, Bolte.

Motion carried.

Whitfield moved and Pro seconded that the November and December expense vouchers be approved:

Bolte, Virlyn, November Board Meeting mileage	90.39
DAS IMServices, October web hosting & server expenses	185.50
DAS Materiel, October postage	5.01
Hain, Jerry, November Board Meeting mileage	42.58
J P Cooke Co. LS Seals	81.00
J P Cooke Co. Seals freight	6.99
Lincoln Journal Star, November meeting notice	9.61
Office Depot, September supplies	98.65
Whitfield, Dennis, November Board Meeting and exam review mileage	<u>131.00</u>
November Total	\$650.73
DAS IMServices, November web hosting & server expenses	74.50
DAS Materiel, November postage	<u>70.31</u>
December Total	\$144.81

Voting Aye: Pro, Whitfield, Bolte, Hain.

Motion carried.

The agenda was adjusted to accommodate AAG Jelkin and the land surveyors in attendance. Some guests were dismissed from the room.

Bolte moved and Whitfield seconded that the Board go into executive session at 9:04 a.m. with Sherlock, Jelkin, and Monahan present to discuss Complaints, 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 Complaints.

Bolte moved and Whitfield seconded that the Board return to regular session at 9:11 a.m.

Voting Aye: Whitfield, Bolte, Hain, Pro.

Motion carried.

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

Whitfield moved and Pro seconded that the Board authorize the Board Chair to sign a settlement agreement dated January 10, 2024 between Buckley D. Blew, LS 763, and the Nebraska Board of Examiners for Land Surveyors.

Voting Aye: Bolte, Hain, Pro, Whitfield.

Motion carried.

The Board Chair read the settlement agreement into the public record.

SETTLEMENT AGREEMENT

THIS AGREEMENT made this 2nd day of January, 2024, by and between the Nebraska Board of Examiners for Land Surveyors (BOARD) and licensee Buckley D. Blew (Blew).

IN CONSIDERATION of a complaint filed against Blew by a member of the public and to resolve any issues between the Board and Blew, the parties agree as follows:

Blew will immediately, voluntarily surrender his license to practice land surveying in the State of Nebraska.

Blew will notify his client, Commercial Due Diligence Services (CDS) that the surveys Blew and his company prepared at the request of CDS for the Project Named "IFC-ROLLING MEADOWS RANCH-NE" do not meet the Minimum Standards for Land Surveys in Nebraska, that the said surveys do not comply with the Rules and Regulations filed under Title 234 of the Nebraska Administrative Code, that the said surveys violate multiple Nebraska State Statutes pertaining to land surveying and are NULL AND VOID in accordance with Nebraska Revised Statute Section 23-1908.

Blew agrees to arrange for the completion of a lawful and proper survey of each tract of land associated with the above-named project by a Land Surveyor licensed in Nebraska in compliance with the laws of the State of Nebraska.

Said licensed surveyor will cooperate with local county officials for the preparation and filing of any necessary corrective deeds where title conflicts have been created by Blew's incompetence.

Blew's licensed surveyor will cooperate with the County Surveyor in each relevant county for the proper and lawful restoration of all lost or obliterated section corners and quarter corners shown as calculated positions on all associated tracts of land.

Blew's licensed surveyor will arrange for the preparation of a separate survey plat of each tract of land in compliance with the Land Surveyors Regulation Act and submit for review a copy of each survey to the Nebraska State Surveyor prior to the official filing of each survey plat of each tract of land separately with the Nebraska Survey Record Repository.

Signed this 10th day of January, 2024.

By: Buckley D. Blew

By: Jerry G. Hain, Chair

Assistant Attorney General Jelkin was dismissed.

Whitfield moved and Bolte seconded that the Board go into executive session at 9:17 a.m. with Sherlock, Monahan, and the land surveyors (LS) to discuss land surveying practices, minimum standards for land surveys in Nebraska, 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 for land surveys in Nebraska, and land surveyor performance reviews.

Pro moved and Whitfield seconded that the Board return to regular session at 11:14 a.m.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Motion carried.

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

Bolte moved and Pro seconded that the Secretary send a letter to the land surveyor (LS) thanking LS for appearing before the Board and appreciated the request to comply with filing of surveys with the State Records Repository (SRR) within 90 days. The Board will review the filing status at their May meeting. Failure to comply and file the surveys with the SRR may result in formal complaint proceedings and jeopardize licensure as a registered land surveyor in the State of Nebraska.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Motion carried.

Whitfield moved and Pro seconded that the Secretary send a letter to the land surveyor indicating the Board reviewed their plan of action to correct the survey and looks forward to receiving the filing of the survey with the State Records Repository within 45 days.

Voting Aye: Whitfield, Bolte, Hain, Pro.

Motion carried.

Bolte moved and Pro seconded that the Secretary send a letter to the land surveyor noting attention to completing the corrected plat. The Board looks forward to receiving, in a timely matter, the missing and or late filings of the surveys for the State Records Repository as noted in logs previously supplied to the Board. The progress of filing of surveys will be reviewed at the March Board meeting. Failure to file surveys may result in a formal complaint proceeding and jeopardize licensure as a registered in the State of Nebraska.

Voting Aye: Bolte, Hain, Pro, Whitfield.

Motion carried.

Whitfield moved and Bolte seconded that the Secretary send a letter to the land surveyor noting the lack of compliance in responding to updating surveys as noted in prior correspondence. Response is requested in 30 days and failure to correct and file the survey in the State Records Repository may result in a formal complaint proceeding and jeopardize licensure as a registered land surveyor in the State of Nebraska.

Voting Aye: Hain, Pro, Whitfield, Hain.

Motion carried.

Bolte moved and Pro seconded that the Board go into executive session at 11:47 a.m. with Sherlock and Monahan present to discuss Complaints, 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 Complaints.

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

Voting Aye: Pro, Whitfield, Bolte, Hain.

Motion carried.

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

Bolte moved and Pro seconded that the Secretary send a letter to the land surveyor regarding Complaint 23-5, requiring attendance at the March meeting to discuss the complaint. Failure to appear may result in formal action with the filing of formal charges.

Voting Aye: Whitfield, Bolte, Hain, Pro.

Motion carried.

Bolte moved and Pro seconded that the Board go into executive session at 12:15 p.m. with Sherlock and Monahan present to discuss Class 1 Application – Land Surveyor, Class 1 Registration – Land Surveyor, Class 2 Application – Reciprocity, Class 2 – Registrations - Reciprocity, and Class 3 Applications and Certifications – 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: Bolte, Hain, Pro, Whitfield.

Motion carried.

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

Whitfield moved and Pro seconded that the Board return to regular session at 12:44 p.m.

Voting Aye: Hain, Pro, Whitfield, Bolte.

Motion carried.

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

Bolte moved and Pro seconded that the Class 1 application of Brent Joseph Hegemann 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.

Voting Nay: Whitfield, Bolte, Hain.

Motion failed.

Whitfield moved and Bolte seconded that since Joshua Jay Gilbertson passed the Principles and Practices of Surveying (PS) examination on October 26, 2023, passed the Nebraska State Specific examination on December 7, 2023, and has completed the requirements for Class 1 registration in Nebraska. Upon receipt of the \$100.00 registration fee, he be granted registration dated January 11, 2024, under Certificate No. 859.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Motion carried.

Whitfield moved and Bolte seconded that the Class 2 application of James Harpole 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, Pro.

Motion carried.

Pro moved and Bolte seconded that since Philip Ryan Horne passed the Nebraska reciprocity examination on December 4, 2023, and has completed the requirements for Class 2 land surveyor

registration in Nebraska, by reciprocity from Pennsylvania, and that upon receipt of the \$100.00 registration fee, he be granted registration dated January 11, 2024, under Certificate No. 860.

Voting Aye: Bolte, Hain, Pro, Whitfield.

Motion carried.

Bolte moved and Whitfield seconded that since Christopher Ihde passed the Nebraska reciprocity examination on December 18, 2023, and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from Kansas, and that upon receipt of the \$100.00 registration fee, he be granted registration dated January 11, 2024, under Certificate No. 861.

Voting Aye: Hain, Pro, Whitfield, Bolte.

Motion carried.

Whitfield moved and Bolte seconded that since Darryl D. Coster took the Nebraska reciprocity examination on December 8, 2023, and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from New Mexico, and that upon receipt of the \$100.00 registration fee, he be granted registration dated January 11, 2024, under Certificate No. 862.

Voting Aye:

Voting Nay: Pro, Whitfield, Bolte, 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.

Pro moved and Whitfield seconded that the Class 3 application of Kirby Duane Andrew Olson 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 19, 2023, and upon receipt of the SIT registration for \$20.00, Olson be granted SIT registration dated January 11, 2024, under Certificate No. 305.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Motion carried.

Bolte moved and Pro seconded that the Class 3 application of Craig A. Morton 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 May 2, 2023, and upon receipt of the SIT registration for \$20.00, Morton be granted SIT registration dated January 11, 2024, under Certificate No. 306.

Voting Aye: Whitfield, Bolte, Hain, Pro.

Motion carried.

The Board discussed the new Nebraska Land Surveyor examination and supplement. An exam committee for application interviews will be discussed at the Board's March meeting.

LB 102, a bill to change provisions relating to the Land Surveyors Regulation Act and the Nebraska Plane Coordinate System Act was highlighted. Items, such as the agenda, hearing schedule, daily journal, summary sheet, and worksheet can be found on the Nebraska Legislative website.

The Board discussed possible changes to their website.

The National Council of Examiners for Engineering and Surveying (NCEES) Central Zone Meeting in Des Moines, Iowa, in April was discussed.

Bolte moved and Pro seconded to approve Bolte and Pro as delegates and Sherlock as the Member Board Administrator, to attend the NCEES Central Zone in Des Moines, Iowa in April.

Voting Aye: Bolte, Hain, Pro, Whitfield.

Motion carried.

Chair Hain was dismissed at 1:33 p.m.

The next Board meeting will be held on March 21, 2024, at 9:00 a.m. at 555 N. Cotner Blvd, LL Conference Room, Lincoln, NE.

Pro moved and Whitfield seconded that the meeting be adjourned at 1:38 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.