

BOARD OF EXAMINERS FOR LAND SURVEYORS

March 21, 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:  
Gerri Monahan, Admin. Asst.

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on March 11, 2024.

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 January 11, 2024, Board meeting minutes as presented.

Voting Aye: Hain, Pro, Whitfield, Bolte.

Motion carried.

Whitfield moved and Pro seconded that the January and February expense vouchers be approved:

Bolte, Virlyn, January Board Meeting mileage .....	90.39
DAS Materiel, December postage .....	23.10
General Fund Reimbursement, 2 <sup>nd</sup> Qtr., FY 23-24 contract srvs. ....	1,858.95
General Fund Reimbursement, 3 <sup>rd</sup> Qtr., FY 23-24 rent .....	582.55
Hain, Jerry, January Board Meeting mileage .....	43.55
J P Cooke Co. LS Seals .....	84.00
J P Cooke Co. Seals freight .....	7.21
NCEES, 2024 dues .....	2,600.00
Whitfield, Dennis, January Board Meeting mileage .....	<u>67.00</u>
January Total .....	\$5,356.45
DAS Materiel, January postage .....	114.00
DAS Materiel, December Office Supplies .....	35.36
Data Source, January Office Supplies .....	642.00
Lincoln Journal Star, January Board Meeting Notice .....	<u>9.04</u>
February Total .....	\$800.40

Voting Aye: Pro, Whitfield, Bolte, Hain.

Motion carried.

Bolte moved and Pro seconded that the Board go into executive session at 9:03 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.

Whitfield moved and Pro seconded that the Board return to regular session at 10:23 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 Bolte seconded that the Secretary send the land surveyor a letter requiring their appearance before the Board at their May 16, 2024 meeting to discuss Complaint 23-5. Failure of the land surveyor to appear at this Board meeting will cause the Board to proceed with disciplinary actions in accordance with State Statue 81-8,123 and likely require the commencement of a formal hearing process.

Voting Aye: Bolte, Hain, Pro, Whitfield.

Motion carried.

Whitfield moved and Pro seconded that the Board close Complaint 23-4.

Voting Aye: Hain, Pro, Whitfield, Bolte.

Motion carried.

Bolte moved and Pro seconded that the Secretary send a letter and copy of Complaint 23-3 signed settlement agreement to Cherry, Dawes, and Sheridan County Surveyors.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Motion carried.

Whitfield moved and Bolte seconded that the Secretary send the land surveyor a letter and copy of Complaint 24-1 and request their appearance before the Board at their May 16, 2024 meeting to discuss the complaint. Failure to appear at this Board meeting will place the land surveyor in violation of Nebraska Revised Statue 81-8,123 and will require the Board to consider the commencement of a formal hearing process.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Motion carried.

Bolte moved and Pro seconded that the Board go into executive session at 10:30 a.m. with Sherlock and Monahan 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: Whitfield, Bolte, Hain, Pro.

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.

Whitfield moved and Bolte seconded that the Board return to regular session at 11:03 a.m.

Voting Aye: Bolte, Hain, Pro, Whitfield.

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.

Whitfield moved and Pro seconded that the Secretary send a letter to the Land Surveyor requesting competition of their action plan and filing of surveys within 30 days from the date of the March 21, 2024 meeting correspondence. The Board will review the filing status at their May meeting.

Voting Aye: Hain, Pro, Whitfield, Bolte.

Motion carried.

Bolte moved and Pro seconded that the Board go into executive session at 11:05 a.m. with Sherlock and Monahan present to discuss Class 1 Application – Land Surveyor, Class 1 Registration – Land Surveyor, Class 2 Applications – Reciprocity, and Class 2 – Registration - Reciprocity, 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 Class 1 Application – Land Surveyor, Class 1 Registration – Land Surveyor, Class 2 Applications – Reciprocity, and Class 2 – Registration – Reciprocity.

Whitfield moved and Bolte seconded that the Board return to regular session at 11:21 a.m.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Motion carried.

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

Bolte moved and Pro seconded that the Class 1 application of Kirby Duane Andrew Olson 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, Pro.

Motion failed.

Whitfield moved and Pro seconded to table Mr. Olson's Class 1 Application – Land Surveyor, and for the Secretary to send a letter asking the applicant to resubmit their experience logs and describe in detail the responsibilities and type of work performed in their own words as directed by the instructions provided on the application.

Voting Aye: Bolte, Hain, Pro, Whitfield.

Motion carried.

Whitfield moved and Pro seconded that inasmuch as Jared Ryan Yendra passed the Principles and Practices of Surveying (PS) examination on October 9, 2023, and took the Nebraska State Specific examination on January 26, 2024, and has completed the requirements for Class 1 registration in Nebraska upon receipt of the \$100 registration fee, he be granted registration dated March 21, 2024, under Certificate No. 862.

Voting Aye:

Voting Nay: Hain, Pro, Whitfield, Bolte.

Motion failed.

The applicant may be re-examined one additional time at the discretion of the Board without submitting a new application or application fee, if done up to one year from the date of the March 21, 2024 meeting correspondence.

Bolte moved and Pro seconded that the Class 2 application of Ryan Remling 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 the Nebraska State-Specific land surveyor examination.

Voting Aye:

Voting Nay: Pro, Whitfield, Bolte, Hain.

Motion failed.

Whitfield moved and Pro seconded to table Mr. Remling's Class 2 Application – Reciprocity, and for the Secretary to send a letter asking the applicant to resubmit their experience logs and describe in detail the responsibilities and type of work performed in their own words as directed by the instructions provided on the application.

Voting Aye: Pro, Whitfield, Bolte, Hain.

Motion carried.

Whitfield moved and Bolte seconded that the Class 2 application of Sandy Ward Freudensprung 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: Whitfield, Bolte, Hain, Pro.

Motion carried.

Pro moved and Bolte seconded that since Darryl D. Coster retook the Nebraska reciprocity examination on February 16, 2024, and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from New Mexico, and that upon a \$100.00 registration fee, he be granted registration dated March 21, 2024, under Certificate No. 862.

Voting Aye:

Voting Nay: Bolte, Hain, Pro, Whitfield.

Motion failed.

The Board discussed forming a Nebraska Land Surveyor Exam Committee for applicante interviews. The discussion was tabled until the May Board meeting.

LB 102, a bill to change provisions relating to the Land Surveyors Regulation Act and the Nebraska Plane Coordinate System Act was signed by the Governor on March 5. The bill becomes operative on September 1, 2024.

The amended and revised statutes of the Nebraska Land Surveyors Regulation Act can be found at <https://nebraskalegislature.gov/FloorDocs/108/PDF/Slip/LB102.pdf>

The National Council of Examiners for Engineering and Surveying (NCEES) Central Zone Meeting in Des Moines, Iowa, in April was discussed. Delegate names for the NCEES Annual meeting in Chicago, Illinois, in August, will be needed by May.

The Professional Surveyors Association of Nebraska (PSAN) and Southeast Nebraska Land Surveyors Association (SENLSA) seminars and activities were highlighted.

State Surveyor Sherlock will be speaking at the North Central Regional Association of Assessing Officers Conference in Kearney later this summer. Eleven states are members of this region.

The next Board meeting will be held on May 16, 2024, at 9:00 a.m. at 555 N. Cotner Blvd, LL Conference Room, Lincoln, NE.

Bolte moved and Pro seconded that the meeting be adjourned at 12:24 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.