

BOARD OF EXAMINERS FOR LAND SURVEYORS

May 16, 2024

Oath of Office was conducted for new Nebraska Board of Examiner for Land Surveyors member Jeremy Feusner.

The Nebraska Board of Examiners for Land Surveyors (Board) convened at 9:03 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
Jeremy D. Feusner
Mary L. Pro
Dennis L. Whitfield

Casey Sherlock, Ex-Officio Secretary of the Examining Board

Others present:
Nicholas Siedschlag, Omaha
Mark Streit, Dawson County Surveyor
Assistant Attorney General John Jelkin, arrived at 11:12 a.m.
Jerry Penry, Deputy State Surveyor
Gerri Monahan, Admin. Asst.

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on May 6, 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.

Whitfield moved and Pro seconded to approve the March 21, 2024, Board meeting minutes as presented.

Voting Aye: Hain, Pro, Whitfield, Bolte.

Abstain: Feusner.

Motion carried.

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

| | |
|---|---------------|
| Bolte, Virlyn, March Board Meeting mileage | 94.55 |
| DAS Materiel, February Postage | 39.63 |
| Hain, Jerry, March Board Meeting mileage | 43.55 |
| Whitfield, Dennis, March Board Meeting mileage..... | <u>67.00</u> |
| March Total | \$244.73 |
| Contractual Services, 3rd Qtr. FY 23-24 | 1,858.92 |
| DAS Materiel, March postage | 14.01 |
| Lincoln Journal Star, March meeting notice | 12.35 |
| Rent, 4th Qtr. FY 23-24 | <u>582.25</u> |
| April Total | \$2,467.53 |

Voting Aye: Hain, Pro, Whitfield, Bolte, Feusner.

Motion carried.

Bolte moved and Pro seconded that the Board go into executive session at 9:05 a.m. with the land surveyor, Sherlock, Penry, 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, Feusner, Hain.

Motion carried.

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

Pro moved and Whitfield seconded that the Board return to regular session at 11:20 a.m.

Voting Aye: Whitfield, Bolte, Feusner, 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 Secretary draft, with Board approval, a letter to the land surveyor that the Board has accepted their attention to Complaint 23-5 and appreciates that an affidavit of correction is being filed with the county register of deeds and State Records Repository. Complaint 23-5 will be closed. A copy of the letter will be sent to the complainee.

Voting Aye: Bolte, Feusner, Hain, Pro, Whitfield.

Motion carried.

Bolte moved and Pro seconded that the Secretary draft a letter, with Board approval, to send to the land surveyor (LS) requiring them to comply with all laws and regulations in the completion of all surveys, to correct their procedures immediately, review past surveys that are not in compliance, file revised survey plats that demonstrate compliance with all laws and regulation in effect at the time of the surveys, and make a report to the Board that the LS has discovered surveys to be deficient and thus revised and filed with the Nebraska State Records Repository. The Board will continue to monitor the LS's compliance over the next six months. Complaint 24-1 will remain open.

Voting Aye: Feusner, Hain, Pro, Whitfield, Bolte.

Motion carried.

The agenda was adjusted to meet Assistant Attorney General Jelkin's schedule.

Well location surveys were discussed. AAG Jelkin explained the statutes governing the Nebraska Oil and Gas Conservation Commission (NOGCC) regarding directional surveys.

As of September 1, 2024, the Board will be able to enforce the rule that licensed surveyors are needed when oil companies drill or abandon wells. Licensed land surveyors in the southwest Nebraska area can be found on the Board's website under rosters. Secretary Sherlock will continue to communicate with the NOGCC.

Local contractors advertising surveying services without licensed land surveyors on staff was discussed.

The Board's new Land Surveyors Regulations Act (Act) goes into effect on September 1, 2024. The Board will then be able to set out a professional disciplinary process to follow in enforcing the land surveying profession in Nebraska. The Minimum Standards for Land Surveying in Nebraska have not changed.

Mr. Jelkin was dismissed at 12:15 p.m.

The Board returned to Agenda item 6: Land Surveying Practices, Minimum Standards, and Land Surveyor Performance Reviews.

Pro moved and Bolte seconded that the Board go into executive session at 12:20 p.m. with Sherlock, Penry, 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: Hain, Pro, Whitfield, Bolte, Feusner.

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 Feusner seconded that the Board return to regular session at 1:38 p.m.

Voting Aye: Pro, Whitfield, Bolte, Feusner, Hain.

Motion carried.

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

The Board took a working lunch.

Bolte moved and Whitfield seconded that the Secretary send a letter to the land surveyor (LS) that the Board reviewed the recent filings of their land surveys and looks forward to receiving additional missing or late filings. The LS is to provide an updated response on their progress and anticipated competition date of filing surveys for the Board to review at their next meeting.

Voting Aye: Whitfield, Bolte, Feusner, Hain, Pro.

Motion carried.

Whitfield moved and Bolte seconded that the Secretary send a letter to the land surveyor noting the corrected plat was received and filed in the State Records Repository. No further action on this survey was necessary.

Voting Aye: Bolte, Feusner, Hain, Pro, Whitfield.

Motion carried.

Bolte moved and Pro seconded that the Secretary send a letter to the land surveyor (LS) for their cooperation and attention to filing of missing or last survey plats. The LS is to provide an updated response to their progress and anticipated competition date of filing surveys for the Board to review at their next meeting.

Voting Aye: Feusner, Hain, Pro, Whitfield, Bolte.

Motion carried.

Pro moved and Whitfield seconded that the Secretary send the land surveyor a letter requiring their appearance before the Board at their July 11, 2024 meeting to discuss their land surveying practices as they pertain to basic survey procedures and methods, missing corner restoration, and the Minimum Standards for Surveys in Nebraska.

Voting Aye: Hain, Pro, Whitfield, Bolte, Feusner.

Motion carried.

Pro moved and Bolte seconded that the Board go into executive session at 1:46 p.m. with Sherlock, Penry, and Monahan present to discuss Class 1 Applications – Land Surveyor, Class 1 Registrations – Land Surveyor, Class 2 Applications – Reciprocity, Class 2 – Registration - Reciprocity, and Class 3 – Surveyor-in-Training Application and Certification, and to prevent needless injury to the reputation of a person and as such person/s has not requested a public meeting.

Voting Aye: Pro, Whitfield, Bolte, Feusner, Hain.

Motion carried.

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

Whitfield moved and Pro seconded that the Board return to regular session at 2:15 p.m.

Voting Aye: Whitfield, Bolte, Feusner, Hain, Pro.

Motion carried.

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

Whitfield moved and Bolte seconded that the Class 1 application of Andrew James Pokorny 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: Bolte, Feusner, Hain, Pro, Whitfield.

Motion failed.

Bolte moved and Whitfield seconded that the Class 1 application of Phillip 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: Feusner, Hain, Pro, Whitfield, Bolte.

Motion failed.

Pro moved and Feusner seconded that the Class 1 application of Walker Reed Johnson 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: Hain, Pro, Whitfield, Bolte, Feusner.

Motion carried.

Feusner moved and Pro seconded that the Class 1 application of Grainger Browne 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, Feusner, Hain.

Motion carried.

Whitfield moved and Bolte seconded that inasmuch as Joseph J. Poole passed the Principles and Practices of Surveying (PS) examination on March 1, 2024, took the Nebraska State Specific examination on April 19, 2024, and completed the requirements for Class 1 registration in Nebraska, that upon receipt of the \$100 registration fee, he be granted registration dated May 16, 2024, under Certificate No. 832.

Voting Aye:

Voting Nay: Whitfield, Bolte, Feusner, Hain, Pro.

Motion failed.

Bolte moved and Whitfield seconded that inasmuch as Jared Ryan Yendra passed the Principles and Practices of Surveying (PS) examination on January 3, 2024, and passed the Nebraska State Specific re-take examination on May 3, 2024, and has completed the requirements for Class 1 registration in Nebraska upon receipt of the \$100 registration fee, he be granted registration dated May 16, 2024, under Certificate No. 863.

Voting Aye: Bolte, Feusner, Hain, Pro, Whitfield.

Motion carried.

Applicants, who fail the first Nebraska State Specific exam, 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 Board meeting correspondence.

Pro moved and Feusner seconded that the Class 2 application of Matthew Michael Bomstad for Nebraska Land Surveyor registration by reciprocity from Minnesota 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: Feusner, Hain, Pro, Whitfield, Bolte.

Motion carried.

Feusner 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: Hain, Pro, Whitfield, Bolte, Feusner.

Motion carried.

Whitfield moved and Bolte seconded that since Sandy Ward Feundensprung passed the Nebraska reciprocity examination on April 16, 2024, and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from Texas, and that upon a \$100.00 registration fee, he be granted registration dated May 16, 2024, under Certificate No. 862.

Voting Aye: Pro, Whitfield, Bolte, Feusner, Hain.

Motion carried.

Bolte moved and Whitfield seconded that the Class 3 application of Erik Johnson 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 February 22, 2024, and upon receipt of the SIT registration for \$20.00, he be granted SIT registration dated May 16, 2024, under Certificate No. 307.

Voting Aye: Whitfield, Bolte, Feusner, Hain, Pro.

Motion carried.

The Nebraska Land Surveyor Exam / Interview Committee was discussed and no action was taken.

The Secretary reviewed Tyler Technologies, formally NiC Nebraska, new system to update the online land surveyor applications and upcoming renewals.

The Board's annual policies were reviewed.

Pro moved and Bolte seconded to approve that the members and staff of the Nebraska Board of Examiners for Land Surveyors are hereby given blanket approval to travel within the State of Nebraska in the performance of their official duties while attending board meetings or seminars as the official representative of the Examining Board.

Voting Aye: Bolte, Feusner, Hain, Pro, Whitfield.

Motion carried.

This blanket approval is also granted for these members and staff to claim reimbursable travel expenses when necessary. Written authorization, in the form of a motion in the meeting minutes, is necessary for out-of-state travel for Board members and staff.

The Board's registration, inactive, active, cancel, and reinstatement status policy was tabled until the next meeting.

The National Council of Examiners for Engineering and Surveying (NCEES) Central Zone Meeting in Des Moines, Iowa, in April, was reviewed. The Board's Rules and Regulations may need to be changed to accommodate NCEES's Public Land Survey System (PLSS) modules to be used in conjunction with the Principles and Practice of Surveying (PS) exam. A separate PLSS module will be created and a new PS exam specification that no longer contains any PLSS items will be used.

Registration for the NCEES annual meeting in Chicago, IL, in August is due by June 30.

Pro moved and Bolte seconded to approve Feusner as a first-time delegate and Sherlock as the Member Board Administrator (MBA) to represent the Board at the NCEES Annual Meeting in Chicago, Illinois, in August.

Voting Aye: Feusner, Hain, Pro, Whitfield, Bolte.

Motion carried.

Secretary Sherlock updated the Board on miscellaneous Board-related correspondence received and these items were reviewed.

Statutes 34-201 and 34-202 will be sent to a land surveyor inquiring about the construction of ADA sidewalks, property corners, and possible monument offsets. If a monument is disturbed, a land survey would need to be filed upon its relocation.

The Board reviewed the importance of surveyors reviewing field notes and prior surveys before completing a new survey.

Sherlock shared that Governor Pillen reappointed Bolte and Pro to the Board. Feusner is the new member of the Board filling James Hawks' term. Feusner is eligible for reappointment.

Idaho State University was seeking approval for land surveying education. The Board does not approve land surveying courses.

Whitfield noted an article in a recent NCEES publication regarding honor cords presented to students who pass the Fundamentals of Surveying (FS) exam before their spring graduation from an ABET-accredited program.

Pro moved and Whitfield moved to suspend the rules and regulations and cast a unanimous ballot for Bolte as the Board's Chair effective July 1, 2024.

Voting Aye: Pro, Whitfield, Bolte, Feusner, Hain.

Motion carried.

Pro moved and Bolte seconded to suspend the rules and regulations and cast a unanimous ballot for Feusner as the Board's Vice Chair effective July 1, 2024.

Voting Aye: Whitfield, Bolte, Feusner, Hain, Whitfield.

Motion carried.

The next Board meeting will be held on July 11, 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 3:10 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.