

BOARD OF EXAMINERS FOR LAND SURVEYORS

July 11, 2024

Retiring Board Member Jerry G. Hain, Wahoo, was recognized for his 20 years of service to the Nebraska Board of Examiners for Land Surveyors.

Oath of Office was conducted for new Nebraska Board of Examiners for Land Surveyors member Thomas Tremel of Columbus.

The Nebraska Board of Examiners for Land Surveyors (Board) convened at 9:10 a.m. at 555 N. Cotner Blvd., Lower Level, Lincoln, NE with the following members present:

Virlyn S. Bolte, Chair  
Jeremy D. Feusner, Vice-Chair  
Mary L. Pro  
Thomas A. Tremel  
Dennis L. Whitfield

Casey Sherlock, Ex-Officio Secretary of the Examining Board

Others present:  
Jerry Hain, Wahoo  
Brent Hegemann, Advanced Consulting Engineering Services, West Point  
Steve Humphries, Land Surveying Inc., Omaha  
Jerry Penry, Deputy State Surveyor  
Gerri Monahan, Admin. Asst.

Public notice of this meeting was given by publication in the *Lincoln Journal Star* on July 1, 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 May 16, 2024, Board meeting minutes as presented.

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

Motion carried.

Pro moved and Feusner seconded that the May and June expense vouchers be approved:

Bolte, Virlyn, May Board Meeting mileage .....	92.46
DAS Materiel, April Postage .....	41.58
Hain, Jerry, May Board Meeting mileage .....	43.55
Whitfield, Dennis, Exam and May Board Meeting mileage .....	134.00
May Total .....	\$311.59
DAS Materiel, May postage .....	56.02
Feusner, Jeremy, May Board Meeting mileage .....	214.40
J P Cooke & Co, 2 LS seals and freight .....	64.75
Lincoln Journal Star, May meeting notice .....	13.65

June Total ..... \$348.82

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

Motion carried.

Whitfield moved and Pro seconded that the Board go into executive session at 9:14 a.m. with 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: Tremel, Whitfield, Bolte, Feusner, Pro.

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 9:55 a.m.

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

Motion carried.

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

Feusner moved and Pro seconded that the Secretary draft, with Board approval, a letter to the land surveyor (LS) with the Board's review of the corrective survey/s for issues to be taken by the land surveyor's part for these surveys, other past surveys and all future surveys the LS conducts to meet the Minimum Standards for Surveys in Nebraska.

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

Motion carried.

The Board would like to see more detail on all surveys and corrective surveys, such as an explanation of corrections and procedures followed, to be helpful for future surveys that may be conducted.

Pro moved and Whitfield seconded that the Board go into executive session at 9:56 a.m. with land surveyor, Sherlock, Penry, and Monahan present to discuss Land Surveying Practices, Minimum Standards, and Land Surveyor Performance Reviews and to prevent needless injury to the reputation of a person, and as such person has not requested a public meeting.

Voting Aye: Feusner, Pro, Tremel, 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.

The land surveyor was dismissed after a discussion with the Board.

Pro moved and Whitfield seconded that the Board return to regular session at 12:09 p.m.

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

Motion carried.

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

Feusner moved and Pro seconded that the Secretary send a letter to the land surveyor (LS) to correct the surveys discussed with the procedures and the methodology in surveys signed and sealed by the LS and file them with the State Records Repository.

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

Motion carried.

The Board will continue to review the land surveyor's surveys and their compliance with the Minimum Standards for Surveys in Nebraska.

Feusner moved and Tremel seconded that the Secretary send a letter to the land surveyor requiring their appearance at the September 12, 2024 Board meeting to discuss their land surveying practices as they pertain to basic survey procedures and methods, proper corner restoration, and the Minimum Standards for Surveys in Nebraska.

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

Motion carried.

The Board took a short break at 12:30 p.m.

The Board discussed survey requirements for boundaries along public highways.

Pro moved and Whitfield seconded that the Secretary send a letter to the person inquiring about requirements for establishing property boundary corners a copy of Minimum Standards for Land Surveys in Nebraska, (H) Monumentation.

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

Motion carried.

According to the Minimum Standards for Land Surveys in Nebraska, (H) Monumentation: The professional land surveyor shall establish, reestablish, or confirm the location of found permanent monuments at each corner or end point on the boundary lines of the parcel or line(s) being surveyed.

The Board discussed well-location surveys.

On March 5, 2024, the Nebraska Legislature passed LB 102. This law provides that, effective September 1, 2024, the penalty for the unlicensed practice of land surveying in Nebraska changes from a Class 1 Misdemeanor for the first offense to a Class IV Felony for the second or any subsequent offense. The Board of Examiners for Land Surveyors (Board) may also impose a fine up to \$10,000.00 for violations of the Land Surveyors Regulation Act. The Board intends to enforce the provisions of LB 102 (2024) relating to the unlawful practice of land surveying in the State of Nebraska by non-Nebraska certified land surveyors.

A revised letter to the Nebraska Oil and Gas Conservation Commission was received from the Assistant Attorney General's office.

Whitfield moved and Tremel seconded that the Secretary send the revised letter to the Nebraska Oil and Gas Conservation Commission referencing "Notice of Intent to Drill or Re-enter".

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

Motion carried.

A response to the Board's May meeting letter regarding local contractors advertising surveying services had not been received. The Board will continue to monitor.

Correspondence from an out-of-state college surveying program was reviewed. The Secretary will send the school accreditation guidelines. The Board does not approve land surveying courses.

Feusner moved and Pro seconded that the Board go into executive session at 1:18 p.m. with land surveyor applicant, Sherlock, Penry, and Monahan present to discuss Class 1 Applications – Land Surveyor, Class 1 Registrations – 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/s has not requested a public meeting.

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

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, and Class 2 – Registration – Reciprocity.

The land surveyor applicant was dismissed at 1:51 p.m.

Pro moved and Feusner seconded that the Board return to regular session at 2:34 p.m.

Voting Aye: Tremel, Whitfield, Bolte, Feusner, 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, and Class 2 – Registration – Reciprocity were discussed in the executive session.

Whitfield 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: Whitfield, Bolte, Pro, Tremel.

Voting Nay: Feusner.

Motion carried.

Pro moved and Whitfield seconded that the Class 1 application of Erik Johnston 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: Bolte, Feusner, Pro, Tremel, Whitfield.

Motion carried.

Feusner 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:

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

Motion failed.

Pro moved and Whitfield seconded that inasmuch as Jeffrey J. Gute passed the Principles and Practices of Surveying (PS) examination on April 2, 2024, took the Nebraska State Specific examination on June 25, 2024, and completed the requirements for Class 1 registration in Nebraska, that upon receipt of the \$100 registration fee, he be granted registration dated July 11, 2024, under Certificate No. 864.

Voting Aye:

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

Motion failed.

Whitfield moved and Pro seconded that inasmuch as Frank C. Elder passed the Principles and Practices of Surveying (PS) examination on April 5, 2024, and passed the Nebraska State Specific re-take examination on June 27, 2024, and has completed the requirements for Class 1 registration in Nebraska upon receipt of the \$100 registration fee, he be granted registration dated July 11, 2024, under Certificate No. 864.

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

Motion carried.

Pro moved and Whitfield seconded that inasmuch as Joseph J. Poole passed the Principles and Practices of Surveying (PS) examination on March 1, 2024, and passed the Nebraska State Specific re-take examination on June 28, 2024, and has completed the requirements for Class 1 registration in Nebraska upon receipt of the \$100 registration fee, he be granted registration dated July 11, 2024, under Certificate No. 865.

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

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.

Feusner moved and Whitfield seconded that the Class 2 application of Scott Graham Sherard for Nebraska Land Surveyor registration by reciprocity from Colorado 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: Bolte, Feusner, Pro, Tremel, Whitfield.

Motion carried.

Tremel moved and Pro seconded that the Class 2 application of Victoria Jeanne Klemm for Nebraska Land Surveyor registration by reciprocity from Idaho be approved and that she be required to appear before the Secretary of the Board for an interview and the Nebraska State-Specific land surveyor examination.

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

Motion carried.

Pro moved and Feusner seconded that the Class 2 application of Fred Feickert for Nebraska Land Surveyor registration by reciprocity from Nevada 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: Pro, Tremel, Whitfield, Bolte, Feusner.

Motion carried.

Whitfield moved and Pro seconded that since Clayton Crofts passed the Nebraska reciprocity examination on June 3, 2024, and has completed the requirements for Class 2 land surveyor registration in Nebraska, by reciprocity from Oklahoma, and that upon a \$100.00 registration fee, he be granted registration dated July 11, 2024, under Certificate No. 866.

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

Motion carried.

Tremel moved and Pro seconded that the Board approve a fee of \$25 for a Certificate of Authorization effective 9-1-2025. The renewal fee will be \$25.

Voting Aye: Whitfield, Bolte, Feusner, Pro, Tremel

Motion carried.

Pro moved and Feusner seconded that the Board's registration, inactive, active, cancel, and reinstatement status policy be tabled until the September 12, 2024 Board meeting.

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

Motion carried.

The National Council of Examiners for Engineering and Surveying (NCEES) Annual meeting schedule was reviewed.

Secretary Sherlock updated the Board on miscellaneous Board-related items. Sherlock spoke at the Southeast Nebraska Land Surveyors Association (SENLSA) summer seminar held in Gretna. Sherlock will speak at the upcoming Professional Surveyors Association of Nebraska (PSAN) summer seminar to be held near Ashland. Both seminars qualify for Professional Development Hours (PDHs) as needed for renewal.

An informal complaint was received today and will be reviewed at the September Board meeting.

The next Board meeting will be held on September 12, 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 3:32 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.