

BOARD OF EXAMINERS FOR LAND SURVEYORS

September 12, 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:

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:  
Michael Caniglia, City of Omaha  
Charles Lovell, Lovell Land Surveying, North Platte  
Andrew Pokorny, RW Engineering & Surveying, 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 August 30, 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 July 11, 2024, Board meeting minutes as presented.

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

Motion carried.

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

Accounting & Auditing Svcs. FY 24-25 .....	125.00
AS Materiel, Purchasing Assmt. FY 24-25 .....	6.00
Bolte, Virlyn, July Board Meeting mileage .....	92.46
DAS Materiel, June Postage .....	36.21
DAS Materiel, May Office Supplies .....	94.15
Feusner, Jeremy, July Board Meeting mileage .....	214.40
General Fund Reimbursement BELS Rent, 1 <sup>st</sup> Qtr, FY 24-25 .....	582.25
General Fund Reimbursement, Contractual Svcs. 4 <sup>th</sup> Qtr. FY 23-24.	1,858.95
Lincoln Journal Star, July meeting notice .....	12.35
Sherlock, Casey, BELS Board Tablets online sub .....	72.00
Tremel, Thomas, July Board Meeting mileage .....	108.54
Whitfield, Dennis, July Board Meeting mileage .....	<u>67.00</u>
July Total .....	\$3,269.31
Correctional Svcs. Bd Mtg name plates .....	74.00
DAS Materiel, June Office Supplies .....	3.07

DAS Materiel, July Postage .....	46.38
DAS OCIO, July web hosting .....	<u>28.00</u>
August Total .....	\$151.45

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

Motion carried.

Whitfield moved and Feusner seconded that the Board go into executive session at 9:02 a.m. with Sherlock, Penry, Monahan, and a land surveyor 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.

A complainant was in attendance from 9:37 to 10:48 a.m. to discuss Complaint 24-3 and Complaint 24-4.

Pro moved and Whitfield seconded that the Board return to regular session at 11:23 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.

Pro moved and Whitfield seconded that the Secretary draft, with Board approval, a letter to the Complaint 24-1 Land Surveyor (LS), that the Board's review of the corrective surveys determined that the surveys require additional corrections to meet the Minimum Standards for Surveys in Nebraska. The LS's future surveys will be monitored by the Board for the next six months.

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

Motion carried.

Pro moved and Tremel seconded that the Secretary draft, with Board approval, a letter to the Complaint 24-2 Land Surveyor (LS) and Complainant that no professional misconduct was found on the original survey prepared by the LS supported by the survey of the adjacent property requested by the Complainant. The Board dismissed Complaint 24-2 after having considered all of the evidence received.

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

Motion carried.

Whitfield moved and Pro seconded that the Secretary draft, with Board approval, a letter to Complaint 24-3 Land Surveyor (LS) that the Board will appoint an investigator to review ten of the most recent surveys, by the LS for compliance with the Land Surveyors Regulation Act.

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

Motion carried.

Feusner moved and Pro seconded that the Secretary draft, with Board approval, a letter to the Complaint 24-4 Land Surveyor (LS) to correct deficiencies in the surveys to comply with the Land Surveyors Regulation Act and the Minimum Standards for Land Surveying in Nebraska and resubmit them to the Board for review.

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

Motion carried.

Andrew Pokorny, Omaha, appeared before the Board from 11:38 to 11:53 a.m. to discuss his Land Surveyor application. Pokorny highlighted his background, education, and land surveying experience and answered questions from Board members.

Feusner moved and Pro seconded that the Board go into executive session at 12:02 p.m. with Sherlock, Penry, Monahan, and a land surveyor 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: Whitfield, Bolte, Feusner, Pro, Tremel.

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.

A land surveyor was in attendance from 12:02 to 1:32 p.m. for discussion with the Board.

The Board took a working lunch from 1:35 to 2:05 p.m.

Pro moved and Feusner seconded that the Board return to regular session at 3:04 p.m.

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

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 draft, with Board approval, a letter be sent to the Land Surveyor to correct deficiencies on their survey plats discussed in the meeting and submit to the Board for final review. The Board also requests that the Land Surveyor enter into an agreement with a Nebraska licensed Professional Land Surveyor to review their work and assist with the procedures for Land Surveying for the next six months to ensure their surveys meet the Minimum Standards for Land Surveys in Nebraska.

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

Motion carried.

Tremel moved and Pro seconded that the Secretary draft, with Board approval, a letter be sent to the land surveyor that the information received is appreciated, however, the Board is unable to act on issues regarding the land surveying practices on surveyors prior to completion that are in draft or preliminary form.

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

Motion carried.

Whitfield moved and Pro seconded that the Secretary draft, with Board approval, a letter be sent to the land surveyor to appear at the November 14, 2024 Board meeting in an attempt to bring closure to late filings of surveys in the State Records Repository in accordance with Nebraska Revised Statute 81-8,122.01.

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

Motion carried.

Feusner moved and Tremel seconded to revisit the progress of a land surveyor's log of surveys to be filed in the State Records Repository in accordance with Nebraska Revised Statute 81-8,122.01.

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

Motion carried.

Feusner moved and Tremel seconded that that the Secretary draft, with Board approval, a letter be sent to the land surveyor notifying them that the Board's review of recent surveys filed do not comply with the Land Surveyors Regulation Act. The LS is to review, revise, and submit these surveys to the Board for further review. Procedures regarding the surveying of land in the State of Nebraska are required to meet the minimum standards.

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. The entire Land Surveyors Regulation Act, Rules and Regulations, and the Minimum Standards for Surveys in Nebraska are located in the 67<sup>th</sup> NBELS Annual Report, and available on the NBELS website. Nebraska Licensed Professional Land Surveyors are required to comply with all the regulations in the Land Surveyors Regulation Act.

The Nebraska Oil and Gas Conservation Commission (NOGCC) informed the Board of Memorandum #159, dated July 22, 2024, informing All Operators and Interested Persons, of LB 102, Changes for Survey Plats required for NOGCC Form 2. The Memorandum is posted on their website.

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 response to the Board's May meeting letter regarding local contractors advertising land surveying services has not been received. The Board continued to monitor and the company is no longer advertising land survey work.

The Board's Sixty-Seventh Annual Report has been mailed to all Nebraska Licensed Land Surveyors. The report includes Nebraska Statutes pertaining to land surveying and registration, By-Laws of the Board of Examiners, Rules and Regulations of the Board of Examiners, Land Surveyors Regulation Act, Nebraska Survey Record Repository, Nebraska Plane Coordinate System Act, County Surveyor, Preservation of Landmarks or Corners of Land Surveys, Minimum Standards for Land Surveys, Minimum

Standards for Improvement Location Surveys, and Rosters - Registered Land Surveyors, Surveyors-in-Training, and Inactive Land Surveyors.

The Annual Report can also be found on the Board's website at <https://nbels.nebraska.gov/pdf/annual67.pdf>

The Board discussed changing the land surveyor's seal from Registered to Professional. The Board will order new seals for Nebraska licensed land surveyors and distribute them with pocket cards after renewal.

LB 102 was passed and signed into law by the Governor, effective 9-1-2024. One part of the changes brought forward a requirement for all companies that offer professional land surveying services to obtain a Certificate of Authorization (COA) from the Board in order to provide professional services in the State of Nebraska. The application can be found on the Board's website at <https://nbels.nebraska.gov/coa.html>

The COA is different from a Limited Liability Company (LLC) certificate. The Board will no longer issue new LLC's. The Board will continue with LLC renewals as in the past.

The Board discussed upcoming biennial land surveyor license renewals and policy. Renewals will be on-line and notices will be emailed to land surveyors near the end of October 2024. The Board will audit 25% of renewals.

Pro moved and Feusner seconded that the Board go into executive session at 4:18 p.m. with Sherlock, Penry, and Monahan present to discuss Class 1 Applications – Land Surveyor; Class 1 License - Land Surveyor; Class 2 Applications – Reciprocity; Class 2 – License – Reciprocity; Class 3 Surveyor-in-Training - Application / Certification; and Class 4 - Inactive Land Surveyor Application, and to prevent needless injury to the reputation of a person and as such person/s 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 Class 1 Applications – Land Surveyor; Class 1 License - Land Surveyor; Class 2 Applications – Reciprocity; Class 2 – License – Reciprocity; Class 3 Surveyor-in-Training - Application / Certification; and Class 4 - Inactive Land Surveyor Application.

Pro moved and Feusner seconded that the Board return to regular session at 4:54 p.m.

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

Motion carried.

The Chair stated that no subject matter other than Class 1 Applications – Land Surveyor; Class 1 License - Land Surveyor; Class 2 Applications – Reciprocity; Class 2 – License – Reciprocity; Class 3 Surveyor-in-Training - Application / Certification; and Class 4 - Inactive Land Surveyor Application were discussed in the executive session.

Pro moved and Tremel seconded that the Class 1 application of Andrew James Pokorny for Nebraska Land Surveyor licensure 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.

Voting Nay: Tremel, Whitfield.

Motion carried.

Pro moved and Tremel seconded that the Class 1 application of Trevor Scott Martinosky for Nebraska Land Surveyor licensure 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, Feusner, Pro, Tremel,

Motion failed.

Whitfield moved and Pro seconded to table Martinosky's LS application for one year in order to allow him additional time to gain experience in boundary surveying and to resubmit his experience logs prior to the September 2025 meeting.

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

Motion carried.

Whitfield moved and Pro seconded that inasmuch as Walker Reed Johnson passed the Principles and Practices of Surveying (PS) examination on August 5, 2024, passed the Nebraska State Specific examination on August 23, 2024, and completed the requirements for Class 1 Land Surveyor License in Nebraska, and that upon receipt of the \$100 fee, he be granted licensure dated September 12, 2024, under Certificate No. 867.

Voting Aye: Feusner, Pro, Tremel, Bolte.

Voting Nay: Whitfield.

Motion carried.

Monahan was dismissed at 5:00 p.m.

Pro moved and Feusner seconded that the Class 2 application of Travis Lenard Winnicki for Nebraska Land Surveyor License 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: Pro, Tremel, Whitfield, Bolte, Feusner.

Motion carried.

Pro moved and Tremel seconded that the Class 2 application of Joseph Todd Odham for Nebraska Land Surveyor License by reciprocity from Idaho 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: Tremel, Whitfield, Feusner, Pro.

Voting Nay: Bolte

Motion carried.

Feusner moved and Pro seconded that since Kyle Tims Pruett passed the Nebraska reciprocity examination on August 8, 2024, and has completed the requirements for Class 2 Land Surveyor License in Nebraska, by reciprocity from Illinois, and that upon receipt of the \$100.00 fee, he be granted licensure dated September 12, 2024, under Certificate No. 868.

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

Motion carried.

Before formally filing of surveys in the Nebraska State Survey Records Repository, newly licensed land surveyors, are asked to email their first five Nebraska surveys, in PDF form, to the Nebraska State Surveyor. This is a courtesy service to help them get started in the right direction with the potential unique situations that may arise when surveying in the State of Nebraska.

Pro moved and Whitfield seconded that the Class 3 application of Robert Dillon Reese for 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 March 12, 2024, and upon receipt of the \$20.00 fee, he be granted SIT certification dated September 12, 2024, under Certificate No. 308.

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

Motion carried.

Pro moved and Tremel seconded that inasmuch as Bryan T. Balcome, LS 746 has met the Class 4 Inactive Land Surveyor requirements, he be granted inactive licensure status effective August 31, 2024.

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

Motion carried.

Sherlock and Feusner reported on the recent National Council of Examiners for Engineering and Surveying (NCEES) Annual meeting in Chicago.

Secretary Sherlock updated the Board on miscellaneous Board-related items. Sherlock spoke at the recent NCRAAO Assessors Conference in Kearney.

Secretary Sherlock finalized the Board's budget.

The next Board meeting will be held on November 14, 2024, at 9:00 a.m. at 555 N. Cotner Blvd, LL Conference Room, Lincoln, NE.

Feusner moved and Pro seconded that the meeting be adjourned at 5:28 p.m.

All in favor.

Motion carried.

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Casey C. Sherlock, State Surveyor  
Ex-Officio Secretary  
Board of Examiners for Land Surveyors

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.