

BOARD OF EXAMINERS FOR LAND SURVEYORS

November 14, 2024

The Nebraska Board of Examiners for Land Surveyors (Board) convened at 9:02 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:
- Stephen Humphries, Omaha
 - Richard Johnson, Norfolk
 - Phillip Spenner, 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 November 4, 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 Feusner seconded to approve the September 12, 2024, Board meeting minutes as presented.

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

Motion carried.

Pro moved and Tremel seconded that the September and October expense vouchers be approved:

Bolte, Virlyn, September Board Meeting mileage	92.46
DAS IM Services, August web hosting	28.00
DAS Materiel, August Postage	54.58
Feusner, Jeremy, September Board Meeting mileage	214.40
Lincoln Journal Star, September meeting notice	12.35
Tremel, Thomas, July Board Meeting mileage	108.54
Whitfield, Dennis, July Board Meeting mileage	<u>67.00</u>
September Total	\$577.33
Contractual Service, 1st Qtr. FY 24-25	1,984.86
DAS Material, Annual report printing	985.28
DAS Material, September Postage (400 annual reports \$1064.77)	1,232.96
DAS IM Services, September web hosting	28.00
JP Cooke Company, 5 stamps and freight	115.50

Office Depot, August office supplies	141.26
Office Space Rent, 2 nd Qtr., FY 24-25	<u>582.25</u>
October Total	\$5,070.11

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

Motion carried.

Humphries met with the Board to discuss Complaint 24-4. Humphries outlined his work history with Louis Surveying, Boundaryline Surveys, and Land Survey, Inc. The Alta surveys in question were redone. The boundary survey work needed to adhere to the standard of practice of land surveying to meet the Minimum Standards for Land Surveying in Nebraska.

Chair Bolte commented that it's the individual land surveyor's responsibility to file their surveys. The surveyor is to sign, seal, and set their cap.

The Board adjusted the Agenda to Item 6 – Land Surveying Practices, Minimum Standards, and Land Surveyor Performance Reviews, to accommodate a guest.

Humphries has corrected most surveys in question. All surveys are to be held to the same standards, in the Land Surveyors Regulation Act, the Rules and Regulations, and the Minimum Standards for Land Surveys in Nebraska, not the client standards.

The Chair commented that the Board issues a land surveyor license, the land surveyor completes continuing education and must follow the laws to be a professional. There is a difference in control construction staking and boundary surveying.

The Board took a short break from 10:05 to 10:10 a.m.

The Board adjusted the Agenda to Item 14 – Class 1 Land Surveyor Application to accommodate a guest.

Pro moved and Feusner seconded that the Board go into executive session at 10:10 a.m. with Sherlock, Penry, Monahan, and an applicant present to discuss a Class 1 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: Tremel, Whitfield, Bolte, Feusner, Pro.

Motion carried.

The Chair stated that discussion in the executive session would be limited to Class 1 Land Surveyor Application.

An applicant was in attendance from 10:10 to 10:36 a.m. for discussion with the Board.

Pro moved and Feusner seconded that the Board return to regular session at 10:47 a.m.

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

Motion carried.

The Chair stated that no subject matter other than Class 1 Land Surveyor Application was discussed in the executive session.

Pro moved and Feusner seconded that the Board go into executive session at 10:50 a.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: Bolte, Feusner, Pro, Tremel, Whitfield.

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 10:50 to 11:03 a.m. for discussion with the Board.

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

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

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, thanking him for appearing before the Board and that all of his surveys in question be filed by December 31, 2024, in the State Records Repository.

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

Motion carried.

Whitfield moved and Pro seconded that the Secretary send a letter to the land surveyor, thanking him for appearing before the Board and that the remaining surveys be corrected to meet the minimum standards. The Board will review the surveys at their January Board Meeting.

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

Motion carried.

Feusner moved and Pro seconded that the Board go into executive session at 11:33 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: Whitfield, Bolte, Feusner, Pro, Tremel.

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 12:17 p.m.

Voting Aye: Bolte, Feusner, Pro, Whitfield.

Absent: 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 send a letter to the land surveyor to appear at the January 2025 meeting regarding Complaint 24-3. Ten surveys will be reviewed and discussed.

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

Motion carried.

Whitfield moved and Feusner seconded that the Secretary send a letter to the land surveyor thanking him for appearing before the Board to address Complaint 24-4. As the surveys have been corrected to comply with the Land Surveyors Regulation Act and the Minimum Standards for Land Surveying in Nebraska, the Board dismissed Complaint 24-4. A copy of the letter will be sent to the Complaintee.

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

Motion carried.

The Board discussed Metro Fence Surveying / Property Information and the Nebraska Law/Statute noted on their quote specifications. Metro Fence is not authorized to identify any boundaries and/or property lines. The property owner should obtain a land survey from a licensed Land Surveyor.

NBELS Board issued Professional Land Surveyors seals in digital and rubber stamp form were discussed. There are two questions on the biennial renewal form to select the change in stamp preferences from registered to professional. The official stamps will be ordered by the Secretary and distributed in 2025.

Whitfield moved and Feusner seconded to approve the 98 Certificates of Authorization's (COA) as presented to the Board, dated November 12, 2024.

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

Motion carried.

Feusner moved and Pro seconded that as the Board has been notified that the land surveyor employed by Land Survey Inc, has terminated employment, the Board canceled the COA as the company did not submit a change form within 30 days of the effective date of the change. Land Survey Inc, will be notified of the cancelation.

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

Motion carried.

The By-Laws of the Nebraska State Board of Examiners for Land Surveyors were discussed. Sherlock, Feusner and Monahan will draft changes for Board review at the January Board meeting.

Tyler Technologies work estimates for the Board renewals and database was reviewed.

The NBELS License Renewal, Inactive, Active, Canceled, Reinstatement Policy was put on hold.

The Board was informed that 78 active land surveyor renewals were received with five pending payments as of November 13, 2024. Seven inactive land surveyor renewals and five LS active to inactive status

The Board will review the biennial land surveyor license renewal audits at their January 2025 meeting.

Pro moved and Feusner seconded that the Board go into executive session at 1:29 p.m. with Sherlock, Penry, and Monahan present to discuss Class 1 Land Surveyor Application; Class 1 Land Surveyor License; Class 2 Reciprocity Land Surveyor License; 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: Bolte, Feusner, Pro, Tremel, Whitfield.

Motion carried.

The Chair stated that discussion in the executive session would be limited to Class 1 Land Surveyor Application; Class 1 Land Surveyor License; Class 2 Reciprocity Land Surveyor License; and Class 4 - Inactive Land Surveyor Application.

Pro moved and Feusner seconded that the Board return to regular session at 1:47 p.m.

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

Motion carried.

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

Pro moved and Tremel seconded that the Class 1 application of Phillip Michael Spenner be tabled for up to twelve months to allow the applicant to gain additional experience in boundary surveying and then submit an updated "Engagement Form" and "Total Time Form" for Board review before November 2025.

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

Motion carried.

Pro moved and Feusner seconded that inasmuch as Grainger Browne passed the Principles and Practices of Surveying (PS) examination on October 4, 2024, passed the Nebraska State Specific examination on October 31, 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 November 14, 2024, under Certificate No. 869.

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

Motion carried.

Pro moved and Tremel seconded that since Victoria Jeanne Klemm passed the Nebraska reciprocity examination on November 11, 2024, and has completed the requirements for Class 2 Land Surveyor License in Nebraska, by reciprocity from Idaho, and that upon receipt of the \$100.00 fee, she be granted licensure dated November 14, 2024, under Certificate No. 870.

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 Tremel seconded that inasmuch as Jay D. Gromley, LS 717 has met the Class 4 Inactive Land Surveyor requirements, he be granted inactive licensure status effective November 14, 2024.

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

Motion carried.

Upcoming National Council of Examiners for Engineering and Surveying (NCEES) meetings were highlighted. The Central Zone Meeting, a joint meeting with the Western Zone, will be held in May in Albuquerque, N.M. Delegates will be selected at the Board's January meeting.

Pro moved and Tremel seconded to approve Sherlock to attend the NCEES Member Board Administrator (MBA) meeting in Greenville, SC in January.

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

Motion carried.

Whitfield discussed a cable company's installer digging out a corner and putting it back in after backfill. The Board commented on when finding this, note its new position, and add a note of explanation on the land surveyor's certificate.

The Chair asked that an item be added to the January meeting agenda. This would address city personnel doing a survey as an unlicensed land surveyor.

The Board set the 2025 meeting dates as follows: January 16, February 20, March 20, May 22, July 16, September 18, and November 20.

The next Board meeting will be held on January 16, 2025, at 9:00 a.m. at 555 N. Cotner Blvd, LL Conference Room, Lincoln, NE.

Tremel moved and Pro seconded that the Board meeting be adjourned at 2:37 p.m.

All in favor.

Motion carried.

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.