

## NEBRASKA ADMINISTRATIVE CODE

Title 234- Board of Examiners for Land Surveyors – Agency 62

Effective Date: 5/3/2014

### Chapter - 1 - Classes of Applicants:

001. Class 1 shall include all applicants applying for registration as a land surveyor under ~~Section~~ section 81-8,117, ~~R.R.S.~~, who may be eligible for examination on the basis of registration as a surveyor-in-training in Nebraska or another state which maintains standards equal to or greater than those of Nebraska, 6 years of practice, satisfactory to the Board, and proof of educational and professional qualifications, 5 of such 6 years must be in land surveying as defined in ~~Section~~ section 81-8,109, ~~R.R.S.~~ and 3 of such 5 years must be in a responsible position as a subordinate to a licensed land surveyor. Responsible position shall mean a position that requires initiative, skill and independent judgment; this term excludes chainman, rodman, instrument person, ordinary drafter and others doing routine work. Class 1 shall also include applicants who may be eligible for examination on the basis of graduation, after a course of not less than ~~four~~4 years in surveying, engineering or other approved curriculum, with proportionate credit for lesser time, from a school or college approved by the Board as of satisfactory standing, an additional ~~two~~2 years of practice in a responsible position and registration as a surveyor-in-training in Nebraska or another state which maintains standards equal to or greater than those of Nebraska. Sec. 81-8,117

002. Class 2 shall include all applicants, who are residents or nonresidents of the State of Nebraska applying for registration as a land surveyor under ~~Section~~ section 81-8,120, ~~R.R.S.~~, who are registered in another state, which maintains standards equal to or greater than those required by the State of Nebraska. Sec. 81-8,120

003. Class 3 shall include all applicants applying for registration as a surveyor-in-training under ~~Section~~ section 81-8,109, (3), ~~R.R.S.~~, who may be eligible for examination on the basis of ~~four~~4 years practice or training, satisfactory to the Board, and proof of educational and professional qualifications. Class 3 shall also include applicants who may be eligible for examination on the basis of graduation, after a course of not less than ~~four~~4 years in surveying, engineering or other approved curriculum, with proportionate credit for lesser time, from a school or college approved by the Board as of satisfactory standing. Sec. 81-8,109

004. Class 4 shall include all applicants applying for inactive registration under ~~Section~~ section 81-8,119.01, ~~R.R.S., 1943~~, who may be eligible based upon holding an active registration to practice land surveying in the State of Nebraska. Sec. 81-8,119.01

Chapter - 2 - Application for Registration:

003. No application for registration as a land surveyor will be accepted unless it is accompanied by a check, draft or money order in the amount of \$40.00 made payable to the ~~Secretary of~~ Board of Examiners for Land Surveyors. The fee shall be considered an application fee and shall not be returned to applicants who are unsuccessful for any reason. Sec. 81-8,118

004. No application for registration as a surveyor-in-training will be accepted unless it is accompanied by a check, draft or money order in the amount of \$40.00 made payable to the ~~Secretary of the~~ Board of Examiners for Land Surveyors. The fee shall be considered an application fee and shall not be returned to applicants who are unsuccessful for any reason. Sec. 81-8,109

008. No application for inactive classification will be accepted unless it is accompanied by ~~his or her personal seal or a sworn statement certifying its loss or destruction and~~ a check, draft or money order in the amount of \$50.00 made payable to the ~~Secretary of~~ the Board of Examiners for Land Surveyors. The fee shall be considered an application fee and shall not be returned to applicants for any reason. Sec. 81-8,119.01

### Chapter - 3 - Examinations:

001. Examinations shall be conducted as prescribed in ~~Sections~~ sections 81-8,108 to 81-8,127, - ~~R.R.S., 1943, as amended,~~ at such times and places as the Board may designate. The Board on its own motion and/or the Secretary may conduct the examination in a manner which provides security, harmony, reduces the risk of plagiarism and is not in conflict with these rules. Sec. 81-8,110.08

002. The application for registration is a part of the examination. Each applicant must show to the satisfaction of the Board that he or she meets at least the minimum requirements set forth in ~~Sections~~ sections 81-8,109 to 81-8,127, ~~R.R.S., 1943, as amended,~~ before he or she will be admitted to any examination. Failure to meet the minimum requirements of these sections of the act shall be interpreted as if it were a failure in the examination with retention of the application fee. However, the Board may continue consideration of an application for ~~one~~1 year wherein the applicant has an experience deficiency of less than ~~one~~1 year, or other valid reason, and without causing forfeiture of the application fee. Any applicant which has been denied registration as a land surveyor in Nebraska due to failure of the examination must show proof of completion of ~~fifteen~~(15) hours of professional development as defined in Rule 10, paragraph 002, subparagraphs 002.06 and 002.08 before any new application shall be approved. Sec. 81-8,109 through 81-8,123

003. Upon receipt of an application and the application fee, the Secretary shall acknowledge the application and advise the applicant that the routine of making the necessary investigations will be followed and that he or she will be notified no later than ~~twenty~~(20) days before the examination whether he or she will be admitted to it. Sec. 81-8,110.08

007. Each applicant shall submit with his or her application a digest of his or her training and experience. No one shall be eligible for examination until he or she has had the minimum experience required in ~~Sections~~ sections 81-8,108 to 81-8,127, ~~R.R.S., 1943 as amended.~~ Sec. 81-8,109; 81-8,114 and 81-8,117

009. The applicant must pass the examination to qualify for registration. The examination grade must be certified by the National Council of Examiners for Engineers and Surveyors (NCEES) and/or the Secretary of the Board. The Secretary of the Board will report to the Board the results

of the examination. Upon receipt of the ~~Secretary of the Board's~~ report the Board will determine which applicants have passed the examination. Sec. 81-8,110.08

011. Upon notification by the Board that a land surveyor applicant has passed the examination he or she shall submit a registration fee not to exceed ~~one hundred dollars (\$100.00)~~ in the form of a check, draft or money order made payable to ~~the Secretary of the Board of Examiners for Land Surveyors~~. Upon notification by the Board that a surveyor-in-training applicant has passed the examination he or she shall submit a registration fee not to exceed ~~twenty dollars (\$20.00)~~ in the form of a check, draft or money order made payable to ~~the Secretary of the Board of Examiners for Land Surveyors~~. Sec. 81-8,118

012. The Secretary shall submit to all applicants for registration by reciprocity a questionnaire relative to surveying laws in Nebraska and the Secretary shall interview and examine all applicants for registration by reciprocity. The interview and examination must be completed within ~~two~~ 2 years after notification by the Board. Sec. 81-8,120

014. Holders of an inactive registration applying for active registration shall be required to successfully complete the same examination as a surveyor-in-training applying for registration as a land surveyor. Provided, the ~~B~~board shall waive the written portion of the examination if the applicant elects to demonstrate proficiency by providing proof of professional development. Proof of professional development shall mean completing ~~P~~professional ~~D~~development ~~H~~hours (PDHs) as defined in Chapter ~~40~~11 of these rules. The applicant shall be required to complete ~~forty-five~~ (45) PDHs. All PDHs required must be obtained during the time the applicant's registration has been inactive. The PDHs required shall be reported on the form provided by the Board and the applicant shall provide supporting documentation. Any ~~professional development hours~~ PDHs which are used to apply for active registration shall be used for that purpose exclusively and shall not count in any other requirements in these rules. Sec.81-8,119.01

Chapter - 5 - Duplicate Certificate of Registration:

001. Upon application, accompanied by a full statement of the circumstances of loss or destruction of the original, a duplicate registration certificate may be issued at the discretion of the Chairman and/or Secretary of the Board. The fee for issuing a duplicate registration certificate shall be \$50.00 in the form of a check, draft or money order made payable to the Board of Examiners for Land Surveyors. Sec. 81-8,110.13

Chapter - 6 - Notice of Biennial Fee:

001. Prior to November 1 of each even numbered year, the Secretary shall notify all persons currently registered of the current renewal requirements. This notice shall include the current biennial fee and the form for Professional Development as required in Chapter ~~40~~11.

Sec.81-8,110.08; 81-8,118 and 81-8,119.02

003. Any registration which has not been renewed for the next biennium will be canceled on April 1 immediately following. The Secretary will immediately remove said registrations from the active roster and within ~~fifteen (15)~~ days, notify said registrant by registered mail. Sec. 81-8,118 and 81-8,119.01

004. Any registrant so canceled may, prior to January 2nd following, reinstate the registration by submitting the required Application for Renewal, Professional Development Form and appropriate fee. The fee for reinstatement shall be the same as the biennial fee but shall be increased ~~ten percent~~10% for each month or fraction of a month the payment is delinquent, beginning January 2.

Any registrant so canceled may, on or after January 2nd following, reinstate the registration by submitting the required Application for Renewal, Professional Development Form and appropriate fee. The fee for reinstatement shall be the same as the biennial fee plus a \$120 delinquent fee.

Upon receipt of the appropriate fee and approval of the required Application for Renewal and the Professional Development credits the Board shall reinstate said registration for the remainder of the biennium. Nothing in this rule shall be construed as reducing the required credits for Professional Development as shown in Chapter ~~40~~11. Any registrant being reinstated shall meet the same requirements for Professional Development as if his or her registration had been in full force and effect for the same period of time. Sec.81-8,118 and 81-8,119.02

Chapter - 7 - Biennial Renewal:

001. Upon receipt of the renewal fee in the amount of ~~one hundred dollars (\$100.00)~~ in the form of a check, draft or money order made payable to the Board of Examiners for Land Surveyors, compliance with all applicable rules and approval of the Board, the Secretary of the Board shall issue a "Renewal of Registration" card to each registrant whose registration is in full force. Such renewal shall be for the next biennium unless canceled, suspended or revoked by the Board. The biennial fee shall be considered an application fee and shall not be returned to applicants who are unsuccessful for any reason. Sec. 81-8,110.08

002. ~~Prior to January, 2014, upon receipt of the renewal fee in the amount of twenty dollars (\$20.00), compliance with all applicable rules and approval of the Board, the Secretary of the Board shall renew the registration of each surveyor-in-training. Such renewal shall be for the next biennium unless canceled or revoked by the Board. The biennial fee shall be considered an application fee and shall not be returned to applicants who are unsuccessful for any reason. Effective January 1, 2014, The biennial renewal requirement of~~ does not apply to the registration of each surveyor-in-training ~~will expire.~~ Sec. 81-8,110.08

003. Upon receipt of the renewal fee in the amount of ~~fifty dollars (\$50.00)~~ in the form of a check, draft or money order made payable to the Board of Examiners for Land Surveyors, compliance with all applicable rules and approval of the Board, the Secretary of the Board shall renew the registration of each inactive registrant. Such renewal shall be for the next biennium unless canceled or revoked by the Board. The biennial fee shall be considered an application fee and shall not be returned to applicants who are unsuccessful for any reason. Sec. 81-8,119.01



## Chapter - 8 – Code of Practice:

In order to establish and maintain a high standard of integrity, skills and practice in the profession of land surveying and to safeguard life, health and property the following code of practice shall be binding upon every person registered as a professional land surveyor in this state.

### 001. Obligation to the Public

001.01. The registrant, in practicing land surveying, shall be cognizant that his or her first and foremost responsibility is to the public welfare and act with reasonable care and competence and apply technical knowledge and skill ordinarily applied by land surveyors of good standing to safeguard life, health and property of the public.

001.02. The registrant shall approve and seal only those surveys and related documents that conform to accepted land surveying standards.

001.03. The registrant shall notify his or her employer or client and such other authority as may be appropriate when the registrant's professional judgment is overruled under circumstances where the life, health and property of the public is endangered.

001.04. The registrant shall not, in the conduct of his or her professional practice, knowingly violate any state or federal criminal law.

001.05. The registrant shall comply with the laws and rules governing their professional practice in any United States jurisdiction.

001.06. The registrant shall not engage in conduct involving fraud or wanton disregard of the rights of others.

001.07. The registrant shall not engage in grossly immoral or dishonorable conduct which would provide evidence of unfitness to perform the tasks required by clients or would provide evidence of a degree of proficiency which is not sufficient to safeguard life, health and property of the public.

001.08. The registrant making public statements on land surveying questions, shall disclose when he or she is being compensated for making such statements.

001.09. The registrant possessing knowledge of a violation of these rules and state statutes by another registrant shall report such knowledge to the Board.

## 002. Obligation to Employers and Clients

002.01. The registrant shall undertake to perform professional services only when he or she, together with those whom the registrant may engage as consultants, is qualified by education, training, and experience in the specific technical areas involved.

002.02. The registrant shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.

002.03. The registrant shall make full prior disclosures to a prospective or existing client or employer of his or her conflicts of interest or other circumstances which could influence or appear to influence the registrant 's judgment or quality of service.

002.04. The registrant shall not affix his or her signature or seal to any work pertaining to any technical discipline or specialty in which the registrant lacks education, experience or competence.

002.05. The registrant shall not affix his or her signature or seal to any work not prepared by the registrant nor to any work not prepared under the registrant 's direct supervision without thorough technical review by the registrant.

002.06. The registrant shall neither offer nor give any gift of significant value, or any monetary payment, to a government official, prospective or existing client or employer with the intent of influencing judgment in connection with a prospective or existing project in which the registrant is interested or has an interest.

### 003. Obligation to other Registrants

003.01. The registrant shall not falsify or permit misrepresentation of his or her, or their associates', academic or professional qualifications. He or she shall not misrepresent or exaggerate his or her degree of responsibility in prior assignments nor the complexity of said assignments. Presentations regarding solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.

003.02. The registrant shall not deliberately make a materially false statement or fail deliberately to disclose accurately and completely a material fact requested in connection with his or her application for licensure or renewal or otherwise requested by the Board.

003.03. The registrant shall not assist the application for registration of a person known by the registrant to be unqualified in respect to education, training, experience, or character.

003.04 The registrant shall notify the Board within 30 days if another state has disciplined him or her with a reprimand, censure, suspension, temporary suspension, probation, revocation, voluntary surrender or refusal to renew a license.

Chapter - ~~89~~ - Complaints:

004. Hearings on all complaints regarding land surveyors shall be in compliance with Chapter ~~44~~12. Sec. 81-8,110.08

005. Hearings on all complaints regarding inactive registrants shall be in compliance with Chapter ~~44~~12, paragraph 006. Sec. 81-8,119.01 and 81-8,119.02

Chapter - 910 - Disciplinary Actions:

001. The Board may revoke or suspend the registration of any land surveyor or place any land surveyor on probation when such land surveyor has been found guilty of: (1) fraud or deceit in obtaining a registration; (2) negligence or incompetency in the performance of his or her duties; (3) misconduct in the performance of his or her duties; or (4) failure to file a record of survey as provided in ~~Section~~ section 81-8,122.01, ~~R.R.S., 1943~~. Before the Board shall take such disciplinary action the applicant or registrant shall be given a hearing as provided in ~~Sections~~ sections 81-8,124 to 81-8,125, ~~R.R.S., 1943~~ conducted according to Chapter 4412 and all other applicable rules and statutes. Sec. 81-8,122.01; 81-8,124 and 81-8,125

002. The Board may revoke the registration of any inactive registrant when such registrant has been found guilty of: (1) fraud or deceit in obtaining a registration; (2) negligence or incompetency in the performance of his or her duties while actively registered; (3) misconduct in the performance of his or her duties while actively registered; (4) failure to file a record of survey as provided in ~~Section~~ section 81-8,122.01, ~~R.R.S., 1943~~ while actively registered; or (5) actively practicing land surveying while inactively registered. Before the Board shall take such disciplinary action, the applicant or registrant shall be given a hearing as provided in ~~Sections~~ sections 81-8,124 to 81-8,125, ~~R.R.S., 1943~~ conducted according to Chapter 4412 and all other applicable rules and statutes. Sec. 81-8,119.01; 81-8,122.01; 81-8,124 and 81-8,125

004. Any registered land surveyor or inactive land surveyor who received his or her registration based upon registration in another state shall be subject to disciplinary action based entirely upon actions taken by that state. In the event that said state revokes such registration the Board shall revoke the Nebraska registration. In the event that said state suspends such registration the Board shall suspend the Nebraska registration for a similar period. Any revocation or suspension implemented under this paragraph shall become effective 30 days after the action of the Board unless appealed by the registrant. In the event of an appeal the registrant shall be given a hearing conducted according to Chapter 4412 and all other applicable rules and statutes. Sec. 81-8,124 and 81-8,125

Chapter - ~~40~~11 - Professional Development:

001. As a condition for renewal of a Certificate of Registration for the Practice of Land Surveying a surveyor shall be required to successfully complete ~~thirty (30)~~ hours of professional development within the preceding ~~two~~2 calendar years. Any certificate holder who completes in excess of ~~thirty (30)~~ hours of professional development within the preceding ~~two (2)~~ calendar years may have the excess, not to exceed ~~fifteen (15)~~ hours, applied to the requirement for the next biennium. All Professional Development Hours (PDHs) must be obtained during the time the surveyor's registration has been active. Professional development credits which apply to paragraph 008. of this Chapter and/or paragraph 013. of Chapter 3 shall be used for that purpose exclusively and shall not be used to comply with the requirements for this paragraph. Sec. 81-8,119.01

002. Professional Development Hours (PDHs) shall be credited based on the following list:  
Sec.81-8,119.02

002.01 The active full-time teaching of land surveying as defined in R.R.S., 81-8,109., at the college level within the immediate preceding ~~two~~2 calendar years shall be counted as 3 PDHs per calendar year. In no case shall PDHs be issued for partial fulfillment of a calendar year in this rule and no more than 6 PDHs shall be issued for teaching at the college level in any renewal period.

002.02 Membership in a local, regional, state or national society which is directly related to the practice of land surveying shall be counted as 1 PDH per society per calendar year with a maximum credit of 4 PDHs in this category in any renewal period.

002.03 Serving as a member of a board or commission which has as its primary duty the registration and review of land surveyors, such as the state boards of registration, shall be counted as 1-~~0~~ PDH per calendar year.

002.04 Serving as a member of a committee of a board or commission which has as its primary duty the preparation and grading of written tests which are given for the purpose of determining the proficiency of an applicant for registration as a land surveyor shall be counted as 5-~~0~~ PDHs per calendar year.

002.05 Organizing a conference and seminar with a duration of a minimum of 4 hours which is directly related to land surveying shall be counted as 1.5 PDHs.

002.06 Attendance at workshops or seminars which are directly related to land surveying shall be counted as 1-0 PDH per actual hour of attendance. Such sessions must be planned in advance, a record must be maintained describing the content and the sponsoring organization must certify attendance.

002.07 Teaching a workshop or seminar which is directly related to land surveying shall be counted as 2-0 PDHs per actual hour of teaching time, not to include preparation.

002.08 College level courses directly related to land surveying shall be counted as 30 PDHs per credit hour and 15 PDHs per credit hour for extension or correspondence courses which are directly related to land surveying and are not college level.

002.09 Presentation and/or publication at a technical meeting of a professional paper, authored by the presenter, directly related to land surveying shall be counted as 5-0 PDHs per paper. The maximum allowable under this paragraph shall be 15-0 PDHs in any renewal period.

003. Each registrant applying for renewal shall be required to submit a statement of his or her ~~Professional Development Hours~~ PDHs obtained in the period defined in paragraph 001. of this Chapter. Should the registrant desire to have any excess PDHs applied to the requirement for the next biennium it shall be so stated in the space provided on said form. If the Board should, for any reason, deny or modify the registrants request for carry-over the Secretary shall notify the registrant of such action on or before the immediately following April 15. The registrants submittal shall be on a form provided by the Board and shall contain a statement, signed by the registrant, which certifies the correctness thereof. Such statement shall accompany and be filed with the registrant's request for renewal. Sec. 81-8,119.02

008. A registrant applying for renewal may be given an additional year to make up all outstanding required PDHs providing he or she can show good cause why he or she was unable to comply with such requirements. In order to be eligible for such extension the request must be filed at the same time he or she applies for renewal. Any requests for extension filed after the filing of the

renewal shall be automatically denied by the Secretary. The registrant must state the reason for such extension along with whatever documentation he or she feels is relevant. The Board shall rule on all requests for extensions. The Board shall consider requests which are based upon extensive travel outside of the United States, extended illness of the registrant or their immediate family or a death in the immediate family of the registrant. The Board shall issue an extension when it determines that one or more of these criteria have been met and that the situation has rendered it impossible for the registrant to obtain the required PDHs. The Board shall determine the number of hours of Professional Development for which the extension applies at the time it is granted. A registrant who has successfully applied for an extension under this paragraph shall make up all outstanding required hours of Professional Development as determined by the Board within the next calendar year. Any registrant applying for extension shall have all ~~Professional Development Hours~~ PDHs for the biennium and the extension, if granted, audited as provided in paragraphs 006. and 007. of this Chapter. Any ~~Professional Development Hours~~ PDHs which are used to satisfy the requirement of an extension shall be used for that purpose exclusively and shall not count in any other requirements in these rules. Sec. 81-8,119.01

009. Any registrant denied renewal pursuant to this Cchapter may contest said ruling by filing an appeal pursuant to Chapter 4412 of these rules. Such appeal must be filed within 30 days of notification of denial by the Board. All appellants shall be entitled to a hearing as prescribed in Chapter 4412, paragraph 006. of these rules. Such hearing shall be held within 90 days of filing of appeal. The decision of the Board on all such appeals shall be final. The current registration of the appellant shall be extended during the appeal process. The extension of registration shall run from the date of filing of the appeal until the Board reaches ~~it's~~ a final decision. Sec. 81-8,119.01



Chapter - 4412 - Hearings:

003. Parties: Parties appearing before the Board shall be designated as one of the following: Sec. 81-8,110.08

003.01 Applicants: In all proceedings involving applications for registration or renewal under ~~Sections~~ sections 81-8,108 to 81-8,127 ~~R.R.S., 1943, as amended or subsequent amendments thereto,~~ the party or parties on whose behalf the application is made are termed applicants.

003.03 Complainants: Any party filing a complaint under the provisions of ~~Sections~~ sections 81-8,108 to 81-8,127, ~~R.R.S., 1943,~~ or subsequent amendments thereto, shall be termed complainants.

006. Procedure for Hearing not Associated with Complaints: All hearings which do not pertain directly to a complaint filed pursuant to ~~Sections~~ sections 81-8,123 to 81-8,125 shall be conducted by the Board with the Secretary acting as hearing examiner. The hearing examiner will, among other things, open the proceedings, enter into the record the notice of hearing, take appearances, hear the evidence, rule on motions and objections, interrogate, if deemed necessary, any witness and close the proceedings. Hearings conducted by the Board will be incorporated with regular meetings and require a quorum present. Sec. 81-8,110.08

007. Procedure for Hearing on Complaint: All hearings which directly pertain to a complaint filed pursuant to ~~Sections~~ sections 81-8,123 to 81-8,125 shall be conducted by a hearing examiner appointed by the Board. The hearing examiner can be any person except a voting member of the Board. The hearing examiner shall have the power to compel the attendance of witnesses and to administer oaths. The hearing examiner will among other things, open the proceedings, enter into the record the notice of hearing, take appearances, hear the evidence, rule on motions and objections, interrogate, if deemed necessary, any witness and close the proceedings. The hearing examiner shall make in writing complete findings and recommendations to the Board. Sec. 81-8,110.08 and 81-8,123 through 81-8,125

009. Motions for Continuance. Any party who desires a continuance shall file a motion with the Secretary of the Board. Such motion shall be in writing and it shall state the reasons why such

continuance is necessary. All motions for continuance shall be filed at least ~~five (5)~~ calendar days prior to the date set for the hearing unless the party requesting the continuance can show good cause for the delay in filing. For good cause shown, the Secretary may grant a continuance. In the event the Secretary shall grant a continuance which was requested less than ~~five (5)~~ calendar days prior to the date of the hearing the party requesting such continuance shall reimburse the Board and all parties involved for actual and demonstrable costs associated with such continuance. The Board at any time may order a continuance on its own motion. Sec.81-8,110.08

012. Exhibits: Sec. 81-8,110.08

012.01 When any exhibit consists of ~~three (3)~~ or more pages, each page shall be consecutively numbered. Any detailed or complex exhibits consisting of more than ~~three (3)~~ pages or with several distinct parts shall be prefaced with an index.

013. Subpoenas: Subpoenas requiring the attendance of witnesses will be issued by the Examiner, through the Secretary or such person designated in writing by the Secretary, upon written application of any party. Written applications for subpoenas shall be addressed to the Examiner in care of the Secretary and shall be delivered to the Secretary no later than ~~fourteen (14)~~ days prior to the scheduled hearing. Sec. 81-8,110.08

014. Depositions: Depositions used in proceedings before the Board are governed by the following rules: Sec. 81-8,110.08

014.01 All depositions within this state shall be taken at least ~~ten (10)~~ days prior to the date of the hearing, and all depositions outside of this state shall be taken at least ~~fifteen (15)~~ days prior to the hearing date except for good cause shown in writing.

014.03 The official taking the deposition shall promptly seal the same along with all exhibits in an envelope, endorsed with the title of the proceeding, and send the same by registered mail to the Secretary of the Board. The deposition shall reach the Board, except for good cause shown, at least ~~three (3)~~ days prior to the date of hearing at which it is to be offered as evidence. The party taking the deposition shall give prompt notice of its filing to all parties of record.

015. Notice: In any hearing before the Board or before a Hearing Examiner duly appointed by the Board the Secretary shall notify the registrant, applicant or respondent, at least ~~twenty~~ (20) days prior to the date set for the hearing. Such notice shall be in writing and contain an exact statement of the charges against him or her and the date and place of hearing. Such notice may be served by delivering it personally to the registrant, applicant or respondent or by sending it by either registered or certified mail addressed to his or her last known business address as shown on the registration or application for registration. Sec. 81-8,124 and 81-8,110.08

Chapter - ~~42~~13 - General:

002. All records of the Board are public records except files for individual applicants including applications and references, investigative files, litigation files and test papers. Files for individual applicants, investigative files and litigation files are considered confidential and shall not be open to any persons except Members of the Board, the Secretary of the Board and staff of the Secretary or Board. Test papers are considered confidential and shall not be open to any persons except Members of the Board, the Secretary of the Board and the staff of the Secretary or Board. The applicant may be given one opportunity to review his or her test papers in the company of the Secretary or the staff of the Secretary. Any review by an applicant shall be scheduled at the discretion of the Secretary and in no case shall occur later than ~~six (6)~~ months after the examination date. All public records of the Board shall be open for inspection at any time during regular office hours. Sec. 81-8,110.08 and 81-8,110.14