

HOOSIER SURVEYOR



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WINTER 2010



AFFILIATED WITH THE
AMERICAN CONGRESS ON
SURVEYING & MAPPING



2010 ISPLS OFFICERS INDUCTED

James C. Tibbett, PLS, ISPLS 2010 President (r) presents the past president's gavel to outgoing ISPLS President, Daniel G. Kovert, PLS, (l) at the ISPLS 58th Annual Convention on January 13-15, 2010 at the Indianapolis Marriott East Hotel.

(See pages 13-16 for images of program presenters and award recipients))

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HOOSIER SURVEYOR

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EDITORS NOTE

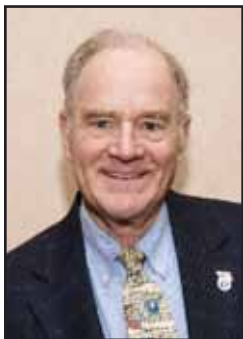
Deadlines for copy for various planned issues of the Hoosier Surveyor are as follows: Winter - December 31; Spring - March 31; Summer - June 30; Fall - September 30.

The Hoosier Surveyor is published quarterly by the Indiana Society of Professional Land Surveyors to inform land surveyors and related professions, government officials, educational institutions, libraries, contractors, suppliers and associated businesses and industries about land surveying affairs.

Articles and columns appearing in this publication do not necessarily reflect the viewpoints of ISPLS or the Hoosier Surveyor staff, but are published as a service to its members, the general public and for the betterment of the surveying profession. No responsibility is assumed for errors, misquotes or deletions as to its contents.

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PRESIDENT'S THOUGHTS

by James C. Tibbett, P.L.S., Linton, Indiana



To serve during 2010 as president of the Indiana Society of Professional Land Surveyors is an honor and a privilege. I joined ISPLS in 1980. I have attended all ISPLS conventions since then with few exceptions. I received my Associates Degree in land surveying from Vincennes University. I worked for the Indiana Department of Natural Resources, Division of Water under the tutelage of Roger Woodfill, PLS, and Charles Budnick, PLS., both past presidents

of ISPLS. After three years with the Division of Water I spent ten years with the Bureau of Reclamation while attending Indiana State University. I became an Indiana Registered Land Surveyor in 1992. I founded CB & M Surveys in Linton, Indiana. We work with and for several national design firms, coal companies, and Pittman Mine Services. The latter builds slope entries to underground coal beds. Currently, I am registered in Indiana, Illinois and Ohio. I hope soon to be registered in Kentucky.

The 2010 ISPLS Convention was well-attended by some 602 surveyors and technicians. Current ISPLS membership is 870. With continuing education requirements now in place attendance at our annual conventions has increased dramatically. Host for this year's convention was the Northwest Chapter of ISPLS. Our kudos go to Doug Herendeen who for the past twenty years has organized and supervised the ISPLS conventions. The move to the Marriott East Hotel last year for the annual convention has provided ease of parking and additional space. Attendees and convention speakers find the Marriott to be more accessible than in previous venues. My congratulations go out to all who had roles in making the 2010 ISPLS Convention a great success.

The Right-of-Entry Bill is making its way through the Indiana legislature. I cite ISPLS members Mark Isaacs, Daniel Kovert, David Gaston, Philip Beer, Gary Kent, and Mike O'Brien for their efforts in promoting this bill. The Indiana Senate voted 45 to 3 for the bill's passage. We await House action. The bill will provide land surveyors with the same rights of passage over private lands as now possessed by county surveyors and surveyors for the State of Indiana. A second bill under consideration is a proposal to recombine the Engineers Board and the Land Surveyors Board into a single Board as they had been prior to 1991. The ISPLS lobbying efforts are to maintain the status quo and have the two Boards remain in place. After the convention I received a letter from ISPLS member Perry Cloyd, PLS, regarding downloading and copying convention handouts. In reply I sent a letter to the ISPLS membership via list-serv. I received twelve replies. These replies and any others I receive I will present to the ISPLS Board of Directors at our next meeting. For your edification here are two of the replies: 1) From Vincent Little, PLS: "I was not crazy about

having to download, copy, and bind my own handout. It cost me 35 dollars. This allowed me to get handouts to review that I would not have received." And 2) From Charles Bevington, PLS: "I agree that we should embrace new technology just like we embraced EDM's, total stations, computers, etc. Unfortunately, the bulk of Indiana registrants apparently do not." If you have not signed up on the ISPLS list-serv, please do so. You can find the sign up location on the front page of the ISPLS web site home page.

Using the list-serv I am planning to send out an insurance survey to find out what the ISPLS membership is using and what the membership would like to see in an insurance company. ISPLS is not currently supporting what was formerly Agency Associate, Inc. and is now Brown and Brown of Indiana. ISPLS is looking only at Errors and Omissions coverage. Please take the time to reply to me by email. In looking at continuing education at the college level you will find that technology education is industrial driven. Surveying technology has come a long way in the last thirty years. The cost of equipment vs. students in this field of surveying does not justify the cost. ISPLS must find ways to offset the cost to all Indiana schools of higher education that provide surveying curriculums. ISPLS in working with Vincennes University created the Vincennes University Surveying Alumni Group Foundation. Through the Foundation the Vincennes University surveying program can buy or lease equipment. This idea can be expanded to other Indiana schools with surveying programs. The ISPLS Southwest Chapter sponsors the Vincennes Foundation. We appreciate the Southwest Chapter's hard work and the contributions by ISPLS members to this Foundation to provide surveying equipment for the Vincennes University surveying program.

I have several ideas for consideration by the ISPLS Board of Directors. First, will be a proposal to relocate the ISPLS office from its downtown Indianapolis location to a location near one of the I-465 interchanges. Advantages will be cost savings to the Society and ease of parking to ISPLS members. Second, is the need to update the Law and Surveying Manual Number Three with current codes. This Manual was last updated in 2002. Because this Manual is out of date it poses problems to those who are taking SIT and LS exam classes.

In conclusion, I urge all ISPLS members to become active in the work of the ISPLS chapters and the ISPLS committees. Share with the ISPLS Board of Directors your thoughts and ideas of how we can make ISPLS a more effective organization. As a member of three state surveying societies I know what active participation in one's surveying society can accomplish. Letters received by the Board of Directors from ISPLS members will evoke immediate responses. This is your Society. To make it better and more effective requires the support and involvement of its members.

James C. Tibbett, R.L.S.
President

ISPLS BOARD OF DIRECTORS MEETING HIGHLIGHTS

by Dianne Bennett, Executive Director

September 18, 2009

The ISPLS Board of Directors met on Saturday, September 18, 2009 at ISPLS headquarters. President Dan Kovert called the meeting to order at 9:04 a.m. The minutes and treasurer's report were reviewed and approved.

Adjustment to Agenda - Doug Herendeen gave the 2010 convention update.

Ed Sweetland discussed the upcoming goal setting session.

Staff Activity Report - A written report was submitted for review.

Communication - The Hoosier Surveyors is on-line. The committee will meet Monday, September 21st.

Membership - The following membership application was reviewed and approved: Ronald Bacock - Associate member.

Past Presidents Council - The scholarship foundation met August 18, 2009 at Mark Isaacs office. The leadership positions were established.

Public Information & Marketing - A Fall BSA Surveying Merit Badge workshop is being planned.

Professional Development - Education Committee - An update/status report was given. A motion was made and passed for the ISPLS Convention to provide all program materials on CD to be added to attendee's convention packets to eliminate the cost of printing and that an FTP site will be established to provide access to all program materials by convention attendees.

A motion was made and passed to accept the 2010 ISPLS Convention program as presented.

A motion was made and passed to order the 2010 ISPLS Convention hand-out "messenger bag".

A motion was made and passed to accept the letter from the Central Indiana Chapter (CIC) to host the 2013 ISPLS Convention.

The minutes for the ISPLS LSIT/LS meeting on August 21, 2009 were presented.

Government Affairs - The next BOR meeting will be October 9, 2009. There will be a "Public Hearing" at this meeting regarding the Proposed Rule Changes.

County Surveyors - Dan Kovert and Mark Isaacs met with Dave Gaston to discuss common issues.

NSPS Governor - Don Bengel will be attending the Fall meeting in Gaithersburg, Maryland.

Legislation - A "Priority List" is being put together for the next legislative session.

Internal Affairs - Finance & Planning - Future office space was discussed.

Nominations - A motion was made and passed to approve the President Elect nominees of Don West and Chuck Coyle.

Old Business - An update was given on the Indiana/Michigan state line commission membership.

New Business - VU advisory recommendations - A proposed "Advisory Board Agreement" was presented.

Brown & Brown (Agency Associates) contract will expire in January.

Next BOD meeting is November 20, 2009, at Jonathan Byrd's Cafeteria, Greenwood, IN.

November 20, 2009

The ISPLS Board of Directors met on Friday, November 20, 2009 at Jonathan Byrd's Cafeteria, Greenwood, Indiana. President Dan Kovert called the meeting to order at 1:20 p.m. The minutes and treasurer's report were reviewed and approved.

Adjustment to Agenda - Doug Herendeen gave the 2010 convention update.

Staff Activity Report - A written report was submitted for review.

Communication - Hoosier Surveyor is on line and the convention flyer is in this issue.

Membership - The following membership applications were reviewed and approved: Professional Member: William Gibson, Jason Main, Carl Krause, Gale Fansler, Frank Walsko. Affiliate: Chris Knochel. Associate: Donald Best, Nickolas Schmitt, Frederick Yoerg. Student: Mason Cox, Benjamin Rigby, Kwin Cutter, Alex Daugherty, Matthew Peters, Cameron Beron, Scott Murry, Joshua Zarroth, Donnie Nolan, Robby Robbins, Clay Carrie, Michael Jarboe, Anne Hatke.

Past Presidents Council - The Foundation became official in September and is in the filing process with the IRS.

Public Information & Marketing - Geo-Caching was discussed and National Surveyors Week will be observed during March 2010.

Professional Development - Education - A motion was made and passed to approve the 2010 Convention course "Title and Survey Issues" 3 CEH by Wendy Gibbons. An update was given on the 2010 convention. A motion was made and failed to cancel the ISPLS board dinner and hotel room.

A seminar is planned for June 11, 2010 at the Holiday Inn Conference Center, Columbus, Indiana.

Government Affairs - NSPS Governor - A report was presented on the ACSM/NSPS Fall meeting in Gaithersburg, Maryland held in September 2009.

GPS-GIS - An update on the "Height Modernization" funding was given.

Legislation - A written committee report was given. Board discussion followed.

Internal Affairs - Finance & Planning - The quarterly Wallington Asset Management was reviewed.

Nominations - A motion was made and passed to accept the nominations of the following: Eric Banschbach, Donald Bengel, Brad Cramer, Alexander A. Fabian, Mark Isaacs, Joseph Mullins, Donald West, Ronald Wharry and Donald Wimmer.

New Business - A motion was made and failed to cancel the ISPLS BOD dinner.

ISPLS Survey questionnaire (Survey Monkey) was discussed by BOD.

Next BOD meeting is December 12, 2009 at ISPLS headquarters, Indianapolis.

December 12, 2009

The ISPLS Board of Directors met on Saturday, December 12, 2009 at ISPLS Headquarters. President Dan Kovert called the

...continued Page 5



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Minutes

...continued from Page 3

meeting to order at 9:03 a.m. The minutes and treasurer's report were reviewed and approved.

Adjustments to the Agenda - A 2010 convention update was given by Doug Herendeen.

Staff Activity Report - A written report was submitted for review.

Officers' Activity Report - Dan Kovert, Jim Tibbett and Chuck Coyle will meet to review the 2010 leadership activities.

Todd Bauer was appointed to the ALTA education committee.

Communication - Hoosier Surveyors winter issue material needs to be submitted by January 22, 2010.

Membership - The following membership applications were reviewed and approved: Professional member - Josh Betz, Donald Shapiro, James Mulryan, Richard Mote, Jack Geers, Michelle Slack. Affiliate - Ted Young. Student - Joseph Swed, Rachel Katchmar, Omar Mora, Rachana Ravi, Brittany Scherer, Michael Conley, Christopher Fouts, Eric Bozzo.

Professional Development - Education - The convention FTP web site is on the ISPLS web site. Convention registrants may print out their handouts for their classes if they wish. They also will receive a program book with a CD in a pocket of the book.

Dan Kovert will be the Convention Exhibitor coordinator for 2011.

Scholarships - Mark Isaacs reported on the scholarship fund

at Purdue.

Trig Star - An overview of the Trig Star program will be given at the January 2010 Convention.

Government Affairs - Board of Registration - There was discussion regarding "investigative" services to the registration board.

NSPS Governor - A written report was submitted. There was discussion from the memo from NSPS regarding "Communication and Cooperative Initiatives". Jim Tibbett, Chuck Coyle and Don Bengel will meet to review the questions cited in the memo.

Legislation - The "right-of-entry" bill is being drafted by our lobbyist.

Internal Affairs - The financial statements from Capin & Crouse were presented for review. There was discussion regarding the current ISPLS lease which expires June 30, 2010.

Nominations - The ballot for the BOD went out on Dec. 7th. The results of the election will be reported by January 7th.

Old Business - The Connolly Ford Leppert, Inc. letter of engagement was presented.

New Business - Carol Morman has resigned from the board due to her current schedule and commitments. The appointment of a replacement will be taken up at the organizational meeting at the convention.

A motion was made and approved to accept the written resignation of Carol Morman from the ISPLS BOD.

LS/SIT Review - A report from the committee was presented.

Next BOD meeting is January 13, 2010 at the Convention.

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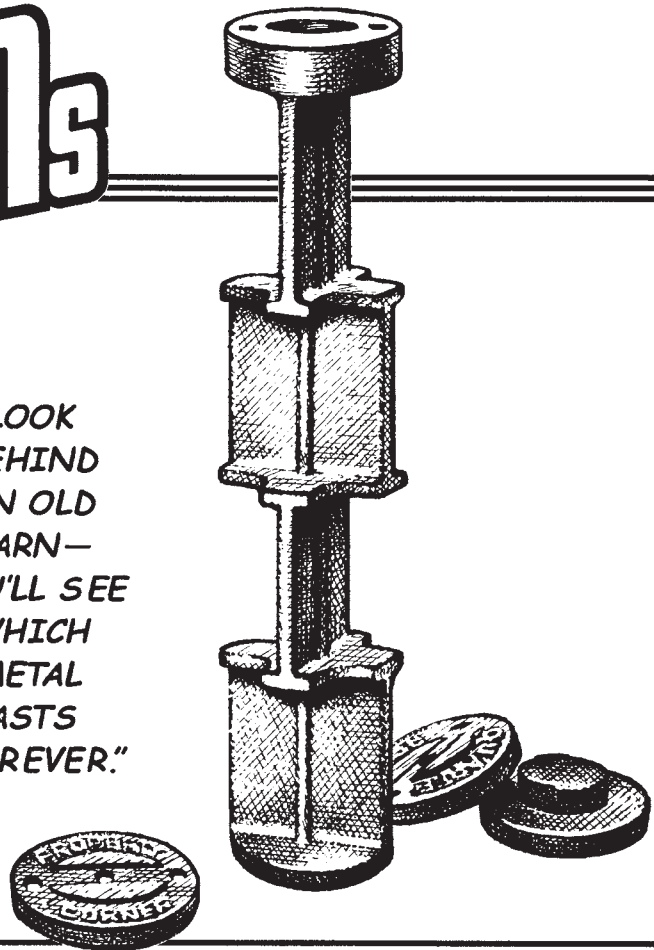
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Maciej Zurawski, SIT

The Central Indiana Chapter (CIC) and the Board of Directors for ISPLS would like to brief you on the condition of a surveyor in training, Maciej Zurawski. On December 23, 2009, Maciej was shot twice in his home during a burglary. According to Maciej, two men were burglarizing his house when he walked in on them. He thought there was only one intruder and tried to apprehend him. As he did, the other burglar fired the two shots with one shot hitting him in the arm while the other hit him in the back, piercing his spine and leaving him paralyzed from the chest down. Maciej was sent to Wishard Hospital where he remained for a week before being transferred to the Hooks Rehabilitation Center within Community East Hospital.

Maciej (pronounced Ma-check) is a member of CIC and assisted the chapter with the Boy Scout Land Surveying Merit Badge Program. He was left unemployed and uninsured in January of 2009 due to the downturn in the economy and was seeking employment in the land surveying arena. Maciej, a Surveyor in Training, is roughly 4 months shy of the 4 years of experience needed to take the Land Surveyors Exam.

Maciej is an Eagle Scout from Troop 9 hosted by Irvington United Methodist Church in Indianapolis, Indiana where he still participates as a councilor. He graduated from Brebeuf Jesuit Preparatory School in 1987 and later received a Bachelor of Science in Construction Technology from Purdue University at Indianapolis. He has been employed with Banning Engineering, UCEA, and HNTB with positions ranging from

Instrument Operator to R/W Engineer. Maciej enjoys many outdoor activities such as bicycling, backpacking, camping, canoeing and cooking with Dutch ovens to name a few.

Now just take a moment and to consider this; replace Maciej's name with a co-worker's, a friend's, or worse yet, yours. Maciej is going through a great deal of adversity and the next several months will be filled with much physical, emotional and mental turmoil. As land surveyors, we not only have the responsibility to follow in the footsteps that have gone before us, but also to leave lasting impressions. If able and willing, we would encourage you to blaze a trail by making a donation to the Maciej Zurawski Benefit Fund. Donations can be addressed to the Maciej Zurawski Benefit Fund and sent directly to Huntington Bank, c/o Stacey Brydon, 2630 West 86th Street, Indianapolis, Indiana, 46268. Your thoughts, prayers and generous gifts will most certainly leave a lasting impression on Maciej and his family.

We would also like to thank all who made donations to the fund during the ISPLS Convention. We deposited one thousand dollars into the fund thanks to your donations. We would like to extend a special "thank you" to Seiler Instrument for allowing the donation box to be placed within it's booth during the convention. Maciej has expressed his gratefulness and appreciates your prayers, thoughts and willingness to help another surveyor in a time of need. Maciej shares, "It's really kind of overwhelming, but also so heart warming. You all are amazing. Thank you!"



In the photo to the left, Maciej is assisting a boy scout in plumbing the rod with a tripod. While in the photo above, he is lending a hand in setting the monuments for the Land Surveying Merit Badge course.

Completed Careers

Stanley M. Shartle, (87) PLS

ISPLS Life Member

Stanley M. Shartle 87, Avon, passed away November 20, 2009 in Brownsburg Meadows. Born September 27, 1922 in Brazil, IN he was the son of Arthur T. and Mildred Musgrave Shartle. He married Anna Lee Mantle and she preceded him in death in 1990. Survivors include his son Randy Shartle and wife, Mary K. of Brownsburg and grandson Ryan F. Shartle and wife, Charise. Calling will be from 11:00 a.m. to 1:30 p.m. on Monday, November 23, 2009 in Baker Funeral Home, Danville, with burial to follow in Danville South Cemetery. Online condolences may be made at: bakerfuneralservice.com Mr. Shartle attended Purdue University from 1947-50 and has much other private vocational study at college level in fields of mathematics, civil engineering and management. He was a Registered Land Surveyor No.3431 since April 1945; Registered Professional Engineer No.6208 since about 1950 and had been registered as a land surveyor in Indiana longer than all other registrants. Following brief employment in the Tool Design Department of the Allison Division of General Motors, Plant 3, Indianapolis, he became Chief Deputy Surveyor of Hendricks County, Indiana 1941-42 and 1944-50, excepting during the fall of 1945 when he conducted property surveys in Chicago for the National Survey Service. During World War II, from 1942-44, he engaged in restricted and confidential navigational intelligence in the Pacific Theater as the Assistant Hydrographer of the Fourteenth Naval District, U.S. Navy, at Pearl Harbor, Hawaii. He served as County Surveyor and County Highway Engineer at Danville 1950-54; Charter Member, Ex Officio Member, and Executive Secretary of the Hendricks County Area Plan Commission. 1951-54; private

engineering and surveying practice 1944-54; Staff Engineer, Indiana Toll Road Commission 1954-61; Chief Engineer, Division of Land Acquisition, Indiana State Highway Commission 1961-75; Member, Indiana State Highway Commission's Indiana-Kentucky Boundary Committee 1965-67; Member, Indiana State Highway Commission's Consulting Engineers Selection Committee 1965-75; part-time lecturer of Indiana State Highway Commission construction personnel at Purdue University 1969-74; Hendricks County Highway Engineer 1975-77; owner Shartle Engineering 1977-89, part-time right of way engineering consultant to Gannett Fleming Transportation Engineers, Inc., Indianapolis 1983-89; consultant on survey matters for Parsons, Cunningham and Shartle Engineers, Inc. from 1989 onward. Mr. Shartle served as President, Indiana Toll Road Commission Employees Association 1959-60; Life Member, American Congress on Surveying and Mapping; Charter Member, National Society of Professional Land Surveyors; Charter Member (Board of Directors 1979), Indiana Society of Professional Land Surveyors; Quarter Century Club Member, National Genealogical Society. Honored in 1995 by the International Right of Way Association for being a founder and charter member of Chapter 10 forty years earlier. Stanley was the recipient of Outstanding Contribution Award of the Hendricks County Soil and Water Conservation District, 1976. The Board of Commissioners of Hendricks County, Indiana, honored him at a surprise reception by proclaiming Monday, September 22, 1997, Stanley Shartle Day for his long service to the County.

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Thoughts from the 2010 Conference

by Perry Cloyd, PLS - ISPLS Board of Director - Columbus, IN

At the 2010 ISPLS conference, opposition to changes in Hoosier Surveyor and conference handouts were expressed. I respect all opinions and honor the freedom to express the same.

I have the following thoughts.

Changes have taken place every decade, with technology the pace of those changes have increased, and now occur much faster. With that in mind, why should ISPLS be expected to stay the same?

Why is the implementation of technology as a cost savings okay, but making use of technology as advancement in our society not okay? Do we apply this same thought process in our business or personal lives? In our business and personal lives, we implement technology on a daily basis, we add HD televisions, phones, total stations, GPS for cars or surveying, software, internet, aerial/space based photography, scanning, downloads, Facebook, Twitter or email. It is my opinion, ISPLS should try to take advantage of these benefits with the membership's support.

“Facebook and Twitter may not now be structured to do conference handouts. How long ago was Instant Messenger the craze and Facebook and Twitter did not exist? What is next, does anybody know? We need to constantly look at these technologies and try to implement them and advance.

How long ago was Instant Messenger the craze and Facebook and Twitter did not exist? What is next, does anybody know?

Please explain how printing materials benefits the profession of surveying as a whole.

I would like to ask that the membership read the Mission and Vision statements and refresh their memory of the purpose of the society. It is and always has been to benefit the profession as a whole. Based on the Mission and Vision statements, the job of the Board of Directors is to look ahead and prepare the society for the future.

*Progress and ideas to advance the society should come from membership. We recently have embraced GoogleEarth, Survey Monkey and ListServ as tools.

*The membership should be providing the directors with personal experiences, as well as any technology, processes and/or ideas they have implemented at work that could be considered by the board and benefit the society. We must stay diligent to be prepared for future financial, structural or legislative challenges.

*Eventually seminar materials will be downloaded to phones or laptops, exchanged on Facebook or conveyed by Twitter and the concept of printing will be a joke. As an observation, the opposition to implementing technology does not seem to come from the younger generation.

Those of you who know me know I still prefer paper. I like to read an actual magazine, I review only hard copies of surveys and I like handouts at conferences. Yet I support and work to advance any technological change that is to our future benefit. I once heard “If you always do what you have always done you will always get what you always got”. What we have “always done” has not always worked. We have failed to understand we are much more than boundary surveyors; have reacted in a controlled panic to legislative issues; lost the surveying program at Purdue; cannot (or will not) embrace terms such as Geomatics or Geospatial; have ignored the implementation of GIS; struggle to understand the source of our information and the results we achieve and therefore struggle with

the concept that the accuracy displayed by our technology may be beyond what we can actually achieve; believe each of us is the only one who can make an accurate measurement; and ultimately cannot convey to the general public the importance of what we do. Under these circumstances, what do we expect in 10, 20 or 50 years if we do not continually embrace change now?

It is my opinion the society should look at the 20-30- year- old surveyors, think of what they will want or need and prepare to keep them engaged and informed. Anyone who considers him - or herself “old school” is smart enough to embrace these changes; we have already done it in our life daily.

Not one board member claims to be perfect or claims have the answers. The Board knows we are not always successful. I admire those who are willing to step forward and try. I want to challenge the membership to help us move forward, embrace change, encourage creative thinking, ask today what we should be doing tomorrow, and offer vision to the Board of Directors.



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Boundaries & Estoppel

by Knud E. Hermansen¹ & Robert Liimakka²

Surveyors should be familiar with the doctrine of estoppel. The doctrine of estoppel may locate the ownership boundary in a location that differs from the record boundary.

Estoppel is a doctrine that puts into practice the ancient equity: “One who seeks equity must come with clean hands.” Put in other words, a person cannot expect favorable relief in the courtroom when they have caused their own problem.

Estoppel arises when one individual misleads another individual; causing reasonable and foreseeable reliance by the misled individual; so the misled individual makes expenditures or takes action contrary to what a reasonable person would do, would the truth be known; and the misled individual will be injured or damaged to his detriment if the court acted in favor of the person who misled the other. The misleading actions may occur by declarations, acts, omissions, words, actions, conduct, or admissions.

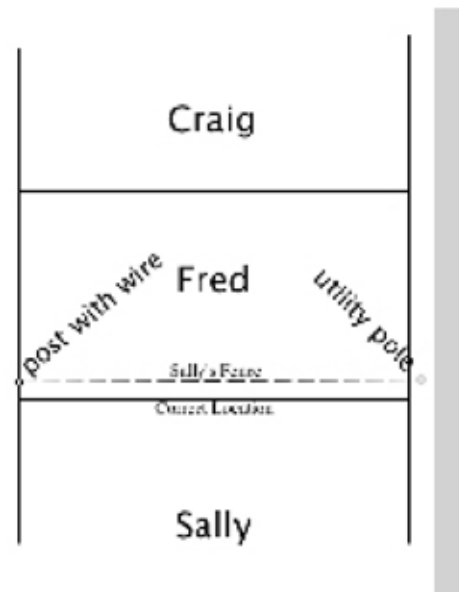
Estoppel has a wide reach in all civil litigation including the litigation of boundaries. A scenario where estoppel could fix the location of a boundary in a location that differs from the record boundary would be the following:

Sally plans to build a beautiful wood fence on her common boundary with Fred. (Fred is a friendly neighbor but is too inquisitive.) When the fence material is delivered, Fred, the neighbor, ever curious about neighborhood activities, comes over to find out from Sally what she is going to build. Sally explains she is going to build a fence on their common boundary but has to wait to begin construction until she can hire a surveyor to locate the boundary. After hearing the reason for the delay, Fred announces there is no need for a surveyor, he can show Sally exactly where their common boundary is located. Fred assures Sally that he asked the realtor about the boundaries before buying his property and the realtor showed Fred the boundary location when he purchased his property.

In the front of the property at the road, Fred shows Sally a utility pole and says this pole marks their front corner. In the rear of their lots, Fred shows Sally a post with old wire fence hanging on it. Fred assures Sally that these objects mark the corners to their common boundary. Furthermore, he even got a copy of the tax map one day and checked the distances between these

objects and other corners. He compared the distances on the tax map and by his pedometer and they matched.

Sally is very grateful to Fred and builds the fence on a straight line between the objects Fred has shown Sally. Three years later, Fred becomes embroiled in a boundary dispute with his other neighbor, Craig. Fred obtains a survey. The surveyor informs Fred that Craig is correct in his assertion. The surveyor also informs Fred that Sally’s fence resides four feet on his property. Fred demands that Sally move the fence to the correct boundary location.



As seen from the previous scenario, Fred misled Sally by his assertions to Sally regarding the common corner locations. Sally reacted to Fred’s assertions in a manner that was both expected and reasonable given Sally’s discussion with Fred and Fred’s positive assertions. Sally spent considerable money putting the fence where Fred had indicated the common boundary was located. She would not have done so had she known the true location. Now Sally faces the prospect of considerable expense if Fred could force her to move the fence to the correct boundary location. Sally has a good claim that the fence should now be recognized as the common ownership boundary based on the doctrine of estoppel. (In this scenario, the court could also demand that Fred pay for the relocation of the fence if he does not want to lose the use of his property cut off by the fence.)

...continued Page 15

ISPLS 58th Annual Convention Highlights

Indianapolis Marriott East, Indianapolis, IN (January 13-15, 2010)

Hosted by
Northwest Chapter
Attendance: 602



Tony Gregory, Highland (L)
receives ISPLS Polaris Award from
outgoing president Dan Kovert, Fishers.



Michael Stevenson, Ft. Branch (L)
receives President's Award from
outgoing president Dan Kovert, Fishers.



State Representative Mike Murphy,
speaks at Friday's luncheon.



Dan Kovert, ISPLS Immediate Past President (r)
awards the Indiana Surveyors Historical Society's
signed and numbered, poster print of "Bridging the Century"
by Mary Roessner to the raffle winner.

Thanks to our 2010 Exhibitors

Assurance Risk Managers, Aurora, Co
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Allen Precision Equipment, Duluth, GA
Carlson Software, Maysville, KY
Connolly Ford Leppert, Inc., Indianapolis, IN
Duke Energy, Columbus, IN
IDNR Divison of Water, Indianapolis, IN
INDOT, Indianapolis, IN

Indiana Surveyors Historical Society, Lawrenceburg, IN
National Society of Professional Surveyors, Gaithersburg, MD
Positioning Solutions Company, Indianapolis, IN
Priority Engineering, LLC, Indianapolis, IN
Precision Midwest, Ltd, Warrenville, IL
Seiler Instrument, Indianapolis, IN
The Sidwell Company, St. Charles, IL
Turning Point Systems Group, Milwaukee, WI

ISPLS 58th Annual Convention Highlights



Speaker: Bill Ferngren,
Mechanic's Liens



Bill Tingle, Flood Plains
FEMA/NFIP



Dave Wahby, Bottom Line-
Financial Management



Greg Schnider, Business of
Laser Scanning



Justin Bond,
Microsoft Excell



Jeff Lucas,
Boundary Dispute Resolution



Wes Crawford,
Fundamentals of Surveying



Ron Koons,
Safety for Field Technicians



Rob Beck and Randy Braun,
Storm Water Construction/Land Disturbance



Dennis McKinney and Gary Kent,
Indiana Easements and Rights of Way



County Surveyors Roundtable



Larry Phipps,
Ethics for the Professional Surveyor



Purdue University
students in attendance.



Vincennes University
students in attendance.

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Meet A Member

E.R. Gray III, PLS

as told to David B. H. Best, PLS

Tell us a little about yourself

My place of birth is Bedford, Indiana. Dad, with Mom and I in tow moved us to Spencer, Indiana when I was five. Spencer, Owen County's Seat, was Dad's home town. (Sweet) Owen County is a quaint rural county with rolling unspoiled countryside begging to be explored. Spencer lies in the basin of the West Fork of White River. My Mother served as the Administrator of the Owen County Home for 20 years by appointment of the Owen County Commissioners.

Many a day I spent exploring the woods, rivers and streams of Owen County. Float fishing for catfish down the White River with my buddies was a favorite pastime. I believe my love of nature, the outdoors and the land played a role in my later interest in Land Surveying.

Artist, Ken R. Bucklew, a friend and my favorite wildlife artist, resides in Owen County. His studio is across from the entrance to Indiana's oldest State Park, "McCormick Creek". I spent four summers, during High School and College, working on the grounds crew and at the Gate House there.

Drafting was my most interesting and challenging class in high school. I took all the mechanical and architectural drafting classes that were available. My teacher then structured an advanced drafting class for me which I took my senior year. Geometry was another favorite class.

After graduating from Spencer High School in 1970, I went to IVY Tech College in Terre Haute, Indiana. There I majored in Architecture, graduating with an Associates Degree in 1972. Some of the most interesting classes to me included Surveying, Pen and Ink Drafting, Geometry, Structures, Advanced Algebra, Architectural Rendering and Building Specifications.

Architectural drafting positions were few and far between in 1972 when I graduated. I was offered and took a job in the Surveying / Engineering Department at Dunlap and Company located on Washington Street in Columbus, Indiana.

Because of the long drive from Spencer to Columbus, I moved to Nashville, Indiana in 1972. In 1973, another move, this time to Columbus where my two children Misty, now a Radiographer, and Nathan, now a Licensed Land Surveyor, were born.

Initially at Dunlap's, my time was spent drafting Site Plans, Preliminary Plats, Subdivision Plats, Survey Plats and the assorted plans that go along with a Major Subdivision.

At some point, I was asked if I could spell Surveyor and I aced it. As a rodman, I found myself walking around on the top of foundation walls at "The Pointe" development near Bloomington, Indiana.

"The Pointe" is a condominium development surrounding a golf course located on the banks of Lake Monroe.

Stepping around anchor bolts on the top of 10" wide foundations walls eight to sixteen feet in the air didn't seem real safe to me. OSHA didn't exist at that time. If it did, I was never seen hooked up in safety harnesses.

I started taking some of the field instruments home and soon learned how to turn angles with the Path 20" instrument and measure distances with the HP 9800 EDM. Soon I was running a field crew as a party chief. I am not sure if it was because of my new found capabilities or Dunlap's desperation.

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Boundaries & Estoppel

...continued from Page 11

A surveyor who is not familiar with the doctrine of estoppel may have advised the client that since the fence had only existed for three years, the removal of the fence could be required by the court. (The surveyor assumed a more lengthy time period is necessary to meet the requirements of adverse possession in order to fix a boundary in a different location than the location fixed by the records.)

Familiarity with the doctrine of estoppel should cause a surveyor to be timid when making pronouncements regarding the effect of an encroachment on the boundary location even if the improvement has only a short history. As the scenario reveals, elements of estoppel are often proven with information that is not ordinarily gathered by surveyors or even available to surveyors during the course of providing surveying services.

The surveyor would be wise to focus on locating the record boundary and recognize that occupation boundaries may often become the ownership boundary under certain doctrines. Surveyors who opt to extend their services to not only locate the record boundary but decide where the ownership boundary (extent of title) is located must also extend their services to gather information and make decisions that surveyors are not ordinarily trained to handle.

Comments regarding this article can be sent to:
knud.hermansen@umit.maine.edu

¹ Knud is a surveyor, engineer, and attorney. He teaches surveying at the University of Maine and operates a consulting firm providing services in title, land development, boundaries, and easements.

² Rob is a professor in the Surveying Engineering Program at Michigan Technological University. He is a professional surveyor and holds a MS in Spatial Information Science and Engineering from the University of Maine, Orono and is currently working on a doctorate in civil engineering.

Meet A Member

...continued from Page 15

It was not unusual to take survey in a text book home and study for the next day's assignment. Especially when the next day's assignment was setting slope stakes for a road being constructed just North of Brookville Lake. That was certainly good fun. If you have ever calculated slope staking by hand, you know what I mean. I spent many an evening with surveying instruments set up in the living room or studying surveying text book. My first traverse closed 1 in 30,000, thank God for compensating errors.

Dunlap and Company was broken up and sold off in parts by the parent holding company in November of 1974. I found myself out of a job at the start of Deer Season, and with a family to support.

That same week I was given an opportunity to take a drafting position in the Traffic Engineering Department at Sieco, Inc. in Columbus. I explained to their HR guy that I could not start work for about two weeks if that was OK. Deer season was in for the next two weeks. Having that time to hunt seemed like a great idea to me. Oh, the arrogance of youth! I was hired anyway and off on a new adventure.

Although, working in the Traffic Department at Sieco turned out to be valuable experience, it did not offer much in the way of Land Surveying experience which I had come to enjoy. My time was spent drafting road plans on linen and mylar with inking pens that required perpetual cleaning.

When I gave my two week notice to my Supervisor, a Traffic Engineer, at Sieco, I remember distinctly what he said to this day, "You mean you want to scratch in the dirt?" "Yes Sir, I guess I do", I replied.

From Sieco, I went to work for Columbus Surveying and Engineering in 1975. I was now hooked on Land Surveying. Land Surveying offered me the opportunity to work outdoors more. Indoors I conducted historic research and used state of the art equipment to collect and analyze the survey data to complete the projects. The diversity and challenges fit.

I studied all the surveying text books I could get my hands on and took classes at IUPUI Columbus. With the required education and experience in hand, I sat for the LS test and received my License to practice Land Surveying in the Spring of 1984.

In May of that year I was appointed to complete the term of office of the late Bartholomew County Surveyor, Gene W. Darnall, PLS. Later that year I was elected to the office of Bartholomew County Surveyor. I started my first term in office on January 1, 1985 and have now served 26 years as the Bartholomew County Surveyor.

In August of 1989 I founded E.R. Gray and Associates, PC. The company provided Land Surveying, Land Development and Builder Services. E.R. Gray and Associates, PC consists of a team of eight dedicated Professionals with a combined experience of 155 years in

Land Surveying. We have been providing Land Surveying services for over 20 years now.

List some of the individuals in the Surveying Community that you respect their guidance, knowledge and contributions to Land Surveying Profession

Dr. John G. McEntyre, PLS; Kenneth S. Curtis, PLS; Donald A. Wilson, PLS; Walter G. Robillard, PLS; Gurdon H. Wattles, PLS; Curtis M. Brown, PLS; and Gary Kent, PLS.

What Professional accomplishments are you most proud of?

My position as County Surveyor and the opportunity to work with the Staff of the Bartholomew County Surveyors Office in the re-establishment of all the Original U.S.P.L.S. Section Corners in Bartholomew County, Indiana.

The founding of E.R. Gray and Associates, PC and the opportunity and enjoyment of working with a great staff.

The opportunity to serve on the Indiana State Board of Registration for Land Surveyors.

My involvement with Bartholomew County and Columbus City Officials in the establishment of a countywide Geographic Information System.

What memberships and involvement have you had in the Surveying Profession?

Indiana State Board of Registration for Land Surveyors, 8 year Member, Past Chairman, Member Emeritus; American Congress on Surveying and Mapping, Fellow; National Society of Professional Surveyors, served five years representing ISPLS on the Board of Governors; Surveyors Great Lakes Regional Council, Past Chairman; Indiana Society of Professional Land Surveyors, Past President, Board of Directors, Ethics Committee; (National) Surveyors Historical Society, Past President; (Indiana) Surveyors Historical Society, Charter Member; Indiana County Surveyors Association, Past President; James B. Eads Chapter of the Indiana Society of Professional Engineers, Past President, Past Chairman Math Counts; Hoosier Hills Chapter of the Indiana Society of Professional Surveyors, Member.

What memberships and involvement have you had in your local community?

Leadership Bartholomew County, 1992 Graduate; Leadership Bartholomew County Alumni, Past Treasurer; St. Peters Lutheran Church, Member; Evening Kiwanis Club of Columbus, Member; Columbus Area Chamber of Commerce, Member; Boy Scouts of America, Merit Badge Counselor; Bartholomew County Historical Society, Member; Ducks Unlimited, Sponsor; National Turkey Fed-

eration, Sponsor; Columbus Board of Realtors, Affiliate Member; Bartholomew County Plan Commission, Past President; Rolling Hills Bass Club, Member; Moose Lodge, Member; Columbus Rotary Club, member; the Kiwanis Duck Race, Sponsor.

Professional Awards and Honors

1996 Award for “Distinguished and Benevolent Service Toward the Betterment of the Society, the Profession, and Mankind” presented by the Indiana Society of Professional Land Surveyors.

Four Time Recipient of the “Distinguished Surveyor” award presented by the Indiana Society of Professional Land Surveyors.

“Outstanding County Surveyor” Award presented by the Association of Indiana Counties.

“Outstanding Service Award” presented by the James B. Eads Chapter of the Indiana Society of Professional Engineers.

What are your hobbies and interests outside of your occupation?

You may be sorry you asked this question? There is a fine line between a hobby and an obsession. Although I can say that I never have considered that I had any hobbies, there have been a few things that I have taken an interest (obsession) in over the years.

They include, but are not limited to: Hunting. Camping. Tournament Bass Fishing, still can't hold a candle to my son's Bass fishing skills. The Colts, hopefully they will do better in the 2011 Super Bowl. Wine making, I quit making Wine after a five gallon glass bottle of fermenting wine blew up, sending my daughter to the Emergency Room with a nasty cut on her hand that required stitches. I was at an Usher meeting at St. Peters when it happened. Try explaining why your teenage daughter reeks of alcohol to an E.R. doctor. Beer making. Model rocketry. One model that I am particularly proud of is a 4 -foot “Blue Bird 0” model that uses a “D” size engine. Radio controlled boats. I still have some radio controlled boats including a 48” fiberglass model of the Miss Budweiser running a 23cc gas engine. Cooking, my favorite type of cooking is wood smoke barbequing. At one time, I had seven wood smokers. I am down to four now. I became a partner in a barbeque restaurant. Hopefully I learned my lesson on that one. Drag racing. A close friend of mine, Tony Johnson, was a mechanic on the Top Fuel CARQUEST Dragster. I enjoyed watching them run at the Indy Nationals. Stained glass. Home building. I have built 3 homes. Sausage making. Taking the 4 grandchildren fishing and hunting,. The two grandsons, each 8 years old, harvested respectable bucks this past deer season. One buck was larger than any buck I have harvested in the past 43 years. Making molds for and pouring plastic fishing baits. Check out my Son's web site “secretlures.com”. He took making Bass fishing baits to the next level with some of his own designs and products. There may be a couple of other things that I can't think of right now.

What are your most current passions?

Family, grandchildren, bass fishing and barbequing.

List something that everyone should do once in his or her life

Spend a day in a ladder stand (Deer stand) and watch the forest floor below come alive.

As a land surveyor what do you enjoy the most about your work and what do you enjoy the least?

I enjoy helping clients with their boundary issues. I least enjoy trying to explain to real-estate buyers, sellers, bankers and attorneys that we need a copy of “Table A” to do an ALTA Survey and that I do not know what a “Standard ALTA Survey” is.

List three things you haven't done yet.

I have not seen Fiddler on the Roof, caught a ten- pound largemouth bass or been through the desert on a horse with no name.

When you were a kid, what did you want to be when you grew up?

A farmer, isn't that what ever boy who grows up in the country wants to be?

Do you consider land surveying to be a job or a calling?

I once heard someone say “Land Surveying makes for a great hobby, but I would hate to make a living at it”. There is some merit to that statement. Kidding aside, I believe in my case Land Surveying is a calling. I have yet to think of another occupation I would have enjoyed more.

Land surveying has changed dramatically in recent years with the appearance of EDM devices and GPS. What to you is the most significant change and why?

Technology has contributed much to improve the capability of the land surveyor to provide quality surveys. I believe the advent of electronic distance measuring (EDM) instruments provided the greatest leap forward for Land Surveying with its ability to provide precise measurements over long distances, lakes and rivers. Accuracy still falls on the shoulders of the Land Surveyor.

What do you find to be the most rewarding aspect of being a land surveyor?

Diversity. The diversity of the clients, the projects and the work day.

...continued Page 19



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- Jan van der Weijden, Sokkia BV Managing Director

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Meet A Member

...continued from Page 17

A frequently asked question is: How can we attract more young people into the surveying profession? How do you respond to this question?

You're asking the wrong person, I would only be able to offer a philosophical point a view. You need facts. Perhaps the Indiana Society of Professional Land Surveyors (ISPLS) and / or the National Society of Professional Land Surveyors (NSPLS) could conduct interviews with High School Students and Career Guidance Counselors at the State and National levels. Maybe they already have, I don't know. We need to know what the students, looking to make career decisions, are thinking about and looking for in a career. Then tool up to accommodate their career criteria and expectations.

Oh, and we may need to have some answers also. Like, what is the Profession's longevity, who will be doing Land Surveying in the decades to come, what will be the magnitude of the changes in the Profession in the future, etc.

On occasion you have presented CEU accreditation seminars for ISPLS. What do you consider to be the most important CEU subjects, and why?

Rule 12 and Theory of Location, are still the most important subjects in my book. "I am tired of hearing about Rule 12 and Theory of Location, it's so boring" and for the Surveyors that comply, I might agree. But the fact is that there are still surveyors who do not comply with Rule 12 or do not understand the proper Theory of Location. We have found capped rebars without any documentation completed by the certifying surveyor because "we did the survey for a friend". Right, that one and how many other surveys? Or, how about surveys of Record Deeds that call for section lines and the survey does not show the controlling section corners used to establish those lines. Makes it tough on surveyors who comply with the rules to be competitive, doesn't it. The continued availability of seminars that focus on Rule 12 and Theory of Location may not change the habits of the surveyors who still don't comply, but it can't hurt.

The right to hold land in Fee is one of our most prized freedoms. It is one thing when landowners must expend time and money to clear up boundary ambiguities created by defective descriptions and surveys of old; it is another when those problems are created by present-day surveyors.

Please add any other comments you consider to be of importance for our readers.

First, I want to commend the State Board of Registration for Land Surveyors. After reviewing the updates to their web site, it is obvious the Board has been actively enforcing State Statutes and Codes that govern Land Surveying. I am sure that has been difficult,

especially when you consider they have been limited to only four meetings a year, compared to twelve meetings a year as in the past.

The following are excerpts from a few articles that I have found wisdom in. I recommend that the readers acquire the full article and study it.

"You and I know and believe that land surveying is a profession. But whether it is a profession or not is not our privilege to proclaim; others are the judges. The opinion of learned men and the opinion of the public is the proof".

Curtis M. Brown, PLS
ACSM Publication 1961

"Image of the Surveyor is a big problem. Image enhancement for the Surveying Profession is not a task to be left up to ISPLS. It is the continuing responsibility and obligation of each registered Surveyor."

Christian F. Marbach, PLS
Hoosier Surveyor 21-2

"It's not how much work you do or what you have to go through to get to the final product, it's how much the client can see"!

Patrick Naville, RLS
Professional Surveyor Magazine, February 2010

"an original, called-for, identifiable, undisturbed monument has no error"

Gary Kent, PLS
The American Surveyor, October 2009

Last Word

The boundaries and monuments you establish today must withstand the test of time, and will reveal your professional abilities throughout the ages.

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Who's on First?

By Ronald E. Koons, RoSaKo Safety

We have all heard the gag starting with “Who is on First?”. In this case the answer is the “Obama Administration”. With every new administration some changes to the Occupational Safety and Health Administration are bound to occur. After a year in office we can now see that some of the issues that were predicted to occur with the new Democratic administration have indeed happened.

My concern is that we are truly still on first base and that there are many more major changes that will develop. General political wisdom says that a Republican administration will be pro business and a Democratic administration will be pro labor. While we know both of those assumptions have a lot to do with the makeup of Congress, there is still a lot that can be done administratively without Congressional action. Let's look at a few things that have happened which may have an effect on your business.

I believe the first thing that shows a major direction is the recent fines against BP. You all may remember the March 23, 2005 explosions and resulting fires at the refinery in Texas City, Texas. Fifteen workers were killed and another 170 were injured. Many of those injuries were quite serious. After several months of investigation and talks with BP, OSHA issued the highest fines every issued in a single instance, a total of over \$21,000,000.00. The highest citation issued previous to the Texas City explosion was just over \$11,000,000.00 in Oklahoma City to a tire processing facility. On October 30, 2009 OSHA announced that in their opinion BNP had not taken the previous citations seriously enough and after monitoring the situation for over 4 years OSHA issued additional citations totaling over \$87,000,000.00. This was nearly 8 times the highest citation previous to 2005. While the oil companies are certainly not in favor with many Americans these days we have to look at any citation for this much and wonder if the facility is truly that unsafe why wasn't it shut down?

There are some other subtle hints about the direction of OSHA... A new administrator David Michaels, who has a history of advocating a stronger OSHA through his previous employment... A new Secretary of Labor, Hilda Solis who stated as she was approaching the podium for her first speech after confirmation “There's a new Sheriff in Town!”...A new budget that hires over 100 new employees

“There's a new Sheriff in Town!” ...A new budget that hires over 100 new employees in standards writing and enforcement...

in standards writing and enforcement...An indifferent attitude to the Voluntary Protection Programs that have previously been so successful by the acting administrator, Jordon Barab and in fact the new administrator also...The announcement that a Musculoskeletal line will be added back into the form 300 Recordkeeping form... (A change that was made previously in the last 90 days of the Clinton administration and then reversed by the Bush administration.). After a year under his belt it appears that President Obama is putting his labor train on the track for increased enforcement in both fines and inspections.

As a safety professional I want everything done that is economically and morally possible to protect the workers in your businesses. However, we need to get back to basics. While our schools have been under fire for not teaching the basic three R's, where are they on basic topics that would help every worker in America when they finally find a job? How much worker safety is taught in High

School or College? If I said none I would probably be correct, but let's just say close to none so I have a little breathing room. It just doesn't make sense for our schools to churn out graduates at every level who have never been taught the basics of safety in the workplace. With 100% of the burden for safety training put on each and every business owner in this country

it is no wonder that we find a great lack of safety training in many businesses. I always thought that the reasons for educating our youth is to turn out employees who can further themselves, their families, and the economic development of our country. How many of those graduates aren't working today? A lot of them who eventually find a job may not even be in the same occupation they were previously. Yet the common thread is that the new employer will be responsible for providing 100% of required safety training.

Providing safety training for employees needs to be an effort shared by all forms of government and business. Just like it takes a village to raise a child, it takes a country to keep our workers safe. I have always advocated more involvement from the educational community in worker safety, but until that happens we have to work with the status quo. As we have seen, the Obama Administration is on 1st and it won't be long before they advance to 2nd. You need to be prepared by training your workers to keep them safe and to keep away the Obama fastball. It can be a strike out for sure!

CALENDAR

March 11, 2010

Northwest Chapter Meeting, Contact information: Rich Hudson
Phone: (219) 462-1158 Cell: (219) 241-4448 (Ask for Lisa)
Fax: (219) 462-0329 Email rhudson@bonargroup.com
Glen Boren - Phone: (219) 736-0555 Fax: (219) 769-0178
Email gboren@plumbtucket.com

March 11, 2010

CIC Chapter Meeting - General membership meeting Thursday,
March 11, 2010 at 6:00 pm at the Milano Inn, 231 South College
Avenue, Indianapolis, IN. For more information contact:
Jason Coyle jcoyle@Stoepelwerth.com

March 23-24, 2010

ISPLS and the Indiana Geographic Information Council (IGIC)
are hosting a meeting of the Great Lakes Region Height Modern-
ization Consortium (GLRHMC) on Tuesday, March 23, 2010. In
conjunction with the meeting is a one-day workshop on the future
and benefits of the new control network on Wednesday, March
24, 2010. Details concerning this event can be found on-line at the
ISPLS web site.

March 27, 2010

ISPLS LS and SIT review. 8:30 a.m. - 5:00 P.M. at the Aviation
Technology Center, 2175 Hoffman Road, Indianapolis (Airport).
You can register on line on the ISPLS website. (ISPLS.ORG)

April 24-28, 2010

ACSM/APLS 2010 Annual Conference and Technology Exhibi-
tion,, Phoenix , Arizona; The American Congress on Surveying
and Mapping (ACSM), in partnership with the Arizona Profes-
sional Land Surveyors (APLS) is sponsoring the Annual Confer-
ence & Technology Exhibition in Phoenix, AZ . All conference
events will take place at the Phoenix Convention Center.

April 17, 2010

ISPLS Board of Directors Meeting, Headquarters, Indianapolis

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Donald Best - Associate
Josh Betz - Professional
Eric Bozzo - Student
Clay Carrie - Student
Michael Conley - Student
Mason Cox - Student
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William Gibson - Professional
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Michael Jarboe - Student
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Chris Knochel - Affiliate
Carl Krause - Professional

Jason Main - Professional
Omar Mora - Student
Richard Mote - Professional
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