
HOOSIER SURVEYOR

QUARTERLY PUBLICATION OF THE INDIANA SOCIETY OF PROFESSIONAL LAND SURVEYORS, INC.

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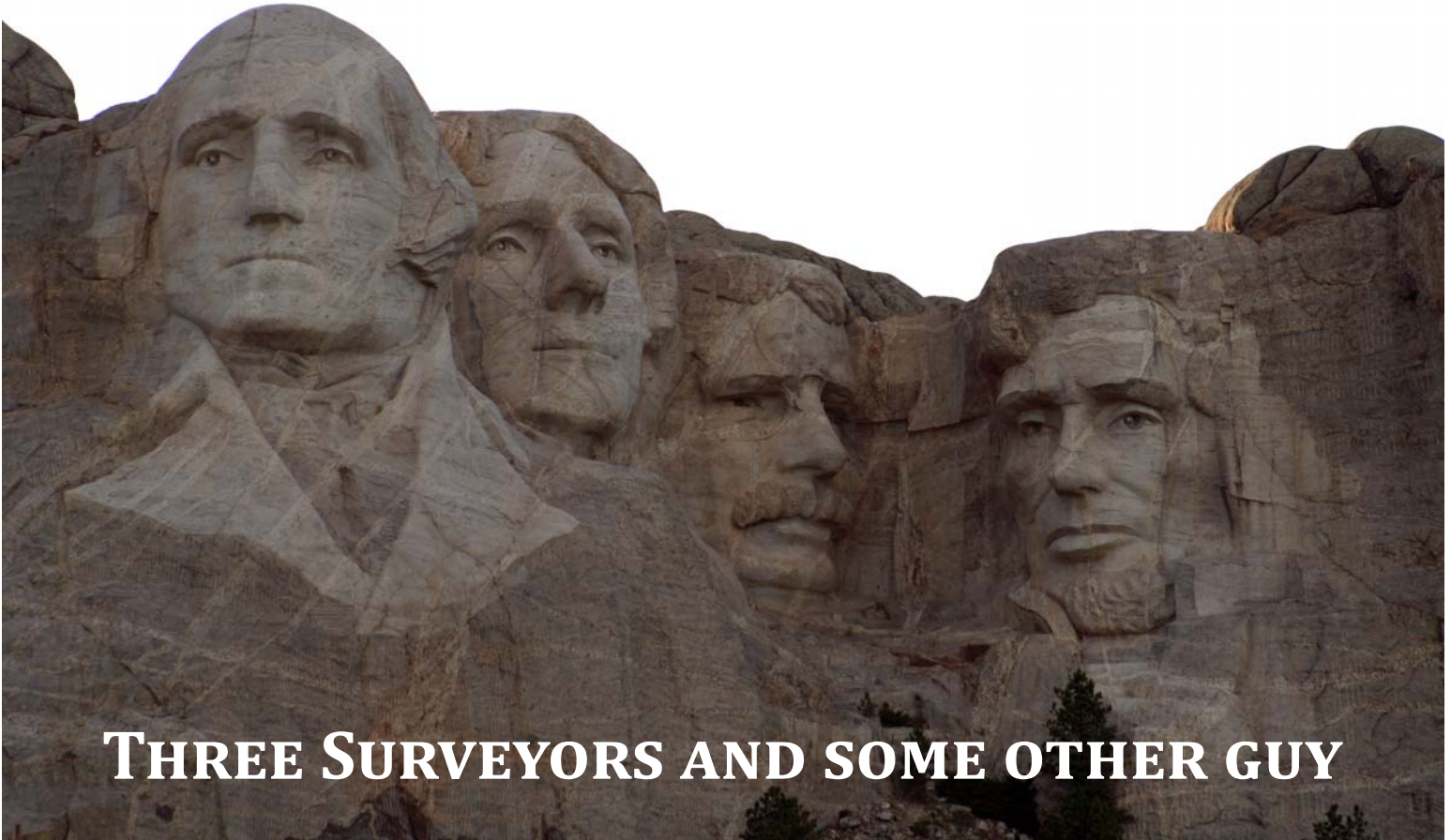


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JANUARY 16-18, 2013

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REGISTRATION AND EVENT INFORMATION ON PAGES 22-35



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Front Row, L to R: Don West, Carmel; Chuck Coyle, Columbus; Sean Suttles, Chandler; Don Bengel, Valparaiso; Kevin Rowland, Carlisle; Dennis Grumpp, New Palestine; Second Row, L to R: Rich Hudson, Valparaiso; Ryan Swingley, Fortville; Bernie Guerrettaz, Bloomington; Gary Kent, Noblesville; Eric Banschbach, Indianapolis. Not pictured Perry Cloyd, Columbus. Photo provided by Henry Aldridge, PLS

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EDITOR'S NOTES

Deadlines for copy for various planned issues of the Hoosier Surveyor are as follows:

- Winter - February 1
- Spring - May 1
- Summer - August 1
- Fall - November 1.

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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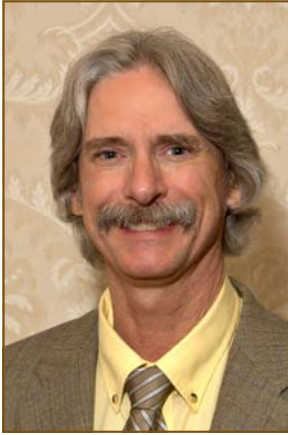
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PRESIDENT'S MESSAGE

Gary R. Kent, L.S., ISPLS President



As 2012 winds down, I have visited nearly half of the states, and most surveyors I have talked have reported a modest improvement in the business climate in their areas. After 4 years of rather a dismal economy, it's encouraging to hear of even moderately positive developments. And regardless of who won (the election is a week away as I write this), having the uncertainty of the ridiculously long, 3-year campaign, and finally the election, behind us has been shown to be a positive thing. ISPLS has been working diligently this year to do its part.

The ISPLS Board recently met at Vincennes University in its role as the advisory committee to the surveying program and has submitted its report offering guidance and resources to help Vincennes continuing turning out outstanding graduates.

ISPLS has three legislative initiatives – with house and/or senate sponsors already lined up - for this coming legislative session. The bills are aimed at helping create an environment and conditions that will allow our surveying profession to better serve and protect the citizens of our state. With help from our lobbyist Mike O'Brien and, more importantly from your our members, we expect success in these efforts.

Executive Director Jason Coyle has made tremendous strides with the ISPLS web page. If you have not visited it, you should! You can update your membership profile, renew, sign up for the convention, and access a wide variety of resources right from your computer or mobile device.

The transfer of funds from ISPLS to the Indiana Professional Land Surveyors Foundation voted by the members this past January has been completed and the Foundation is kicking off its fundraising at this year's convention. Please contribute to the future of your profession!

Speaking of the convention, the Central Indiana Chapter has lined up an outstanding selection of programs and speakers for the January 15-17 conference in Indianapolis. Look over the brochure – it is difficult to imagine that you will not find something that suits your needs or interests! Join us at the Marriott East in January!

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ISPLS BOARD OF DIRECTORS MEETING HIGHLIGHTS

by Robert "Jason" Coyle, PLS, Executive Director

August 18, 2012

The ISPLS Board of Directors met on Saturday, August 18, 2012 at ISPLS Headquarters, Indianapolis, Indiana. President Gary Kent called the meeting to order at 9:04 am EDT. All board members were in attendance with the exception of Rich Hudson. Others in attendance were Jason Coyle, Executive Director of ISPLS; and Matt Knoy, Hoosier Hills Chapter President.

President Kent briefly reviewed the ISPLS Mission and Vision Statement and noted the "Rules of Order" for the meeting. There were no amendments to the agenda. A motion was made by Eric Banschbach seconded by Don West to accept the agenda as provided. The motion passed by a unanimous voice vote. The minutes from the June 9, 2012 meetings were reviewed and accepted. A motion was made by Don West seconded by Bernie Guerrettaz to accept the Board of Director's meeting minutes as presented. The motion passed by a unanimous voice vote.

The Treasurer's Reports were reviewed and narrated by Dennis Grumpp. As of June 30, 2012, ISPLS assets totaled \$285,724.16. There was a \$150,465.74 transfer from ISPLS to IPLSF. The income and expense report was reviewed. The total income for the 2011-2012 fiscal year was \$315,574.44 and the total expense for the same period was \$331,069.39, for a deficit spending of \$15,494.95. A deficit of \$15,686.00 was budgeted. A motion was made by Chuck Coyle seconded by Ryan Swingley to accept the Treasurer's 2011-2012 closeout report as submitted. The motion passed by a voice vote. Dennis Grumpp continued with a report for the current fiscal year. The report included: a Balance Sheet; an Income and Expenses Report; and the 2012-2013 Budget spreadsheet. The balance sheet reflected total assets as of July 31, 2012 being \$314,819.50. A motion was made by Chuck Coyle seconded by Ryan Swingley to accept the Treasurer's report as submitted. The motion passed by a voice vote.

The Board heard and reviewed the Executive Director's report. The report discussed the following topics: Membership Renewals; Affiniscap; 2013 Convention; the *Hoosier Surveyor*; Board of Registration; continuing education seminars and investigating distance learning opportunities.

ISPLS Committee reports: A written report was received from Mike Davis for the Publication and Media Committee. Jason Coyle also gave a verbal report. A written report was received from Tony Gregory, the State Coordinator. Jason Coyle narrated the report which explained a change in the awards given to state winners and their teachers. A report was received from Ron Wharry, Chairman of the Membership Committee, concerning membership items. The Membership Committee recommended that Don Plumb be granted a Life Membership. A motion was made by Don Bengel and seconded by Dennis Grumpp to approve the Life Membership for Don Plumb. The motion passed with a voice vote. Brad Cramer submitted a written report concerning the Education Committee.

Gary and Jason gave a verbal report concerning legislative matters. Gary and Jason met with the IPLA regarding the definition of surveying, specifically as it relates to Photogrammetrists. An option discussed would be to utilize the title Professional Photogrammetric Surveyor with making it a misdemeanor for someone utilizing the title while not being qualified. Other items mentioned in potential rule changes were not as significant. Jay Poe suggested that we leave any Statute of Repose language out of the initial bill submittal and consider introducing that issue at second reading. Jason Coyle's report in *Hoosier Surveyor* addresses other bills, along with military personnel acquiring professional licensing.

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Chuck Coyle mentioned a report concerning the IPLS Foundation will be in the Hoosier Surveyor. Eric Banschbach will now serve as the ISPLS BOD Liaison for the IPLS Foundation BOD. Eric discussed the By-Laws changes to include the number of members and terms. Due to reporting issues, only \$150,465.74 was transferred into the Foundation account. Chuck noted the fiscal year would need to be changed in the Foundation By-Laws. A 5% per year limit was established as part of the spending policy. So far, what has been approved would be up to three \$750 scholarships for Purdue-Calumet students and \$3,000 for this year and next for the National Museum of Surveying in Springfield, IL. A motion was made by Eric Banschbach and seconded by Chuck Coyle to approve the Foundation By-Laws. The motion passed with a voice vote.

Don Bengel, Indiana NSPS Governor, gave a verbal report reiterating the need to educate the membership on the importance of the 100% State Affiliate Membership with NSPS. Ryan Swingley with the Geodetic Control Workgroup (GCW) reported that they had been waiting on final report from Dr. Boudewijn Van Gelder regarding availability of low distortion projections. Ryan also discussed how GCW acted in an advisory role with the joint transportation project. Eric Banschbach reported that the \$350,000 SPR Grant had been approved. Eric mentioned the first step would be to hire a manager/director and that the grant funds would funnel through INDOT to hire a consultant to perform the physical work. The By-Laws Committee Chair, Don Bengel, noted that changes would need to be made to the By-Laws regarding our potential affiliation with NSPS. He also mentioned that per the By-Laws, dues are allowed to be increased as much as 25%, but that the increase should only need to be \$40 per member to cover NSPS membership costs for 100% participation. Gary Kent and Chuck Coyle of the Past-Presidents Committee discussed the Definition of Surveying efforts.

Unfinished Business: Jason Coyle presented a proposal for TelSpan, a company that would video record and produce distance learning continuing education programs from convention sessions. Jason also discussed ScholarLabs regarding web-based distance learning opportunity. Kevin Rowland said he would talk with Vincennes University about teaming with their Broadcasting Department and Mr. David Tucker regarding the potential use of the ICAT building for webinar capabilities. The above presentations and discussion led into a conversation concerning royalty agreements for presenters.

Indiana811: Jason Coyle, Eric Banschbach, Chuck Coyle, Perry Cloyd, Dennis Grumpp, and Kevin Rowland met with Indiana811 at their office. Jason discussed the issues of the meeting and reviewed the Indiana Dig Law. Indiana811 representatives discussed the need to call in tickets/locates to reduce or transfer the surveyor's liability while enhancing the safety of the survey crews and the public. Perry Cloyd and Jason attended a subsequent Damage Prevention Council meeting.

New Business: Mark Gardner, Nominations Committee Chair, furnished a written report concerning the President-Elect slate. Although at the time of this meeting, there was only one candidate on the ballot (Don West), Bernie Guerrettaz and others acknowledged the great effort Mark Gardner put into securing a quality slate of candidates.

The meeting adjourned at 2:15 pm EDT.

September 15, 2012

The ISPLS Board of Directors met on Saturday, September 15, 2012 at Vincennes University, Vincennes, Indiana. President Gary Kent called the meeting to order at 9:00 am EDT. All board members were in attendance with the exception of Rich Hudson, Don Bengel, Dennis Grumpp, and Perry Cloyd. Others in attendance were Jason Coyle, Executive Director of ISPLS; Bill Clark, Vincennes University; Austin Yake, Vincennes University; and Jason Copperwaite.

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President Kent briefly reviewed the ISPLS Mission and Vision Statement and noted the “Rules of Order” for the meeting. There were no amendments to the agenda. A motion was made by Chuck Coyle seconded by Bernie Guerrettaz to accept the agenda as presented. The motion passed by a unanimous voice vote. The minutes from the August 18, 2012 meeting were reviewed and accepted. A motion was made by Eric Banschbach seconded by Don West to accept the Board of Director’s meeting minutes as presented. The motion passed by a unanimous voice vote.

The Treasurer’s Reports were reviewed and narrated by Jason Coyle. As of August 31, 2012 total cash was \$61,906.75 and other assets totaling \$205,418.15 for an overall total of \$267,324.90. Jason noted that \$49,534.22 was transferred to the Foundation completing the \$200,000.00 distribution. A motion was made by Bernie Guerrettaz seconded by Chuck Coyle to accept the Treasurer’s report as submitted. The motion passed by a voice vote.

The Board heard and reviewed the Executive Director’s report. Jason Coyle presented a written report and discussed highlights with the board. He mentioned the Membership Renewal progress. Final Notices have been mailed. As of September 14, 2012, there are 607 total members including 44 Life Members, and 18 newly Licensed Surveyors. Jason briefly discussed meeting updates/calendar items on Affiniscape and then brought the board up to speed on the 2013 Convention planning on behalf of Doug Herendeen. He noted that the Summer Edition of the Hoosier Surveyor was released September 10 and went over some highlights and discussed options to potentially enhance the online publication.

Jason provided an overview of the seminars and workshops that ISPLS is involved with. The LS Exam Review is set for September 22 with 15 signed up so far. Bill Clark and Tony Gregory are to present the review. Tony is also conducting a Seminar for Wabash Valley Chapter on October 26. Jason discussed Indiana811 and the fact that they could handle the increased volume of locate requests from the surveying community; however, the actual utility locators won’t be able to take care of the increase in locates. Also, he talked about JULIE (Joint Utility Locating Information for Excavators) and the fact that Illinois surveyors are exempt from the Illinois Dig Law.

Jason continues to investigate distance learning options including ScholarLabs, Telspan, and Panopto. He showed the Board a demo of some video options and discussed licensing issues. A decision will need to be made soon if we are to video record the 2013 convention. Tony Gregory and Jason Coyle are to attend NSPS Fall Meeting.

ISPLS Committee reports: A written report was received from Mike Davis for the Publication and Media Committee. Jason Coyle also gave a verbal report. There was no written report received from Ron Wharry, Chairman of the Membership Committee. However, Ron informed Jason that the committee would be reaching out to those members that had not renewed yet.

Eric Banschbach, IPLS Foundation Liaison, reported that three students from Purdue-Calumet are recipients of a Foundation Scholarship. Eric also mentioned the Foundation had discussed their spending policy, By-Laws, and Memorandum of Understanding with the Chapters. Chuck mentioned the Foundation currently has approximately \$214,000.00 in funds. Bill Clark discussed a proposal regarding the purchase of hand-held GPS units that could be used for a class and more particularly as a recruiting tool. He offered the possibility that some units could be kept at ISPLS Headquarters and some units could float to wherever needed in the state. Chuck mentioned the Foundation would need formal presentations or applications prior to decisions regarding giving/spending.

Michael Stevenson, County Surveyor Liaison, submitted a written report that discussed the State Board of Account’s interpretation of Indiana Code regarding continuing education. His report stated that the State Board of Accounts has taken the position that licensed County Surveyors cannot use the fund that was set up to pay for part of an elected official’s continuing education. The report also stated that the County Surveyor’s Association will be submitting a technical

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change to the legislation next year to rectify this for the future.

Chapter Reports: Chuck Coyle said Hoosier Hills would like to host a workshop in the Fall of 2013. He also mentioned that Hoosier Hills would match up to \$500 in Hoosier Hills Chapter member donations toward the National Museum of surveying in Springfield, Illinois. Gary Kent stated that the Central Indiana Chapter would donate \$500 toward the National Museum of Surveying. Sean Suttles mentioned the Southwest Chapter discussed the Indiana811 issue and that Matt Badger was nominated as the incoming Secretary/Treasurer. Bill Clark mentioned the need for a chapter that would cover Vigo County and the surrounding counties that are not represented with an existing chapter. Jason stated that we could try to set up a meeting of those who might be interested in Terre Haute for a brainstorming session. Kevin Rowland will assist with compiling names to invite for the first meeting.

Unfinished Business: A motion was made by Chuck Coyle and seconded by Eric Banschbach to approve the President-Elect Ballot containing Don West and Ryan Swingley. The motion passed with a voice vote. Gary Kent lead a discussion regarding period of time for statute of repose and limitation. There were two main options discussed regarding the proposed legislation: 1) a modification of an existing law; or 2) introducing a stand-alone statute. A motion was made by Ryan Swingley and seconded by Eric Banschbach to proceed with a "freestanding" statute that Jason Copperwaite drafted. An exception was that the time frame shall be 8 years with a 2-year statute of limitations being within the 8 years. The "trigger" (when the 8-year time period would begin) would be the latter of the date that the survey, plat, or other work product that resulted from the survey was signed or from the completion of field work. If neither of the previous applies, then the date in which the professional service or product was delivered. We will also discuss with Mike O'Brien the subsequent work clause that relates to work performed on the same survey and/or site and considering it a new survey when separated by more than one year. The motion passed with a voice vote.

Gary Kent, Chuck Coyle, Dan Kovert, Jason Copperwaite, and Jason Coyle met with Mike O'Brien to discuss proposed legislation concerning the Indiana-Michigan State Line and Definition of Surveying. There were specific discussion items regarding photogrammetry. Machine control was also brought up and Gary asked for input on what should be kept within the realm of surveying. It was mentioned that North Carolina's definition should be reviewed.

Vincennes University Advisory Committee: Bill Clark presented an overview which identified graduates, and salaries. He then informed the Board that the Class of 2013 consisted of was comprised of nine full-time and three part-time students and the 2014 Class has nine full-time students. He offered that enrollment is down for the Surveying Technology Program and Vincennes University overall. He mentioned that part of the downturn was attributed to competition with other programs. He mentioned there had been some proactive measures including hosting/training high school teachers at Vincennes University through Project Lead the Way. Bill would like to utilize the ISPLS Young Professionals to assist with training at career centers around the state.

Bill offered that recent legislation now mandates that an AS degree can be obtained with 60 hours and a BS be obtained within 120 hours. The current curriculum for a degree in Surveying Technology is at 80 hours requiring a considerable amount of trimming of hours. Bill mentioned they were proposing to cut all four-hour classes to three. Bill discussed the four-year Surveying Management option at VU, but with adding photogrammetry and machine control they would have to make additional course reduction to get back toward 120 hours. He also mentioned that he needs to know the direction of the Board of Registration regarding potential requirements for licensure.

Jason Coyle mentioned the Advisory Board Agreement between ISPLS and VU needs to be renewed in January of 2013. Gary Kent applauded Bill for where the program is and being as proactive as possible. Gary will write the necessary report and send it to the Board for review.

The meeting adjourned at 2:00 pm EDT.

BOARD OF REGISTRATION FOR LAND SURVEYORS

MEETING HIGHLIGHTS - OCTOBER 12, 2012

by Robert "Jason" Coyle, PLS, Executive Director

The Board of Registration for Land Surveyors (Board) met Friday, October 12, 2012, at 8:30 am EDT. The meeting was held at Indiana Government Center South, 402 W. Washington Street, Room CC4, Indianapolis, Indiana. The meeting was called to order at 8:38 am with all Board members in attendance with the exception of John Stephens. The Board spent several minutes reviewing licensure applications, approving continuing education providers and courses. At 8:50 am, the Board began official business by adopting the agenda for this meeting and the minutes from the July 20, 2012 meeting. The Board then approved or rejected licensure applications; three were rejected and one was approved.

The Board heard a report from Gary Kent, Board Liaison to the Attorney General's (AG) Office. Natalie Stidd, Deputy Attorney General, supplied the Board with a report of Consumer Complaints and Litigation Cases. Below is a summation of that report:

Consumer Complaints			
Year	Consumer Complaints at Beginning of Year	Consumer Complaints Opened During Year	Consumer Complaints Closed ¹ During Year
2011	33	4	15
2012	22	11	24
Complaints Currently Open as of October 11, 2012			9
Average Age of Open Complaints: 3.69 months			

- Reasons a consumer file is closed include, but are not limited to, the investigation is complete and a litigation file is created, the investigation revealed that there was no licensing violation, or a warning letter was sent.

Litigation Cases			
Year	Litigation Cases Open at Beginning of Year	Litigation Files Opened During Year	Litigation Files Closed During Year
2011	8	5	3
2012	10	2	3
Cases Currently Open as of October 11, 2012			9
Average Age of Open Cases: 18.79 months			

Action Taken	2011	2012
Admin Complaints Filed	0	4
Cease & Desist Orders Filed	0	1
Summary Suspensions Filed	0	0
Civil Litigation	0	0
Judicial Review	0	1

At about 9:00 am, the Board commenced with personal appearances. Mr. Roger Woodfill was first on the agenda but was not in attendance. A short discussion among the board members took place concerning Mr. Woodfill's attendance.

The Board quickly moved to the next item which was a presentation by Mr. Charles Bevington with Transit Seminars concerning continuing education credits obtained by distance learning. Mr. Bevington was joined by his business partner Mr. Don Reid. Transit Seminars has an interest in offering continuing education courses via distance learning. As a part of their due diligence, they studied other Board-approved continuing education providers and their distance learning continuing education offerings. They

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purchased a course and found that a surveyor could achieve six (6) continuing education units in five (5) minutes. They purchased another course and asked an office assistance to take a surveying course she knew very little about and she achieved six (6) continuing education credits in twelve (12) minutes. They are under the impression that distance learning opportunities offered by some providers have the ability of being abused. Transit Seminars provided the Board with recommendations for improving distance learning course content in Indiana. There was much discussion among the Board concerning the continuing education law and distance learning methods. Ultimately, a motion was made by Ross Holloway and seconded by Doug Lechner to 1) have a letter send to "Board Approved Providers" asking if they offer courses via distance learning, and 2) if they do so, to appear before the Board to discuss their methods, techniques and procedures. The motion passed with a voice vote.

The next personal appearance was with Mr. C. Thomas Harris. Mr. Harris was seeking reinstatement of his land surveyor's license. Apparently Mr. Harris' license expired in July of 2006 due to his lack of renewal. However, Crystal Heard with the Indiana Professional Licensing Agency (IPLA) explained that Mr. Harris did actually renew his license in July of 2006; but due to an agency error, he was not credited for the renewal. As a result, Mr. Harris did not receive any further notification from the IPLA concerning his license renewal. There was much Board discussion concerning the internal error of the agency and the lack of action and/or attentiveness on the part of Mr. Harris. Mr. Harris agreed to pay all the delinquent renewal fees and stated that he had met the continuing education requirement since 2006. A motion was made by Ross Holloway and seconded by Doug Lechner to reinstate Mr. Harris' land surveyor license. The motion passed with a voice vote.

After a brief recess and at approximately 10:50 am, the Board conducted an Administrative Hearing in the Matter of Registration for Mr. Steven B. Williams, Administrative Cause Number SBRLS 07-01. Mr. Williams was requesting that he be removed from probation. Gary Kent removed himself from the hearing. Mr. Williams stated that he had been on probation for a year and a half and had submitted five surveys to the Board during his opening statements. The five surveys had gone through the peer review process with Mr. Norman Hiselman. Natalie R. Stidd, Deputy Attorney General with the Office of the Attorney General, asked Mr. Wil-

(Continued on page 12)

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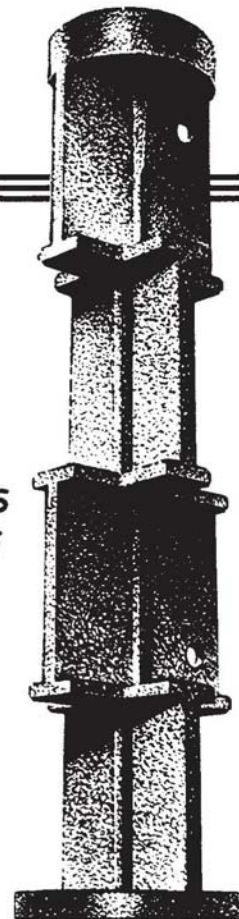
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(Continued from page 11)

liams a few questions concerning the future of his practice if he were to be removed from probation. The Board then proceeded to review two surveys submitted by Mr. Williams. The Board had several questions for Mr. Williams concerning the surveys and felt the surveys contained numerous errors. The Board was very concerned that these surveys represented a finished work product. The Board expressed some concern with the peer review process and felt that there was a breakdown in the process. The Board suggested to Mr. Williams that he work closer with his peer reviewer to ensure the surveys are complete and accurate. Mike De-Boy made a motion to deny the request of Mr. Williams to be removed from probation. The motion was seconded by Doug Lechner. The motion passed with a voice vote.

At 12:19 pm, Mr. Roger Woodfill appeared before the Board. Mr. Woodfill indicated that he selected Mr. Jud Rouch to be his peer reviewer. Mr. Woodfill asked the Board if they would reconsider their decision concerning the probationary status of this license. The Board asked Mr. Woodfill if he had completed any surveys since the last meeting. Mr. Woodfill replied that he had not and further indicated that he had been working in Ohio. He also indicated that his attorney instructed him not to pay the five dollar fee to the Health Records and Personal Identifying Information Protection Trust Fund. By not paying the five dollars, Mr. Woodfill is not adhering to the term of the probation. Mr. Woodfill became quite quarrelsome with the Board before abruptly leaving the meeting. The Board took the next several minutes to discuss Mr. Woodfill's actions.

The Board continued with probationary reports of Bernard Feeney and Michael Sadlon. The next agenda item dealt with the re-adoption of rules, LSA Document Number 12-390. Rules to be readopted without changes are Title 865 Indiana Administrative Code 1 – General Provisions. Ross Holloway made a motion to readopt the rules. Doug Lechner seconded the motion and it passed with a voice vote.

At 12:39 pm, the Board considered a Proposed Settlement in the Matter of Registration for Ronald Morrison, Administrative Cause Number SBRLS 12-05. The proposed settlement includes the following terms:

1. Mr. Morrison's license, LS80040314, shall be placed on indefinite probation, with no right to petition for withdrawal of the probation for one (1) year from the date of the final order.
2. While on probation, Mr. Morrison must comply with the following terms of probation to be eligible for withdrawal of the probation:
 - a. Mr. Morrison's practice shall be limited to the preparation of survey location reports.;
 - b. Mr. Morrison shall submit to the Board a monthly log of the survey location reports that he completes, starting the month following the issuance of the final order. The logs shall consist of the following information:
 - i. Date
 - ii. Client Name
 - iii. Property Address
 - iv. Lot Number and subdivision name, or the caption from the legal description if the property was not a lot in a subdivision;
 - c. If Mr. Morrison completes no survey location reports for any given month, he shall submit a statement to the Board so saying;
 - d. Mr. Morrison shall make personal appearances before the Board as requested and for which he is given proper notice;
 - e. The logs and/or statements shall be submitted in PDF format if possible, or in person, or by regular mail to the IPLA office.
3. Mr. Morrison shall, pursuant to Ind. Code 4-6-14-IO(b), pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.
4. Mr. Morrison shall abide by all statutes, rules, and regulations governing the practice of land surveying in the State of Indiana.

A motion was made by Ross Holloway to accept the proposed settlement. The motion was seconded by Rich Hudson and passed with a voice vote. Gary Kent was assigned to be the probation reviewer.

The next agenda item was the Petition for Review of James Coutts. Mr. Coutts was petitioning the review of his denied application for licensure. The Board would like to be provided with course descriptions for each and every course from the university. Ross Holloway made a motion to table the petition until course descriptions are provided. Doug Lechner seconded the motion and it passed with a voice vote.

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Crystal Heard with the Indiana Professional Licensing Agency gave a Board of Director's report. Ms. Heard explained that continuing education audit notices had been sent out to approximately sixty (60) licensees. There are approximately 830 licensed land surveyors that are active with the Indiana Board of Registration for Land Surveyors.

The Board briefly discussed the land surveying degree program at Purdue University, West Lafayette. Gary Kent will request their attendance at the next Board of Registration meeting. Next, Jason Coyle, Executive Director with ISPLS, presented the proposed changes to the Registration Act. The goals of the proposed changes include:

1. Clarify the relationship between Surveying and GIS by using the NCEES Model Law, and the clarifying wording of the Model Law, as the basis for a new definition of surveying for Indiana. Ryan Swingley and Gary Kent met several times with representatives of the GIS community in Indiana and that community supports this as long as the Model Law is followed. The Model Law was the basis for this proposed definition other than as noted below.
2. Create the title "Professional Photogrammetrist" which could be used only by photogrammetrists who are ASPRS certified photogrammetrists.
3. Make a wholesale change from term "Registered Land Surveyor" to "Professional Surveyor." NCEES has voted to use "Professional Surveyor" as the preferred term.
4. Make a wholesale change from term "Surveyor-in-Training" to "Surveyor Intern." NCEES moved from SIT to SI a number of years ago.
5. Make the necessary changes to the rest of the Registration Act that would be necessary to accomplish the above.
6. Add language to IC 25-21.5-11-4 that directs fines and civil penalties collected through investigations of violations to the investigation fund.

ISPLS was seeking the Board's approval and/or that they did not object to the proposed changes. After much discussion, the Board concluded that they would like more time to review the proposal. However, understanding the sensitive timing of the matter, they scheduled a special meeting for November 19, 2012 at 1:00 pm to voice their opinion.

Crystal Heard with the Indiana Professional Licensing Agency reported on a situation where an individual with an expired license was attempting to become active by using continuing education units from the previous renewal period as "carry over." Mike De-Boy made a motion to not allow an individual with an expired license to "carry over" any continuing education units gained in a previous renewal period. The motion was seconded by Ross Holloway and passed with a voice vote.

The Board then appointed the Officers for the Board, which are as follows:

- Chairperson: Christine Arnold
- Vice-Chairperson: Ross Holloway
- Board Liaison: Gary Kent

Crystal Heard announced the meeting dates for 2013, which are as follows:

- February 1, 2013 – Room CC5
- April 12, 2013 – Room 064
- July 19, 2013 – Room 064
- October 11, 2013 – Room 064

The meeting adjourned at 1:58 am EDT. The next scheduled meeting is Friday, February 1, 2013 at 8:30 am EDT at Indiana Government Center South, 402 W. Washington Street, CC5, Indianapolis, Indiana 46204.

BOARD OF REGISTRATION FOR LAND SURVEYORS MEETING HIGHLIGHTS - NOVEMBER 19, 2012 by Robert "Jason" Coyle, PLS, Executive Director

The Board of Registration for Land Surveyors (Board) met Monday, November 19, 2012, at 1:00 pm EDT. The meeting was held at Indiana Government Center South, 402 W. Washington Street, Conference Room A, Indianapolis, Indiana. After some technical difficulty with the conference call, the meeting was called to order at 1:30 pm. All of the Board Members were in attendance with Rich Hudson and Christine Arnold joining via a conference call. Ross Holloway acted as the Board Chairperson for the meeting. The purpose of the meeting was to review the proposed legislation concerning the Land Surveyors Registration Act.

(Continued on page 15)

IPLS FOUNDATION, INC. • INAUGURAL FUNDRAISING RAFFLE

The **Indiana Professional Land Surveyors Foundation, Inc. (IPLSF)** will be conducting its Inaugural Fundraising Raffle during the 2013 ISPLS Annual Convention held January 16-18, 2013 at the Indianapolis Marriott East. This Inaugural Fundraising Raffle will assist the IPLSF with its mission of promoting growth and development of the Surveying Profession in the State of Indiana by providing financial grants, scholarships, or other financial assistance.

This raffle will include four remarkable prizes with a combined total value of over \$3,000. The **Grand Prize** is a **Beretta 686 Silver Pigeon Over/Under 12 gauge Shotgun** and case valued at over \$2,000. The second place prize is a 16GB Apple iPad valued at \$500. A 16 GB Kindle Fire HD valued at \$200 will be awarded to the third and fourth place prize winners.

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Raffle tickets will be sold for \$5 each or 5 tickets for \$20. Tickets will be available during the convention from IPLS Foundation Officers and Directors and Jason Coyle, ISPLS Executive Director.

The drawing for the raffle will take place after the keynote speaker's address during Friday's lunch of the convention, January 18, 2013. **Everyone is welcome to participate in the fundraising raffle.** This includes, but not limited to, members of ISPLS, their family and friends, supporters and practitioners of the land surveying profession. Those participating in the raffle are not required to be present for the drawing, but it is encouraged.

Grand prize winner must be a person that can legally possess a firearm. If the grand prize winner cannot accept possession, the grand prize will be given to the next place winner that can legally accept the firearm. The other prizes will awarded based upon the order in which the tickets were drawn.

Contact Jason Coyle, ISPLS Executive Director, at execdir@ispls.org or 317-888-4400 for more information and details on how you can participate.

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(Continued from page 13)

Gary Kent gave a brief description of the proposed changes and they are as follows:

- Clarify the relationship between Surveying and GIS by using the NCEES Model Law, and the clarifying wording of the Model Law, as the basis for a new definition of surveying for Indiana. Ryan Swingley and Gary Kent met several times with representatives of the GIS community in Indiana and that community supports this as long as the Model Law is followed. The Model Law was the basis for this proposed definition other than as noted below.
- Create the title "Professional Photogrammetrist" which could be used only by photogrammetrists who are ASPRS certified photogrammetrists.
- Make a wholesale change from term "Registered Land Surveyor" to "Professional Surveyor." NCEES has voted to use "Professional Surveyor" as the preferred term.
- Make a wholesale change from term "Surveyor-in-Training" to "Surveyor Intern." NCEES moved from SIT to SI a number of years ago.
- Make the necessary changes to the rest of the Registration Act that would be necessary to accomplish the above.
- Add language to IC 25-21.5-11-4 that directs fines and civil penalties collected through investigations of violations to the investigation fund.

Items that have not been addressed within the proposed changes are as follows:

The removal of the following language from within the definition of the Practice of Land Surveying, IC 25-21.5-1-7:

(4) The preparation of legal descriptions of tracts of land to be used in the preparation of deeds of conveyance or other instruments, except when prepared by an attorney who is licensed to practice law in Indiana.

(5) The determination of the amount of acreage contained in a tract of land, except when determined by an attorney who is licensed to practice law in Indiana.

The inclusion of matters pertaining to Machine Control and the preparation of digital terrain models (DTM).
The clarification of construction staking responsibilities.

Ross Holloway asked for questions and/or comments. Doug Lechner asked, "What is the danger of opening up the registration act?" Mr. Lechner was concerned that another group could "hijack" the bill. He further stated that there seems to be more risk in opening the act than the reward that would be gained. Ross Holloway asked, "If the bill were to get 'hijacked' would the sponsor pull the bill if they were asked to do so?" Gary Kent assured the Board that ISPLS has no interest in having the bill be ravaged by others. Mr. Kent stated that ISPLS needs to discuss the proposed legislation with engineering organizations.

Ross Holloway then asked, "What is ISPLS asking this Board to do specifically?" Gary Kent answered that during a meeting with Marty Allain, General Counsel for IPLA, and Lisa Bentley, Deputy Director for IPLA, they suggested that it would be helpful if the Registration Board would indicate a concurrence with the proposed legislation. Mr. Allain was in attendance and agreed with Mr. Kent's statement and further added they would encourage members of the Board to testify in support of the bill.

The discussion continually circled around to the fear of the bill potentially being "hijacked." Jason Coyle had seen Michael O'Brien, the ISPLS Lobbyist, in the building prior to the meeting and e-mailed him and asked if he could join the meeting. Mr. O'Brien assured the Board the sponsor would work in the best interest of ISPLS and pull the bill if requested. To get the meeting moving along, Ross Holloway asked for a motion from the Board. Doug Lechner made a motion for the Board to have no comment to the proposed legislation. Rich Hudson seconded the motion. The motion failed with a voice vote of 3-4. Mr. Holloway asked for another motion. John Stephens made a motion to support the proposed legislation by ISPLS with the condition that ISPLS pull the bill if there are substantive changes to the bill that adversely affect the Land Surveyors Registration Act. The motion was seconded by Mike DeBoy. Doug Lechner asked that the title "Professional Photogrammetric Surveyor" be changed to "Professional Photogrammetrist" within the proposed legislation. ISPLS had already discussed that issue and agreed with the suggestion. The motion was approved unanimously by the Board. The Board further appointed Gary Kent and Mike DeBoy to represent the Board during any legislative meetings.

The remaining of the meeting was spent discussing the E-Participation Policy for electronic participation meetings. There was a motion by Doug Lechner to adopt the E-Participation Policy as presented by the agency with an amendment of three members being physical present for each meeting. The motion was seconded by John Stephens and passed unanimously with a voice vote. With no other business, the meeting adjourned at approximately 2:26 am.

ISPLS ANNUAL MEMBERSHIP MEETING - NOTICE

MEMBERSHIP VOTE TO AMEND THE ISPLS CONSTITUTION AND BY-LAWS

The ISPLS Board of Directors is proposing amendments to the ISPLS Constitution and By-Laws. These amendments are centered on three separate topics. The three topics are as follows:

1. **NSPS 100% State Affiliate Membership;**
2. **The affiliation between the State Society and the regional ISPLS Chapters; and**
3. **The ability to conduct elections for President-Elect and Board of Directors by electronic means via the ISPLS website.**

The ISPLS Membership will be voting on these three issues at the Annual Membership Meeting held January 17, 2013 at the Indianapolis Marriott East during the 61st Annual ISLS Convention. The ISPLS Constitution states the following pertaining to amendments:

ARTICLE VIII. AMENDMENTS:

1. Amendments or additions to this Constitution may only occur at a meeting as provided in Article VI.
2. Amendments or additions to this Constitution must be approved by a vote of two thirds (2/3) of the Board of Directors, and ratified by vote of two thirds (2/3) of the General Membership members voting.

ARTICLE IX. BY-LAWS

SECTION 2. AMENDMENTS BY THE MEMBERSHIP

1. These By-Laws, or any part thereof, may be altered or repealed, or new By-Laws may be adopted in lieu thereof, at any Annual Meeting by the Affirmative vote of two thirds of the eligible voting members present at said Annual Meeting. Written notice of any intended alteration, repeal, or new By-Laws shall be given to the membership at least thirty (30) days prior to the Annual Meeting at which such change is proposed to be considered.

Therefore, the Board of Directors will be bringing forth the following motions to the membership for a vote:

A. NSPS 100% State Affiliate Membership

The National Society of Professional Surveyors (NSPS) has approached the state surveying societies with a proposal that grants a NSPS Membership to all state society members at a cost of forty dollars (\$40.00) each; with the exception of student members which would be at a cost of ten dollars (\$10.00) each. The proposal mandates that all "Professional" Members of the state society participate. This includes state society members that are registered surveyors and reside within the said state. For ISPLS, that includes all Professional Members that reside within Indiana. Additionally and optionally, Life, Affiliate and Associate Members of ISPLS could obtain a NSPS Membership at the forty dollar (\$40.00) rate. The Board of Directors for ISPLS believes this is a great opportunity to strengthen our profession at a national level and to have a greater influence with lawmakers in Washington, D.C.

The motion of the Board will be to have ISPLS participate with the NSPS 100% State Affiliate Membership by signing a Memorandum of Understanding with NSPS. The details of the MOU will require all Professional Members of ISPLS that reside in Indiana to belong to NSPS. Life, Affiliate and Associate Members of ISPLS can optionally participate. ISPLS Members that reside outside of Indiana are not eligible to participate in this program. Forty dollars (\$40.00) for each required or optional members will be sent to NSPS for their membership dues. Similarly, Student Members of ISPLS can participate at ten dollars (\$10.00) each.

Therefore, ISPLS will collect an additional forty dollars (\$40.00) from each Professional Member that resides within the State of Indiana for each new membership and renewal. Forty dollars (\$40.00) will also be collected from each new membership and membership renewal of a Life, Affiliate and Associate Member that resides within the State of Indiana and wishes to participate with a NSPS Membership. A Student Membership fee with ISPLS will change from twelve dollars and fifty cents (\$12.50) to twenty dollars (\$20.00) each year, with ten dollars (\$10.00) to be designated for the NSPS membership. If the motion passes, the MOU will become effective July 1, 2013, and the NSPS membership and membership dues will be included with new memberships or renewals at that time.

B. The affiliation between the State Society and the regional ISPLS Chapters

About two years ago, ISPLS was informed by our accountant, CapinCrouse, that essentially every organization exempt from taxation under section 501(a) of the Internal Revenue Code shall file an annual return. Instructions for filing these annual returns were sent along to chapter representatives. Several chapters attempted to file the necessary returns without success. The issue went dormant for several months and came back to life after a chapter was notified by their bank of an issue with the Internal Revenue Service (IRS). The ISPLS office staff has researched these issues with the possible solutions, and even consulted with a tax attorney. The Board has reviewed the options and is now prepared to move forward with what they feel is the best solution, both for the individual Chapters and the Society as a whole.

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That said, the Board of Directors believes the best solution for all ISPLS chapters to become and remain compliant with the IRS and the Indiana Secretary of State (IN-SOS) is by falling under a Group Exemption Letter with the IRS, rather than chapters seeking their own exempt status. The Group Exemption Letter is filed by the "central" organization (ISPLS) at a cost of \$3,000.00 and can include an unlimited number of subordinates (chapters). To qualify for a group exemption, the central organization and its subordinates must have a defined relationship. Subordinates must be: Affiliated with the central organization; Subject to the central organization's general supervision or control; and Exempt under the same paragraph of IRC 501(c), though not necessarily the paragraph under which the central organization is exempt.

Chapters must do the following to be compliant with the IRS and the IN-SOS:

- Incorporate with the IN-SOS by filing Articles of Incorporation
- Obtain an Employer Identification Number (EIN) or verify an existing EIN
- Adopt Chapter By-Laws / Organization Documents
- Participate with the Group Exemption Letter
- Annually file a Business Entity Report with the IN-SOS
- Annually file a 990-N (e-postcard) with the IRS

ISPLS is prepared to assist chapters with meeting the above requirements by preparing templates for organizational documents and instructions for the filings.

The Board's motion to the membership will be as follows:

1. ISPLS Chapters shall incorporate with the Indiana Secretary of State by April 1, 2013.
2. The By-Laws and Finance and Planning Committees will assist chapters by preparing a template for Chapter Articles of Incorporation and Chapter By-Laws. Chapters shall adopt them by April 1, 2013. Chapter By-Laws will state that chapter members must be members of ISPLS. Non members are welcome to attend chapter meetings, but cannot hold office or vote.
3. ISPLS Chapters shall apply for an Employer Identification Number (EIN) or verify their existing EIN.
4. ISPLS Chapters shall participate in the Group Exemption Letter and contribute \$250 each towards the application fee.
5. Chapters are required to submit quarterly and annual reports to ISPLS regarding their activities, meetings, finances, etc. ISPLS will provide a template to facilitate these reports.
6. ISPLS members will designate a chapter on their application or renewal to belong to and ISPLS will return \$20 per paid member, except life, honorary and student, to the respective Chapters.
7. If the above passes, the net result is that state's dues will increase by \$20.00, but there will be no chapter dues.
8. If the above passes, the ISPLS By-Laws and Constitution must be amended to accommodate the approved motion.

It should also be noted that Chapter registration with the IRS is not an option, whether completed under the Group Exemption Letter or an individual application. However the cost for filing individually would be \$400.00 to the chapter, and the due diligence of taking care of all the process and paperwork will fall entirely on the Chapter.

C. The ability to conduct elections for President-Elect and Board of Directors by electronic means via the ISPLS website.

The Board of Directors for ISPLS requests the ability to conduct election for the President-Elect and the Board of Directors by electronic means via the ISPLS website. The purpose for this request is two-fold. First, would be to increase the participation in the election process and secondly to reduce the mailing and printing cost.

For the 2013 President-Elect Election, 590 ballots were mailed out to eligible members; only 205 were returned. The Board of Directors believes that more members might have participated in the election if it was more convenient. The approximate cost to mail the 2013 President-Elect ballot was \$800.00. The society could save approximately \$1,600.00 each year between both elections.

The Board's motion will be to allow amendments to the ISPLS Constitution and By-Laws to allow for President-Elect and Board of Directors Elections to be held by electronic means via the ISPLS website.

To conduct the elections on-line: Members would be required to login with their username and password. This would insure that each member could only vote once. The member would make their selection(s) and submit their ballot. The submission of the ballot is completely anonymous. For members that do not have an e-mail address on file with ISPLS a paper ballots would be mailed to them.

FEDERAL GRANT BOOSTS HEIGHT MODERNIZATION PROJECT

by Michael J Davis

Five years of work to implement a Height Modernization Project in Indiana received support late this summer in the form of a \$350,000 grant from the Federal Highway Administration.

Sustained efforts of members of a joint committee of the Indiana Society of Professional Land Surveyors and the Indiana Geographic Information Council resulted in the State Planning and Research Grant.

Minutes of the IGIC-ISPLS Geodetic Control Workgroup that date back to 2007 show an ongoing schedule of forums, meetings, reports, presentations and planning sessions, involving representatives of state, county and federal agencies and interested individuals — all with the goal of height modernization in Indiana.

“Height modernization is an initiative to create an accurate, reliable height (elevation) system for Indiana to support surveyors, engineers, emergency managers, scientists, farmers and natural resource managers,” said Joseph K. Mullins, former survey manager for the Hamilton County Surveyor’s Office, who led that county’s pilot height modernization project.

“The initiative uses satellite technology in conjunction with traditional leveling, gravity and modern remote sensing information to improve the accuracy of static and real-time global positioning system (GPS) elevations,” he said in a summer 2011 Hoosier Surveyor article.

The funds will make it possible “to improve the geodetic infrastructure across Indiana,” according to the funding request submitted through the Indiana Department of Transportation (INDOT) Land & Aerial Survey Office.

“The INDOT InCORS (Continuously Operating Reference Station network) has significantly improved the state geodetic infrastructure; however the vertical component, or heights, still requires improvement in order to take full advantage of GPS survey capabilities,” the request indicated.

“This project will allow INDOT and contracted staff to complete a series of activities designed to reduce or eliminate inconsistent vertical and horizontal control data; provide supplemental control to replace destroyed or lost bench marks, as well as densify the existing network; and provide adequate control to fully utilize GPS technology as a more cost-effective and efficient positioning tool.”

The overall goal will be to achieve a 2-centimeter geoid model and ultimately 2-centimeter orthometric heights.

Twenty percent of the funding for the project, approximately \$70,000, will come from in-kind work by the staff of INDOT’s Land & Aerial Survey Office, in addition to any equipment and materials.

The process of selecting and contracting a Project Director is currently in progress, with anticipation of work commencing sometime in December.

The goal for this phase of the project is to complete all necessary coordination, research and reconnaissance; complete the ongoing pilot project; develop a comprehensive height modernization plan for Indiana; and complete a significant portion of the field work based on that plan by June 30, 2013.

The orders of NGS-published NAVD 88 bench marks to be utilized in the project are:

- First Order: Classes I and II.
- Second Order: Classes 0, I and II.
- Only those Third Order bench marks whose orthometric heights were established using the approved “Bench Mark Reset Procedures” utilizing differential leveling techniques from first or second order bench marks.



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100% STATE MEMBERSHIP IN NSPS

By Donald Bengel, PLS – Indiana NSPS Governor



At the January membership meeting of ISPLS we will have a great opportunity to strengthen the Surveying Profession. Our members will vote on automatic membership in NSPS for Registered ISPLS members. The cost for this important membership is \$40.00 per year. This amounts to 11 cents per day. Although cost should not be the greatest concern for our members, this "great deal" makes membership a no-brainer.

Increasing membership in NSPS from approximately 3,000 to possibly 30,000 or more members will certainly give the National Society a stronger position in supporting legislation on the national level. This will be all important if we have to go up against LightSquared again.

With our convention being in January, ISPLS can be one of the first state Societies to become a 100% NSPS membership state. Let us stand together and be proud to be a truly Professional Society.

If anyone has questions concerning this proposal, please contact Jason Coyle or Don Bengel.



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PRESERVATION WORK BEGINS ON BILBY TOWER'S PIECES

by Michael J Davis

An 800-mile journey from Louisiana to Indiana is complete for a Bilby surveying tower destined for display in Jasper Sherman Bilby's home town of Osgood.

The iron pieces that will one day again form the 64-foot Bilby Steel Tower for Triangulation will soon be cleaned at K&S Farm and Machine Shop, southeast of Greensburg, and then sent to Cincinnati to be re-galvanized.

"We intend to have everything ready by late spring," said Ripley County Surveyor Jeff French, PLS, who was part of a group that helped relocate the disassembled tower in April.

French said several people met in Osgood in November to decide details about where the tower would be situated. It will be in the town park, overlooking a 5-acre lake, less than 200 feet from a public road and parking lot.

"I think that at the State Convention in January we will probably set a date to rebuild the tower," he said.

The Reynolds Foundation, a not-for-profit organization in Osgood, is providing financial support for the project. In the meantime, a few nuts-and-bolts issues remain . . . literally.

The crew that dismantled the tower on an island in a Louisiana swamp where it had been since 1971 found that the frame pieces were held in place by stove bolts — a fastener that wasn't used by the U.S. Coast and Geodetic Survey. So, a search is under way to find bolts that meet the original specifications.

Anchoring it was another concern, until a man in Maryland offered a set of the special steel anchor posts that were used to hold the self-supporting towers firmly in place.

French said Roger Woodfill, PLS, administrator of the Surveyors Historical Society that led the campaign to bring the tower to Indiana, also is trying to get in touch with Aermotor Co., a windmill manufacturer that began making Bilby towers in 1926.

The extra effort is being made because erecting the tower's independent inner and outer structures doesn't look like it will be a simple task.

While USC&GS triangulation crews took 8 hours to set up a tower and 5 to take it down, that definitely won't be the goal in Osgood.

"It will be a tricky thing," French said. "It has to be level and plumb. And, having been put up (and taken down) for 70 years or so, the metal is bent and tweaked. Each piece had to be straightened before being reloaded on the truck."

The tower also has to be put up precisely over a point, since there are plans to set it above a monument that meets U.S. Geological Survey requirements.

It's also likely that there will be more than a few interested (and knowledgeable) observers, since French hopes the dedication will coincide with a Surveyors Historical Society rendezvous and a gathering of USGS retirees.



Pieces of a 64-foot Bilby Steel Tower for Triangulation are strapped on a flatbed trailer, ready to begin an 800-mile journey to Indiana from the tower's former site on a Louisiana island. Surveyors Historical Society members plan to reassemble the framework at the Town Park in Osgood, the hometown of the tower's inventor, Jasper Sherman Bilby. (Photo provided by Jeff French)

WELCOME TO THE 61ST ANNUAL ISPLS CONVENTION

An Invite from Gary Kent, ISPLS President



The ISPLS Board of Directors, the Central Indiana Chapter of ISPLS, and the Convention Host Committee invites you to the Indianapolis Marriott East for the 61st Annual Convention of the Indiana Society of Professional Land Surveyors!

ISPLS Conventions are designed to provide opportunities not only for learning, but also for networking, socializing with old and new friends, and earning continuing education credits. This year's program, being held at the completely remodeled Marriott East in Indianapolis, reflects the extraordinary time and energy contributed by the Central Indiana Chapter.

Technical sessions start Wednesday at 1:00 pm and run through Friday afternoon, and they seemingly offer something for everyone in virtually all aspects of surveying.

This year's program could easily be the best ever, covering a tremendous variety of subjects including new technologies, boundaries, business practice topics, on-site sewage systems, GIS, ethics, route surveys, traverse adjustment, and issues related to the future of the surveying profession. The outstanding group of presenters this year includes forensic engineer and surveyor Frank Willis; A&E consultant Barbara Sable; Ron Raney and Eric Banschbach together with a contingent from INDOT; Alan Dunn and Denise Wright from the Indiana State Department of Health; Attorney/Surveyor Jeff Lucas; the inimitable Larry Phipps; IGIC's Phil Worrall; Ryan Swingley from Seiler Instruments, and more.

The exhibit hall opens Wednesday afternoon in time for the reception from 4:00-6:00 pm; it will also be open all day Thursday. Alumni parties will follow the exhibitor's reception, and the always popular Las Vegas-style Casino Party will run from 7:00 until 9:00 pm.

The ISPLS annual business meeting will be held Thursday afternoon followed by the awards banquet that evening.

Come join us!

Gary R. Kent, PS, 2012 ISPLS President

A Message from R. Jason Coyle, ISPLS Executive Director and Convention Host Committee Chair



It is my honor on behalf of the ISPLS Board of Directors, the Central Indiana Chapter of ISPLS, and the Convention Host Committee to invite you to the 61st Annual ISPLS Convention.

We are excited about the programs we have prepared for you. We are certain you will thoroughly enjoy the educational opportunities, the social events and meeting with exhibitors to putting your hands on the latest surveying equipment.

You may notice that the schedule is a little bit different from years past. These changes are based upon an on-line poll that was conducted by last year's attendees. The biggest change is on Friday, where we are trying to get you headed out of town before the evening rush hour. We have also greatly improved the spouse's program and would encourage you to bring your spouse along for the fun and festivities. And we didn't forget about your technical staff. We have a well-priced technical program lined up for them that would surely improve efficiencies within the office and field.

Registration has never been easier! There are multiple ways to register, but the easiest is on-line at www.ispls.org. You have the convenience of registering for those highly sought-after courses and submitting your secure payment instantly with your debit/credit card or you could ask to be invoiced. Likewise, you are always welcome to mail, e-mail, fax or phone in your registration to the ISPLS office. Be sure to register on or before December 31, 2012 to avoid a late fee.

Lastly, the cover photo is of Mt. Rushmore that I captured while on vacation with my family in July 2011. Mt. Rushmore is often referred to as "Three Surveyors and some other guy" in the surveying community. Ironically, nearly 3 out of 4 surveyors in Indiana attended the last year's Annual ISPLS Convention. Will you join us this year and not be just *some other guy*?

Please don't hesitate to contact me with any questions, concerns, or comments you might have. Thank you!

Robert "Jason" Coyle, PS, ISPLS Executive Director

PROGRAM • WEDNESDAY, JANUARY 16, 2013

Registration Desk

12:00pm— 6:00pm

The registration desk is located in the hotel's atrium. Attendees can pick up their registration material, name tags and gifts at this desk. The attendants at the registration desk would be more than happy to assist you with any of your questions, comments and/or suggestions throughout the duration of the convention.

Exhibit Hall

1:00pm— 6:00pm

Each year we welcome vendors and exhibitors to showcase their products, services and equipment in our exhibit hall. We want our attendees to take every advantage of this opportunity to familiarize themselves with the latest trends and advancements in the surveying industry. Discover many solutions for enhancing your surveying practice. Admission requires you to wear your name badge for entry. **The Exhibit Hall will not be open on Friday.**

Surveyor Reports and Recent Indiana Court Decisions - Avoiding Boundary Problems

Gary Kent, PS • 3 CEH (Mandatory)

1:00pm— 4:00pm

Part 1: Even after 24 years of Rule 12, the Board of Registration continues to see exceptionally sub-standard surveys. Low quality survey work is often accompanied, if not documented, by poor or non-existent Surveyor Reports. Even when the survey itself meets the standards, the Surveyors Report often does a less than adequate job of documenting what was done, and why. Even when an obviously conscientious effort has been made in preparing the Surveyor Report, the requirements are still often not fulfilled. In this session, we will look at the specific requirements of the rule, why they are important, what they mean and how they could be manifested in an actual Surveyors Report. Examples of actual Surveyors Reports – some good and some not-so-good - will be provided.

Part 2: Recent Indiana Supreme and Appellate Court decisions have dealt with matters of interest to surveyors. Understanding the genesis of these cases and the resultant decisions can help surveyors avoid being a defendant in future lawsuits. A live internet connection will allow a demonstration showing how to use the internet as a resource in researching court cases.

Exhibitor's Reception

4:00pm— 6:00pm

Join us in welcoming our vendors and exhibitors to our annual convention. This is a great opportunity to familiarize yourself with our vendors, exhibitors and their products while enjoying a cocktail and hors d'oeuvres. Two beverage tickets are included with a full attendee's registration for Wednesday evening's events, not including the alumni parties. A cash bar will be available as well. The reception will conclude with awarding door prizes from ISPLS and our vendors. Must be present to win.

Alumni Parties

6:00pm— 8:00pm

Join alumni from your alma mater to reminisce of those glory days and support their programs. Details forthcoming.

Las Vegas Style Casino Party

7:00pm— 9:00pm

What happens at Vegas. . .stays at Vegas! And what happens at the Las Vegas Style Casino Party. . .well. . .could find its way within the pages of the *Hoosier Surveyor*. Join us for an evening of Black Jack, Roulette, Texas Hold'em and many more casino games. Enjoying a cocktail and hors d'oeuvres while gaming and socializing with friends. Two beverage tickets are included with a full attendee's registration for Wednesday evening's events, not including the alumni parties. A cash bar will be available as well. An auction will be held with your winnings to bid on door prizes at the conclusion of the evening.

PROGRAM • THURSDAY, JANUARY 17, 2013

Registration Desk

7:00am— 4:00pm

The registration desk is located in the hotel's atrium. Attendees can pick up their registration material, name tags and gifts at this desk. The attendants at the registration desk would be more than happy to assist you with any of your questions, comments and/or suggestions throughout the duration of the convention.

A Continental Breakfast will be offered within the Exhibit Hall from 7:00 am - 9:00 am.

Exhibit Hall

7:00am — 5:00pm

Each year we welcome vendors and exhibitors to showcase their products, services and equipment in our exhibit hall. We want our attendees to take every advantage of this opportunity to familiarize themselves with the latest trends and advancements in the surveying industry. Discover many solutions for enhancing your surveying practice. Admission requires you to wear your name badge for entry. ***Exhibit Hall will not be open on Friday.***

Boundary Dispute Resolution

Jeff Lucas, PLS, Esq. • 6 CEH (Mandatory)

8:00am— 11:00am (Part 1 of 2) & 12:15pm— 3:15pm (Part 2 of 2)

Many surveyors see themselves as “expert measurers” not “expert evaluators of evidence.” But in truth, this is the surveyor's role: To form an opinion as to where the surveyor feels the boundary lines would be located if fully adjudicated in a court of law. This can only be done by proper interpretation of the deeds, gathered the best available evidence relevant to the proper location of the boundary between the coterminous landowners involved, evaluating that evidence, and making a decision as to the true location of the boundary line. These decisions, however, must be legally sound. The principles of law used by the courts when dealing with conflicts in boundaries will be studied. This seminar will also explore effective ways of resolving these conflicts before they become full blown boundary disputes with resulting litigation.

Protecting Your Practice—Contracts for Land Surveyors

Barbara Sable • 3 CEH (Elective) • Sponsored by Walker & Associates Insurance

8:00am— 11:00am

One of the challenges faced by land surveyors is that many firms thrive on the award of a multitude of small projects. Lawyers, professional liability insurers, and insurance brokers all preach the use of written contracts for every client/project. Impossible? No! Participants will:

- Review the benefits of having a Master Services Agreement for use with your repeat clients.
- Participate in developing standard terms and conditions for use in a Master Services Agreement.
- Learn how to identify some of the “danger zones” in Owner- drafted contracts that can increase liability and cause a possible denial of coverage by your professional liability insurer.
- Review actual case examples when there was no contract between the Surveyor or Civil Engineer and the project Owner.

Traverse Analysis and Adjustments

Larry Phipps, PLS • 6 CEH (Mandatory)

8:15am— 11:15am (Part 1 of 2) & 12:30pm— 3:30pm (Part 2 of 2)

Surveyors measure things daily. Those measurements form the foundation for many of our professional decisions. This class will take a detailed look at the basic principles behind surveying measurements. We then will take a detailed look at some example data sets. These data sets are designed to help the surveyor see the power of and necessity for using a robust least squares adjustment package. When class is over the participant should have a good understanding of Positional Tolerance and how to calculate it.

PROGRAM • THURSDAY, JANUARY 17, 2013

Onsite Sewage Systems for Land Surveyors, Professional Engineers and Installers

Alan M. Dunn & Denise H. Wright • 6.5 CEH (Elective)

8:15am— 11:15am (Part 1 of 2) & 12:30pm— 3:30pm (Part 2 of 2)

This course provides an introduction to Onsite Sewage System technology through discussions of portions of the state rules regulating these systems, an overview of Onsite Sewage System basic technologies and components, introduction of some Technologies New to Indiana components and their function, “How To” discussion and tips on generating an Onsite System plan submittal and detailed training on Elevated Sand Mound system design. This training provides answers to everyday problems that arise for anyone involved in designing onsite sewage systems.

In addition, the course also will spotlight recent revisions to Rule 410 IAC 6-8.2 and Rule 410 IAC 6-10, the Residential Onsite Sewage Systems and Commercial Onsite Wastewater Disposal Rules, respectively.

Un-manned Aerial Vehicles and Remote Sensing

Frank L. Willis, PhD, PE, PLS • 6 CEH (Elective)

8:30am— 11:30am (Part 1 of 2) & 12:45pm— 3:45pm (Part 2 of 2)

Frank Willis will fly an un-manned aerial vehicle over the parking lot at the seminar and will collect video and still photography. The class will return to the room, where the data will be downloaded and displayed on the digital projector screen. The data will be uploaded to computer programs that will process it real time in the classroom. Topographic survey data will be computed and plotted on the screen and exported to a CAD program. The UAV's are small but remarkably powerful, and can carry up to 15 pounds of remote sensing equipment. The aerial photo processing software is a state-of-the-art system that will process oblique aerial photographs and ortho photos. The accuracy of the work will be checked in the field using conventional means.

This seminar is not presented in the standard lecture format. It is a hands-on demonstration. The entire presentation is fast moving, and the hands-on demonstration of the innovative equipment and techniques will absolutely hold your attention.

Staggered Buffet Style Lunch

11:00am— 1:00pm

Introduction to LiDAR

Chris Siebern, PE, PLS; Matt Healy, PLS & Ryan Swingley, PLS • 3 CEH (Elective)

12:15pm— 3:15pm

In the last few years terrestrial and mobile LiDAR systems have come to the forefront for accurate and defined data collection. While the prices of these systems still remain high, the value they bring to surveyors and their clients is also high. This course will discuss some of the technology behind terrestrial and mobile LiDAR, common practices, uses and pitfalls of deploying this technology on surveying projects. We will also discuss managing expectation of clients, QA/QC techniques, importance of quality survey control, data extraction and data mining.

ISPLS Business Meeting

4:30pm— 5:30pm

General Membership Business Meeting to discuss the past and future activities of ISPLS and the IPLS Foundation.

ISPLS Social and Banquet

6:00pm— 9:00pm

Join us at 6:00pm in the Liberty Ballroom for a beverage and an opportunity to catch up with colleagues and old friends. Then at 7:00 pm, enjoy a magnificent dinner prepared by the hotel's chef and staff. The evening continues with the recognition of our Trig-Star Winners and Scholarship Recipients, President's Award Ceremony, and swearing in of ISPLS Officers.

PROGRAM • FRIDAY, JANUARY 18, 2013

Registration Desk

7:00am— 11:00am

The registration desk is located in the hotel's atrium. Attendees can pick up their registration material, name tags and gifts at this desk. The attendants at the registration desk would be more than happy to assist you with any of your questions, comments and/or suggestions throughout the duration of the convention.

A Continental Breakfast will be offered within the Grand Ballroom from 7:00 am - 9:00 am.

The Pincushion Effect - The Multiple Monument Dilemma in American Land Surveying

Jeff Lucas, PLS, Esq. • 3 CEH (Mandatory)

8:00am— 11:00am

The "pincushion" corner is the name that has commonly been assigned to the phenomenon of multiple monuments that have been set by surveyors in the vicinity of a single land boundary or property corner. The pincushion corner is the bane of the land surveying profession because it represents the physical manifestation of the land surveying profession's collective confusion over their duties and responsibilities toward property boundaries. Within the context of the land surveyor's duties and responsibilities toward boundaries, there is no reason for multiple monuments to exist when only one corner is contemplated under the law. This seminar explores the phenomena of the pincushion corner and the dilemma it creates for the land surveying profession. The surprising causes of the pincushion corner will be discussed and ways to avoid starting a new pincushion or adding to an existing one will be explored. Presentation is based on the book, "The Pincushion Effect, The Multiple Monument Dilemma in American Land Surveying," by Jeffery N. Lucas.

Cha. . . Cha. . . Changes

Larry Phipps, PLS • 3 CEH (Elective)

8:00am— 11:00am

The median age of land surveyors in some states exceeds 60 years. The number of licensees in most states is declining while the population increases. Meanwhile technology is providing more and better tools for gathering, analyzing and processing survey data. What impact will all these things have on the future of the country and the profession? Only time will tell for certain. The Goal of this class is to discuss some of the possibilities and what those possibilities mean for the Professional Land Surveyor.

Route Surveys in Indiana

Ronald L. Raney, LS • 3 CEH (Mandatory)

8:00am— 11:00am

This workshop will help the participants learn the basic elements of conducting a route survey according to 865 IAC 1-12-20 and the Indiana Department of Transportation Design Manual. Participants will experience the following content:

- Basic concepts of conducting Preliminary Research
- Route survey fieldwork
- Essential Measurements for route surveys, 865-IAC 1-12-22 and INDOT Standards.
- Publication of route survey results
- Concepts of Route Survey Monumentation – 865-IAC 1-12-24
- How to prepare a Route Survey Plats 865- IAC-1-12-25
- What information should I find in the Surveyors Report of a Route Survey?

PROGRAM • FRIDAY, JANUARY 18, 2013

Surprising Technology Available at Minimal Cost

Frank L. Willis, PhD, PE, PLS · 3 CEH (Elective)

8:00am— 11:00am

Most of the software used by surveyors and engineers is expensive. But expense does not always correlate with usefulness. Frank Willis will present and demonstrate at least 13 packages that have surprising power and usefulness at minimal cost. Software demonstration will be done real time on the digital projector.

IGIC - Indiana GIS LiDAR Applications for Surveyors

Phil Worrall, David Nail, Dave Knipe, Chris Morse, Bob N. Wilkinson, & Bob W. Wilkinson · 3 CEH (Elective)

8:00am— 11:00am

LiDAR stands for Light Detection and Ranging. By bouncing light waves off objects and structures, we get a digital 3-D point cloud of the ground and what's on it. LiDAR can distinguish between earth, water, buildings, roads, trees, crops and countless other types of surfaces. In 2013, the State of Indiana will complete the third year of its three-year program to create high-resolution LiDAR data for the entire state of Indiana. In 2011 & 2012 this elevation data was collected and processed for the center and eastern 1/3 columns of the state, with the western column being produced in 2013. All of the resulting data products are being made available to the public free of charge.

Indiana's LiDAR data vertical accuracy is suitable to produce a 2' foot contour map of the entire state, but LiDAR has many other applications and benefits for Indiana, and can be used for:

- Flood risk assessment, disaster mitigation, insurance rate calculations and emergency response
- Property valuation, infrastructure planning, urban/regional and industrial planning and development
- Decision-making for natural resource management and environmental monitoring
- Geologic mapping of faults, landslide and dam hazards, sinkholes, coal and renewable wind and solar power energy resources
- Water supply and management applications
- Farming operations and support of sustainable food production and soil conservation

This half-day workshop is intended to provide detailed information about this new statewide elevation data product, how to access, process and download custom elevation data products from the new Indiana Open Topography LiDAR portal, and how to use these data sets to support surveying and mapping projects and applications.

Lunch with presentation from Jim Sparks, Indiana Geographic Information Officer

11:00am— 12:45pm

"Coordinating GIS In Indiana" - Jim Sparks will explain how Indiana benefits from an engaged, enthusiastic, and cooperative community of GIS practitioners working in all parts of the state. The presentation will focus on the statutory responsibilities of the Indiana Geographic Information Office, examples of statewide Geospatial efforts, and trends and observations. The IPLS Foundation Raffle drawing will take place immediately following the presentation.

Going Solo

Jeff Lucas, PLS, Esq. · 3 CEH (Elective)

12:45pm— 3:30pm

Of all the professions known to man, the one that could never be practiced as a true solo profession was land surveying. The land surveyor always had to someone else holding the other end of the chain (or rope). In the modern era that second person was needed to either hold the prism pole or operate the total station. Today's technology, primarily GPS, prism-less instruments, and robotics, have afforded the land surveyor, for the first time in recorded history, to operate as a true solo-practitioner. The modern technology coupled with today's harsh business climate, with vast new government regulations looming for small businesses with employees, unemployment taxes on the rise, and forced employer provided healthcare coverage for employees, the prospects of "going solo" never looked better. This seminar will explore many of the practical and legal ramifications of going solo.

(Continued on page 28)

PROGRAM • FRIDAY, JANUARY 18, 2013

(Continued from page 27)

Ethics for Land Surveyors

Larry Phipps, PLS · 3 CEH (Mandatory)

12:45pm— 3:30pm

We all want to do the right thing. It is part of being a Professional and being a land surveyor. But knowing the right thing from the wrong thing can be very tricky. During this class we will compare and contrast Indiana Rule 10 with the NCEES Model Code of Ethics. We will discuss a framework for consistently making ethical decisions. Then we will explore some example situations designed to make the participants take a very critical look at the role ethics plays in our daily lives.

Guidelines for Utilizing InCORS – Indiana’s Statewide GNSS- GPS Real Time Network

Eric Banschbach, PLS; Andrew “Dee” Baxter, PLS; Danny Greenberg; Lee Meeks · 3 CEH (Elective)

12:45pm— 3:30pm

This program is designed to present information on accessing the Indiana Department of Transportation’s statewide GNSS-GPS real time network, known as InCORS, as presented by the staff of the Land & Aerial Survey Office within the Indiana Department of Transportation, in addition to a representative from the reference station equipment and software vendor, Leica Geosystems, Inc. LASO is responsible for administering, managing and maintaining the InCORS Network. We will provide a brief overview of the network and provide instructions on accessing the network, but the focus will be on utilizing the RTN for daily survey applications. Attendees will be provided essential information and guidance on best practices when utilizing the available network broadcast solutions, in addition to available data used in post processing. Items to be discussed will include, but will not be limited to: communications; error sources/error budgets; accuracies; coordinates; applications; rovers. In addition, we will provide information on the on-going improvements to the INDOT Benchmark Network and database.

IGIC - Indiana GIS Local-Resolution NHD Applications for Surveyors

Phil Worrall, David Nail, Dave Knipe, Mike Martin · 3 CEH (Elective)

12:45pm— 3:30pm

Extensive statewide flooding during 2008 caused 82 of 92 Indiana counties to receive the Presidential Disaster Declaration. In 2010, federal funds from the 2008 flooding became available for flood mitigation support and are being used by the state to acquire new Orthophotography (digital imagery), LiDAR (digital elevation data) and to update the State’s National Hydrography Data (NHD) GIS data set.

The State of Indiana Geographic Information Office working with IGIC’s Waters Workgroup has implemented a program across Indiana to create a new Local-Resolution NHD dataset to replace the existing High-Resolution U.S. Geological Survey’s NHD data. This new Local-Resolution NHD data for Indiana represents a significant increase in the amount of information available (up to a 500% increase), while also improving the mapping accuracy of the NHD data by a factor of ten (from 1”=2,000’ to 1”=200’ scale).

This 3 hour workshop will provide detailed information about the NHD statewide program and how to use and further improve these data with more detailed local information. Topics will include:

- How to access the new Local-Resolution NHD data
- Incorporation of detailed County Surveyor’s regulated drain map information into the new NHD
- Local confirmation / determination of new drainage classifications (stream or ditch)
- Local confirmation / determination of new names, or adding variant name to GNIS
- Local incorporation of farm drain tiles into the NHD
- Surveying and mapping applications of the Local-Resolution NHD data

PROGRAM • FRIDAY, JANUARY 18, 2013

Close-Range Non-Ortho Aerial and Ground Photography

Frank L. Willis, PhD, PE, PLS • 3 CEH (Elective)

12:45pm— 3:30pm

Recent developments in computer technology have provided new techniques that enable very precise measurements made from photographs taken by standard consumer digital cameras costing as little as \$200. Frank Willis will demonstrate the use of consumer cameras in aerial and close range ground photogrammetry. He will demonstrate in the classroom the use of close-range photogrammetry and will compare the measurements taken using conventional means. Willis will fly an un-manned aerial vehicle on a brief flight in the parking lot, and the class will return to the classroom where Willis will download and process the aerial photographs to provide survey coordinates of particular objects visible on the aerial photographs. The seminar is similar to Willis' course at the convention, entitled "Un-manned Aerial Vehicles and Remote Sensing," but it will not go into as much detail.

TECHNICIAN / TECHNICAL PROGRAM • JANUARY 17-18, 2013

Participants signed up for the Technician Program are not eligible to attend the other convention sessions. If you wish to attend the other sessions you must pay the full or 1 day convention fee. If you are a licensed land surveyor and wish to attend the Technician Program for continuing education credits you must pay the full or 1 day convention fee. The Technician Program fee includes meetings, handouts and luncheons only.

Traverse Analysis and Adjustments

Larry Phipps, PLS • 6 CEH (Mandatory)

Thursday, January 17, 2013 • 8:15am— 11:15am (Part 1 of 2) & 12:30pm— 3:30pm (Part 2 of 2)

Surveyors measure things daily. Those measurements form the foundation for many of our professional decisions. This class will take a detailed look at the basic principles behind surveying measurements. We then will take a detailed look at some example data sets. These data sets are designed to help the surveyor see the power of and necessity for using a robust least squares adjustment package. When class is over the participant should have a good understanding of Positional Tolerance and how to calculate it.

Surprising Technology Available at Minimal Cost

Frank L. Willis, PhD, PE, PLS

Friday, January 18, 2013 • 8:00am— 11:00am

Most of the software used by surveyors and engineers is expensive. But expense does not always correlate with usefulness. Frank Willis will present and demonstrate at least 13 packages that have surprising power and usefulness at minimal cost. Software demonstration will be done real time on the digital projector.

Guidelines for Utilizing InCORS – Indiana's Statewide GNSS- GPS Real Time Network

Eric Banschbach, PLS; Andrew "Dee" Baxter, PLS; Danny Greenberg; Lee Meeks • 3 CEH (Elective)

Friday, January 18, 2013 • 12:45pm— 3:30pm

This program is designed to present information on accessing the Indiana Department of Transportation's statewide GNSS-GPS real time network, known as InCORS, as presented by the staff of the Land & Aerial Survey Office within the Indiana Department of Transportation, in addition to a representative from the reference station equipment and software vendor, Leica Geosystems, Inc. LASO is responsible for administering, managing and maintaining the InCORS Network. We will provide a brief overview of the network and provide instructions on accessing the network, but the focus will be on utilizing the RTN for daily survey applications. Attendees will be provided essential information and guidance on best practices when utilizing the available network broadcast solutions, in addition to available data used in post processing. Items to be discussed will include, but will not be limited to: communications; error sources/error budgets; accuracies; coordinates; applications; rovers. In addition, we will provide information on the on-going improvements to the INDOT Benchmark Network and database.

Spouse's Program • January 17-18, 2013

Greetings Spouses! Welcome to the 61st Annual ISPLS Convention.

You spoke. . . We listened. . . And it is our hope that you thoroughly enjoy the program we have planned for you.

This program will have you touring the magnificent **JW Marriott Hotel** Thursday morning and enjoying a dining experience at **High Velocity** for lunch. After you've pleased your palate, you will be whisked away to **Pottery By You** where you will design and create your own glass fused jewelry. Then join us Thursday evening for our annual banquet and a time to socialize with your friends and acquaintances. On Friday. . . shop until you drop! You will travel to the **Fashion Mall at Keystone** where you can pick up all those items you didn't get for Christmas. Be sure to enjoy a slice of cheesecake while at lunch at **The Cheesecake Factory**.

For your convenience we have arranged a Hospitality Room (Suite 160) at the Marriott East Hotel for your enjoyment. Here you will find renewing refreshments and inviting friends. Continental breakfast will be available Thursday and Friday morning from 8:00 am until you depart for your activities.

Thursday's Schedule:

Hospitality Room	8:00 am to 5:00 pm
Depart for the JW Marriott Hotel	9:30 am
<i>Meet in Hospitality Room no later than 9:15 am</i>	
Arrive at the JW Marriott Hotel	10:00 am
Guided Tour at the JW Marriott Hotel	10:15 am – 11:15 am
Lunch at the High Velocity	11:15 pm – 12:15 pm
Depart for Pottery by You	12:30 pm
Arrive at Pottery by You	1:00 pm
Glass Fusing Class	1:00 pm – 3:30 pm
Leave for Marriott East Hotel	3:30 pm
Return to Marriott East Hotel	4:00 pm
Rest & Relax	4:00 pm – 7:00 pm
Banquet	7:00 pm



Friday's Schedule:

Hospitality Room	8:00 am to 3:30 pm
Depart for the Fashion Mall	9:30 am
<i>Meet in Hospitality Room no later than 9:15 am</i>	
Arrive at Fashion Mall	10:00 am
Self-Exploration of the Fashion Mall	10:00 am – 11:30 pm
Lunch at The Cheesecake Factory	11:30 am – 12:30 pm
Self-Exploration of the Fashion Mall	12:30 pm – 2:00 pm
Leave for Marriott East Hotel	2:00 pm
Return to Marriott East Hotel	2:30 pm
Refreshments before heading home <i>in the Hospitality Room</i>	2:30 pm to 3:30 pm



If the tour of the JW Marriott would not be available, a guided tour of the Eiteljorg Museum of American Indians and Western Art would be the alternative event.



DETAILS FORTHCOMING ON HOW YOU CAN GET YOUR HANDS ON THESE ITEMS AT THE 2013 ISPLS CONVENTION!



ISPLS 2013 CONVENTION REGISTRATION FORM

Wednesday January 16, 2013

- 8:00am - 12:00pm Board of Directors Meeting
12:00pm - 6:00pm Registration in the Atrium Exhibit Hall Opens
- 1:00pm - 4:00pm Surveyor Reports & Recent Indiana Court Decisions - Avoiding Boundary Problems Gary Kent (3 CEH Mandatory)
- 4:00pm - 6:00pm Exhibitor Reception
 6:00pm - 8:00pm Vincennes, Purdue, Cincinnati State Alumni & Friends Reunion Party
 7:00pm - 9:00pm Las Vegas Casino Party

Thursday, January 17, 2013

Please indicate your first choice (✓) and alternate (A). Registration in a seminar that is a Part 1 of 2 automatically registers you in Part 2.

- 7:00am - 4:00pm Registration in the Atrium Exhibit Hall Open**
- 8:00am - 11:00am Boundary Dispute Resolution Part 1 of 2 Jeff Lucas (6 CEH Mandatory)
- 8:00am - 11:00am Protecting Your Practice Contracts for Land Surveyors Barbara Sable (3 CEH Elective)
- 8:15am - 11:15am Traverse Analysis and Adjustments Part 1 of 2 Larry Phipps (6 CEH Mandatory)
- 8:15 am - 11:15 am Onsite Sewage Systems for Surveyors, Professional Engineers and Installers Part 1 of 2 (6.5 CEH Elective) Alan M. Dunn & Denise H. Wright
- 8:30am - 11:30am Un-manned Aerial Vehicles (UAV) & Remote Sensing Part 1 of 2 Frank Willis (6 CEH Elective)
- 11:00am - 1:00pm Staggered Buffet Style Lunch**
 12:15pm - 3:15pm Boundary Dispute Resolution Part 2 of 2 Jeff Lucas (6 CEH Mandatory)
- 12:15pm - 3:15am Introduction to LiDAR Chris Siebern, Matt Healy & Ryan Swingley (3 CEH Elective)
- 12:30pm - 3:30pm Traverse Analysis & Adjustments Part 2 of 2 Larry Phipps (6 CEH Mandatory)
- 12:30pm - 3:30pm Onsite Sewage Systems for Surveyors, Professional Engineers and Installers Part 2 of 2 Alan M. Dunn & Denise H. Wright (6.5 CEH Elective)
- 12:45pm - 3:45pm Un-manned Aerial Vehicles (UAV) & Remote Sensing Part 2 of 2 Frank Willis (6 CEH Elective)
- 4:00pm - 5:30 pm ISPLS Business Meeting**
6:00pm Social & Banquet
(Please indicate your attendance)

Friday January 18, 2013

Please indicate your first choice (✓) and alternate (A).

- 7:00am - 12:00pm Registration in the Atrium**
 7:00am - 8:00am Past Presidents Breakfast
 8:00am - 11:00am The Pincushion Effect - Multiple Monument Dilemma in American Land Surveying Jeff Lucas (3 CEH Mandatory)
- 8:00am - 11:00am Cha. . . Cha. . . Changes Larry Phipps (3 CEH Elective)
- 8:00am - 11:00am Route Surveys in Indiana Ron Raney (3 CEH Mandatory)
- 8:00am - 11:00am Surprising Technology Available at Minimal Cost Frank Willis (3 CEH Elective)
- 8:00am - 11:00am IGIC - Indiana GIS LiDAR Applications for Surveyors Phil Worrell et al. (3 CEH Elective)
- 11:00am - 12:45pm Lunch w/ presentation from Jim Sparks IPLS Foundation Raffle Drawing**
- 12:45pm - 3:30pm Going Solo Jeff Lucas (3 CEH Elective)
- 12:45pm - 3:30pm Ethics for Land Surveyors Larry Phipps (3 CEH Mandatory)
- 12:45pm - 3:30pm Guidelines for Utilizing InCORS - Indiana's Statewide GNSS- GPS Real Time Network Eric Banschbach et al. (3 CEH Elective)
- 12:45pm - 3:30pm Close-Range Non-Ortho Aerial and Ground Photography Frank Willis (3 CEH Elective)
- 12:45pm - 3:30pm IGIC - Indiana GIS Local-Resolution NHD Applications for Surveyors Phil Worrell et al. (3 CEH Elective)

Technician / Technical Program

Participants signed up for the Technician Program are not eligible to attend the other convention sessions. If you wish to attend the other sessions you must pay the full or 1 day convention fee. If you are a licensed land surveyor and wish to attend the Technician Program for continuing education credits you must pay the full or 1 day convention fee. The Technician Program fee includes meetings, handouts and luncheons only.

Thursday, January 17, 2013

- 8:15am - 11:15am Traverse Analysis and Adjustments Part 2 of 2 Larry Phipps (6 CEH Mandatory)
- 11:00am - 1:00pm Staggered Buffet Style Lunch**
 12:30pm - 3:30pm Traverse Analysis & Adjustments Part 2 of 2 Larry Phipps (6 CEH Mandatory)

Friday, January 18, 2013

- 8:00am - 11:00am Surprising Technology Available at Minimal Cost Frank Willis (3 CEH Elective)
- 11:00am - 12:45pm Lunch w/ presentation from Jim Sparks IPLS Foundation Raffle Drawing**
 12:45pm - 3:30pm Guidelines for Utilizing InCORS - Indiana's Statewide GNSS- GPS Real Time Network Eric Banschbach et al. (3 CEH Elective)

ISPLS 2013 CONVENTION REGISTRATION FORM

GENERAL INFORMATION

Registration can be made several different ways. The easiest and most convenient way is through the ISPLS website at www.ispls.org. Registration forms can also be mailed, e-mailed, or faxed to the address or number below. For multiple registrants, please make copies of this form or contact ISPLS for additional forms.

Indiana Society of Professional Land Surveyors, Inc.

8325 S. Emerson Avenue, Suite B-2, Indianapolis, IN 46237

Ph.: 317-888-4400 Fax: 317-888-4412

E-mail: execdir@ispls.org

Web: www.ispls.org

Registrations received after 12/31/2012 (including walk-in's) will include a **\$50.00 late fee**, and will be accepted based on available space, and will not be guaranteed handouts or meals. A full refund less 10% will be given to those refund request received on or before 12/31/2012. A full refund less 50% will be given to those refund request received between 1/1/2013 and 1/8/2013. **After 1/9/2013, no refunds will be made.**

No further Registration will be accepted after 1/12/2013.

After 1/12/2013, registration will be at the door and dependent upon the availability of seating.

The **full time registration** fee for the convention includes all handouts, refreshment breaks, two luncheons and the banquet. We will appreciate it, if you will indicate by a (V) that you plan on attending the Banquet on Thursday Night. The registration fee for **spouses** includes a like number of meals. The **student** (full time) registration fee includes meetings and luncheons only. **One-day** registrant fee includes handouts and luncheons for the day registered.

Convention Handout Material: To reduce the cost of printing, the ISPLS Board of Directors will provide in each attendee's convention packet with a CD or other digital media that contains all the program material. The material will also be available on-line to an attendee upon completion of registration.

LODGING

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Convention rates (below) have been arranged. **Please indicate you are attending the 2013 ISPLS Convention when making reservation.** Reservations must be received by 12/31/12 in order to guarantee room and availability.

Single: \$109.00 Double: \$109.00

Triple: \$109.00 Quad: \$109.00

REGISTER ON-LINE AT WWW.ISPLS.ORG

Name: _____

Name to appear on badge: _____

L.S. Number: _____

Company: _____

Address: _____

City: _____ State: _____

Zip: _____ Phone: _____

E-mail: _____

Spouse's Name: _____

NSPS Membership Number: _____

	Fee
<input type="checkbox"/> Member	\$345.00
<input type="checkbox"/> Non-Member	\$750.00
<input type="checkbox"/> Spouse's Program	\$150.00
<input type="checkbox"/> Student (Full Time)	\$ 40.00
<input type="checkbox"/> 1 Day (Member)	\$250.00
<input type="checkbox"/> 1 Day (Non-Member)	\$625.00
<input type="checkbox"/> 1 Day Technician/Technical Program	\$ 75.00
<input type="checkbox"/> 2 Day Technician/Technical Program	\$150.00
<input type="checkbox"/> Late Fee (After 12/31/12)	\$ 50.00
<input type="checkbox"/> NSPS Member (Full Convention)	\$345.00
<input type="checkbox"/> NSPS Member (One Day)	\$250.00
<input type="checkbox"/> Extra Banquet Ticket Thursday Night	\$ 50.00
<input type="checkbox"/> Admission to Exhibit Hall	\$ 15.00

TOTAL _____

ISPLS Firm Member - Deduct 20% _____

TOTAL AMOUNT ENCLOSED _____

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MEMBERSHIP APPLICATION

July 1, 2012- June 30, 2013



Name: _____ Date of Birth: _____
(Mr., Mrs., Etc.) (First) (Middle) (Last) (Month / Day / Year)

Nick Name: _____ Have you ever been found guilty of any felony? Yes or No

Please check preferred mailing address.

Home: _____ Ph: _____
_____ Cell: _____
County: _____ E-mail: _____

Employer: _____

Bus. Address: _____ Ph: _____
_____ Fax: _____
County: _____ E-mail: _____

L.S. Reg. # _____ Other Professional Registrations: _____

MEMBERSHIP (Check applicable categories)

Annual Dues

- Professional Member** - Professional Surveyor in the State of Indiana. \$200.00
- Associate Member** - Non-registered individuals who are engaged in support of the practice of surveying. . \$60.00
- Affiliate Member** - Anyone affiliated with the surveying profession or any non-resident who is registered as a surveyor in another state other than Indiana. \$65.00
- Student Member** - Full-time student in a surveying related program. \$12.50

School Attending: _____

Degree You Are Pursuing: _____ Expected Graduation Date: _____

Chapter Member _____
(Please indicate the Chapter)

NSPS Member _____
(Please include NSPS Member Number)

AMOUNT ENCLOSED. \$ _____

The amount you pay for ISPLS membership is 76% deductible as a necessary business expense but is not deductible as a charitable contribution. The Lobbying allocation will be spent on Lobbying, and is Non-Deductible.

Please make check payable to: Indiana Society of Professional Land Surveyors, Inc. or ISPLS, Inc.

We accept: Visa MasterCard or Discover

Card Number: _____ - _____ - _____ - _____ Exp. Date ____ / ____ Security Code _____

Name on card: _____ Cardholder's Signature: _____

"I, the undersigned, agree that by submitting my application and paying the appropriate fees, I agree to abide by the Constitution, By-Laws and Code of Ethics of ISPLS."

Applicant's Signature: _____ Date: _____

MEMBERSHIP CATEGORIES

PROFESSIONAL MEMBER: A Professional Member of this Corporation shall be limited to Registered Land Surveyors in good standing with the Indiana State Board of Registration for Land Surveyors. A Professional Member shall be eligible to vote, hold office and to participate fully in the affairs of the corporation.

ASSOCIATE: An Associate membership will be granted to those non-registered individuals who are actively engaged in support of the practice of land surveying. An Associate Member is entitled to vote and participate fully in the affairs of the Corporation but shall not be entitled to hold office. Associate Members shall, at such time that they become Registered Land Surveyors in good standing with the Indiana State Board of Registration for Land Surveyors, become Professional Members without further vote of the Board of Directors of this Corporation.

AFFILIATE: An Affiliate membership will be granted to those individuals who qualify under the following provisions:

- a) Anyone who is affiliated with the Land Surveying profession or
- b) Any Non-Resident who is registered and in good standing as a Land Surveyor in a state other than Indiana.

An Affiliate Member is not entitled to vote, or to hold office but will receive newsletters and be invited to participate in meetings.

STUDENT: A Student membership will be granted to those non-registered individuals who are endeavoring to make surveying their chosen career and who are enrolled as a full time student as defined by the university or school they are attending. Membership in this class shall not exceed a total of (5) years. A Student Member is not entitled to vote or hold office, but will receive newsletters and be invited to participate in meetings.

LIFE: Any person holding Professional Member status shall be eligible to petition the Board of Directors to change his membership to that of a Life Member. If the Board of Directors finds that the Professional Member so petitioning has reached the age of 65 years and has been a Professional Member (or Member before July 1, 1999) of this Corporation for at least a total of twenty (20)years, it shall grant the petition and the Professional Member will become a Life Member. If the Board of Directors finds that the Professional Member so petitioning has not fulfilled the above requirements, the Board may grant a petition if it finds that the Professional Member has retired from active practice for reasons of health and is no longer engaged in Land Surveying. Life Members shall be furnished with a Life Membership card and Certificate and such membership shall take effect upon approval by the Board of Directors. Life Members shall not be subject to payment of dues, but shall enjoy all the rights and privileges of full Professional Member status in this Corporation.

ISPLS CODE OF ETHICS

CODE: As Surveying and Mapping Professionals, we recognize that our ethical responsibilities extend to the public, to our clients and to our peers. Accordingly, we acknowledge the following elements to identify our basic values: integrity, competence, and social awareness. Surveying and Mapping Professionals uphold and advance these values by:

- I. supporting and participating in the continuing development of the surveying and mapping professions;
- II. serving with honesty, with forthrightness, and within their areas of skill;
- III. using their expertise for the enhancement of human welfare and for the stewardship of resources.

CREED: As a Professional Surveyor, I dedicate my professional knowledge and skills to the advancement and betterment of human welfare. I pledge to give the utmost performance; to participate in none but honest enterprise; to live and work according to the laws of humankind and to the highest standards of professional conduct; to place service before profit, honor and standing of the profession before personal advantage, and the public welfare above all other considerations.

CANONS: In humility and with the need for divine guidance, I make this pledge: A Professional Surveyor should:

1. refrain from conduct that is detrimental to the public;
2. abide by the rules and regulations pertaining to the practice of land surveying within the licensing jurisdiction;
3. accept assignments only in one's area of professional competence;
4. develop and communicate a professional analysis and opinion without bias or personal interest;
5. maintain the confidential nature of the Surveyor-Client relationship;
6. use care to avoid advertising or solicitation that is misleading or otherwise contrary to the public interest;
7. maintain professional integrity when dealing with members of other professions.

ISPLS 61ST ANNUAL CONVENTION • HOTEL MAP

Indianapolis Marriott East • January 16-18, 2013

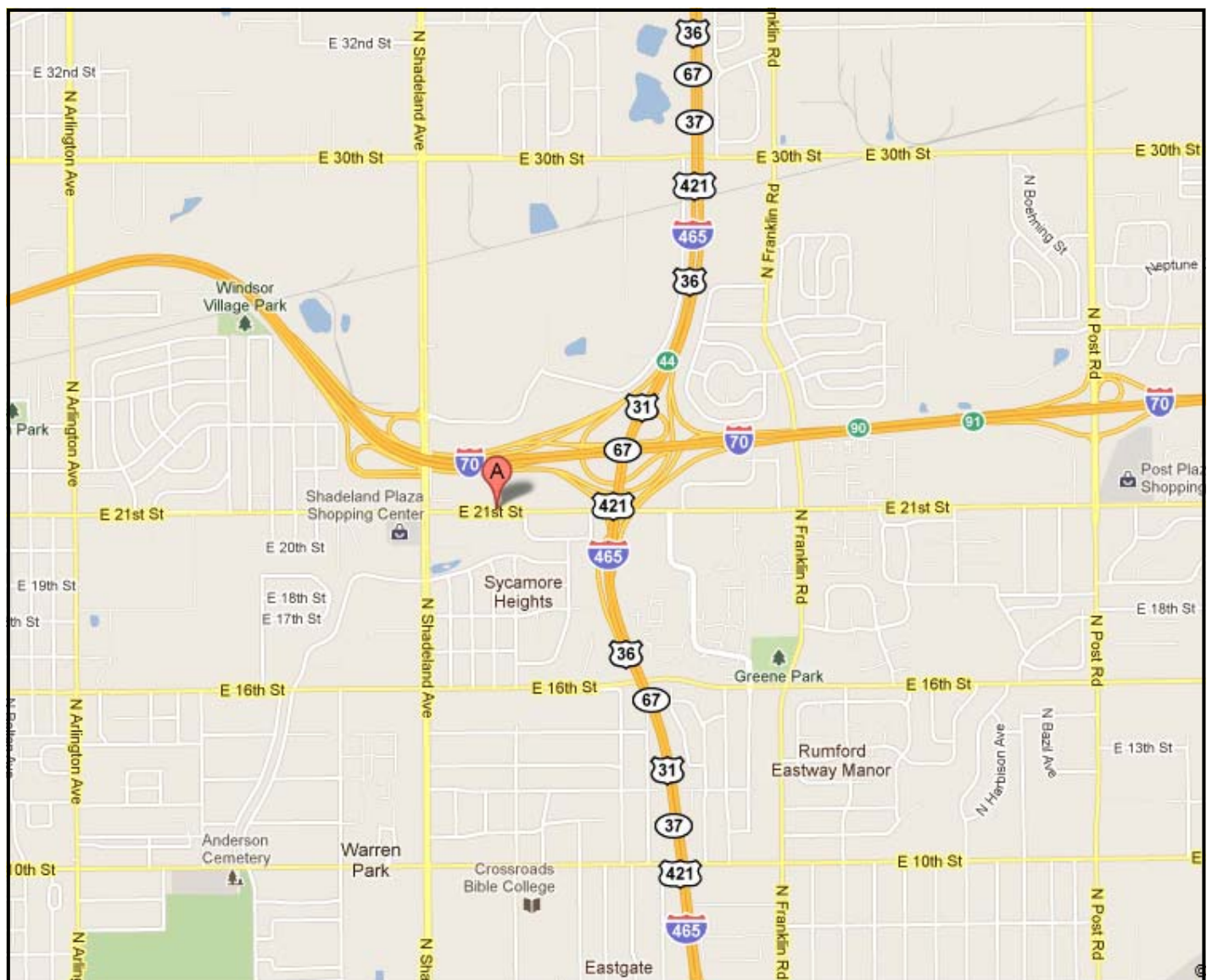
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INDIANA PROFESSIONAL LAND SURVEYORS FOUNDATION, INC. UPDATE

By Charles M. "Chuck" Coyle, PLS., IPLSF President



Wow, the year is quickly coming to a close... Thanksgiving is past, and we're less than a month until Christmas, and then the New Year! And of course with the New Year we will all be in anticipation of the ISPLS Annual Convention. This year the IPLS Foundation will have a far more active part in the Convention. I can't share all of those details quite yet, but I think all of our attendees will be excited about the added features being brought to you by your Foundation!

When I last reported to you we were in anticipation of transferring the balance of the funds that were approved and authorized by our membership at the Annual Business Meeting last January... all funds have now been transferred, so our business of putting the funds that you, the membership, have entrusted us with has moved into high gear:

1) I shared with my last update that the Foundation was in the process of reviewing the first applicants for the inaugural scholarships at Purdue University at Calumet. Three (3) scholarships have been awarded: A \$750.00 award went to Mr. Andrew Riecken of Hammond, Indiana; another award of \$500.00 went to Mr. Brian Murray of Dyer, Indiana; and another award of \$500.00 went to Mr. Stuart

Eddy of Payne, Ohio. We congratulate these men in their scholastic achievements to date, and wish the very best for them as they continue their studies and preparations to be licensed Surveyors in due time. I want to take this opportunity to thank the Northwest Chapter Scholarship Committee for their help with the evaluation of those applications.

2) As I had shared previously, in mid June ISPLS received a request from Abraham Lincoln's National Museum of Surveying in Springfield, Illinois, regarding a financial need that the museum was experiencing. As the ISPLS board was just wrapping up the 2012-13 budget, it was apparent that the museum was not going to make the "cut" for inclusion in this next year's expenditures, however, the ISPLS Board did think that this might be a worthy project to be considered by the IPLS Foundation? Many of you know Robert (Bob) Church, who has been involved with the Illinois Society for many years... well Bob is now the treasurer of the Museum, and was sharing the financial burdens of the Museum with Surveyors in every state across the country. Bob has indicated that matching funds, from an anonymous donor, of up to \$200,000.00 will be given for funds received in 2012 and/or promised to be donated in 2013. All of the funds received or pledged for this fund drive will be deposited in a special escrow account. When I last communicated with Bob, he had received a commitment from the Wisconsin Society of \$2,500 this year, and an additional \$2,500 per year for the next four years, and has received several one time gifts from several state societies and even some chapters, as well as a commitment from NSPS. As I wrote prior, your IPLS Foundation has agreed to donate \$3,000.00 in this calendar year, 2012, and pledge to donate an additional \$3,000.00 in calendar year 2013. That \$6,000.00 will produce at least \$12,000.00 for the Museum. I had also previously asked if there are others in our Society that would like to make a "special" contribution to help keep the Museum open? At that time I also indicated that the Foundation would challenge not only individuals, but ISPLS Chapters to rally their members to see what you might be able to do additionally? Several chapters have taken up the challenge and have indicated that their chapter will participate. We will prepare an accounting of all that has been contributed because of ISPLS members after the first of the New Year. If you have any questions about how you or your chapter can be involved you can contact me, or any of the Foundation board members, or the ISPLS office.



The Foundation Board continues to work to outline "Standard Operating Procedures" (SOP) as we strive to determine an Annual Disbursement Plan for worthy Grants, Partnerships, and Scholarships.

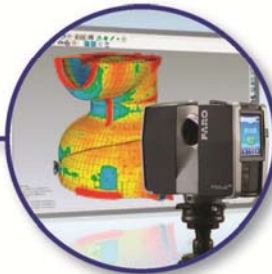
Current Board members are: Dan Kovert, V.P.; Perry Cloyd, Secretary; Dennis Grumpp, Treasurer; Eric Banschbach, Liaison to the ISPLS Board; Doug Herendeen; and myself. We would certainly entertain your questions or comments.

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LEGAL SURVEYS

Bryan F. Catlin, PLS

The goal of this column is to provide brief summaries of recent Indiana Court of Appeals and Supreme Court cases involving topics related to surveying practice, certainly not to provide legal advice. Information is gathered from the courts website at www.in.gov/judiciary. Comments or suggestions for future columns are welcome by email to: Bryan.Catlin@indy.gov.

Dennis and Jeremy Cochran vs. Zeroffos Hoffman and John Dye, Indiana Court of Appeals Case No. 15A01-1109-SC-00015, June 26, 2012

This is a case from the Dearborn Small Claims Court that basically asks whether the owner of a landlocked parcel with an easement "for all purposes of travel" used to get to the parcel has the right to park in the easement property. The Small Claims Court said no. The Appeals Court, finding this a general grant of right-of-way and not an ingress-egress easement, said that parking in the easement area is a right conveyed to the Cochrans.

Thomas R. Crowel vs. Marshall County Drainage Board, Indiana Supreme Court Case No. 50S03-1202-MI-71, July 30, 2012

In this case originating in the Marshall Circuit Court, Mr. Crowel argued that his property located in the upper end of a watershed is not benefitted by a drain reconstruction project for which he is being assessed since he doesn't have drainage problems and that the assessments are arbitrary, capricious, unlawful and not supported by substantial evidence (or at least the benefit attributed to his land is excessive).

The Marshall County Court held for the Drainage Board. Crowel appealed to the Indiana Court of Appeals which reversed that decision, and the Board sought transfer to the Supreme Court which affirmed the trial court's decision in favor of the Drainage Board.

This case contains a good explanation of why a tiered assessment system can be used for drainage projects and why even landowners in the upper reaches of a legal drain watershed are benefitted by improvements to the drainage in that watershed.

Lane Alan Schrader Trust... vs. Larry Gilbert and Nancy J. Malecki, Indiana Court of Appeals Case No. 75A04-1112-PL-676, August 30, 2012

In this case from the Starke Circuit Court, Schrader bought a piece of ground believing a barn was set back twenty feet from the boundary, based on monuments pointed out by a neighbor. The setback was necessary to run a business out of the back of the barn. The Trust had a survey done within one month of purchasing the property which showed the setback was less than twenty feet. About a year later the Trust had a second survey done which agreed with the first survey. Before the second survey was recorded the Trust hired a third surveyor to create a legal survey which was recorded. About four months later the Maleckis appealed the legal survey. After a bench trial which concluded that the legal survey was defective, declined to order a new survey, and declared that the Trust already had two surveys by competent persons, the Trust appealed. The Appeals Court determined that the trial court did not err in rejecting the third survey but did err by imposing the findings of the first two surveys, since there was no notice given for them. The trial court could have either accepted the legal survey, ordered a new survey be performed, or ordered the County Surveyor to mark the boundary according to the trial court's findings. The trial court's decision was reversed and the case remanded back to the trial court with instruction to enter a new order consistent with the Appeals Court opinion.

Gunther Kranz and Carol Kranz vs. Meyers Subdivision Property Owners Association, Inc., Christopher Bartoszek, and Indiana Department of Natural Resources, Indiana Court of Appeals Case No. 75A03-1112-PL-577, REHEARING August 28, 2012

This is a rehearing sought by the Kranzes of their appeal described in last quarter's [Hoosier Surveyor](#). The Court granted a rehearing solely to clarify why they believe their interpretation of a Department of Natural Resources regulation is correct. This was the case about a group pier on Bass Lake.

(Continued on page 40)

(Continued from page 39)

William M. Steele vs. Daniel Callahan, Indiana Court of Appeals Case No. 84A01-1110-SC-484, July 17, 2012 - MEMORANDUM DECISION - not regarded as precedent

In this case from the Vigo Superior Court, Callahan hired Steele to survey his property. Callahan then had a fence built along his south boundary. A new buyer of the property to the south who wanted to fence in his dog later measured from three corner markers and determined that Callahan's fence encroached by up to nine feet. The owner to the south then hired Steele to survey his property. The new survey apparently varied six or seven inches from Steele's earlier survey. The two landowners then hired a second surveyor to rectify the discrepancy. Callahan filed a small claims complaint alleging damages due to negligence, and Steele filed a motion to dismiss based on the two year statute of limitations having expired. The court denied the motion to dismiss finding the damage occurred when the neighbor had his survey performed and awarded Callahan damages to cover the cost of Steele's survey, half the cost of the second surveyor's survey and the cost to move the fence and landscaping. On appeal the court found that the differences between the two Steele surveys was the cause of a second surveyor being involved and upheld that part of the judgment but found that since the encroachment was much greater than the difference in the two Steele surveys, Steele did not cause Callahan injuries due to moving the fence and landscaping or the original Steele survey. This case was remanded back to the trial court.

There is quite of bit of discussion of the statute of limitations as it applies to services such as surveying and the awarding of attorneys fees in this decision also.

The Carl Kaetzel Trust ... and The Roberta Kaetzel Trust ... and Carl Kaetzel, Roberta Kaetzel, Timothy Kaetzel and Jill Kaetzel vs. Jon Marc Kaetzel and Beverly K. Kaetzel, Indiana Court of Appeals Case No. 74A01-1201-PL-36, July 27, 2012 - MEMORANDUM DECISION - not regarded as precedent

This case from the Spencer Circuit Court illustrates the importance of reading and understanding legal documents before you sign them. Carl and Roberta had been married for 61 years and have three adult children, Jon, Timothy and Jill. In 1977 Carl and Roberta set up identical trusts each conveying a half interest in 280 acres (the 120 acre Home Place, the 40 acre Schmidt Farm, the 80 acre Heilman Farm and the 40 acre Byers Farm). In 2003 Jon asked Carl if he would be interested in selling part of the real estate owned by the trusts and Carl agreed to sell the Home Place for \$150,000 provided he, Roberta and Timothy (who lived in a second residence and was his parents caretaker) had life estates so they could live like they always did. Jon had his attorney prepare a deed and mortgage and delivered them to his parents for review. On February 21, 2004 Carl and Roberta executed the warranty deed to Jon and Beverly for \$150,000 which was paid \$86,000 at closing and \$64,000 on April 1, 2005 per the mortgage. Carl and Roberta couldn't recall reading the deed and did not consult their other children or legal counsel before signing the deed. When rental payments for the Schmitt (sic) farm were not paid to Carl, he found out that the deed conveyed all four farms and the life estates created were fairly restrictive. After the police had been involved several times, Jon threatened to prevent Timothy from reaching his residence, established rules to be followed, threatened to get rid of Carl's animals, threatened to prevent Carl from fishing in a pond, dug up flowers, tore up the yard, and moved Carl's tools from the shop into the rain. The Plaintiffs filed a complaint on September 18, 2006, to, among other complaints, undo the property transfer. To keep a long story short, Jon was eventually found to be a bona fide purchaser of the 280 acres because the trust allowed sale of land to Jon and Jon paid valuable consideration in good faith for the property.

Sherri Hillenburg and Dennis Hillenburg vs. Paul D. Reeves and Norma J. Reeves Revocable Trust, Paul Reeves, Norma J. Reeves and John Reeves, Indiana Court of Appeals Case No. 53A04-1111-PL-615, August 13, 2012 - MEMORANDUM DECISION - not regarded as precedent

This appeal from the Monroe Circuit Court concerns a disputed parcel approximately twelve feet across at its widest point. This case concerns a barbed wire fence erected prior to 1939 when Norma Reeves parents bought the Reeves property which the Reeves subsequently purchased in 1963. After a succession of owners of the adjoining property who all agreed the fence was the property line or acted as if it was, the Hillenburgs purchased the adjoining property in 1986. In 2008 a survey was performed which showed the fence to be on the Hillenburg's property and on July 31, 2009 Sherri Hillenburg filed a complaint against the Reeves. At the bench trial evidence was presented the Reeves had used the land for a recreation area, cut firewood, allowed the City of Bloomington to run a water line across the parcel to Lake Monroe, dug a trench to the water line and in 1999 removed trees and sold timber, none of which was contested at the time by the adjoining owners. The trial court held the Reeves owners "by adverse possession and title by acquiescence". The Hillenburgs filed a Motion to Correct Error which the trial court denied and they then appealed. The Appeals Court clearly explains that an agreement between two landowners can be inferred from their actions, agreed

(Continued on page 41)

(Continued from page 40)

Reeves obtained title by acquiescence, and affirmed the trial court's denial of the Motion to Correct Error.

Douglas C. Holland vs. Rising Sun/Ohio County First, Inc., Ohio County, Rising Sun, Quin Min, and Kirk and Michelle Neace, Indiana Court of Appeals Case No. 58A01-1112-PL-616, August 15, 2012 MEMORANDUM DECISION - not regarded as precedent

The survey issue in this appeal from the Ohio Circuit Court concerned whether the trial court erred when it denied a request to quiet title by adverse possession and ordered the reforming of deeds in favor of Rising Sun/Ohio County..., etc. On April 18, 1959, Citizens Bank in Rising Sun divided its property fronting on Main Street into two parcels. The Presbyterian Church was deeded one parcel with fifty-one and a half feet of frontage and the Rising Sun State Bank was deeded another parcel with forty-five feet of frontage, both frontages totaled ninety-six and a half feet. Holland bought the bank parcel on May 14, 1982, and Rising Sun bought the church parcel on January 13, 2003. In 2004, Rising Sun had a survey performed on its property which revealed that a mistake had been made in both deeds, and the church should have had fifty-six and a half feet of frontage and the bank forty feet. On June 28, 2010, Holland filed a complaint to quiet title in accordance with his deed description by adverse possession. After a bench trial the court denied the adverse possession claim and ordered the reformation of the deeds. Holland appealed and the Appeals Court affirmed the trial court decision.

This case discusses the "extreme equitable remedy" of reformation of a deed and when it might be used as in this case. As is often the case, the detailed survey findings which led to this decision at the trial court are not included in the Appeals Court decision since they do not reweigh the evidence.

Marvin Smith vs. City of Richmond and City of Richmond Public Works, Indiana Court of Appeals Case No. 89A01-1202-CT-45, September 28, 2012 - MEMORANDUM DECISION - not regarded as precedent

This appeal from the Wayne Circuit Court concerns a combination sewer that opens on the Smith property and flows over his land into a gorge and eventually the east fork of the Whitewater River. Under EPA orders, the City was to make improvements to their sewer system and met with Smith to discuss the project. Smith did not think the City had an easement for the sewer line and wanted \$50,000 and some other conditions to allow use of his property. After further research, the City determined it had a prescriptive easement based on a 1905 right-of-way for a continuation of South-H Street. The existing sewer line was constructed in the center of that right-of-way in the 1930's and had been in continuous operation by the City since. Smith then argued that the proposed improvements were outside of the scope of the existing easement and requested \$12,000 for an additional easement which the City declined to pay. Smith filed a complaint and the trial court granted summary judgment to the City and the Public Works Department which the Appeals Court affirmed.

This case notes that the opening of the end of the sewer on Smith's property and it's odor were notice to Smith of the existence of the sewer line and the possibility of an easement.

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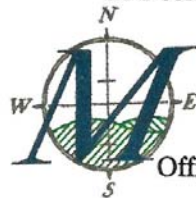
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