
HOOSIER SURVEYOR

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RECOGNITION OF THE 2012 ISPLS PRESIDENT

Chuck Coyle, left, Columbus, the incoming President of ISPLS, presents the Past President's gavel plaque to outgoing President, Gary Kent, Noblesville, at the January 2013 Annual ISPLS Convention held at the Marriott Indianapolis East Hotel in Indianapolis.

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L to R: Sean Suttles, Chandler; Eric Banschbach, Indianapolis; Don Williams, Crown Point; Bernie Guerrettaz, Bloomington; Gary Kent, Noblesville; Rich Hudson, Valparaiso; Ryan Swingley, Fortville; Don West, Carmel; Perry Cloyd, Hope; Chuck Coyle, Columbus; Kevin Rowland, Carlisle; and Dennis Grumpp, New Palestine.

Photo provided by Henry Aldridge, Photographic Impressions

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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.

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



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PRESIDENT'S MESSAGE

Charles M. "Chuck" Coyle, PLS, 2013 ISPLS President



It's a new year and I am honored to serve as your President again in 2013. Since our annual convention in January many exciting things have been going on:

First of all, ISPLS has been very busy with new legislative matters. I won't spend a lot of time reviewing those here, but would encourage each of you to stay abreast of the near weekly posts by our ISPLS Executive Director, Jason Coyle, as he keeps us all updated of the continual changes as these bills progress through the State Legislature. ISPLS has not only sponsored three bills this session, but thanks to the efforts of our lobbyist, Michael O'Brien, we have also tracked several other bills that we had been totally unaware of, and some that could have brought unexpected consequences for the Land Surveyor in Indiana. Please avail yourselves to those posts and stay updated to these legislative matters.

Secondly, ISPLS was represented at three of our neighboring state society conferences: President Elect Don West "officially" represented ISPLS at the Illinois conference the third week in February... while at the same time I was in Ohio at the PLSO Convention in Cincinnati. And then again the following week I attended the Friday night banquet in Louisville at the KAPS convention along with Jason Coyle. One of the things that had really stuck out as I had the privilege of attending our neighboring state society conferences is that it really doesn't matter which state we survey in, the issues and challenges in those states are very much the same that we experience here in Indiana. I've heard issues regarding *Statutes of Repose or Statutes of Limitations; Right of Entry; 811 Dig Law; and Definition or Redefinition of the Land or Professional Surveyor*. And another issue that all the states are examining right now is the *100% NSPS Affiliate Membership*. Thanks to the actions of the ISPLS membership, Indiana is one of the states leading the way in approving this 100% Affiliate Membership.

I also want to "Thank You", the membership, for your attendance at this year's ISPLS Convention, and for your turnout at our Annual Business Meeting. We had a GREAT turnout of our members, and it was especially good as we had some very important business to conduct for betterment of our society. We had three very important business items that required input and a vote of the membership:

The first was to allow ISPLS to become a part of the 100% participation as an Affiliate Association with NSPS. This benefit will bring along with a Professional Membership in ISPLS an additional membership in NSPS for an additional \$40.00 per year. This is a GREAT deal, and our membership saw the value in that and voted overwhelmingly to approve this measure.

Secondly, the ISPLS BOD asked the membership to allow the local chapters to be brought under an "umbrella" agreement with ISPLS whereby ISPLS will take care of annual filings with the Indiana Secretary of State, and the IRS, and will also collect chapter dues with each membership, establishing a \$20.00 annual chapter dues for each member. In return, each chapter will file to incorporate, and update their By-laws to be consistent with ISPLS as the "parent" entity in our association.

The third item pertains to allowing on-line voting for Directors on the ISPLS Board and President Elect by electronic means in lieu of needing to conduct this business entirely by mail. This will certainly save on the ISPLS annual budget, but more importantly, it is our hope that this will provide for greater ease of participating by casting your vote for the ISPLS leadership.

Other news: On Saturday, March 2, ISPLS sponsored an LS (PS) Exam Review course. There were ten candidates in attendance that were making preparations to take the PS portion of the exam. ISPLS Professional Members Carol Morman, an instructor at Cincinnati State, and Bruce Franke, an instructor from Indiana-Purdue Fort Wayne, led the full day of instruction. The attendees seemed to find the day very helpful as they prepare to take the exam.

The LSIT (FS) Exam Review class was held on Saturday, March 23.

On Saturday, March 9 the ISPLS Board of Directors conducted its first business meeting of the new year. The agenda was a full one, as we have many items of business that need to be conducted and actions completed within the next few months. Keep an active watch on the ISPLS website in order to keep in touch with all of the things that are going on with our Society.

And then on Sunday, March 17, Surveyors from across the country kicked off the start of National Surveyor's Week, which ran through Saturday, March 23. I would encourage each of our members to advertise and bring attention to this event when it occurs each year. Perhaps you can make arrangements to make a presentation to a youth organization, school or club and convey the contributions of the Land Surveyor throughout the development of this country as well as the services that you provide as a Surveyor in your community today.

I'm looking forward to another GREAT year as we work together. Thanks to each of you for your support of ISPLS!

ISPLS BOARD OF DIRECTORS MEETING HIGHLIGHTS

by Robert "Jason" Coyle, PLS, Executive Director

November 3, 2012

The ISPLS Board of Directors met on Saturday, November 3, 2012 at ISPLS Headquarters, Indianapolis, Indiana. President Gary Kent called the meeting to order at 9:00 am EDT. All board members were in attendance with the exception of Kevin Rowland and Sean Suttles. Others in attendance were Jason Coyle, Executive Director of ISPLS; Doug Herendeen, Convention Coordinator; Ron Wharry, Membership Committee Chair; Barrie and Teresa Bunnell, Wabash Valley Chapter; and Professor Steve Johnson, Purdue University.

Don West read the ISPLS Mission and Vision Statement aloud and President Kent noted the Rules of Order for the meeting. There was one amendment to the agenda. Eric Banschbach requested time for a new business item concerning a presentation on scholarship responsibilities with the Foundation. A motion to approve the amended agenda was made by Eric Banschbach and seconded by Chuck Coyle. The motion passed with a voice vote. The minutes from the August 18, 2012 meeting was reviewed, corrected and accepted. A motion was made by Don Bengel seconded by Don West to accept the Board of Director's meeting minutes as corrected. The motion passed by a unanimous voice vote.

The Treasurer's Reports were reviewed and narrated by Dennis Grumpp. 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 October 31, 2012 being \$263,237.53. Jason Coyle pointed out a few line items of interest. Those being: I-31: Manual Sales; G-112: Manuals; and G-20: Misc. Printing. Jason Coyle also briefly mentioned considering an initiative to update ISPLS Manuals 1, 2 and 6. A motion was made by Rich Hudson to receive the Financial Reports and seconded by Chuck Coyle. The motion passed by a voice vote.

Doug Herendeen gave a 2013 ISPLS Convention Report. Doug reviewed the courses being offered and discussed the registration mailer. The Education Committee had submitted a report approving the educational courses and hours. One course was questioned as to whether it should be "Elective" or "Mandatory." The schedule for the convention mailer and registration was also discussed, along with arrangement for the Board of Director's Dinner. Doug Herendeen finished his report with a discussion pertaining to the gaming activity that will be held at the convention.

At the request of the Wabash Valley Chapter of ISPLS, Professor Steven Johnson with Purdue University gave the Board an update concerning the Purdue Surveying Program. Professor Johnson noted the three students will be finishing the minor program this year and he was unsure how many are working their way up through the ranks; maybe 8-10. The enrollment for the civil engineering program is approximately 500, which is down from about 600-700.

Professor Johnson said that Professor Boudewijn Van Gelder has taken full retirement now and that there is a new Department Head, Rao S. "GS" Govindaraju. The school is also planning several additional hires and the surveying program has been granted one additional hire. There will be four professors within the program after the new hire. Gary Kent asked if there was any opportunity / possibility for adjunct faculty.

The discussion with Professor Johnson spurred on several topics of discussion concerning recruitment into the profession and school, cooperation with other state schools, and creating an Advisory Board between ISPLS and the Purdue Surveying Program. Jason Coyle was asked to forward copies of the Vincennes University Advisory Board Agreement and past reports to Professor Johnson.

The Board heard and reviewed the Executive Director's report. Jason Coyle presented a written report and highlighted a few items. Jason discussed how membership renewals were going and provided a detailed chart. He elaborated on the ISPLS Legislative Agenda and where each of those three items stood. He reported on the LS Exam Review held Sep-

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tember 22 and the LSIT Exam Review and the Wabash Valley Seminar that were both canceled due to the lack of participation. Jason also discussed his on-going research with ISPLS providing distance learning opportunities. He further discussed what Transit Seminars had reported to the Board of Registration concerning the practices of other distance learning continuing education providers. Jason wrapped up his report discussing the *Hoosier Surveyor* magazine, his travels to ISPLS Chapter and his dealings with Indiana811.

Unfinished Business: Statute of Repose: There was a motion made by Ryan Swingley and seconded by Don Bengel to move forward with the proposed language amending IC-32-30-1-5 concerning a Statute of Repose specifically for surveyors. The motion passed with a voice vote.

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 verbal report was given by Ron Wharry, Chairman of the Membership Committee. The committee recommended Doug Kramer for Life Membership. Don Bengel made a motion to accept the recommendation and Perry Cloyd seconded. The motion passed with a voice vote. The committee is also reaching out to those members who have not renewed their membership yet. Jason Coyle gave a verbal report concerning matters of the Board of Registration. A more detailed report was prepared for the Fall Edition of the *Hoosier Surveyor*. There was a lengthy discussion concerning the peer review process for those on probation with the Board of Registration. Don Bengel, Indiana NSPS Governor, reported on the NSPS Fall Meeting. Don Bengel was also presented with a 15 Year Service Award from the NSPS Board of Governors. Ryan Swingley gave a verbal report concerning the Geodetic Control Workgroup. Brad Cramer submitted a written report concerning the Education Committee. Chuck Coyle gave a verbal report for the Past President's Council and mentioned the importance of forming an Advisory Board with Purdue University.

IPLS Foundation: Eric Banschbach gave a report concerning the activity of the Foundation. The Foundation has been working towards defining and establishing procedures and standards for the scholarship, grant and financial partnering processes. It continues to hammer out the details of a spending plan. The Foundation is also attentive to its commitment to the National Museum of Surveying while working with Vincennes University's request for assistance with handheld GPS unit for a geocaching initiative.

Chapter reports: The following chapter representatives gave verbal reports: Don Bengel for the Northwest Chapter; Jason Coyle for the Northeast and Central Indiana Chapters; Chuck Coyle for the Hoosier Hills Chapter; and Ron Wharry for the Tecumseh Chapter.

New Business: Don West was announced as the 2013 President-Elect based upon the election results tallied by the Nominations Committee. A motion was made by Rich Hudson and seconded by Ryan Swingley to accept the results reported by Mark Gardner, Nomination Committee Chair, and to have the ballots destroyed. The motion passed with a voice vote. Ryan Swingley asked about on-line voting. There was a discussion concerning the candidates for the Board of Directors' election. Eric Banschbach gave a presentation concerning the IPLS Foundation and ISPLS Scholarship Committee. Eric Banschbach made a motion to: 1) Transfer scholarship responsibilities from ISPLS to IPLSF; 2) Create a joint scholarship committee; and 3) Authorize the use of the existing committee for award/application research and development. The motion was seconded by Rich Hudson and passed with a voice vote.

Unfinished Business: Jason Coyle led a discussion and provided a written report concerning chapter compliance with Internal Revenue Service (IRS) and Indiana Secretary of State (IN-SOS). Jason began the discussion by explaining a current issue that the Northeast Chapter is dealing with. Jason reported on all the ISPLS Chapters concerning: 1) their compliancy with the IRS and IN-SOS; 2) whether or not they have an Employer Identification Number (EIN); and 3) whether or not they have organizational documents.

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There are four items a chapter must do to gain and retain tax exempt status. First, file Articles of incorporation with the IN-SOS. Second, obtain an EIN or verify that one exist for the chapter. Third, file with the IRS for tax exempt status. This could be done by the chapters filing Form 1024 and paying a \$400 fee or through ISPLS under a Group Exemption Letter (\$3,000 fee for Group Exemption Letter and independent of how many chapters join in). Lastly, the chapters would have annual filings of 990-N (e-postcard) with IRS and a Business Entity Report with IN-SOS.

After much discussion, Don Bengel made a motion which was seconded by Perry Cloyd that would have the ISPLS Board present a motion for consideration by the members at the Annual Meeting in January 2013 that contains the essence of the following:

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 participate in the group exemption and apply for an EIN. ISPLS Chapters shall contribute \$250 each towards the application fee.
4. Chapters are required to submit quarterly and annual reports regarding their activities, meetings, finances, etc. ISPLS will provide a template to facilitate this.
5. ISPLS members will designate a chapter on their application or renewal, and ISPLS will return \$20 per paid member, except life, honorary and student, to the respective Chapter.

If the above passes, the net result is that state dues will go up \$20, but there will be no chapter dues.

The motion passed with a voice vote with Perry Cloyd and Bernie Guerrettaz objecting.

Chuck Coyle made a motion to reconsider the motion that had passed at the June 9, 2012 ISPLS-BOD meeting pertaining to the signing of a Memorandum of Understanding (MOU) with the National Society of Professional Surveyors (NSPS). The motion was seconded by Dennis Grumpp. The motion passed with a voice vote with Ryan Swingley objecting. Don Bengel made a motion which was seconded by Chuck Coyle that would have the ISPLS Board present a motion for consideration by the members at the Annual Meeting in January 2013 that contains the essence of the following:

1. Have ISPLS become an Affiliate Member with NSPS by executing a MOU with them.
2. The MOU would go into effect at the beginning of the next ISPLS fiscal year, July 1, 2013.
3. As stated in the MOU, ISPLS shall pay \$40 for each in-state licensed member to NSPS.
4. Said \$40 will be paid from a \$40 increase in the ISPLS annual membership dues for in-state Professional Members.
5. An in-state Associate and Affiliate Member of ISPLS may obtain a NSPS membership through ISPLS for \$40. This fee is optional and in addition to the ISPLS membership fee.
6. Annual membership dues for Student Members with ISPLS shall be \$20 with \$10 being designated as dues for a NSPS membership.

The motion PASSED with a voice vote with Ryan Swingley objecting.

The next ISPLS-BOD Meeting will be held Saturday, December 8 at ISPLS Headquarters. The meeting adjourned at 3:52 pm EDT.

December 8, 2012

The ISPLS Board of Directors met on Saturday, December 8, 2012 at ISPLS Headquarters, Indianapolis, Indiana. President Gary Kent called the meeting to order at 9:00 am EDT. All board members were in attendance with the exception

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of Ryan Swingley. Others in attendance were Jason Coyle, Executive Director of ISPLS.

Gary Kent reviewed the ISPLS Mission and Vision Statement and noted the Rules of Order for the meeting. A motion to approve the agenda as provided was made by Chuck Coyle and seconded by Dennis Grumpp. The motion passed with a voice vote. The minutes from the November 3, 2012 meeting was reviewed, corrected and accepted. A motion was made by Rich Hudson seconded by Don West to accept the Board of Director's meeting minutes as corrected. The motion passed by a unanimous voice vote.

The Treasurer's Reports were reviewed and narrated by Dennis Grumpp. 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 November 30, 2012 being \$314,659.47. A motion was made by Eric Banschbach to receive the Financial Reports and seconded by Kevin Rowland. The motion passed by a voice vote.

The Board heard and reviewed the Executive Director's report. Jason Coyle presented a written report and highlighted a few items that included the status of membership renewals and convention registration. He elaborated on the formula regarding Firm Memberships. He offered invitations to the upcoming convention to Curt Sumner and representatives of adjoining states. He reported on *Hoosier Surveyor*, distance learning options, chapter visits, the need for a Chapter Articles of Incorporation template, Affiniscape/website, and updated the board on his dealings with Indiana 811.

Jason discussed how membership renewals were going and provided a detailed chart. He elaborated of the ISPLS Legislative Agenda and where each of those three items stood. He reported on the LS Exam Review held September 22 and the LSIT Exam Review and the Wabash Valley Seminar that were both canceled due to the lack of participation. Jason also discussed his on-going research with ISPLS providing distance learning opportunities. He further discussed what Transit Seminars had reported to the Board of Registration concerning the practices of other distance learning continuing education providers. Jason wrapped up his report discussing the *Hoosier Surveyor* magazine, his travels to ISPLS Chapter and his dealings with Indiana811. A motion to receive the Executive Director's Report as presented was made by Don Bengel and seconded by Rich Hudson. The motion passed with a voice vote.

Business Conducted via email: Chuck Coyle made a motion to ratify the slate for the 2013 Board of Directors Ballot as presented by Mark Gardner and the Nominating Committee; seconded by Don West. The motion passed with a voice vote and with Dennis Grumpp abstaining. Jason Coyle conducted a trial/mock election online as a test. There appeared to be a few bugs in the program. Jason is going to continue to develop this within the parameters of Affiniscape. Jason Coyle suggested this topic go before the membership at the annual meeting for a vote.

ISPLS Committee reports: Tony Gregory, the State Trig-Star Coordinator, submitted a written report. Jason Coyle reviewed the report. A motion was made by Rich Hudson and seconded by Kevin Rowland to invite the Indiana 1st, 2nd, and 3rd place winners, along with both parents and their teacher, to attend the banquet with their meals being paid for by ISPLS. In the event Indiana would have a National Trig-Star Winner, ISPLS would also pay banquet cost for the national winner, their parents and teacher and one night's lodging expense in order for them to attend. The motion passed with a voice vote.

Don West reviewed a written committee report from the Public Information and Marketing Committee which included an update of our potential involvement with Riley Hospital for Children. There is a new contact, and the Radio-thon Event will be toward the end of February. He also discussed potential involvement with Project Lead the Way and offered that he will contact the National Director for the program. Brad Cramer submitted a written report concerning the Education Committee. Mark Gardner submitted a written report for the Nominations Committee.

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IPLS Foundation: Eric Banschbach reported that the Foundation met this past Monday, December 3, 2012. He offered that the gaming license is being finalized now and Doug Herendeen will go over particulars during his convention report. Eric offered that the Foundation will send \$3,000 this year and \$3,000 next year to the Surveying Museum in Springfield. Rich Hudson brought up the potential for the Northwest Chapter to contribute toward the match prior to the end of the year. Eric Banschbach, Kevin Rowland and Chuck Coyle in the coming months will work on selection criteria for future Purdue-Calumet Scholarships. Chuck Coyle will revise the Foundation grant application. The revised grant application will be sent to Bill Clark at Vincennes University regarding help with the purchase of handheld GPS units. The spending plan should be finalized during the coming week. Chapter MOU's were tabled until the IRS and entity reporting becomes current. Eric also discussed the upcoming raffle (shotgun, iPad and two Kindles). Jason Coyle asked if a written report could be provided to the ISPLS-BOD. 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.

Chapter reports: The following chapter representatives gave verbal reports: Rich Hudson for the Northwest Chapter; and Don West for the Central Indiana Chapter.


Unfinished Business: Legislative Agenda: Rep. Jud McMillin is to sponsor our proposed Statute of Repose which would be heard by the House Judiciary Committee. Rep. Greg Steuerwald is the committee chair and he carried our right of entry legislation and is a great advocate for surveying profession. Senator Carlin Yoder is to author the Indiana/Michigan State Line Commission legislation. Gary Kent discussed the need for a meeting. Gary mentioned that the legislative folks might be too concerned about straight line vs. potential deflections, and also mentioned he heard there may be concern about how the money would be applied. Senator Mike Young will serve as author for the Definition of Surveying legislation. Jason Coyle commented on Board of Registration meeting and touched on some proposed changes. There were concerns that opening up the act might open the door for it to be hijacked.

Chapter Compliance: Jason Coyle led a discussion regarding ISPLS By-Laws, IRS filing requirements and design of a template for Articles of Incorporation. John Butler of CapinCrouse will review the template when it is completed. A motion was made by Don Bengel and seconded by Perry Cloyd to approve the template for Articles of Incorporation with changes discussed during this meeting. The motion passed with a voice vote. Kevin Rowland discussed the prospect of a West Central Chapter to have chapter coverage for the entire state. Kevin and Bill Clark have compiled a list of more than 30 existing members and licensed surveyors to invite to an organizational dinner. Jason Coyle will work on By-Laws for Chapters and send out for discussion.

New Business: Doug Herendeen gave a 2013 ISPLS Convention report. He discussed that the gaming license is official and went over raffle parameters (Chuck Coyle, Dan Kovert and Perry Cloyd will serve as operators and Ryan Swingley, Kevin Rowland, Doug Herendeen, Rich Hudson, Dennis Grumpp and Jason Coyle will serve as raffle workers). Doug has lined up some nice prizes for the Las Vegas Casino Night. Kevin Rowland will serve as casino night auctioneer. Currently there are 161 rooms booked at the hotel. Doug announced the deadline for the discount had been moved to January 1, 2013. It was decided that neither credit cards nor checks can be utilized to purchase raffle tickets. Chuck Coyle and Jason Coyle will acquire the firearm for the raffle through Gander Mountain as it is a national dealer and may work with us on cost for marketing benefit. Doug mentioned that construction at the hotel is complete. A motion was made by Don Bengel and seconded by Rich Hudson to move the ISPLS Gaming bank account from an account tied to Doug Herendeen's bank to an account tied to ISPLS' bank. The motion passed with a voice vote.

There was a discussion concerning the agenda for the annual meeting and the three motions that will be presented at the meeting (NSPS 100% State Affiliate Membership, Affiliate between State Society and Chapters, and future elections conducted electronically).

The next ISPLS-BOD Meeting will be held Wednesday, January 16 at the Indianapolis Marriott East. The meeting adjourned at 2:32 pm EDT.



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BOARD OF REGISTRATION FOR LAND SURVEYORS

MEETING HIGHLIGHTS - FEBRUARY 1, 2013

by Robert "Jason" Coyle, PLS, Executive Director

The Board of Registration for Land Surveyors met Friday, February 1, 2013, at 8:30 am EDT. The meeting was held at Indiana Government Center South, 402 W. Washington Street, Room CC5, Indianapolis, Indiana. The Board spent the first several minutes reviewing licensure applications, approving continuing education providers and courses. The meeting was officially called to order at 9:18 am EDT with all Board members in attendance with the exception of Gary Kent, Rich Hudson and Christine Arnold. The Board adopted the agenda for this meeting and approved the amended minutes from the October 12, 2012 meeting.

The Board heard a report from Natalie Stidd, Deputy Attorney General, that 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	13	25
2013	10	0	0
Complaints Currently Open as of February 1, 2013			10
Average Age of Open Complaints: 6.57 months			

1. 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	4
2013	8	0	0
Cases Currently Open as of February 1, 2013			8
Average Age of Open Cases: 20.56 months			

Action Taken	2011	2012	2013
Admin Complaints Filed	0	5	0
Cease & Desist Orders Filed	0	1	0
Summary Suspensions Filed	0	0	0
Civil Litigation	0	0	0
Judicial Review	0	1	0

At about 9:23 am, the Board commenced with Administrative Hearings. Mr. Michael Chabes, Cause No: SBRLS 12-08, was first on the agenda. Mr. Chabes was not in attendance for the hearing. A short discussion took place among the board members concerning Mr. Chabes' request to dismiss the complaint. There was a motion from Mike DeBoy to

(Continued on page 12)

(Continued from page 11)

deny the dismissal of the complaint which was seconded by John Stephens. The Board passed the motion with a unanimous voice vote. Natalie Stidd, Deputy Attorney General, recommended that the Board issue a Notice of Proposed Default. Doug Lechner made a motion to grant the State's request for a Notice of Proposed Default which was seconded by John Stephens. The Board passed the motion with a unanimous voice vote.

The Administrative Review in the Matter of Registration for Mr. Steven Leesman regarding his Petition for Review, Administrative Cause No.: SBRLS 07-01, was tabled until Gary Kent could comment on the situation.

The Administrative Review in the Matter of Application for Mr. Keith Ethridge regarding his Petition for Review, Administrative Cause No.: SBRLS 12-09, was continued at the request of Mr. Ethridge. Mike DeBoy made the motion to grant the request which was seconded by John Stephens. The Board passed the motion with a unanimous voice vote.

The agenda had an Administrative Review for James K Gorman regarding an Administrative Complaint, Cause No: SBRLS 12-10, scheduled at 10:00 a.m. Since it was about twenty minute before 10:00 a.m., the Board moved on down the agenda with Personal Appearances. Mr. Roger Woodfill was first on the agenda but was not present at the time. Therefore the Board moved onto Mr. Steven Williams. Mr. Williams stated that he had completed just one survey since the last meeting and presented it along with the peer review report to the Board. The Board reviewed the survey and questioned Mr. Williams on certain aspects of the survey.

The Board then heard Probationary Reports from Ross Holloway concerning J. Bernard Feeney and John Stephens concerning Michael Sadlon. The Probationary Report for Ronald Morrison was tabled until Gary Kent could comment.

The Board proceeded with a discussion pertaining to deficiencies found during the audit of continuing education hours of licensees. Two individuals were found deficient during the audit. Those two individuals were Mr. Alvin Paul and Mr. James Morley. In the case of Mr. Alvin Paul, Mr. Paul was deficient by nine hours and had stated on his renewal application that he had completed the required twenty-four hours. A motion was made by Doug Lechner and seconded by John Stephens to assess a \$100 penalty per hour of deficiency to Mr. Paul. The Board passed the motion with a unanimous voice vote. In addition, a motion was made by Doug Lechner and seconded by Mike DeBoy to impose a civil penalty pursuant to IC 25-1-4-5 in the amount of \$5,000 for falsifying his renewal application. The Board passed the motion with a unanimous voice vote.

In the case of Mr. James Morley, Mr. Morley had submitted continuing education hours in excess of twenty-four hours. However, the Board determined that some of the submitted courses/hours did not qualify and determined that he was four hours short. A motion was made by Mike DeBoy and seconded by John Stephens to assess a \$100 penalty per hour of deficiency to Mr. Morley. The Board passed the motion with a unanimous voice vote.

At 10:22 a.m. the Board held the Administrative Hearing for James K. Gorman regarding an Administrative Complaint, Cause No: SBRLS 12-10. Mr. Gorman was not in attendance for the hearing. Natalie Stidd, Deputy Attorney General, recommended that the Board issue a Notice of Proposed Default. John Stephens made a motion to grant the State's request for a Notice of Proposed Default which was seconded by Mike DeBoy. The Board passed the motion with a unanimous voice vote.

Crystal Heard, Board Director, reported that while going through some records of the past director she came across some correspondence concerning the license of Mr. Eugene O'Brien. The Board discussed the apparent situation and asked for this issue to be placed on the next meeting's agenda. The Board further asked if the Indiana Society of Professional Land Surveyors could assist the Attorney General Office with gathering evidence pertaining to this matter.

(Continued on page 13)

(Continued from page 12)

The Board jumped back to Personal Appearances and asked for Mr. Roger Woodfill. The Board continued on with the agenda after seeing that Mr. Woodfill was not in attendance. Crystal Heard reported on the results of the renewal audit. She explained that the agency had audited forty-seven licensees and only two were deficient. The Board continued with a Petition for Review concerning James Coutts. The Board had previously tabled the review and asked the applicant for course descriptions. The Board reviewed the course descriptions that were provided and determined there was still a deficiency in Mr. Coutts' application. John Stephens made a motion which was seconded by Doug Lechner uphold the denial of Mr. Coutts' application. The motion passed with a unanimous voice vote.

The Board heard a report from PLA staff concerning Harry Morrison. Mr. Morrison is attempting to renew his license and has only submitted eighteen hours of continuing education credits. John Stephens make a motion to have Mr. Morrison appear before the Board to explain why he is attempting to renew with only eighteen hours of continuing education. The motion was seconded by Mike DeBoy and passed with a voice vote.

The meeting recessed at 11:17 a.m. and reconvened at 1:00 p.m.

Gary Kent had joined the meeting after the recess. The Board resumed the meeting with a conference call with continuing education vendors that provide distance learning. Those vendors in attendance for the conference call were representatives from Land Surveyor's Workshops (LSW), Bluegrass Engineering and Surveying, Inc. (Bluegrass), and Lorman Education Services. The Board was concerned with methods and procedures for achieving distance learning continuing education hours. Lorman Education Services quickly stated that they did not participate in distance learning for surveyors in Indiana. The Board questioned Bluegrass and LSW on their products and testing methods. The Board expressed its concerns and asked for providers to prepare and submit a written report to the Board staff prior to the next Board meeting on April 12, 2013.

Since Gary Kent had joined the meeting, the Board stepped back to a few agenda items it had skipped over. Under Probationary Reports, Gary reported that Ronald Morrison had not submitted anything. Next they turned to the Matter of Registration for Steven Leesman and his Petition for Review. The Board had determined that Mr. Leesman was deficient with his educational experience and denied his application. Mr. Leesman petitioned the Board for a review and it was granted. Prior to the review, Mr. Leesman had correspondence with Gary Kent and the Board staff. Gary Kent explained the reasoning for the denial to Mr. Leesman in a manner that it became clear to Mr. Leesman. The Board's attorney, Gordon White, stated that he would follow up with Mr. Leesman.

Professor Steven Johnson spoke with the Board concerning the surveying program at Purdue University. He updated the Board on the surveying education courses, enrollment and staffing.

Prior to adjourning, the Board asked if Mr. Roger Woodfill was available for his personal appearance. A motion was made by John Stephens to have a Show Cause Hearing for Mr. Roger Woodfill at the April 12, 2013 meeting. The motion was seconded by Mike DeBoy and passed with a voice vote.

The meeting adjourned at 3:02 p.m. EDT. The next scheduled meeting is Friday, April 12, 2013 at 8:30 am EDT at Indiana Government Center South, 402 W. Washington Street, W064, Indianapolis, Indiana 46204.

“STATE LINE RETRACEMENT ISSUES WITH SPECIAL EMPHASIS ON THE PLSS AND RIPARIAN CLOSINGS ON THE ILLINOIS/INDIANA BOUNDARY”

Presented by: Dennis J. Mouland, PLS, former National Training Coordinator for the Bureau of Land Management in Phoenix, Arizona

A One Day Seminar sponsored by The Southwest Chapter of ISPLS, Inc. in conjunction with the 5th Annual Vincennes University Surveying Alumni “Equipment Fund” Golf Outing.

April 18, 2013 at Vincennes University, Vincennes, Indiana

Seminar Description: 8 CEH (Mandatory) Indiana

The retracement of any state boundary is complex and filled with liability issues often not contemplated. This course will focus on the Illinois/Indiana boundary, both on land and in water. The retracement of the state line involves liability issues with jurisdiction, law enforcement, and other political considerations. But it is the closing sections and riparian issues coming into it from either side that get complex. The course will discuss actual line retracement, liability concerns, closing sections, fractional sections, and the riparian issues involved along the Wabash River portion of the boundary, including the avulsive moves with the state line on the opposite side of the river from the state involved. It is recommended to bring a calculator.

Location:

Vincennes University
Technology Division Auditorium
1300 Chestnut Street
Vincennes, IN 47591
Phone: (812) 888-5865

Schedule:

Registration: 7:45 am – 8:30 am EST
Seminar Begins: 8:30 am EST
Lunch Break: 12:00 pm - 1:00 pm EST
Seminar Ends: 4:45 pm EST
(Two 15-minute breaks)

April 18, 2013

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April 18, 2013 at Vincennes University, Vincennes, Indiana

Reservations: All fees include continental breakfast, lunch buffet, two breaks and all handout materials. Reservations and payments via Visa, MasterCard and Discover debit/credit cards can be made online at www.ispls.org or registration forms can be e-mailed to execdir@ispls.org or faxed to 317-888-4412. Additionally, registration forms can be mailed to Indiana Society of Professional Land Surveyors, Inc., 8325 S. Emerson Ave., Suite B-2, Indianapolis, IN 46237. Please make check payable to Indiana Society of Professional Land Surveyors, Inc. or ISPLS, Inc. All inquiries concerning this seminar should be directed to Jason Coyle at 317-888-4400 or execdir@ispls.org. **Seminar limited to the first 96 registrants.**

Cancellation Policy: Refund less \$20 processing fee if notified by April 15, 2013.

First, M.I., and Last Name	Employer
Home Address	Work Address
City/State/Zip	City/State/Zip
Home Phone	Phone-Work
E-mail	LS Number

Registration Fees:	ISPLS, IPLSA, or KAPS Members:	\$180.00 _____
	ISPLS Firm Members:	\$144.00 _____
	Licensed, Non-ISPLS, Non-IPLSA, or Non-KAPS Members:	\$235.00 _____
	Non-Licensed Individuals:	\$125.00 _____

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Vincennes, IN 47591
(812) 255-1500



5th Annual Vincennes University Surveying Alumni "Equipment Fund" Golf Outing



A Benefit to Raise Funds for VU Surveying Program Equipment

Over the years, hundreds of students have graduated from the Vincennes University Surveying Technology Program. In order to sustain our "hands-on" approach to learning through real-world projects, we must purchase new equipment to stay on the cutting edge of technology. The Vincennes University Surveying Alumni Group, along with the Southwest Chapter of the Indiana Society of Professional Land Surveyors, is pleased to offer a great day of golf, friendship, and fun. The fee to play in the golf event is \$85 per player (\$340/team of four). All proceeds will go to the VU Surveying Alumni Group Equipment Fund. All teams must be paid before the Outing. Your fee includes cart, green fees, lunch, snacks, beverages, and prizes for everyone.

Friday, April 19, 2013 – Eagle Valley Golf Course – Evansville

	Evansville Time	Vincennes Time
TIME: Sign-in Begins	9:30 am	10:30 am
LUNCH:	10:00 am	11:00 am
CHECK-IN: No Later Than	10:30 am	11:30 am
SHOTGUN START:	11:00 am	Noon

NOTE: New Tee Times

Registration is on a first come (paid), first reserved basis – Limited to 34 Teams

*In case of inclement weather, golf will be re-scheduled at a date to be determined. *(Sorry, no refunds)

QUESTIONS? Call Bev Osborn @ 800-945-ALUM (toll free)

E-mail: bosborn@vinu.edu

Name/Company Sponsor _____

Address: _____

City: _____ State: _____ Zip: _____ Phone _____

If a foursome, please list:

Name	Email	Telephone Number
_____	_____	_____
_____	_____	_____
_____	_____	_____

Golf	\$85/person	_____
Foursome	\$340/team	_____
Total Enclosed:		\$ _____

**Checks Payable to:
Mail to:**

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Vincennes University Alumni Office
Surveying Alumni Golf Outing
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Vincennes, IN 47591

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5th Annual
Vincennes University
Surveying Alumni Golf Outing
Friday, April 19, 2013
Sponsor Packages

- Gold Team Sponsor Package*** **\$1,000**
- Listing as a major sponsor on signage at outing (\$500 value)
 - 2 teams of four players in the Golf Outing (\$680 value)
 - Hole sponsor sign (\$200 value)

- The Turning-Point Sponsor Package*** **\$750**
- Sponsorship of a special hole contest (\$300 value)
 - 1 team of four players in the Golf Outing (\$340 value)
 - Hole sponsor sign (\$200 value)

- Blue Sponsor Package*** **\$500**
- Sponsorship of a special hole contest (\$300 value)
(closest to the pin, longest drive, etc.)
 - 2 Players in Golf Outing (\$170 value)
 - Hole sponsor sign (\$100 value)

- Game Sponsor Package*** **\$300**
- Sponsorship of a skill game (\$300 value)
 - Hole sponsor sign (\$50 value)

Hole Sponsor Opportunities
 Your own sign - **\$200** 2 to a sign - **\$100** 4 to a sign - **\$50** Cart Sponsor - **\$50**

Company Sponsor: _____ Contact: _____
 Address: _____ Package: _____
 _____ Phone: _____

For additional information or to confirm sponsorship, contact Bev Osborn @ 800-945-ALUM (toll free), email to bosborn@vinu.edu. Mail the completed information to Vincennes University Foundation, DC-38, 1002 North First St., Vincennes, IN 47591. Make checks payable to Vincennes University Foundation.

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HISTORY'S APPEAL STIRS INTEREST IN ALEXANDER RALSTON

By Will Higgins - The Indianapolis Star

The Alexander Hotel, which opened Jan. 21 in Indianapolis, and Ralston's DraftHouse, which opened in September, have no ownership in common, but both took as their namesake a long-dead Indianapolis land surveyor who once was linked to Aaron Burr.

Alexander Ralston, who didn't rate so much as a headstone when he died nearly 200 years ago, now has a 209-room downtown Indianapolis hotel named for him, as well as a fairly new pub on Massachusetts Avenue.

Even in a year of stunning comebacks — Peyton Manning, Adrian Peterson, Abraham Lincoln — Ralston's stands out.

It's driven not by sentiment but rather by market forces, a reflection of a growing fascination with local history and culture.

"History is very much a good marketing tool," said Gary Tarpinian, the hotel's sales director. "These days guests don't just ask, 'What's the best place to eat?' but also, 'What happened here in the past?' Our heritage. Where we came from. How things came to be. These are important to people." (Surefire conversation starter: The Alexander's bar or, as Tarpinian calls it, "mixology lounge," is called Plat 99, the name Ralston assigned to the patch of grid it occupies.)

Daniel Jones, a co-owner of Ralston's pub, sees a link between curiosity about local history and the movements to eat and shop local.

"We were thinking of a name, and one of us remembered Ralston designed the layout of the city," Jones said. "Google was probably involved. And people don't know about Ralston but are interested in history, so here's a chance to tell them something they don't know."

Indianapolis was a wilderness when Ralston got here in 1821, but he and Elias Pym Fordham designed a city. The Mile Square — its streets at right angles and intersected by the four diagonal streets, and in the center, a circle — was Ralston's idea. He named the streets, too.

But when he died, in 1827 at age 56 — there were no accolades. Ralston Avenue, a small north-south street, is named not for him but for Gov. Samuel Ralston (1913-17).

There were attempts to honor Alexander Ralston — to name a park for him, to build a major fountain dedicated to him, to name I-465 after him ("Ralston Expressway"). Twice there were efforts to build a statue of him; once they even got so far as a clay model.

But those plans, which spanned nearly a century, from 1890 to 1971, fizzled.



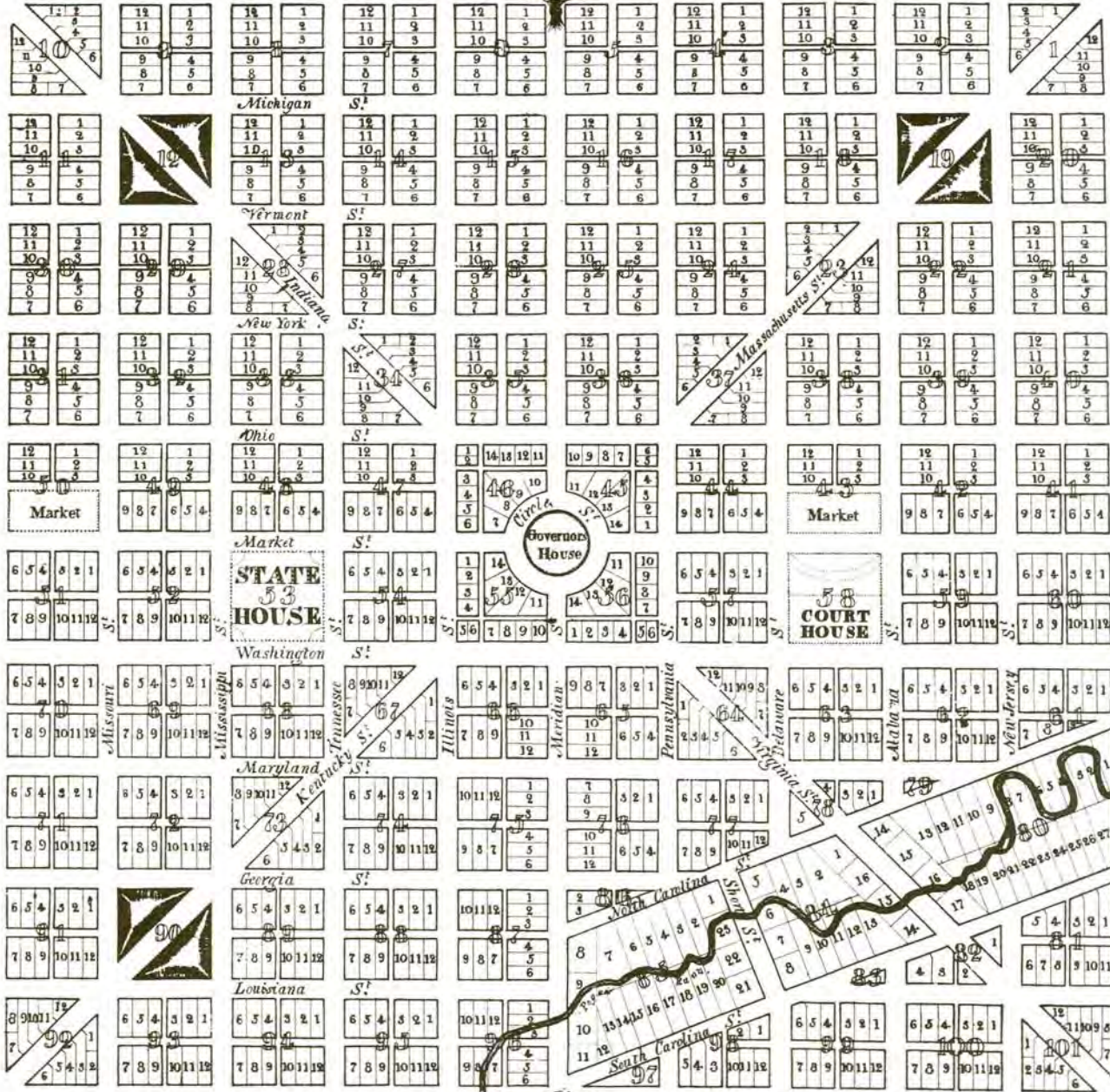
Alexander Ralston's grave marker in Indianapolis' Crown Hill Cemetery features the design for Indianapolis that he surveyed and platted in 1821.

Ralston was in the ground 110 years before the local burghers got him a headstone (the stone, which is not huge, and Ralston's remains are in Crown Hill Cemetery).

History is not an exact science. Some people get forgotten even if they accomplished something.

"Alexander Ralston seemed to be very well thought of in the city," said Sheryl D. Vanderstel, a local historian who has researched Ralston, "but he never married and didn't have a family to carry on the name — I doubt people would know Calvin Fletcher if he didn't have children who were themselves successful."

(Continued on page 21)



Notes.

Washington Street is 120 feet wide.
 Circle 80
 North & South Carolina Streets are 60.
 Alleys are 30 & 15 feet wide.
 Regular lots abut on 30 feet alleys in general, and have 67½ feet front by 135 feet depth, contain ½ acre.
 Irregular lots generally contain ½ acre.

PLAT
 OF THE TOWN
 OF
INDIANAPOLIS.

Engraved & Published by H. Platt, Columbus, Ohio, Decr, 1821.

Notes.

The shaded squares No. 12, 19 & 90, are reserved for religious purposes. Every lot numbered 1, 5, 9, are reserved for some future sale. Squares 45, 46, 55, 56, are called, together, "Governors Square". White River is ¼ a mile west of the west line of the town.

Alexander Ralston, who helped Pierre L'Enfant design Washington, D.C., in 1791, displayed the influence of that work when mapped Indianapolis' streets in a similar grid pattern with diagonal roads converging on what now is Monument Circle.

(Continued from page 19)

Fletcher, an early Indianapolis mover and shaker, has an entire neighborhood named for him, Fletcher Place (not to mention a coffee shop, Calvin Fletcher's).

Another factor working against a Ralston legacy, Vanderstel pointed out, was that Indianapolis was a small town in Ralston's time, its population barely 1,000. Soon after came a large influx of newcomers, people who hadn't known Ralston or even heard of him.

Beyond all that, Ralston's reputation did have a smudge, or at least some awkwardness. Before he came to Indiana, he worked for Aaron Burr surveying parts of the western U.S. and got mixed up — unknowingly, in Vanderstel's view — in Burr's scheme to raise an army and attack and claim for himself what was then Spanish territory.

Burr had been Thomas Jefferson's vice president but is better known for slaying Alexander Hamilton in a pistol duel, and for the private military invasion that never happened. He

was acquitted of treason but remain tainted, as did, by association, Alexander Ralston.

Vanderstel speculates Ralston came to Indiana, which was the boondocks, to escape the glare of the big eastern cities where he would have been known. Ralston had been an assistant to Pierre L'Enfant and helped the French architect in the design of Washington, D.C.

By most accounts, Ralston was a pleasant human being. When he died, he left everything to his African-American housekeeper. In 1907, during one of the let's-make-a-Ralston-statue movements, a fan, Jane Merrill Ketcham, wrote to The Indianapolis News to sing his praises: When she was a child, Ralston: a) helped her build a birdhouse; b) read to her from the Bible; and c) "was always dressed in taste, I should say, as a gentleman should be."

Indianapolis' park board was unmoved, however, and declined to chip in the \$675 it would have taken for a life-size bronze.

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ISPLS 61st ANNUAL CONVENTION HIGHLIGHTS

Indianapolis Marriott East, Indianapolis, Indiana, January 16 - 18, 2013

Hosted by the Central Indiana Chapter of ISPLS

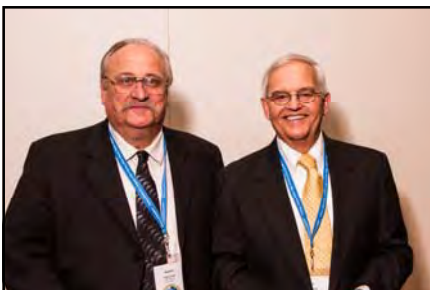
Thank you! Many thanks to our attendees, guests, presenters, and exhibitors for another successful convention! This success can be credited to the Central Indiana Chapter (host chapter), Doug Herendeen (Convention Coordinator), Dan Kovert (Exhibitor Coordinator), the Board of Directors for ISPLS, and the Board of Directors for the Indiana Professional Surveyors Foundation (IPLSF). We would also like to thank the Marriott East for the hospitality extended during our stay. 2013 marked the 61st anniversary of the ISPLS Convention and it will surely be one of the more memorable ones (especially with the raffling of the shotgun).

The three day event kicked off Wednesday afternoon, January 16, with a presentation by Indiana's own Gary Kent. Gary gave a presentation on Surveyor Reports and Recent Indiana Court Decisions. Later that afternoon, an Exhibitor's Reception was held in the Exhibit Hall where attendees got to see the latest and greatest in hardware, software and related products. The conference continued with the Purdue University and Vincennes University Alumni Parties. The Las Vegas Casino Party rounded out the evening with table games and an auction based upon winnings for extraordinary prizes.

Educational opportunities continued on Thursday with presentation given by Jeff Lucas, Larry Phipps, and Frank Willis, to name a few. We also want to thank Walker & Associates for sponsoring the presentation from Barbara Sable on Protecting Your Practice – Contracts for Surveyors. The Annual Membership Meeting was held Thursday afternoon where the membership heard a year-end report from Gary Kent, the 2012 ISPLS President, and was given the opportunity to vote on the following three items:

1. A proposal from both ISPLS and the National Society of Professional Survey (NSPS) that would allow ISPLS to enter into Memorandum of Understanding (MOU) with NSPS concerning the 100% State Affiliate Membership Program. The Program is to create an environment that will enhance the national influence of NSPS and the surveying profession by joining its members and its affiliates' members into a single, unified organization that represents, as nearly as possible, 100% of the surveying profession. The conditions of the MOU state that all ISPLS Members would be given an opportunity to have a NSPS Membership at a cost of \$40 per individual. The MOU further mandates that all ISPLS Professional Member who reside within the State of Indiana be required to participate. This proposal/motion did pass with an overwhelming voice vote from the membership.
2. A motion from the ISPLS Board of Directors that would bring the ISPLS Chapters into compliance with the Indiana Secretary of State (IN-SOS) and the Internal Revenue Service (IRS). The essence of the proposal contained the following:
 - ISPLS Chapters shall incorporate with the Indiana Secretary of State by April 1, 2013.
 - 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.
 - ISPLS Chapters shall participate in the group exemption and apply for an EIN. ISPLS Chapters shall contribute \$250 each towards the application fee.
 - Chapters are required to submit periodical reports regarding their activities, meetings, finances, etc.
 - ISPLS members will designate a chapter on their application or renewal, and ISPLS will return \$20 per paid member, except life, honorary and student, to the respective Chapter. The net result is that ISPLS state dues will go up \$20, but there will be no chapter dues.This proposal/motion did pass with an overwhelming voice vote from the membership.
3. The last item was to allow the ISPLS By-Laws to be amended to allow for elections of the President-Elect and the Board of Directors to be conducted by electronic means via the ISPLS website; it too did pass with a voice vote.

The festivities continued Thursday evening with our annual banquet. We were honored to have the following guests with us (pictured below from left to right): Robert Dahn, NSPS President; Jan Fokens, NSPS Area 5 Director; Ted Hartke, 2013 IPLSA President; Tom Clayborn, 2013 KAPS President; Brad Kramer, PLSO Representative.



(Continued on page 23)

ISPLS 61st ANNUAL CONVENTION HIGHLIGHTS

Indianapolis Marriott East, Indianapolis, Indiana, January 16 - 18, 2013
Hosted by the Central Indiana Chapter of ISPLS

(Continued from page 22)

We were also honored to have a surprise guest with us at our banquet, Representative David Ober (R-Albion). David is a life-long resident of Albion, Indiana in Noble County. As a freshman lawmaker, David represents House District 82, which includes all of Noble County and portions of Allen, Elkhart, LaGrange and Whitley counties. David's father is Mark Ober, an Indiana Registered Land Surveyor and employed with the Indiana Department of Transportation. In his short time in office, Representative Ober has already supported legislation initiated by ISPLS by being the House Sponsor for Senate Bill 558.

Our banquet included the installation of the 2013 ISPLS Officers, recognition of scholarship recipients, and awarding of the Atlas Award and President's Awards. Congratulations to Don Bengel for receiving the Atlas Award. Don has been a part of the ISPLS Board of Director and Indiana's NSPS Governor for a number of years. Don hung up his director hat at this past convention, but will continue to serve as the NSPS Governor. His leadership around the ISPLS Board table will be missed. We thank him for his dedication and service to the land surveying profession. Also, congratulations to Chris Marbach and Jason Copperwaite for their efforts pertaining to pending legislation in the Indiana General Assembly.

On Friday, we included members of the Indiana Geographic Information Council (IGIC) and the Indiana Department of Transportation (INDOT) to our menu of educational opportunities. Quite a bit of the "buzz" at the convention was concerning Frank Willis' Unmanned Aerial Vehicle (UAV) presentations. The photograph to the right is of Frank with one of his many UAVs prior to a flight above the hotel's parking lot.



Jim Sparks

At lunch, we welcomed Jim Sparks, Indiana Geographic Information Officer, who gave a short presentation on Coordinating GIS in Indiana. After Jim's presentation, the officers of the Indiana Professional Land Surveyors Foundation (IPLSF) drew the winning tickets for the Foundation's inaugural fundraising raffle. Dan Kovert, 2013 IPLSF President, put a great twist on announcing the grand prize winner. He asked for the audience to stand. Dan then instructed them to be seated when their ticket was eliminated as he read the numbers aloud – thus leaving one individual standing. And it would have worked out great – had Chris Knochel in attendance on Friday afternoon. It was great fun anyways and congratulations to all the winners. However, the true winner was the Foundation for raising \$4,005 and the future scholarship recipients.

Thank you all again for another great convention! We look forward to seeing you again next year.

Many thanks to our Exhibitors and Students for their participation!

39 Degrees North
Aerocon Photogrammetric Services
Assurance Risk Managers
Carlson Software
Cincinnati State University
Courtland Title & Escrow
Duke Energy Indiana
INDOT Land & Aerial Survey

Indiana DNR Division of Water
Indiana Geographic Information Council
Indiana Land Title Association
Surveyors Historical Society
Indiana811
Leica Geosystems
Maxx Precision
National Society of Professional Surveyors

Positioning Solutions Company
Precision Midwest
Priority Engineering
Purdue University
Seiler Instrument
Turning Point Systems
Vincennes University
Walker & Associates Insurance

ISPLS 61st ANNUAL CONVENTION HIGHLIGHTS

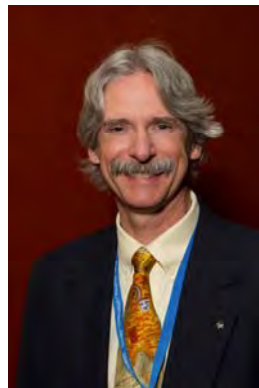
Many thanks to our presenters for another successful convention.



Barbara Sable



Jeff Lucas



Gary Kent



Larry Phipps



Frank Willis



Denise H. Wright and Alan M. Dunn



L to R: Ryan Swingle, Matt Healy and Chris Siebern



L to R: Chris Morse, Bob N. Wilkinson, Phil Worrall, and Dave Knipe - Not Pictured: David Nail, Bob W. Wilkinson, and Mike Martin



L to R: Eric Banschbach, Andrew "Dee" Baxter, Danny Greenberg and Lee Meeks
Not Pictured: Ron Raney

ISPLS 61st ANNUAL CONVENTION HIGHLIGHTS

Indianapolis Marriott East, Indianapolis, Indiana, January 16 - 18, 2013

Hosted by the Central Indiana Chapter of ISPLS



Don Bengel (L) receives the Atlas Award from ISPLS President Gary Kent.



Chris Marbach (L) receives a President's Award from ISPLS President Gary Kent.



Jason Copperwaite (L) receives a President's Award from ISPLS President Gary Kent.

Henry Aldridge, PLS and his camera are familiar sights at ISPLS conventions — and his photos have been on display in post-convention copies of the Hoosier Surveyor magazine like this one. He's been recording photographic highlights of the annual gatherings since 1989.

Aldridge, an Indiana Department of Transportation employee since 1995, has recently expanded his individual artistic talents to produce what he describes as surrealistic images. A print of one of them, "Ghost of Surveyors Past," is displayed at the ISPLS office.

ISPLS 61st ANNUAL CONVENTION HIGHLIGHTS

ISPLS 2012 SCHOLARSHIP RECIPIENTS

Those recipients recognized at the annual banquet, but not in attendance, are as follows:

Scott Pruzin, Purdue University student, was awarded the 2012 John G. McEntyre Scholarship; and Brian Murray, Purdue University Calumet, the Ordell L. Gertsmeier Memorial Scholarship through the Northwest Chapter. Also, the Greenville Treaty Chapter donated \$2,000.00 to the Tri-State Surveyor's Advisory Board (TSAB) Scholarship Fund.



Kevin Rowland, Scholarship Committee Chair, awarding the 2012 Peggy Archer Scholarship to Keenan Mathews, Vincennes University student.



Bryan Catlin, 2013 Central Indiana Chapter President, awarding a scholarship to Eric Medley, Vincennes University student.



Bryan Catlin, 2013 Central Indiana Chapter President, awarding a scholarship to Glenn Peterson, Purdue University student.



Matthew Knoy, 2012 Hoosier Hills Chapter President, awarding the Betty E. Johnson Memorial Scholarship to Logan Vieck, Vincennes Univ. student.



Matthew Knoy, 2012 Hoosier Hills Chapter President, awarding the Betty E. Johnson Memorial Scholarship to Jonathon Later, Vincennes Univ. student.



Don Williams, 2012 Northwest Chapter President, awarding the Ordell L. Gertsmeier Scholarship to Glenn Peterson, Purdue Univ. student.



Sean Suttles, 2012 Southwest Chapter President, awarding a scholarship to Keenan Mathews, Vincennes University student.



Sean Suttles, 2012 Southwest Chapter President, awarding a scholarship to Logan Vieck, Vincennes University student.

ISPLS 61st ANNUAL CONVENTION HIGHLIGHTS

IPLS FOUNDATION, INC. • INAUGURAL FUNDRAISING RAFFLE

The **Indiana Professional Land Surveyors Foundation, Inc.** (IPLSF) conducted its Inaugural Fundraising Raffle during the 2013 ISPLS Annual Convention held January 16-18, 2013 at the Indianapolis Marriott East. The funds raised 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. The IPLSF was pleasantly surprised, if fact ecstatic, with the participation. Over 1,700 tickets were sold with a net proceed of \$4,005. Thank you for your participation.

Indiana Gaming Commission License Number 129739.

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



Dan Kovert put an interesting twist on announcing the Grand Prize winner; while Chuck Coyle holds the Grand Prize.



Chris Knochel, the grand prize winner, receiving the shotgun at ISPLS Headquarters.



Jason Miller (L), the second place prize winner, receives the iPad from Dennis Grumpp.



Terry Bennett was the third place prize winner. The Kindle Fire HD was received by Terry's favorite son-in-law, Jason Coyle (R), from Eric Bansbach.



Shawn Pappenheim (R), the fourth place prize winner, receives the Kindle Fire HD from Perry Cloyd.

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ISPLS 61st ANNUAL CONVENTION EVALUATION

Results from the on-line convention evaluation form.

For the satisfaction question, the respondents could select from follow options.

Completely Satisfied = 6
Very Satisfied = 5
Somewhat Satisfied = 4
Somewhat Dissatisfied = 3
Very Dissatisfied = 2
Completely Dissatisfied = 1

The options were assigned a point value as noted above. The satisfaction rating for each question was established by totaling the points and then dividing by the total points possible. Total points possible equals the number of responses multiplied by six.

1. What method did you use for registration?

- Web – ISPLS.org 94
- Mail 4
- E-mail 16
- Phone 0
- Fax 1
- Other 1
- None Selected 2

2. How satisfied were you with the registration process?

94% Satisfaction Rating – 116 responses

3. Please use the area below to suggest how you would improve the registration process.

- Anyway you registered was done the way you wanted, so the process could not be improved upon as every way was offered.
- From the perspective of a guest arriving in unfamiliar surroundings everything went smoothly.
- I was a walk-in. Jason did an amazing/flawless job getting me registered.
- I was not able to complete online registration using Internet Explorer. After calling to complain, Jason graciously took my information by phone and completed my registration himself. It's a pleasure having someone who'll take the extra step to assist.
- It would be nice if there was a way to send multiple registrations online and pay for them all at once with a company credit card.

4. How satisfied were you with the session offered Wednesday afternoon?

84% Satisfaction Rating – 97 responses

5. How satisfied were you with the sessions offered Thursday morning?

85% Satisfaction Rating – 109 responses

6. How satisfied were you with the sessions offered Thursday afternoon?

85% Satisfaction Rating – 110 responses

7. How satisfied were you with the sessions offered Friday morning?

79% Satisfaction Rating – 114 responses

8. How satisfied were you with the sessions offered Friday afternoon?

81% Satisfaction Rating – 107 responses

9. Please use the area below to further comment on the sessions offered at this year's convention.

- Although I don't design onsite sewage systems, I have one at home. The sessions were informative and very well presented. Route Surveys in Indiana was pretty much exclusively about INDOT, which was not unexpected considering the presenter's experience. But the session seemed tedious.
- Dr. Willis kind of got bogged down during Thursday's session. Perhaps it would have been best to keep this at a half day session instead of a full day session. His session on Friday morning was great!
- Everything was fine. I must say that if the price of the convention were to rise I would be disgusted with it beyond belief. We have witnessed 4 of the worst years on record and this recession is not done yet. To raise the cost of continuing education would cause me to lose all faith in ISPLS and in the board of registration!
- Good sessions – so many I could not attend all that were of interest. Jeff Lucas brings a unique legal/survey perspective that challenges common practices.
- I did not agree with the instructor's interpretation of evidence and his understanding of boundary law in the sessions for Boundary Dispute Resolution and The Pin-cushion Effect. He seemed to think that the surveyor should solve most title problems rather than to disclose the problems. I have taught boundary law for 19 years at Purdue and I found him to be misleading. I felt like he was telling the surveyor that it is okay to accept most monuments and fences as the boundary; therefore creating more fence line surveyors. For being an attorney and a surveyor, I was disappointed in his lack of knowledge in the area of evidence and weights of authority of the evidence.
- I think the Thursday morning session on contracts was the best continuing education seminar I've had in the last 5 conventions – it really should be mandatory.

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- I thoroughly enjoyed the presentation by Mr. Willis. It is evident he is well prepared as a presenter. Larry Phipps is also well prepared.
- I would like to see a Route Survey seminar on how to perform a route survey (intended use, information required on plat, etc.), not just someone reading slides to us.
- I would like to see an evening session on Wednesday which would allow for an additional 3 credits and be very convenient.
- In Cha. . Cha. . Changes many questions were asked, but no answers were given. The seminar did not tell me anything or make me think about anything that I wasn't already thinking about. I was looking for newest technology and upcoming changes in the way that surveying is done. I thought that Going Solo was going to address some of the liabilities and concerns of sending out one man crews. I may have misread the class description. I already have a business, so I didn't get anything out of it.
- Jeff Lucas is always a great choice for speaker. He is dynamic, holds one's attention and speaks clearly.
- Jeff Lucas is very knowledgeable as well as entertaining.
- My issues with Mr. Lucas are his lack of being an actual instructor. I felt like he walked the fence line with the issues he brought up with no real solution. I basically ended up in both cases that here is some issues you will come across now have a nice day. Also someone needs to let him know that you should not include 70 slides in your presentation and then only cover half. At times I got lost trying to figure out what page he was on to catch up because he skipped so many. The Friday morning session he ran out of time to cover his solutions to what he talked about.
- Route Surveys in Indiana - I didn't realize that it only covered route surveying for INDOT. I was more interested in utility route surveys. I apparently didn't read the class description close enough.
- Seminars I attended were excellent, not a weak one in the bunch. I'm maybe old fashioned, but even if there were on-line handouts available to print out pre-meeting, I would like a brief handout at the meeting, with presenter's name and contact information to make notes on since I forgot my other one.
- The examples of cases were settled pretty much with common sense solutions. I would like actual court cases in Indiana dealing with boundary issues, good or bad for the surveyor, a teaching moment.
- Very good group of classes! Enjoyed classes that were on larger variety of topics than in the past.
- Very good. Too good, because I would have liked to have taken some of the others I could not attend.

10. Please use the area below to suggest what topics you would like to see offered at future conventions.

- Any class on drainage design or process for getting their approvals. Also to bring back Septic design as I could not attend like I wanted. However class selection was great again.
- ArcGis software and applications.
- Based on the excellent large numbers of attendees, some subjects, or maybe some of the same speakers with slightly different subjects, may be a good idea to repeat, at least every two or so years. Business subjects are always interesting to me, along with really practical applications of latest technology. Maybe checking and adjustment of those instruments we use and take for granted, with both horror stories and good, practical advice, including methods to check and verify GPS and Robotic measurements. How can new apps help us? Google maps?
- Calculating RPA for RTK GPS observations.
- Emphasis on keep surveying relevant. How to strengthen the profession through public advertisement and legislation. Poll the membership to determine the type of work performed by percentage, i.e. boundary, construction staking, GIS, location surveys, mapping, etc. and add classes to improve performance.
- Examples of court cases in Indiana where the solutions were court decided, whether good or bad for the surveyor, as long as there was a teaching moment. Not a court held at the convention, but actual cases.
- FEMA, Benchmarking, and Section Corner perpetuation.
- General GPS course. Class about the right of entry for surveyors.
- I thought there was a good mixture of topics. One of the most consistent complaints I hear around the country is that there is not enough variation in seminar topics. In general I think it is important to cover topics like business practices (you did) and things like communication skills.
- I would like to see something on using GPS, the data from GPS, and adjusting the data from GPS.
- Information on new technologies so that I can keep up with the changes in the field and software. I didn't notice many 3 hour mandatory topics. I got the 3 on Wednesday and had just taken ethics. Now I need to look for mandatory topics to finish my hours.
- Railroads are always interesting.
- Some software applications. The ones on Photo Modeler and Global Mapper by Frank Willis were good. I have been to some by Bruce Carlson on their software which was also good. What about specific ESRI applications, like Spatial Analyst? Maybe some more on GPS technical topics, like RTK, logging, etc.
- Storm water quality, sustainable drainage design and wetland mitigation options.

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- Surveying Old Cemeteries and riparian boundaries.
- Water Boundaries and Riparian Rights. Although not widely needed I think something along these lines would be good for those that come across water boundaries along rivers, streams, and lakes.
- What is happening in the courts involving Land Surveyors? Maybe recent court cases and their decisions. Financial and succession planning for business owners. As many of us get older and approach retirement, this topic could be very useful.
- Would like to see a session regarding Legal Surveys in Indiana.

11. How satisfied were you with the session handouts?

75% Satisfaction Rating – 104 responses

12. Please use this area to further comment on the session handouts.

- After attending, I thought they were unnecessary.
- Again with Jeff being bullet points and having 70 of them, I found it hard to try and cover them all and understand them on my own. If someone that uses those as the slides actually talks about them so people could take notes would be useful, but skipping them or saying one sentence does not help anyone.
- For most, the handouts were probably well received, but with older eyes, even with glasses, the print was small for the PowerPoint presentations. The handouts for Wednesday were very good.
- Having a CD or PDF files of everything even if you did not attend is very, very useful.
- Having the chance to review the handouts before the conference sessions is good.
- I do like the option to view or print the handouts from the internet. Most of the slide shows handouts in the past are not useful in my opinion as you just follow along. It is a good thing for ISPLS to not waste resources in printing these for all.
- I realize that the handouts needed to be submitted several days or possibly weeks ahead of time for publication to the members. However, possibly using a low cost thumb drive given as part of the conference packet would allow the use of the most up to date version of the handout materials. Either that, or possibly make the updated versions available ASAP.
- I think it is great you are using online methods of distributing handouts; however, it would be nice if there was Wi-Fi in the conference rooms to download the handouts especially when they are not available before the convention.
- Just remember to tell them not to use backgrounds or have the ability to turn them off to print.
- Several attendees had tablets with the handout material loaded. This access will be more common next year. Encourage bringing mobile device with material loaded.

- Some of Jeff Lucas' needed to be fine-tuned for the presentations. Printing out 60 to 70 pages was a bit much when we could have used only 20 or 30. Not that I do not like the information, but sometimes more is not always better.
- Some of the handouts that were posted on the website were not the ones used in class.
- Some of the sessions did not have handouts or they were different than what was presented.
- The Frank Willis materials never appeared.
- The handout for "The Pincushion Effect" was way too long, it had 8 chapters and only 2 chapters were discussed.
- The handouts we received could have been reduced and less area provided for notes or an area at the end of topics provided for notes. The on-site septic session requires a lot of paper to print the entire handout.
- The ones that didn't have handouts could have at least shown an outline.
- The Wednesday session handouts did not coincide with the presentation.
- There were no handouts at convention there was option to print at home after I registered, but it did not say that I needed to print and bring with me. Not sure who's idea this was but with what we are paying for seminars we should get handouts and not have to print them at home.
- There were no handouts! I had to print them out myself, and in Wednesday's case it wasn't followed at all! Why have handouts if you're not going to follow them? Where are Kent's handouts?
- Would have been good to have had the right handouts for the right session on Wednesday.

13. How satisfied were you with the Exhibitors at the convention?

82% Satisfaction Rating – 115 responses

14. What additional Exhibitors would you like to see at future conventions?

- Companies that laser scan as subcontractors to the overall survey contract.
- Fewer exhibitors every year due to consolidation of equipment manufacturers and less dealers. Thanks to Seiler for their participation!
- I only attended the convention on Friday and there were no exhibitors set up on that day.
- It would be helpful if there was a better sound system or a stage area so that people can see and hear the exhibitors for their promo and giveaways.
- Maybe pipe providers, erosion control materials, BMP's, etc.
- More UAVs.
- Software program providers: HydroCAD, AutoCAD, Carlson, Eagle Point, Aerial/LIDAR providers. Need to double the exhibitors.

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- Would like to see a booth by “Smartvent” folks. Perhaps in conjunction with a FEMA Flood Zone information booth. Also would like to see return of a few firms that deal in general survey supplies, like Municipal Marking Distributors.”

15. How satisfied were you with the Exhibitor's Reception?
80% Satisfaction Rating – 70 responses

16. How satisfied were you with the Las Vegas Casino Night?
78% Satisfaction Rating – 37 responses

17. How satisfied were you with the presentation of the Business Meeting?
84% Satisfaction Rating – 46 responses

18. What additional content would you like to see added at the Business Meeting?

- A few times, the speaker should have made better use of microphone.
- I had never attended a business meeting before. I did not expect simple voice votes for these important matters.
- It will be hard to top this year's NSPS vote. I came all the way from Ohio and it was well worth the trip.
- We as land surveyors always seem to want to act individually and for whatever reason shun participation in a larger group i.e. NSPS. If there is a way to increase the understanding that we are a small group of professionals throughout the U.S. and that our participation is of a greater benefit than the minimal fees proposed that would be wonderful.
- We need to recognize our representatives from neighboring states and allow them a few minutes each to update us on the important things going on in their states.

19. How satisfied were you with the Spouse/Guest program?
89% Satisfaction Rating – 9 responses

20. What suggestions and/or comments would you have for the Spouse/Guest program?

- More variety and exciting events and not so much on shopping
- My wife was pleased.
- The museums of Indianapolis, especially the Eiteljorg are overlooked. My wife can shop anytime, "Almost anything is better than a shopping trip."
- The spouse program has not interested my wife enough to participate for the last couple years – basically since Betty Bengel did it several years ago. I know a tour of the Lilly Mansion and adjacent Art Museum would be interesting to many ladies. Even if the program wasn't to her liking, my wife would still come down with me just to attend the Thursday night banquet, except that

doesn't sit well with her to pay \$50 just to add on her dinner (even though I keep telling her the food was very good). I would suggest a more reasonable charge of \$25 or \$30 max might get a few more wives to attend the dinner.

- Why charge \$150/spouse and then give them a \$20 credit card? Just giving us our money back. Didn't like it. Why just shopping every year. The attendance has gone down to nothing, since there is very little offered. A lot more attention needs to be spent on this, rather than just shopping. Doesn't say much for the planners' mindset if all you think women do is shop. Get tours out of the Indianapolis area. Travel a little. Make it something interesting.

21. How satisfied were you with Thursday's Continental Breakfast?
73% Satisfaction Rating – 80 responses

22. How satisfied were you with Thursday's Lunch?
83% Satisfaction Rating – 111 responses

23. How satisfied were you with the meal served at the Banquet Thursday evening?
85% Satisfaction Rating – 62 responses

24. How satisfied were you with Friday's Continental Breakfast?
73% Satisfaction Rating – 80 responses

25. How satisfied were you with Friday's Lunch?
83% Satisfaction Rating – 106 responses

26. How satisfied were you with the refreshments served throughout the convention?
85% Satisfaction Rating – 118 responses

27. Please use the area below to further comment on the meals served throughout the convention.

- Bring back the afternoon candy bar.
- Can there be a healthier alternative to doughnuts in the morning? I use my Marriott status to eat in the concierge rather than the continental. Some fruit and oatmeal would be good additions.
- Didn't enjoy the Italian lunch on Thursday. Thursday banquet meal was okay, but nothing special. Hard to get wait staff to bring drinks around at lunch if you're not in the first wave.
- Good selection and plenty of it.
- I appreciate the fact that the special diet which I am on is taken care of.
- I had trouble finding hot water and tea.
- I would be nice to have a choice of chicken or fish at both luncheons.
- It would be nice if there were hot breakfast items as well.

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- Lighter lunch faire (sandwiches, soup, salads) would make the first afternoon sessions less drowsy. Probably would cost less.
- Loved Thursday's lunch. Friday's lunch was good - not my favorite but very good.
- Meals were too salty, not your fault. Pass this on to hotel.
- More breakfast items such as yogurt and fruit.
- Needed to have more small tables or stands to be able to stand around and place drinks or plates during breakfast. Trying to juggle a cup of coffee or juice and a plate and eat your donut too is a small trick. There were a few stands or tables, but not nearly enough for everyone.
- Not to be picky, but the staggered lunch on Thursday is like going to a family reunion late. I was in the last group and most of the buffet was picked over and many of the desserts were gone and not replenished. I think if they are going to stagger, they need to get each group a fresh buffet table.
- Outstanding. Thursday lunch was impressive and had excellent selection for all tastes.
- Overall the meals were good and the staff did a good job. The overall experience was very satisfying.
- The continental breakfasts were not at all satisfying. Stale pastries and muffins with coffee and juices? Did I miss the fruit or possibly bagels, yogurt, etc.?
- The food this year, and the past couple of years, has been excellent. It is very good and the helpings are substantial. (The banquet meal was a little late, but it gave us time to talk.) My wife and I also enjoyed the meals we had in the restaurant. (You should try their barbecued ribs; my wife had them two nights in a row.)
- The meals were not as good as they have been in the past. I am very glad that you supply pop early in the morning and all day as some of us prefer pop instead of coffee for our caffeine. The hotel made some really nice improvements since last year. It looks very nice. We just need to work on the paper thin walls between rooms!
- The only drawback is the limit of food running out before all the attendees have had a chance to partake.
- There is no reason for the hotel not to have a Continental Breakfast. Their buffet cost \$16. Would like to have something besides sweets at the ISPLS breakfast. Bagels would be nice.
- These are tough to please all, but sometimes the lack of food during Wednesday Night at the Exhibitor's and Las Vegas was almost a why bother. Bring out more food for all or bring nothing. I had more fun talking to the Universities and I did not attend any of them. But they welcome me anyway.

28. How satisfied were you with the accommodation of the Marriott East?

86% Satisfaction Rating – 72 responses

29. Please add any additional comments concerning the convention in the below text box.

- Another good convention!
- Any thoughts of moving it to downtown or West Side?
- Appreciated the sessions ending earlier on Friday than in previous years.
- Consider combining our conference with the Civil Engineers, Architects and Builders. We all work together, why not train together. Combine the exhibitors, class sessions and share the cost for a larger venue. Open all classes to all attendees, elective credit to those not registered in that area of expertise. Extend the convention to Saturday/Sunday for public access. We all can setup booths alongside any partner firms to meet/greet general public. Make it a one-stop shop for those looking to start new projects. Let's incorporate our efforts with Builder Conventions, Home & Garden Shows. Take advantage of the advertising over the air and online.
- Exhibitors should have Friday a.m. like in past. Many complaints from exhibitors about feeling pushed out on Thursday. Excellent convention. Good variety of topics - both old and new. Good planning on breakouts and lunches. Marriott staff very good. It was a much happier convention than usual. Raffle was very popular too.
- Good job - this survey is a good idea also.
- Great job all around. Some folks got really excited about the gun....
- Great job Jason! Especially with Doug gone. I know from the past that this can be a real challenge to keep all the ducks in a row. If there was any chaos in the background it was not noticeable.
- I appreciate the handling of the attendance sheets by keeping them in order and passing them out quietly at the end of the session. Make sure all the proctors do that in the future.
- I find it strange that the hotel doesn't have more Wi-Fi service. It would have been especially helpful to have it in the session rooms.
- I know that holding the convention in Indianapolis is convenient for speakers (and me) and is centrally located so no-one has to travel the length of the state to attend but, that being said, I realize that the folks who live outside the Indy area are always forced to travel to the convention and pay to stay in the hotel. I would like to poll the membership to find out whether the convention should continue to be held in Indianapolis or whether the majority feel that we should return to the "host chapter venue" concept that we used to do. Part of this question is based on fairness and part is based on guilt. I feel like we force (due to

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continuing education) some of our more rural brethren in the profession who can least afford to come to Indianapolis to do so when we in Indianapolis, who enjoy a fairly stable and affluent work environment, never "travel" to the convention. Maybe I'm way off base. Maybe folks like the excuse to come to Indianapolis for the many activities that are available. Maybe only Indianapolis offers an affordable venue where a quality spouse program can be held (I doubt that since the Northwest Chapter, being close to Chicago, could offer some pretty nice activities). I don't know but I think we owe it to the membership to ask.

- I was a little disappointed that the Exhibit Hall was closed all day Friday. Overall the Convention was well organized, included great topics and had a great group of presenters.
- Jeff Lucas is a great speaker, I wish he could spend two days on one subject, i.e. court cases in Indiana, actual examples. His one day talks never seem to give him sufficient time to fully cover his class notes. Possibly cut his breaks shorter.
- LOVED the raffle! This was a great idea and should be done every year. The gun was a great first-place prize. If that can be done every year, with similar run-

ner-up prizes that would be nice.

- Not enough seating in the registration hall. Could have used many more comfy chairs during the break times. Also could have used more seating and tables in the exhibitor's hall during their reception. Too hard to eat most of the tasty treats while standing up, holding a napkin and folk, while balancing your drink.
- Please advertise the Surveyors' Historical Society meeting.
- Some of the courses would also be applicable for engineering continuing education hours. Since some of the ISPLS members are also Professional Engineers, I think that courses should also be submitted to the Engineers Board for continuing education approval. This would be of great benefit to dual registrants.
- Thank Jason for your hospitality and your commitment to our profession. I was privileged and honored to be part of your conference. Thank you to the officers and membership of ISPLS for making feel a part of group throughout the meeting.
- This was my first convention to attend. I thought it was a very impressive convention. The session that I attended was very informative and was presented in a very professional manner. I look forward to attending future conventions.

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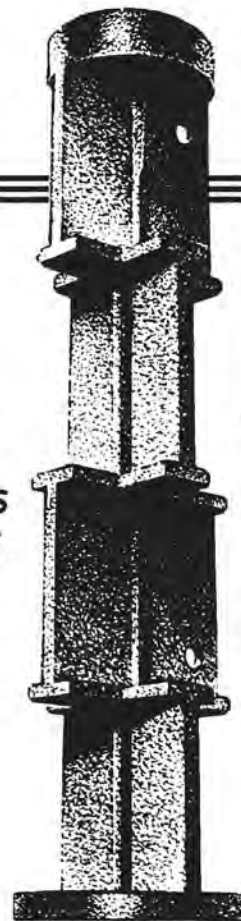
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DEEDS - A PRIMER FOR SURVEYORS

By Knud E. Hermansen, P.L.S., P.E., Ph.D., Esq.

During the course of searching the records, surveyors will review numerous deeds. I've often had surveyors ask about the difference between the various types of deeds. This article is an overview of the common forms of deeds used to convey title to property.

Most current deeds fall into one of four categories: 1) General Warranty, 2) Special Warranty, 3) Quit Claim deed, and 4) Bargain and Sale deed.

General Warranty Deed — The General Warranty deed is often referred to simply as a warranty deed. It is a deed conveying title where the seller (grantor) makes six covenants or promises to the buyer (grantee) as part of the conveyance. (Some states have limited or eliminated one or more covenants in a warranty deed by statute.) The six covenants that are part of a warranty deed are further divided into present and future covenants. The three present covenants are the following;

- 1) Covenant of Seisin – The grantor covenants to the grantee that the grantor has title and possession of the property. If a grantor conveys property burdened by a valid and current lease, the grantor would breach this covenant because the grantor had the title to the property but not the possession.
- 2) Covenant of Right to Convey – The grantor covenants that the grantor can validly grant or convey both title and possession. A life tenant that delivers a warranty deed to the grantee is in violation of this covenant. The life tenant had the right to convey the possession but not the right to convey the title to the property.
- 3) Covenant Against Encumbrances – The grantor covenants that there are no encumbrances against the title. Encumbrances could include easements, mortgages, trusts, and limitations on the title. A landowner that conveys property where the neighbor has secured an easement across the property by prescription is in violation of this covenant.

The three future covenants are the following:

- 4) Covenant of Warranty – The grantor covenants that the grantor will protect and defend the buyer against anyone who comes and claims a superior title to the property. Under this covenant, the grantor will have to defend any claim against the title of the grantee if and when a person comes forward with a claim to the title to the property the grantor conveyed by warranty deed.
- 5) Covenant of Quiet Enjoyment – The grantor covenants to the grantee that the grantee will have unimpaired use and unrestricted enjoyment of the property. For example, this covenant would be breached if someone obstructed the easement that provides access to the property (based on a claim of right).
- 6) Covenant of Further Assurances – The grantor covenants to the grantee that the grantor will take actions reasonably necessary to perfect the grantee's title if found defective. For example, if a grantor delivered a deed to the grantee where the acknowledgement was found to be defective (e.g., notary commission expired), the grantor would be required to take the steps necessary to deliver a deed with a valid and effective acknowledgment.

The distinction that often arises between present and future covenants involves when the breach of a covenant occurred and when the statute of limitations begins to run. A breach of the present covenants will occur, if at all, at the time of conveyance. If a breach occurred, the time period of a relevant statute of limitation will commence at that time. On the other hand, the breach of a future covenant will occur after the time of conveyance, perhaps decades later.

The grantor may limit any of the warranties within the deed by express wording in the deed. For example, a grantor may state within the deed that the property is subject to an easement. Because the grantee is put on notice of the easement, the covenant against encumbrances would not apply to the easement cited in the deed.

The warranties that are included in a warranty deed extend back in time to the inception of title. The warranties made by earlier grantors also extend to future owners of the property. For example, assume a title defect occurred in 2001 when Ames owned the property. Ames conveys the property to Betty by quit claim deed. Betty conveys the property to Chad by special warranty deed. Chad conveys the property to Diane by warranty deed. Diane conveys the property to Edgar by quit claim deed. In 2013, Edgar discovers the 2001 title defect. Edgar can sue Chad for breach of warranty for the title defect occurring in 2001. Edgar can sue Chad even though Chad was not Edgar's grantor. The title defect that Chad had warranted occurred before Chad owned the property.

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Because of the long reach of the warranties back in time and future predecessors in title,¹ warranty deeds are losing popularity in favor of title insurance to protect the grantee. Warranty deeds may now be rare in certain states.

The title found at the top of the deed is not determinative if the deed is a warranty deed unless the state has a *Short Forms Deed Act* that allows for abbreviated wording in the deed to determine the covenants present in the deed.

Under the common law, a deed had to state the following or similar words in the habendum clause in order for the deed to be a warranty deed and the six covenants to be present:

To Have and to Hold, the premises hereby conveyed, ... and the Grantor(s) do for themselves, their heirs, successors and assigns covenant with the Grantee, their heirs, and assigns that the Grantor(s) are well seized of the premises as a good indefeasible estate in fee simple; and have good right to grant and convey the same ... and the same are free from all encumbrances whatsoever ... and the Grantors do by these presents bind themselves and their heirs, successors and assigns forever to warrant and defend the premises hereby conveyed to the Grantee and its assigns against all claims and demands whatsoever...

Special Warranty Deed — The category of special warranty deed is similar to a general warranty deed with one important difference. The covenants in the special warranty deed only extend to any breaches in title that were caused by the grantor or occurred during the time the grantor owned the property. In other words, the grantor in a special warranty deed only warrants the title against the grantor's own actions or omissions.

The habendum clause for a special warranty deed would have wording the same or similar to the following:

To Have and to Hold, the premises hereby conveyed, ... and the Grantor(s) will warrant specially the property thereby conveyed, ... and that he, his heirs and personal representatives, would forever specially warrant and defend the property unto the grantee, his heirs, personal representatives and assigns, against the claims and demands of the grantor and all persons claiming by, through, or under him.

Because of the phrase "specially warrant" and other words found in the special warranty deed, an uninformed grantee tends to believe "specially warrant" is better than "generally warrant." Some states have eliminated special warranty deeds or changed the name or language in the deed to prevent heightened and mistaken expectations by the grantee. For example, Maine law has changed the name of a special warranty deed to a quit claim deed with covenants of warranty. Many states have also limited the number of covenants that arise in favor of the grantee by a special warranty deed.

Quit Claim Deed — A quit claim deed is also known as a "release" deed. As the name states, a quit claim deed does not actually state or claim that title is being conveyed. Rather, the grantor is quitting or releasing any claim they have in the title to the property against any present claims made or that can be made by the grantee for the title against their grantor.

In theory, if Sally had title to the property and quit any claim she had in the property to Sam, Sam would not have gained title to the property. However, Sally who does have title would be estopped from denying that Sam doesn't have title after delivery of the quit claim. Sally has by delivery of her deed to Sam asserted that she would not claim title to the property against Sam, his heirs, or assigns. Because Sally is merely quitting her claim she is making no covenants to Sam that she in fact actually has title.

Most states, as a practical matter, do view a quit claim deed as the conveyance of title. There are no warranties in the quit claim deed other than what a state law mandates. The quit claim deed is usually recognized by the use of the words "quit claim" or "release" rather than words such as "grant," "convey," "give," or similar words found in warranty deeds. There is usually no habendum clause in a quit claim deed. A "Sheriff's Deed" or a "Tax Deed" are categorized in most states as a form of quit claim deed.

¹Of course the obligations of the grantor imposed by warranties ends with the death of the grantor and probate of the grantor's estate.

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The quit claim deed is often used where the grantor does not want to be held to warranties and the grantee is in no position to demand warranties from the grantor. This is usually the case when the property is being conveyed for less than the fair market value or the grantee is faced with a “take it or leave it” situation.

For example, assume a spouse dies without a will leaving a surviving spouse and two adult children sharing the title to the decedent’s property. It is not uncommon for the adult children to quit claim their interest in the estate to their surviving parent so the surviving parent will have full use and control of the property. The generous nature of the children toward their surviving parent would not go so far as to include warranties that the children may be called upon later in their lives to defend to a successor-in-interest to the surviving parent (i.e., later owner of the property).

A quit claim deed is often used to affirm a boundary line agreement. The owner on each side of the agreed boundary is willing to quit any claim to the owner on the other side of the agreed boundary. Given the uncertainty in the boundary location, the owner is not willing to warrant the conveyance made to the neighbor.

Bargain and Sale Deed — A bargain and sale deed does not usually warrant against any encumbrances. The bargain and sale deed does mean that the grantor claims to have title to the property. This type of deed has often been supplanted by the quit claim deed in many jurisdictions. The bargain and sale deed was used frequently in tax sales and for foreclosure actions. Other covenants may be made a part of a bargain and sale deed if the covenants are specifically stated.

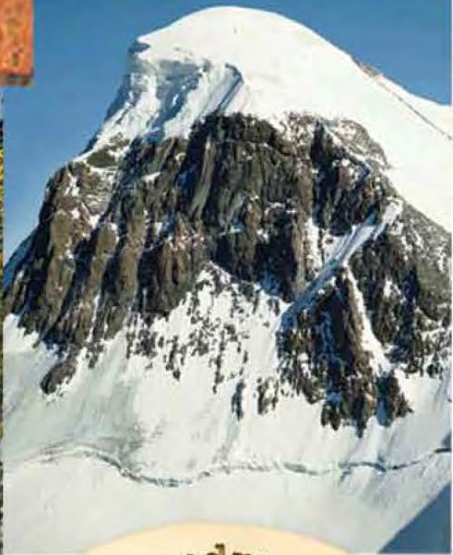
This review should help surveyors understand the common forms of deed they will encounter as part of their practice. The form of deed is seldom critical in providing surveying services. The form may be an indication of a problem related to a boundary and provides some fodder for thought.

Knud Hermansen is a licensed surveyor, engineer, and attorney at law. He teaches in the Surveying Engineering Technology program at the University of Maine and offers consulting services in boundary retracement, surveyor liability, roads & easements, boundary litigation, and alternate dispute resolution.

SUBMITTED PHOTO

One of our readers submitted the photo to the right. The reader’s GPS unit is occupying a control monument set by another surveyor. Note the fiber optic flags and marks in the vicinity. In this case, the surveyor was lucky and didn’t cause any damages. Protect yourself and others. Know what is below before you dig or drive a monument. **Call 811**





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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.

Earl F. Shields, Larry J. Shields, and Robert L. Shields vs. Rodney L. Taylor, Indiana Court of Appeals Case No. 53A04-1202-PL-95, October 17, 2012

This is a case from the Monroe Circuit Court where Taylor has owned a parcel north of the Shields for approximately fifteen years. A road runs along the north side of Taylor's property. Because of a high, steep hill on the Shields property they have used a dirt road across the Taylor property to get to the northernmost twenty acres of their property for approximately fifty years. In 2010 the Shields contracted to have logging done on their property and when Taylor noticed a logging trail had been cut across his property and a creek he told the Shields they could not use his property for logging. The Shields tried to access their property from a neighbor to the west of Taylor but Taylor indicated they were still crossing his property and pointed out a marker on the border of his property.

In 2011 Taylor filed a complaint for trespass and requested a restraining order. A temporary restraining order was granted and the Shields filed a counterclaim. The Shields had claimed they had a written easement but could not produce it. The Shields claimed in court they had a right of access by oral consent from Taylor and his predecessors in title. The court concluded that an express easement must be in writing, that an oral agreement is a license which can be revoked and that the Shields had no basis for continued entry onto Taylor's property as they were not landlocked as their property touched a public road. The Shields filed a motion to correct error claiming a prescriptive easement can be obtained by acquiescence. The motion was denied and the Shields appealed. The Appeals Court held that since the Shields stated in their pleading that the prior owners of the Taylor property had given permission to use the dirt road and only Taylor had acquiesced they had not had adverse use for twenty years to claim a prescriptive easement. Permissive use is fatal to prescription. The trial court decision was affirmed.

Harry E. Knauff, Jr. and Carolyn R. Knauff vs. Nathan T. Hovermale and Sarah E. Hovermale, Indiana Court of Appeals Case No. 52A05-1111-PL-584, October 24, 2012

This is a case from the Miami Circuit Court where the Knauffs had bought a 20 acre parcel in 1983. Along the east edge of that parcel was an untitled quarter-acre parcel ("the gapland"). To the east of the quarter-acre parcel was a 2.33 acre parcel with a broken down fence running north-south somewhere through the middle of the parcel. The Knauffs or their tenant had farmed parts of the 20 acre parcel, the gapland and the tillable parts of the 2.33 acre parcel west of the fence since 1983. The tillable part of the 2.33 acre parcel changed from year to year depending on soil moisture and other factors. In 1987 the Hovermales purchased 11.71 acres which was adjacent to and shared the eastern border of the gapland. In 2010, the Hovermales built a fence on their western border (the western border of the 2.33 acre parcel). The Knauffs obtained a survey and learned for the first time they did not own the 2.33 acre parcel. The Knauffs then filed a complaint seeking a judgment to quiet title in the disputed 2.33 acre parcel and the gapland and for damages for trespass. The trial court held for the Hovermales, except that ownership of the gapland was awarded to the Knauffs. The Knauffs appealed.

The Appeals Court does not reweigh evidence and will only disturb a judgment if they determine the findings are clearly erroneous. They do not defer to conclusions of law. In this case the findings of the trial court were upheld 2-1. The key point seems to be that the Knauffs did not exercise sufficient control of any of the 2.33 acre tract since they did not try to exclude people hunting mushrooms or game.

This case shows one way that Fraley v. Minger is being applied to determine if adverse possession can be proven.

Betty J. Angel vs. Kent H. Powelson and Marjorie A. Powelson, Indiana Court of Appeals Case No. 82A04-1205-PL-292, October 29, 2012

In this case originating in the Vanderburgh Superior Court, Angel owned 73 acres, more or less. This had been conveyed to her in 1964 by Mr. Powelson's grandmother from an 80 acre parcel which she had divided. The Powelsons now own the remaining 7 acres, more or less. Both parties also received a twenty foot easement over a sixty acre tract for a roadway to their properties.

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Once Kent gave a cell phone company an easement to put a tower on his parcel in December 2008 a dispute arose, and 46 years after she was deeded the property, in 2010 Angel sued Kent claiming Kent's grandmother, who died in 1980, had misinformed Angel she was getting 73 acres and that Angel had established ownership of the roadway through adverse possession. Angel had a survey performed in 2009 showing the 1964 deed described only 71.6 acres and she sued for reformation of the deed as well as a prescriptive easement to the roadway for other parcels she had bought in the 1980's. She also alleged slander of title and sought damages. The Powelsons asserted various defenses including laches. After several motions and responses the court found for the Powelsons. Angel appealed and the Appeals Court held that laches was appropriate in this case. Angel had the ability to know she was conveyed less than 73 acres before 2009 and the Powelsons defense was hindered by the death of witnesses such as Kent's father and grandmother who were aware of the situation in 1964. Angel's claim of adverse possession was defeated because having an easement negated required elements of control and intent. The trial court's ruling was affirmed.

Lane Alan Schrader Trust... vs. Larry Gilbert and Nancy J. Malecki, Indiana Court of Appeals Case No. 75A04-1112-PL-676, OPINION GRANTING REHEARING December 4, 2012

In this case which was summarized in the previous column, the Trust asked for a rehearing arguing that the Appeals Court had instructed the Trial Court to impose two prior surveys which the appeal had determined was an error on the part of the trial court. The Appeals Court seeing that their opinion was not understood granted the rehearing to restate their opinion. In this instance where the trial court found the legal survey was defective, one of three options under Indiana Law was to order the County Surveyor to mark the boundary according to the trial court's findings. Those findings could accept the prior surveys but the proper procedure has to be followed if this option is selected.

As a reminder, the court's website includes many "Memorandum Decisions" which are not published in West's Northeastern Reporter and, in general, are not to be used as precedent or cited before any court. However, they still show a court's reasoning and may be of interest. This column may look at such a case as we do here:

Wayne Evans vs. Duke Energy Indiana, Inc., Indiana Court of Appeals Case No. 10A01-1111-PL-539, October 22, 2012 - MEMORANDUM DECISION - not regarded as precedent

In this case from the Clark Circuit Court, Evans bought a tract of land in 2008 on which Duke had a sixty foot easement. The easement is currently occupied by a 69,000 volt uninsulated transmission line. In 2009 Evans submitted a plan to construct a building more than twenty-six feet into the easement. Duke filed a complaint requesting injunctions to prohibit the building in the easement. During the proceedings Evans accused Duke of witness tampering. Briefly, the court granted Duke a permanent injunction, denied Evan's motion for sanctions for witness tampering and awarded Duke attorney's fees for defending the witness tampering claim. On appeal the trial court was affirmed in all respects.

Bryan F. Catlin, PLS has been registered as a Land Surveyor in Indiana since 1991. He holds B.S. Land Surveying Engineering and M.S. Engineering (geodesy) degrees from Purdue University.

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 <p style="margin-top: 10px;">Schneider</p> <p>Rick Miller, P.L.S. Director of Surveying</p> <div style="text-align: center; background-color: black; color: white; padding: 2px; font-weight: bold; margin: 10px auto; width: 150px;"> engineering • gis • surveying </div> <p>The Schneider Corporation Historic Fort Harrison 8901 Otis Avenue Indianapolis, IN 46216</p> <p>317.826.7132 Direct 866.973.7100 Toll-Free 317.826.7200 Fax</p> <p>rmiller@schneidercorp.com E-mail www.schneidercorp.com Web</p> <div style="text-align: center; background-color: black; color: white; padding: 2px; font-weight: bold; margin-top: 10px;"> Indianapolis • Lafayette • Carmel • Avon • Merrillville </div>	 <p style="margin-top: 10px;">1625 N. Post Road Indianapolis, IN 46219-1995</p> <p>Bus. (317) 895-2585 Fax (317) 895-2596 Cell (317) 443-1244 E-mail: timc@ucindy.com www.ucindy.com</p> <p style="margin-top: 10px;">Tim Coomes, P.L.S. <i>Manager</i> Survey Department</p>				

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