
HOOSIER SURVEYOR

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

AFFILIATED WITH THE NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS

VOLUME 40 • NUMBER 1 • SUMMER 2013



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A. E. Filmore, Scd.

It's Complicated

Knox County's 12 different land systems pose challenges for surveyors.

See story and map on map 24-26.

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Photo provided by Henry Aldridge, Photographic Impressions

HOOSIER SURVEYOR

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EDITOR'S NOTES

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

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

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

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



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PRESIDENT'S MESSAGE

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

Greetings ISPLS Members,



Wow! The year seems to be flying by... So many things to do and so little time to get them accomplished. Jason Coyle, our ISPLS Executive Director, keeps us all pretty well up to date with his weekly posts, so I'm just going to highlight a few items on my mind:

Legislation: The "Statue of Repose" bill that we had introduced last year and that met with some "bumps in the road" and that we asked to be tabled will be moved to the forefront in the next few weeks as a few of our ISPLS representatives will meet with our lobbyist, Mike O'Brien, and begin a new strategy for trying to get this legislation through this next session.

Indiana811: Jason Coyle and Board Director Perry Cloyd have continued to lead the charge regarding the issues of the Indiana811 "Call Before you Dig" program. Progress in bringing changes to this program that will make it more palatable to Surveyors is very slow to come, but Jason and Perry are staying on top of it, and slowly others involved with this issue are recognizing that ISPLS and its membership are not going away. Please do not become apathetic to this concern... it does affect all of us.

Membership and Budget: As you should all should be aware, and because of the renewal notices that we have all received recently, ISPLS is now into a new fiscal year, which means a new budget for the 2013-14 operating year. Two things I would like to note in this regard: 1) Membership renewal has been very good so far, but there are a few of you out there that have not taken care of this yet. I would ask if you have not done so already, to please make renewal of your membership a priority; and 2) Being in a new fiscal year means that we have begun to operate on a new budget. The ISPLS Finance Committee and the full Board of Directors have strived to trim the budget once again... and we have! Most of the credit for that would go to our Executive Director as he wades through the day-to-day operations of ISPLS, always seeking to find a better or less expensive way to accomplish the things that we would like to do... always with the membership in mind.

West Central Chapter News: On Thursday evening, August 22, a small group of surveyors and surveying related individuals met at Rick's Smokehouse in Terre Haute to explore the idea of creating a new ISPLS chapter in the West-Central portion of Indiana. There are several counties that are not included in an existing chapter, and to organize and create a new chapter in this area has been on the ISPLS BOD target list for several years. The timing just seems to be right with the new format where ISPLS is collecting chapter dues along with ISPLS dues, and so now we have a nucleus of individuals to perhaps get a chapter underway. There was enough interest generated to schedule the next meeting... that date will be Tuesday, October 15, 2013, again at Rick's Smokehouse in Terre Haute... 6:00 P.M. for dinner, and meeting to follow at approximately 6:50 P.M. I'm excited about this!

CST Program: Another feature that I am excited about is the Certified Surveying Technicians program. This is an NSPS program geared to give our surveying technicians a distinction of their qualifications in the profession of surveying. For the technician, having this certification will provide them with a sense of pride and accomplishment in their work. For the Professional, the person that hires technicians, this will provide some ability to evaluate the individual that you may consider hiring. You will also be able to see what this technician can do and what they have accomplished thus far in their career. The Professional can also have bragging rights as advertising "your firm" as having "Certified Technicians." Having said all of that, Jason Coyle has submitted the proper paperwork to NSPS in order to have our ISPLS office designated as an "Approved Testing Site," and he has been approved as a designated CST Test Proctor. This is just one more service that your society is providing for you! Watch for announcements concerning testing dates and times!

President Elect and Board of Directors Ballots: A slate of candidates for President Elect has been presented to the BOD from the ISPLS Nominations Committee. These name will be reviewed by the BOD and be on the next Board meeting on September 7. Thanks to Committee Chairman Mark Gardner and to the entire committee for their work in conducting this process. But, their work is not complete... next will be a slate of candidates for the upcoming "open" Board of Directors positions. I had asked chapters to consider member of their local chapters to nominate those in your chapters that would be worthy and willing to serve... There is still time! Contact Mark Gardner or Jason Coyle with those whose names should be considered.

Once again I thank you for your support of ISPLS!

ISPLS BOARD OF DIRECTORS MEETING HIGHLIGHTS

by Robert "Jason" Coyle, PLS, Executive Director

May 18, 2013

The ISPLS Board of Directors met on Saturday, May 18, 2013 at ISPLS Headquarters, Indianapolis, Indiana. President Chuck Coyle called the meeting to order at 9:01 am EDT. All board members were in attendance with the exception of Don Williams, Kevin Rowland and Ryan Swingley. Others in attendance were Jason Coyle, Executive Director of ISPLS; Ed Sweetland, Land Surveyors PAC; and David Blankenbeker, Initial Point Chapter.

President Coyle briefly reviewed the ISPLS Mission and Vision Statement and noted the "Rules of Order" for the meeting. There were no amendments to the agenda. A motion was made by Eric Banschbach seconded by Dennis Grumpp to accept the agenda as presented. The motion passed by a voice vote.

The Board had received a letter of resignation from Ryan Swingley concerning his position as a Director on the ISPLS Board of Directors. Following board discussion, a motion was made by Perry Cloyd and seconded by Gary Kent to accept the resignation of Ryan Swingley. The motion passed by a voice vote with Gary Kent abstaining.

The minutes from the April 13, 2013 meeting were reviewed and accepted. A motion was made by Don West and seconded by Bernie Guerrettaz to accept the Board of Directors' meeting minutes as presented. The motion passed by a voice vote.

The Treasurer's Reports were reviewed and narrated by Dennis Grumpp. Financial reports ending April 31, 2013 were presented for board review. Assets totaled \$240,134.05 as of April 31, 2013. Dennis also covered the income and expense report, investment report, budget, and the profit and loss report. It was noted there is an approximately \$9,600 projected shortfall at the end of the 2012/2013 budget period. Treasurer Grumpp and Executive Director Coyle prepared a preliminary budget for the 2013/2014 fiscal year and shared it with the Board. A motion to accept the Financial Reports was made by Gary Kent and seconded by Perry Cloyd. The motion passed by a voice vote. Treasurer Grumpp recommended that the Board transfer \$10,000 from investments to the checking account to cover expenses through this fiscal year. There was Board discussion. A motion was made by Dennis Grumpp and seconded by Don West to transfer \$10,000 from investments to the checking account. The motion passed by a voice vote. The money transfer will take place the first week in June.

The Board heard and reviewed the Executive Director's report. Executive Director Coyle presented a written report and discussed highlights with the board. He discussed membership renewals; Affiniscape, which was sold to YourMembership.com; and the ISPLS Legislative Agenda. The Indiana/Michigan State Line legislation, SB 524, passed (for a two year period due to the Indiana budget cycle) and was signed by the Governor on April 30, 2013. The Definition of Surveying legislation, SB 558, passed and was signed by the Governor on April 12, 2013. The Statute of Repose legislation failed to get a hearing in committee and was tabled until the next session. Civil Immunity in Emergencies legislation, HB 1027, was signed by the Governor on April 29, 2013. The ERASER Committee legislation, SB 520, is dead for now, but will most likely be back in the future. The report continued with a 2014 Convention status and seminar review. The Executive Director also encouraged the holding of a Fall seminar in northern Indiana. He reported on the progress of the Chapters becoming incorporated. 10 of 10 Chapters have signed the Articles of Incorporation and were officially incorporated on Thursday, May 16, 2013 with the Indiana Secretary of State. Model By-Laws have been sent to all Chapters and four or five Chapters have signed them. The Group Exemption Letter will follow once all the Chapters have signed the By-Laws. There was Board discussion led by Jason Coyle and Perry Cloyd concerning the Dig Law and Indiana811. The Spring issue of the Hoosier Surveyor is being worked on and should be out by end of May. Executive Director Coyle reported the HVAC maintenance had been completed. He further presented a proposal for office item purchases. It was recommended that an "upgrade program" should be developed for the office computers.

There was a discussion led by President Coyle on replacing the vacant Board of Director's position. A motion was made by Don West and seconded by Gary Kent to take the "next highest" vote getter from the past Board of Director's election, which was Ron Wharry. The motion passed by a voice vote. This will allow the Board to take the next highest vote getter if Ron Wharry does not accept the appointment.

(Continued on page 7)



OUT HERE, YOU DON'T JUST MEASURE BOUNDARIES. YOU PUSH THEM.

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Executive Director Coyle presented the 2014 proposed convention budget and led the Board review and discussion. A motion was made by Gary Kent and seconded by Bernie Guerrettaz to approve the proposed convention budget. The motion passed by a voice vote. He also presented for review and discussion a Marriott East agreement "Addendum to Meeting Space" and "Additional Concessions." A motion was made by Perry Cloyd and seconded by Don West to approve the Addendum and Concession documents and have Doug Herendeen authorize/execute the documents. The motion passed by a voice vote.

ISPLS Committee reports: Executive Director Coyle gave a verbal report concerning the Publication and Media Committee. The committee is working to complete the Spring 2013 Edition. Don West, Chair of the Public Information and Marketing Committee, discussed the Riley Children's Hospital Telethon to be held June 7-8. He also reported on the "Day at the Track."

The Board of Registration Liaison, Jason Coyle, reported that the next Board of Registration meeting will be Friday, June 19. NSPS Governor Don Bengel presented a verbal report and will submit a written report for the Hoosier Surveyor. A Certificate of Appreciation from NSPS to ISPLS for signing the Membership Memorandum of Understanding was presented by Don Bengel to the Board.

Eric Banschbach reported on the Geodetic Control Workgroup. The committee met on May 13, 2013. Consultant will start at the northwest corner of the state in the LaPorte District. INDOT crews will start in the south.

Gary Kent suggested that the Legislative Committee discuss the future of the Statute of Repose Legislation with ISPLS lobbyist Mike O'Brien. Chuck Coyle led a discussion on appointments/recommendations for the Indiana/Michigan State Line Commission. Members of the commission must come from the counties adjoining the state line with Michigan. It was suggested we contact Mike O'Brien for additional guidance.

There was no formal report from the education committee, but there was a discuss concerning a Fall seminar in Northwest Indiana. The Northwest Chapter has agreed to host that session and have asked Gary Kent to provide some topics for consideration.

Chuck Coyle gave a verbal report for Kevin Rowland, Scholarship Committee Chair. It was reported that Wayne Andrew Bunnell will receive the John G. McIntyre Endowment Scholarship of \$5,000.

Eric Banschbach with the IPLS Foundation gave a verbal report. The Foundation Board is continuing discussions concerning the Purdue University Calumet scholarship, scanning older editions of the Hoosier Surveyor magazine, and the scanning of the Original survey plats and notes. The grant for the hand-held GPS units for Vincennes University was approved and the Foundation sent a check.

Those directors and members in attendance gave verbal reports concern their chapters.

Unfinished Business: Executive Director Coyle stated that he will continue following up with the chapters concerning the "Model Chapter By-Laws." The proposed 2013/2014 budget was presented and reviewed. Income and expense items were taken line by line with discussion and comments by the board. President Coyle noted there is about a 6.4% deficit and suggested the Board review the budget between now and the June board meeting for any suggested changes. Send budget questions and comments to the committee and board.

New Business: President Coyle suggested a new contract for the Executive Director that would follow the ISPLS budget period. Discussions will continue at the next board meeting. The Executive Committee will review this matter.

Next ISPLS Board meeting will be June 15, 2013 at 9:00 am EDT at ISPLS Headquarters. The meeting adjourned at 3:07 pm EDT.

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June 15, 2013

The ISPLS Board of Directors met on Saturday, June 15, 2013 at ISPLS Headquarters, Indianapolis, Indiana. President Chuck Coyle called the meeting to order at 9:02 am EDT. All board members were in attendance with the exception of Bernie Guerrettaz, Sean Suttles, and Dennis Grumpp. The Board also welcomed Ron Wharry as a newly appointed director. Others in attendance were Jason Coyle, Executive Director of ISPLS; and Bryan Catlin, Central Indiana Chapter President.

President Coyle briefly reviewed the ISPLS Mission and Vision Statement and noted the "Rules of Order" for the meeting. There were a few adjustments to the agenda. A motion was made by Eric Banschbach seconded by Kevin Rowland to accept the agenda as amended. The motion passed by a voice vote.

The minutes from the May 18, 2013 meeting were reviewed and accepted. A motion was made by Don West and seconded by Don Williams to accept the Board of Directors' meeting minutes as amended. The motion passed by a voice vote.

The Treasurer's Reports were reviewed and narrated by Executive Director Coyle for Dennis Grumpp. Financial reports ending May 31, 2013 were presented for board review. Assets totaled \$227,566.24 as of May 31, 2013. Executive Director Coyle also covered the income and expense report, investment report, budget, and the profit and loss report. It was noted there is an approximately \$10,373.10 projected shortfall for the 2012/2013 budget period. A motion to accept the Financial Reports was made by Gary Kent and seconded by Eric Banschbach. The motion passed by voice vote.

The Board heard and reviewed the Executive Director's report. Executive Director Coyle presented a written report and discussed highlights with the board. He discussed membership renewals; Affiniscape, which was sold to YourMembership.com; and the ISPLS Legislative Agenda. It was discussed that a letter needs to be sent to the Chapters clarifying the "membership income" within the By-Laws. The Chapters can have other income; they just cannot charge their own additional dues. There was Board discussion led by Jason Coyle and Perry Cloyd. There are concerns about filing a complaint verses working with the utility companies. Jason will set up a meeting with Paul Fallon and will put out an additional communication encouraging surveyors to call in for utility locates. Executive Director Coyle explained that he had received two bids (\$425 and \$450) for replacing/fixing the ISPLS monument sign in front of the building at the street. He further reported that Bob Wilkinson passed away and a memorial letter will be sent to his mother.

Business Conducted via Email: The Indiana Professional Licensing Agency changed their policy for acquiring names and addresses of licensed individuals. It is now a fee based online search. A motion was made by Ron Wharry and seconded by Don West to expend \$160 for a "data base" of licensed surveyors and have the funds taken out of account C-81. The motion passed by a voice vote.

ISPLS Committee reports: Executive Director Coyle gave a verbal report concerning the Publication and Media Committee. Ron Wharry, Membership Committee Chair, made a motion to grant a Life Membership to Dan Pusey. The motion was seconded by Gary Kent and passed with a voice vote. Trig-Star Committee Chair, Tony Gregory, submitted a written report that is in the Hoosier Surveyor. Don West, Public Information and Marketing Committee Chair, gave an update on the Riley Children's Hospital Telethon that took place on June 7-8. Seven ISPLS members manned the phones for the telethon.

Board of Registration Liaison, Jason Coyle, mentioned that the next meeting is Friday, July 19. Executive Director Coyle stated a written report of the last Board of Registration meeting is within the Hoosier Surveyor. There was also discussion regarding re-appointments of the members of the Board of Registration. A formal recommendation letter with a list of ISPLS recommended Professional Surveyors will be prepared and sent to the Governor's office. President Coyle is looking for a replacement for the County Surveyors Liaison. Eric Banschbach with the Geodetic Control Workgroup reported he is still working on Height Modernization project and will submit a \$175,000 grant request for 2013/2014. President Coyle said he tried to make contact with Mike O'Brien concerning the Statute of Repose legislation. President Coyle gave an update on the Indiana/Michigan State Line Commission and said he made contact with Mike O'Brien. A list of recommended "commissioners" was forwarded to the Governor's Office for consideration. Zach Beasley with the Indiana County Surveyors Association forwarded the same names to the Governor's Office on behalf of the County Surveyors Association.

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Rich Hudson, the By-Laws Committee Chair, stated that the committee will be reviewing the by-laws concerning electronic voting. Finance and Planning Chair, Dennis Grumpp, stated that the committee met June 12 and a written report was presented. President Coyle suggested a letter be sent to each Chapter encouraging/soliciting names from the Chapter for Board of Directors. This will assist the Nominations Committee Chair, Mark Gardner, in preparing a slate for upcoming elections.

Eric Banschbach with the IPLS Foundation reported that there was no meeting last month. A meeting was scheduled for the coming week.

Those directors and members in attendance gave verbal reports concerning their chapters.

Unfinished Business: The proposed 2013/2014 ISPLS Budget was presented and reviewed by Dennis Grumpp and Executive Director Coyle. Executive Director Coyle explained the budget setup for the Board. Income and expense items were taken line by line with discussion and comments by the board. A motion was made by Don West and seconded by Gary Kent to approve the 2013/2014 budget as presented with the additional \$100 added to account S-18 – office gas utility. The motion passed by a voice vote with Perry Cloyd voicing a “no” vote. The Executive Director’s Employment Agreement and Renewal will be addressed at the next BOD meeting in July.

The Board discussed formalizing the desired actions of ISPLS in the process of exempting Surveyors from apparent encumbrance of notification/requesting utility locates within the “normal” scope of surveying.

New Business: Ed Sweetland gave an update concerning the Land Surveyors Political Action Committee (PAC). The PAC met after the May 19 ISPLS Board of Director’s meeting. The PAC developed a list with suggestions from Lobbyist Mike O’Brien of five current elected legislators to receive PAC donations.

Next ISPLS Board meeting will be July 27, 2013 at 9:00 am EDT at ISPLS Headquarters. The meeting adjourned at 1:54 pm EDT.

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Course Objective: To allow those individuals that have applied for examination for Professional Surveyor an opportunity to have a general review of the materials that may be encountered on the national and state specific examination.

DATE: September 21, 2013 (Saturday)

TIME: 8:30 A.M. TO 5:00 P.M.

PLACE: ISPLS Office, 8325 S. Emerson Avenue, Suite B-2, Indianapolis, IN 46237

COST: \$150.00

EXAM MATERIALS/TOPICS:

Early Indiana Trails and Surveys	Rule 12	ALTA Surveys
GLO/USPS/Tiffin's Instructions	Sanitary Sewer Design	Indiana Law
Sequential and Simultaneous Conveyances	Unwritten Rights	
Storm Water Management	Storm Sewer Design	

Breakfast: Bagels, donuts, coffee and juice will be provided.

Lunch: Box lunches and soft drinks will be provided.

REMEMBER: TIME GIVEN IS EASTERN DAYLIGHT TIME (EDT)

**REGISTRATION FORM – PROFESSIONAL SURVEYOR REVIEW SEMINAR
September 21, 2013.**

Reservations: All fees include breakfast and lunch.

Online Registration is available at www.ispls.org or a check can be mailed and payable to:

**Indiana Society of Professional Land Surveyors
8325 S. Emerson Avenue, Suite B-2
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INDIANA SOCIETY OF PROFESSIONAL LAND SURVEYORS**

Course Objective: To allow those individuals that have applied for the first 8 hour examination for registration as a Professional Land Surveyor an opportunity to have a general review of the materials that may be encountered on the national examination.

DATE: September 28, 2013

TIME: 8:30 A.M. to 5:00 P.M. EDT

PLACE: ISPLS Office, 8325 S. Emerson Avenue, Suite B-2, Indianapolis, IN 46237

COST: \$125.00

EXAM MATERIALS/TOPICS:

General Survey History	Survey Definitions	State Plane Coordinates
Fundamentals of GPS	Astronomic Observations	Photogrammetry
Boundary Law	Survey Computations	Survey Systems

Breakfast: Bagels, donuts, coffee and juice will be provided.

Lunch: Box lunches and soft drinks will be provided.

REMEMBER: TIME GIVEN IS EASTERN DAYLIGHT TIME

REGISTRATION FORM – FS EXAM REVIEW SEMINAR- September 28, 2013

Reservations: All fees include breakfast and lunch.

Online Registration is available at www.ispls.org or a check can be mailed and payable to:

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

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BOARD OF REGISTRATION FOR LAND SURVEYORS

MEETING HIGHLIGHTS - JULY 19, 2013

by Robert "Jason" Coyle, PS, Executive Director

The Board of Registration for Professional Surveyors met Friday, July 19, 2013, at 8:30 am EDT. The meeting was held at Indiana Government Center South, 402 W. Washington Street, Room W064, 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 8:42 am EDT with all Board members in attendance. The Board adopted the agenda for this meeting and approved the amended minutes from the April 12, 2013 meeting.

The Board continued with personal appearances. First on the agenda was Roger Woodfill. Mr. Woodfill was not in attendance for the meeting. It was mentioned that a few Board members received an e-mail from Mr. Woodfill on Wednesday, July 17, which stated that he would not be in attendance for the meeting or the subsequent hearing. The Board concluded (due to the vagueness of the e-mail) that Mr. Woodfill was asking for a continuance to the hearing. This determination led Ross Holloway to make a motion to deny the continuance and continue with the hearing which was scheduled for later in the meeting. The motion was seconded by John Stephens and passed with a voice vote.

The Board met with Mr. Steven Williams for his personal appearance and probationary report at 9:11 am. Mr. Williams stated that he had completed one survey within the last month and that it was still pending review from the reviewer/mentor. He stated that he is currently working on another survey as well. The Board had a brief discussion with Mr. Williams concerning the review/mentorship program.

At 9:14 am, the Board met with Justin Schneider with the Indiana Farm Bureau. Mr. Schneider explained that the Indiana Farm Bureau hosts an annual drainage seminar and typically has surveyors in attendance. Surveyors that have attended the seminar have asked the Indiana Farm Bureau if the courses were approved for continuing education credits by the Board of Registration for Professional Surveyors. Mr. Schneider was asking the Board what was the process for receiving approval. The Board recommended that the Indiana Farm Bureau submit information pertaining to the courses and instructors per Title 865 of the Indiana Administrative Code 1-15-9.

The Board then continued with Administrative Hearings. First on the agenda was the Matter of Registration of Alvin Paul regarding a Petition for Review, Cause Number SBRLS 13-01. Mr. Paul was in attendance with his attorney, Christopher Ripley. The hearing began at 9:25 am. Prior to the opening statements, Deputy Attorney General Gordon White addressed the Board with a legal issue surrounding this cause.

During the initial hearing, the Board had determined that Mr. Paul was deficient by nine continuing education hours. The Board also determined that Mr. Paul had falsified his renewal application by stating that he had completed the required twenty-four hours. As a result and based upon the advice of Mr. White, the Board assessed a \$100 penalty per hour of deficiency and imposed a civil penalty of \$5,000 for falsifying his renewal application; thus totaling \$5,900 in penalties to Mr. Paul. Mr. White explained that per Indiana Code 24-1-4-5 the Board may impose a civil penalty of not more than \$5,000. Therefore, the Board had erred in assessing a penalty in excess of \$5,000.

The hearing continued with Mr. Ripley explaining to the Board that Mr. Paul had experienced an incapacitating illness during October of 2010 and remained in and out of medical and rehabilitation facilities throughout 2011. Upon regaining his health, Mr. Paul was diligent and steadfast in acquiring the continuing education hours needed to satisfy licensure requirements in the multiple states he is licensed in. In closing, Mr. Ripley reiterated that Mr. Paul has had an impeccable record after more than 30 years as a licensed surveyor and that it was only due to a health condition that did he falter. Mr. Ripley requested that the previous findings and penalties for Mr. Paul be waived due to a hardship as defined in Indiana Code 25-1-4-4. There was a Board discussion upon the closing of the hearing. As a result, Ross Holloway made a motion to grant a medical waiver to Mr. Paul for the balance of the continuing education hours required (9 of 24). The motion was seconded by John Stephens and passed with a voice vote.

After about a ten minute break, the Board continued with an Administrative Hearing in the Matter of Application for Caleb Towles at 10:41 am. The hearing was in regards to a Petition for Review, Cause Number SBRLS 12-09. Mr. Towles was in attendance for the meeting along with his mentor, Earl Spires, PS. Mr. Towles had received his Land Surveyor in Training (LSIT) from the State of

(Continued on page 13)

(Continued from page 12)

Illinois in December of 2012. The Board had reviewed his application for Professional Surveyor and denied it for his education being deficient in 3 credit hours of subdivision design and planning and 6 hours of college level science/physics. Mr. Towles provided the Board with additional information pertaining to his education and asked for other courses to count towards his deficiencies in college level science/physics. There was a Board discussion upon the closing of the hearing pertaining to Title 865 of the Indiana Administrative Code 1-2-1(h) and the possibility of additional educational deficiencies. A motion was made by Mike DeBoy and seconded by Doug Lechner to uphold the denial and the deficiencies noted above. There was an additional discussion prior to the vote concerning the acceptance of college level courses. The motion passed with a voice vote.

The Board heard a report from Natalie Stidd, Deputy Attorney General, at 11:08 am. Natalie Stidd 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 During Year
2011	33	4	15
2012	22	13	25
2013	10	6	7
Complaints Currently Open as of July 18, 2013			9
Average Age of Open Complaints: 5.82 months			

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	3
Complaints Currently Open as of July 18, 2013			5
Average Age of Open Complaints: 25.74 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 11:15 am, the Board commenced with an Administrative Hearing concerning the Matter of Registration of Mr. Roger Woodfill, Cause No: SBRLS 12-04, with regards to the Notice of Proposed Default. Mr. Woodfill was not in attendance for the hearing. Natalie Stidd, Deputy Attorney General for the State of Indiana, began the proceedings by requesting that the Board hold Mr. Woodfill in Default for his failure to appear or for his failure to file a timely written response. A motion was made Ross Holloway to hold Mr. Woodfill in Default. Doug Lechner seconded the motion and it passed with a voice vote. Natalie Stidd continued with the hearing by presenting the State's evidence. The State's findings are listed below:

1. On or about August 21, 2012, after a disciplinary hearing on July 20, 2012, the Board issued its Findings of Fact, Conclusions of Law, and Final Order concerning the Matter of the Registration of Mr. Woodfill.
2. The Final Order placed Mr. Woodfill's license on probation and included the following terms of compliance:

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- a. The license of Mr. Woodfill, LS80040161, shall be placed on indefinite probation with no right to petition for withdrawal from probation for one year from the issuance of the Final Order.
 - b. While on probation, Mr. Woodfill shall comply with the following conditions:
 - i. Mr. Woodfill shall personally appear before the Board at all of their meetings while on probation.
 - ii. Mr. Woodfill shall submit the finalized surveys (surveys which have been reviewed and, if necessary, corrected) to the Board Designee.
 - c. Mr. Woodfill shall pay a fee of \$5.00 within 30 days of the date of the Final Order in this matter, to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.
 - d. Mr. Woodfill shall abide by all statutes, rules, and regulations concerning the practice of land surveying.
3. Further, the Board's Final Order set forth in its paragraph six, "The failure of (Mr. Woodfill) to comply with the requirements of this Order shall subject him to a show cause hearing and the possible imposition of further sanctions."
 4. Pursuant to the requirements of the Board's Final Order, Mr. Woodfill should have made a personal appearance before the Board on February 1, 2013 and April 12, 2013, yet Mr. Woodfill failed to appear.
 5. Pursuant to the requirements of the Board's Final Order, Mr. Woodfill should have submitted a survey, which he certified on September 19, 2012 for Nancy Hanson, to the Board Designee, yet Mr. Woodfill failed to submit the survey.
 6. Additionally, the Board's Final Order required Mr. Woodfill to pay a fee of \$5.00 to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.
 7. The Indiana Office of the Attorney General had not received the \$5.00 from Mr. Woodfill.

After hearing the State's evidence and closing remarks, the hearing was closed and there was Board discussion. A motion was made by Doug Lechner and seconded by Rich Hudson to find Mr. Woodfill in violation of the Order and place Mr. Woodfill's license on indefinite suspension with the following terms:

1. Mr. Woodfill's professional surveyor's license, LS80040161, shall be placed on indefinite suspension. Mr. Woodfill may petition the Board in writing for reinstatement of his license.
2. For the duration of the suspension, Mr. Woodfill shall not practice or offer to practice land surveying.
3. Mr. Woodfill shall pay a fee of \$5.00 within 30 days to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.

The motion passed with a voice vote.

Under discussion items, Crystal Heard, Board Director, explained how Michael Chabes had sent correspondence to the Board concerning their recent decision and how he was experiencing some hardship. No action was taken. The Board also discussed the distance learning for continuing education and proposing a rule change. The Board then turned their attention to a review of the Professional Surveyors Exam – Part IIB. There was an ambiguity with question number 47 of the state specific exam. There was Board discussion that led to a motion by Doug Lechner and seconded by Rich Hudson to give all examinees credit for problem number 47. The motion passed with a voice vote.

The Board continued with Probationary Reports for J. Bernard Feeney, Michael Sadlon and Ronald Morrison. There was substantially nothing to report concerning these individuals since they had not prepared any surveys.

The Board passed a motion to approve 7 application, deny 3 application and table 1 application.

The Board heard a Board Director's report from Crystal Heard. She discussed a potential partnership with Homeland Security.

The meeting adjourned at 12:44 p.m. EDT. The next scheduled meeting is Friday, October 11, 2013 at 8:30 am EDT at Indiana Government Center South, 402 W. Washington Street, W064, Indianapolis, Indiana 46204.

ISPLS - NSPS GOVERNOR / DIRECTOR REPORT

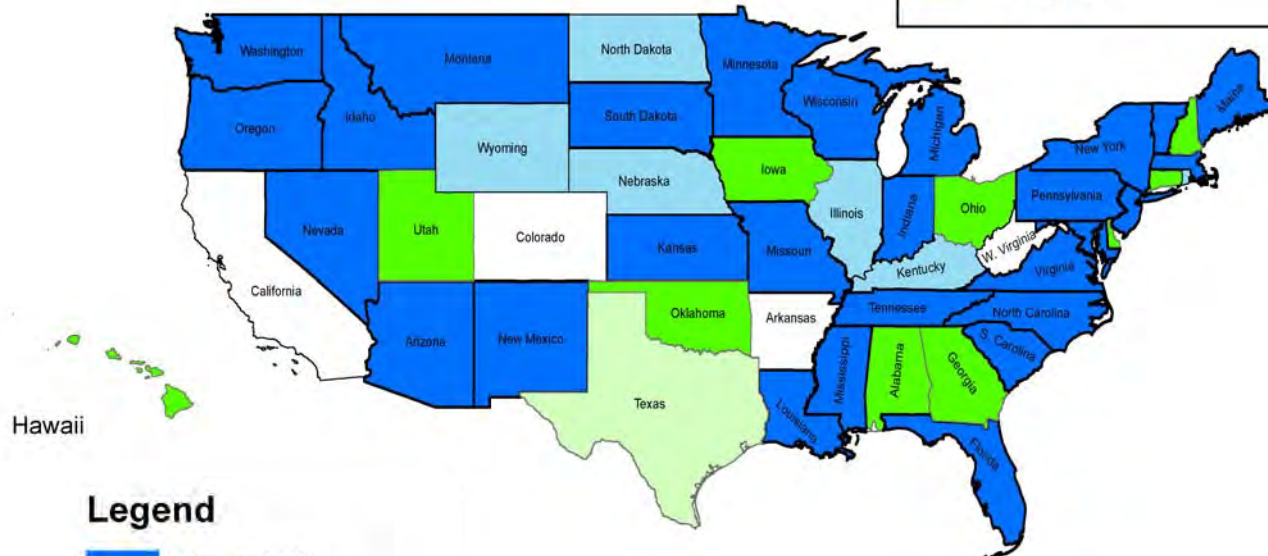
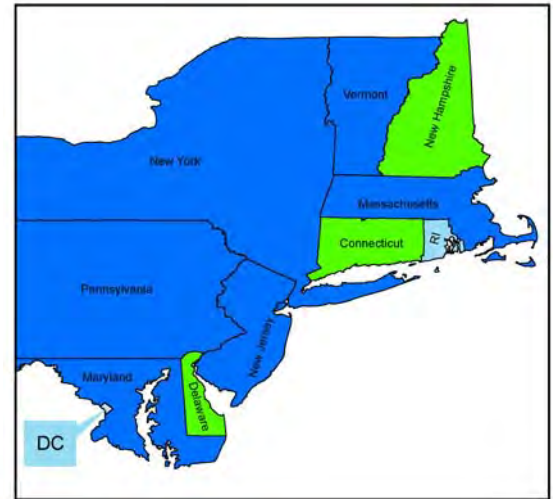
by Donald Bengel, PLS - Indiana NSPS Governor / Director

It is a bright sky for NSPS regarding the 100% membership proposal. As of August 8, 2013 no state society has rejected the proposal and there have been no negative responses.

California, Colorado, Arkansas and West Virginia have not responded. However, I believe those states are waiting for meetings to occur.

In my opinion, it appears that common sense is prevailing within the profession. The increased membership in our society can only have a positive effect on our ability to promote the Land Surveying profession.

I assume that the business at the fall meeting of NSPS will include how the necessary restructuring will proceed. That subject alone will entail a great amount of time and energy.



Legend

- Signed MOU
- Membership Approved
- Board Approved
- Positive Response
- Rejected
- Negative Response
- No Reponse

At the present time, the fall meeting will take place in Baltimore, Maryland at the Baltimore-Washington airport. This location is being considered for the cost benefits. Lobby Day is planned for the day proceeding the meetings, tentatively November 21, 2013. If any of our Indiana members are interested in participating in Lobby Day, please contact our Executive Director or myself for details.

As always, I invite all members to read News and Views on the NSPS web site. It is always up to date on the activities of the Society.

Please do not hesitate to contact me with any questions or comments pertaining to NSPS.



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NATIONAL TRIG-STAR WINNERS – 2013

By Tony Gregory, PLS – Indiana Trig-Star Coordinator

National Trig-Star Committee Selects Winners of the Richard E. Lomax National Trig-Star and Teaching Excellence Awards



The National Society of Professional Surveyors (NSPS) is pleased to announce the recipients of the 2013 Richard E. Lomax National Trig-Star Awards. The Trig-Star committee met on July 12, 2013 to determine the three top high school students from the national examinations submitted by state winners. This year there were thirty-five state winners submitted. A past president of NSPS, Richard Lomax was the driving force behind the elevation of the local Trig-Star program to the national level. In October 1994, Board action named this high school trigonometry skill award in his honor.

The Richard E. Lomax National Trig-Star Awards are as follows:

First Place: Adeesh Alok Jain, Flower Mound High School, Flower Mound, Texas
Second Place: Taylor McReary, San Luis Obispo High School, San Luis Obispo, California
Third Place: Ivan Ye, West High School, Iowa City, Iowa

The Richard E. Lomax National Teaching Excellence Awards are as follows:

First Place: Mary Walker, Flower Mound High School, Flower Mound, Texas
Second Place: Blake Bristol, San Luis Obispo High School, San Luis Obispo, California
Third Place: James Kirpes, West High School, Iowa City, Iowa

The first place student receives \$2,000, second place student receives \$1,000, and third place student receives \$500. The first place teacher receives \$1,000, second place teacher receives \$500, and third place teacher receives \$250. The Trig-Star Policy states that “the National Student and Teacher Awards be given to the winning students at or before the next state professional land surveying organization conference of the student’s home state.”

The following is a list of the remaining State Winners in the order of finish:

Owen Stewart, Nevada; **Casey LeeVan, Indiana**; Jingyu Li, Wyoming; Songlin Wu, Utah; Jonathan Shum, New Hampshire; Anthony Abbazia, Jr., Connecticut; Christopher Zhang, New Jersey; Alex Croxford, Illinois; Derek Hueske, Pennsylvania; Will Drayer, Ohio; Jonathan Dubose, Maryland; Sophia Leddy, Kansas; Jin Lu, Alabama; Sam Shuman, Washington; Jeremy Brethauer, South Dakota; Tina Wu, Minnesota; Ray Herbert, Georgia; Sam Fedeler, Virginia; Angi Duan, North Carolina; Carmen Miele, Montana; David Maldonado Ruiz, Puerto Rico; Ruth Tsige, Colorado; Shauna Jacob, Wisconsin; Benjamin Burton, Tennessee; Tanner McGill, Idaho; Ryan Miller, Louisiana; Sam Mauch, North Dakota; Michael Carson, Oregon; Gabriel Tilton, Maine; Rebecca Prock, Missouri; Anday Pishchalenko, Hawaii ; and Michael Brereton, Delaware.

The Richard E. Lomax National Trig-Star and Teaching Excellence Awards are a few of several annual NSPS awards. For more information about the NSPS awards and scholarship programs, please contact NSPS, 5119 Pegasus Court, Frederick, MD 21704, (240) 439-4615, e-mail: Trisha Milburn at trisha.milburn@nsps.us.com, or visit the NSPS web site at www.nsps.us.com.

Anyone interested in information on what it takes to get involved with the Trig-Star program in Indiana can contact Indiana’s Trig-Star Coordinator, Tony Gregory, at gregorylandsurveying@comcast.net.



Selling Surveying via TrigStar

Selling surveying as a profession to high schoolers is easy once we get the students engaged in what we do," said Jim Whitehead, LS, coordinator of NSPS' TrigStar program in Maryland. "The challenge is to get more surveyors around the country engaged in helping us achieve this worthy objective."

TrigStar is the NSPS educational program designed to demonstrate to high-school-aged students how mathematics, and specifically trigonometry (hence the moniker TrigStar), can be directly applied to the world of work.



A student at West Lake High School in Maryland learns about surveying applications by taking the TrigStar test.

Paul Kanterman, a sixth-year mathematics teacher at West Lake High School in southern Maryland, said the TrigStar program helps him answer the question regularly asked by his trig students: "Where am I ever going to use this?"

TrigStar, which is conducted by surveyor-volunteers throughout the nation, begins earlier in the school year with the surveyors giving an introduction to the profession of surveying. After the state winners are determined, they compete nationally. The winner receives a \$2,000 award,

and the winner's sponsor (teacher) wins a \$1,000 award. Second and third place national students and teachers received smaller awards. NSPS also offers an annual \$5,000 TrigStar scholarship. Any student who has participated in the TrigStar program at any level and is enrolled in studies leading to a degree in surveying/geomatics is eligible to apply for the scholarship.

"When we kick off the TrigStar program at the start of the year, we come to the school with our backpacks and our tripods and our robotic instruments," Whitehead explained. "The message we want to send them is that surveying is an exciting, dynamic profession that gives them access to some of the best hardware and software in the world to work on some of the most challenging problems.

"Surveyors are no longer just the guys on the side of the road with a transit putting in a property corner or staking a curb; they are involved with imaging, GIS, LIS, and other dynamic programs that will challenge them at the highest level of education," Whitehead continued. "TrigStar is our first step in reaching out to them. The second step is ensuring they get a degree in surveying from a recognized four-year college and then get experience with an appropriate company that offers professional surveying services and get their registration/license."

During a later visit, the surveyor-volunteers, working closely with the mathematics instructors and proctors, offer a four-question examination. The first two questions pertain to basic right triangles, the third challenges the students with a basic parallelogram situation, and the fourth is always a written real-world land sur-

veying problem. The exam is typically conducted prior to the opening of school, often at 8:00 a.m.

On this particular morning, the final week of school at West Lake High School, 150 students show up at the school's dining hall to take the exam.

But with only 600 licensed surveyors in Maryland [compared to 40,000 licensed engineers] he stressed that more working surveyors need to pitch in to get the word out.

"It's a pretty exciting program," he continued. "I can't tell you how many

"The message we want to send them is that surveying is an exciting, dynamic profession."

"Don't ever doubt that coming to school to teach students about career possibilities helps promote your profession. It does," trig instructor Kanterman stressed.

"Conducting TrigStar definitely achieves the goal of getting our kids to see the real-world application of what we teach them. But, in my opinion you need to get to the students even sooner if you want them to pursue careers in surveying," Kanterman continued. "They've heard about engineering since they were in kindergarten. You need to get to them sooner and more often. I'd make sure surveyors around the country participate in this program and any other opportunities to tell young people about what an exciting career choice surveying can be. Bring in some of the 'gee whiz' tools surveyors use, and you'll get their interest."

Whitehead, who got involved with TrigStar ten years ago when he was president of the Maryland Society of Surveyors, said, "We're pretty excited about TrigStar here in Maryland. We started the program here in southern Maryland, where all 10 high schools are STEM [science, technology, engineering and math] schools, branched out to several counties in the western part of the state, and now are looking to broaden our reach in the state.

"Today we get the word out to about 2,000 students in Maryland each year," Whitehead estimated.

times I've been in a grocery store where a mother will walk up to me and say, 'You tested my daughter at Stone High School and she won first place,' or something of the like. We've had county commissioners interview us about TrigStar. We've had the superintendent of schools for Maryland help us give out certificates and awards. This is a program that the Maryland Society of Surveyors could project across the entire state, and hopefully one day we will. It needs more growth nationwide as well."

Daniel Dewaters, 17, walks out of the cafeteria where he's just completed the exam. "I think I did great because I thought it was easy. You had to know cosines, sines, the Pythagorean Theorem, stuff like that. I love that stuff. It's fun. I like trig the most, but geometry is fun too."

"Do you think you might want a career in surveying, Daniel?"

"I might, if I knew more about it," he replied. "But right now I'm interested in marine biology. I've been interested in that since I was little."

Scan here to visit the NSPS web page.



Scan here to view video of Trigstar in action.



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.

Countrywide Home Loans, Inc. vs. Robert Holland, Indiana Court of Appeals Case No. 45A04-1202-PL-53, April 30, 2013

This is one of several cases from Lake County where attorney Holland enters vacant properties he deems a nuisance and makes an effort to abate that nuisance without permission from the owner. He then attempts to obtain title and compensation by filing a quiet title action and seeking to foreclose on purported common-law liens. In this case the trial court judge granted Holland's quiet title action since Countrywide had not responded to a summary judgment motion. Holland was also later awarded damages in the sum of one dollar. The trial court record indicated that the court was not happy with this outcome and expected it to be reviewed on appeal.

The Appeals Court gives a lengthy explanation of its reasoning before vacating the summary judgment for Holland and instructing that a summary judgment against him be entered as well as reversing the damage judgment and vacating the one dollar in damages.

While surveyors or surveys were not a part of this case, it is instructive for the extensive explanation of quiet title in the Appeals Court ruling.

Richard J. Bond vs. Knox County Drainage Board and Dick Vermillion, as Knox County Surveyor, Indiana Court of Appeals Case No. 42A01-1209-PL-422, April 25 11, 2013 - MEMORANDUM DECISION - not regarded as precedent

In this case from the Knox Superior Court, Jerry and Brandon Cardinal petitioned the drainage board to allow them to pump their field tile into the right-of-way of a road which drained into a lateral of Snapp Ditch, a regulated drain. Bond objected claiming the Snapp Ditch could not handle additional flow and would flood his farm. The Drainage Board eventually approved the Cardinals' petition and Bond filed a petition for judicial review which the Appellees sought to have dismissed on the basis that Bond failed to state a claim. The trial court dismissed Bond's petition and this appeal followed.

Bond's petition had made two claims, that the Drainage Board violated IC 36-9-27-17 by failing to require plans and specifications be submitted and that the Board did not follow the requirements and procedures of the Stormwater Drainage Ordinance.

The Appeals Court affirmed the trial court decision in large part due to Bond not specifically claiming what error the Drainage Board made in their decision. A separate concurring opinion was written by Judge Baker to clarify that although the county surveyor's action in this case was not reviewable, he does not agree with "...the bald assertion that determinations from a county surveyor are not available for judicial review" from the majority opinion.

Henry (Hank) Eilts, Hank's Construction, and The G. Jackie Eilts Credit Shelter Trust vs. Jeremy Wayman, Indiana Court of Appeals Case No. 85A02-1208-PL-627, May 24, 2013 - MEMORANDUM DECISION - not regarded as precedent

This appeal from the Wabash Circuit Court began with drainage problems Wayman had at his home. A clay pipe which drained downspouts and geothermal heating and cooling system across a neighbor's property sometimes clogged due to tree roots, causing Wayman's swimming pool liner to rise out of the ground and water to infiltrate into his crawlspace.

After lawn damage caused by prior repairs the neighbor was not agreeable to further excavation. Wayman approached Henry Eilts's excavation company, Hank's Construction, to see about a more permanent solution. Eilts apparently told Wayman he owned a neighboring farm and could run the drainage there. Actually, Eilts co-owned the farm with the G. Jackie Eilts Credit Shelter Trust which was named for Eilts's deceased wife. Eilts's two daughters, who both worked for Hank's Construction, were the trustees. There was an unwritten agreement that Hank's would install the pipe and Eilts would grant a permanent easement to use and maintain the tile. Eilts installed the tile in fall 2007 and reseeded the excavation the next spring. Wayman paid the agreed fee over the winter of 2007-2008 except the final \$500 pending execution of the easement.

(Continued on page 21)

(Continued from page 20)

Wayman subsequently built a new restaurant in Wabash which Eilts wanted to do excavation and drainage work on. Wayman's contractor did not hire Hank's for the job. In 2009 Wayman called Hank's about the easement and after a later call, one of the daughters stated that her father was still mad about not getting the restaurant job. Eilts later stated he never agreed to an easement and threatened to close off access to the tile.

Wayman sued Eilts and Hank's Construction for breach of contract and promissory estoppels. The Trust was added as a defendant once Wayman learned of its interest in the farm. Eilts and Hank's counterclaimed for the unpaid \$500. After a bench trial which found in favor of Wayman and directed the \$500 be paid after the easement was issued, this appeal followed.

On appeal Eilts says he never agreed to grant an easement. The Appeals Court dismissed this as a request to reweigh evidence the trial court found was true as a matter of fact. Eilts and the Trust argued the easement agreement was invalid since it was not written. The Appeals Court noted that being unwritten does not void an agreement but merely makes it voidable. In this case, partial performance, by payment of most of the agreed price, the improvement on the farm and Wayman's property and Wayman's use of the tile create an exception to the statute of frauds. The trial court had also found that the Trust was bound to the agreement by Eilts's action by the doctrine of apparent authority. In this case, Eilts referred to the farm as his field, and both daughters were aware of the work and had allowed their father to lease the farm. Even though there was no prior agreement who could burden the property with an easement, the daughters never indicated their father did not have authority to grant an easement to Wayman.

The judgment of the trial court was affirmed.

Bryan F. Catlin, PS 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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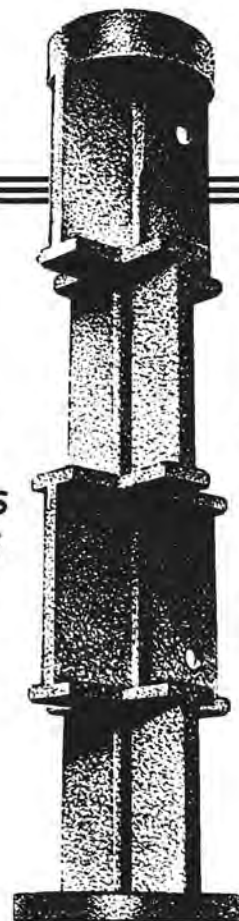
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MINING INTERESTS, IMPLIED EASEMENTS, AND ADVERSE POSSESSION

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Disputes over mineral estates and mining rights have long been common fare for the courts. The recent development of new mining techniques and the recognition of previously unrecognized mineral deposits emphasize the importance of defining limits and reasonable methods of access for minerals. Each grant or reservation of a subterranean estate increases the complexity of the overall situation and also raises the likelihood of conflict between the various property interests.

These issues are admirably illustrated by *Pyramid Coal Corp. v. Pratt*. This dispute began when the coal company operations disrupted the water flow from the well supplying water to Pratt's house. The mining company had acquired the coal under the surface by warranty deed. In the process of removing coal from the seam, the company damaged the well casing that was drilled through the coal seam to the water source 20 feet below.

The final ruling demonstrates several principles relating to easements implied by necessity. While it is clear that the coal company was entitled to surface access necessary for reasonable access to the coal seam, the owners of the surface estate were considered to own all of the remainder of the subsurface rights to the subject parcel. The subsurface water supply below the coal was considered to be Pratt's property, and an easement was implied in order to assure access to the water supply through the coal seam.

Apparently the matter of a way of necessity vertically from a surface estate to underlying strata has not been before the courts of Indiana until now and in a measure we are required to pioneer. This court has heretofore held that "It is a fundamental maxim that the title to land extends down to the center of earth, and up to the heavens, within the lines of gravitation; . . ." This being true it seems to follow logically and naturally that when the owner of the fee title to land sells to another an underlying stratum or seam of coal by a proper deed of conveyance, he retains in himself, without special reservation, a way of necessity from the surface estate, vertically through the seam of coal so conveyed to his underlying estate for a reasonable use thereof. [1]

An unusual claim of adverse possession of subsurface estates is described in *Marengo Cave Co. v. Ross*. This ruling centers on a commercial cavern that had been in operation for over 40 years. The claimants emphasized that the open and notorious nature of the adverse use was proved by the frequent advertising in local newspapers and by the collecting of fees from visitors to the caverns. In addition, Marengo Cave Co. had installed stairways and concrete walks to make visits to the cave more enjoyable and provided guides for tourists.

Fortunately for the Ross family, the court considered several other factors necessary to perfect an adverse possession claim. It seems clear that all parties involved were unaware that the cave extended under the lands of the defendant until a 1932 survey of the cave by a civil engineer determined the true extent of the cave and its relationship to the boundary lines in question. Even more critical was the court's emphasis on an exception to the general premise that adverse possession claims may be perfected even in cases of mistaken belief regarding the true location of the boundary line.

Since no previous precedent existed in Indiana at the time, the court found relevant case law in the extensive Pennsylvania rulings regarding adverse possession of coal seams. The Indiana court ruled: *"The title of the plaintiff extends from the surface to the center, but actual possession is confined to the surface. Upon the surface he must be held to know all that the most careful observation by himself and his employees could reveal ... But in the coal veins deep down in the earth he cannot see. Neither in person nor by his servants nor employees can he explore their recesses in search for an intruder. If an adjoining owner goes beyond his own boundaries in the course of his mining operations the owner on whom he enters has no means of knowledge within his reach. Nothing short of an accurate survey of the interior of his neighbor's mines would enable him to ascertain the fact. This would require the services of a competent mining engineer and his assistants, inside the mines of another, which he would have no right to insist upon. To require an owner under such circumstances to take notice of a trespass upon his underlying coal at the time it takes place is to require an impossibility; and to hold that the statute begins to run at the date of the trespass is in most cases to take away the remedy of the injured party before he can know that an injury has been done him. A result so absurd and so unjust ought not to be possible. . . . [2]* Ultimately, the court ruled that use of the caverns extending through property owned by others did not constitute a legitimate adverse possession claim.

(Continued on page 23)

(Continued from page 22)

It is abundantly clear that each time individuals create new conduits of access to land, the complexity of the interacting property rights will increase. Each time water is diverted, a bridge is built, a tunnel drilled or a new lake constructed, we are creating new ways in which individuals may use (or misuse) land. These are just a few of the principles that will be considered in my upcoming class *“Easements in a 3D World: Underground Wealth, Surface Flow, and Railroads”*

Sources:

1. Pyramid Coal Corp. V. Pratt: 229 Ind. 648; 99 N.E.2d 427 (1951).
2. Marengo Cave Co. v. Ross: 212 Ind. 624; 10 N.E.2d 917 (1937).

SAVE THE DATE - JANUARY 15 - 17, 2014



***Be sure to save the date, January 15 - 17, 2014, for the ISPLS Annual Convention
Hosted by the Wabash Valley Chapter of ISPLS at the Marriott East.***

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KNOX COUNTY'S LAYOUT MAKES PUZZLE-SOLVERS OF SURVEYORS

By Mike Davis

Surveying in Knox County — where the county seat of Vincennes was established in the 1730s as a French fur trading post — is challenging, but rewarding, according to Kevin Rowland.

“Sometimes it’s like putting pieces of an old puzzle together,” said Rowland, who has been surveying there since 1993. “You’re really a detective down here.”

Dick Vermillion, who has been the Knox County Surveyor since 1999 and was active in a private practice in Vincennes before that, calls the arrangement of parcels “one of the most complex in the country.”

A glance at a county map confirms this. Regularly shaped sections are far outnumbered by those that are oddly shaped and oriented in various directions. Tracts are numbered from 1 to the 200s.

Long, narrow farmland lots reminiscent of ones near New Orleans extend back from the banks of the Wabash River as it winds through Vincennes. One group of lots — the Upper Prairie — is above the site of the old village. The Lower Prairie is below the site. Nearby is a landlocked area called the Cathlinette Prairie. They adjoin the Vincennes Commons, an irregularly shaped tract, once fenced, where settlers grazed their cattle, farmed and gardened.

Other parcels — grants made by French officials around 1780 — have none of the above features, but are located where fertile soil was the primary consideration.

The county map also shows the Vincennes Donation Lands, 400-acre parcels granted to French heads of families by the U.S. government as a reward for their loyalty in the Revolutionary War. The map also outlines Locations, tracts recognizable by an “L” before a number, which were last-chance compensations for inhabitants before remaining land was surveyed and sold.

The Knox County Surveyor’s office lists 12 types of land systems that surveyors may encounter: Section, Donation, Subdivision, Location, Survey, Upper Prairie Survey, Lower Prairie Survey, Cathlinette Prairie Survey, Vincennes Commons Lands Division A, Vincennes Commons Lands Division B, Vincennes Commons Lands Division C and Old Town of Vincennes.

“When you look at a map, only about 25 to 30 percent of the county is actually covered by sectionalized land,” Vermillion said. “The rest is prior land grant.”

A lack of early records compounds the challenge for modern-day surveyors.

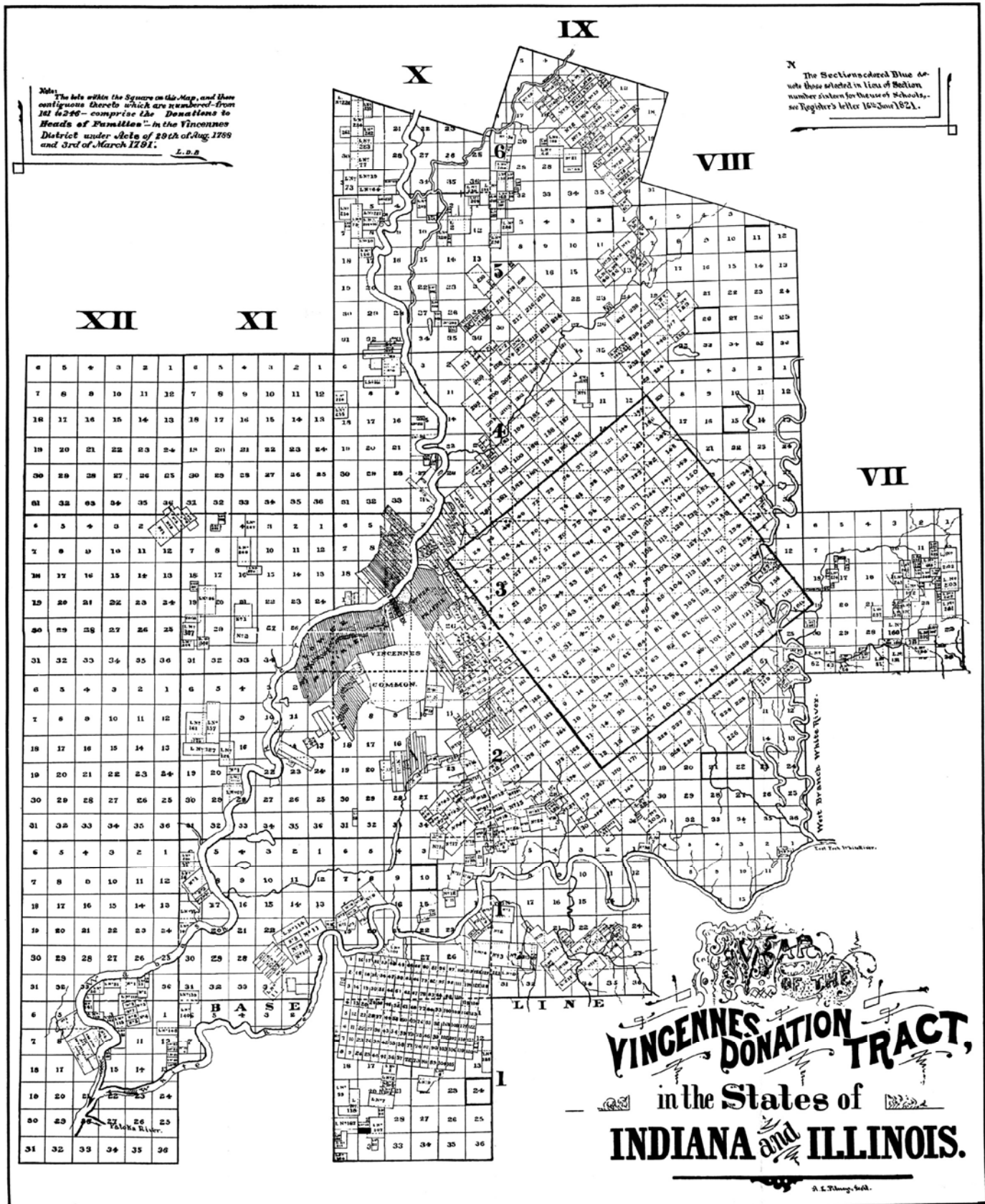
In “The Vincennes Donation Lands,” author Leonard Lux says casual treatment of titles existed there in the mid-1700s. “Concessions were generally noted on small scraps of paper which were sometimes lodged in a notary’s office and often as not given to the individual,” Lux writes. “Other grants were made verbally, apparently without any written record of the transaction being made.”

Vermillion said a fire in the late 1800s made things even more complicated. “If original notes existed, they probably were lost when the Knox County courthouse burned down,” he said. Also, many of the county’s legal descriptions are “very old,” relied on less-accurate instruments, and don’t close, Vermillion said.

Rowland says cooperation among the three Knox County surveying firms (A to B Surveying; Eck-Vermillion Inc.; and Stradtner, Rowland and Associates) — and assistance from the County Surveyor’s office — are key factors in dealing with the challenges. “It’s a collaborative group effort,” he said.

Reviewing the work of previous Vincennes-area surveyors also helps. The notes of Robert E. Lind, who worked from the late 1920s to the early 1960s, are in miscellaneous survey and map records maintained by the County Surveyor’s office. “We have copies of his stuff,” Rowland said. “When you follow it, it fits.”

(Continued on page 26)



Vincennes Donation Lands are those shown within the northwesterly-oriented square east of Vincennes, “and those contiguous thereto which are numbered from 161 to 246.” Long, narrow lots fronting the Wabash River show the influence of the type of settlement found in 17th-century France and modified in Canada. [Map from Leonard Lux, *The Vincennes Donation Lands*, Indiana Historical Society Publications, vol. 15, no. 4 (Indianapolis: Indiana Historical Society, 1949), used with permission.]

(Continued from page 24)

Vermillion said he's pleased that the County Surveyor's office has made more information available. One focus has been a section corner perpetuation project — he said there were 15 corners recorded when he took office, with five actually in existence, and now there are 460 on file.

"Just making people aware of what we have, and making it accessible, has made a big difference," Vermillion said. "A lot of it was just tucked up in an attic or stored somewhere. I've dusted off a lot of black soot."

With all that, Rowland acknowledges that there's still an appreciation for work in nearby counties where the land system isn't so complex. "If you get a survey in Gibson, Sullivan or Daviess counties, you can catch your breath a bit," he said.

Because, after three or four really challenging jobs in Knox County, he said it's easy to wonder, "Why did I set up shop here?"

"But it's a prideful thing," he added. "We're retracing the old footsteps."

COMPLETED CAREERS

JOSEPH W. JACOBI, SR.

Joseph W. Jacobi, Sr., 88, died Tuesday, July 2, 2013, at Westport Place Health Campus in Louisville.

Mr. Jacobi was born in 1924 in New Albany, Indiana. He attended New Albany High School and received engineering degrees from Speed Scientific School, University of Louisville. He was the retired founder and president of the civil engineering firm, Jacobi, Toombs and Lanz, and served the Town of Clarksville 25 years as Town Engineer. He was a Past Director of the Indiana Society of Professional Engineers, a Past President of the Jeffersonville Rotary Club, a Paul Harris Fellow and general manager of the Harbor Lights Band. He was an Army Signal Corps veteran of World War II serving in the South Pacific and was a life member of Bonnie Sloan Post #28, American Legion, in New Albany.

He is preceded in death by his two wives, Mary Louise Kraus Jacobi (1960) and Shirley Ann McCamish Jacobi (2008); and an infant son, Jeffrey A. Jacobi.

Survivors include sons, Joe Jacobi, Jr. and his wife Kathy, Mark Jacobi and his wife Jean, Mike Jacobi, Jerry Jacobi and his wife Kathryn, Paul Jacobi and his wife Linda, Dennis Jacobi and his wife Stephanie; sister, Mary Margaret Jacobi Zimmer and her husband Mark; 12 grandchildren; and one great-grandchild. Visitation will be 2-8 p.m. Friday at Kraft Funeral Service, 708 E. Spring St., New Albany, IN. His Mass of Christian Burial will be 11 a.m. Saturday at St. Anthony of Padua Catholic Church, 316 N. Sherwood Ave., Clarksville, IN, with burial to follow at St. Anthony Cemetery.

Joseph W. Jacobi, Sr. was also a Past-President (1966) of the Indiana Society of Professional Land Surveyors.

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IPLS FOUNDATION, INC. REPORT

By Daniel Kovert, PE, LS - IPLSF President

The Indiana Professional Land Surveyor's Foundation (IPLSF) was established by ISPLS in 2009 for the purpose of promoting growth and development of the surveying profession. The Foundation's primary means of carrying out this purpose is through the awarding of scholarships and grants and through financial partnering with other foundations.

Since the last publication of the Hoosier Surveyor, the Board conducted meetings on June 17, July 15 and August 26. Highlights from these meetings include the following items:

- Developed the selection criteria for the Purdue Calumet scholarship awards and awarded a \$750.00 scholarship to Mr. Joshua Schaffer.
- Reviewed a grant application regarding the scanning and publication of the original notes and plats for the entire State of Indiana. This work is ongoing as we are attempting to partner with others that may have an interest in the product. More discussion will continue at the October 21, 2013 Board meeting.
- Established a spending plan for the Foundation of approximately \$11,500 for the fiscal year. The fiscal year runs from July 1, 2013 to June 30, 2014.
- Discussion of raffle items for the 2014 ISPLS Convention. While these items have been pretty much finalized, the announcement of these items will be forthcoming. But here's a hint...if you were disappointed that you didn't win the shotgun last year...you may have another chance or two!
- Discussion regarding the possibility of contributing money to the Peggy Archer and John McEntyre scholarship funds so that they can become self-sustaining.

The Foundation continues to work on the Chapter Memorandum of Understanding so that ISPLS chapters can establish funds for their scholarships, grants and financial partnering within the Foundation. The advantages to structuring the funds in this manner are to allow tax-deductible donations to be made and to take advantage of investment choices through Wallington Asset Management. Wallington is the portfolio manager for both ISPLS and IPLSF and has guided the portfolio to average annual returns of approximately six to seven percent per year. Once all chapters have adopted By-Laws and have an EIN number in place, the draft MOU will be forwarded to the chapters for input.

If anyone has any ideas for projects that would be pertinent for the Foundation, please feel free to contact any of the Foundation Board of Directors. Those persons are:

- Dan Kovert, President (dkovert@sjcassoc.com)
- Doug Herendeen, Vice President (dherendeen@bfsengr.com)
- Dennis Grumpp, Treasurer (dgrumpp@schneidercorp.com)
- Perry Cloyd, Secretary (pcloyd@vectren.com)
- Eric Banschbach, Liaison to ISPLS (ebanschbach@indot.in.gov)
- Chuck Coyle, Past President (ccoyle@forceco.com)

And finally, the Foundation cannot succeed without generous donations from the membership of ISPLS and others. Please consider making an investment in the future of surveying by visiting the online IPLSF Contribution link on the ispls.org home page. We appreciate the support of all of you!

HELLO! IS IT ME YOU'RE LOOKING FOR?

by Robert "Jason" Coyle, PS, Executive Director

If you have listened to much radio in the past thirty years, then right about now you are probably humming the music to the song "Hello." "Hello" was written, produced and performed by Lionel Richie in 1984 as a part of his Grammy Award winning album, *Can't Slow Down*, and is considered by some to be his signature song. I am often reminded of this song when ISPLS members or folks from the general public contact me asking if I can assist them in finding a surveyor they are looking for. So, I thought I would share with you the arsenal of tools that I use to conduct my searches. And later in the article, I will explain to the ISPLS members how they can increase their chances of being found by their next new client.

Below are the tools within my arsenal for conducting searches for Indiana Professional Surveyors. All of these tools are available to ISPLS Members and most are available to the general public.

1. The Indiana Professional Licensing Agency's website
 - a. An application called: "Search & Verify a Professional License Online"
 - b. Found at: <https://mylicense.in.gov/everification/Search.aspx>
2. The Indiana Society of Professional Land Surveyors' website
 - a. A "Membership Directory" application for ISPLS members
 - b. A "Find a Surveyor" application for the general public.
 - c. Both are found at www.ispls.org
3. An internet search engine
 - a. Bing
 - b. Google
 - c. Etc.

The first application I like to use is found within the Indiana Professional Licensing Agency's website. The application is the "Search & Verify a Professional License Online" and is found at the following web address: <https://mylicense.in.gov/everification/Search.aspx>. I like to use this application first because it is all encompassing, comprehensive, and more dynamic than other search tools. Once on this website you have a multitude of criteria to search by. Simply enter the criteria you have available to start your search. Enter data in any of the fields and the application will search with whatever information is provided. Remembering that in this application, less is more. If you have partial information or are not sure of the exact name and/or license number, then a wildcard character (*) may be used to increase your search results.

For example, you find a marred surveyor's identification cap on a rebar near the property you are surveying. Most of the cap is illegible except for a few numbers, "107." I would then conduct my search as follows:

I would visit the IPLA's website, <https://mylicense.in.gov/everification/Search.aspx>, and enter the following criteria:

- For Profession: choose "Land Surveyor Board".
- For License Type: choose "Professional Surveyor". This field could be left blank, but then your results would include "Surveyor Interns" as well.
- For License Number: enter "*107". Notice the included wildcard character.

Now select the "Search" button. The search results should include the following:

Sort Name	License Number	Profession	License Type	License Status	City	State
LAWSON, ALFRED MILTON	LS80010107	Land Surveyor Board	Professional Surveyor	Expired Non-Renewable	PRINCETON	IN
Martin, Jerry Lahne	LS80040107	Land Surveyor Board	Professional Surveyor	Inactive/Expired	Vallonia	IN
Weber, Ryan C.	LS20800107	Land Surveyor Board	Professional Surveyor	Active	Albion	IN

(Continued on page 29)

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(Continued from page 28)

Notice that the search resulted in three names. Now let's include a wildcard character before and after the "107". So for the License Number: enter "*107*".

Sort Name	License Number	Profession	License Type	License Status	City	State
LAWSON, ALFRED MILTON	LS80010107	Land Surveyor Board	Professional Surveyor	Expired Non-Renewable	PRINCETON	IN
Martin, Jerry Lahne	LS80040107	Land Surveyor Board	Professional Surveyor	Inactive/Expired	Vallonia	IN
STUDNICKA, JOSEPH S	LS80010756	Land Surveyor Board	Professional Surveyor	Expired Non-Renewable	CHICAGO	IL
Weber, Ryan C.	LS20800107	Land Surveyor Board	Professional Surveyor	Active	Albion	IN

Notice that the search results included another name for a total of four.

If we had not used the wildcard Character (*), then no records would have been found in the search results.

The last thing we must do before we finish this search is check for Firms, Businesses and/or Corporations that might be using and/or assigned this number. Return to the main page by selecting "Search Again". Now select the text, "Click [here to search for a Facility, Business, Salon, Corporation etc.](#) instead of a person." Note to users: The default search is for a person.

(Continued on page 30)

(Continued from page 29)

Enter the following criteria:

- For Profession: choose "Land Surveyor Board".
- For License Type: choose "--All--". Search results will include Continuing Education Providers, Land Surveyor Firms, and Land Surveyor Professional Corporations.
- For License Number: enter "**107*". Notice the included wildcard characters.

Sort Name	License Number	Profession	License Type	License Status	City	State
Everett J. Prescott, Inc.	CE10700595	Land Surveyor Board	CE Provider - Land Surveyor	Active	Gardiner	ME
Stephen J. Christian & Associates, P.C.	107	Land Surveyor Board	Land Surveyor Firm	Active	Indianapolis	IN

From this search we can include one additional name/firm, Stephen J. Christian & Associates, P.C. The other name/firm would not be included since it is a continuing education provider. Therefore, we have five possible leads and the only information we have at this point is their name, license number and type, whether the license is active or not, city and state.

At this point I would prioritize the results based upon the location of the rebar in proximity to the city and state provided for each name. If I was working in northern Indiana, then I would rank those in northern Indiana with the highest priority.

Next, I would turn to the ISPLS website to see if these individuals were ISPLS members. If you are an ISPLS member, then you can log into ISPLS website with your username and password and use the "Membership Directory" application. The "Membership Directory" application is found under the "Membership" tab. Once in the application, you can conduct a search based upon the names you received from the IPLA online search. I would suggest that you just search by their last name. The search results will provide you with the member's e-mail address, home and work mailing addresses and phone numbers, and chapter affiliation.

If you are not a member or would rather not login, then you can use the "Find a Surveyor" application found under the tab labeled "Information for Consumers." Once again, you can search based upon the names you received from the IPLA online search. I would suggest that you just search by their last name. The search results will provide you with the member's employment contact information; work mailing addresses, phone number, and website address.

Please note that the search results on the ISPLS website are limited to ISPLS members. If they are not a member, then they will not be included within the ISPLS website searches. This also assumes that the member has kept their member profile up to date – more on that later.

If I had not found their contact information on the ISPLS website, then I would turn to an internet search engine such as Google or Bing. I would simply type in their name, city and state and see what could be turned up. Typically, these searches will provide you with some additional information to aid you in your search. And if all else fails, please don't hesitate to contact the ISPLS Office for additional information as they have further resources.

As mentioned earlier, ISPLS members have a great opportunity to gain new clients through the ISPLS website. Nearly daily I receive a call from landowners looking for a surveyor. I generally direct them to the ISPLS website and the "Find a Surveyor" application. They have the opportunity to search the ISPLS membership database by the following member profile fields: First Name; Last Name; LS Number; Work Address City; Work Address Postal Code; and Primary Work Counties. If you, as an ISPLS member, do not have your contact information updated correctly in these fields, then you will not be found.

To update your member profile, please log into the ISPLS website with your username and password. Once logged in you can select "Update My Profile" to update your profile. Be sure to complete those member profile fields that are included in the "Find a Surveyor" application. Do not hesitate to contact the ISPLS office if you have any trouble logging in to the website and updating your profile.

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This four-level certification program for surveying technicians throughout the United States indicates official recognition by NSPS that a person has demonstrated that he or she is minimally competent to perform surveying tasks at a specified technical level. Certification provides the individual with a sense of achievement, since it reflects advancement in the field of surveying. Certification also provides employers with a method of determining job assignments and advancement since certification is an indication of one's ability to perform specific job tasks.

Jason Coyle, PS, Executive Director of ISPLS, has been approved to proctor the CST exams and the ISPLS office has been approved as a test site for both the paper and online exam. This is a great benefit as technicians wanting to take the exam need to have a disinterested third party to proctor the exam and a testing site.

We have scheduled September 25, 2013 for our first testing day at the ISPLS Office. Those interested in participating should contact Jason Coyle at 317-888-4400 or execdir@ispls.org and file their application with NSPS as soon as possible.

Detailed information, exam application, and study guides pertaining to the program are found at www.nsps.us.com and hover over the Certified Survey Technician tab for additional menus. If you have more questions pertaining to the program, please don't hesitate to contact Jason Coyle.

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ISPLS CHAPTER NEWS

NORTHWEST CHAPTER OF ISPLS

NORTHWEST CHAPTER HOSTS ANNUAL GOLF AND BASEBALL OUTINGS

BY: Anthony Toscani, PLS

The Northwest Chapter held its annual golf outing on July 18, 2013, at the Course at Aberdeen in Valparaiso, Indiana and its annual Family Baseball Night on June 21, 2013, at the Steelyard, home of the Gary Railcats, in Gary, Indiana. The golf and baseball outings were well attended and the two events raised more than \$1700 for the Chapter's Scholarship Fund.

2013 ORDELL L. GERTSMEIR SCHOLARSHIP GRANT RECIPIENTS

By: Anthony Toscani, PLS

The Northwest Chapter is pleased to announce the Ordell L. Gertsmeier Scholarship Grant recipients for 2013, Brian Murray (left) of Dyer, Indiana, who attends Purdue University Calumet and Louis Santellano (right) of Highland, Indiana, who attends Joliet Junior College. Mr. Santellano received an award of \$500 and Mr. Murray received an award of \$1,500. The number of available awards given and amounts each year are based on the Chapter's fundraising efforts from the prior year and evaluation by the chapter's scholarship committee. The grant awards are given to students who are enrolled in undergraduate surveying related college level courses, residing in the Chapter's seven county area, and pursuing a college education as a means to advance their careers in the field of land surveying.



INITIAL POINT CHAPTER OF ISPLS

At the request of the members of the Initial Point Chapter of ISPLS, William Stodghill (center) was honored with a Honorary Membership into ISPLS on July 27, 2013 by the ISPLS Board of Directors. Mr. Stodghill was presented with a Certificate of Honorary Membership on August 29, 2013 at an Initial Point Chapter Meeting by Mark Gardner (left), 2013 President of the Initial Point Chapter, and Chuck Coyle (right), 2013 ISPLS President. Congratulations Mr. Stodghill and thank you for your continued service to the surveying profession.



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