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# HOOSIER SURVEYOR

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

AFFILIATED WITH THE NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS, INC.

VOLUME 40 • NUMBER 3 • WINTER 2014



## RECOGNITION OF THE 2013 ISPLS PRESIDENT

Don West, left, Carmel, the incoming President of ISPLS, presents the Past President's gavel plaque to the outgoing President, Chuck Coyle, Columbus, at the January 2014 Annual ISPLS Convention held at the Indianapolis Marriott East Hotel in Indianapolis.

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L to R: Don West, Carmel; Eric Banschbach, Indianapolis; Perry Cloyd, Hope; Bernie Guerrettaz, Bloomington; Chuck Coyle, Columbus; Ron Wharry, Frankfort; Dennis Grumpp, New Palestine; Bryan Catlin, Clayton; and Rich Hudson, Valparaiso. Not pictured: Todd Bauer, Leo; Sean Suttles, Chandler; and Don Williams, Crown Point. Photo provided by Henry Aldridge, Photographic Impressions

# 2014 COMMITTEES AND COMMITTEE CHAIRS

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 Administrator:  
 Chuck Coyle, Jr.

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 Chair: Brad Cramer

**SCHOLARSHIPS**  
 Chair: Luke A. Jahn

**GOVERNMENT AFFAIRS**  
 Administrator:  
 Bernie Guerrettaz

**BOARD OF  
 REGISTRATION LIAISON**  
 Robert Jason Coyle

**COUNTY SURVEYORS**  
 Liaison: Position Open

**NSPS GOVERNOR/DIRECTOR**  
 Governor: Tony Gregory  
 Alternate: Don Bengel

**GPS-GIS  
 MONUMENTATION**  
 Co-Chair: Eric Banschbach  
 Co-Chair: Matt Healy

**LEGISLATION**  
 Chair: Position Open

**INTERNAL AFFAIRS**  
 Administrator:  
 Don West

**BY LAWS**  
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**FINANCE & PLANNING**  
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**NOMINATIONS**  
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**MEMBERSHIP**  
 Chair: Ronald Wharry

**PUBLIC INFORMATION  
 & MARKETING**  
 Chair: Don West

**TRIG STAR**  
 State Coordinator:  
 Tony Gregory

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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

Don West, PS, 2014 ISPLS President



It's already March, soon approaching two months since the close of our annual convention and the activity hasn't slowed a bit - nor the snow for that matter. I realize some feel records are meant to be broken, but the snow amount is one that I personally could have passed on.

You may recall during convention time that we had several matters readying for discussion at the State House, and in fact that following week witnessed a flurry of activities. Unfortunately, what we were hoping to be a no brainer bill labeled HB1127 (statute of repose) is going to require a little further educating of our lawmakers - and another dose of patience on our part. Several issues affected efforts this session (as more than a couple of high profile topics were in the news), but we are making gains and are becoming more familiar to committee members as well as the overall legislature. Many thanks to our lobbyist, Michael O'Brien, ISPLS Executive Director Jason Coyle, Jason Copperwaite, Gary Kent and numerous others for their tireless efforts in providing our profession with representation and protection. Jason is keeping all of us updated with the status of this and numerous other bills, so please take the time to stay abreast of these issues and make an effort to contact your legislators to keep them informed of our concerns and in doing so, attentive to the Surveying Profession.

There is better news to report! The Indiana members of the Indiana-Michigan State Line Commission received their appointments from Governor Pence at the close of January. Congratulations to Brad Cramer, Anthony Hendricks, John McNamara, Rex Pranger and Michael Ruff. February brought the appointments of their counterparts by Governor Snyder of Michigan. All are looking forward to the boundary retracement and monumentation of the locations for the original mile posts.

Mutual efforts such as these with our neighboring teammates to the north remind us of what can be accomplished through communication and cooperation. It reinforces the benefits we now enjoy since joining forces with NSPS; not only the combining of numbers or voices, but the possibilities of progress and the perpetuation of our profession. I certainly hope you have taken notice of the News & Views emails and other connections made available since our Affiliate Association.

As for efforts with our contiguous colleagues, ISPLS was represented at all four venues this year. ISPLS Secretary Rich Hudson attended the IPLSA Conference in Springfield, IL; President-Elect Bernie Guerrettaz represented us at the Ohio Conference in Sandusky; Chris Marbaugh (IN-MI State Line Commission member for Cass County, MI) attended the Michigan Conference in Manistee; and I had the privilege to take part in the Kentucky (KAPS) Conference in Lexington. These are great opportunities for which we strive to continue to participate in order to grow our relationships, share our experiences and in so doing hopefully recognize those moments to further the advancement of both Surveying and this society as we meander down the road.

In our continued support of some other special foundations, ISPLS members, along with a few of our families and friends, volunteered for our third consecutive year taking calls and completing donations at the 10th Annual WFMS Riley Children's Foundation Radiothon on February 7th and 8th in the Simon Family Tower at Riley Children's Hospital. Riley collected over \$117,500 at this year's event and we hope to add to our list of volunteers again next year. For all who volunteered or especially called in with a donation, a very special thank you; for your help ensures the remarkable successes at Riley carry on. Consider how you may help - share your ideas, challenge your friends and colleagues with your donation - who knows, maybe IPLSF can even match some donations/challenges in the future.

Join me in welcoming our recently elected board members: Bryan Catlin, our newest member, from Clayton, IN; Todd Bauer, who rejoins us from Leo, IN; and Perry Cloyd from Hope, IN, who brings another term of steady experience to us less "seasoned" volunteers. And don't forget the real reason behind March Madness; National Surveyors Week is March 16th – 22nd, 2014. See more in this publication, [www.ISPLS.org](http://www.ISPLS.org), and [www.NSPS.us.com](http://www.NSPS.us.com) as to how you may participate this year – and make plans for 2015.

Well, that should be plenty for this issue. Despite its grip, winter is nearing its end and spring is soon to bloom with its orange cones (and even some utility locates) and assorted flagging and paint. So before the season changes completely let me say thank you for allowing me to serve as your president this year. I certainly hope the results are as memorable as this season's snowfalls and that all of us discover that area where we can lend a hand and make a difference.

See you in the Spring!

# ISPLS BOARD OF DIRECTORS MEETING HIGHLIGHTS

by Robert "Jason" Coyle, PLS, Executive Director

## October 12, 2013

The ISPLS Board of Directors met on Saturday, October 12, 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 Perry Cloyd and Kevin Rowland. Others in attendance were Jason Coyle, Executive Director of ISPLS; and Doug Herendeen, ISPLS Convention Coordinator.

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 Gary Kent and seconded by Don Williams to accept the agenda as presented. The motion passed by a voice vote.

The minutes from the September 7, 2013 meeting were reviewed and accepted. A motion was made by Don West and seconded by Eric Banschbach 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 Dennis Grumpp. Financial reports ending September 30, 2013 were presented for board review. Assets totaled \$280,297.26 as of September 30, 2013. Dennis also covered the income and expense report, investment report, budget, and the profit and loss report. A motion to accept the Financial Reports was made by Eric Banschbach and seconded by Don Williams. The motion passed by a 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 that there are about a dozen membership renewals that are incomplete. A letter, along with returned checks, will be sent explaining that they are no longer members. A list of active chapter membership with those non-active members was sent to the chapters. Affiniscap (was sold to Yourmembership.com) transition to new platform will happen after the 2014 convention. Legislative Agenda: Indiana-Michigan State Line Commission is being held up due to issues with the suggested member. A meeting to discuss to statute of repose legislation was held with Jason Copperwaite, Gary Kent and Jason Coyle and Mike O'Brien, Representative David Ober and Representative Jud McMillin. House Bill 1253, underground utility facility protection, was discussed. The Hoosier Hills Chapter Seminar was held September 6th with Wendy Lathrop, and the Chapter made over \$4,000. PS Exam Review seminar was held September 21, 2013 with 3 attendees. The FS Exam Review Seminar was canceled because there was only one person signed up. Names and addresses for those taking the exam were not available from the Professional Licensing Agency. Gary Kent and Rich Hudson will get this issue on the Board of Registration agenda for the next meeting. It was noted that ISPLS should consider seminars in the Southeast, Northeast and Northwest parts of the State. Convention speakers and topics are set and a schedule has been included. The registration mailer and on-line registration should be ready in three weeks. Ten of 11 (11th being West Central Chapter) Chapters have signed the Articles of Incorporation and have been incorporated with Indiana Secretary of State. Eight of 11 Chapters have signed the By-Laws and 6 of 11 Chapters have an employer identification number. The Central Indiana Damage Prevention Council will meet December 4th. Executive Director Coyle is working with Paul Fallon to setup a meeting with National Utility Contractors Association. A CST Exam session was held September 25, 2013 at the ISPLS office with two test takers.

Doug Herendeen, ISPLS Convention Coordinator, gave a report concerning the speakers and programs for the 2014 Convention. The spouses' program was also presented and reviewed. The Foundation Raffle will again be held during the convention. Wabash Chapter may need help with staffing the convention workshops. There was Board discussion.

ISPLS Committee reports: Executive Director Coyle gave a verbal report concerning the Publication and Media Committee. Coyle presented comments regarding the Bilby Tower that was erected in Osgood, Indiana and Mr. Ullis Jones of Santa Claus, Indiana, a retired UC&GS tower builder who build towers across the United States for many than thirty years. Membership Committee: Ron Wharry, Committee Chair, presented a recommendation for a "Life Membership" to be awarded to Richard (Dick) Ward. A motion was made by Rich Hudson and seconded by Gary Kent to accept the Life Membership for Richard Ward. The motion passed by a voice vote. Ron Wharry presented a recommendation for 10 Student Memberships (VU), 3 Affiliate Memberships, 1 Professional Membership and 6 Newly Licensed Professional Surveyor Memberships. The list of names was presented and discussed. A motion was made by Don Williams and seconded by Don West to accept the recommendation presented. The motion passed by a voice vote. Trig-Star Committee: Executive Director Coyle noted that the test was available. No report was given for the Public Information and Marketing Committee. Executive Director Coyle presented comments regarding the State's Bicentennial and the possibility of "surveying" re-enactment throughout the State.

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The Board of Registration Liaison, Jason Coyle, reported that the next meeting will be October 28, 2013. Eric Banschbach reported on the Geodetic Control Workgroup. Executive Director Coyle gave a legislative update concerning the statute of repose legislation, the Indiana-Michigan State Line Commission and potential changes to the dig law.

Rich Hudson, By-Laws Committee Chair, noted that electronic voting and the definition of "In Good Standing" will be reviewed by the committee. Mark Gardner, Chair of the Nominations Committee, reported that President-Elect ballots had been sent out. The ballot return deadline is October 21, 2013. Board of Director Nomination list will be presented at the November board meeting for approval. Don West, Chair of the Facilities Advisory Committee, reported that a committee meeting is being planned. Executive Director Coyle met with the real estate agent for our current office to discuss the needs of ISPLS.

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

Unfinished Business: Executive Director Coyle reported that work is still being done to complete the execution of the By-Laws by all chapters and Group Exemption with the Internal Revenue Service. President Coyle led discussion regarding the perception of the Vincennes University program by the board members. Coyle went through his draft of the Advisory Board response/comments to the university. Coyle will revise the draft based on additional board comments and send it out to the Board for review prior to sending it to the university. The Board discussed formalizing the desired actions of ISPLS in the process of exempting surveyors from the apparent encumbrance of notification/requesting utility locates within the "normal" scope of surveying. They categorized the actions into two parts: 1) Exceptions; and 2) Design tickets. Executive Director Coyle presented suggested language for review. There was board discussion. President Coyle established an AD HOC Committee under the Legislative Committee to address the dig law issues; Eric Banschbach will be the chairman.

New Business: The Board discussed a solicitation from Business Coach Roger L. Engela. Following a presentation by Jason Coyle regarding this item it was suggested that this person be encouraged to purchase a booth space at the 2014 ISPLS Convention and see if there is any interest from the membership to pursue this. The Board discussed Lorraine Wright's Grant with the state for digitizing the State's copy of the Government Land Office Notes and Plats. The Board also discussed a suggestion for Mr. Ullis Jones to be granted an Honorary Membership and the resignation of a county surveyor.

Next ISPLS Board meeting will be December 7, 2013 at 9:00 am EST at the ISPLS Office. The meeting adjourned at 1:36pm EDT.

## **December 7, 2013**

The ISPLS Board of Directors met on Saturday, December 7, 2013 at ISPLS Headquarters, Indianapolis, Indiana. President Chuck Coyle called the meeting to order at 9:08 am EST. All board members were in attendance with the exception of Perry Cloyd, Gary Kent, Dennis Grumpp, Sean Suttles and Ron Wharry. Others in attendance were Jason Coyle, Executive Director of ISPLS; Doug Herendeen, ISPLS Convention Coordinator; and Keith VanWienen. A quorum was declared.

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 Don Williams and seconded by Eric Banschbach to accept the agenda as presented. The motion passed by a voice vote.

The minutes from the October 12, 2013 meeting were reviewed and accepted. A motion was made by Eric Banschbach and seconded by Don West 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. Financial reports ending October 31, 2013 and November 31, 2013 were presented for board review. Assets totaled \$224,749.42 as of November 31, 2013. Coyle also covered the income and expense report, investment report, budget, and the profit and loss report. A motion to accept the Financial Reports was made by Don Williams and seconded by Kevin Rowland. The motion passed by a 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. The written and verbal report for Executive Director's report was very similar to the previous report given at October's meeting.

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Business Conducted via e-mail: On November 12, 2013, the Board approved the President-Elect results by a unanimous “yes” vote. Bernie Guerrettaz will be the 2015 ISPLS President. On November 23, 2013, the Board approved a slate of candidate for Board of Directors with nine “yes” votes and two abstentions.

Doug Herendeen, ISPLS Convention Coordinator, gave a report concerning the speakers and programs for the 2014 Convention.

ISPLS Committee reports: Don West, Chair of the Public Information and Marketing Committee, noted that information on the 2014 Riley Radiothon will be available soon. The Board of Registration Liaison, Jason Coyle reported that next meeting will be January 24, 2014. There was a discussion regarding the PS and FS exams. President Coyle has asked Dave Gaston if he would consider being the County Surveyors Liaison. Jason Coyle also spoke with Zach Beasley about attending the CSA meetings. Tony Gregory, alternate NSPS Director/Governor, attended the NSPS Fall Meeting and provided a written report. Eric Banschbach reported on the Geodetic Control Workgroup. Executive Director Coyle gave a legislative update concerning the statute of repose legislation, the Indiana-Michigan State Line Commission and potential changes to the dig law.

Brad Cramer, Chair of the Education Committee, reported that the committee had reviewed and approved the annual convention programming. Mark Gardner, Chair of the Nominations Committee, reported the results of the President-Elect election. Ballots for the Board of Director election have been mailed to the membership. Don West, Chair of the Facilities Advisory Committee, reported that a committee met on November 15, 2013. Facilities on the north side are being looked first. Purchasing a building was also a consideration.

Eric Banschbach, IPLS Foundation Liaison, reported that the Foundation met on November 18, 2013. Foundation assets are \$243,405.11. The Foundation continues to discuss the grant proposal from Clayton Hogston, digitizing the notes and plats of the Federal set of the Government Land Office records. Funding seems to be the major part of the discussion. Executive Director Coyle discussed the availability of these records at the local chapter level. Executive Director Coyle presented a PowerPoint presentation that was prepared for promoting the “sale/acquisition” of the project. The next Foundation meeting is December 16, 2013.

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

Unfinished Business: Executive Director Coyle reported that work is still being done to complete the execution of the By-Laws by all chapters and Group Exemption with the Internal Revenue Service. President Coyle reported that the Vincennes University Advisory Board response had been sent to Bill Clark. The Board discussed formalizing the desired actions of ISPLS in the process of exempting surveyors from the apparent encumbrance of notification/requesting utility locates within the “normal” scope of surveying. They categorized the actions into two parts: 1) Exceptions; and 2) Design tickets. Executive Director Coyle presented suggested language for review. There was board discussion. President Coyle established an AD HOC Committee under the Legislative Committee to address the dig law issues; Eric Banschbach will be the chairman.

New Business: LTAP (Local Technical Assistance Program) is looking for someone from ISPLS to assist in their planning process for upcoming LTAP conferences. President-Elect Don West will have the option as to how to make that assignment.

Next ISPLS Board meeting will be January 15, 2014 at 8:00 am EST at the Indianapolis Marriott East during the ISPLS Annual Convention. The meeting adjourned at 1:20pm EST.

## **January 15, 2014**

The ISPLS Board of Directors met on Wednesday, January 15, 2014 at the Indianapolis Marriott East during the 62nd ISPLS Annual Convention. President Chuck Coyle called the meeting to order at 8:05 am EST. All board members were in attendance with the exception of Gary Kent. Others in attendance were Jason Coyle, Executive Director of ISPLS; Doug Herendeen, ISPLS Convention Coordinator; and Dan Kovert, IPLSF Director.

President Coyle briefly reviewed the ISPLS Mission and Vision Statement and noted the “Rules of Order” for the meeting. Printed copies of the agenda were provided and there were no amendments to the agenda. A motion was made by Don Williams and seconded by Ron Wharry to accept the agenda as provided. The motion passed by a unanimous voice vote. The minutes from the

*(Continued on page 8)*

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December 7, 2013 meetings were reviewed. A motion was made by Perry Cloyd and seconded by Kevin Rowland to accept the Board of Director's meeting minutes as presented and amended. The motion passed by a unanimous voice vote.

The Treasurer's Reports were reviewed and narrated by Dennis Grumpp. As of December 31, 2013, ISPLS assets totaled \$369,475.41. Dennis also covered the income and expense report, investment report, budget, and the profit and loss report. A motion was made by Ron Wharry and seconded by Perry Cloyd to accept the Treasurer's Reports as submitted. The motion passed by a unanimous voice vote.

At about 9:00am, Todd Ensign with Ensign CPA Group joined the meeting and reviewed a "Consolidated Financial Statements with Independent Accountant's Review Report" and a "Financial Report - Year Ending June 30, 2013" for ISPLS and IPLSF. There was Board discussion and comments.

Shortly after 9:30am, Jeff Dowden with Wallington Asset Management joined the meeting presented a bound report for both the ISPLS and IPLSF for year ending December 31st, 2013. There was Board discussion and comments. A motion was made by Ron Wharry and seconded by Dennis Grumpp to keep the ISPLS portfolio distribution between stocks and bonds at 50/50 with latitude. The motion carried by a 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. The report discussed the following topics: Legislative items; Membership Renewals; Affiniscape / Your-Membership; 2014 Convention; the Hoosier Surveyor; Board of Registration; PS/FS Exam Review Session; potential spring seminars, chapter visits, and By-Laws for Chapters.

There was one item of business that was conducted via e-mail. The results of the Board of Director's election were published via e-mail. Ten out of 12 Board members voted to accept the results as presented.

ISPLS Committee reports: The Membership Committee made recommendations for the following new members: John Allen Campbell, Affiliate; William W. Wright, Affiliate; Zachary DeSpain, Associate; Steve D. Fesmire, Associate; Andrew Bryson McClelland, Associate; Randall D. Tabler, Associate; Robert Eugene Dillon, Professional Member; and David Lee Nepper, Professional Member. A motion was made by Don Williams and seconded by Don West to approve the new member list as presented and recommended by the Membership Committee. The motion passed by voice vote. The Membership Committee recommended Richard L. Hudson for a Life Membership. A motion to accept the committee's recommendation was made by Don West and seconded by Don Williams. The motion passed by a voice vote with one abstention, Rich Hudson.

Don West, Chair of the Public Information and Marketing Committee, noted that the 2014 Riley Radiothon will be February 7-8, 2014. The Board of Registration Liaison, Jason Coyle, reported that next meeting will be January 24, 2014. Kevin Rowland, Chair of the Scholarship Committee, presented the names of the two ISPLS scholarships. He also noted Luke Jahn will take over as chairman for the committee.

The Board briefly discussed the following items under unfinished business: the execution of the By-Laws by all chapters and Group Exemption with the Internal Revenue Service; proposed amendment to the dig law; and a representative to LTAP.

Announcements: It was noted that the Re-organizational Meeting would commence immediately after adjournment of this meeting.

The meeting adjourned at 10:48 am EST.

## **January 15, 2014 (RE-ORGANIZATIONAL MEETING)**

The ISPLS Board of Directors met on Wednesday, January 15, 2014 at the Indianapolis Marriott East during the 62nd ISPLS Annual Convention. President Don West called the meeting to order at 10:51 am EST. All board members were in attendance. Others in attendance were Jason Coyle, Executive Director of ISPLS; Dan Kovert, IPLSF Director; Eric Banschbach, IPLSF Director; and Kevin Rowland.

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President West acknowledged and welcomed the following elected members to the Board of Directors: Bryan Catlin, Todd Bauer and Perry Cloyd, who will each service for three (3) years.

New Business: There needs to be an appointment to the Board to fill the unexpired term of Bernie Guerrettaz, President-Elect. A motion was made by Rich Hudson and seconded by Perry Cloyd to appoint Eric Banschbach to fill the unexpired term. The motion passed by a voice vote.

President West announced the slate of Executive Officers for the coming year:

President – Don West  
Past President – Chuck Coyle  
President Elect – Bernie Guerrettaz  
Vice President – Sean Suttles  
Secretary – Rich Hudson  
Treasurer – Dennis Grumpp

A motion was made by Chuck Coyle and seconded by Todd Bauer to accept the slate as presented. The motion passed by a voice vote. A motion was made by Rich Hudson and seconded by Ron Wharry to appoint Tony Gregory as NSPS Delegate/Governor and Don Bengel as Alternate, each for a three (3) year term. The motion passed by a voice vote.

IPLSF Board of Directors: A motion was made by Eric Banschbach and seconded by Rich Hudson to appoint Chuck Coyle and Perry Cloyd each to a 3-year term to the IPLS Foundation Board of Directors and to accept the following IPLSF Board of Directors:

President – Eric Banschbach  
Vice President – Perry Cloyd  
Secretary – Doug Herendeen  
Treasurer – Dennis Grumpp  
Liaison to ISPLS – Chuck Coyle.

The motion passed by a voice vote.

The tentative schedule for upcoming ISPLS Board of Directors meetings are as follows: March 1, 2014; April 12, 2014; May 17, 2014; June 28, 2014; August 9, 2014; September 13, 2014; October 25, 2014; and December 6, 2014.

Next ISPLS Board meeting will be March 1, 2014 at 9:00 am EST at the ISPLS Office. The re-organization meeting was adjourned by President West at 11:30 am EST.

## ISPLS SUSTAINING MEMBERS

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# BOARD OF REGISTRATION FOR LAND SURVEYORS

## MEETING HIGHLIGHTS - JANUARY 24, 2014

by Robert "Jason" Coyle, PLS, Executive Director

The Board of Registration for Professional Surveyors (Board) met Friday, January 24, 2014, at 8:00 am EST. The meeting was held at Indiana Government Center South, 402 W. Washington Street, Room W064, Indianapolis, Indiana. The meeting was officially called to order at 8:04 am EST with all Board members in attendance with the exception of Gary Kent and Ross Holloway. The Board spent the next hour and twenty minutes reviewing licensure applications. The Board adopted the agenda and proceeded at 9:23 am EST. The Board tabled the adoption of minutes from the October 28, 2013 meeting due to error and uncertainties within the minutes. The Board wanted to consult with those absent to confirm the details within the minutes.

The Board heard a report from Natalie Stidd, Deputy Attorney General. 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	16	16
2014	10	0	1
Complaints Currently Open as of January 23, 2014			9
Average Age of Open Complaints: 4.41 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	1	4
2014	5	0	0
Cases Currently Open as of January 23, 2014			5
Average Age of Open Cases: 28.80 months			

Action Taken	2011	2012	2013	2014
Admin Complaints Filed	0	5	1	0
Cease & Desist Orders Filed	0	1	0	0
Summary Suspensions Filed	0	0	0	0
Civil Litigation	0	0	0	0
Judicial Review	0	1	0	0

*(Continued on page 12)*

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Continuing with the agenda, the Board called for the personal appearance of Bluegrass Engineering, a continuing education provider. Representatives from Bluegrass Engineering were not present. There was Board discussion concerning the distance learning continuing education courses offered by Bluegrass Engineering. A motion was made by Mike DeBoy and seconded by John Stephens to have Mike DeBoy and Doug Lechner each take a course from Bluegrass Engineering and report back to the Board concerning their findings. The motion passed with a unanimous voice vote.

At 9:46 am EST, the Board held an Administrative Hearing in the Matter of Registration for William Steele, Cause No.: SBRPS 13-04. A complaint filed November 8, 2013 was brought against the professional surveyor license of William Steele by counsel, Deputy Attorney General, Natalie Stidd, on behalf of the Office of the Attorney General. The complaint references five surveys that were completed by William Steele. Those surveys are as follows:

1. A boundary survey completed on or about June 28, 2007 of 604 West Compton Street, Brazil, Indiana 47834, property owned by Michele Brown and identified as Lot Number 13, in Hendrix Tenth Addition to the City of Brazil.
2. A survey sealed and certified by William Steele on or about October 3, 2009 of 10920 East Felling Avenue, Brazil, Indiana 47834, the property owned by Eric and Holly Wuestefeld and being described as the Southwest Quarter of the Southeast Quarter of Section 13, Township 12 North, Range 8 West of Lost Creek Township, Vigo County, Indiana.
3. A survey sealed and certified by William Steele on or about March 4, 2010 of property owned by Glen E. Hoopingarner at or about 4387 West Mayhew Avenue, West Terre Haute, Indiana 47885 and identified as Liggett Place – Replat of Lot # 25.
4. A survey sealed and certified by William Steele on or about March 4, 2010 of property owned by Elise Robertine Hoffman at or about 955 E. Old Fort Harrison Road, Terre Haute, Indiana 47803 and identified as N. Hoffman Estates, Vacate N. Hoffman One Lot Subdivision.
5. A survey sealed and certified by William Steele on or about March 31, 2010 of property at 1826 Durkees Ferry Road, West Terre Haute, Indiana 47885 and identified as Marrs Two Lot Subdivision Estates.

The complaint listed twenty-one (21) counts against the five surveys listed above. The counts include failure to furnish a written surveyor's report, failure to identify the adjoining parcels by title description and record reference, and failure to indicate the characteristics of all pertinent monuments. The above surveys were submitted during the hearing as evidence by the Office of the Attorney General. Natalie Stidd and the Board examined the submitted surveys and questioned William Steele on said surveys. William Steele had an opportunity to defend the submitted survey and state his case.

When the hearing concluded, there was Board discussion. In conclusion, the Board found William Steele is subject to disciplinary sanctions under Indiana Code 25-1-11-5(a)(4)(B), in that William Steele continued to practice although he had become unfit to practice due to his failure to keep abreast of current professional practices as evident by his failure to comply with the requirements of Title 865 of the Indiana Administrative Code.

A motion was made by Doug Lechner and seconded by John Stephens to have William Steele's professional surveyor license placed on indefinite probation, with no right for withdrawal prior to April 4, 2014, when a hearing shall be held before the Board regarding the possible modification of the terms. While on probation, William Steele must comply with the following terms:

1. William Steele shall refrain from the practice of surveying as to any project not finalized prior to the date of the order.
2. William Steele shall choose ten (10) surveys to submit to the Board for review within thirty (30) days of the order. The selected survey must have been completed between April 2010 and the date of the order.
3. William Steele shall complete all work necessary to bring the above-mentioned surveys in compliance with the statutes and rules governing the practice of surveying.
4. William Steele is ordered to pay a civil penalty totaling \$5,000.00 within 180 days from the issuance of the order payable to the State of Indiana.
5. William Steele 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.

The motion passed with a unanimous voice vote.

(A note from the author: Documents pertaining to license litigation can be found at the following web address:  
[http://www.in.gov/ai/appfiles/pla-litigation/.](http://www.in.gov/ai/appfiles/pla-litigation/))

(Continued on page 13)

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The Board continued with an Administrative Hearing in the Matter of Registration for Ronald Morrison at 11:27 am EST. The hearing was in regards to a Withdrawal of Probation, Cause Number SBRLS 12-05. Mr. Morrison was in attendance for the hearing along with his attorney, James G. McDonald, III. Natalie Stidd, Deputy Attorney General, represented the State of Indiana. Mr. Morrison had been placed on indefinite probation with no right to petition for withdrawal from the probation for one year from October 17, 2012. Mr. McDonald stated that Mr. Morrison has complied with the terms of the probation and was seeking to be withdrawn from probation. Mr. Morrison testified that he has not done any surveys while on probation and had complied with the terms of the probation.

There was Board discussion upon conclusion of the hearing. The Board noted that the Mr. Morrison's compliance with the terms of his probation was encouraging. However, the Board was concerned about removing Mr. Morrison from probation without the chance to review completed surveys prepared by Mr. Morrison. Therefore, a motion was made by John Stephens and seconded by Doug Lechner to extend Mr. Morrison's probation. Mr. Morrison may not apply to have the probation withdrawn for 12 months from the date of the order, during which time, Mr. Morrison will submit a copy of each and any survey he performs. The motion passed with a unanimous voice vote.

After a five minute break, the Board continued with an Administrative Hearing in the Matter of Application for Keith Ethridge at 12:06 am EST. The hearing was in regards to a Petition for Review, Cause Number SBRLS 12-09. The Board had reviewed his application for Professional Surveyor and denied it based upon his work experience. Mr. Ethridge had the required number of years of experience, but failed to properly convey on his application that he had obtained at least 60% of his land surveying experience with those activities listed within Indiana Code 25-21.5-1-7(a)(1) and Indiana Code 25-21.5-1-7(a)(3) through 25-21.5-1-7(a)(5). Mr. Ethridge presented addition information concerning his work experience during the hearing. Upon conclusion of the hearing and further Board discussion, a motion was made by Rich Hudson and seconded by Mike DeBoy to approve Mr. Ethridge's application and allow him to sit for the exam. The motion passed with a voice vote.

At 12:39 am EST, the Board held an Administrative Hearing in the Matter of Registration for Steven Williams, Cause No.: SBRLS 07-01. The hearing was in regards to an Order to Show Cause. Mr. Williams was in attendance for the hearing along with his attorney, Jeffery C. Eggers. Natalie Stidd, Deputy Attorney General, represented the State of Indiana. Prior to proceeding, Mr. Eggers objected to Michael DeBoy being a part of the hearing since Mr. DeBoy had previously filed a complaint against Mr. Williams. Mr. DeBoy excused himself from the hearing.

The Board had placed Mr. Williams' professional surveyor license on probation in April 2011. A key element of the probation was that his practice be monitored. Norman Hiselman was the peer mentor for Mr. Williams. In 2013, Mr. Hiselman concluded that the quality of Mr. Williams' surveys was not improving and the Mr. Williams' efforts remained to violate the standards of practice contained within Indiana Administrative Code 865-1-12 or commonly referred to as "Rule 12." Mr. Hiselman wished to no longer be the peer mentor for Mr. Williams and as such the Board issued an Order to Show Cause.

During the Hearing, the Board examined two surveys recently prepared by Mr. Williams and questioned both Mr. Williams and Mr. Hiselman about the surveys. Ms. Stidd and Mr. Eggers also questioned Mr. Williams and Mr. Hiselman. The Board closed the proceedings of the hearing and further discussed the matter. The Board concluded that the two surveys discussed during the hearing were deficient and did not meet the minimum standards as set forth in Indiana Administrative Code 865-1-12. However, these deficiencies did not lead the Board to impose further sanctions. The Board did note that because of Mr. Williams' lack of progress towards producing adequate surveys and his inability to work with Mr. Hiselman, his peer mentor, that a modification of the terms of his probation were warranted.

A motion was made by John Stephens to modify the terms and conditions of Mr. Williams' probation to the following:

1. Mr. Williams may not apply to have the probation withdrawn from his license until 12 months after the date of the order.
2. Mr. Williams shall within 2 weeks of the date of the order submit a list of 3 surveyors from the Indianapolis metropolitan area to serve as a peer mentor of his work. Gary Kent shall approve one of the surveyors from the provided list.
3. All other terms of Mr. Williams' original probation of 2011 will remain in effect.

The motion passed with a unanimous voice vote.

(Continued on page 14)

*(Continued from page 13)*

The Board continued with an Administrative Hearing in the Matter of Registration for Roger Woodfill at 2:29 pm EST. The hearing was in regards to an Order to Show Cause, Cause Number SBRLS 12-04. Mr. Woodfill was not in attendance for the hearing. Natalie Stidd, Deputy Attorney General, represented the State of Indiana. The Order of Show Cause was to determine whether additional sanctions should be imposed upon Mr. Woodfill's license for his failure to comply with the terms and conditions outlines in the Order Imposing Additional Sanctions filed on August 1, 2013. There was Board discussion and ultimately a motion was offered by Doug Lechner and seconded by Mike DeBoy to issue a Notice of Proposed Default. The motion passed with a unanimous voice vote.

At 2:42 pm EST, the Board held an Administrative Hearing in the Matter of Registration for Kenneth Ziese, Cause No.: SBRLS 12-01. The hearing was in regards to an Order to Cease and Desist Modification. Mr. Ziese was not in attendance for the hearing. Natalie Stidd, Deputy Attorney General, represented the State of Indiana. The Board received a letter from Mr. Ziese's attorney stating that the prior cease and desist order is invalidated due to the change in the Indiana Administrative Code pertaining to the practice of surveying. There was Board discussion prior to the hearing being closed. A motion was made by Doug Lechner and seconded Mike DeBoy to have Gordon White, Board Attorney with the Indiana Attorney General's Office, draft a change to the order. The motion passed with a unanimous voice vote.

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

A motion was made by John Stephens and seconded by Mike DeBoy to approve/deny the applications reviewed. The motion passed with a unanimous voice vote.

Ron Herrington, Principal of Bluegrass Engineering and Surveying, Inc., arrived to the Board meeting sometime during the course of the meeting. Since Mr. Herrington was in attendance, the Board called upon him to explain the methods in which his company provides and awards continuing education credits. The Board also shared with Mr. Herrington that Mike DeBoy and Doug Lechner would be assessing the courses and programs offered by Bluegrass Engineering and Surveying.

The Board then turned their attention to the discussion items on the agenda. The Board discussed Michael Chabes and a letter they had received concerning his situation. ISPLS Executive Director, Jason Coyle, led a discussion with the Board concerning an Indiana Department of Transportation (INDOT) Request for Proposal (RFP) that dealt with mobile LiDAR. ISPLS was seeking an opinion from the Board as to whether or not the scope of work contained within the INDOT RFP was required to be performed by a professional surveyor, professional engineer, or certified photogrammetrist. The society will send information pertaining to this issue to the Board for their review and remarks. The Board also discussed a concern posed by Robert Hood related to the Professional Surveyors Exam.

The meeting adjourned at 4:05 p.m. EST. The next scheduled meeting is Friday, April 4, 2014 at 8:00 am EDT at Indiana Government Center South, 402 W. Washington Street, CC5, Indianapolis, Indiana 46204.



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### *Friday, April 25, 2014 – Eagle Valley Golf Course – Evansville*

	Evansville Time	Vincennes Time
TIME: Sign-in Begins	10:30 am	11:30 am
LUNCH:	11:00 am	Noon
CHECK-IN: No Later Than	11:30 am	12:30 am
SHOTGUN START:	Noon	1:00 pm

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**Friday, April 25, 2014**  
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(closest to the pin, longest drive, etc.)
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*For additional information or to confirm sponsorship, contact Savannah Linenburg @ 800-945-ALUM (toll free), email to slinenburg@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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# INDIANA PROFESSIONAL LAND SURVEYORS FOUNDATION, INC.

Report to the ISPLS Membership - March 10, 2014



The following is a recap of recent activities by the IPLS Foundation:

- I. At the January 9th, 2014 IPLSF BOD Meeting Perry Cloyd and Chuck Coyle were re-appointed to a new 3-year term, and new officers were elected as follows:
  - a. President: Eric Banschbach
  - b. Vice President: Perry Cloyd
  - c. Secretary: Doug Herendeen
  - d. Treasurer: Dennis Grumpp
  - e. ISPLS Liaison: Chuck Coyle
  - f. Director: Dan Kovert

These actions by the Foundation were reviewed and ratified by the ISPLS BOD as the "Sole Member" of the Foundation at the ISPLS BOD meeting held January 13th, 2014, at the ISPLS Convention.

- II. At that same meeting of the Foundation, Jan. 9th, 2014, the BOD approved a \$1,000.00 contribution to the Kyle Joseph Jobin Scholarship Fund at Vincennes University for the award of an annual scholarship of \$500.00 to be awarded to a V.U. Surveying Student. Most of us in the surveying community will recall that Kyle was killed in a senseless act of violence early this year. Kyle's parents have worked with the Vincennes University Foundation to set up this scholarship in Kyle's remembrance. The family hopes to have the fund endowed at a \$10,000.00 level to begin to scholarship awards.

*(Continued on page 19)*

# HARRISONs

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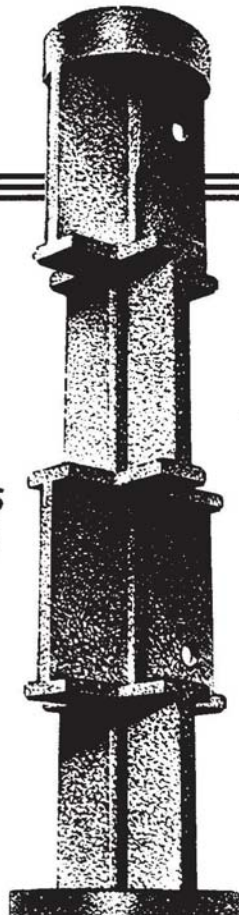
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(Continued from page 18)

- III. IPLSF's - Purdue Calumet Scholarship applications are currently available for students. Application deadline is March 31, 2014. The IPLSF may award up to three scholarships to Purdue Calumet students of up to \$750.00 each.
- IV. The IPLSF fundraising Raffle held during the 2014 Convention was a GREAT success. The Foundation cleared a profit of \$4,697.05 for the event. These funds will aid in awarding additional scholarships and helping to fund other special projects.
- V. During the 2014 Annual Membership Business Meeting held at the Annual Convention this past January the IPLSF introduced the membership to a project that has been considered for the past year... this is a project to scan and digitize the Federal set of PLSS notes and maps. This project generated quite a bit of interest and discussion by the membership. This was exactly the type of discussion and feed-back that the members of the Foundation were interested in hearing. From the discussion it appeared that the overwhelming majority of the ISPLS membership, that was present, seemed to be in favor of this project moving forward. With that interest in mind the Foundation BOD again took up this topic at its meeting on February 3rd, and discussed this project in greater detail that even included a "call-in" from Phil Worrall of Indiana Geographic Information council. Phil has indicated that IGIC does have some interest, but lacked funds to be able to participate in a monetary way, but could assist in the outreach efforts of solicitation on their website and with bringing some of their own technical abilities to move the end product to the IndianaMap. Phil also indicated that Jim Sparks with the State of Indiana also had some interest and might be a source of reaching available funds through the State. We also hope to be able to partner with the Indiana Association of County Surveyors, and perhaps through the Lt. Governor's office and the Indiana Office of Community Affairs (OCRA).

I think it is important to note and to remember that while we seek outside partnership to help bring this project along, it seems to make sense that in the final analysis, this type of project should be "pushed" and moved forward by Land Surveyors.

That said, IPLSF has begun the process of developing a fundraising strategy and a campaign. In the process it has been suggested by several, and only seems right, that IPLSF and ISPLS provide "seed" money to indicate the sincerity by which we want to move this project forward. Before the conclusion of that meeting the Foundation BOD approved a motion to "set-aside funds \$6,500.00 from its 2013-14 budget to be used as seed money and to seek matching funds" for this project from ISPLS. A list of action items was also created with tasks for each member to follow-up on and then to be taken up at the next IPLSF meeting.

I should also note and "Thank" the members of the ISPLS Board: At the conclusion of a similar report that I delivered to ISPLS BOD at their latest ISPLS Meeting, March 1, I conveyed a request by the IPLSF BOD that ISPLS set aside/reserve funds in the amount of \$13,000.00 to also be used as "seed money" and to be added to the \$6,500.00 from the Foundation. The ISPLS BOD agreed, so that now sets aside/reserves \$19,500.00 to "kick start" this project. There is much left to be organized and completed, but know that your Society and Foundation are striving to enrich and enhance the profession of Land Surveying for each of us and those that follow in our footsteps. Be on the look-out for details of a fund raising campaign to complete this project.

The next scheduled meeting of the Foundation is Monday, March 17th.

Respectfully submitted,  
Chuck Coyle, Foundation Liaison to the ISPLS BOD  
& 2014 ISPLS Past-President

# ISPLS 62nd ANNUAL CONVENTION HIGHLIGHTS

Indianapolis Marriott East, Indianapolis, Indiana, January 15-17, 2014

Hosted by the Wabash Valley Chapter of ISPLS

The Wabash Valley Chapter of ISPLS, the Board of Directors for ISPLS, and the Board of Directors for the IPLS Foundation would like to thank to our attendees, guests, presenters, and exhibitors for another successful convention! We would also like to thank the Marriott East and their staff for the hospitality extended during our stay. This year's convention marked the 62<sup>nd</sup> Annual ISPLS Convention.

The three day convention kicked off Wednesday afternoon, January 15, with a presentation on Water Boundaries by Jeff Lucas. Randy Miller, representative of the Wabash Valley Chapter, welcomed everyone and made a few announcements prior to Jeff's presentation. This was also the first opportunity that convention attendees got a glimpse at the grand prizes of the IPLS Foundation raffle. 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 a live auction based upon winnings.

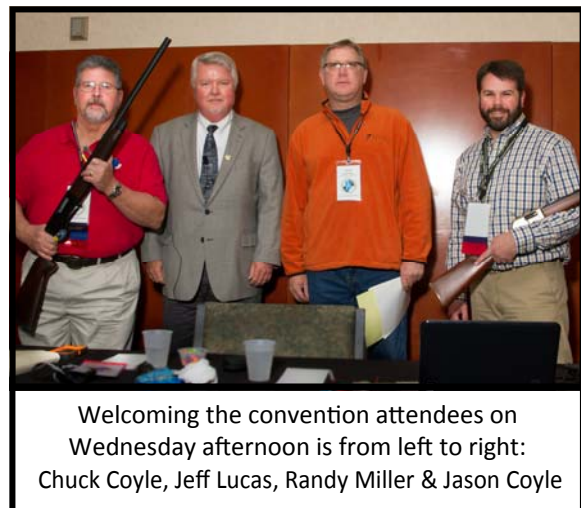
Educational opportunities continued on Thursday with presentations given by Jeff Lucas, Gary Kent, and Perry Cloyd, to name a few. We also want to thank Seiler Instrument for sponsoring the presentations from Fred Bulger and Rodney Holland. The Annual Membership Meeting was held Thursday afternoon where the membership heard a year-end report from Chuck Coyle, the 2013 ISPLS President. Dan Kovert, 2013 IPLS Foundation President, also gave a verbal report concerning the Foundation. A considerable amount of time was spent discussing Clayton Hogston's project on digitizing the federal set of the Government Land Office's Notes and Plats for Indiana's Public Land Survey System. There was a lot of interest in the project by the membership. We were honored to have the following guests with us: Curt Sumner, NSPS Executive Director; Brad Kramer, PLSO Representative; and Max George, MSPS Representative. Each of our guests gave a report pertaining to their organizations.



Our banquet included the installation of the 2014 ISPLS Officers, recognition of scholarship recipients, and awarding of the Atlas Award and President's Awards. A special thank you to Curt Sumner, NSPS Executive Director, for presiding over the installation of offices and his address to those in attendance. Congratulations to Gary Kent for receiving the Atlas Award, and to Rich Hudson and Ross Holloway for being awarded the President's Award. Bob Vollmer was also recognized for his many years of dedication and service to the land surveying profession.

On Friday, we included Kris Kline, Tony Gregory, Denise Wright and Alice Quinn to our menu of educational opportunities. At lunch, we welcomed Kris Kline, who gave a short presentation entitled "You don't have to be crazy to be a surveyor, but it can be an asset." After Kris' presentation, the officers of the Indiana Professional Land Surveyors Foundation (IPLSF) drew the winning tickets for the Foundation's second annual fundraising raffle. Congratulations to all the winners and many thanks to all who participated. The Foundation was able to raise \$4,697.05 for future scholarships and grants.

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!**

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Bob Vollmer being recognized at the Thursday Evening Banquet for his many years of dedication to the Land Surveying Profession.



Gary Kent (R) surprises Jason Coyle, ISPLS Executive Director by awarding him with a Board of Director's Award.

# TURNING POINT

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# ISPLS 62nd ANNUAL CONVENTION HIGHLIGHTS

Many thanks to our presenters for another successful convention.



Perry Cloyd, PS



Tony Gregory, PS



Gary Kent, PS



Kris Kline, PS



Jeff Lucas, PS, Esq.



Fred Bulger, PE



Curt Sumner, PS  
NSPS Executive Director



L to R: Blaine Walters and Chuck Muller



L to R: Denise H. Wright and Alice Quinn



L to R: Rodney Renkenberger, PS, CFM;  
Anite Nance, CFM; and Jason Miller, PS, PE, CFM

*(Not pictured, Rodney Holland, with Seiler Design Solutions)*

## ISPLS 61st ANNUAL CONVENTION HIGHLIGHTS

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

Hosted by the Central Indiana Chapter of ISPLS



Gary Kent (L) receives the Atlas Award from ISPLS President Chuck Coyle.



Rich Hudson (R) receives a President's Award from ISPLS President Chuck Coyle.



Ross Holloway (L) receives a President's Award from ISPLS President Chuck Coyle.

Henry Aldridge, PS 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. Henry will be the featured artist at the Columbia Club Gallery on the Circle for the months of May and June this year. He will have a smaller canvas of the "Ghosts of Surveyors Past" on display as well as many other works of art.

# ISPLS 62nd ANNUAL CONVENTION HIGHLIGHTS

## ISPLS 2013 SCHOLARSHIP RECIPIENTS

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

Jennifer Naas, Purdue University, a Central Indiana Chapter Scholarship;

Brian Murray, Purdue University Calumet, the Ordell L. Gertsmeier Memorial Scholarship through the Northwest Chapter; and Louis Santellano, Purdue University Calumet, the Ordell L. Gertsmeier Memorial Scholarship through the Northwest Chapter.



Kevin Rowland, Scholarship Committee Chair, awarding the 2013 John G. McEntyre Scholarship to Wayne Bunnell, Purdue University student.



Kevin Rowland, Scholarship Committee Chair, awarding the 2013 Peggy Archer Scholarship to Derek Schwenk, Vincennes University student.



Jacob Hoffman, 2014 Central Indiana Chapter President, awarding a scholarship to Derek Schwenk, Vincennes Univ. student.



Jacob Hoffman, 2014 Central Indiana Chapter President, awarding a scholarship to Cameron Seymour, Purdue Univ. student.



Corey Allen, 2013 Hoosier Hills Chapter President, awarding the Betty E. Johnson Memorial Scholarship to Conner Barnette, Vincennes Univ. student.



Greg Kissel, 2013 Southwest Chapter President, awarding a scholarship to Jonathan Later, Vincennes University student.



Greg Kissel, 2013 Southwest Chapter President, awarding a scholarship to Logan Vieck, Vincennes University student.



# ISPLS 62nd ANNUAL CONVENTION HIGHLIGHTS

## IPLS FOUNDATION, INC. • 2ND ANNUAL FUNDRAISING RAFFLE

The **Indiana Professional Land Surveyors Foundation, Inc. (IPLSF)** conducted its 2nd Annual Fundraising Raffle during the 2014 ISPLS Annual Convention held January 15-17, 2014 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 again pleasantly surprised with the participation. The ISPLF would like to thank everyone that participated.

***Indiana Gaming Commission License Number 132863.***

The raffle included five remarkable prizes with a combined total value of over \$3,000. The **First Grand Prize** is a **Henry Big Boy .44 Magnum Rifle**. The **Second Grand Prize** is a **Beretta Model A300 Outlander Shotgun**. The third place prize is a 16GB Apple iPad. A GoPro HERO3 Black Edition Camera will be awarded to the fourth and fifth place prize winners.

### ***And the Winners were . . .***

*(Not pictured, Bruce Strack, the fifth prize winner, who took home a GoPro HERO# Black Edition Camera.)*



Seth White, the first grand prize winner, receiving the Henry Big Boy .44 Magnum Rifle from IPLSF Director Doug Herendeen.



Don Andrews, the second grand prize winner, receiving the Beretta Model A300 Outlander Shotgun from IPLSF Director Doug Herendeen.



Roger Walton, the third prize winner, receiving the 16GB Apple iPad from IPLSF Director Doug Herendeen.



Michael Duffy Jr., the fourth prize winner, receiving a GoPro HERO# Black Edition Camera from IPLSF Director Doug Herendeen.



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# ISPLS 62nd 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?

a. Web – ISPLS.org	62
b. Mail	3
c. E-mail	6
d. Phone	2
e. Fax	2
f. Other	0
<u>g. None Selected</u>	<u>0</u>
Total responses	75

### 2. How satisfied were you with the registration process?

95% Satisfaction Rating – 75 responses

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

- I don't get on the website very often, so my username and password are always forgotten. I have to apply to get ones. Is there any way to speed this up?
- I was satisfied...no need to change anything.
- It works well for something that is only used once a year.
- It would be nice if we could register more than one member at time and pay all at once.
- Keep up the good work
- It went very smooth.
- I had no problems what so ever!
- There seemed to be an issue with online payment that had to do with compatibility with the current version of Internet Explorer.

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

80% Satisfaction Rating – 59 responses – 14 did not attend – 2 with no response

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

85% Satisfaction Rating – 75 responses

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

86% Satisfaction Rating – 74 responses – 1 did not attend

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

86% Satisfaction Rating – 73 responses – 2 did not attend

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

84% Satisfaction Rating – 70 responses – 5 did not attend

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

- A choice of sessions on Wednesday afternoon would be nice.
- All session topics and speakers were good.
- Each of the sessions I attended kept my attention.
- Even though I am not a registered surveyor. I do work for the County Surveyor's Office and found the sessions very informative and easy to understand.
- Given the large number of surveyors who are also licensed as professional engineers, it would be very helpful to offer more classes that are related to both engineering and surveying. The society has done a decent job of this in the past, but having more diverse options would be beneficial.
- I did not attend Friday afternoon because none of the options were very appealing.
- I enjoyed having Kris Kline with us this year. Let's bring him back.
- I really liked the session about onsite sewage and thought it was really useful information. Could potentially be spilt into another level with everything that is involved they had to go pretty fast.
- I very much appreciated the extra time taken by Kris Kline to tailor his class "Easements in a 3-D World" to Indiana law. Though a few other speakers sometimes do likewise, I wish ALL seminar speakers would take the time. I also appreciated Kris' keynote address at Friday lunch --- a little humor goes a long way --- love his style, definitely have him back!
- I would like to see a better offering of mandatory sessions to allow more opportunity to attend elective sessions.

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- Lucas's presentations are okay, but much of his presentation dealt with Coastal Water Boundary Laws. Would have like to have dealt more with the re-establishing Meander Corners in fractional Sections. This area has been over simplified most of the time.
- Please, is there a way to have moderators curtail disrespectful comments from the audience? It was disrespectful, shameful and off-topic when an individual literally yelled at a presenter during his presentation. This has been done in other classes in the past, but not to this extent. Perhaps rather than educate the public, we could educate our own members?
- Pros: sessions I took were done well, educational, relevant, and there was some variety of topics. Cons: as always, we would like to see more variety, changes from past year sessions, etc.
- Sessions were all good and the speakers were interesting and held my attention.
- Sessions were good. The only exception was when some foolish idiot in the back of the room decided to fight with the speaker. By the way, the speaker (in my opinion) was right anyway.
- Sessions were very good; however Mr. Lucas is losing some of his luster... same old story with his sessions. The FEMA Elevation Certificates was a good session, but I kept waiting for the more advanced information. Time ran out on the two guys that had more of the advanced information. Tony Gregory was good as always.
- Some of the same speakers along with the same topics is creating a bit of a stale "same old tune" theme. This is not typical of all of the same yearly speakers, but some new faces and topics would be refreshing.
- The FEMA floodplain session was very poorly thought out. A majority of the session was not spent on areas that were of interest to surveyors. The portion that was of interest, (BFE calculations, elevation cert form requirements, etc.) was very rushed through as there was no time.
- The session on Wednesday afternoon, Water Boundaries, needed to be more specific to Indiana situations. A good deal of time was spent on tidal boundaries which wasn't very relevant.
- The titles of the sessions are rarely what are covered in the class. While I received good information, it wasn't what I expected it to be.
- The Wednesday afternoon topic could not be adequately covered in the time available, although the presenter did his best to hit the high points.
- There was not a lot of diversity in the topics.
- Very much appreciated the effort Mr. Kline put into his class to customize it for Indiana.
- Very practical - very good material.

- We are using Jeff Lucas quite often. Is it possible to find a little variety, possibly someone w/public lands experience?
- Wednesday: Jeff Lucas is great, but, the dining Hall is entirely too big to hold a session in. Presenter cannot manipulate 2 screens efficiently. Topic was 8 hours of info crammed in to 3 hours and very little of it will be useful (didn't pertain to Indiana). Thursday: Gary Kent very good as usual. Hall was on the verge of being too big. Friday: Kris Kline did a great job. Content was good and the majority of it pertained to Indiana.

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

- Current or recent case law and changes to boundary practice; innovative technologies, both field and office; focus on how to develop / expand the surveyors professional 'niche' while there is less demand for our traditional services.
- Legal drains; drainage codes/boards; stormwater/Rule 5; abandoned/unmaintained County Roads which are often difficult to address the status of these roads (open, closed, ATVs only, how can they lose their public status, and the process to vacate these roads). Previous courses related to railroads were pretty good.
- Legal Surveys and new technology.
- LOMR procedures BMP options Sustainable Drainage design.
- More GPS basics, theory, and computations; OPUS; InCORS; and GIS.
- More Jeff Lucas. Even if it is the same thing. The guy is a great speaker, knows his stuff and is not afraid to look at things logically.
- More Mock Trials.
- Non-credit educational entertainment.
- Performing Location Control Route Surveys in Indiana and "right-of-way engineering"; Rule-12 requirements; etc.
- Possibly more on Indiana law boundary cases.
- Property Line Conflict Resolution - in lieu of Court Trial.
- Sessions on boundary and business related issues are always good.
- We don't need a 4-year college degree requirement. Although I thought so when I graduated from MTU in 1990 with a postgraduate degree in land surveying. What we do need is education. My first degree is a BA in economics in 1987. This industry needs licensed individuals who are in business and understand business. Many of us are excellent surveyors. Unfortunately many are lousy businessman. In classical economics with the surveying industry is experiencing is a classical downwards spiral. In two decades from now I would not be surprised if professional engineers are permitted to do boundary surveys.

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- Would be nice to have a water boundaries course that actually was focused on Indiana water boundaries.

**11. How satisfied were you with the session handouts?**

74% Satisfaction Rating – 66 responses – 9 with no response

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

- Didn't realize I was supposed to download them ahead of time. But then I put them on my phone and used PDF reader to highlight the sections I wanted to.
- Excellent - nice to access/read ahead of class.
- Gary Kent afternoon Friday had no material or Power-Point Presentation. Nothing but Gary reading off his iPad.
- Handouts continue to be on two count: 1. Handouts consisting of power point slides are have little long term value. Presenters should compact their materials into something more useful and compact. 2. Handouts should be available at the session. I think we pay enough for the class that we should not have to print out our own materials, which for many people is a complete nuisance. Thanks you.
- Handouts should include exhibits that are used during the presentation for review with the text of the handouts.
- I did not end up using much of the handouts provided during the sessions, but will probably reference them in the future. Some of the sessions seemed to be geared toward longer presentations, and as a result the handouts provided did not follow the presentation. It was as a result difficult to follow along with the handouts.
- I did not print the handouts – I will use CD.
- Include the actual presentation slides not just generic outlines. It is hard to take notes when the content on the presentation slide doesn't match the handout.
- It varies, I like the fact that they're electronic so we're not wasting paper (I read mine on a tablet), though many times it's hard to follow along. It doesn't really help to have the entire slide show presentation, but it does help to have graphs and charts that are hard to see on the screen. It also is nice to have copies of things that are useful reference documents; again it varies on what the topic is as to what is useful.
- Most of the speakers don't really seem to follow their handouts very well. That is fine as long as the handouts convey useful information. Many of the speakers handouts are part of the presentation and not very useful by themselves, so when they are not followed they become relatively useless
- Nice to have digital handouts but would be nicer to still get hard copies or at least create an option for them.

- Printing them out yourself does save ISPLS money, but I would like to have the speaker follow their handout.
- Session handouts did not match the presentation. Would like access to exact handouts after the presentation.
- Some of the handouts were not followed and that was just a waste of paper.
- Very little usefulness.

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

80% Satisfaction Rating – 73 responses – 2 with no response

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

- Assortment was good. Exhibitors need to be at the entire convention. At least until Noon on Friday. Because there was no Exhibition Hall on Friday, exhibitors were leaving at 2:00 pm on Thursday. The folks that only attend Friday's classes saw no exhibits.
- Certainty 3D
- Hydrolight
- I don't know what additional ones I'd like to see, but it would be nice if they stayed past noon on Thursday. I understand why they don't stay Friday, but I only got to see a couple before they left. Also, think about putting the schools in the main exhibit hall as well; they might get more traffic that way.
- It would be nice to stagger the breaks so one could visit the exhibitors instead of all at once.
- Maybe a vendor selling books.....
- More service providers such as utility locators, wetland and geo-tech consultants, etc.
- Seems every year at all the conferences I tend to exhibit or space displacer getting smaller and smaller and smaller.
- The Marriott must be charging too much for exhibitor space. Seems like there have been less and less the past several years.
- Where was Holey Moley / Indiana811?

**15. How satisfied were you with the Exhibitor's Reception?**

81% Satisfaction Rating – 42 responses – 27 did not attend – 6 with no response

**16. How satisfied were you with the Las Vegas Casino Night?**

71% Satisfaction Rating – 21 responses – 48 did not attend – 6 with no response

**17. How satisfied were you with the presentation of the Business Meeting?**

85% Satisfaction Rating – 16 responses – 54 did not attend – 5 with no response

(Continued on page 30)

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

- It is too bad the lobbyist couldn't be there. A bit shorter.

**19. How satisfied were you with the Spouse/Guest program?**

90% Satisfaction Rating – 7 responses – 58 did not attend – 10 with no response

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

- This went okay, at least we didn't go shopping, and we left the Indy area. It is too bad the weather didn't cooperate; having to cancel part of the activities didn't help. The attendance is getting smaller and smaller. Something needs to be done. Many wives came to the banquet. Maybe ask them why they didn't come to the convention. Probably had to work or watch kids. Why do we always receive a store credit or a credit card? Just cut our registration fee.

**21. How satisfied were you with Thursday's Continental Breakfast?**

69% Satisfaction Rating – 54 responses – 18 did not attend – 3 with no response

**22. How satisfied were you with Thursday's Lunch?**

77% Satisfaction Rating – 75 responses

**23. How satisfied were you with the meal served at the Banquet Thursday evening?**

89% Satisfaction Rating – 45 responses – 30 did not attend

**24. How satisfied were you with Friday's Continental Breakfast?**

69% Satisfaction Rating – 52 responses – 21 did not attend – 2 with no response

**25. How satisfied were you with Friday's Lunch?**

85% Satisfaction Rating – 71 responses – 4 did not attend

**26. How satisfied were you with the refreshments served throughout the convention?**

76% Satisfaction Rating – 74 responses – 1 with no response

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

- All meals were great! I would hope the same person or staff continues in the future with the menu.
- All the meals were good, but the Thursday night banquet was a home run!
- Breakfast provisions continue to be weak. The refreshments throughout day could use some improvement.
- Cold cut sandwiches? Turn the heat on.
- Cold Cuts? Seriously? In the middle of winter, I didn't

pay hundreds of dollars to be served some cold cuts! We were the last to go to lunch and by that time the meat tray was skimpy, bread was skimpy, no cheese left, and potato chips down to crumbs, etc.! Place settings were scant! However, at Friday's lunch, when I declined tea the second time, the waitress offered to get me a Pepsi, which made me happy.

- Donuts were gone an hour before the sessions started. Thursday's lunch was picked over and supplies were limited. Candy bar was only offered on Wednesday, should be offered every day.
- I like the refrigerated coolers for the sodas. Good idea! The meals were great! I would have liked to see more healthy food offered at the continental breakfast on Thursday.
- I was very disappointed to see that the Thursday lunch has been reduced to cold cut sandwiches. Is there no room in the budget for a hot meal on Thursday? I would love it if the fried chicken was brought back! Some donuts in addition to the muffins for the breakfasts would be nice too.
- I would like to see a variety of fruit or options rather than donuts and pastries...I am a diabetic. I would rather have a buffet style lunch. Thursday lunch with cold cuts was great. I did not care so much for the served lunch on Friday...too much garlic topping the chicken, veggies undercooked and spuds too dry-add more gravy.
- In the middle of winter a cold cut lunch does not hit the spot like a hot lunch does. Cutting back on the drink tickets is pretty ridiculous considering the amount we pay to attend.
- It seemed that the refreshments were not restocked in the afternoon & taken away too early.
- It seemed the refreshments were all gone once or twice.
- Need something healthier than pastries for the continental breakfasts.
- Please do not serve lunch meat sandwiches. I would like a hot meal.
- The candy table could stay out for the whole convention. Afternoon cookies and coffee would be nice. Tea and crumpets?
- The candy was a great idea. Unfortunately, it was only out for a very short time. Please keep out the entire conference. It would be a great addition.
- The continental breakfast ran out of food too quick. I came down from my room 45 minutes prior to class and almost all of the food was gone. Also, we were let out of class late on Thursday and when we got to where the food was it was gone. Were then instructed to walk over to a different line and most of the food was gone there.
- The refreshments were very disappointing. There were several times during the breaks where there was nothing left. It was also disappointing that the refreshments were limited to drinks only. It would also be nice to have

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a hot breakfast or at least some healthier options.

- There are a lot of meals that are included in the convention that I didn't use. Seems like a waste of my money to pay for them and not being there to use them. Being from the Indy area, I went to work before the convention and went home at night, so I did not partake of those opportunities and would like to not pay for them.
- They ran out of the more popular sodas (i.e. Diet Mountain Dew) and did not restock them.
- They ran short of refreshments a time or two. And I know it would be more expensive, but a hot breakfast one day would be nice.
- They were okay, though I am sure I would be appalled if I knew what each one 'cost'. Some fresh fruit, yogurt cups, etc. would be nice for breakfast, something at least pretending to be healthy. Also, keep the coffee and drinks going the whole time, not just through the morning break on Friday.
- Thursday night steak was incredible.
- Thursday's lunch seemed to catch the Marriott staff off guard. Seemed like they were having a hard time keeping the buffet stocked.
- Thursday's continental breakfast: I understand the idea was to visit the vendors and spend time with them. However, there were only a few tall tables in the room and it was hard to hold food, drink, and interact with them. If you wanted to eat first, then visit, there really was no designated place to do that.
- Thursday's lunch was like a picnic. Coffee in the exhibit hall was often cold. Continental breakfast had little to choose from. Friday's lunch vegetables were uncooked.
- With the exception of Friday's lunch, the food ran out.
- Wow! Food compared to the other conferences I went to (Wisconsin, Illinois, Michigan, and California) was terrible.

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

83% Satisfaction Rating – 49 responses – 25 did not stay at the hotel – 1 with no response

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

- Expected better handout at registration (glass and pen?). Of course the glass may be of higher quality than my tastes appreciate; if that's the case, please forgive my lack of appreciation of high quality.
- Great job - has been a while since I attended.
- Hope you will consider moving the convention to a different location (how about the West Side?). The Marriott can't seem to control the temperature in their convention hall.

- I am sure I am in the minority but I am disappointed in the raffle. I will not be purchasing raffle tickets if the grand prizes are guns. I have no use for a gun so why would I buy a ticket. I also do not believe they should be glorified in the way that they are at the ISPLS convention.
- I liked the Grand raffle prizes.
- Let's have another convention next year.
- Prizes at the Las Vegas Night should be awarded by ticket drawing and not by bidding. People were bidding who did not have any tickets just to run up the bid and then looking for tickets after they won.
- Regarding the Casino Night, the event itself was great, as it has been in previous years! Sertoma is a great organization, and their members are first class! The auction was a complete joke!! First, people were bidding on items without having enough tickets. Second, those running the auction did not even count the tickets, to make sure they had enough when paying for the items. The auction should be replaced with a drawing, giving everyone a fair chance to win something. This would also keep people from pooling their tickets. If the auction is run the same way next year, I will not plan to participate again!
- Tell Marriott to turn the heat on!
- The only problem I had with registration was with the hotel; I didn't have my registration number, I felt my name and proof of identification would be enough. Doug saved the day! I just hate to ask him to attend to a problem of mine. He is too busy. I greatly appreciate what Doug and Jason do for this convention! Can't thank them enough. I assume Doug is compensated somehow, I hope so! Is it possible to move it to a warmer time of year, then we could move around the State a bit. The lobby is located incorrectly, every time the doors opened, it cooled down the lobby and the bar area, making it very uncomfortable to sit there. Not engineered properly. Why do we always have to wait until 4 pm to get our rooms? I know the hotel has their excuses, (they always blame the cleaning staff, I guess because they are on the front line and can't respond) but they know in advance that we are coming in large numbers, why aren't they prepared? Every year it is the same, you'd figure the hotel management would get their act together.
- This was an excellent convention!
- While I understand the monetary success of the raffle program; I question how gambling to win a gun or rifle might affect our public image as respected professionals. Public image is something that we struggle with as it is, we're frequently viewed as a trade or skill and we often do more to diminish, rather than improve that image. While the raffle may not directly hurt our image, it certainly does nothing to improve it.
- Would like to see logo briefcase or sleeve cover or jump drive, in lieu of handing out a logo glass.

# THE FINAL POINT

Frank Lenik, PLS

I used to joke with my wife that when I died, I wanted a geodetic marker set at my grave so that I could continue to be of service to my profession. I reasoned that my friends would come to visit me and it had the added benefit that I could keep an eye on projects in my neighborhood. I went so far as to pick out a plot in the Egg Harbor City Cemetery. It was on top of a hill along a county road with long sights in both directions. My wife was not amused however, when I suggested that she needed to be buried on the far side of the cemetery to provide the location for the azimuth mark. But whose wife ever laughs at their husband's jokes?

When I recently said goodbye to a friend and colleague who passed away my old joke came to mind. Walter White was a local surveyor from Pennsylvania who had worked his entire career in the Delaware Valley. While planning his memorial service his family and friends were looking for a way to honor and remember him, and I suggested we get him a National Society of Professional Surveyors "Final Point".

The "Final Point" program is run by the NSPS in concert with Berntsen International to remember Land Surveyors who have passed. For a small donation, you or the family can receive a 4" bronze disc engraved with the surveyor's name, license number, and the latitude and longitude of the final resting place of the surveyor. The disc is available either highly polished or with a brushed finish, and can come with a stem for mounting in a monument or without a stem for placing on a presentation plaque. The monies raised through this program are used for scholarships for surveying students.



My penchant for carrying a good thing too far was satisfied by combining the NSPS Final Point program with the National Geodetic Survey's OPUS DB program. If you haven't met OPUS DB yet, you are in for a real treat. Those of you who have performed static GPS surveys will love this and those of you who never did will get a taste of the good old days! OPUS DB is a program where local surveyors can help to improve the National Spatial Reference Network, resurvey old marks or set new geodetic control wherever you need it.

If you plan to go this far you will need a GPS receiver capable of logging raw GPS data. You will also need to document your observation with photographs, instrument serial numbers and other pertinent information for submittal to the NGS. Oh yeah, you will also need to set aside four hours of your day to make an OPUS DB observation.

Completing the process takes a bit of time and planning. The disc from the NSPS has to be special ordered. If you are planning to install it as a mark, you need to order the disc with a point in the center of the mark to survey to. Then gather your materials such as a sonotube, rebar and concrete. Next, collect your team and install the monument. Finally, once the concrete has set, you need to occupy the point.

The result is one which any family member would be pleased with, and any surveyor would be proud. Walter's NGS Data Sheet can be found at: <http://www.ngs.noaa.gov/OPUS/getDatashet.jsp?PID=BBDB81&style=modern>

Frank Lenik, PLS, is a licensed land surveyor in Delaware, New Jersey, North Carolina and Pennsylvania. He is the Area 2 Director for the National Society of Professional Surveyors and is employed by Leica Geosystems, Inc.



## COMPLETED CAREER

### Kyle Joseph Jobin

Kyle Joseph Jobin, 19, of McCordsville, IN passed away January 5, 2014 – one day after a senseless act of violence took him from his family and loved ones very early in his life.

Kyle was born on March 2, 1994 at the Camp Lester Navy Hospital in Okinawa, Japan. He graduated from Mt. Vernon High School and was home on Christmas Break from Vincennes University where he was studying Land Survey Management. He was scheduled to graduate in May.

Kyle enjoyed spending time with family, friends, and his dogs Norbit and Dash. He was one of those people (you know the ones) that you just wanted to be around. His ear-to-ear smile and personality had the ability to make you feel like everything was going to be all right. Whether playing a game of Call of Duty with friends or whooping his old man's butt in a game of Madden, just being around him filled you with happiness. His heart was always filled with music – the beat of the drums and the rhythm of the guitar were never too far from Kyle, no matter where he was. Most of all, he was happy and content just being with you and sharing in each precious moment.

Left to cherish his memories are his parents Joe and Cyndi Jobin, his brother Jonathan Jobin, grandparents John and Jean Voge and Shari and Dennis Live-ly, and countless friends and relatives both near and far.



The Jobin Family has established the Kyle Joseph Jobin Surveying Scholarship through the Vincennes University Foundation. Contributions to the fund will be used to award a scholarship each year to a full-time student at Vincennes University majoring in surveying. The hope is to award \$500 annually to the Vincennes University Foundation in Kyle's name to help future students.

Donations may be made to the Kyle Joseph Jobin Surveying Scholarship by visiting the Vincennes University Alumni website and selecting the yellow "Give to VU" icon. This will direct you to their main giving page where the Kyle Jobin Scholarship is one of their featured funds for the next six months or so. ISPLS would encourage the membership to support the Jobin Family by making a donation to the Vincennes University Foundation in Kyle's name to help future surveying students.

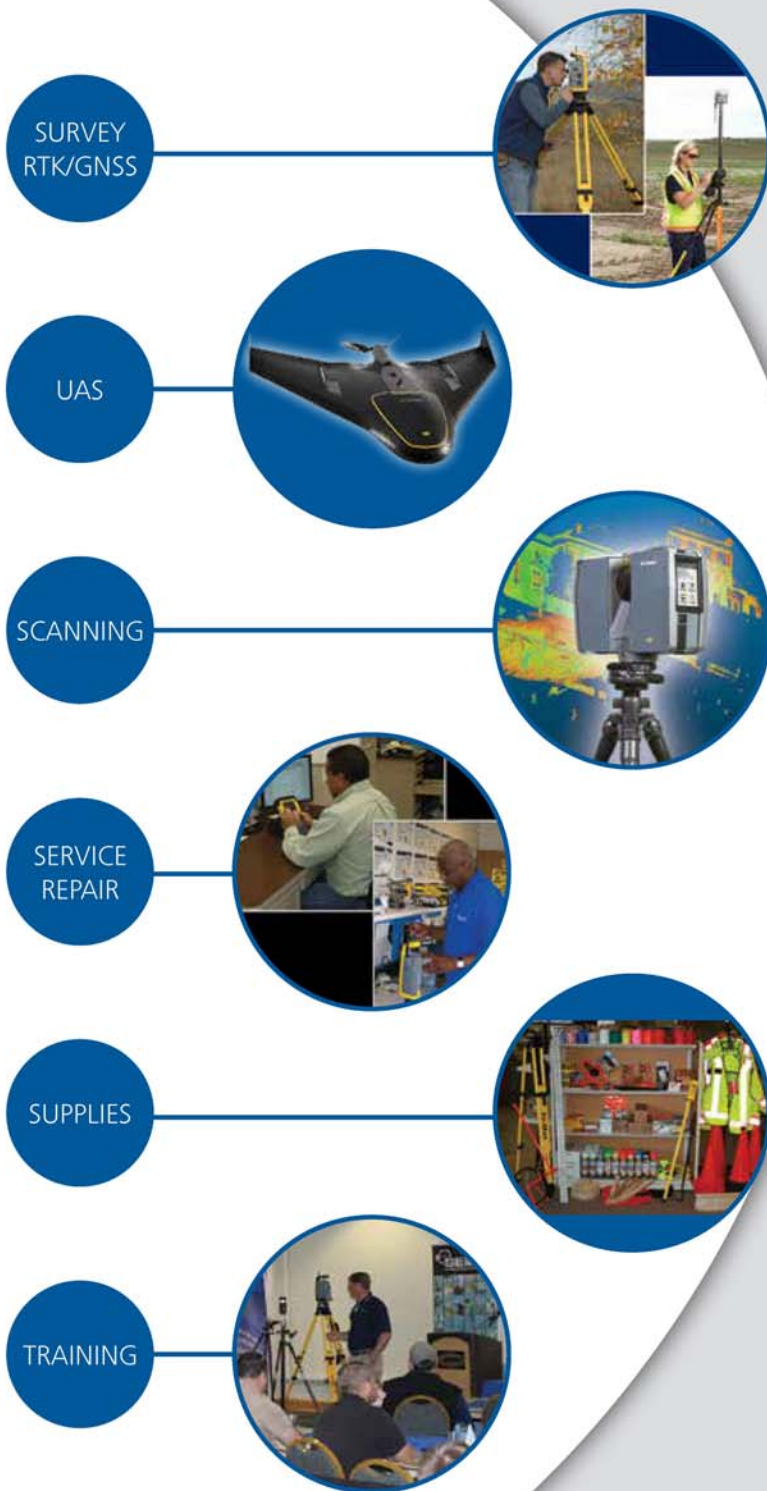
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A collection of surveying monuments including a large brass corner marker with a crosshair and the text "U.S. PUBLIC LAND SURVEY", "DANE COUNTY WISCONSIN", and "SECTION CORNER". It also features a smaller brass marker with "CORPS OF ENGINEERS-U.S. ARMY" and "FOR DISTURBING THIS MARK SURVEY MARK", and a silver marker with "SURVITECH SOLUTIONS, INC." and "L.B. NO. 7340 BENCHMARK".

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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](http://www.in.gov/judiciary). Comments or suggestions for future columns are welcome by email to: [Bryan.Catlin@indy.gov](mailto:Bryan.Catlin@indy.gov).

## **Clifford and Judith Ann Garrett vs. Paul and Linda Spear, Indiana Court of Appeals Case No. 23A01-1303-PL-96, November 20, 2013**

This is a case from the Fountain Circuit Court where a summary judgment was granted to the Spears. The Spears own one parcel they purchased in 1978 and the Garretts own a parcel to the south they bought on contract in 1986 from Georgia Gillis, who along with her former husband Don Gillis had bought it in 1983. There was a fence separating the parcels when the Garretts bought the south parcel. They tore it down after 2000. No surveys were done of either parcel by the parties to this case until about 2010, when the Garretts had their parcel surveyed. In 1996 the Spears erected a garage that was north of the fence but encroached the surveyed boundary. After the 2010 survey, the Garretts put a "cattle fence" to the south edge of the garage.

On August 10, 2010 the Spears filed a complaint alleging quiet title by acquiescence, quiet title by adverse possession, prescriptive easement and trespass. Their complaint stated that around the spring of 1983 they and Georgia Gillis agreed that the boundary would be one and a half feet north of the existing fence, that the surveyed boundary was approximately twelve feet north of the fence line boundary, and that they had occupied and used the twelve foot strip as their property for over twenty-seven years. The Garretts responded alleging a claim of quiet title, two counts of trespass, ejectment and nuisance.

In depositions: Don Gillis testified that Georgia left the outside property maintenance to him, that there was a stake in the ground about a foot and a half north of where the fence used to be, and that he had built a metal (west?) and wood (east?) fence meant to be the dividing line between the properties soon after they moved in. Clifford Garrett stated he had removed a "redwood fence" and did not recall a "wire fence". He testified he had also installed a "cattle fence" which he later removed. Clifford testified that Georgia Gillis had told him the boundary was four or five feet north of the "redwood fence". Clifford also acknowledged that he did nothing to stop construction of the garage even though he believed it may have encroached upon his property because he didn't think he had "that kind of authority". Judith Garrett testified that there was a metal and wood fence when they moved in, that Georgia Gillis had indicated the boundary was north of it, that Georgia and Don Gillis had walked them around the property when purchased and pointed out corner posts and a metal stake but did not indicate in actual feet and inches where the boundary was, that she only planted flowers on the south side of the fence, and that she never tried to stop construction of the garage. Paul Spear testified that after Don Gillis erected the fence in 1983, he and Don Gillis agreed the boundary was one and a half feet north of the fence, that he had assisted Don in building the fence, that Don indicated he had the boundary surveyed and it was a foot and a half north of the fence, and that until after the 2010 survey the Garretts had never mowed north of where the fence had been.

In July 2012, the Spears filed for summary judgment, the Garretts replied on September 4, 2012 and included more statements supporting their arguments. On February 6, 2013, the trial court granted summary judgment in favor of the Spears based on acquiescence and ordered the Spears to obtain and record a survey reflecting the boundary in existence since 1983 along the fence line by agreement and ordered the Garretts to remove any fence that didn't agree with this ruling.

The Appeals Court agreed with the trial court in part because the Spears improved their property in accordance with the agreed upon boundary.

## **Lagro Township and Karen Pinkerton Tatro vs. George E. Bitzer and Zelma E. Bitzer, Indiana Court of Appeals Case No. 85A02-1306-PL-520, December 9, 2013**

This case from the Wabash Circuit Court concerns a Belden Cemetery that the township was trying to exercise control of. In 1872 Solomon and Nancy Fry deeded one acre of a 219-acre parcel to "the public" for a cemetery. In 1967 the Bitzers bought the 219-acre parcel. The Bitzers knew of two marked graves there while the township designated evidence of up to one hundred graves. Since the Bitzers bought the property the township had never contacted them about the cemetery, and Mr. Bitzer averred that he contacted the Township Trustee between 2006 and 2009 to see if the Trustee was aware of the cemetery. He claims the Trustee was unaware of the cemetery and did not want to care for another cemetery.

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In September of 2006, in response to direction from the State to assign tax identification numbers to every parcel in Wabash County, the Assessor gave the cemetery its own tax number for the first time showing it was tax exempt. However, the Assessor incorrectly showed the parcel as 1.57 acres instead of one acre and incorrectly described it as being in the east half of the section. Because of the incorrect location, no deduction was ever made to the Bitzers' property taxes.

In December of 2009, the Bitzers cleared the cemetery area, except for the two marked graves of Solomon and Nancy Fry, which they fenced in. Upon learning of this, the Township Trustee investigated and determined the cemetery had been desecrated. The County Sheriff investigated and filed a probable cause affidavit which the County Prosecutor declined to prosecute.

The Township filed a complaint on May 10, 2011 seeking to quiet title, establish the Township's interest in preserving the cemetery, and recover damages. Both sides filed for summary judgment and replied to the other's motion. After a hearing on May 22, 2013, the trial court held for the Bitzers and the Township appealed.

The Appeals Court noted that the Township had apparently dropped its claim of title in this appeal. The Court agreed with this, noting that a right by common law dedication is usually merely an easement. Here there is clear evidence that the Frys intended a public dedication of the cemetery, and that it was used, but there was no formal acceptance and an issue of fact as to whether the public used it in a manner to act as an acceptance of the dedication. The Township claimed that under IC 36-6-4-3(9) that a township executive shall "[p]rovide and maintain cemeteries under IC 23-14". However the court points out that under Indiana Code 23-14-68-1(b), "This chapter does not apply to a cemetery located on land on which property taxes are assessed and paid under IC 6-1.1-4." On this basis the trial court judgment was affirmed. This leaves whether or not there was wider public use of the cemetery which could indicate acceptance of the dedication to the public as an unanswered question (I assume that the Trustee did not or could not produce convincing evidence of more than the two graves in court. This is one of the issues you find in reading appeals court decisions; much information is omitted). The Township also argued extensively that the cemetery was desecrated; however, that is a criminal matter left to the discretion of the County Prosecutor who has to date declined to file charges.

**Pizza King of Elwood vs. The Peniel Group, Dollar General Stores, and Elwood Holdings, LLC, Indiana Court of Appeals Case No. 48A02-1302-PL-148, November 27, 2013 - MEMORANDUM DECISION - not regarded as precedent**

This case from the Madison Circuit Court concerns who has what rights to an ingress-egress easement. Charles and Linda Kane owned two businesses, a bowling alley and a Pizza King which had access to SR 13 over a drive along the north sides of the properties. When they divorced, Linda kept the Pizza King and Charles kept the bowling alley. In the deed granting her part of the bowling alley to Charles, there was language granting an easement over the lane on the north part of the Pizza King property since the bowling alley was farther from the highway and the drive was the only access at the time. Charles later granted rights to use the easement to the shopping center on the north side of the drive which expanded by adding a Dollar General Store. Trucks used the drive to access the loading dock and trash bins at Dollar General and to park, blocking access to the Pizza King and the bowling alley. The bowling alley had incidentally gained access to a drive along the west side of the shopping center to another public road the same day Charles had granted the easement. After noticing the trucks using the easement on her property and the pavement damage they were causing, Linda complained to the center management group and Dollar General with no avail. Pizza King then filed suit and the defendants claimed their use was authorized. The trial court agreed it was permissible for Charles to grant easement rights across Linda's property. On appeal the Appeals Court reversed that judgment and discussed why Charles did not have authority to further burden the servient estate.

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