

HOOSIER SURVEYOR



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

VOLUME 20
NUMBER 4
SPRING 1994



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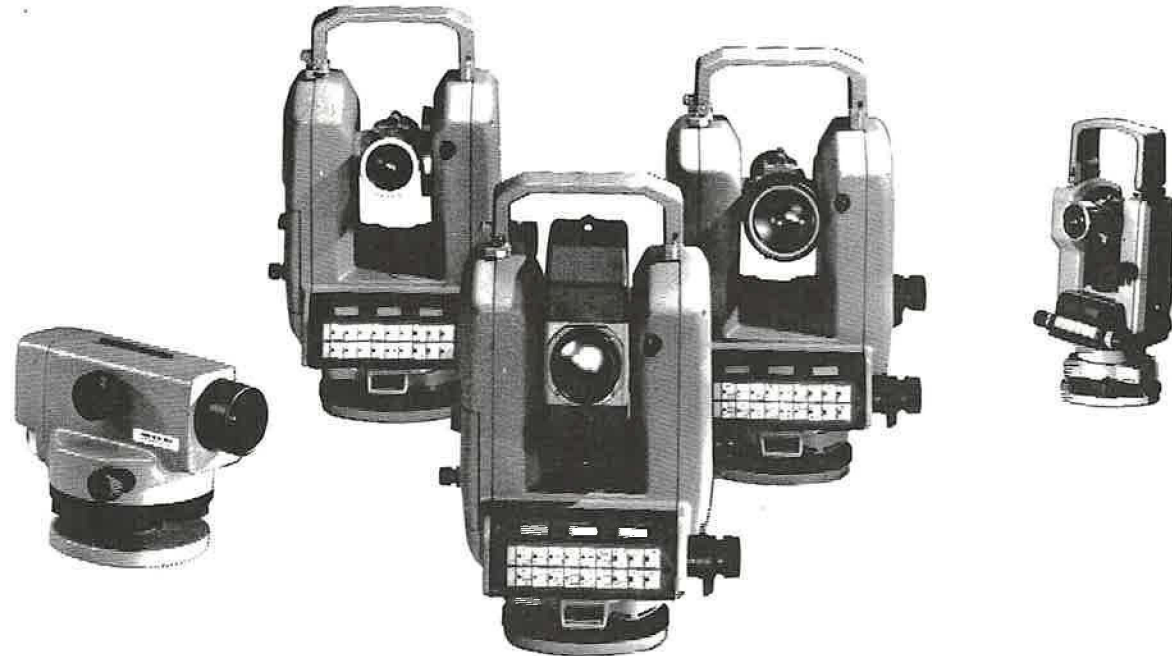


The Graduating seniors: the Elite Eight of 1994. (Left to Right) Brent Spencer, Stephen Pratt, Bernie Guerretaz III, Jamie Gorski, Scott Whybrew and Dean Coon. (not shown: Mike Salyers and Dan Bordenet)



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55 Monument Circle, Suite 1222
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(317) 687-8859
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Articles and columns appearing in this publication do not necessarily reflect the opinions 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.

Editorial Advertising Offices
55 Monument Circle, Suite 1222
Indianapolis, IN 46204
(317) 687-8859

Editor: Mike Crawford
(317) 876-0064

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PRESIDENT'S THOUGHTS

by Christian F. Marbach, PLS, Elkhart, IN



Although the Indiana Society of Professional Land Surveyors has made great strides in the past, there are still many issues that we must face in order to maintain our excellence. At the top of the list is membership.

It is through membership in this Society that the experienced Surveyor,

as well as those surveyors in training, develops the professionalism associated with his career. Membership in this organization not only enhances the individual's professionalism, but also that of the profession itself.

I hope not only to improve membership, but also to continue the progress in the other areas of our organization which others before me have so outstandingly spearheaded.

The membership committee will continue to perform the duties of processing membership applications. This year however additional duties will be to review the membership categories. We may need to add a couple of additional classifications, such as survey technicians and/or governmental employees. Just think how much everyone would benefit if each of us would recruit one new member this year.

Here are three reasons each of you can use to recruit that new member. First, you will have the opportunity to enjoy an energetic association with many surveyors in your community, this state and the United States who share your interests in the surveying profession. There will be others who may spark your interests in facets of the profession's development of which you were not aware or in which you were disinterested.

Second, you will endure the suffering of the exasperation that comes from arguing with a bunch of old, (and young) cantankerous, opinionated pugilists who do not appear to be graced with the insight only you seem to possess. Soon you will come to realize this is the essential and universally shared relationship all concerned, professional surveyors require; or in any event possess and cling to with a tenacity seldom duplicated in any other relationship one can experience.

Third, you will experience the professional growth that comes from the active associations you form with fellow professionals outside of the work place. You will grow professionally in your perception of yourself and of your chosen profession. This growth will not only enhance the many new relationships you begin to fondly nourish, but also enhance those you now share in the confines of your work place. Oh yes! There is one small drawback. Now your spouse begins to believe that this ISPLS thing is some subversive organization attempting to spirit the lesser half of your marriage away.

In a more serious vein, there is more than an ounce of truth in the forgoing dialogue in which you, as its victims, were not given a chance to respond to this impertinent writer. This message is not only to those of us who have not joined ISPLS, but to the inactive member who has never taken advantage of the ISPLS experience. Our Society, which is the vanguard for the surveying profession's standards of practice in Indiana, is sorely in need of you in terms of your talent, your caring, your attentiveness, your interests and your willingness to communicate and direct your energy in tandem with other surveyors to achieve the advancement of our profession.

In my several years of involvement with ISPLS, I have come to realize the fact that we are all engaged in a titanic struggle with one another with the final outcome being the consensus direction our organization chooses to take after reasonable deliberation.

Invite one of your peers to join our struggle, because I believe you have as much of value to offer our profession in its development as those of us who have already made the commitment. If you have read to this point, thank you for hearing (reading) me out and I hope you will recruit that one new member mentioned above. If not, I hope that I may have provoked some additional concern for your future professional development which you can entertain openly in conversation and in the solitude of your thoughts.

I would like to take a few moments to revisit an issue discussed in my first President's Message. I received a letter which contained the following paragraph: "Hopefully, you realize that many surveyors are interested in continuing education. Unfortunately, not all ISPLS members own their own companies or work for companies that encourage or pay for attendance at state conventions and seminars. Not every surveyor can afford to take time off from work, often without pay, and then pay for the cost of seminars, conventions, educational materials, lodging and transportation expenses as well." First of all by this time next year continuing education will be a requirement. You will have to do the above mentioned items in order to keep your surveying license. Secondly, the person who applies his seal and signature to a survey has the ultimate responsibility for that work, not the company he works for. If the company will not support continuing education I doubt they would support him in court or before the registration board either. Take the bull by the horns and find a way to work it out. As a professional we must continue to strive to better ourselves and our techniques.

"There is no future in any job. The future lies in the man who holds the job." -- George Crane

CORRECTION

The article on the ISPLS Convention in the last issue of the Hoosier Surveyor, the "Different Drummer" award was presented to Anthony Gregory and the President's Special award was presented to Pat Cunningham.

ISPLS BOARD OF DIRECTORS MEETING HIGHLIGHTS

by Dianne Bennett, Executive Director

The Board of Directors of the ISPLS held a meeting on January 26, 1994 at the '94 Convention in Louisville, Kentucky.

The minutes and treasurer's report were reviewed and approved.

An adjustment to the agenda was made to allow ISPLS attorney, Ron Hansell, to update the board on the lawsuit. After lengthy review and discussion of the case, a motion was made and passed to instruct Hansell to file the application for attorney's fees.

Bob Bigelow reported that the '95 convention would be held at the Radisson Hotel in Merrillville on January 18, 19, and 20th.

Seminars on Rule 12 were discussed and it was decided that three workshops would be given.

Gary Kent reported that the legislative breakfast was Feb. 3rd. Kent also reported that ISPLS is not proposing any new legislation due to the short session.

The following membership applications were presented and approved: Junior - James Wheatley, Louise Hogan, Brad Isaacs, William Dooling, Anthony Kollak, and Donald Plumb; Member - George McIntosh, Ronnie Justice, Claude Quillen, and Peter Wesson.

Wes Day resigned as chairman of the Standards Committee and Registration Board Liaison because of his new position on the registration board.

ISPLS goal setting session is scheduled for February 25th at the Holiday Inn S.E., Indianapolis.

February 25, 1994

The minutes and treasure's reports were reviewed and approved.

Three "Rule 12" seminars are planned on the following dates: April 15th, Plymouth; June 10th, Indianapolis; and September 30th, Brown County State Park.

Gary Kent reported that Neil Cohen gave a presentation on tort reform at the Legislative Breakfast. Kent, chairman of JSGAC, would like to know if ISPLS would want to pursue the tort reform further. A motion was made and passed to have the JSGAC investigate the possibility of the joint societies becoming actively involved in the tort reform movement, along with the associated costs.

Quarterly endowment reports were reviewed from Purdue and Vincennes.

President Marbach reported on his attendance at the Michigan State convention representing ISPLS.

There was discussion as to the chapters having their own federal ID number and year-end reporting to the IRS. A motion was made and passed to have the Chapter Committee contact the individual chapters and inform them that they (if they don't already have one) are to obtain their own tax ID number, and provide a copy of their year-end nonprofit reporting form.

The following membership applications were presented and approved: Associate - James Pahel and Bradley Burgess; Junior - Ted Darnell and Robert Peterson.

President Marbach reported that the Surveyors Historical Society is selling excess items. It was also noted that E.R. Gray is the president of the National Historical Surveyors Society.

Three letters have been written to NGS expressing the ISPLS interest in the "HARN" program.

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RECENT L S LAW ENFORCEMENT IN INDIANA AND OTHER STATES

(Indiana information from Indiana Registration Board)

(Other information taken from the NCEES *Registration Bulletin*, 1993 issues)

Indiana

An L.S. received probation status indefinitely (at least 18 months) and ordered to submit monthly surveys and reports for failing to comply with minimum state standards of practice.

Two L.S.'s received probation status indefinitely (at least one year), ordered to submit monthly surveys and reports, and attend two days of seminars concerning the competent practice of land surveying for failing to comply with minimum state standards of practice.

Two L.S.'s received probation status for six-months, ordered to submit monthly surveys and reports, and attend a seminar on the practice of land surveying for failing to comply with minimum state standards.

Alabama

An L.S. voluntarily surrendered his license for failing to use due care or acceptable standards.

Alaska

An L.S. received a two-year suspension, reprimanded, fined, with additional provisions upon license reinstatement for failing to comply with previous disciplinary actions and terms of an agreement/contract.

An L.S. license was revoked due to misconduct, non-felony fraud, and negligence in signing/sealing, failure to use due care, incompetence in preparation of documents, and filing false statement.

An L.S. was suspended 12-18 months, ordered to appear before the board, practice restricted, and fined \$5000-\$6000 due to misconduct, negligence violating rules of professional conduct for failure to comply with a previous disciplinary action.

Arizona

Two L.S.s were ordered to correct plats due to negligence.

An L.S.'s license was suspended for 6-12 months due to negligence.

A dual registrant's practice was restricted due to negligence for failure to apply skills.

An L.S. was ordered to correct plats and make restitution for negligence.

An L.S. was ordered to correct plats for misconduct and gross negligence.

Ordered a P.E./L.S. to cease/desist for failure to apply knowledge.

A dual registrant was fined up to \$1000 for negligence in failing to apply due care/acceptable standards.

California

An L.S. received a stayed suspension probated to 18-24 months, reprimanded, and fined for misconduct and violating board rules and rules of professional conduct.

An L.S. was ordered to complete a seminar/program for technical competence, stayed suspension, and license probated up to four years for failing to comply with state or federal regulations, failing to use due care, preparation of an incomplete plat, and

substandard practice.

Colorado

Revoked an L.S.'s license for failing to use due care/acceptable standards and substandard practice.

An L.S.'s license was probated 18-24 months, ordered to correct plats, complete technical competency program, board/peer review of work for substandard practice, failing to comply with minimum technical and state survey standards.

An L.S. was reprimanded for disciplinary action in another state.

Revoked an L.S.'s license for numerous violations ranging from failure to use acceptable standards, negligence, incompetence, and misconduct.

An L.S.'s license was probated for 6-12 months, ordered to complete a seminar, peer review of work and its cost due to misconduct.

An L.S. was reprimanded for violating rules of professional conduct.

An L.S. was reprimanded for violating board rules.

An L.S. received probation for six months, ordered to board/peer review and completion of a seminar for technical competence and assessed their costs for failing to comply with state standards and violating board rules.

An L.S. was ordered to correct plats, peer review and associated cost, ordered to complete a seminar on technical competence, and suspended for 6-12 months for failing to comply with state standards.

An L.S.'s practice was restricted and must pass written examination for failing to comply with previous disciplinary action.

An L.S. was reprimanded for practicing on an expired license.

An L.S. received a suspension of 6-12 months, peer review and associated cost, completion of technical seminar, and correction of plats for substandard practice and failing to comply with state standards.

Florida

An L.S. was suspended and must appear before the board after suspension, and fined for failure to use due care/acceptable standards.

Two L.S. licenses were suspended, appearances before the board after suspension, completion of a technical competency program, and fined up to \$1,000 for failing to provide information requested by the board.

Suspended an L.S. license for failing to use due care/acceptable standards.

Georgia

An L.S. was reprimanded for failing to use acceptable standards in preparation and filing incomplete/insufficient plats.

An L.S. license was probated 6-12 months, fined, and ordered to complete technical competence seminar for failing to use acceptable standards and negligence in preparing a plat.

An L.S. voluntarily surrendered license due to affixing seal work not prepared under his supervision and in aiding/abetting

unlicensed practice.

Probated, reprimanded, and fined \$1,000-\$2,000 an L.S. for violating board rules, misconduct, failing to use due care/acceptable standards, improper sealing, aiding/abetting unlicensed practice, and failing to comply with technical standards.

Issued a cease/desist order to a non-registrant for offering and advertising engineering services.

Iowa

A non-registrant received a cease and desist order.

Two non-registrants were issued cease and desist orders.

An L.S. voluntarily surrendered his license for erroneous/incomplete/insufficient plat preparation.

Kentucky

An L.S., who was convicted of a felony, license was revoked.

Three L.S.'s licenses were revoked due to gross negligence, failing to use acceptable standards, preparing unacceptable, incomplete/insufficient documents, substandard practice, and failing to comply with minimum technical standards.

A non-registrant practicing surveying without a license was issued a court order to cease and desist.

Fined and suspended an L.S. for misconduct, sealing work not under supervision, aiding and abetting non-registrant, and failing to use care or acceptable standards.

A dual registrant was fined, license suspended and probated, and ordered to peer review of work for misconduct and failure to use acceptable standards.

Louisiana

A dual registrant was ordered to complete a board study guide, fined, and license revoked upon failing to comply with disciplinary action in another state.

An L.S. voluntarily ceased and desisted due to failing to comply with standards and requirements.

Missouri

A dual registrant received a suspension due to misconduct and failure to use due care or acceptable standards of surveying.

Three L.S. licenses were probated 18-24 months for failing to use due care/acceptable standards.

An L.S. license was revoked for failing to use care or acceptable standards and failing to comply with terms of agreement/contract.

Nebraska

An L.S.'s practice was restricted due to failing to use acceptable standards, incomplete/insufficient plat, and substandard practice.

Nevada

A dual registrant was fined, L.S. license revoked, and P.E. license probated 18-24 months for failing to apply technical knowledge and skill in preparation of unacceptable documents and failing to comply with previous disciplinary actions.

Fined two non-registrants for unlicensed practice.

An L.S. surrendered his license for preparing incomplete/insufficient documents.

A dual registrant was fined, ordered to peer review with license probated 18-24 months for failing to apply technical knowledge/skill and substandard practice.

An L.S. whose license was revoked in another state was probated 18-24 months, fined, and ordered to peer review.

North Carolina

An L.S. was fined, suspension stayed, and ordered to pass written examination due to misconduct in failing to comply with standards and correct an erroneous survey.

Reprimanded an L.S. for noncompliance to state standards and incompetency.

An L.S. was fined and reprimanded for failing to comply with standards and submitting an incomplete or insufficient plat.

Reprimanded and fined an L.S. for noncompliance with state standards and preparation of incomplete/inadequate/deficient documents.

Oregon

An L.S.'s license was suspended indefinitely for substandard practice.

Suspended two L.S.s for negligence.

Fined an L.S. for gross negligence and practicing on an expired license.

An L.S. voluntarily surrendered his license due to incompetency.

An L.S. was fined with license revoked for failure to comply with standards.

An L.S. was fined for substandard practice.

Two L.S.s who failed to comply with regulations were fined.

An L.S. license was revoked due to gross negligence in failing to comply with state or federal regulations applying to a project.

An L.S. voluntarily surrendered license due to misconduct, negligence in failing to use due care or acceptable standards in the practice of surveying and preparation of a plat, and failing to comply with state survey standards.

South Carolina

Reprimanded an L.S. for violating rules of conduct and misconduct.

An L.S. was reprimanded and fined \$1,000-\$2,000 for misconduct in failing to comply with minimum technical standards.

Arrested and sentenced a non-registrant to community service for unlicensed practice of surveying and forgery.

A dual registrant was reprimanded and license suspended 18-24 months for misconduct and affixing seal to work not done under supervision.

An L.S. voluntarily surrendered his license due to negligence, failing to use care and acceptable standards, filing erroneous plat, and failing to comply with standards.

An L.S. was reprimanded, 12-18 months suspension stayed, and fined for misconduct, failing to use acceptable surveying standards, incomplete/insufficient plats, failing to comply with state standards.

Tennessee

Six L.S.s were fined \$200-\$600 for violations of standards of practice.

An L.S. was fined \$1,000 for failing to respond to complaint and board.

A non-registrant was fined \$5,000 for unlicensed practice of surveying.

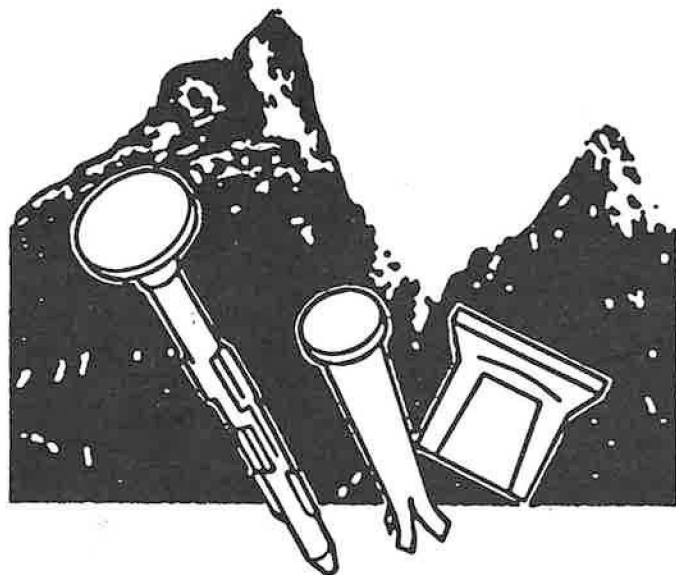
Three L.S.s agreed to consent orders and fines for practicing on expired licenses.

An L.S. agreed to a consent order, submitted four plats for

...continued Page 7...

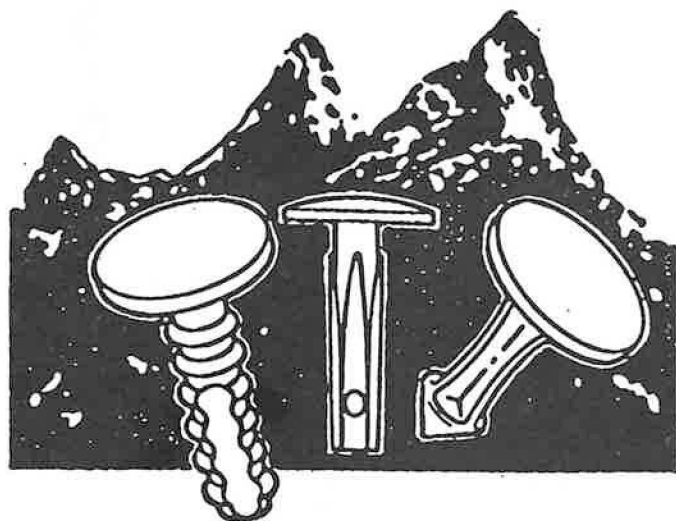
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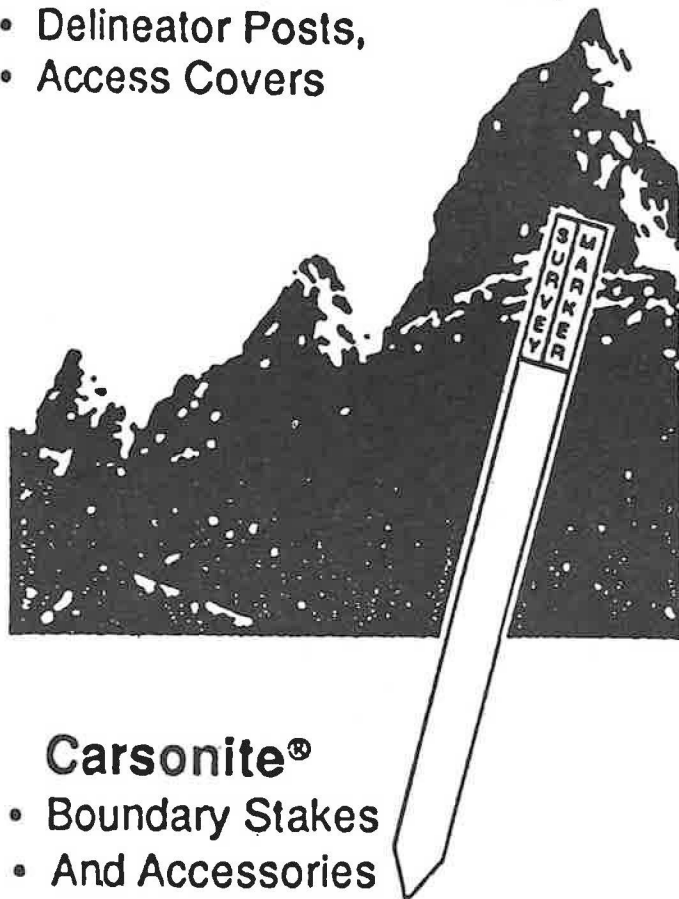
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ISPLS GOALS/ACTION PLANS ESTABLISHED FEB. 25, 1994

I) Education

Develop professionalism, improve service quality, provide mandatory continuing education service, strengthen organization, improve image, and enhance membership potential.

A) Develop seminars for land surveyors.

1) Develop and approve curriculum

a) Develop and approve potential curriculums by committee (assigned to Education Chairman, Due July 9, 1994).

b) Develop course resource base (assigned to Education Chairman, Due May 21, 1994).

2) Provide course outlines

3) Present timeline.

4) Review convention program

B) Board of Registration

1) Letter to Board of Registration offering assistance (Letter by President, Due March 5, 1994).

2) Determine organization's involvement from Registration Board (assigned to Board of Directors, Due 60 days from Registration Board reply).

C) Action plan for each involvement thrust.

II. Public Relations:

To improve images, awareness, public education, career interest, self image, increase business, provide community service and legislative support.

A) Speakers bureau for local and state (assigned to Public Relations Committee with program reviewed by Board of Directors).

1) Develop Speaker Program (Due July 9, 1994).

a) Market Program

b) Prepare Brochure

c) Speaker Training

2) Develop Press Program (Due Nov. 19, 1994).

a) Press Release Program

b) Implement

3) Influential Public Relations Release (Due Mid 1995).

a) Develop Program

b) Implement

c) Route Surveying (Due March 26, 1994).

III) Registration Board:

Disciplinary actions, changes in Rule 12, changes in board rules, publication of rules.

A) Recommendation for changes to Rule 12 (assigned to Board Liaison, Due Sept. 17, 1994).

B) Review proposed changes for education requirements (assigned to Board of Directors, Due March 26, 1994).

C) Offer assistance to Board of Registration for help with disciplinary actions (Letter assigned to President, Due March 26, 1994).

IV. Technicians:

To provide sense of accomplishment, self esteem, provide career paths, and quality of employment.

A) Develop Recognition Program.

1) Membership category (Due Jan. 1995).

2) By-laws change (assigned to By-Laws Committee, Due by October 14, 1994).

3) Membership drive (Membership Committee, implement early 1995).

4) Technicians Recognition Program (assigned to Don Bengel, Due October 14, 1994).

B) Develop Education Programs (assigned to Technician Committee, Due by late 1995).

1) For NSPS Exams

2) Seminars

C) Establish Technician Committee (April 1995).

LAW ENFORCEMENT

...continued from Page 5

board review, and fined for violating standards of practice.

Utah

An L.S. received one year probation for failing to file a map and other required documentation.

Washington

An L.S.'s license was revoked, fined, and issued reinstatement conditions for failing to comply with previous disciplinary action.

An L.S. voluntarily surrendered license due to incompetence for filing an incomplete/insufficient plat.

Suspended a P.E./L.S. with board/peer review/completion of board study guide, correction of plats, and fined up to \$1,000 for failure to use acceptable standards and preparation of an erroneous plat.

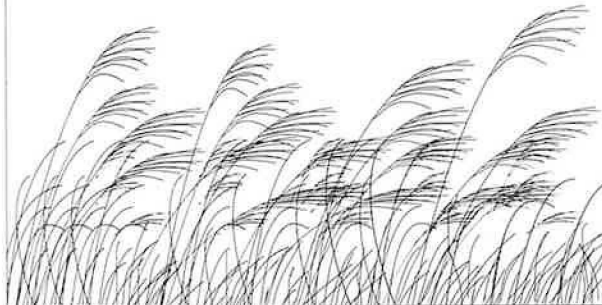
An L.S. license was suspended 12-18 months, ordered to correct plats, pass written examination and board study guide, and fined up to \$1,000 for failing to comply with state survey standards, filing an erroneous plat, affixing seal to work not done under supervision, and performing services not within area of expertise.

An L.S. was reprimanded, ordered to correct plats, and fined up to \$1,000 for practicing on an expired license and failure to use due care/acceptable standards.

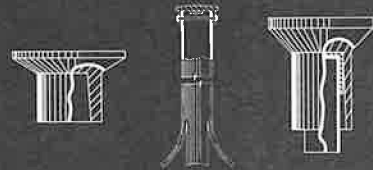
An L.S. was suspended, ordered to peer review and completion of a board study guide, assessed cost of peer review, and restitution for failure to use due care and acceptable standards, incompetence in substandard surveying and preparation of an incomplete, deficient, or inadequate document.

An L.S. was suspended indefinitely for affixing seal to work not done under direct supervision, failing to provide information to the board, failing to comply with state standards, and failing to correct erroneous survey.

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ACSM POLICY STATEMENT ON NATIONAL WETLANDS

John Lisack, Jr., Executive Director reports that the American Congress on Surveying and Mapping approved a policy statement on national wetlands during the recent Board of Direction meeting. This statement was carefully reviewed by members of the Board to reflect the society's concern for one of this nation's most valuable resources. The approved statement follows:

ACSM recognizes that wetlands are a valuable resource, beneficial to our nation. Since the development of the United States began, a sizable quantity of wetlands acreage, both saline and freshwater, have disappeared.

Wetlands exist in many forms, from marginal to extremely delicate and valuable ecosystems. There is no clear and accepted definition of "wetlands". Federal agencies define wetlands differently from region to region.

Because wetlands are not all alike, we believe that a practical definition of the various categories of wetlands should be established. We believe that these definitions should be value based. The preservation of these wetlands should coincide with the value assigned to them.

There have been proposals for a policy of no net loss of wetlands on a national level. ACSM supports a policy that would provide for the preservation of the most valued wetlands categories. The protection and/or restoration of the most valued categories should be a priority.

The enforcement, restoration and creation of wetlands to balance the development of less valuable wetlands should be expanded.

Government funded preservation programs for the fair market value purchase of wetland should be encouraged. Public/private partnerships for these programs can be established.

ACSM supports the establishment of a system to inventory, classify and preserve wetlands on the function and value basis.

As the U.S. wetlands are better defined, they then must be located and their boundaries delineated. It is strongly recommended that the professionals in land surveying and/or photogrammetric mapping be used to perform or validate regulated wetland locations and boundary delineations. The accuracy of the geo-location work should be done commensurate with the value of the land areas under consideration and matching the planned land use activity for the particular sites.

It is further recommended that the reporting of the regulated wetlands' location and boundary delineation be properly done. This pertains to the scale of the maps and data overlays, the ground data represented in digital records, and the precision of establishing related ground control points for further reference.

These recommendations have an impact on environmental considerations, where wetlands and non-wetlands areas join, in addition to important land use zoning decision affecting many citizens from an economic standpoint.

SURVEYOR LICENSING BOARDS

Are They Doing Thier Job?

by Knud E. Hermansen

Surveyor licensing boards were created to protect the public from unscrupulous, incompetent, and untrained surveyors. Limited protection is achieved by licensing professionals and regulating professional conduct. Disciplining practitioners who deviate from acceptable or mandatory behavior is one way in which licensing boards regulate professional conduct.

However, some professionals and the public complain that licensing boards fail to discipline practitioners. Complaints are not so easily sidestepped by claiming they are the mutterings of disgruntled clients or the efforts of overzealous professionals to reduce competition. Complaints call for examination of the question: Are surveyor licensing boards doing their job?

ARE LICENSING BOARDS WILLING OR ABLE TO DISCIPLINE PROFESSIONALS?

Critics argue that boards are unwilling to prosecute complaints because of professional bonding and unity. Board members who are members of the profession are accused of having an "us versus them" attitude that works against complainants. Certainly, when board members are also members of the profession, there is the appearance of a conflict of interest. Under these circumstances, it is argued that as long as boards are composed entirely or mostly of professional members, boards will be unwilling to discipline fellow professionals.

The number of verdicts judging surveyors liable has increased, while most licensing boards seldom discipline more than one or two practitioners a year. Adding to the suspicion that boards are unwilling to discipline member professionals is the perception that many boards should be able to do more than a court of law since they are not encumbered with strict rules of evidence that hamper litigation in civil court.

The counterargument is that the public benefits when licensing boards are composed of licensed professionals. These board members can sift through facts, see problems quickly, and come to just and equitable decisions without needless fact-finding expense. In addition, most board members, as leaders in their profession, are the strongest advocates against unscrupulous or incompetent practitioners. Most professionals feel that bad practitioners tarnish the profession's reputation; therefore, there is strong incentive among professional members to encourage well-founded complaints, identify unscrupulous or incompetent practitioners, and prosecute them diligently.

Board members face competing interests and must deal with all groups fairly and impartially. There is interaction between licensing boards and their members, members of the profession, prospective members of the profession, and surveyors' clients. This arrangement has been described as trying to float on a triangle in a tempest. One corner of the triangle signifies licensed professionals; the second corner signifies the public; and the last corner signifies people training to become licensed professionals. In the

middle, attempting to keep the triangle stable on the surging sea of regulations and due process, stands a movable weight - the licensing board. The licensing board must keep its balance in the middle, because if it gets too close to any one corner, the triangle and all competing interests will capsize. Surveyor licensing boards, therefore, must strike a balance between three diverse groups. In addition, boards must recognize that they are constrained, motivated, and influenced by regulations, political policies, and their members' interests.

Some board maintain that they are willing, but unable to discipline professionals; that they lack power, funds, time, training, and resources. These problems are compounded by the fact that many board members volunteer considerable time to board business without adequate compensation for their expenses. Under these conditions, board members can only be expected to perform such immediate and pressing functions as preparing exams and reviewing applications. They do not have time to investigate any but the most incompetent surveyors or well-documented complaints.

ARE COMPLAINTS HANDLED PROPERLY?

Assuming that boards are able and willing to discipline professionals, it appears that many seemingly justified complaints do not result in disciplinary action. Critics say that licensing boards frequently dismiss complaints with only cursory investigation, and, if they decide to pursue an in-depth investigation, boards seem less than diligent in prosecuting complaints in a timely fashion. Critics cite three reasons justifying the pursuit of disciplinary action.

First, surveyors should be held *prima facie* blameworthy in the first instance of wrongdoing because of their professional status and the public trust bestowed on them. The client is almost always forced to trust the surveyor's professional judgment and expertise. Second, the business acumen and experience of professional surveyors in dealing with the public gives them the upper hand in most arrangements or contracts. If there is a problem communicating information about price, quality of service, or procedures, who but the surveyor is more knowledgeable about such matters and, therefore, should be held accountable? Third, surveyors are in a better position to anticipate problems and consequences of their actions for clients and third-party interests. Boards and accused surveyors often presume that clients possess equal or superior surveying savvy. However, the layperson cannot be expected to be knowledgeable on the specifications, survey procedures, or particular type of survey he or she desires.

Licensing boards should hold surveyors culpable when they have not met standards that would be "reasonably expected from similarly situated professionals of ordinary prudence." Boards should not let surveyors off the hook because they performed the

...continued page 11

INDIANA HIGH ACCURACY REFERENCE NETWORK HOW EACH OF US CAN BENEFIT

by Perry D. Cloyd, PLS, Columbus, IN
Chairman GIS/LIS Committee,

For the record, the National Geodetic Survey, Silver Spring, MA, is currently scheduled to create a high accuracy reference network (HARN) for the State of Indiana sometime in 1995. This network will be established using the Navstar satellite system and GPS. Positional accuracy of monuments for this network will be either Class "A" (1:10,000,000) or Class "B" (1:1,000,000) with accuracy being determined based on a predetermined primary use. The Class "A" monuments will benefit NGS in the research and development of the gravitational network as well as the geoid. The Class "B" monuments will also benefit NGS but will serve the State of Indiana as well. Although both types of monuments will be available to surveyors in our state, the Class "B" monuments will serve to densify the network, increase accessibility, and help eliminate competition over a few Class "A" monuments (only +/- 19 Class "A" monuments are planned for installation).

In many circles, the belief is this network will be the same as the one which is in existence today, it will be of no real use. Please don't be a victim of this outdated philosophy! This network will be used in ways we currently do not consider on a daily basis as well as being a required reference and basis of our surveys. As computerized information systems develop and become more common place, the reference to this network will be required by state, county and local governments (ie. through platting laws and recording requirements).

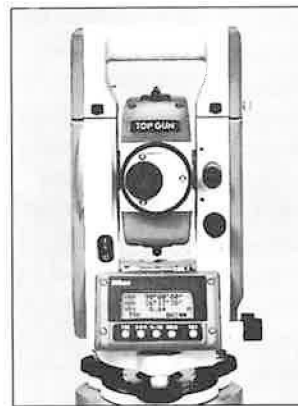
In addition, we must begin to realize the benefits of having ALL of our individual projects on the SAME coordinate system.

Imagine performing two surveys over a period of time, then acquiring the contract for a third survey between the first two. With GPS and a reference network, you already have the section corner and property corner positions on a common coordinate base. The work does not need to be repeated, only built upon, therefore reducing redundant work, creating a working uniform data/coordinate base and increasing profitability. Section corners, property corners, and traverse points can now be located ONCE. The positional accuracy of these locations, based on GPS, will exceed that of conventional traverse, therefore allowing a coordinate value to be re-used without re-occupation.

I realize GPS can be used without a new and improved HARN, but currently how easy are reference monuments to find? And if found, how many have horizontal information but no vertical, requiring additional monuments to be recovered? How close to your projects do you find monumentation? And how do you know the positional information of the points used are as accurate as they appear? To avoid these problems one would have to assume a coordinate system thereby eliminating the long term benefits of GPS and a common coordinate base. If your experience has been the same as mine, the answers to the above questions are less than positive! A HARN will cure these ailments and allow for practices and procedures which will benefit us all.

The application, accuracy, policy and procedure rules are about to change. I would encourage all surveyors to rethink their current understanding of an Indiana HARN and support the efforts for it's implementation.

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SURVEYING INSTRUMENTS

SURVEYOR BOARDS

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survey in a manner that is "not unreasonable." Surveying professionals should be required to explain procedures, time required, foreseeable consequences, and fees for their services. If they don't, they should be disciplined.

The counterargument is that most complaints fall outside boards' scope of review. Boards frequently reject complaints about fees because the factors that predicate a reasonable fee are beyond their scope of responsibility. Boards can only focus on surveyors' scruples, knowledge, and competence.

Other complaints stem from the surveyor's failure to place corners where directed by the land owner (to do so would in fact be considered unscrupulous); the surveyor choosing a location different from what the landowner perceived to be proper; and the landowner expecting higher than normal standards.

IS IT FAIR FOR LICENSING BOARDS TO DISCIPLINE SURVEYORS?

Many surveyors think not. First, many surveyor licensing boards act as investigator, prosecutor, judge and jury. This commingling of functions presents a problem if boards, in their haste and eagerness to discipline the surveyor, violate the surveyor's right to due process. On the other hand, if boards are recalcitrant or biased against complainants, there is no separate authority to make boards take action.

Second, many licensing boards fail to publish adequate standards. Boards have either promulgated too many outdated standards or have not promulgated enough standards to provide even minimum guidance for discipline. In between these two extremes are some standards that actually reduce quality of services. For example, the requirement that all urban property surveys be conducted using a closed traverse may restrict use of the modern and, in some cases, more accurate Global Positioning System. In other cases, standards meant to increase survey quality may in fact increase survey time, effort, and cost without increasing accuracy. A magnetic compass and tape used in an original survey could locate former boundaries in many rural surveys just as accurately, if not more so, than using more sophisticated equipment. Yet some boards consider use of early methods and equipment akin to malpractice.

Another side of the problem concerns boards that fail to publish any standards. In these cases, it is difficult, if not improper, to criticize surveyors for performing surveys improperly. How can a board member find that a surveyor has done a survey incorrectly when the board or legislature has never indicated how to perform one? In addition, lack of mandated standards or their enforcement compels many surveyors to lower their standards to remain competitive. Is it fair to discipline one surveyor for actions that all surveyors practice routinely in an area?

WHAT IS FACT AND WHAT IS FICTION?

These various arguments and counterarguments are all true in part. There is probably some truth to a complainant's perception

that a profession protects its own - although it is probably not, as some complainants suggest, a conscious effort by professional board members. Bias is more a subconscious inclination to give an accused surveyor the benefit of the doubt.

Bias can generally be attributed to five factors: First, undue sensitivity about their professional fallibility may preclude board members giving fair and impartial deliberation to a complainant. Every practicing professional has made mistakes and may think "people who live in glass houses shouldn't throw stones." However, board members should keep in mind that they serve on boards to protect the public.

Second, many board members feel that surveyors have a vested right in their licenses - that they should not be revoked except for the most outrageous conduct. The misconception about the sanctity of a license is improper. States do not make irrevocable contracts where the public's welfare is concerned. Although a license deserves protection through due process, it does not require the protection afforded a vested right.

Third, unsure of standards of practice themselves, board members are reluctant to condone practices that appear reasonable, even if somewhat unusual or extreme. This reasoning is not fair to complainants. Complainants do not bargain for "not unreasonable" surveys - they bargain for competent surveys performed in a reasonable manner to standards consistent throughout the profession.

Fourth, many board members are leery of investigating marginal complaints for fear of encouraging more marginal complaints, raising the standards of survey practice beyond reason, and imposing more rigorous standards on the profession and themselves. Unfortunately, their reluctance encourages courts to set and apply higher standards without benefit of professional insight. What better group is there to elevate and define professional standards and enforce professional conduct than professional members of boards acting on the public's behalf?

Finally, many board members are reluctant to pursue legal protocol and confrontations that accompany imposition of penalties, choosing instead to take the easy way out by dismissing complaints. This reluctance can be overcome by more training or soliciting help from others trained in legal protocol.

**At the very least,
licensing boards
should reprimand
incompetent
surveyors, decide
not to renew
licenses, or ask that
licenses be returned
voluntarily.**

The argument that boards lack resources to enforce discipline is often a poor one; some boards fail to take any action, even action that requires minimal resources (letters of censure, reprimands, etc.). At the very least, licensing boards should reprimand

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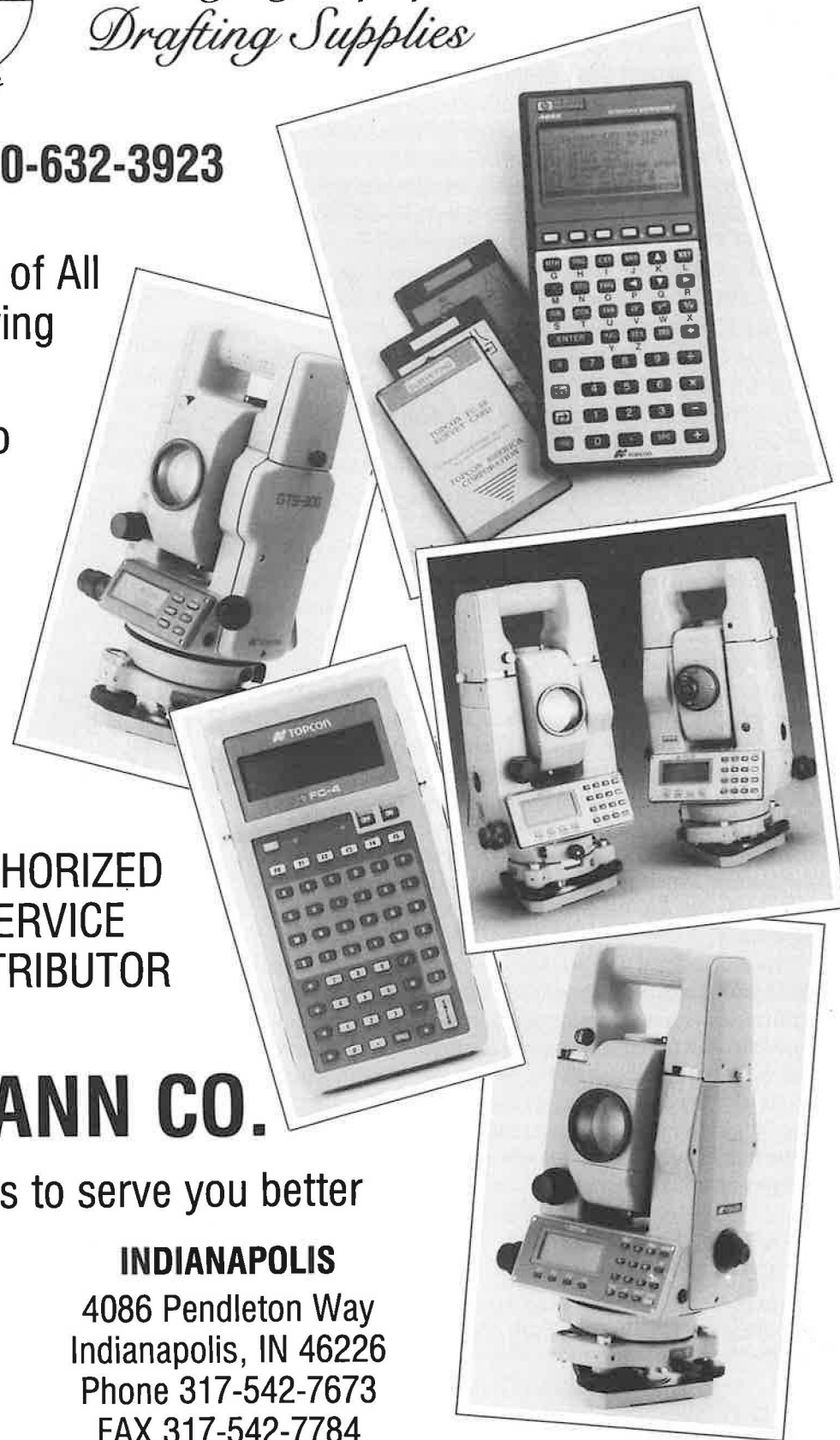
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SURVEYOR BOARDS

...continued from Page 11

incompetent surveyors, decide not to renew licenses, or ask that licenses be returned voluntarily.

A judicial decision in favor of a surveyor or client should not always be accepted as a stamp of approval or disapproval of the surveyor's conduct and competency. The court, when it is not charged specifically, does not take on the burden of hearing evidence necessary to decide on the surveyor's competency and knowledge - that is left to the licensing board. In most civic actions, courts are fixing liability by weighing equity rather than determining a surveyor's competence. In addition, the increasing number of lawsuits involving surveyors may not necessarily mean there are more negligent surveyors - just more litigious clients.

Many complaints must be dismissed through no fault of boards or their members. On the other hand, even though boards cannot investigate all complaints, they should admonish surveyors who do not communicate fee information, limitations of survey practice, and potential consequences of surveys to clients. If other professionals are required to disclose all relevant standards, problems, concerns, information, and foreseeable consequences resulting from their actions, isn't it time for surveyors to accept this responsibility and for boards to discipline accordingly?

Finally, challenges concerning the commingling of functions in boards have met with little success. Nevertheless, boards should take a critical look at their procedures, standards, and practices to make them more fair and improve their efficiency. All boards should publish standards that are flexible enough to take advantage of emerging technology and handle needs of particular areas or clients. Standards expected from similarly situated professionals can be applied in almost all situations where a surveyor stands accused of incompetence or misconduct. In fact, one of the justifications for placing professional members on boards is to establish and enforce professional standards.

RECOMMENDATIONS

The scope and frequency of communication between licensing boards and the profession should be increased to show that boards are actively investigating and prosecuting valid complaints. Proposed regulations, pending disciplinary actions, procedures, applications received, experience required, and names of applicants taking the licensing exam could be included in such communications. This would improve relations between licensing boards and the profession, and help avert complaints.

To solve the problem of inadequate resources, some jurisdictions and boards have increased licensing fees or imposed fines to pay for investigation and prosecution, established a system of professional monitoring to educate or remove incompetents, or amended licensing acts to provide boards with more remedies. Providing a wider variety of remedies increases the ability of boards to act against unlicensed persons and allows structuring the relief to the infractor. Such remedies include letters of warning, caution, and censure; injunctions; reprimands; probation; peer review of work; mandatory education or training; re-examination; restriction of practice; fines; criminal penalties; and

revocation, suspension, or non-renewal of licenses.

For example, mandatory or prohibitory injunctions can be used by boards to discourage unlicensed persons from practicing or to encourage surveyors to correct mistakes. The latter has the advantage of correcting a problem without reprimanding or disciplining the surveyor. Reprimands and letters can be used if surveyors use poor judgment, conduct themselves improperly, or make isolated mistakes that do not reflect their normal standard of practice. License suspension can be applied if surveyors consistently perform incompetently or behave unscrupulously. The harshest disciplinary actions, license revocation and non-renewals, can be used when surveyors become incompetent, repeat violations, refuse board directives, or obtain their licenses by fraud. Finally, criminal penalties or fines can be imposed on unlicensed surveyors who persist in practicing and surveyors whose behavior is criminal or fraudulent.

Board procedures and functions can be revised. For example, boards can use trained investigators to help prosecute complaints. Getting the profession more involved in monitoring and communicating with its members may also help. In addition, an effort can be made to standardize surveying procedures, tolerances, and rules of professional conduct among surveyor licensing boards. Boards should provide more training to board members in areas of due process, injunctions, the Administrative Procedures Act, and enacting regulations.

CONCLUSIONS

Some states are lax in disciplining members of the surveying profession. When the profession fails to police its own ranks aggressively, all surveyors lose stature and the public seeks justice through litigation. In extreme cases, professional recognition is lost altogether and licensing boards are dismantled.

A profession must hold its members to high standards and foster public trust and esteem. Increased litigation for the surveyor means negative exposure, higher cost for errors-and-omissions insurance, and increased risk of lawsuits. Finally, when the public comes to mistrust professionals, all confidence may be lost in licensing boards.

Better communication among boards, licensed professionals, and the public is needed. Flexible remedies and improved board procedures and functions are crucial as well. Standards should be established and monitored consistently. Understanding problems and adopting the aforementioned recommendations will mean a resounding "yes" when the question is asked: "Are licensing boards doing their job?"

Knud E. Hermansen is an assistant professor at the University of Maine, and a private consultant. Hermansen is also a licensed surveyor, engineer, and attorney at law in several states.

This article was adapted and edited from a research paper written by the author. For a copy of the complete paper with references, contact Knud E. Hermansen, University of Maine, Surveying Engineering Department, 107 Boardman Hall, Orono, ME 04469

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PURDUE ACSM STUDENT CHAPTER 22ND ANNUAL RECOGNITION BANQUET

March 22, 1994



Guest speaker, Jim Collins (right) and visiting professor Steven Lambert.



Dale Grimes, (right) presents the Initial Point Chapter's Scholarship to Steve Marshall.



Professor Johnson (left) presenting the ACSM's Outstanding Senior Award to Bernie Guerrettaz.



Professor Johnson (left) presenting the ACSM's Outstanding Senior Award to Jamie Gorski.



Professor Van Gelder (left) presenting the Purdue Surveying Faculty's Outstanding Graduating Senior Award (based on GPA) to Dean Coon.



Dale Grimes (right) presenting the Central Indiana Chapter Scholarship to Bradley Ott.

SURVEYING ENGINEERING 22ND ANNUAL STUDENT RECOGNITION BANQUET

by Boudewijn van Gelder, 1993-1994 Faculty Advisor to the Purdue's ACSM Student Chapter; and Steve Johnson, Surveying Engineering Undergraduate Coordinator

On March 26, 1994 the Purdue ACSM Student Chapter held its 22nd Annual Student Recognition Banquet in the University Inn, West Lafayette, IN. At a very well attended banquet the graduating seniors together with their guest speaker, Dr. James Collins, occupied the head table. The President of the Student Chapter, Bernie Guerrettaz introduced the guests of the evening and the Purdue Faculty.

After the dinner, its start heavily contested by the NCAA quarterfinals Purdue vs. Duke, the graduating seniors were introduced by Professor Van Gelder: Dan Bordenet (Indianapolis, IN), Dean Coon (Weiser, Idaho), Jamie Gorski (Westville, IN), Bernie Guerrettaz (Vincennes, IN), Stephen Pratt (Fort Wayne, IN), Mike Salyers (North Vernon, IN), Brent Spencer (Centerville, IN), and Scott Whybrew (Swayzee, IN).

Several scholarships and awards were presented. Dale Grimes presented the ISPLS - John McEntyre Scholarship, the Initial Point Chapter's Scholarship and the Central Indiana Chapter's Scholarship. The first two scholarships went to Steve Marshall. Bradley Ott received the Central Indiana Scholarship. Professor Johnson presented the Jud and Betty Rouch Award to Tiffany Donley, and the Faculty recognition Awards to Jamie Gorski and Bernie Guerrattaz. Finally, ACSM's Outstanding Senior Award was presented to Dean Coon by Professor Van Gelder.

The 1993-1994 Student Chapter officers have to be thanked for their hard work during the past year, often putting a lot of hours in beyond the call of duty. One of the action items, the publication of a Re'sume Book, really became a success and had to go even to a second printing. This excellent group of departing officers were: Bernie Guerrettaz (president), Jamie Gorski (vice president), Bradley Ott (secretary) and Richard Jones (treasurer). Bernie introduced the new 1994-1995 Chapter Officers: Steve Marshall (president), Bradley Ott (vice president), Tiffany Donley (secretary) and Mick McClanahan (treasurer).

The evening concluded with a talk by Dr. James Collins (MSCE 1967, PhD 1971), first being introduced by Professor Mikhail. Dr. Collins gave an excellent speech (no equations!) on "The Impact of GPS on the Surveying and Mapping, and Civil Engineering Professions". It became clear that the end of the potential use of GPS is nowhere in sight. Collins' remark, referring to the ever decreasing size of GPS receivers, about the fact that GPS surveying can be best characterized today as "six pack surveying", gave that special twinkle of recognition in the eyes of all the surveyors present that night, and will undoubtedly be quoted in the years to come by Purdue's Surveying Faculty.

In all, the evening ended in the same light-hearted spirit of the evening as it began, nobody apparently being distraught by the elimination of Purdue's basketball team, just minutes before.

PURDUE (WEST LAFAYETTE) CAMPUS TO OFFER EVENING COURSE DURING 1994 FALL SEMESTER

LS 401 - Legal Aspects of Surveying will be offered on an evening schedule in the Fall 1994 semester at Purdue. The course emphasizes the evaluation of boundary evidence and the legal and ethical practice of land surveying. Evidence and Procedures for Boundary Location by Brown, Robillard, and Wilson will be the principal text book. The course schedule is 5:30-6:45 pm on Tuesdays and Thursdays for 3 credits. The instructor is Mr. Patrick Cunningham. To enroll in the course, contact the Purdue Office of Admissions, Room 109, Schleman Hall, phone 317-494-1776.

CONTRIBUTIONS TO THE PURDUE SURVEYING PROGRAM

The faculty and students of the Purdue surveying program wish to recognize special support received during the 1993-94 academic year.

Mr. Ronald Wharry, Frankfort, IN, donated a pair of FM field radios. The radios are needed to support our field laboratories. Equipment donations or gift funds for equipment always have a significant impact on the surveying program.

Mr. Patrick Cunningham, Battle Ground, IN, donated a television to the ISPLS/ACSM Student Chapter. The students sold chances to win the television at the winter convention to raise funds for student activities. Pat also subsidized the registration fees of the students attending the convention.

Mr. Lowell Hamilton paid for the tickets of the graduating seniors attending the Senior Recognition Banquet.

Also contributing to the program through guest lectures in courses and technical presentations at Student Chapter meetings were Mr. Dale Grimes, Dr. Pol Coppin, Mr. Jack Walkey, and Mr. Michael Shuh.

Finally, we want to recognize the Topcon Corporation for continuing their Educational Assistance Program. Three Topcon 301 Total Stations have been used extensively by Purdue students this past year.



The Indiana Society of Professional Land Surveyors



Presents

One Day Seminars On

"The Practical Application of Rule 12 to Surveying Practice"

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Example survey plats will be displayed and discussed with emphasis on the practical application of "Rule 12". A panel of local land surveyors will participate.

WORKSHOP SCHEDULE

Time: 8:30 a.m. Registration Program: 9:00 a.m. - 4:00 p.m. Lunch: 12:00 noon

A Similar Workshop will be held on the following date:

(Registration forms for this workshop will be sent out at a later date.)

Brown County State Park, Nashville, Indiana - Friday, September 30, 1994 (Limit 60)

REGISTRATION FORM - ISPLS WORKSHOP - JUNE 10, 1994

"The Practical Application of Rule 12 to Surveying Practice"

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The Indiana Society of Professional Land Surveyors



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The Initial Point Chapter of ISPLS will sponsor a day-long seminar on the State Plane Coordinate System. With the advent of GPS technology to every state, the surveying state plane coordinates are becoming more and more important in everyday surveying. This seminar will help the practitioner understand how state plane coordinates and GPS fit together.

WORKSHOP SCHEDULE

Time: 8:30 a.m. Registration Program: 9:00 a.m. - 4:30 p.m. Lunch: 12:00 noon

All attendees will receive a copy of the newly revised Manual #2, State Plane Coordinate System.

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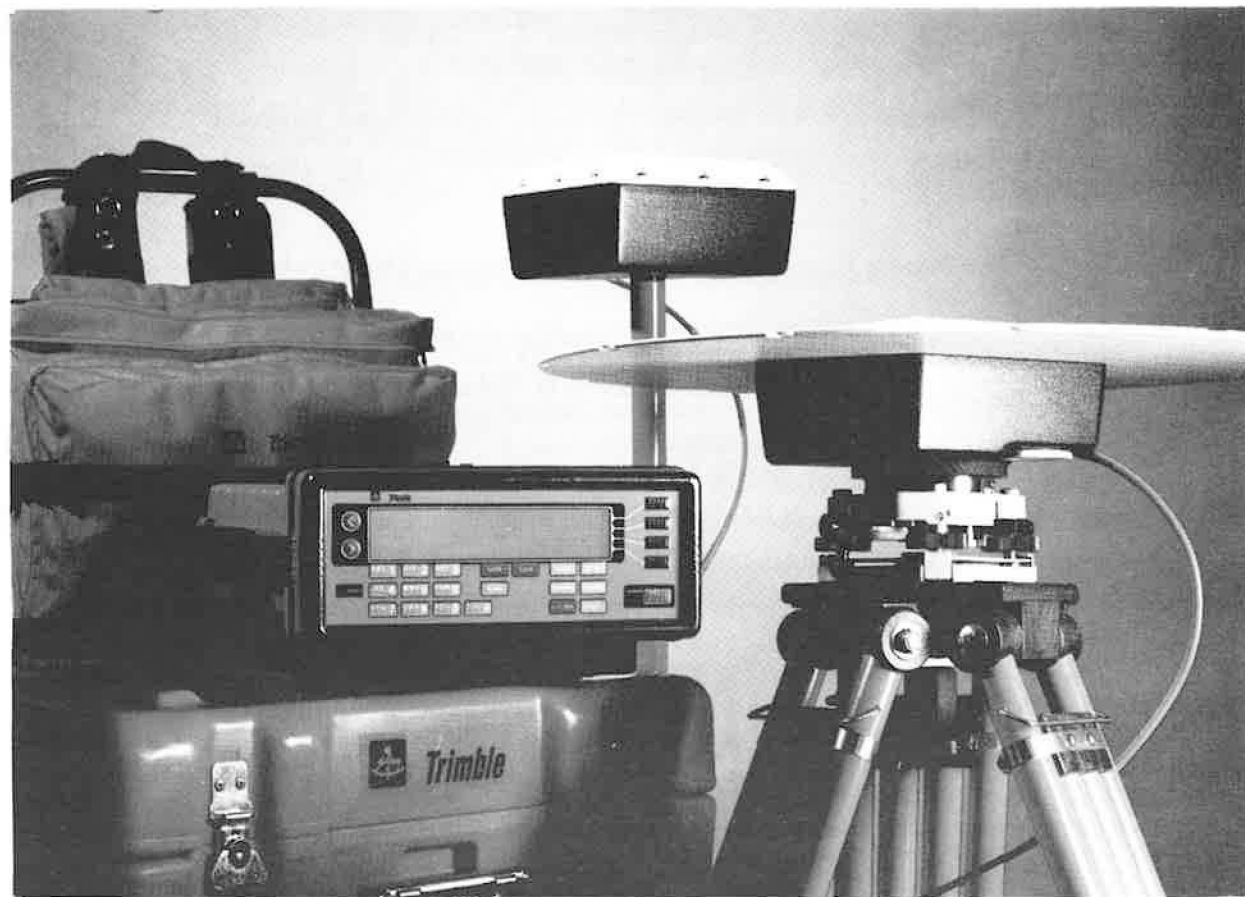
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100 % Refund if ISPLS office is notified by the Friday before the reservation.

REGISTRATION FEE:	No. Persons	Late Fee After 7/22/94	Sub-Total
ISPLS Firm Member	_____ @ \$ 90.00	@ \$25.00	_____
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Others	_____ @ \$150.00	@ \$25.00	_____
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INDIANA COUNTY SURVEYORS MEETING AT ROAD SCHOOL

by Jeff Souder, PLS, Pekin, IN

The Indiana County Surveyors Association held a meeting in West Lafayette in connection with the 80th Annual Purdue Road School, March 2, 1994. The morning session began with a report on the Water Resources Study Committee meetings in conjunction with the Indiana State Legislature by Jay Poe, Huntington County Surveyor. Jay, along with several other county surveyors, had met with the committee and presented their grievances about being asked to violate the State Drainage Laws by state agencies. These agencies had also delayed in processing the permits in a timely matter, as was documented by Jay's correspondence. The committee realized that Huntington County was not an isolated case and that continued harassment by IDEM and IDNR to the several counties would be dealt with legislatively if they did not review and revise their current operating procedures.

The morning session concluded with a very informative presentation by Dennis D. Findorff and Thomas Mahon on the proposed Indiana High Accuracy Reference Network. This presentation was designed to recruit the help and assistance of the CSA in obtaining and maintaining an adequate network for the state of Indiana. The NGS is planning a placement of 100 km spaced HARN stations in Indiana. If the assistance for this project comes through from CSA, along with ISPLS, INDOT, and other interested and selected parties, the stations can be placed in a closer and more productive configuration. With a station spacing of 40 to 50 km, this network will help meet the present and future needs of Indiana for both the public and private sectors.

The afternoon session began with a very interesting presentation by Ken Brosmer on the functioning of the Dubois County Surveyor's Office. Ken brought to attention some of the difficulties faced by county surveyors when operating a part-time office for the county. Ken accomplishes as much as possible with his limited budget, and even donates some of his resources from his private practice. Ken tries to avoid all manifestations of "conflict of interest," and recommended a separate telephone answering machine for all other surveyors who might be in the same position.

During the business meeting afterward, several reports were made. President Jeff Souder, Washington Co. Surveyor, presented this year's President's Award to E.R. Gray, Bartholomew Co. Surveyor, for having 100% completion in regards to their section corner program. Kent Ward, Hamilton Co. Surveyor, gave a synopsis and status report on three bills in the state legislature affecting the county surveyor's office. President Souder told some of the activities being accomplished by Indiana Historical Landmarks, most notably the original bearing tree found and referenced in Martin County, and steps made for its preservation. Don Bengel, Porter Co. Surveyor, gave a report as liaison to ISPLS, and Pat Manship, Madison Co. Surveyor, spoke concerning his activities with the National Society of County Surveyors. Steven Cash, with the Hamilton Co. Surveyors office, distributed and discussed the results of the 1993 Indiana County Surveyor's Survey. Greg Deeds,

Miami Co. Surveyor, handed out several copies of a flyer which he assembled describing the duties of the county surveyor to the average taxpayer. Also handed out was the amendment to the CSA constitution allowing associate members. This amendment was drafted by David Smoll, Hancock Co. Surveyor. Any individual or business enterprise interested in becoming an associate member of the County Surveyors Association can contact Kent Ward, Secretary-Treasurer CSA, One Hamilton County Square, Suite 146, Noblesville, Indiana 46060.

The final portion of the day's program consisted of a question-and-answer panel discussion. Those sitting on the panel were Greg Deeds, Miami Co. Surveyor; Don Bengel, Porter Co. Surveyor; and Jay Poe, Huntington Co. Surveyor. A wide selection of topics were discussed, and alternative methods were presented on resolving several problems in many counties. Several of those in attendance mentioned afterward that this type of discussion was much appreciated and quite helpful for the problems they were facing.

SURVEYOR'S HISTORICAL SOCIETY NEWS

by Bradley Rayl, PLS, Anderson, Indiana

INDIANA SURVEYOR'S HISTORICAL SOCIETY PLAN GOALS FOR 1994

The Indiana affiliate of the Surveyor's Historical Society at their annual meeting in Louisville, Kentucky discussed several goals for the upcoming year. The board of directors and officers will be meeting soon to discuss among other items the publishing of the "Melish" Indiana map, nomination of a historical surveyor, and the possibility of working again with Conner Prairie on a project.

Haldon Ashton, Lowell Pitser, Kent Ward and others volunteered to assist Brad Rayl in the society's effort to help in the mapping of "Prairie Town" for Conner Prairie.

The membership has also expressed interest in updating or redoing our historical slide presentation for use by the members at civic presentations. Efforts will be made to work with Conner Prairie in utilizing their setting as the backdrop for shooting the slides.

NSPS GOVERNOR'S REPORT

by E.R. Gray III, PLS, Columbus, IN

The Spring ASPRS/ACSM Annual Convention was held in Reno, Nevada. Sponsoring Associations included the American Congress on Surveying and Mapping (ACSM) and the American Society for Photogrammetry and Remote Sensing (ASPRS).

The workshops and technical sessions included such topics as: Mapping and Legislative Issues in the National Flood Insurance Program, Decision Making in Boundary Surveys, Survey Management Issues, Survey Computations, Selected Court Cases Related to Land Surveying, Mortgage Surveys, Surveying Education, Railroad Abandonment and over 240 other topics. Over 120 vendors displayed their products in the exhibit area.

I attended the following business meeting. I am presently serving as chairman of the Great Lakes Regional Council and the Surveyors Historical Society.

Saturday, April 23rd

Great Lakes Regional Council

Sunday, April 24th

NSPS Board of Governors

Monday, April 25th

Surveyor's Historical Society

Tuesday, April 26th

NSPS Board of Directors

PAC Auction

Wednesday, April 27th

ACSM Awards and Installation of Officers and Annual Business meeting.

Thursday, April 28th

ACSM Board of Direction

GREAT LAKES REGIONAL COUNCIL (GLRC)

I was pleased to see room arrangements had not been changed. Last years meeting room was rescheduled at the last minute resulting in two different meeting places for one meeting.

Pennsylvania was approved for membership in the GLRC, providing we receive their dues.

Members wishing to make presentations at the next ACSM/NSPS Conference in Phoenix are to send me a copy of their abstract.

A motion was approved to request further review of NSPS "Minimum Standards of Practice for Land and Cadastral Surveys". Concern was expressed regarding the name of the standards. It was suggested that "Model Survey Standards" would be more appropriate.

I was especially pleased with the turn out and actions of the GLRC. It started on time, ended on time and conducted the business required.

BOARD OF GOVERNORS (BOG)

The Board of Governors was represented by 43 states.

Over 40 business items and reports were handed out during the BOG meeting.

David J. Sherrill, P.L.S., of Illinois again reported on the

railroad abandonment issue. He has been working hard to prevent railroads from removing their rails without any monumentation set to document its previous location.

Action items were sent to their respective committee for further review.

A motion in regards to Surveyors being paid for Mortgage Surveys was approved with minor changes.

Robert Prescott reported that the plat map contest went well. A new category is being added to include ALTA surveys.

It was reported that in Connecticut a surveyor must acquire a permit to work in a limited access right-of-way.

This year Thomas W. Brooks, Jr., L.S. (AL, BOG) was awarded the "Key Governor Award".

NSPS was requested to form a sub-committee of the private practice committee to study mortgage type surveys, Surveyor Location Reports.

Copies of the "Minimum Standards of Practice for Land and Cadastral Surveys" were provided to each Governor. Each state has until July 31, 1994 to critique the proposed standards.

Tom Brooks reported that the Alabama Surveyors Society sent \$1,000.00 to help with cost in the Arkansas price fixing lawsuit. He challenged other states to contribute also.

Robert R. Prescott, L.S., (NY, BOG) was elected Chairman of the Board of Governors. Bob had previously served as Secretary for approximately 3 years.

Thomas W. Brooks, Jr. LS (AL, BOG) was elected Secretary.

MORTGAGE INSURANCE SURVEYS (WASHOUT)

NSPS BOD approved the following motion "The Board of Governors requests that the NSPS Board of Directors recommends that the Joint Government Affairs Committee (JGAC) ask the Department of Housing and Urban Development (HUD) to consider the Professional Land Surveyors services as important and necessary as other professional services, ie. the attorney and appraiser, and that all professional fees in any HUD program be paid whether the loan closes or not".

This is an effort to curb washout surveys and provide payment to surveyors for performing mortgage surveys whether or not a closing takes place.

ACSM EXECUTIVE DIRECTOR CONTRACT

The contract for ACSM Executive Director John Lisak, Jr. appears to be intact. However, the position of Deputy Executive Director, now filled by Marshall W. Davies, has been abolished.

RECRUITMENT OF NSPS MEMBERS

Membership of ACSM now stands at 6,732 of which 3,615 are NSPS members. ACSM/NSPS will be contacting the State Societies during a membership drive this year. ACSM/NSPS will be contacting the State Societies during a membership drive this year. New members may join with a 50% dues reduction.

ACSM FILLS COMMUNICATION DIRECTOR POSITION

Lucia B. Chambers has been hired as the ACSM Communication Director. It was also noted that the ACSM Bulletin will contain a new section called "NSPS Notes". Additionally a new "NSPS Newsletter" will be published bi-monthly.

TRIG - STAR

NSPS past President James Boyer reported that the North Central Florida Regional Trig-Star banquet had 65 schools involved. He went on to suggest that NSPS implement a National Trig-Star Competition.

REVISED FEMA ELEVATION CERTIFICATE

North Carolina has prepared a preliminary revised FEMA elevation certification. NSPS adopted a position of support for North Carolina's effort. The Board of Governors will be sent copies of the proposed form for review and comment at the Phoenix BOG meeting.

ACSM JOINT GOVERNMENT AFFAIRS COMMITTEE (JGAC)

The JGAS has been busy with Railroad Abandonment, monitoring possible senate changes to the Brooks Act, Flood Insurance Reform, Quality of Flood Insurance Rate Maps, BLM Budget Restructuring, Federal Procurement Reform, and Wash-Out Survey Agreements. One major stumbling block to the JGAC is lack of PAC money. There has not been any money in the PAC Fund for the last six months. The PAC Auction on Tuesday, April 26th, raised about \$6,000.00, however far more funds are needed to garner the attention and support needed on National Legislative issues.

Thank you for the opportunity to serve as your NSPS Governor. Please contact me at (812) 379-1525 if you have any questions or comments.



Past chairman of the Board of Governors, Curtis Sumner (left) and the present chairman, Robert R. Prescott.

DAVID ATWELL MEDICAL FUND

In late 1993 Bonnie Atwell was the victim of a stroke and was hospitalized for several weeks. In December, she was moved to a nursing home in New Tazewell, TN where she remains today. While there has been some improvement in her condition, the situation is still extremely serious and Bonnie is now facing an extended period of recuperation and rehabilitation.

For those who know David & Bonnie, it will come as no surprise that David was with Bonnie constantly during the hospital stay and although he has now returned to work, his daily routine takes him to the nursing home each morning before work and back to visit Bonnie each evening.

In addition to the extreme emotional strain this has been for David, the reality of the financial situation is that David will not have sufficient insurance coverage to come anywhere close to covering the cost. An effort was started at the recent Kentucky/Indiana Bi-State Conference to raise funds to assist David with this burden. A fund titled the "David Atwell Medical Expense Fund" has been established for this purpose. Donations for this fund may be forwarded to: KAPS, P.O. Box 3099, Frankfort, KY 40603-3099. For further information call 502-695-2349.

In addition to the financial needs, please ask your members to write or call David at the following: David A. Atwell, P.O. Box 1425, Middlesboro, KY 40965. Phone 615-869-8146 (home) or 606-248-6600 (office). The need for this type of support is as critical as the financial support. I am sure that those who know David, also know of the countless hours David has devoted to the surveying profession.



M. Lumos (NV, BOG), E.R. Gray, III, (IN, BOG), and Lewis A. Lapine, Chief of NGS, attending a committee meeting.

IOSHA'S TOP CITATIONS FOR 1993

by Ron Koons, RoSaKo Enterprises, Middletown, Indiana

One of the most frequently asked questions when I am making a speech is "What type of citations are most common?" From looking at previous citations I can guarantee you that every section in the regulations has been cited at one time or another. One of the things we can do is to look for trends. This does not mean that if an item is not listed that you will not be cited for that item. Many things are taken into consideration by the Compliance Officer when he makes a visit. The following regulations are the top ten for which citations were issued in 1993.

Log 200 Form Not Provided/Maintained
HAZCOM - No Written Program
No Lockout/Tagout Program
HAZCOM - Employee Information and Training
Tongue Guard on Abrasive Wheels
General Machine Guarding
Permanent Path to Ground
Exposed Live Electrical Parts
No Safety/Health Program
HAZCOM - Material Safety Data Sheet

Keep in mind that the above list is a combination of all inspections made by compliance officers. Some of the items may not even be applicable for a surveyor. As with any data, we must read between the lines to see the true picture. The above listing was compiled based upon the number of citations for any given regulation. Since the 29 CFR Regulations are broken down into Construction and General Industry categories, the citation summaries are also broken down that way. In the construction industry there were 366 violations written for "No Written HAZCOM Program" with an average citation amount of \$324.00. In general industry there were 328 violations for the same item with an average citation amount of \$600.00. In the same general category of HAZCOM you will notice there were two other top ten citation categories. You may very well get cited for more than one regulation under any general category!

**You may very well get cited
for more than
one regulation
under any general category!**

In 1992 the Indiana average citation total per visit was over \$2,000.00. It is my understanding that the federal government is putting pressure on Indiana to up that average to be more in line with the federal average of over \$2,800.00 per visit. There is also a strong push within OSHA to up their average to the \$3,500.00 vicinity. Indiana will probably fall in line with this also. Don't let these averages fool you. The potential exists for extremely large citations. If you combine many of the categories the total can be

astronomical. I was personally involved in a case that had a citation total of almost \$130,000.00. There have been federal cases that are in the millions. These high dollar amounts are not just happening to large businesses. I know of one business who received a six figure citation and had only 14 employees!

The one thing we can learn from all of this is that you must be prepared. General compliance does not have to be extremely expensive. When you get into certain specific areas there can be hefty cost involved, but the potential for employee injuries is probably greater in most of those areas. (Confined Spaces for example)

When I first managed a business (Many, many years ago...), I was indoctrinated into the philosophy that, "An ounce of prevention is worth a pound of cure." Spending money to maintain the safety of your employees certainly must be better than feeding the government bureaucracy that seems to thrive on catching businesses who haven't taken that "ounce of prevention." One thing is for sure; they know how to dish out the "pound of cure!"

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SURVEYING AUTOMATION '94 COMING TO D.C!

P.O.B. Publishing Company, publisher of P.O.B. Magazine will sponsor **Surveying Automation '94**, P.O.B.'s annual technology conference on June 21, 22, & 23, 1994 in Washington, D.C. in conjunction with A/E/C SYSTEMS '94 automation exposition.

Surveying Automation '94 is a three-day conference designed to provide surveyors and civil engineers with the up-to-date information they need to manage their firm's surveying automation effectively. The first day of the conference focuses on Global Positioning Systems (GPS) technology. Scheduled speakers are James Collins, PhD., of GPS Services, Inc., James Reilly, PhD, of Geodetic Enterprises, Inc., Doug Richmond, PS of Geometrics GPS, and Jeff Reilly, MS, of NCS International.

Day two of Surveying Automation '94 will focus on Computer-Aided Design (CAD). Speakers for day two are Alan Roth, MS, of Orchard, Hiltz & McCliment, Robert Pasley, PE, of Automated Engineering & Surveying Systems, Greg Malkin of Technical Software, Inc., and John Walton, PE, of Softdesk, Inc.

The third day of Surveying Automation '94 is devoted to Geographical Information Systems (GIS). Speakers for day three are George Korte, PE, of Intergraph Corporation, Charles McNoldy, PE, LS, of Prince William County, Bryan Logan of MAPPS, L. David Little of City of Virginia Beach, and Joe Paiva, PhD, of Sockkia Technology, Inc.

Surveying Automation '94 will be held at the Renaissance Hotel, adjacent to the Washington Convention Center where A/E/C SYSTEMS '94 - the world's largest automation exposition for the design and construction industry is being held. More than 30,000 design and construction professionals are expected to attend the 100+ conference sessions and view the 1400- booth exhibit area.

P.O.B. Announces Publication of Nationwide Directory

P.O.B. Publishing Company, publisher of P.O.B. Magazine, would like to announce the release of its newest publication, the **P.O.B. Directory of Surveying and Mapping Firms 1994**.

This brand-new reference publication is designed to provide the industry with a comprehensive national directory of privately owned surveying and mapping firms. It contains more than three thousand firms listed alphabetically by state and city, and then in alphabetical order by company name.

The directory also includes a comprehensive National Phone Directory of Suppliers to the surveying and mapping industry, a National Directory of Consultants, a National Directory of Surveying-related Organizations, and a National Event Calendar of upcoming surveying and mapping-related events.

This valuable publication is available in a handy 6" x 9" softbound book format for \$40 plus \$5 for shipping and handling. If you are interested in ordering the P.O.B. Directory of Surveying and Mapping Firms 1994, you may contact P.O.B. Publishing at 313/981-4600.

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CALENDAR

June 10, 1994
ISPLS Workshop, Topic "Rule 12", Speaker Gary R. Kent, PLS; Holiday Inn East, Indianapolis, Indiana

June 21-23, 1994
Surveying Automation '94, Renaissance Hotel, Washington, D.C.

July 9, 1994
ISPLS Board of Directors Meeting, ISPLS Headquarters

August 5, 1994
ISPLS Workshop, Co-Sponsor Initial Point Chapter ISPLS, Topic: State Plane Coordinates, Speaker Professor Steven Johnson Ph.D.; Holiday Inn, New Albany, Indiana

August 13, 1994
ISPLS Board of Directors Meeting, ISPLS Headquarters

August 15-19, 1994
Triennial U.S. Army Corps of Engineers Surveying & Mapping Conference, Marriott Hotel, New Orleans, Louisiana, Contact Leonard P. Halphen, U.S. Army Engineer District, New Orleans, Attn: CELMNE-SS, P.O. Box 60267, New Orleans, LA, 70160-0267; Phone 504/862-1841

September 30, 1994
ISPLS Fall Workshop, Topic: "Rule 12", Speaker Gary R. Kent, PLS; Brown County State Park, Nashville, Indiana

October 23-28, 1994
GIS/LIS '94 Annual Conference & Exposition & ACSM/ASPRS Fall Convention. Phoenix Convention Center, Phoenix, Arizona. Contact Denise Cranwell, Phone 301/493-0200.

January 18-20, 1995
ISPLS Conference, Merrillville, Indiana
February 27 - March 3, 1995
ACSM/ASPRS Annual Convention and Exposition, Charlotte, NC

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