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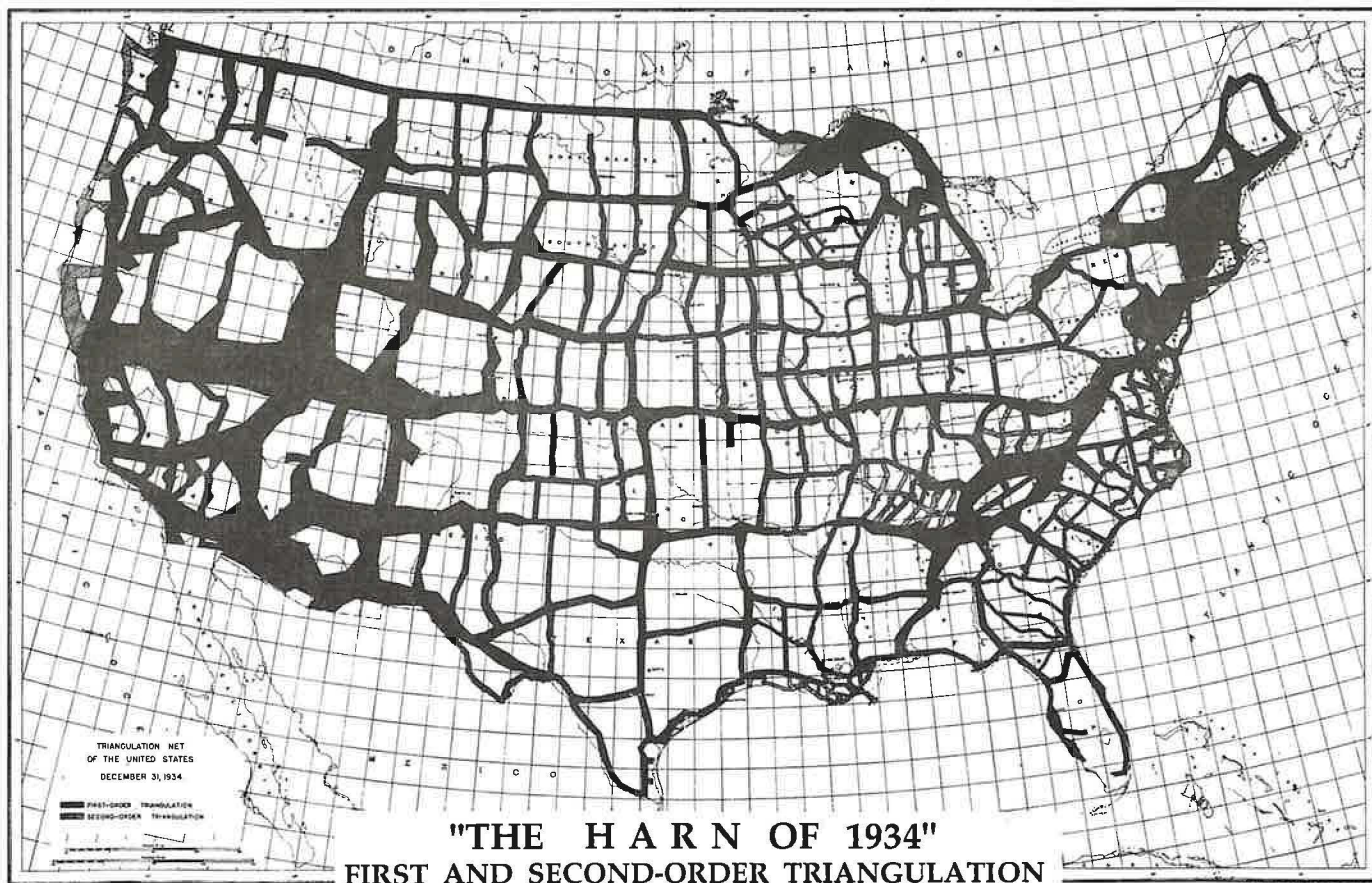


QUARTERLY PUBLICATION OF THE
INDIANA SOCIETY OF
PROFESSIONAL LAND SURVEYORS, INC.

VOLUME 24
NUMBER 1
SUMMER 1997



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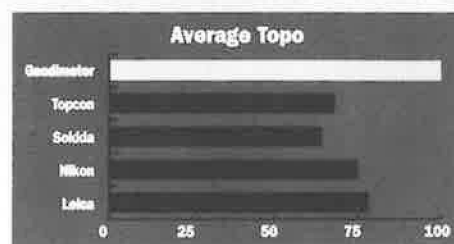
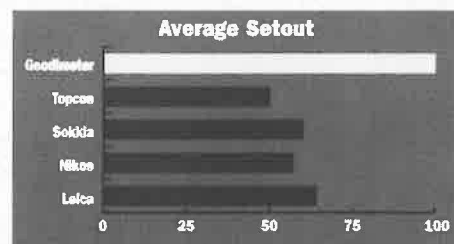
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Articles and columns appearing in this publication do not necessarily reflect the viewpoints of ISPLS or the Hoosier Surveyor staff, but are published as a service to its members, the general public and for the betterment of the surveying profession.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

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HOOSIER SURVEYOR

VOLUME 24 NUMBER 1 SUMMER 1997

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PRESIDENT'S THOUGHTS

by Perry D. Cloyd, PLS, Edinburgh, IN

In an effort to update the membership on Board of Directors activities, I offer the following. We have recommended three candidates for the newly created position on our Board of Registration, recommended three candidates for the Governor's Hoosier



Farmland Preservation Task Force, considered situations relative to legislative inconsistencies, discussed the need to review the language of our Registration Law, covered the possibility of our society sponsoring the ACSM National Convention in the year 2000, and reviewed a rough draft for the creation

of an ISPLS Foundation.

The Indiana HARN continues its progress and measurements are scheduled for this summer. I am aware of many of our members who have become involved in this effort. Each of you should be proud, the HARN remains a large undertaking, any and all participation is appreciated. To those participating, as you work to resolve problem situations in your individual areas, remember similar problems may exist elsewhere. Therefore, be patient and work to communicate your needs in detail. Chances are if you have a question, others are experiencing the same situation. Your questions and communications are necessary to inform the Office of State Geodetic Advisor as to our progress. Remember, OSGA needs our support! To those who are still on the side lines, we need your help! A week, a couple of days or even one day of participation can benefit the overall progress of this project.

Insurance programs for our membership continue to make progress, there have been questionnaires mailed to each of you requesting your input. Please take time to respond. It is very important we find out what is important to our membership so our committee(s) can respond accordingly.

Additionally, I recently have received good news relative to the protection of volunteers. The Liability Reform for Volunteer Services Act has now been signed into law at the national level and will take effect in 90 days. The law removes volunteers from liability if the volunteer committed negligent acts or omissions while acting within the scope of his responsibilities. This is a step forward to assist those of us who donate our time to improve the world we live in and the quality of our lives.

It is the ISPLS Foundation that I would most like to discuss at this time. As I struggle to create time from my schedule to write this report, I realize the situation I currently occupy is not mine alone. Each of you have either as much work as you want or have a work load which exceeds your current staffing. It is under this line of thinking that my thoughts have come to bear.

As surveyors, typically we have the knowledge and ability understand and accomplish tasks assigned to us by clients or associates. As I speak to my peers and colleagues, it is apparent that we, as a general group, miss some of the finer points of business management which would make us more efficient, effective and profitable. Many of us know of various business options available, yet I wonder if we know ALL options or understand all we know relative to the options we currently administer. Our accountants can answer our questions, but do we possess enough first hand knowledge to ask the right questions? If we fall slightly short in any area of business management, we ourselves suffer from decreased profits, thereby affecting every aspect of our professional and private lives. I would be the first in line to support the maxim "money isn't everything", but the future of our profession hinges on our ability to draw top talent from the youth of our nation. Having sat through a number of high school/college related promotions, I can attest that the first question asked by potential future surveyors is "how much money can I make?" There may even be a degree of increased respect by society and our local communities in general as a result of financial stability and better understanding in our local communities. This may sound vain, but consider the future of your profession, the point in your life where you sell your company or your corporate stock, or even the possibility of your children following in your foot steps. Under these circumstances, should we leave any stone unturned?

Upon the establishment of the ISPLS Foundation, I believe our society should undertake a study to provide Training Certification in areas relative to the growth of our profession, such as business management. Currently, our seminars are financially holding there own and I believe we can expand into broader and more detailed education opportunities without financial difficulties. My current thoughts, specific to business management previously mentioned, would be to establish a program to cover basic office procedures, facilities management, staffing and long range planning. Understand these are only preliminary ideas, but if each area is expanded, in a few seminars we could cover topics such as office organization, project tracking procedures, scheduling, buying vs. leasing, increasing staff vs. increasing equipment, actual profit/loss, projected profit/loss, what is actual daily operating costs and equipment upgrade programs. Within the area of business management, there would be an unlimited number of topics which could and probably need to be discussed. Only a few of us have received actual business management education, the rest have learned from those who taught us surveying or from the "school of hard knocks". One asset of a program such as this is the benefit to our members whether they are an employer or employee, owner or project manager, we all improve in our daily and long range business decisions.

As I have stated in previous writings, our local chapters may be our greatest asset in providing services to our membership. Similar

programs such as the one stated above could be sponsored by our local chapters providing consistent statewide education, pre-planned programs which would minimize volunteer time at the local level as well as local access to ISPLS Foundation Programs. Once a certification format has been established, any or all survey/business related topics could be developed and implemented. Such a program would go hand in hand with continuing education, keep access local, provide some level of education for those who are unable to enroll in conventional classes and maintain an affordable fee.

I have received countless flyers from other groups and societies, both state and national, which offer similar multi-day programs relative to GIS/LIS, Boundary Law, Ethics, the Internet, Personal Finance, Professional Communication Skills, Client Relationships, Money Management, Marketing and Leadership. I have listed only those topics which come to mind during the limited time I've allotted for this report. I believe ISPLS should lead the way in membership development and participate as soon as possible to provide training for our membership. All in all, under the ISPLS Foundation, we can take control of our future and the future of our profession.

Our profession remains dynamic and continues to move forward. This is truly a great time to be a surveyor. To look at where we will be in ten or twenty years and know we can grasp any and

all technology without losing our connection to all that has been established by those who came before us is a remarkable feeling. As we struggle to accomplish our current project work load and make it through another day, week or month, let us never overlook the gifts we each possess and remember to share them with those around us. We are great only through what we give.

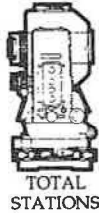
Professionally,
Perry D. Cloyd, PLS
President ISPLS

1997 ISPLS BOARD OF DIRECTORS SCHEDULED MEETING DATES

DAY	DATE	TIME	LOCATION-
SATURDAY	AUG 2	10:00 A.M.	HEADQUARTERS
SATURDAY	SEPT 13	9:00 A.M.	BROWN CO. INN NASHVILLE, IN
FRIDAY	OCT 24	4:00 P.M.	HOLIDAY INN S.E., INDPLS
SATURDAY	DEC 6	10:00 A.M.	HEADQUARTERS
WEDNESDAY	JAN 14	TBA	LAFAYETTE



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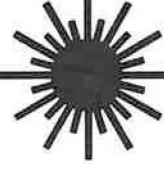
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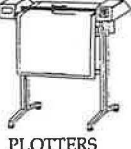
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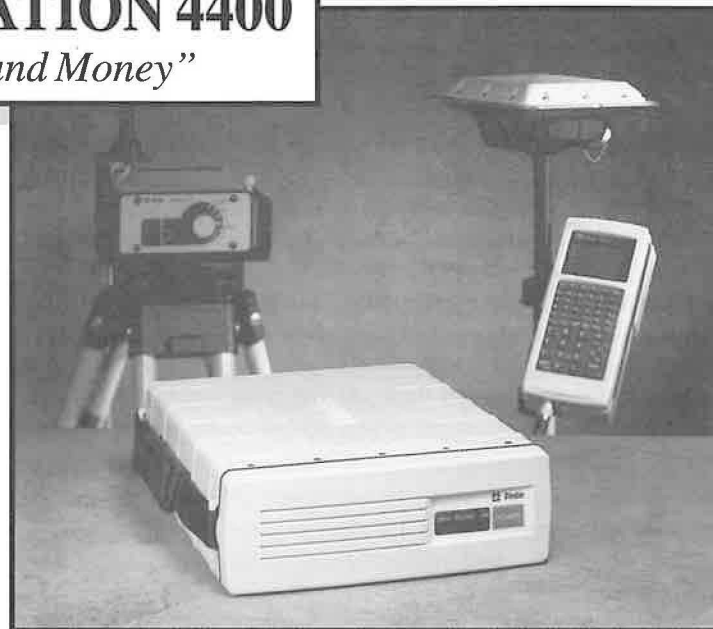
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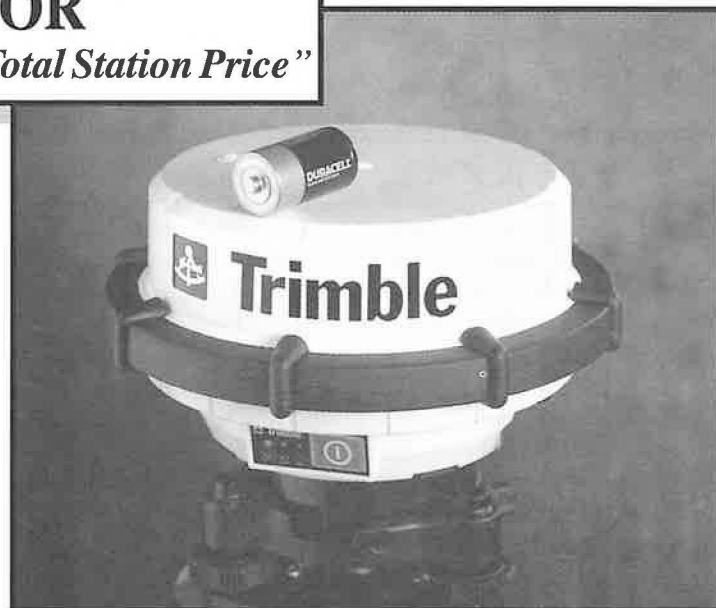


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ISPLS BOARD OF DIRECTORS MEETING HIGHLIGHTS

by Dianne Bennett, Executive Director

April 26, 1997

The ISPLS Board of Directors held a meeting on Saturday, April 26th at the Ramada Inn, Lafayette, Indiana. President Cloyd called the meeting to order at 9:00 a.m. The minutes and treasurer's report were reviewed and approved. A report from Wallington Asset Management was also submitted for board review.

Staff Activity Report - A written report was submitted and reviewed. The report is stated under individual topics listed below.

By-Laws - President Cloyd asked Ron Hansell about looking into the creation of a foundation. Mr. Hansell will address the Board at the June 21 meeting.

Chapters - The Northwest Chapter had J. Melton, Kankakee River Basin Commission, address the April meeting about the future of the Kankakee River.

The Hoosier Hills Chapter had their last meeting in Bedford. Plans are being made to sponsor a workshop in October at Spring Mill State Park.

The Central Indiana Chapter May meeting will have Gary Kent discuss the certification of ALTA Surveys.

The St. Joseph Chapter had a meeting April 24. The local soil conservationist discussed Rule 5.

The Northeast Chapter will not be meeting for approximately 2 months. All officers are now current members of ISPLS.

The Tecumseh Chapter is having a workshop on "Rule 12 & Theory of Location" by Pat Cunningham at the Radisson, Lafayette May 16.

No chapter reports were received from Wabash Valley, Initial Point and Southwest Chapter.

Convention 1997 - The St. Joseph Chapter's profit on the convention was \$3,053.13 and \$12,212.52 for ISPLS.

1998 Convention committee is currently working on the convention budget.

Education - ISPLS is having a workshop Friday, June 6 at the Holiday Inn, Plymouth, Indiana on "How Does GPS Help A Surveyor" by Dr. Boudewijn van Gelder. Tony Gregory, Education Chairman, recommends that the seminar in Plymouth by Dr. van Gelder and the Route Surveying Seminar by Gary Kent be approved for 6 PDH. A motion was made and approved to give each seminar 6 PDH.

Business Management - The committee submitted to the board the proposed 97/98 budget for review and comment.

The budgeted income submitted by the committee was \$147,400.00. After review and discussion a motion was made to accept the proposed budget with changes and additions.

Government Affairs - Jack Nelson, Classified Forest Administrator responded to Gary Kent's letter regarding the Indiana Forest Classification Act.

Senate Bill 182 is stuck in conference.

A motion was made and passed to pay the invoice to Consulting Engineers of Indiana to have representation on the Joint Society

Governmental Affairs Committee.

Hoosier Surveyor - It will be at the printer by the end of the month and in the mail by mid May.

Membership - A motion was made and passed to accept the new application from Ellerbusch Instrument Company as a Sustaining member and to also grant a one year Junior membership to Arron Blank.

Results of the insurance program survey have been sent on to the membership committee for action.

A motion was made and passed approving the letter submitted by the membership committee to be sent to non-members of ISPLS inviting them to join.

Adjustment to the Agenda - Jud Rouch addressed the board regarding the 2000 & 2001 ACSM Convention. Currently there is no location picked for these dates and now is the time for ISPLS to submit a request if interested in hosting the national convention. The Board and Convention Coordination Committee will take the matter under advisement.

Public Relations - The committee will be meeting soon.

Rick Miller wanted the ISPLS Survey History Committee recognized for the historical instrument displayed at the Johnson County Museum. An article appeared in the Greenwood newspaper about the display.

Scholarship - A letter from Bob Gross, Scholarship Committee, recommending Mr. Donald E. Bishop to receive the 1998 Peggy Archer Memorial Scholarship was reviewed. A motion was made and passed to accept the Scholarship Committee recommendation.

A statement from Purdue University Endowment Fund Activity Report was submitted to the board for review. A motion was made and passed to increase the amount of the scholarship from the fund to \$2000 and to reinvest any surplus.

Purdue University Banquet will be at the Ramada Inn, Lafayette, Saturday, April 26.

ISPLS Survey History - Two exhibits have been set up. One is in Johnson County and the other one New Harmony. ISPLS has received from Washington, copies of some 1930's drawing (surveys). Copies have been made and sent to Clark County. A motion was made and passed to have these surveys framed.

GIS/LIS - The HARN District Coordinators are scheduled to meet at ISPLS headquarters Friday, May 2 at 10:30 a.m.

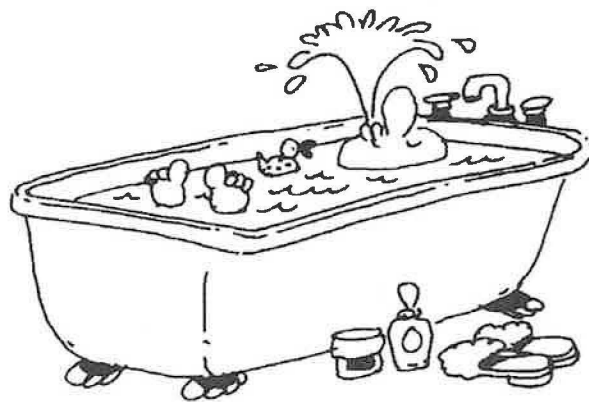
June 21, 1997

The ISPLS Board of Directors held a meeting on Saturday, June 21 at ISPLS headquarters at 10:01 a.m. President Cloyd called the meeting to order. Guests present were Randy Miller, John Stephens, Mark Gardner, Kris Conover and Ron Hansell. The minutes and treasurer's report were reviewed and approved.

Change in Agenda - Ron Hansell addressed the Board about setting up an ISPLS Foundation. Ron prepared and submitted to the

...continued Page 7

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MINUTES

...continued from Page 5

Board a draft copy of the Articles of Incorporation for the ISPLS Foundation, Inc. This would be an Indiana Not-for Profit Corporation under Section 501(c) (3). President Cloyd asked all board members to study the draft copy and to report back at the next board meeting. A copy of the NSPS Foundation Article of Incorporation will be examined as an example.

The meeting was then returned to the agenda.

Staff Activity Report - A written report was submitted and reviewed. The report is stated under individual topics listed below.

Chapters - The Northwest Chapter will not be meeting during the summer. They are planning a workshop on Boundary Law by Ron Hansell on August 15 at Valparaiso University, Union Center.

The Wabash Valley Chapter has scheduled a meeting on July 23rd.

The Initial Point Chapter is having regular bimonthly meetings. The chapter is planning a contribution to the society library.

The Central Indiana Chapter will be meeting July 22 at the offices of Paul Cripe.

The Northeast Chapter will not be meeting for approximately 2 months. All officers are now current members of ISPLS.

The Southwest Chapter had a meeting on June 3. There was discussion on hosting the 1999 Convention.

No chapter reports were received from Hoosier Hills, St. Joseph, Tecumseh, Purdue and Vincennes Student Chapters.

Convention Coordination - The '97 Convention, South Bend - ISPLS received a refund from the Century Center for the amount of \$378.00. The St. Joseph Chapters share is \$75.60.

The 1998 Convention, Lafayette - The committee submitted a budget for the 1998 Convention for review and approval. After discussion a motion was made and passed to accept the proposed budget.

Business Management - A meeting is to be scheduled to discuss Dianne's benefit package.

Government Affairs - A letter from Gary Kent along with a ruling from the Grant County Circuit Court was submitted for review and comment. The court ruling states in brief that plans for a new legal drain are unlawful because they were not prepared and sealed by a Professional Engineer. A motion was made and passed to direct the Government Affairs Committee to work with Tom Dinwiddie to put together a draft bill for house keeping measures on the Land Surveyors Registration Act to restore land surveyors authority to certify drainage plans for regulated drains and to investigate whether there are any other house keeping issues that prevents land surveyors from performing the acts that they were customarily performing before the split of the registration boards.

Senate Bill 182 passed and ISPLS submitted the names of E.R. Gray, Richard Hudson and Leslie Weber, one of which would serve as the seventh member to the Board of Registration.

A letter from an ISPLS member was submitted for review describing a law suit he was involved in.

Membership - The following membership applications were reviewed and approved: Sustaining - Geotronics of North America; Junior (SIT) - Brian Resenbeck, Brent Johnson; Associate - Andy P. Scholle.

Scholarship - Vincennes University quarterly report was submitted and reviewed. A request for a contribution of \$1,700.00 be made to the Vincennes University Foundation to the Peggy Archer scholarship fund. A motion was made and approved to make the \$1,700.00 contribution to Vincennes University and \$1,000.00 to Purdue University for scholarships.

University Cooperation - A meeting is currently being planned.

ISPLS Survey History - Brad Ott has the drawings now framed and are currently on display in Johnson County.

Great Lakes Coordinating Council/NSPS Governor - The administrative fee for technicians test may be waived if the student is a member of NSPS. Administrative fee for the test is \$30.00 and dues to NSPS student membership is \$25.00

GIS/LIS - A report from the State Geodetic Advisory Board from the April 3 meeting on the HARN was reviewed.

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RESERVED BY AUGUST 20TH.
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STEVE MARSHALL AT 812-283-0024 OR
HAROLD HART 812-288-6646.**

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MEMBERSHIP DUES?
IF NOT, THIS WILL BE
YOUR
LAST ISSUE OF THE
HOOSIER SURVEYOR !!!**

NSPS GOVERNOR'S REPORT

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

The Spring '97 ACSM/ASPRS annual convention and exhibition was held in Seattle, Washington. The convention was sponsored by the American Congress on Surveying and Mapping (ACSM), the American Society on Photogrammetry and Remote Sensing (ASPRS), the Resource Technology Institute (RTI), and Auto Carto 13. The convention was attended by more than 3,200 surveying and mapping professionals. The exhibit hall was filled with 128 exhibitors. Nineteen workshops prior to the convention drew in more than 450 participants.

The following is a brief of the NSPS Board of Governors, the NSPS Board of Directors, the ACSM Board of Direction, and the various committee meetings and reports.

ACSM ETHICS COMMITTEE

ACSM approved a code of ethics subject to legal review.

ALTA/ACSM LAND TITLE SURVEYS

ACSM approved revisions to the 1992 ALTA/ACSM land title minimum standard detail requirements subject to ALTA approval.

SURVEY EDUCATION

In 1994, the surveying program at the Metropolitan State College of Denver (MSCD) formed a partnership with the Professional Land Surveyors of Colorado to revive a struggling surveying program at MSCD. The results are impressive: More than \$125,000 cash and equipment has been donated. Enrollment has increased by nearly 200 percent, and a modern curriculum is being taught via video conferences. For more information, contact MSCD, Campus Box 61, P.O. Box 173362, Denver, CO 80217.

GEOMATICS

After a few years of struggling with the term, "Geomatics" is finally beginning to be widely used in academic circles. An informal survey indicated that the term, which got its start in Canada, is gradually replacing "Surveying" in U.S. and European education programs. Surveying, which is sometimes referred to as the world's Second Oldest Profession, is still slow to accept change, however. One key indicator: California State University Fresno's influential program has made the switch. It recently changed its name to Geomatics Engineering.

CERTIFIED SURVEY TECHNICIAN (CST)

The NSPS/ACSM Survey Technician Certification program celebrated its tenth anniversary. During that time, the fee paid to the testing agency remained the same. But a new contract includes one big change: higher fees. Due to this change and several other increased costs, the testing fees have been increased. The new fees are listed below:

Application fee:	No change
Exam fee:	\$95.00
Specialty exam fee:	No change
Annual recertification fee:	\$25.00
2nd specialty annual recertification fee	Additional: \$10.00

The Survey Technician Certification Board has worked extremely hard to keep testing fees down, but the new contract made

it necessary to increase some of the fees if the program is to remain viable. With the financial support of the National Society of Professional Surveyors (NSPS), the increase is smaller than originally anticipated. The NSPS subsidy of nearly \$20,000.00 allows the board to continue to keep the testing fees below their actual cost.

NSPS TREASURER'S REPORT

Immediate Past Secretary/Treasurer Abenroth stated that as of December 31, 1996, the total assets of NSPS is \$367,000 of which \$125,000 was in the form of a note from ACSM. Liabilities as of December 31, 1996 included \$101,000 in 1997 dues which left NSPS with a net worth of \$266,000.

ARCHITECTS FORM G601

Correspondence has been received from AIA suggesting modification to the form. Suggested verbiage change to "that surveyors would be requested to identify locations only of the designated, suspected, or confirmed soil contamination as identified by a professional specifically trained in environmental conditions."

CERTIFIED SURVEY TECHNICIAN FEES

...MOTION... By Board of Governors Chair Tom Brooks that the NSPS Board of Directors direct the CST Board to investigate waiving the application fee for an ACSM/NSPS member who is an enrolled student of a surveying curriculum. Provided that the CST Board raise the application and testing fees for non-members of ACSM/NSPS, MOTION CARRIED.

NATIONAL SURVEYOR'S WEEK

...MOTION... By Board of Governors Chair Tom Brooks that the NSPS Board of Directors proclaim a National Professional Surveyor's Week and encourage all affiliates to participate in promotional campaign before and during this week. MOTION CARRIED.

NATIONAL SURVEYOR'S WEEK DATES

...MOTION... By Board of Governors Chair Tom Brooks that the NSPS Board of Directors proclaim Presidents Week to be the National Professional Surveyors Week each year. MOTION CARRIED.

NSPS YOUTH OUTREACH COMMITTEE

NSPS has over the past several years participated in the International Boy Scout Jamboree which is held every four years at Fort AP Hill in Virginia. Funding \$1,000 was approved by NSPS to make this possible in 1997.

NOTES FROM THE GREAT LAKES REGIONAL COUNCIL MEETING

North Dakota has continuing education requirements in place. Iowa reported that they have civil penalties in place of non-registrants who practice surveying. Also, colored wet signatures and seals are required to establish original documents.

Minnesota reported that their continuing education rules will undergo a public hearing.

Wisconsin reported that their statute of limitations has been challenged; no results yet from the Supreme Court.

...continued Page 9

ISPLS WORKSHOP SEPTEMBER 26, 1997

ANGOLA, INDIANA

The Indiana Society of Professional Land Surveyors present a one day seminar on "Deed Analysis and Boundary Resolution in the Public Lands" by Gary Kent, PLS, and Anthony Gregory, PLS, on Friday, September 26, 1997 at the Potawatomi Inn, Pokagon State Park, Angola, Indiana. If you plan on staying overnight please make your room reservations before **August 26, 1997**. Phone the Potawatomi Inn at (219) 833-1077. Be sure to mention that you are attending the ISPLS seminar.

Three-Day Professional Development and Land Survey Preparation Seminars

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Phone/Fax 423/929-3215

Dr. Ben Buckner, LS, PE, CP

Author of Land Survey Review Manual
and other texts

First Day: Land Surveying Computations and Analyses

Second Day: Land Boundary Location Principles

Third Day: Land Survey Exam Preparation and Review

The first two days are intended for licensed surveyors, those preparing for both the fundamentals and professional surveying licensing exams, technicians and allied professionals who use or make land surveying computations or work with land boundaries, and others. The third day is designed for those preparing for the surveying exams. It includes content pertinent to surveying which is not covered in the first two days, and several hours on developing exam-taking skills, study and preparation methods, practice questions and problems, the NCEES exam syllabus and format, etc.

(also other states, other dates)

Atlanta, GA September 11-13

Nashville, TN September 18-20

Columbus, OH September 25-27

Richmond, VA October 2-4

Philadelphia, PA October 9-11

Albany, NY October 16-18

NSPS Governor continued from Page 8

Michigan reported that a surveyor did not pay his license fee for 20 years and was reinstated on the payment of the current year's fee and no retest required.

Thank you for the opportunity to serve as the NSPS Governor. If you have any questions or comments, please do not hesitate to call me at 1-812-372-7298.

IUPUI AND VINCENNES UNIVERSITY SIGN ARTICULATION AGREEMENT FOR SURVEYING PROGRAM

On December 10, 1996 an Articulation Agreement (the Agreement) was signed between Indiana University - Purdue University Indianapolis Program of Construction Technology, Surveying Option and Vincennes University Program of Surveying Technology. The Agreement reads as follows:

"The purpose of this Articulation Agreement is to provide a mechanism for students at Vincennes University to continue their formal education. These students have indicated that I.U.P.U.I. is their selection for continuing their education in order to complete the requirements of the baccalaureate degree program.

"To ensure a smooth transition to the baccalaureate degree program at I.U.P.U.I., the faculty of both institutions have developed the attached listing of course equivalencies approved for transfer with the Fall Semester 1996/97. To ensure consistency and accuracy, this document shall be periodically reviewed by representatives from both institutions to communicate and update information regarding curriculum and textbooks.

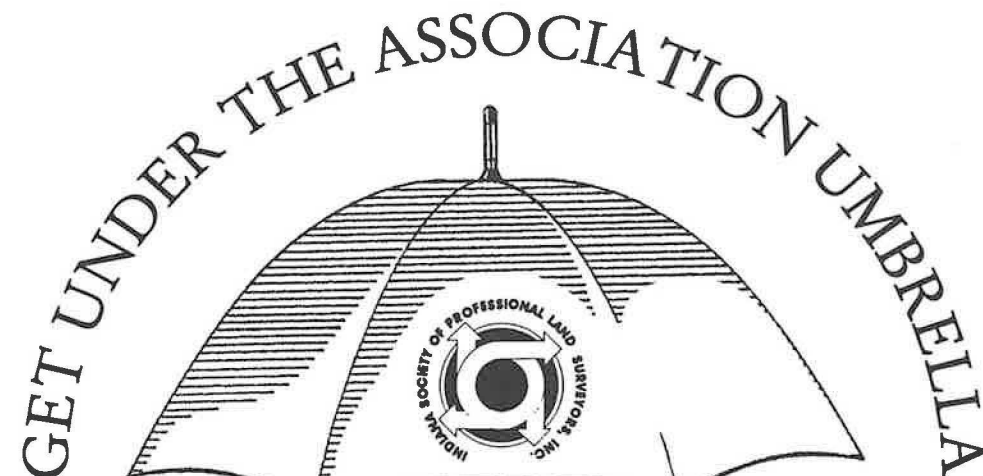
"Any course taken prior to Fall 1996 will be evaluated by faculty from I.U.P.U.I. University to determine the transferability of the course work. This Articulation Agreement, including any modifications, may be reviewed by either institution upon request."

The course equivalencies listing referred to above may be obtained upon request by writing to Prof. Erdogan Sener, School of Engineering and Technology, I.U.P.U.I., 799 West Michigan Street, Room 309, Indianapolis, IN 46202. To obtain more information about the Articulation Agreement students may call Prof. Sener at (317) 274-8720 or Prof. Michael Maxwell at (317) 274-0822.

As an added note, because the surveying curriculum has increased considerably in recent years at I.U.P.U.I. and because student interest in these courses remains high, the I.U.P.U.I. School of Engineering and Technology continues to search for qualified instructors to teach the courses offered. Persons interested in these teaching positions may contact Prof. Sener.

Indiana Professional Licensing Agency
Indiana Government Center South
302 W. Washington Street, Room E034
Indianapolis, Indiana 46204
Mary Franklin, Secretary, (317) 232-2531

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VOLUNTARY PROFESSIONAL DEVELOPMENT PROGRAM - ROUND 3

by Anthony M. Gregory, Chair, ISPLS Education Committee

As we approach the end of the summer, it is again time for members of ISPLS who are Registered Land Surveyors to begin to organize information relative to their professional development activities over the past couple of years. Applications for the Voluntary Professional Development Program will be mailed to eligible members sometime during the fall.

This bi-annual program was formally adopted by ISPLS at the January, 1992 convention. Under the program, participants earn credit in the form of Professional Development Hours (PDH) in the areas of Surveying Practice, Professional Development, Education and Community Service. A participant who successfully obtains thirty (30) PDH or more within the preceding two-year period will be recognized as a "**DISTINGUISHED SURVEYOR**". Formal recognition will take place at the January, 1998 convention in West Lafayette.

The State of Indiana has not yet adopted a Mandatory Continuing Education Program for land surveyors. However, it appears inevitable that such a program will exist in Indiana in the future. The current program is strictly "voluntary" and is administered by ISPLS. A mandatory program would likely be administered by the State Board of Registration for Land Surveyors. Although some differences will obviously exist, the current program is similar to others in place across the country.

Participation in this program provides benefits. For example, this program is a good way for surveyors to begin tracking their individual activities since a mandatory program will probably exist in the future. However, in the bigger picture, professional development activities are essential in our field today if a surveyor is going to stay current with the constant changes in technology, legal issues, surveying standards, etc. which are affecting our everyday work. We should strive to be the best that we can be within our profession, and to develop as professionals. Surveyors who take on these activities should be recognized for their efforts and dedication, and this program provides that recognition.

This is the third time that this program is being run since its inception. The interest shown in the first two rounds of the program was light at best. The first round netted 25 "Distinguished Surveyors", and 24 were recognized in the second round. Considering that there are nearly 300 registered land surveyors who are members of ISPLS, a participation rate of less than 10% results. Many surveyors are attending conventions, seminars, and other eligible activities, and few are receiving the credit due to them. Let's get on track and get involved in this program!

A QUESTION OF TITLE

Excerpted from the Empire State Surveyor, New York Society of Professional Surveyors, Nov. 1990

One of the best examples of how ridiculous government paperwork can be is illustrated by a recent case in Louisiana. A company president was trying to buy some land in Louisiana for a plant expansion, and he wanted to finance this new facility with a government loan.

His lawyer filled out all the necessary forms and applications and sent them appropriately. The government reviewed his application and abstract and sent the following reply:

"We received today your letter enclosing application for your client supported by abstract of title. We have observed, however, that you have not traced the title previous to 1803, and before final approval, it will be necessary that the title be traced previous to that year.

Your truly, etc."

As a result, the lawyer sent the following letter to the government;

Gentlemen, your letter regarding title received. I note you wish said title to be claimed back further than I have done it.

I was unaware that any educated man failed to know that Louisiana was purchased by the United States from France in 1803. The title of the land was acquired by France by right of conquest of Spain. The land came into possession of Spain in 1492 by right of discovery by a Spanish-Portuguese sailor named Christopher Columbus, who had been granted the privilege of seeking a new route to India by Queen Isabella of Spain.

The good queen, being a pious woman and caring about title, took the precaution of securing the blessing of the Pope of Rome upon Columbus' voyage before she sold her jewels to help him.

Now, the Pope, as you know, is the emissary of Jesus Christ, who is the Son of God. And God, it is commonly accepted made the world. Therefore, I believe it is safe to assume that HE also made that part of the United States called Louisiana, and I hope to @#%% you're satisfied.

WELCOME NEW ISPLS MEMBERS

as of April 26, 1997

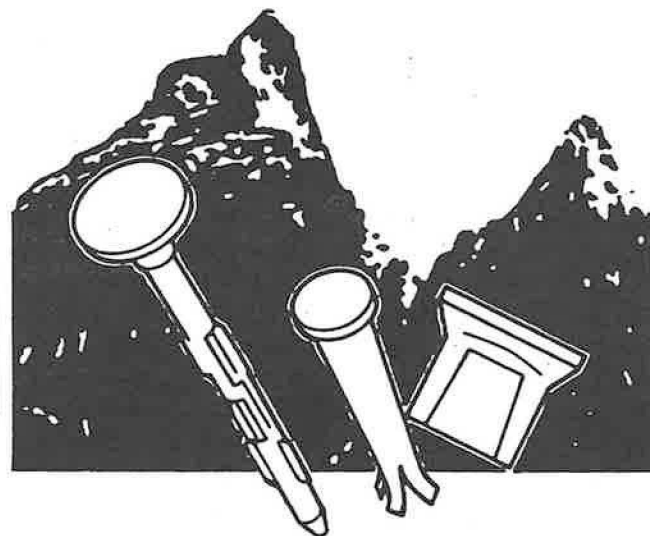
Ellerbusch Instrument Company - Sustaining
Aaron W. Blank - Junior

as of June 21, 1997

Geotronics of North America - Sustaining
Brian Resenbeck - Junior (SIT)
Brent Johnson - Junior (SIT)
Andy P. Scholle - Associate

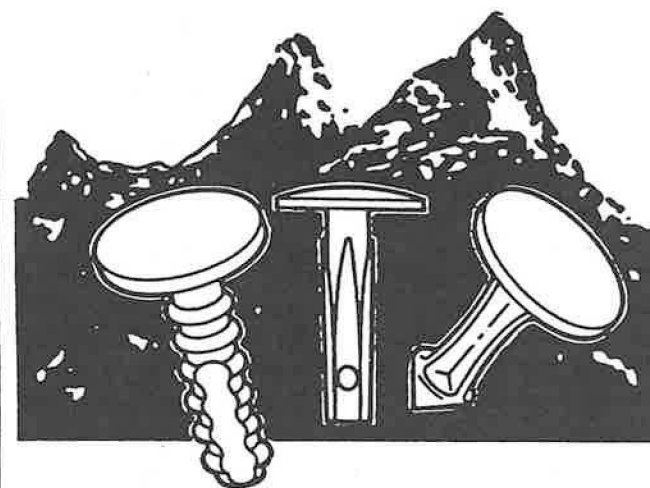
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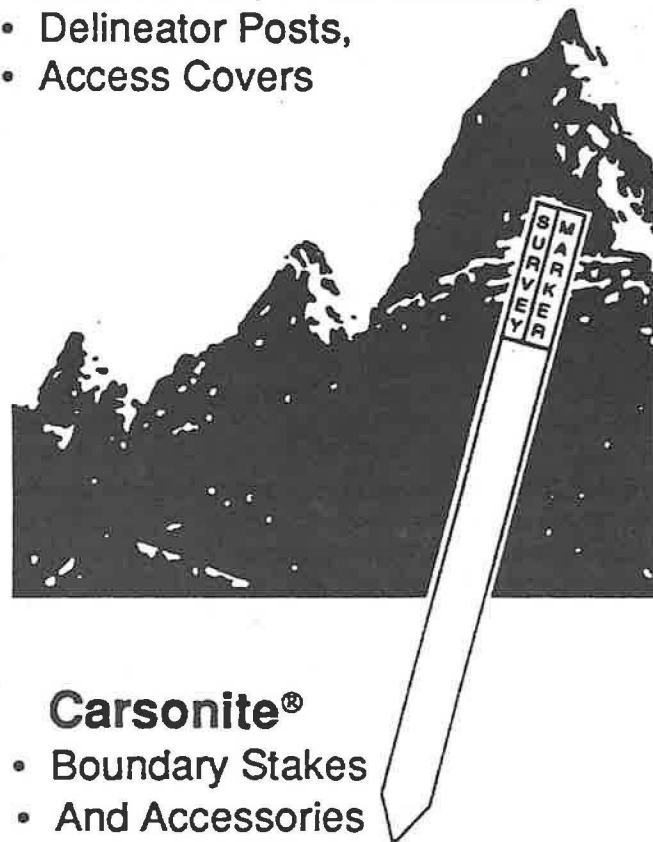
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PURDUE ACSM-ISPLS STUDENT CHAPTER SENIOR RECOGNITION DINNER

The Purdue ACSM-ISPLS Student Chapter sponsored the annual Senior Recognition Dinner at Damon's Restaurant in Lafayette on April 26th, 1997. The annual event was attended by approximately 60 students, faculty, and alumni. The graduating seniors are honored at the dinner and awards for scholarship and leadership are presented. The President of ACSM, Mr. Jud Rouch, was the featured speaker. He spoke to the students and guests about leadership and professionalism in surveying and mapping.



Bob Gross presents the ISPLS McEntyre Scholarship to Jason Copperwaite.



The Blankenbeker Scholarship is presented by Harold Hart to Andrew Hagedorn (Ferdinand).



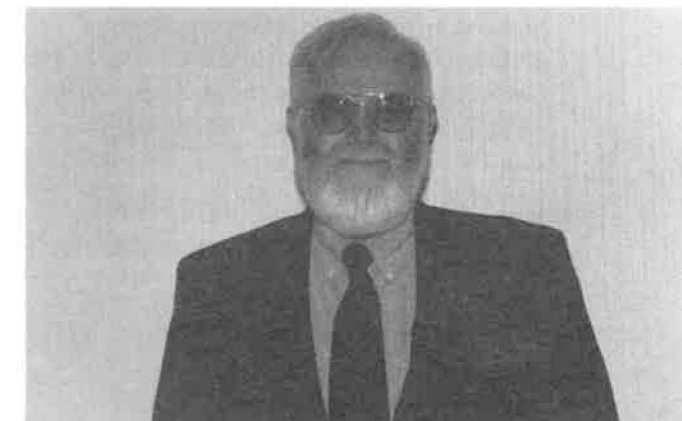
Prof. Steve Lambert presents the Surveying Faculty Award-Outstanding Graduating Senior to Scott Lutz.



The Surveying Faculty Recognition Award is presented by Prof. James Bethel to Aaron Blank for outstanding leadership and scholarship in the surveying program.



The Land Surveying Engineering degree candidates for 1997 are Seated (L to R) Nora Stephenson (Elkhart), Jason Copperwaite (Floyd Knobs), Troy Smith (Auburn), and Standing (L to R) Michael Kervin (Aurora), Scott Lutz (DeKalb, Ill), Chris Nielsen (Westville), Ryan Van Der Veen (Cedar Lake), Aaron Blank (Logansport), Thomas Ackerman (Brownstown), Craig Rodarmel (Lafayette), Matthew Russell (Richmond).



Mr. Jud Rouch, President ACSM, was the featured speaker at the awards dinner.

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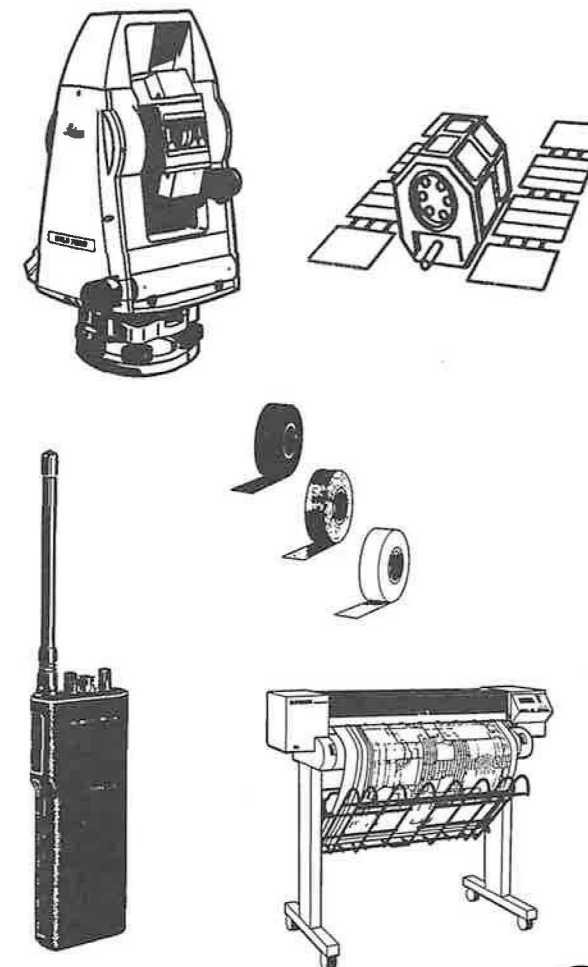


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LAMBDA SIGMA HONORARY LAND SURVEYING FRATERNITY

The 1997 initiation into the Purdue Lambda Sigma Honorary Land Surveying Fraternity was held in the Civil Engineering Building on March 23rd. Four new members were initiated in the ceremony conducted by current members of Lambda Sigma.



Lambda Sigma initiates are: Seated (L to R) James Elithorp (Graduate Student), Craig Rodarmel
Standing (L to R) Jason Copperwaite, Ryan Carrel



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CASE LAW CORNER

by Knud E. Hermansen, PLS, PE, PhD. Esq.

Summary of Reasor v. Putnam County - 2d -. (Ind. App. 5 dist. 1993)

This case involves surveyor liability and ethics. Between the late 1960's to 1970, a developer conveyed eight lots immediately north of Reasor Hills Drive to eight different buyers. The developer conveyed the lots from west to east.

Rather than preparing a plat of the entire property, the developer had the surveyor perform surveys as each lot was sold. In addition, the surveyor prepared the legal descriptions for all the conveyances with the exception of the first lot which was surveyed by another surveyor. The lots were sold without benefit of corner monuments with the intent to rely on acreage. Before selling the sixth lot from the west, the developer told the surveyor to provide for a 50-foot strip of property between the fifth and sixth lots. However when the developer was selling the lot, the developer and buyer set at least one stake only 31 feet from the corner of lot 5.

With knowledge of the width staked by the developer, the surveyor instructed his employees to prepare a legal description for Lot 6 that was parallel to, and fifty feet away from the east line of lot 5.

As a result, the description was inconsistent with the property actually being occupied by the owner of lot 6. The descriptions of the two subsequent lots sold, east of the easement, were prepared as if there was a fifty-foot easement.

After the developer had passed away, the developer's widow decided to build a fence on the southern border of the remaining property and again employed the same surveyor to stake a fence on the property line between her property and the conveyed lots. The surveyor did not rely on the legal descriptions in the deeds. Instead, he staked the fenceline according to markers found in the field, including evidence of an old fence.

Sometimes after the new fence had been completed, the widow was involved in a dispute with the County over damages caused by county road crews. She hired a different surveyor who surveyed the entire original parcel. The second surveyor determined that there was considerable difference between the lots as laid out on the ground and the description. The second surveyor also determined that the fenceline was staked north of the boundary indicated by the legal descriptions prepared by the first surveyor. As a consequence of the differences and the resulting problems caused by them, the widow sought an explanation from the first surveyor. After hearing the problems, the first surveyor, who was also the county surveyor, consulted with his attorney, who was also the county solicitor. While engaged in negotiations with the widow, the surveyor and his attorney approached the County Commissioners and recommended the County bring a reformation action against the widow. The commissioners approved the lawsuit against the widow. After the lawsuit was commenced, the widow sued the surveyor in a third party complaint for negligence, breach of contract, and for bad faith and breach of his ethical duty as a surveyor for discussing the dispute with others.

ALTERNATE DISPUTE RESOLUTION SAMPLE

Compiled by the Maine Society of Land Surveyors

Appendix Continued from Hoosier Surveyor 24-4 Issue, Page 17-20

Gweniviere LaMeasure, Professional Land Surveyor
Boundary & Information Consultants, P.A.
2451 East Main Road, Anytown, Maine 04400-2451
Phone: 207-171-5343
15 October 1997
Mr. William Crumb
282 Harbor Court
Anytown, Maine 04400-0282
Dear Mr Crumb:

The firm has completed the survey of your property. I would like to call your attention to your easterly boundary, the one you share with Sarah Lee Annabel. As you are well aware, this boundary was the reason for seeking our services and remains a source of disagreement with your neighbor. While I have found information and evidence tending to support the position you claim, there also appears to be evidence and information supporting Ms. Annabel's position and that maintained by her surveyor. The fact is that the boundary was established many years ago, when land was inexpensive, surveying equipment relatively inaccurate by today's standards, surveying knowledge often rudimentary at best, and quality descriptions given little concern. With the passage of time there has been a decay of monuments, death of eye witnesses, and destructions of relevant records. I have prepared a summary of the evidence and information on the plan and in the report.

As I mentioned at the outset, I can only provide a professional opinion - not a decision binding on your neighbor. Ordinarily the next step toward resolving the problem is to retain an attorney and litigate the questionable location of your boundary. However, it has been my experience and those of my colleagues and former clients that alternatives to litigation should be considered and often employed. In this regard, I have been recommending arbitration or use of a referee when the evidence and information tend to favor my client. I recommend mediation when the information and evidence clearly fails to support one position over another. The last scenario appears to be the situation applicable to your property. These alternatives to litigation are generally less costly, less stressful, faster and more equitable.

It is not my intention to dissuade you from seeking legal counsel. When you speak to your attorney, be sure to ask her or him about the cost, time, stress, trauma, emotional anxiety, probability of success, likelihood of settlement at a later date, and lack of certainty in the recovery even if a legal suit is successful. I think good counsel will convince you as I have been convinced of the benefits to alternative dispute resolution in resolving boundary disputes. If you would like additional information on mediation, arbitration, or other alternatives we would recommend you contact Mr. George LeMediator. George is a practicing attorney with a good knowledge of surveying, boundaries, and title law. He has been very successful in resolving boundary disputes. His address is 3412 Oak Street, Anytown, Maine 04400-3412 (207-171-5555).

Thank you for seeking our services. We have enclosed the bill

with the advance payment deducted. If we can be of further service, please do not hesitate to call. We look forward to hearing from you.
Sincerely,
Boundary & Land Information Consultants, P.A. by Gwen LaMediator
Gweniviere LaMeasure, Professional land Surveyor
Encl. Bill George LeMediator, Attorney at Law

1 November 1997
Ms Sarah Lee Annabel
281 Harbor Court
Anytown, Maine 04400-0281
Dear Ms. Annabel:

I understand that you have a dispute with William Crumb regarding your common boundary. Your name and address has been forwarded to me by your neighbor, William Crumb, for possible mediation. He learned of my services from his surveyor and has informed me that you have tentatively agreed to try mediation. Mediation is a cost effective and expedient method of settling disputes.

I encourage you to consider this as an alternative to doing nothing or litigation. The fact is that waiting often exasperates the problem as each side grows more entrenched with their opinion and unwillingness to forgive and forget. Mediation has several advantages. First, it keeps the controversy out of the public court and keeps it private. Second, parties can often remain civil because mediation avoids much of the stress, trauma, emotions, animosity, and hard feelings brought on by litigation. Third, mediation allows the parties to choose a subject matter expert who can understand the matter quickly and avoid a lot of time, effort, and cost ordinarily required to teach attorneys, judges, and juries about the facts and underlying law. Fourth, mediation allows each party to present their side of the controversy in an informal setting - where they can speak directly to one another. Fifth and finally, the outcome is controlled entirely by the parties who can structure an agreement. Litigation, while offering a solution, is often very expensive (\$1,000-\$30,000), time consuming (2-5 years), and inflexible in its outcome (all or nothing). Often parties are left frustrated by litigation because the judge and attorneys take over the process and in the end often provide a solution far less palatable than mediation would have provided. It has been my experience that more times than not when the matter is finally settled by litigation the winner spent more money in legal fees than the disputed land could have been purchased for at the outset.

At Mr. Crumb's request, I am offering my services as a mediator. If you decide to use my services as a mediator in attempting to resolve the boundary dispute, certain conditions will apply:

1. I must disclose any interest or relationship likely to affect my impartiality or that might create an appearance of partiality or bias.

... continued Page 18

ALTERNATE DISPUTE RESOLUTION

...continued from Page 17

- The parties must consent to the arrangement unless they are in mediation pursuant to a legal mandate.
2. My role as mediator does not create a lawyer-client relationship and does not constitute representation of any party. I can not attempt to advance the interests of any of the parties at the expense of any other party.
3. While acting as mediator, I may not represent any of the parties in court or in the matter under mediation or any related matter. I must reasonably believe that the mediation can be undertaken impartially and without improper effect on any other responsibilities that I may have to any of the parties.
4. I may draft a settlement agreement or instrument reflecting the parties' resolution of the matter but must advise and encourage any party represented by independent counsel to consult with that counsel, and any unrepresented party to seek independent legal advice, before executing it.
5. I must withdraw as mediator if any of the parties so requests, or if any of the conditions stated previously can no longer be satisfied. Upon withdrawal, or upon conclusion of the mediation, I shall not represent any of the parties in the matter that was the subject of the mediation, or in any related matter.
6. I shall not use any conduct, discussions, or statements made by any party in the course of the mediation to the disadvantage of any party to the mediation or, without the informed consent of the parties, to my advantage or the advantage of a third person.

I will require a \$250 non-refundable advance payment from each party. This will cover the cost of one mediation session and the preparation of any documents and legal correspondence arising from an agreement reached by mediation. Normally, boundary mediation requires a day. Subsequent meetings or services will be billed according to fees agreed prior to subsequent meetings or additional services. If these terms are acceptable to you, please complete the enclosed form and return it to me.

If both you and your neighbor agree to the terms of my engagement as a mediator, I shall contact you and your neighbor concerning payment of my fees, other information, and a convenient time and location for a meeting.

I am truly sorry when any dispute occurs. However, I think all parties benefit from mediation. While there are no guarantees of success, in my experience mediation is more times than not successful. In such situations, mediation is always faster, considerably less expensive, and avoids a great deal of hostility and stress that ordinarily arises during litigation.

If you have any questions please do not hesitate to call me. If I do not hear from you after one month I shall assume my services are not required and close this file.

Sincerely,
George LeMediator, Attorney at Law
2 Encl.:Information form
Self-Addressed Envelope

Information Form

The information on this form will be used to help prepare for the initial meeting. If you do not know the answer leave the line blank. Thank you for taking the time to complete this form. Return the

form in the stamped self-addressed envelope provided.

Your Name & Information _____
Name _____
Address _____
Phone _____
Other Party's Name & Information _____
Name _____
Address _____
Phone _____

Is the problem a ...:
Boundary Dispute Encroachment Title Problem
Other: _____
Your Attorney & Address _____ None _____
Was a survey completed for ... you, the other party.
Location of the property: same as address, Other: _____
How did you acquire the property: _____ Inherited _____
Purchase 19____
Other information you feel is important: _____

George LeMediator, Attorney at Law
3412 Oak Street
Anytown, Maine 04400-3412

10 November 1997

Ms. Sara Lee Annabel
281 Harbor Court
Anytown, Maine 04400-0281

Dear Ms. Annabel:

Both you and your neighbor, William Crumb, have chosen to mediate the dispute. I have already received the advance payment I requested from each of you. The date for mediation is set 21 November 1997. I have enclosed some guidelines for mediation that I would ask you to read and consider prior to the mediation.

I would like to spend two hours with each party before meeting together. I will plan to meet at your house at 8:00 a.m. I will plan to meet with Mr. Crumb at 10:00 a.m. at his house. I have chosen to meet at your respective residences so I will have the opportunity to walk along the boundary should time permit. I will break for lunch at noon and everyone should plan to get together at 1:00 p.m. at my office to settle the issue, pursue an agreement, or compromise.

At the a.m. meeting, it would be helpful to have your surveyor present along with any other consultant or person with relevant information. This meeting will allow you to provide me with the facts as you understand them. I usually find a separate meeting with each party beneficial for several reasons. First, each party can make their arguments and disclosures without fear that their disclosures will be exploited by the other party. Second, I can ask pointed questions to learn about and evaluate the situation without fear that your answers to my questions will be used by the other party to your disadvantage. Third, by getting information prior to the p

meeting, I can determine and focus the p.m. discussion on the gist of the problem. Fourth and finally, during the lunch time break I can prepare proposed solutions and compromise positions for the p.m. meeting.

At the 1:00 p.m. meeting it would probably be more productive to come alone and be prepared to mediate directly with the other party. There are several reasons for attending without the surveyors or other consultants. First, mediation generally involves exploring alternatives rather than presenting information. Consequently, consultants often sit around and are able to add little to the discussion, while costing you money for the time they attend. Second, the ego or pride of some consultants render mediation difficult because they either try to prevent their client from accepting a compromise that in effect ignores their efforts on the client's behalf or they argue with the other consultant or party when they feel their professional reputation has been questioned. At the very least, most consultants feel they have to say or do something to justify the fee they will charge for attending. Unfortunately, the more people that attend the p.m. meeting, the slower and more time consuming the process will be. This does not mean you should exclude your legal counsel. On the contrary, you are recommended to seek the advice or consult legal counsel before signing any agreement reached during mediation. In regard to legal counsel, I would ask that both parties agree to attend without legal counsel or agree that both parties should bring their legal counsel. If I do not hear otherwise, I shall assume that legal counsel will not be present. Please call me immediately if you plan to bring legal counsel with you to the p.m. meeting.

In accepting the role as mediator, I direct your attention to my earlier correspondence where I gave certain conditions that I must abide by as a member of the Bar offering mediation services. At this time I am unaware of any interests or relationships likely to affect my impartiality. To the best my knowledge and belief, I have not represented either party in any legal matters or have reasons such as marriage or ancestry that would appear to affect my neutrality. If any party is aware of facts or information contrary to my belief please let me know immediately. From time to time, I have given advice to surveyors in regard to liability and boundary location matters or otherwise worked with surveyors on other cases or dispute resolution services. In this respect, I have worked with or given advice to Mr. Crumb's surveyor, Gweniviene LaMeasure - which believe is how Mr. Crumb learned of my services as a mediator. This contract involved matters and cases unrelated to the present situation. I can assure you that this will not effect my services as an impartial mediator. My services are to guide both parties to an agreement. I should not and will not attempt to render any decision on the weight or accuracy of any party's information.

In closing, I have enclosed a brochure prepared by the Maine State Bar Association discussing mediation and other alternative dispute resolution options. If you have any questions do not hesitate to call me. I look forward to our mediation session.

Sincerely,
George LeMediator
Attorney at Law

Encl.: Mediation Guidelines MSBA Brochure

1. Each party involved in the mediation should be prepared to settle (good faith effort) and have the authority to settle. The authority required shall be active, not simply the authority to observe the mediation proceedings, but the authority to participate, negotiate, demand or offer, and make binding decisions.

a. Each party involved in the mediation that represents another person or acts for a person that is not a natural person should be represented by an officer with authority.

b. Any party with less than the full authority to settle an adverse claim as demanded, shall, for additional settlement authority, have immediate access to a person who will, in all probability, rely, to a significant degree, on the recommendation of the representative present at the mediation.

2. The same parties or representatives should be present during the entire mediation process.

3. Mediation is not an adversarial process. Parties do not come out ahead by pounding the other party into the ground, threats and insinuations. There will not be any cross-examination or bullying of any kind.

4. Information is critical and must be presented during mediation. The mediator should be given a copy of all documents that will be used to base a claim or deny the claim of the other side.

5. Mediation should not be unnecessarily delayed. Mediation sessions shall be scheduled as soon as possible and only postponed for good cause. If mediation will not solve the problem, it should be determined as soon as possible.

6. The mediator will sometimes play the devil's advocate. The mediator is not siding with the other party - only attempting to illuminate arguments in a manner that may not have been considered - showing the weaknesses in a case and the need for compromise.

7. The mediator will not issue any decision or advisory opinion.

8. The mediator will keep mediation sessions confidential.

9. As a general rule, mediation sessions should be informal. The rules of evidence and civil procedure are not applied. Good manners and courtesy are recommended but not absolutely necessary.

10. Mediation will not deny other options including litigation if mediation should fail. (In other words, the parties have nothing to lose.)

11. From time to time, angry outbursts occur. Don't take the criticism personal.

12. Attorneys are allowed to attend mediation with their clients. Attorneys are not always recommended where the parties are evenly disposed and the other side is not represented.

22 November 1997
Ms. Sara Lee Annabel Mr. William Crumb
281 Harbor court 282 Harbor Court
Anytown, Maine 04400-0281 Anytown, Maine 04400-0282
Dear Ms. Annabel and Mr. Crumb:

To summarize the mediation session, you have agreed to a

...continued page 20

ALTERNATE DISPUTE RESOLUTION

...continued from Page 19

common boundary between the pin set by Ms. Annabel's surveyor in the back and Mr. Crumb's surveyor in the front (along Harbor Court)

I have enclosed a document that will cause the agreed line you established yesterday to be surveyed, monumented, described and recorded. Please review this document with your attorney. If you find it satisfactory, I will fill in your names, date, locations, and the name of Ms. Gweniviere LaMeasure as the surveyor. As per your request, I will say she must provide three days notice before surveying the agreed line. Unless I hear otherwise, I will plan to stop by your residences next week on Thursday evening to get the completed agreement signed. At that time I will also ask for payment of \$50 from each of you to pay your share of the surveyor's fee. I have already contacted Ms. Gweniviere LaMeasure. She has agreed to set the corners, prepare a description, and prepare a plan depicting the agreed boundary for \$100. Once she has completed her work, I will record an affidavit, agreement, revised description, and plan at the registry of deeds. My time and the cost of recording is included in the fee you have already paid.

I congratulate you both on the compromise you reached. You have removed a potential problem with both your titles, remain cordial neighbors, and no doubt saved several hundred dollars in legal fees.

I look forward to seeing you next week.
Sincerely,
George LeMediator, Attorney at Law

Encl.: Agreement/Agreement to Survey/Document the Mediated Boundary

This agreement made effective as of 22 November 1997 by and between Sarah Lee Annabel of 281 Harbor Court and William Crumb of 282 Harbor Court all of the City of Anytown, County of Pejebscot, State of Maine for the purpose of fixing the location of the common boundary between the parties.

1. Since the location of the boundary is now in doubt and dispute, the parties have mediated their claims and compromised on a boundary location for their common boundary.
2. They agree to enter into a contract with, Gweniviere LaMeasure, a licensed surveyor in the state where the property is situated, and charge such surveyor to:
 - a. determine and mark the exact location of the corner(s) the parties have agreed upon;
 - b. to contribute equally to discharge the expenses incurred by reason of the making of such survey;
 - c. to abide thereafter by the corner points agreed upon and marked by the surveyor; and
 - d. to relocate fences and other improvements accordingly.
3. The surveyor shall give the parties 3 days' written notice before beginning to mark the actual location of the agreed boundary line. The surveyor may call on the parties for assistance when necessary for the purpose of locating such agreed line, and the parties may observe the actual survey and point out to the surveyor the landmarks and monuments known to them.

...continued Page 21

COUNTY SURVEYORS RECEIVE
INFORMATION ON NGS LEVELING
PROCEDURES TO BE USED IN HARN
PROJECT

by Jack Irwin, Marion County Surveyor

An information forum on "NGS" leveling office and field procedures for the proposed 1997 Indiana HARN Project was conducted by Bryan Catlin from MSE Corporation. The duration of the session was an hour and forty-five minutes on May 6, 1997, and was hosted by the Marion County Surveyor. The attendees were meant to be the county surveyors- and HARN participants located around Marion County. Enclosed are the names of the attendees, as well as, a list of the manuals that were distributed.

The aim of the meeting was to make sure that we (county surveyors) will be coordinated and correct in our efforts to establish the "HARN" in Indiana.

In attendance were:
Jack Irwin, Marion County Surveyor
Aldridge, Henry, INDot
Bodkin, Susan, Hancock County
Catlin, Bryan, MSE Corporation
Cummings, Duane, INDot
French, Jeff, Ripley County Surveyor
Gardner, Mark, INDot
Gentry, Tom, Hancock County
Glass, Ed, Marion County
Greene, Timothy, Marion County
Groves, David, Bartholomew County
Hoopengartner, Paul, INDot
Kiste, Timothy, Marion County
Mahon, Tom, HERPICC
Miller, Rick, Schneider Engineering
Mills, Frank, Hamilton County
Powell, Jeff, Shelby County Surveyor
Pruett, David, Marion County
Randall, Alan, INDot
Rhodes, Jay, Hendricks County
Sanders, Rik, Bartholomew County
Seig, Rob, Ripley County & Chaffer & Assoc.
Smith, Ted, Shelby County
Smoll, David, Hancock County Surveyor
Whiteside, John, Marion County
Wilcoxon, Robert, Marion County
Williams, Jack, INDot
Wyant, Jim, Hamilton County
Distribution of Manuals:

1. Standards and Specifications for Geodetic Control Networks, Reprinted August, 1993, by: Rear Adm. John R. Bossler, NOAA
2. Input Formats and Specifications of the National Geodetic Survey Data Base, Volume II. Vertical Control Data, September 1994, by: Radm J. Austin Yeager, NOAA
3. Control Leveling, NOAA Technical Report NOS 73 NGS 8, May, 1978, by: Charles T. Whalen

IF YOU'RE SMOKING; YOU'D BETTER BE ON FIRE!

by Ron Koons, RoSaKo Enterprises

Safety Consultants, Middletown, Indiana

I saw the title of this article on a sign at a flea market last weekend and it really caught my attention. Actually I didn't just see the sign one time, I probably saw it twenty or thirty times. I believe the managers were trying to get their point across that there was to be no smoking within their building. There were other signs also and the combination must have worked because I saw no one smoking in the structures and the facility was huge. As you may have guessed, we are going to look at smoking this month. I am not going to pass any moral judgment or tell you what to do, I will just present a few facts.

The Occupational Safety and Health Administration has been looking at the Indoor Air Quality (IAQ) problem for several years. If OSHA is going to have anything to say about overall smoking in the workplace, it will probably come under the IAQ discussions. There are currently some situations where smoking is prohibited under OSHA and possibly other government regulations. OSHA doesn't allow smoking in refueling areas, confined spaces, or anyplace that also bans open flames. By reference, OSHA also may prohibit smoking anyplace it could cause health or safety problems to any employees. (That is currently being done in asbestos removal and lead abatement construction areas.) If OSHA and the government is to believe the experts who say second hand smoke is detrimental to our health, then the OSHA General Duty Clause would cover second hand smoke at the present time. Knowing a more specific regulation would be required to keep any citations out of court for years, the entire subject is being studied as part of the IAQ meetings and research.

Many of you may have banned smoking in your facilities. This occurs in varying degrees and under many sets of guidelines. Some of you have also had your fire insurance carrier either mention or even come down hard on smoking. Individual employee life insurance or medical insurance may quite often be quoted based upon smoking or nonsmoking status. If you put some restrictions on smoking in your business, consider some of the "side effects" of your decision. First of all where do you let them smoke? In a break room? Then you will probably need a second break room for non-smokers. Just outside the door on a break? I go to the Indiana State Office Complex in downtown Indianapolis on a regular basis. When entering most areas of the complex I almost need an SCBA to get through the throng of workers who are smoking at the entrances. This gives a very negative image for the State of Indiana and most certainly would for your facility. If inside smoking is only permitted in certain areas then you will probably need to consider additional ventilation as well as make up air.

Have you ever moved furniture or wall hangings in a room where someone has smoked? You will most likely find strong signs of discoloration. Consider what smoking may cost your business in additional cleaning and upkeep charges. I worked in an office one time where the bookkeeper smoked heavily. We actually had customers complain about our invociess smelling strongly of smoke when received in their office.

Don't forget your work vehicles. I have spoken with several businesses who have had employees complain about other employees smoking in work vehicles. Not only has the government determined that smokers have a higher accident rate, but this could be a potential point of a future OSHA complaint from an employee. Also don't forget about the fire safety when employees are outdoors. I am certain you don't want to be blamed for your employees sparking a major field or forest fire via a discarded cigarette.

Just so it won't seem like I am really coming down hard on smokers, you need to understand that I am a firm believer in individual rights. As my father used to explain to me, any individuals rights stop where another persons rights begin. It is defining the exact point of transition that becomes quite complicated.

You have to weigh the rights of your employees and your customers along with your need to operate a profitable business. I have been saying for the last two or three years that some type of workplace restriction on smoking is coming from OSHA within the next few years. With Joe Camels death just recently, I believe the restrictions may just be a lot closer. So warn all of your smokers. In the near future the only way they might be able to smoke in your business is if they are on fire!

ALTERNATE DISPUTE RESOLUTION

continued from Page 20

4. After the surveyor has determined and marked the location of the common boundary line, the surveyor shall prepare a map that defines the common boundary line by courses and distances from other corners of the parties' properties. The parties shall cause and permit this agreement and the accompanying surveyor's map to be recorded in the Office of Register of Deeds of the County of Pejebscot, State of Maine, the map thereafter shall be accepted as being as effective in fixing the boundary line between the parties to this agreement as if deeds were actually executed by each party.
5. Should any party, their representatives, their heirs, or assigns contest the surveyor's undisturbed marks and monuments and thereafter begin litigation and lose or withdraw from litigation, they shall be responsible for the other party's reasonable costs and fees resulting from the subsequent litigation.

In witness whereof, each party to this agreement has read it in its entirety or had it explained to them, including attachments and references, and caused it to be executed at _ on the day indicated in the heading.

Sarah Lee Annabel William Crumb
State of Maine, County of Pejebscot 30 November, 1997

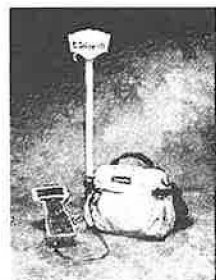
Then personally appeared the above named William Crumb and Sarah Lee Annabel and acknowledged the foregoing instrument to be their free act and deed.

Before me,
George LeMediator, Attorney at Law



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4600 LAND SURVEYOR



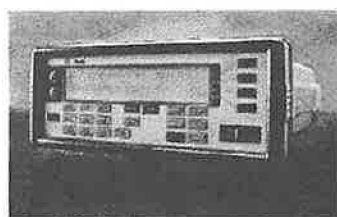
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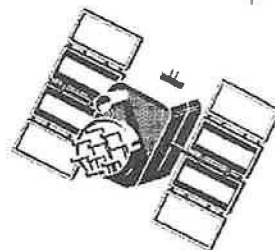
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IDEM SEEKS PUBLIC COMMENT ON ENVIRONMENTAL GOALS

Indiana Department of Environmental Management Commissioner John M. Hamilton has announced that the draft of IDEM's goals and objectives for the coming year has been issued for public comment. Called **Draft Goals, Objectives and Indicators for the fiscal year (FY) 98-99 Environmental Performance Partnership Agreement (EnPPA)**, the document is the basis for the agreement between IDEM and U.S. EPA for the next year.

Hamilton said, "This document will set the direction for Indiana's environmental protection for the next ten years. While we will make course corrections each year, this document will establish the relationship between IDEM and our clients, customers and stakeholders. It is a very important document for the state and all Hoosiers".

The public comment period for the draft EnPPA document will continue through August 8, 1997. Comments bearing on this year's EnPPA draft document must be submitted in writing to IDEM no later than that date and should be sent to Jean Lambert, IDEM, IGC-N, Suite N-1154, 100 N. Senate Avenue, P.O. Box 6015, Indianapolis, IN 46206-6015. Comments may also be sent by fax to (317) 232-3403. Copies of the draft EnPPA document may be obtained by writing Jean Lambert or calling (800) 451-6027.

Hamilton also announced that IDEM will hold a public hearing for receiving final comments on the draft EnPPA document on August 12, 1997. The time and place of the meeting will be 4:00 p.m., Tuesday, Aug. 12, 1997 at IGC-S, conference Room A, 402 W. Washington St., Indianapolis.

The draft documents sets forth the specific points of the Environmental Performance Partnership Agreement (EnPPA). This is the second year for the EnPPA approach for IDEM. It represents a new way to measure the success of the agency. The accomplishments of the agency are no longer determined solely by the number of permits issued, fines ordered and collected and the number of facilities inspected. Instead, the EnPPA sets forth specific goals against which success will be measured and indicators which will tell us the impact on the environment.

The draft EnPPA agreement includes ten strategic and environmental goals. The goals deal with areas such as pollution prevention, reduction of toxic releases, focus on Northwest Indiana, reduction and safe management of waste, the cleanup of contaminated sites and improvement of services to the public. Other goals include improvement of Indiana's air quality, restoring and protecting Indiana surface water quality, protection of ground water, and ensuring safe drinking water. Each strategic or environmental goal includes several environmental objectives, behavioral objectives and indicators that make up the over-all goal.

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DATE: FRIDAY, OCTOBER 3, 1997

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"Take the surveyors out of American history and the gaps become appalling. George Washington handled the chain and compass in the rough valleys of western Pennsylvania. William Clark, discoverer of the Columbia River, ran county lines in the Blue Ridge Mountains and was surveyor-general of Illinois. Abraham Lincoln ran section lines over the low hills that hem the Sangamon.

"The surveyors pushed ahead of settlement into new country, not roving like traders and hunters, but methodically following a compass needle, taking measurements, calculating elevations, fixing exact and unalterable benchmarks. They advanced into a country that was land merely, and they left it invisibly and forever changed. Their field notes were the basis of a future civilization. With every sight and measurement, the surveyors gave the land a pattern as fixed and final as the ordered stars. No men in America did more lasting work than theirs."

Walter Havighurst, "Chain and Compass" from *America - Prose and Poetry about the Land, the People, and the Promise*, 1957, as seen in "Wisconsin Professional Surveyor", September, 1996.

CHANGES IN INDIANA LAND SURVEYOR STATUTE TAKE EFFECT JULY 1, 1997

The Indiana Society of Professional Land Surveyors sponsored some changes (Senate Bill 182) in the Indiana Code concerning the State Board of Registration for Land Surveyors Statutes during the 1997 legislature, which were passed and signed by the governor to take effect July 1, 1997.

A synopsis follows:

- Sec. 1: IC 25-1-11-10 Adds "and competently" to "practice safely" with regard to a possible requirement to take a mental or physical examination.
- Sec. 2: IC 25-1-11-13 Adds "property" to "danger to public health and safety" as grounds to suspend a license.
- Sec. 3: IC 25-1-11-14 Adds "and competency" to "practice with reasonable skill and safety" for reinstating a suspended license.
- Sec. 4: IC 25-21.5-2-2 Adds one more land surveyor board member (increases size of board from 6 to 7).
- Sec. 5: IC 25-21.5-2-8 Gives the board the ability to conduct business even if the chairman and vice-chairman are not present.
- Sec. 6: IC 25-21.5-5-8 Modifies applicant reporting requirements to make it easier for the board to verify experience.
- Sec. 7: IC 25-21.5-5-9 Clarifies reference requirements for LSIT applicants who are:
(1) seniors in an approved land surveying curriculum in Indiana and
(2) those without degrees who must submit a detailed summary of the technical work performed and its confirmation.
- Sec. 8: IC 25-21.5-5-9.5 Requires the five references for a land surveyor candidate to give his license number and that the reference be not more than one year old.
- Sec. 9: IC 25-21.5-6-1 Clarifies and modifies various parts of the licensing examination particularly the "state specific section".
- Sec. 10: IC 25-21.5-6-2 Technical correction without effect.
- Sec. 11: IC 25-21.5-6-4 Technical correction without effect.
- Sec. 12: IC 25-21.5-6-6 Repeals most of this section regarding re-examination; leaves fee for retaking examination.
- Sec. 13: IC 25-21.5-7-1 Changes the word "registrant" to "land surveyor in training".
- Sec. 14: IC 25-21.5-7-2 Changes the word "enrollee" to "land surveyor in training".
- Sec. 15: IC 25-21.5-7-3 Requires that a land surveyor in responsible charge for a company be a full time employee.
- Sec. 16: IC 25-21.5-7-5 Adds the word "certification" and states the legal authority for establishing a fee.
- Sec. 17: IC 25-21.5-7-6 Technical correction without effect.
- Sec. 18: IC 25-21.5-8-7 Inactive licenses have no license renewal fee.

Sec. 19: IC 25-21.5-9-1 Removes and adds some requirements in the making of a land surveyor's seal. This section now reads:

"(a) The granting of registration extends to the land surveyor the authority to use a seal of a design authorized by the rules of the board. The act of affixing the seal attests to the land surveyor's acceptance of full responsibility for the sealed documents. A person may not stamp or seal a document with a seal while the certificate of the named land surveyor is expired or revoked.

(b) Collection of field data, not reduction, computation, office analysis and preparation of certificates and reports for a land survey, plan, specification, plat, drawing, or report sealed by a land surveyor must be performed by a land surveyor or an employee acting under the personal supervision and direction of the land surveyor."

Sec. 20: IC 25-21.5-9-2 Technical correction without effect.

Sec. 21: IC 25-21.5-9-4 Recognizes a pre-existing exemption granted in IC 25-21.5-1-7.

Sec. 22: IC 25-21.5-9-5 Technical correction without effect.

Sec. 23: IC 25-21.5-9-6 A NEW SECTION is added to make a licensed land surveyor responsible for their employees and require them to maintain records. This new section now reads as follows:

"Sec. 6. (a) A land surveyor:

(1) is personally responsible for designing and directing the training, procedures, and daily activities of an employee participating in any part of the land survey; and

(2) shall maintain records that are reasonably necessary to establish that the responsibility of the land surveyor for the employee that is required by this section has been fulfilled.

(b) Before a land surveyor completes, seals, or signs a survey, plan, specification, plat, drawing, or report, all procedures followed and the decisions made by the employee who participated in the survey, plan, specification, plat, drawing, or report must be reviewed and approved by the land surveyor."

Sec. 24: IC 25-21.5-11-2 Technical correction without effect involving filing actions against non-registered land surveyors engaging in practicing land surveying.

Sec. 25: IC 25-21.5-11-2 Changes the word "injunction" to "order".

SURVEYORS RENDEZVOUS

SEPTEMBER 26, 27, 28, 1997,
WICKLIFFE, KENTUCKY

The Surveyors Historical Society is planning a two-day search for a two-hundred year old lead monument. In January of 1797 Andrew Ellicott nailed a lead plate on his observation station at the confluence of the Ohio and Mississippi Rivers. On September 26 and 27, 1997 the Surveyors Historical Society will try to recover this monument, and you are welcome to be a part of this continuing education experience entitled the "Surveyors Rendezvous". There will be six classroom hours of lecture, plus the field search, plus a swap-meet of surveying memorabilia, plus re-enactments, plus a barbecue, and a general good time. Registration fees \$50 for SHS members or \$80 for non-members. Information and registration packets are available from the Surveyors Historical Society, 300 West High Street, Lawrenceburg, Indiana 47025-1912 or by calling 813/537-2000.

All speakers at the conference are nationally known authorities on surveying history, and continuing education unit's valuation is pending. Table space for equipment and memorabilia or demonstrations for the swap meet will be available at minimal cost.

PROGRAM FOR SURVEYORS HISTORICAL SOCIETY RENDEZVOUS

Friday, September 26 -- Classroom Sessions @ Courtyard by Marriott, I-24 @ US #60, (Exit 4) Paducah, Kentucky

- 9:00-10:00 A.M. Andrew Ellicott's life with emphasis on his 1796-1800 survey expedition to establish the United States -- Spanish boundary presented by Milton Denny, Tuscaloosa, Alabama.
- 10:00-11:00 A.M. Techniques, equipment, and accuracies for longitude & latitude in 1797 with new calculations of Ellicott's confluence field data presented by Dr. Joseph Senne, Rolla, Missouri.
- 11:00-12:00 A.M. Archaeology for the Surveyor -- Recent searches and finds of Ellicott's United States -- Spanish boundary survey presented by Gregory Spies, Mobile, Alabama.
- Lunch on own Travel to Wickliffe, Kentucky at the confluence of the Ohio and Mississippi Rivers approximately 30 miles west on US Highway #60 for field laboratory sessions.
- 2:00-2:15 P.M. Reconvene in Wickliffe City Park. Welcome by Mayor Silvio Mayola.
- 2:15-3:00 P.M. Reports of preliminary field work by David Dummer, Paducah, Kentucky and Russell Kastle, Breckenridge, Minnesota.
- 3:00 P.M. Participation in archaeological type search for lead plate left by Ellicott January 1797 and other remnants of that survey party's two month encampment.
- 7:00 P.M. Reconvene at Wickliffe City Park for outdoor barbecue and chicken fry. Chefs: Steve Crain, Mounds City, Illinois and David Ingram, Mount Crawford, Virginia.

Saturday, September 27 -- Classroom session @ Courtyard by Marriott, I-24 @ US #60, (Exit 4) Paducah, Kentucky

- 9:00-10:30 A.M. Collecting and the development of Surveying Instruments presented by Dr. Richard Elgin, Rolla, Missouri.
- 10:30-12:00 A.M. William Clark's 38,000 acre grant at Paducah and Surveying in the Jackson Purchase, presented by Andrew Kellie, Murray State University, Kentucky.
- Lunch on own Set up trading and display tables @ shelter in Wickliffe City Park (four weather alternate -- Ballard County Courthouse Wickliffe).
- 12:00 - 5:00 P.M. Activities available
A. Swap meet/surveying flea market
B. Ellicott archaeological dig
C. Wickliffe Mounds flint-knapping demonstrations
D. Survey party re-enactors
E. SHS Historical Survey Site Monument Dedication
- 7:00 P.M. Rendezvous Closing Dinner

Sunday, September 28 -- Final chance at Ellicott's excavation

Enclosed is my check # _____ in the amount of \$ _____ made payable to the **Surveyors Historical Society**. Please reserve _____ registrations for me at the Surveyors Historical Society 1997 Rendezvous.

SHS member @ \$50 Non-member @ \$80

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Registration fees are 100% refundable until **September 1, 1997**.

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August 18-22, 1997

Tri-Service CADD/GIS/FM Symposium '97 U.S. Army Corps of Engineers and NOAA Surveying, Mapping and Remote Sensing Conference, Adam's Mark Hotel, St. Louis, MO.

August 21, 1997

G. Lengemann Open House, 7528 Pendleton Pike, Indianapolis, Time: 8:00 a.m. - 6:00 p.m.

September 5-6, 1997

ACSM Spatial Data Certification Workshop Program (29 Workshops offered by experts) Raleigh, North Carolina

September 13, 1997

ISPLS Picnic, Brown County State Park, Nashville, Indiana

September 13, 1997

ISPLS Board of Directors Meeting, Brown County Inn, Nashville

September 26, 1997

ISPLS Workshop, "Deed Analysis & Boundary Resolution in the Public Lands", Pokagon State Park, Angola, IN,

September 26-27, 1997

Surveyors Historical Society Rendezvous and Archaeological Dig at Ellicott Encampment at confluence of Ohio and Mississippi Rivers. Paducah - Wickliffe, Kentucky

October 24, 1997

ISPLS Board of Directors Meeting, Holiday Inn S.E., Indianapolis

October 24, 1997

Initial Point Workshop, "Theory of Location", Speaker Pat Cunningham, Contact: Frank Ballintyn 812-949-2207 or Vic McCauley 812-969-2186

October 28-30, 1997

ACSM GIS/LIS '97 Conference, Cincinnati Ohio

December 6, 1997

ISPLS Board of Directors Meeting, Indianapolis

January 14,15, 16, 1998

ISPLS Annual Conference, W. Lafayette, IN

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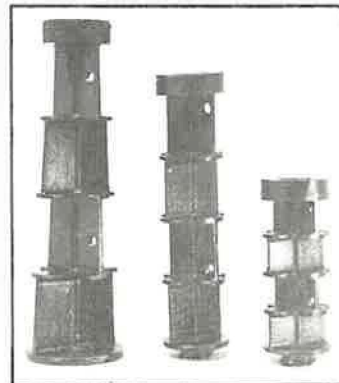
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