



THE

INTERIOR ANGLE

KAPS 2011

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ADVERTISEMENT POLICY

The Interior Angle is the official publication of the Kentucky Association of Professional Surveyors (KAPS). It is published quarterly for the purpose of communicating with the professional surveying community, related professions and others with an interest in surveying. *The Interior Angle* is financed primarily by membership dues although advertisements are welcome from service and product industries relating to the needs and activities of the profession. *The Interior Angle* is mailed to KAPS members and similar organizations on a complimentary basis.

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Editor — The Interior Angle
124 Walnut Street
Frankfort, KY 40601

Letters must be signed and include a daytime telephone number. The name of the letter's author may be withheld if requested. Letters may be edited for clarity and length.

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KAPS Welcomes Our New Members

Daniel Collier, Falls of the Ohio Chapter

Rick Nunnery, Bluegrass, Capitol Chapter

Gary Chris Slone, Highlands Chapter

KAPS 2011 Officers & Directors

- President Donald Pedigo, PLS
- President-Elect Donald Pedigo, PLS
- Vice President,
External Affairs James Mayo, PLS
- Vice President,
Internal Affairs John Schneider, PLS
- Past President Brian Cox, PLS
- Secretary Bob Fentress, PLS
- Treasurer Doug Comer, PLS, PE

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Chair Chris Gephart, PLS
- NSPS Governor Craig Palmer, PLS
- KY State Board of
Licensure Liaison Chris Gephart, PLS
- KSPE Liaison Bob Westermeyer, PLS
- GIAC Liaison Ted Niemann, PE, PLS
- KAMP Liason (Non-Voting) Steve Lily, PLS

Directors

- | | |
|---------------------|-------------------|
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| Doug Comer, PLS, PE | Bob Fentress, PLS |
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- Audubon Tom Clayborn, PLS
- Barren River Shaun Foley, PLS
- Bluegrass Capitol Kevin Phillips, PLS
- Falls of the Ohio Tim Chilton, PLS
- Green River Bobby Miller, PLS
- Highlands Johnny Justice, PLS, PE
- Northeast Mike Ruggles, PLS
- Northern Kentucky Tom Bushelman, PLS
- Purchase Jonathan Payne, PLS
- Southeast John Schneider, PLS

KAPS Office Staff

Molly Forrest, Executive Secretary

An Affiliate of the American
Congress on Surveying and Mapping and
The National Society of Professional Surveyors



KAPS 2011 Standing Committee Chairs & Co-Chairs

- Annual Conference Donald Pedigo, PLS
- Annual Picnic Donald Pedigo, PLS
- Boy Scouts James Robert, PLS
- By-Laws Tom Bushelman, PLS
- County Surveyors Richard Montgomery, PE, PLS
- Education Dr. Ronald E. Gallagher, PLS
- Ethics & Professional Practice Chris Gephart, PLS
- Finance James Mayo, PLS
- GIS Edmund "Moe" Miller, PLS
- Legislative James Riney PE, PLS
- Membership Robert Westermeyer, PLS
- Minimum Standards Donald Pedigo, PLS
- Nominating Executive Committee
- Past Presidents Brian Cox, PLS
- Policy Manual Tom Bushelman, PLS
- Professional Development James Mayo, PLS
or Chris Gephart, PLS
- Public Relations Thomas Clayborn, PLS
- Publications / Newsletter Doug Comer, PLS, PE
- Scholarship John St. Clair, PLS

It may have been raining
outside, but there was
still fun to be had at the
2011 KAPS Picnic.

DON PEDIGO, PLS

Kentucky Association of Professional Surveyors
124 WALNUT STREET • FRANKFORT, KENTUCKY 40601

From the President's Desk



If you have a particular meeting or function you would like for me to attend, please let me know as soon as possible so I can get it on my schedule. We depend on the chapter chairs to help keep the membership informed of what is going on at the State level and with the workings of the KAPS Board. Please keep up the good work.

The following is a brief review of activities since our April 09, 2011 and June 17, 2011 board meetings:

It's obvious we are in the "HEAT" of it – Be Careful out there!

I truly look forward my term as President. I feel that KAPS is moving in a positive direction. My main goal for 2011 and 2012 is to keep KAPS moving in that positive direction. There will be and already have been some changes within KAPS this year. I/we will strive to make all of the changes positive ones that will benefit the membership and the surveying profession in its future endeavors. With your help that is easily an achievable goal, and one I believe we should all pursue. Part of the pleasure of being President is meeting the KAPS membership and visiting with the various Chapters around the state. This year, I plan to visit all ten Chapters.

Experience Only Route to Survey Licensure has Expired

– Three routes to surveyor licensure under KRS 322.047 (1) (a) expired on June 30, 2011. Approved applicants may continue under these routes towards licensure if they are "in the pipeline" as of June 30, 2011. "In the pipeline" means as a minimum, that they have been approved to sit for the FLS examination. Due to this expiration, the board guidelines will need to be revised. This was discussed at the July Board of Licensure meeting.

Ms. Betty Gray's Retirement Dinner – We held a dinner in honor of Betty for her 16 years of dedicated service on Saturday May 21st 2011 at the

Claudia Sanders Dinner House in Shelbyville, Kentucky. We were successful in surprising her and I truly believe she had a great time. Approximately 60 people from across the Commonwealth and Mr. Curt Sumner of ACSM out of Gaithersburg, MD was also in attendance. Due to the generosity of the chapters and membership we are able to give a nice check and gifts.

Ms. Molly Forrest, New Administrative Assistant for KAPS

– Ms. Forrest (Molly) began work with us in March of this year. Molly is doing a great job! We are blessed to have a person like Molly in our association. She is energetic and willing to tackle any job. In the short few months she has been with us, she has been successful in organizing the office, and bringing KAPS more into the electronic age. If you have not met Molly, give her a call or better yet, come by the office and meet her, you will be as impressed as I am.

KAPS Golf Outing and Picnic

– KAPS held our annual golf outing and picnic on June 17th and 18th at Barren River State Resort Park golf course in Lucas, Kentucky. The event was a great success! We were able to raise several thousand dollars for KAPS and our scholarships thanks

to hole sponsorship money totaling \$4,450.00. This has been said before, but is worth repeating - In this challenging economic time, I am excited to say the turn out for both the golf outing and the picnic was good, proving that the resilience and perseverance of surveyors in Kentucky is truly special. The success of both events was made possible by the hard work of Ms. Molly Forest, and my understanding wife Ms. Cathy Pedigo. Thank you to all the hole sponsors, golf and picnic attendees and everyone that assisted in making this event special and a success. I personally and sincerely appreciate everyone's contribution to the golf outing and picnic.

Revisions to 201 KAR 18: 192 – After our April 09, 2011 and June 17, 2011 KAPS Board of Directors meeting we issued letters regarding the proposed changes to the current 201 KAR 18:192 regulation. In the April committee and Board of Licensure meetings, the decision was made by the Board not to pursue the changes as proposed at that time. The Board of Licensure and committees met again on July 7th and 8th, 2011. The Board did vote in their July 08, 2011 board meeting to move forward with some changes to the continuing professional development (C.P.D.) for Professional Land Surveyors regulation. They looked into the approval of providers in lieu of approving courses, but after some research and discussions with KAPS, decided not to pursue approval of providers.

They are however going to go forward with the support of KAPS with revisions to the regulation to remove KAPS and KSPE as members of the CPD Committee. Currently the committee is composed of four board of licensure members, one non-voting member of KAPS and one non-voting member of KSPE. Basically, the revision would be to remove the KAPS and KSPE member from the committee. The removal of a KAPS and KSPE member from the committee stems from being in direct conflict with the Governors Ethics Proclamation as stated in Executive order 2008-454 dated May 27, 2008. Please keep in mind the meetings are open to the public and us. In discussions they made it very clear that we were welcome to attend, but being listed as a member by regulation is a conflict of interest.

Lightsquared Technology, FCC and the effect on GPS Concerns:

LightSquared is a company that is building a nationwide wireless broadband system utilizing 4G LTE technology that is both space based (satellite) and terrestrial based (cell towers). It plans to provide 4G wireless technology to 90% of the U.S. population by 2015. In doing so, the company proposes to build 40,000 terrestrial base stations. LightSquared satellites operate in the 1525Mhz to 1559Mhz band which is directly adjacent to the L1 band used by GPS. This portion of the spectrum is also allocated for satellite use. On January 26, 2011, the FCC granted LightSquared a conditional waiver to allow them

to transmit from their terrestrial base stations using the same 1525Mhz to 1559Mhz band that their satellites are using. LightSquared's terrestrial transmitters will transmit a signal that is 1 billion times stronger than the GPS signals received on earth. This has generated a great deal of concern among the GPS user community that such a strong signal so close to the frequency that GPS utilizes will "jam" the GPS signal making it unusable. Protests have been sent to the FCC in this regard by the Pentagon, Lockheed Martin, DoD, various DoT's, and The Save our GPS Coalition which is backed by Caterpillar, Deere Company, UPS, Garmin, and others. The website for the Coalition is www.saveourgps.org.

ACSM/NSPS Organizational Changes – Dissolution of ACSM:

Mr. Craig Palmer, our NSPS Governor, has been keeping us apprised of the changes proposed within ACSM and NSPS. The following is an excerpt from the organization notice we received on July 18, 2011 from Craig.

At the past ACSM Congress meeting on July 13, 2011, the representatives to the Congress approved the following motion:

It is moved that in the interests of leading toward a viable single organization, the ACSM Congress be disbanded and the dissolution of ACSM begin and in conjunction with the process, ACSM turn over all operation, control, assets and liabilities to NSPS.

And furthermore,

That the NSPS immediately proceed with a realignment into a unified organization made up of individual members with equitable representation that encompasses the broader definition of surveying to include professional surveyors, geodesists and other geospatial professionals; that the realigned organization adopt the following mission statement: "The mission of the organization shall be to represent and advance the sciences and disciplines of surveying, geodesy, cartography, and related fields through education and communication, in furtherance of public good."; that the realigned organization adopt a structure similar to that of NSPS; that the realigned organization take immediate action(s) to reduce administrative costs; that the realigned organization immediately develop a plan to attract new members in all of the disciplines of surveying, geodesy, cartography and related fields, and develop a marketing strategy.

Proposed Easement Regulation: Easement regulations have been discussed for quite some time. At the direction of the survey

committee, the staff and board legal counsel drafted proposed language for change. The language is a result of research along with communications with several utility companies by the board of licensure staff. A "DRAFT" document pertaining to new easement regulations was presented to the Survey committee and the Board of Licensure at their committee and board meeting Thursday and Friday July 7th and 8th, 2011. The survey committee presented the language to the board and asked that the language be distributed to KAPS and Utility companies and/or interested parties for their review and comment. The board did just that and they approved the distribution of the language. Please review the document and provide me or Mr. Jim Riney (Legislative Committee Chair) with your questions, comments and/or concerns so we can formulate a list of questions and a unified response to the board of licensure's survey committee. If you don't have a copy of the document please feel free to contact myself or Mr. Riney and we will see that you receive one. If at all possible, please provide your questions, comments and/or concerns in

writing so we can accurately and effectively compile the information.

In closing, thank you for the opportunity to serve you. I promise that I will serve the membership and the Board of Directors to the best of my ability. I will strive to achieve goals that we set and to keep KAPS and the surveying profession moving forward and in a positive direction. I look forward to visiting with our membership throughout the year and will do my best to get new members involved in KAPS. I truly look forward to making new friends this year. Please don't hesitate to call or contact me.

Professionally,
Don Pedigo, PLS
KAPS President

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B. DAVID COX, EXECUTIVE DIRECTOR

Kentucky State Board of Licensure for Professional Engineers and Land Surveyors
Kentucky Engineering Center, 160 DEMOCRAT DRIVE • FRANKFORT, KENTUCKY 40601

The Board Report

Board Members

Charles C. Schimpeler, PhD, PE

We are saddened at the loss of one of our Board members, Charles C. Schimpeler, PhD, PE, who passed away July 13, 2011 at the age of 71. Charlie's service to our Board and the engineering and surveying professions will be missed. The family has requested that expressions of sympathy be conveyed in the form of a contribution to the University of Kentucky College of Engineering's Civil Engineering Enhancement Fund.

M. R. Wilhelm, PhD, PD

Dr. Wilhelm will be stepping down from the post he has held since 2004 as the Dean of the University of Louisville Speed School of Engineering effective August 31, 2011. He will return to the industrial engineering faculty, which he joined in 1975. His seat on the Board will be filled by the incoming Dean, Neville Pinto, PhD, when he assumes his post September 1, 2011. Mickey has been a great Board member whose counsel will be missed.

Randall R. Russell, PE

At the 2011 NCEES Southern Zone meeting, Mr. Russell received the NCEES Southern Zone Distinguished Service Award "as an acknowledgement of loyal and valuable service to the Southern Zone, to the National Council of Examiners for Engineering and Surveying and to the engineering and surveying professions". Congratulations to Randall!

Engineering and Surveying

Exams

The results of the April 2011 exams are below. The second percentage shown in each line below is the national average.

Fundamentals of Engineering

First Time Takers 203/289 = 70%; 76%

Repeaters 19/49 = 39%; 34%

Total 222/338 = 66%; 68%

Principles & Practice of Engineering

First Time Takers 54/76= 71%; 69%

Repeaters 30/60 = 50%; 38%

Total 84/136 = 62%; 55%

Fundamentals of Surveying

First Time Takers 17/36 = 47%; 67%

Repeaters 3/9 = 33%; 25%

Total 20/45 = 44%; 54%

Principles & Practice of Surveying

First Time Takers 6/7= 86%; 71%

Repeaters 3/7 = 43%; 41%

Total 9/14 = 64%; 58%

Continuing Education for Surveyors

Our January 2011 report discussed the Board's consideration of removing the optional preapproval of courses language from the continuing education

regulation, 201 KAR 18:192. Currently, providers have the option of submitting courses to the Continuing Professional Development Committee (CPDC) for preapproval. The Board decided not to remove this option.

The Board will propose a change to the composition of the CPDC. The change would be to remove the KAPS and KSPE representatives due to the perceived conflict of interest.

Unlicensed Practice

We are experiencing increased incidents of licensees practicing on a suspended license, and revoked licensees continuing to practice. If you become aware of such a situation, please inform the Board immediately.

NCEES Service

Kentucky is once again well represented on NCEES national committees. Those chosen to serve in the upcoming year are:

Randall Russell, PE – Committee on Examination Policy and Procedures

Dennis Smith, PE, PLS – Committee on Examinations for Professional Surveyors

Jim Riney, PE, PLS (emeritus Board member) - Committee on Examinations for Professional Surveyors

David Cox (Executive Director of Board) – Committee on Finances

KENTUCKY STATE BOARD OF LICENSURE

2011 CALENDAR OF EVENTS

October 7	Board Meeting	Frankfort KY
October 28	PE, PS Exams	Louisville KY
October 29	FE, FS Exams	Louisville KY



BOARD OF LICENSURE DISCIPLINARY ACTIONS

Kentucky Engineering Center
160 DEMOCRAT DRIVE • FRANKFORT, KENTUCKY 40601

Board Disciplinary Actions

April 16 – July 8, 2011

DONALD R. ROBERTS, PLS

In September 2009, in response to multiple complaints, Donald R. Roberts, formerly of Owingsville, KY, voluntarily surrendered his Kentucky professional land surveyor's license. In September 2010, the Board received information that Roberts had continued to practice after his license was surrendered. An investigation confirmed the allegations. When confronted with the evidence compiled by the Board, Mr. Roberts, who now resides Florida, agreed to cease the unlicensed practice of land surveying. The matter was settled with an Agreed Injunction enjoining Mr. Roberts from further unlicensed practice. No penalties were assessed for the current violation. However the Injunction calls for a fine of \$1000 and seven (7) days in jail for any future violation. The Injunction was entered in the Franklin Circuit Court on June 9, 2011.

PETER WALKER GRIMES

In November 2009 the Board of Licensure learned that Peter Walker Grimes, an unlicensed person affiliated with an Oil and Gas consulting firm, had pleaded guilty to a felony involving a fraudulent air quality permit. On January 14, 2010 Mr. Grimes was granted pre-trial diversion for five years. The diversion agreement included a requirement that Grimes not hold himself out as

a professional engineer in the Commonwealth of Kentucky until such time as he is so licensed. In May 2011 the Board contacted Mr. Grimes and requested that he enter a permanent agreement not to engage in the unlicensed practice of engineering in Kentucky. Mr. Grimes agreed and entered into an Agreed Injunction enjoining him from unlicensed practice of engineering. The Injunction calls for a fine of \$1000 and seven (7) days in jail for any future violation. The Injunction was entered in the Franklin Circuit Court on June 15, 2011.

JERRY LEE CANNON, PLS

On April 15, 2011 the Board of Licensure entered into a Consent Decree with Jerry Lee Cannon, PLS of Crittenden, Kentucky. Mr. Cannon had been arrested two months earlier by Federal authorities on charges relating to the alleged distribution of child pornography. In the Consent Decree, Mr. Cannon agreed to the immediate suspension of his land surveying license pending the outcome of his criminal case. Mr. Cannon agreed in advance that if entered a plea of guilty or if he were convicted, the suspension would automatically convert to a revocation. On April 19, 2011 Mr. Cannon entered a plea of guilty in the criminal case. In accordance with the terms of the Consent Decree, Mr. Cannon's professional surveying license was revoked effective April 20, 2011.

MANSEL SHANE KRIMM, PLS

On April 15, 2011 Mr. Mansel Shane Krimm, PLS of Bardstown, KY entered into a Consent Decree with the Board of Licensure in settlement of a disciplinary action. Among other things, the Consent Decree required that Mr. Krimm pay a fine of \$2000. Mr. Krimm failed to pay the fine within the time specified in the Consent Decree. On June 1, 2011, in accordance with the terms of the Consent Decree, Mr. Krimm was notified of the default. Mr. Krimm, who was already serving a 90 day period of suspension of his land surveying license, was advised that his suspension will continue beyond the 90 days if he fails to pay the fine.

JOHN P. SLONE, PE

On October 8, 2010 Mr. John P. Slone, PE of Versailles entered into a Consent Decree with the Board of Licensure in settlement of a disciplinary action. Among other things, the Consent Decree placed Mr. Slone's professional engineering license on probation for a period of time concurrent with the period of conditional release of his sentence in a criminal case. The agreement called for the automatic suspension of Mr. Slone's license if he violated any term of the conditional release. The Board learned that on June 24, 2011 Mr. Slone was convicted in Fayette Circuit Court of violating the terms of his conditional release,

having been arrested for and subsequently convicted of DUI in Indiana in November 2010. On June 27, 2011, pursuant to the terms of the Consent Decree, the Board suspended Mr. Slone's professional engineering license for a period of one year.

STEPHEN P. MASLAN, PE

In 2009, the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects disciplined the professional engineering license of Stephen P. Maslan, PE of Kansas City, Missouri. After reviewing the Missouri action, the Kentucky Board of Licensure determined that a reciprocal disciplinary action would be warranted pursuant to KRS 322.180 Section 11. It was also determined that Mr. Maslan's firm Stephen P. Maslan & Company had provided engineering services in Kentucky without the required Business Entity Permit, in violation of KRS 322.060. The matter was resolved through a Consent Decree wherein Mr. Maslan agreed to the following sanctions: (1) Probation of his Kentucky professional engineering license until such time as he satisfies the terms of probation of his license in Missouri, (2) A \$1000 fine, (3) Mr. Maslan shall obtain a Business Entity Permit for his firm from the Board of Licensure, (4) Mr. Maslan agreed not to conduct business in Kentucky in the name of Stephen P. Maslan & Company unless and until he receives the business entity permit and the legal right to conduct business in this state in that name from the office of the Kentucky Secretary of State. The Board of Licensure approved the Consent Decree on July 8, 2011.

LAWRENCE FISCHER, PE

In 2009, the Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors charged Lawrence Fischer, PE of Orlando, Florida with sealing plans not prepared under his responsible charge. In settlement of that action the Arkansas Board accepted the voluntary surrender of Mr. Fischer's professional engineering license. After reviewing the Arkansas action, the Kentucky Board of Licensure determined that a reciprocal disciplinary action would be warranted pursuant to KRS 322.180 Section 11. The matter was resolved through a Consent Decree wherein Mr. Fischer agreed to voluntarily surrender his Kentucky professional engineering license. The Board of Licensure approved the Consent Decree on July 8, 2011.

RONALD C. SHEPHERD, PE

Mr. Ronald C. Shepherd, PE of Lexington was disciplined for his failure to make up a deficiency in his Continuing Professional Development (CPD) hours within 180 days after he was notified by the Board, as required by 201 KAR 18:196. The matter was settled by a Consent Decree wherein Mr. Shepherd acknowledged the violation and agreed to the following: (1) a \$1000 fine, (2) within 60 days, Mr. Shepherd shall provide to the Board proof of his participation in forty-five professional development hours (45 pdh) of qualifying CPD activities to satisfy his obligation for calendar years 2008 thru 2010, and (3) Not later than January 10, 2012, Mr. Shepherd shall provide to the Board proof of an additional 15 pdh to satisfy his obligation for calendar year

2011. The agreement provides for the automatic suspension of Mr. Shepherd's license if he fails to abide by the terms of the agreement. The Board accepted the Consent Decree on July 8, 2011.

DOYLE HARDIN, PLS

Mr. Doyle Hardin, PLS of Clarkson, Kentucky was disciplined for his failure to comply with the requirements of the surveying Standards of Practice, 201 KAR 18:150, including inadequate deed research and analysis, and for his failure to conduct his practice in order to protect the public health safety and welfare in violation of the Code of Professional Practice and Conduct, 201 KAR 18:142 Section 2. The matter was settled by a Consent Decree wherein Mr. Hardin acknowledged the violations and agreed to the following sanctions: (1) a Letter of Reprimand, (2) additional training in the Surveying Standards of Practice, and (3) a two-year probation of his professional surveying license with quarterly review of his surveying work product. The Board accepted the Consent Decree on July 8, 2011.

SANJAY PATEL, PE

Mr. Sanjay Patel, PE of Indianapolis, IN was disciplined for his failure to make up a deficiency in his Continuing Professional Development (CPD) hours within 180 days after he was notified by the Board as required by 201 KAR 18:196. The matter was settled by a Consent Decree wherein Mr. Patel acknowledged the violation and agreed to the following: (1) a \$1000 fine, (2) within 60 days, Mr. Patel shall provide to the Board proof of his participation in



thirty professional development hours (30 pdh) of qualifying CPD activities to satisfy his obligation for calendar years 2008 and 2009, and (3) not later than January 10, 2012, Mr. Patel shall provide to the Board proof of an additional 30 pdh to satisfy his obligation for calendar years 2010 and 2011. The agreement provides for the automatic suspension of Mr. Patel's license if he fails to abide by the terms of the agreement. The Board accepted the Consent Decree on July 8, 2011.

MARK COMPARONI, PLS

Mr. Mark Comparoni, PLS of Williamsburg, was disciplined for stamping a subdivision plat as a "final plat" even though the plat was not final and did not comply with the surveying Standards of Practice. The matter was settled by a Consent Decree wherein Mr. Comparoni acknowledged that his conduct constitutes a violation of the Standards of Practice 201 KAR 18:150 and the Code of Professional Practice and Conduct 201 KAR 18:142, and agreed to the following sanctions: (1) a Letter of Reprimand, (2) additional training in the Surveying Standards of Practice, and (3) additional training in Surveying Ethics, (4) two-year probation of his professional surveying license with quarterly review of his surveying work product. The Board accepted the Consent Decree on July 8, 2011.

STEVEN GILLESPIE, PLS

In 2010, Mr. Steven Gillespie, PLS formerly of Morgantown was subjected to an audit of his Continuing Professional Development (CPD) hours. As a result of that audit and a subsequent investigation, the Board learned that Mr. Gillespie

had not participated in any CPD activities since 2006. During settlement negotiations, Mr. Gillespie was presented with a proposed settlement which laid out a timetable during which he would make up the past-due CPD hours and would be subjected to certain penalties. After considering the proposal, Mr. Gillespie elected to voluntarily surrender his Kentucky professional land surveying license. The surrender of license was presented to the Board of Licensure in the form of a Consent Decree, which it accepted on July 8, 2011.

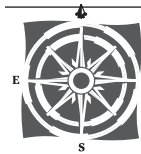
MICHAEL A. ROBINSON, PLS

In 2011, the Florida Board of Professional Engineers disciplined the professional engineering license of Michael A. Robinson of Lakeland, Florida. After reviewing the Florida action, the Kentucky Board of Licensure determined that a reciprocal disciplinary action would be warranted pursuant to KRS 322.180 Section 11. It was also determined that Mr. Robinson's firm Structural Engineering, Inc. had provided engineering services in Kentucky without the required Business Entity Permit, in violation of KRS 322.060. The matter was resolved through a Consent Decree wherein Mr. Robinson acknowledged the violations and agreed to the following sanctions: (1) Probation of his Kentucky professional engineering license until such time as he satisfies the terms of probation of his license in Florida, (2) A \$1000 fine, (3) Mr. Robinson shall obtain a Business Entity Permit for his firm from the Board of Licensure, (4) Mr. Robinson agreed not to conduct business in Kentucky in the name of Structural Engineering, Inc.

unless and until he receives the business entity permit and the legal right to conduct business in this state in that name from the office of the Kentucky Secretary of State. The Board of Licensure approved the Consent Decree on July 8, 2011.

BARRY C. WESTBROOK, PE

In 2010, Mr. Barry C. Westbrook of Franklin, Tennessee applied for reinstatement of his Kentucky professional engineer's license. A Board investigation revealed that Mr. Westbrook's license had expired in 2004 and that Mr. Westbrook had continued after that date to hold himself out to the public as a professional engineer licensed in Kentucky. It was also determined that Mr. Westbrook's firm DocAir, LLC had claimed to employ professional engineers and offered engineering services without the Business Entity Permit required by KRS 322.060. The matter was resolved through a Consent Decree wherein Mr. Westbrook acknowledged the violations and the Board agreed to reinstate Mr. Westbrook's license, subject to the following sanctions: (1) a Letter of Reprimand, (2) A \$5000 fine, (3) Mr. Westbrook shall obtain a Business Entity Permit from the Board for DocAir, LLC, (4) DocAir, LLC shall obtain the legal authorization from the Kentucky Secretary of State to transact business in Kentucky, (5) an Engineering Ethics course through Texas Tech University. The agreement also requires that Mr. Westbrook's license be reinstated to "suspended" status and that his license remain suspended until such time as he completes the ethics course. The Board of Licensure approved the Consent Decree on July 8, 2011.



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- WiFi and Bluetooth are standard
- 1 GB Memory



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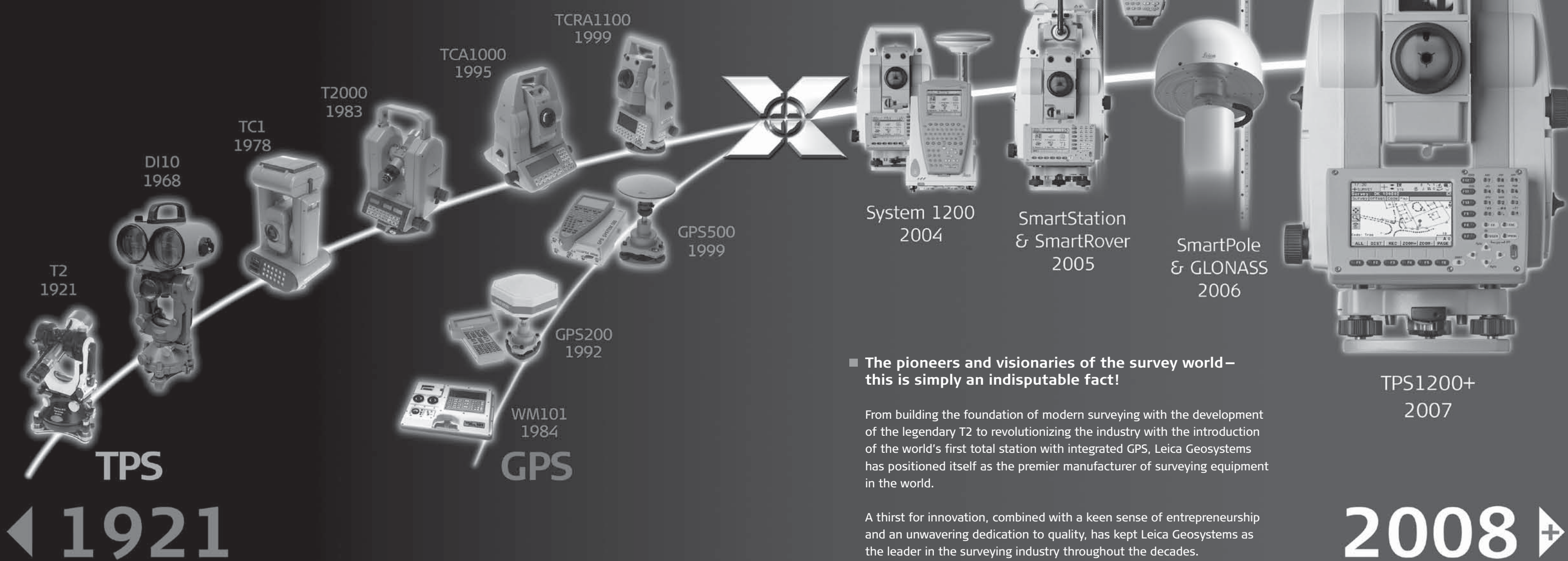
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DON PEDIGO, PLS

KAPS 2011 Golf Outing and Picnic

KAPS held our annual golf outing and picnic on June 17 and 18 at the Barren River State Resort Park golf course in Lucas, Kentucky. If you have not had the opportunity to visit this area, you should. This part of central Kentucky is beautiful, and not just because I happen to reside near here. In this challenging economic time, I am excited to say the turn out for both the golf outing and the picnic was good, proving that the resilience and perseverance of surveyors in Kentucky is truly special. The success of both events was made possible by the hard work of Ms. Molly Forest, and my understanding wife, Ms. Cathy Pedigo. We had beautiful weather for the

golfers and golf outing but we were not quite so lucky with the picnic. The rain started early Saturday morning and did not let up; the chef at the lodge was kind enough to arrange for the picnic to be moved indoors at the park lodge.

The golf outing was composed of six teams from Kentucky and Tennessee. Due to the generosity of the hole sponsors and the wonderful participation we received, KAPS was able to offer cash prizes for first, second and third place, with the teams noted as follows:

First Place: (Pictured)



David Couch, Jackie Dillehay, Taylor Dillehay and Matt Frey all from Tennessee.

Second Place:

Bob Fentress, Bonita Fentress, Bill Short, Mike Helton and Rachel Phelps Bayens

Third Place:

Sean Bratcher, Dwayne Clemons, Darren Clemons, and Marshall Butterworth.

Mike Helton, Marshall Butterworth and Matt Frey all won a closest to the pin prize. Once the winners of the golf outing were settled and announced, the door prizes were drawn and presented with congratulations to the team and individual players. Second and Third place teams graciously donated the prize money back to KAPS and the scholarship fund. This generosity is truly appreciated and shows how wonderful people are that are affiliated with the surveying profession.

The support shown by the participants in the Golf Outing and the picnic and especially the generosity of the companies providing hole sponsorships for the golf out has allowed KAPS to contribute \$3,000.00 to the funding of a four year scholarship fund named in honor of Mr. Ray Leigh.

The following companies provided support for

KAPS, the golf outing and our scholarships by generously giving monies for hole sponsorship. Please extend a special thanks to the following golf sponsors by allowing me to recognize them now:

- Alliance Corp.
- American Engineers, Inc.
- Arnold Consulting Engineering Services, Inc.
- Assurance Risk Managers
- Audubon Chapter of KAPS
- Bell Orr Ayers & Moore (BOAM)
- BTM Engineering, Inc.
- Barge Waggoner Sumner & Cannon (BWSC)
- Cash Waggoner & Associates, PC
- Charles DeWeese Construction, Inc.
- Clarion Hotel Lexington-North
- DDS ENGINEERING, PLLC
- Endris Engineering, PSC
- Engineering Design Group, Inc.
- EnSafe
- EnTran
- English Lucas Priest & Owsley (ELPO)
- Environmental Consulting Services, Inc. (ECSI)
- Gary Force Toyota
- Glass Aggregates, LLC
- Government Strategies
- Gray Construction
- GRW
- HDR Engineering, Inc.
- Integrated Engineering, PLLC
- Land Design & Development, Inc. (LD&D, Inc.)
- Landmark Engineering, Inc.
- Leftwich Land Surveying, Inc.
- McCauley & Company, Inc.
- Morley and Associates, Inc.
- Northeast Chapter of KAPS

- Palmer Engineering
- Photo Science, Inc.
- Pride Engineering & Land Surveying, Inc. QK4
- Ragan Smith Associates, Inc.
- Scotty's Contracting & Stone, LLC
- Scott, Murphy, & Daniel, LLC
- SE Engineering
- Sisler-Maggard Engineering, PLLC
- South Central Bank
- US Bank
- Vaughn & Melton Consulting Engineers, Inc.
- W.B. Griffin & Son Insurance Administrators
- WWW.

- Compassionatefriends.com (Ernie Laughlin)
- Zaenkert Surveying Essentials

The following companies also supported KAPS, the golf outing and/or the picnic by supplying gifts for the gift bags that were given to the golfers and picnic attendees and/or by providing prizes for the golfers and picnickers. Please extend a special thanks to the following golf sponsors:

- Alliance Corp.
- Assurance Risk Managers
- AT&T
- Barge Waggoner Sumner & Cannon
- Bernsten International, Inc.
- Citizen First Bank
- Clarion Hotel Lexington-North
- DDS ENGINEERING, PLLC
- Edmonton State Bank
- Endris Engineering, PSC



Bill Jones, 2011 Surveyor of the Year, takes home a door prize.

- EnSafe
- Environmental Consulting Services, Inc. (ECSI)
- Farmers Bank
- Government Strategies
- Hayes Instrument Co.
- HDR Engineering, Inc.
- Home Depot
- Houchens Industries
- Landmark Engineering, Inc.
- Morley and Associates, Inc.
- Walter Bowman & Bridgestone
- Palmer Engineering
- Photo Science, Inc.
- Precision Products
- South Central Bank
- Stantec
- US Bank
- Vaughn & Melton Consulting Engineers, Inc.
- Western Kentucky University

I have probably failed to

mention someone, and for that I apologize because the success of the events should be shared by all! The support of the companies and individuals referred to in this article is a testament to the members, friends and extended family of KAPS and most importantly to the surveying profession.

The fellowship and friendly laidback atmosphere at the picnic was remarkable. Picnic attendees were a cross-section of experienced and young surveyors, including their wives and children. The Barren River State Resort Park catered the picnic. They served hamburgers, hot dogs, and all the fixins. To top the meal off we had brownies. (This comment is intended for one surveyor of note!)

We did not let the rain overshadow the picnic, once

we moved indoors the festivities started. Everyone was dry and had smiles on their face. I was once again excited and very proud to hear comments about the good time that was had. I hope you feel as I do, those comments make me proud that I was involved in the KAPS function, to be a surveyor, and makes me want to return next year.

Thaddeus & Mariana Lucas and Shaun Foley of Landmark Engineering, Inc. organized and orchestrated the kid's events and games for the picnic. They also generously donated the games, and gifts



JD Knoth takes in the picnic cuisine.

for the kids. Even though the kids did not get to play games as they would have if we had been out doors, they looked like they were having fun. The kids did not go home empty handed, there were plenty of prizes for all of the kids to take home multiple toys and games. They deserve tremendous thanks for the generosity and effort – THANK YOU!

As the kids played indoor games, the adults visited with each other. Vic McCauley had competitions planned, but was unable to have the competitions due to being indoors. Vic, did donate a lot of very nice prizes given out to picnic attendees. Vic also deserves tremendous thanks for the generosity and effort – THANK YOU!

Truthfully the reason I wanted to author this article is because I am personally excited at the event's success. Cathy was unable to attend this year due to a scheduling conflict but I had a great time, we enjoyed being involved in both the golf and picnic. I look forward seeing you there next year!



Don and Bonita Fentress at the KAPS picnic.

ANDY C. KELLIE, PLS

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Andy.Kellie@murraystate.edu

Time is of the Essence

It was a hot and sultry Friday as I drove up to the office and noticed, not for the first time, that the company sign was out of level. Ever since last winter, the sign had had a decided dip to the west. That, I thought, was a fine statement for a surveying firm, and I resolved to remedy the matter as soon as possible. As I walked into the company office, however, other matters were pressing. Since I'm the surveyor, I began by getting the crews to the field. I called the equipment company and updated our maintenance contract, and then I completed a plat and a statement for a client. I was in high production mode and all in all, it was shaping up to be quite a day, at least until the phone rang.

The call was from Tom Trademore, a local real estate agent. Tom was an occasional client. Although he was well-versed in marketing, he apparently was unacquainted with Japanese management theory. Rather than build long-term relationships with a single supplier, he tended to spread his work around among all the surveyors of the county. Since I'm the surveyor in this firm, I got to talk with Tom. Tom began with his usual, 20 minute preamble—big things were about to happen, the real estate market was improving, a client would be wanting (really soon) to begin on a major subdivision, etc. Finally, he got to the point.

He had a closing at 10 o'clock on Monday for which a survey was required! Naturally, "time is of the essence!"

As Tom explained during the next 20 minutes, the job was nothing much—only 10 acres and we only had to run out the deed and mark the corners so that the client could walk the property to see what he was buying. There was no need for a plat, and they were going to convey by the old deed anyhow so there was no need to charge for a new description. The land was owned by one of the deacons at Tom's church and he wasn't trying to swindle anyone. The west line was marked with an old fence that had a pipe in it at the southwest corner and the whole county had recognized that line and that pipe for years! There were bearings and distances in the deed on each line so all we had to do was put them on the ground. The seller had already cleared part of the west side of the property to accommodate the buyer and he'd put in a nice asphalt drive along the west line as part of their deal. The east line followed the edge of the plowed field on the Fox farm. The east line was plain as day but it lacked having some kind of "corner" at the road which we would naturally be expected to set. In fact, except for the client being from out-of-town there really wasn't any need for a survey!

Tom's confidence in my abilities was truly gratifying! Since

I'm the surveyor, I had to tell him that we couldn't possibly research the deeds, complete the field work, and set the corners prior to Monday, and I didn't bother even to go into the requirement to furnish a plat and description. Tom drew on his sales experience! There was no need to check on the deed as he already had a copy and he would have Sheila, his secretary, bring it right over! Didn't I realize this was a special case and "time was of the essence?" Why must I be unreasonable and put Tom in a difficult situation? If we both worked together on this, we'd both make some money!"

After Tom's tirade, I couldn't help mentioning that Tom had had the property under contract for a month. If the contract said "time was of the essence," it had said so for the past four weeks! I also pointed out that we didn't know what the survey would show and that if the client was confronted at the closing by a train wreck (figuratively speaking), would he still be willing to go ahead with the conveyance? The thought of losing a commission cooled Tom considerably, and after still another 20 minutes, Tom said that if he couldn't find someone else to do the work prior by Monday, we could do the survey next week and the closing would be postponed until the following week. As Tom put it, "No hard feelings, but time is of the essence." I reflected that after listening to Tom for an hour, I still

hadn't gotten the job!

In the end, it did work out. Tom called back and said he had thought it over and he wanted *us(!)* to do the work and they would postpone the closing a week. The deed Sheila brought described the client's property as: "...beginning at the southeast corner of land of Williams and running thence North 85 degrees East by and along County Highway 1837, 800 feet to the southwest corner of land of Fox; thence North 5 degrees West by and along said Fox 544.5 feet to land of Jones, a corner to James as marked by a white oak with hacks; thence South 85 degrees West by and along said Jones 800 feet to land of Williams, a corner to Russell as marked by a hickory with hacks; thence South 5 degrees East by and along said Williams 544.5 feet to the point of beginning, containing 10 acres more or less..."

Since I'm the surveyor, I obtained the previous deeds to the client's land and deeds to lands of the adjoining, and I also grantored out the land of our client. The parcel our client owned was the south half of the most junior of three sequential conveyances from a common grantor. Our client and his adjoiner to the north were heirs of the previous owner. There were no plats of record to any of the properties. None of the deeds I examined included any mention of the fence and pipe mentioned by Mr. Trademore. All of the deeds involved called for a "white oak with hacks" at the northeast corner and a "hickory with hacks" at the northwest corner of the client. The Fox deed described the common line with our client as running "with a blazed line".

It didn't mention the edge of the field.

I talked with the adjoining owners. Mr. Fox told me that his line ran along the plowed edge of his field and to be sure to stay off that field because he had just put in a crop. I located Mr. Williams at the Sunny Valley Nursing Home. We had a nice visit, but he didn't remember where the lines were. The remaining adjoining owners were all absentee owners who lived out of state. We talked on the phone, but they could offer little help.

On the following Monday, I went with Samantha and her crew to the site to start a random traverse that would locate the corners and lines as visible on the ground. We quickly found the pipe and fence described by Tom and the new asphalt drive. The fence was about 200 feet long—it began at the road and ended well south of the northwest corner. The west side of the new drive was a foot or so east of the fence. It was 10 feet wide, 100 feet long, included a culvert at the road, and was rolled smooth and flat—a nice piece of work. At the end of the paving, old wheel ruts continued northward on an extension of the drive, gradually disappearing in the brush.

East of the drive, the land had been timbered. According to Tom, this was for the benefit of the buyer, although I couldn't help but note that the stumps were almost all gum and tulip poplar and seemed to be of sawlog size. A "deck" of cut logs was located in the center of the tract adjacent to the road. We found no monumentation at the southeast corner of the client. At this point, Tom called to check

on the status of the survey. I reported progress.

On the east line, we found some blazed hickories of large diameter located about 20 feet west of the line of Fox's field. I flagged these for Sam's crew to locate as they were called for in the Fox deed. Our client was the junior owner so the Fox line would control. While walking the east line I found a steel wagon wheel rim and a pile of assorted rusty cans, broken bottles, and discarded enamel ware cups and plates of the type popular in the 1930's. This was a surprise as it implied occupation. None of the deeds involved ever mentioned a house, and the common phrase "together with the buildings thereon" was conspicuously missing from all the deeds I had researched. The site wasn't near the railroad, so the trash wasn't from a jungle. Still, even after a careful search I could see no cellarhole, well, or other evidence of occupation.

Since I'm the surveyor, I recovered and flagged the oak at the northeast corner and then walked the north line. It was during this walk that I noticed the cedars—four of them. Rusty cans, wheel rims, enamel ware, and...cedar trees? Cedars are unusual in our part of the state. That implied someone had planted them. The trees were big, but no one had cut them. That implied that the trees were there for a purpose. What purpose would four isolated cedar trees have except to mark the corners of a cemetery? Careful examination showed three graves—marked by their depressions in the ground—and a rough headstone at each. The headstones were just that—flat

pieces of sandstone, planted in the ground and poking above the leaves. I flagged the cedars for Sam to locate when she traversed the north line. At that point, Tom called again to check on the status of the survey. I reported progress.

Despite our work in the field and at the courthouse, the results of the field survey posed some questions when we downloaded the data and plotted the work. All of the questions seemed to center on the southwest corner of the site—the very corner recognized by everyone in the county and marked with a pipe at the end of a fence. To begin, distance measurements on the west and south lines did not match the deed, and the east and west lines weren't (very) parallel. That distances measured on the ground would differ from those in the deed was not actually surprising, and differences in distance would cause differences in direction. Measured distances on the east and north lines, however, matched the deed calls very closely. Why should the south and west lines not match also? The distance on the south line—825.04 on the ground versus 800 feet in the deed—seemed suspicious. What is it about numbers like 25, 33, 50, and 66 that make a surveyor wonder? Was something going on that we didn't know about, or were we just dealing with more precise measurements in 2011 than our predecessors could make? At that point, Tom called to check on the status of the survey. I told him there were problems. That made his day!

While Samantha returned to the field to locate the southwest corner of Williams, I went to

the courthouse. Our company policy is to grantor out land of the client, but now I did that for the Williams tract as well. To my surprise, I found a conveyance to Russell of a right-of-way 20 feet in width running along the east line of Williams. The conveyance was dated 1927 and appeared in none of the other deeds researched. Did the fence and pipe mark the west line of the right-of-way rather than the east line of Williams? When we included the right of way in the results of Samantha's field work, it showed both the south line of Williams and the south line of our client to match the deeds very closely, and the problems with the bearings resolved as well. Once we had the missing piece, the puzzle fit together nicely!

At the closing, I felt quite pleased. For our part, we had retraced an uncertain boundary and reset two missing corners. There was a plat of record, and the client's attorney decided to use our description of the land in the conveyance.

Some of the other folks at the closing were more subdued than I. Our client had avoided surprises I had warned Tom about. The client now knew what he was buying, and he was able to walk the boundaries before purchase. However, the property didn't extend to the fence with Williams as he had thought it would, and it didn't go to Fox's field either. And he hadn't expected to own a cemetery. In retrospect, if the survey had been conducted prior to entering into contract, the client might have been a little more pleased!

The seller also was a bit reserved. The driveway he

had constructed was actually on William's land, so he got to construct a second drive to meet the terms of the contract Tom had prepared for the sale. My survey report mentioned the logs on the site, and the buyer's attorney had insisted that the seller remove all personal property prior to conveyance. In retrospect, if the survey had been done prior to construction, demolition and reconstruction wouldn't have been an issue and the seller might not have had to rush the sale of his valuable hardwoods!

Tom couldn't understand why I just didn't stake the corners like the deed said so we could have closed last Monday. I pointed out that we *had* staked the corners by the deed. Unfortunately, there were some misperceptions by others as to corner location. In retrospect, if the survey had been done at the time the property was listed, Tom could have walked his clients around the boundaries when they inspected the land, there would have been no misperceptions as to the locations of the corners, and Tom could have had his commission a week earlier!

The Karma definitely wasn't good, so I decided to leave it at that. When I got back to the office, I noticed that the company sign was still off level. I took a hammer from the back of the vehicle with the intent of tapping the east side of the sign until it was level. Perhaps as a result of the atmosphere at the closing, my tap was assertive—a trifle too assertive! I went into the office and told the secretary to order a new sign. When she asked how soon we needed it, I just said to be sure to tell the sign painter that time is of the essence!



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A golden globe is positioned on the left side of the image, partially overlapping a golden compass rose. The globe shows the continents of North and South America. The compass rose has a central point with several sharp, golden spikes. The background is a dark, gradient brown. The text on the right is in a serif font, all in uppercase.

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OBSTACLES AS
OPPORTUNITIES.**

KAPS BOARD OF DIRECTORS MEETING MINUTES

Board of Directors

April 9, 2011 - Kentucky Engineering Center, Frankfort, Kentucky

CALL TO ORDER

Don Pedigo, KAPS 2011 President called the April 9, 2011 KAPS Board of Directors Meeting to order at 10:05 A.M.

PROXY VOTES

Three proxy votes were reported. Bob Fentress originally assigned his proxy to Chris Gephart on March 22, 2011. However, Chris Gephart was unable to attend the meeting and Mr. Fentress changed his proxy assignment to Doug Comer on April 5, 2011. Tim Chilton assigned his proxy to Bill Jones on April 4, 2011. Chris Gephart assigned his proxy to Brian Cox on April 5, 2011. Mr. Chilton and Mr. Gephart's proxy assignments fell short of the deadline. Doug Comer made a motion to accept all three proxy assignments regardless. Bob Westermeyer seconded the motion. Motion carried.

MEMBERS PRESENT

Don Pedigo – 2011 KAPS President; James Mayo – Vice President of External Affairs/ Director; John Schneider – Vice President of Internal Affairs/ Southeast Chapter Chair; Brian Cox – Past President; Doug Comer – Treasurer/Director; Bob Westermeyer – KSPE Liaison; Ted Niemann – GIAC Liaison; James Riney – Director; Bill Jones – Director; Shaun Foley – Barren River Chapter Chair; Robert Miller – Green River Chapter Chair; Mike Ruggles – Northeast Chapter Chair; Tom Bushelman – Northern Kentucky Chapter Chair; Jonathan

Payne – Jackson Purchase Chapter Chair; Molly Forrest – Administrative Assistant

Guests present: Brent Webster, KAPS member; Richard A. Howerton, KAPS Representative to the State Board of Licensure; Gloria Howerton, wife of Richard A. Howerton

MEMBERS ABSENT

Bob Fentress – Secretary/Director; Chris Gephart – Director; Steve Lilly – Ex-Officio Director; Thomas Clayborn – Audubon Chapter Chair; Kevin Phillips – Bluegrass Capitol Chapter Chair; Tim Chilton – Falls of the Ohio Chapter Chair; Johnny Justice – Highlands Chapter Chair; James Roberts – Boy Scouts Committee Chair; Richard Montgomery – County Surveyor Committee Chair; Dr. Ronald E. Gallagher – Education Committee Chair; Craig Palmer – NSPS Governor Committee Chair; Richey Newton – Past Presidents Committee Chair; John St. Clair – Scholarship Committee Chair; Chuck Felts – Statue of Repose Committee Chair

PRESIDENTS WELCOME

President Don Pedigo announced the retirement of Executive Secretary Betty Gray effective March 24, 2011. He then introduced Molly Forrest as the new Administrative Assistant. Board member introductions were made. Brent Webster of the Northern Kentucky Chapter was welcomed as a guest.

ADDITIONS OR REVISIONS TO

THE AGENDA

President Pedigo asked if there were additions or revisions to the agenda. There were none.

REVIEW AND APPROVAL OF BOARD MEETING MINUTES

The minutes of the February 23, 2011 Board Meeting were reviewed. Jim Riney made a motion to accept the minutes. James Mayo seconded. Motion carried.

Following review of the February 24, 2011 Board Meeting minutes, Brian Cox made a motion to accept the minutes. Ted Niemann seconded. Bill Jones added that contrary to the minutes, he was in attendance. Mr. Cox and Mr. Niemann accepted the revision to the minutes and the motion. Motion carried.

The General Membership Meeting Minutes from February 25, 2011 were reviewed. President Pedigo reminded everyone that the minutes from the General Membership Meeting would be voted on at the KAPS Conference in 2012.

KAPS OFFICER REPORTS

President's Report - President Pedigo directed everyone to the President's Report in their board packet. He reported on his attendance at the TAPS (Tennessee Association of Professional Surveyors) Conference.

Mr. Pedigo was pleased to announce the proclamation

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Nikon DTM-332	5" Total Station - Package includes Instrument, case and Recon Data Collector	Demo	\$7,265.00
Trimble R8	R8 Rover 450-475Mhz Internal Radio - Package Includes GPS unit, two GPS batteries, Dual Battery Charger and case.	Rental	\$11,000.00
Trimble 5800	5800 Rover 450-475 Mhz Internal Radio - Package Includes GPS unit, two GPS batteries, Dual Battery Charger and case.	Rental	\$8,000.00
Trimble 5603	3" Robotic Total Station - Package Includes, Instrument, Super Charging Kit, Single Charging Kit, Prism Pole, Prism Kit, Instrument Cable, and Case	Rental	\$12,000.00
Trimble 5605	5" Robotic Total Station - Package Includes, Instrument, Super Charging Kit, Single Charging Kit, Prism Pole, Prism Kit, Instrument Cable, and Case	Rental	\$10,500.00
Trimble S1001	TCU Data Collector with Survey Controller Software	Demo	\$3,000.00
Trimble Nomad LC	Data Collector with Built in Camera and Survey Standard Software	Demo	\$2,000.00
Trimble TSCe	Data Collector with Survey Controller Software	Rental	\$750.00
Trimble TSCe	Data Collector with Survey Pro Software	Rental	\$750.00
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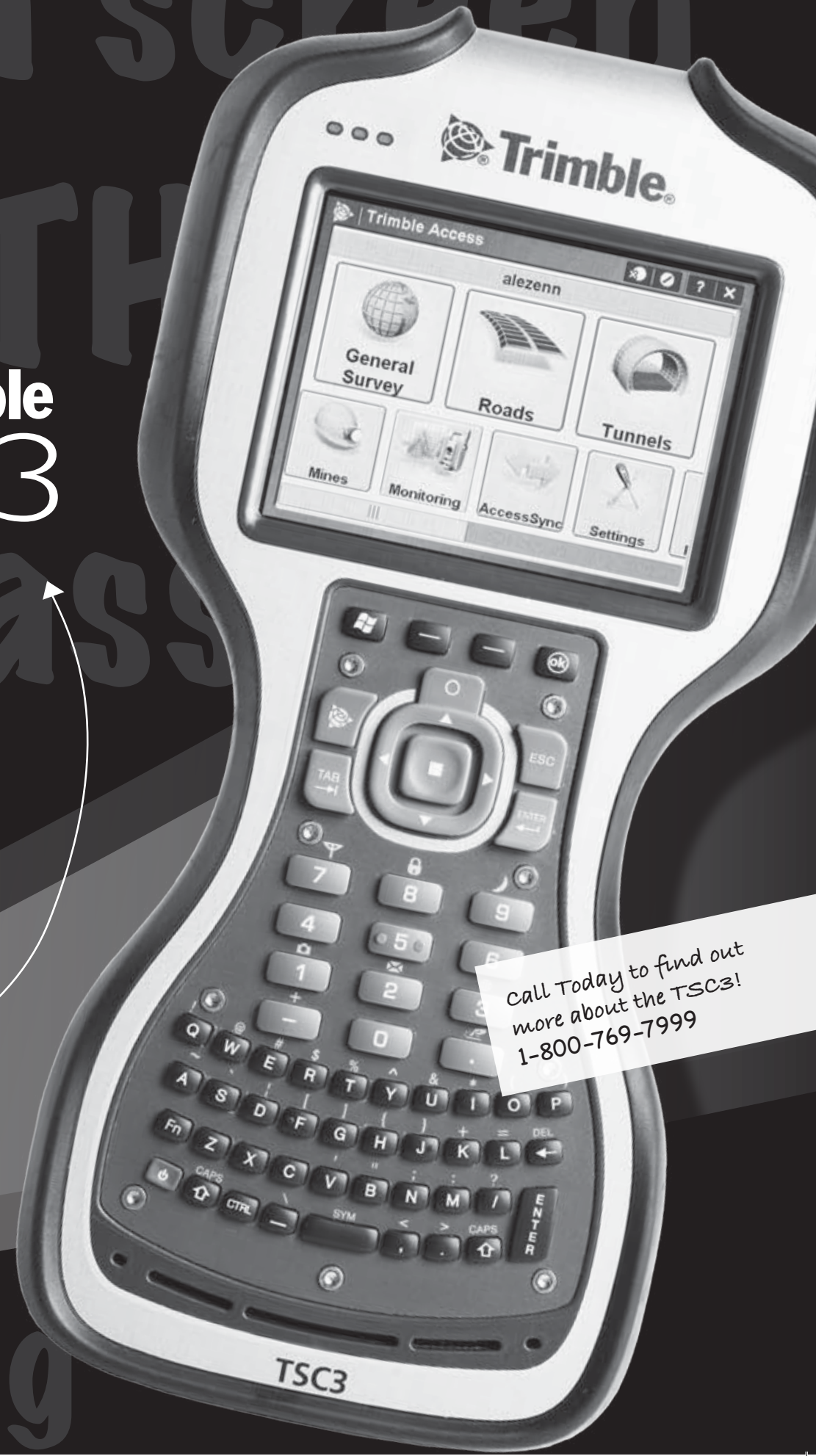


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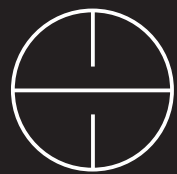
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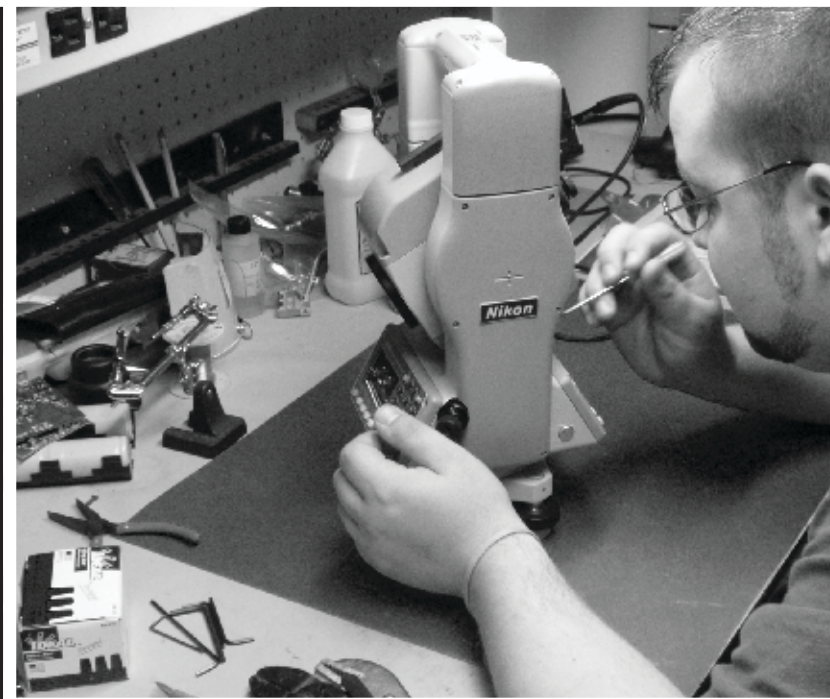


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signing by Governor Beshear marking March 20 – 26, 2011 as Surveyors Week in the state of Kentucky. He also mentioned he had several other proclamations from across the state if anyone was interested in looking at them. He encouraged anyone that may have other proclamations to bring those forward.

President Elect's Report – No report. President Pedigo mentioned plans to form a nominating committee for the 2012 President instead of the current president taking on the task himself. More information will be available at a later date.

Treasurer's Report – A Balance Sheet and Profit and Loss Statement were included in the board packet.

Brian Cox wondered if the monies designated for specific accounts had been distributed to those accounts (i.e. monies for scholarships). President Pedigo could not answer that question presently but assured everyone it would be reviewed and taken care of in the near future.

Upon review, Brian Cox made the motion to accept the Treasurer's Report. Bob Westermeyer seconded. Motion carried.

Administrative Assistant's Report – Molly Forrest submitted a report in the board packet.

Chapter Checks have been distributed. Membership cards as well as second dues notices have also been sent. Additional monies will be sent to the Chapters as dues come into the office.

Ms. Forrest's contact information is included in the board packet. Current KAPS office hours are Monday, Wednesday, and Friday, 9 A.M. – 5 P.M.; Tuesday and Thursday, 9 A.M. – 12 NOON.

OLD BUSINESS

Board of Licensure Appointments – Bob Westermeyer brought attention to the handouts he distributed regarding the subject. Included in the handouts are copies of the Executive Orders appointing Richard A. Howerton (3 year term expiring January 1, 2014) and David A. Atwell (4 year term expiring January 1, 2015) to serve on the State Board of Licensure. Also included in the handouts is a copy of 322.240 Qualifications of Board of Licensure Members.

The third survey seat on the Board of Licensure currently held by Dennis Smith expires January 1, 2012. KAPS needs to submit at least three names to the Governor by November 1, 2011. Mr. Westermeyer will again serve as Chair for the Board of Licensure Nominating Committee and he is asking the Chapters to submit names of qualified persons to the committee as soon as possible. Also serving on the committee will be Don Pedigo, Brian Cox, and Bill Jones.

KET Telefund – Brian Cox reported good attendance at the 2011 KET Telefund. Thank you to everyone who participated.

NSPS Surveying USA Day Event – President Pedigo reported good participation across the state. He will be compiling photos for an upcoming article in the *Interior Angle*.

National Surveyors Week – President Pedigo reported that Governor Beshear was very gracious with his time at the proclamation signing.

NEW BUSINESS

Next KAPS Board Meeting – Friday, June 17, 2011, 6 P.M. (CST) at Barren River State Park

Lodge (1149 State Park Road, Lucas, Kentucky, 42156).

Revisions to 201 KAR 18:192. Continuing Professional Development for Professional Land Surveyors – President Don Pedigo opened discussion regarding revisions to 201 KAR 18:192 Continuing Professional Development for Professional Land Surveyors. Mr. Pedigo mentioned all feedback collected from the KAPS Chapters had been emailed to the board as well as included in the board packets. He also suggested the KAPS board draft a letter of support or opposition including reasons of said position to the Board of Licensure.

Tom Bushelman's personal opinion is the revisions are fine and KAPS would be fighting a losing battle to oppose it. He doesn't think the Board of Licensure will change their position.

Brian Cox stated based on the panel discussion of surveyors at the 2011 KAPS Conference, the majority of surveyors are against changing the CPD requirement specifically the changes to the pre-approval process. The panel suggested to have KAPS provide some classes that would be appropriate. The board panel mentioned they would like to be a part of that committee. Brian further mentioned dual state licensees could be in jeopardy having to get additional hours.

Ted Niemann added it may force the dual state licensees to get their continuing education in other states causing Kentucky to lose the opportunity for said surveyors to participate here. The risk to the surveyor is to choose the wrong course wasting their time and money. If a surveyor chooses the wrong course they get six months



to make it up but they will have to spend further time and money.

John Payne of the Jackson Purchase Chapter mentioned a unanimous vote at their March Chapter meeting to submit a suggestion to keep pre-approval. Most were of the opinion that pre-approval should be a requirement for a continuing education course.

President Pedigo stated authorization of a class would come when an audited surveyor submits certification and course work. At that time, the Board of Licensure would make a decision as to whether a certain class was approved or not.

Mr. Niemann expressed concern for a KAPS class that may not meet the Board of Licensure's approval could impact KAPS credibility. John Schneider wondered how big a risk this was asking if any KAPS proposed course had ever been rejected. President Pedigo replied not to his knowledge; however, one course submission was required to update language (i.e. "registered professional surveyor" instead of "licensed professional surveyor") and resubmit. It was decided to withdraw the course instead of resubmitting.

Bobby Miller wondered if not having pre-approval would hurt KAPS financially. It was understood that damaging KAPS seminar business could not be listed as a reason for opposition; however it could be taken into consideration.

President Pedigo emphasized the importance of KAPS offering quality courses no matter the outcome of the proposed revisions. Bob Westermeyer agreed that our classes should have a KAPS standard but it won't be an "approval" standard

because approval is not a KAPS decision. John Schneider mentioned that was the general consensus of the Southeast Chapter as well. They were neutral regarding pre-approval going or staying but expected that all of the KAPS courses should be valid high quality classes. Ted Niemann submitted the idea to have a "KAPS Approved" designation for courses meeting KAPS standards. In the future, a provider may be willing to pay a nominal fee to put their course through KAPS criteria and gain "KAPS Approved" status for their course. Mr. Westermeyer expressed some concern over the possibility of the Board of Licensure later rejecting a "KAPS Approved" course. Mr. Niemann emphasized the need for the KAPS standard to be so high as to dismiss this possibility. All agreed the idea is worth future discussion.

John Payne brought up a hypothetical example: the Board of Licensure rejects a course submitted by an audited surveyor. Does just that one surveyor get penalized and the other class participants get to count those hours? It was agreed this is a valid point for pre-approval.

Brian Cox made a motion to draft a letter stating opposition to the CPD recommendations made by the Board of Licensure. Doug Comer seconded the motion. Jim Riney suggested a more positive word choice which was immediately accepted. Following discussion and an agreed upon word choice, Mr. Cox revised his motion to draft a letter to the Board of Licensure stating:

"KAPS supports a continuation of the current regulations of 201 KAR 18:192."

Doug Comer seconded the motion and agreed to the motion revision.

In way of motion discussion, the board authorized President Pedigo to draft the letter to the Board of Licensure using all information gathered from the Chapters as well as the board meeting discussion. Motion carried.

President Pedigo gave Richard Howerton an opportunity to speak to the board. Mr. Howerton humbly accepted the appointment to the State Board of Licensure. He pledged to be an available board member and encouraged KAPS to publish his contact information.

New NCEES Speakers Kits – Jim Riney mentioned the new kits are an excellent tool for career days at local schools.

Fall Seminar Chapter Disbursements – President Pedigo explained that in the past Chapters have gotten two disbursements from the state level of KAPS: 1) a share of membership dues 2) a share of the fall seminar revenue. There is nothing in the By-laws or Policy Manual regarding the fall seminar disbursements. President Pedigo will be forming a committee before the next board meeting to look into the matter and move forward. If KAPS has the money this year to pay the fall seminar disbursement he would like to see those checks go out to the Chapters. President Pedigo would also like to see the By-laws and Policy Manual updated to include the two disbursements. According to Doug Comer the disbursements began in 1993; however the fall seminar disbursements have not been given since 2005 or 2006 according to President Pedigo.

Betty Gray's Recognition for Years of Dedicated Services – President Pedigo suggested we recognize Betty for her 16 years of service by having a celebration dinner in her honor. Information has been

gathered from Jim's Seafood in Frankfort, The Frankfort Country Club, and Claudia Sanders in Shelbyville. Bob Westermeyer suggested the Chapters sponsor the dinner instead of guests paying for their own meal.

President Pedigo also suggested that KAPS give Betty a nice gift such as a trip to Pigeon Forge. Brian Cox reminded everyone that Betty's husband, Everett, and their daughter, Mitzi, also helped KAPS a great deal.

Bob Westermeyer moved to solicit the Chapters to sponsor the festivities for Betty. Any funds over and above the dinner would be applied to the gift. Doug Comer seconded.

Bill Jones wondered if the Chapters should purchase the gift instead of the dinner. Bobby Miller asked how much KAPS could afford. President Pedigo was not sure how much KAPS could afford but estimated a cost of between \$500 and \$5,000 with the \$2,000 range being realistic.

Molly Forrest reported chalets / hotels in Pigeon Forge cost between \$100 and \$150 per night. Another suggestion is to purchase a gift certificate toward a hotel stay or chalet with an open-ended travel date. Additionally, gift cards for restaurants in Pigeon Forge, show tickets, etc. could be purchased.

There was some concern that certain Chapters may not have the money to contribute. Jim Riney suggested the Chapters pitch in for the dinner but give individuals who may have a special connection to Betty the opportunity to contribute toward the gift, making the gift more personal.

Mr. Westermeyer's motion was

modified to have the Chapters cover at least their members that attend the dinner. Both Mr. Westermeyer and Doug Comer agreed on the amendment. Motion carried.

EX-OFFICIO DIRECTORS REPORTS

GIAC Liaison – Ted Niemann called attention to the GIS insert in the board packet. The back page of the insert has several web links to explore. Mr. Niemann said GIS is here to stay and we need to embrace it and guide where GIS goes in our state.

KAMP Liaison – no report

KY State Board of Licensure Liaison – no report

KSPE Liaison – Bob Westermeyer will attend the upcoming meeting in Frankfort.

NSPS Governor – no report

Professional Development Chair – No report submitted. However, James Mayo will follow-up on the Standards of Practice Seminar request from the Falls of Ohio Chapter.

CHAPTER REPORTS

Audubon – report submitted in board packet

Barren River – Shaun Foley referred to the letter from Thad Lucas included in the board packet.

Bluegrass Capitol – James Mayo reported their Chapter had a meeting in March and plan to meet again April 21.

Falls of the Ohio – report submitted in board packet

Green River – Bobby Miller reported the Chapter has had one

meeting since the KAPS Annual Conference. He added that an active member, Scott Hardin, passed away. KAPS sent a card to the family while the Green River Chapter sent flowers.

Highlands – no report

Northeast – Mike Ruggles invited everyone to *Rendezvous 2011* presented by Surveyors Historical Society and co-sponsored by the Northeast Chapter of KAPS as well as the Southwestern Chapter of PLSO. He also had handouts about the event.

Northern Kentucky – Tom Bushelman reported the Chapter had one meeting since the last board meeting. This meeting, featuring the Executive Director of the PLSO, was a joint meeting including Kentucky, Ohio and Indiana surveyors.

Purchase – Jonathan Payne referred to the report submitted in the board packet.

Southeast – John Schneider referred to the report submitted in the board packet.

COMMITTEE REPORTS

Annual Conference – President Pedigo recognized the Green River Chapter as host for the 2012 KAPS Conference. President Pedigo wants to introduce some new opportunities at the 2012 Conference. He will be approaching some different speakers to get pricing.

Annual Picnic – President Pedigo encouraged anyone with questions about the picnic or golf outing to let him know.

Boy Scouts – no report

By-Laws – Tom Bushelman reported a change was made to the By-Laws at the 2011 Annual



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Conference. He will email the By-Laws with the change to Molly Forrest as well as to Bob Westermeyer for posting to the web page.

County Surveyors – no report

Education – no report

Ethics and Professional Practice – no report

Finance – no report

Insurance – no report

Legislative – report submitted in board packet

Membership – report submitted in board packet

Nominating – no report

Past Presidents – no report

Policy Manual – no report

Professional Development – no report

Public Relations – report submitted in board packet

Publications / Newsletter – Doug Comer reported the *Interior Angle* will be sent out May 1 or 2.

Scholarship – no report

SPECIAL COMMITTEE REPORT

KY / TN State Line Monuments – report submitted in board

packet (note change on page 2 of report: No. 34 and 35 should be Don Pedigo instead of Kevin Edmonson)

KY B.O.L. Nominations Committee – previously covered

Statue of Repose – no report

ADJOURNMENT

Bob Westermeyer made a motion to adjourn. Brian Cox seconded. Motion carried. Meeting adjourned.

Respectfully submitted by

Molly M. Forrest for Bob Fentress, PLS, Secretary

Surveying Position Available

Precision Products (survey and GIS division) and Sitech Mid-South (construction division) are currently expanding and have four positions available in the Middle Kentucky (including Bowling Green) and Western Kentucky (including Evansville) territory. A summary of the three openings are...

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If you are interested in a career change while still utilizing your years of industry knowledge, please send your resume to Todd Jones; todd@yourprecision.com or fax 502-459-6600. Thank you!

DON PEDIGO, PLS

KYTC & KAPS NSPS Surveying USA Event



Surveyors (NSPS) National Geodetic Survey Mission statement, this was truly a historic opportunity. It was an opportunity to improve the nation's surveying framework and promote

The Kentucky Transportation Cabinet (KYTC) and The Kentucky Association of Professional Surveyors (KAPS) participated in the NSPS Surveying USA event on March 19th 2011. Pictured from left to right are Mr. Joe Mylor, PLS KAPS Past President, Warsaw Mayor Charles French and Mr. Dan Farrell, PLS KYTC Statewide Survey Coordinator. The event was the kick off and commemoration of National Surveyors Week. KYTC and KAPS members along with members of the Kentucky surveying profession participated in the first-ever simultaneous nationwide Global Positioning System (GPS) survey. We joined members of NSPS and volunteer surveyors from all 50 states and numerous U.S. Territories in this simultaneous survey effort. As stated in the National Society of Professional

surveying to the public. The event showcased surveyors by educating the public about the value of land surveying and the technology incorporated into our work.

The monument surveyed and occupied is a Corps of Discovery II Lewis and Clark commemorative Marker at the Ohio River Waterfront Park in Warsaw, Gallatin County Kentucky. The marker/monument was established in 2003 by members of KAPS and was set in the vicinity of a major Lewis and Clark Expedition Site. The brass Corps of Discovery II marker commemorates the 200 year anniversary of the symbolic start of the Lewis and Clark expedition.

KAPS members and Surveyors across the

Commonwealth work with KYTC information on a daily basis. The Transportation Cabinet plans and coordinate information that is made available to surveyors and the public is invaluable information. Surveyors utilize the Kentucky State Plane Coordinate system more readily now than ever before and the utilization of GPS equipment by local surveyors and surveyors within Transportation is routine. The Transportation Cabinet has been instrumental in and at the forefront of establishing monumentation and GPS base stations throughout the Commonwealth as part of the National Height Modernization program. They are continually searching for additional base station locations to enhance



Save the Date: 2011 KAMP Conference

2011 Ky GIS Conference October 11, 2011 11:00 am to October 13, 2011 5:00 pm

the coverage. As many of you know, KYTC efforts to place base stations across the Commonwealth have created the ability to survey with a single GPS receiver. A surveyor with cell phone service and internet access can be tied into the Kentucky State Plane Coordinate System and be surveying instantaneously. To take it a step further, the Transportation Cabinet has established a Virtual Reference Station (VRS) network. A VRS system affords you the ability to perform high quality RTK surveying on demand.

KAPS and KYTC working together to better serve the public and enhance the Nation's and especially the Commonwealth of Kentucky's framework is analogous to neighbors helping neighbors. We thank Dan for his commitment and time to the NSPS Surveying USA event and the Transportation Cabinet for their commitment to surveyors and the survey profession.

Submitted by:

Don Pedigo, PLS



Immediate Job Openings

Louisville area surveying company in immediate need of an experienced draftsman using AutoCAD based software and design tools. Knowledge of PVA operations and understanding of local area Planning and Zoning requirements is desirable. Preferably, the ideal hire would be capable of operating independently in the office with the capability of filling in on a survey crew on a sporadic, as-needed basis, but field experience is not a requirement.

Potential openings are available for Survey Technicians, Crew Chiefs and an Instrument Person.

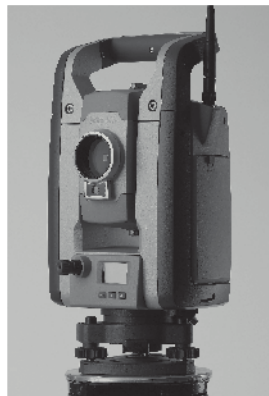
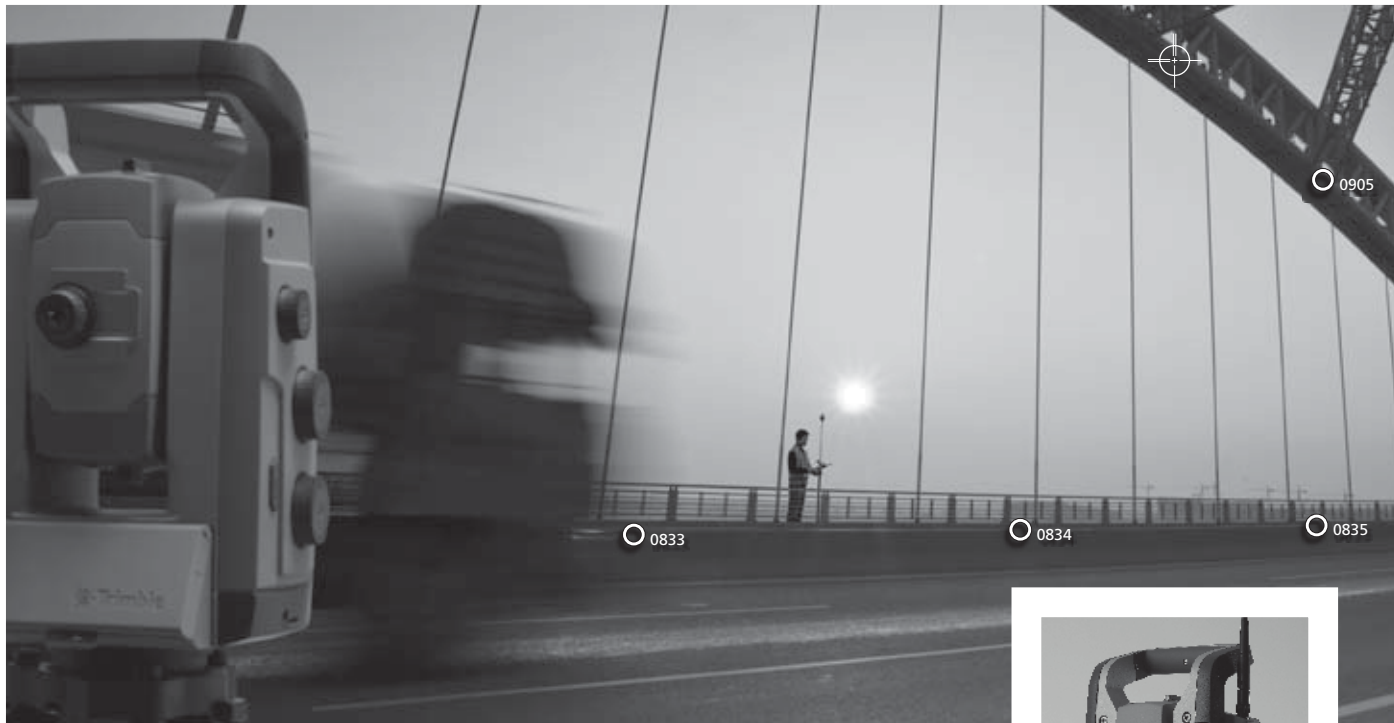
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Dear Fellow Professionals,

At the past ACSM Congress meeting on July 13, 2011, the representatives to the Congress approved the following motion:

It is moved that in the interests of leading toward a viable single organization, the ACSM Congress be disbanded and the dissolution of ACSM begin and in conjunction with the process, ACSM turn over all operation, control, assets and liabilities to NSPS.

And furthermore,

That the NSPS immediately proceed with a realignment into a unified organization made up of individual members with equitable representation that encompasses the broader definition of surveying to include professional surveyors, geodesists and other geospatial professionals; that the realigned organization adopt the following mission statement: “The mission of the organization shall be to represent and advance the sciences and disciplines of surveying, geodesy, cartography, and related fields through education and communication, in furtherance of public good.”; that the realigned organization adopt a structure similar to that of NSPS; that the realigned organization take immediate action(s) to reduce administrative costs; that the realigned organization immediately develop a plan to attract new members in all of the disciplines of surveying, geodesy, cartography and related fields, and develop a marketing strategy.

In response to this motion, the Presidents of the three Member Organizations are prepared to work diligently to create this new “unified organization”. Already the process has begun to appoint members from all MO’s to a new Strategic Planning Committee to conduct a Financial Operational Analysis of the organization, including review and recommendation of Membership Categories and Rates. Shortly, we will charge committees to review and recommend member benefits, and develop a marketing plan for our “new” organization.

There are going to be unknown challenges in creating this new organization, but with each other’s trust and determination we can succeed and create an organization that will reach out to all members of what is called the “geospatial” community: Licensed and non-licensed, boundary surveyors and construction surveyors, geodetic surveyors and mapping surveyors, GIS specialists and photogrammetrists, machine control and LiDAR specialists, cartographers and drafters, and any other related disciplines.

We ask your support and continued involvement in making this an organization that will grow and represent all of us in the future.

Sincerely,

William R. Coleman
President – NSPS

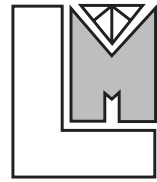
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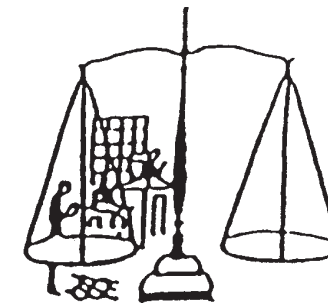
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() **RESIDENCE ADDRESS**

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PHONE ()	E-MAIL	

() **BUSINESS NAME**

ADDRESS	PHONE ()
CITY	MOBILE ()
STATE	ZIP
BIRTHDAY	E-MAIL

BIRTHDAY	WEBSITE
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EDUCATION (YRS COMPLETED)	HIGH SCHOOL	COLLEGE
HIGHEST DEGREE		

I HEREBY CERTIFY THAT THE STATEMENTS MADE ON THIS APPLICATION ARE CORRECT AND THAT IF ELECTED I AGREE TO BE BOUND BY THE CONSTITUTION AND BY-LAWS OF THE ASSOCIATION.

SIGNATURE	DATE
-----------	------

CLASSIFICATION OF MEMBERSHIP	
() AFFILIATE MEMBER	\$87.50
() ASSOCIATE MEMBER	\$87.50
() COMPATRIOT MEMBER	\$87.50
() CORPORATE MEMBER	\$240.00
() FULL MEMBER	\$175.00
() HONORARY MEMBER	\$0.00
() LIFE MEMBER	\$0.00
() STUDENT MEMBER	\$0.00
() SUSTAINING MEMBER	\$87.50

PRORATION OF DUES (for New Members only)	
Date of Application	Amount
January 1 through June 10	100% of Annual Dues
July 1 through December 31	75% of Annual Dues

MEMBERSHIP FEE INCLUDES CHAPTER DUES

M.C./VISA # _____

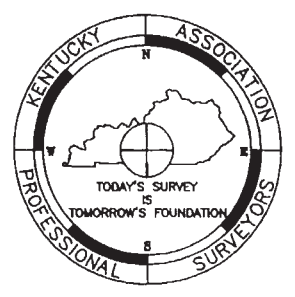
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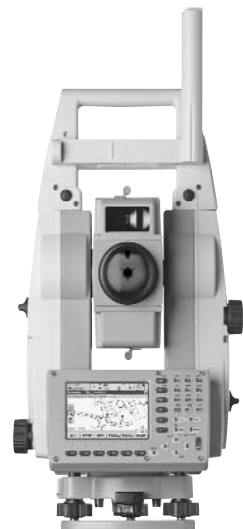
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Surveyors and Their Pets

Doug wants something bigger (aka, "Fang" or "Killer"), but is glad that Charlene shares Jethro and Ellie Mae with him.

We hope to make this a regular feature! Send photos of your Surveyor's pets (or kids!) to Doug Comer (ComerPEPLS@InsightBB.com) or the KAPS office (MForrest@KAPS1.com). Include any caption you want to with the picture. We welcome your submittals and look forward to continuing this feature.



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