



THE INTERIOR ANGLE

KAPS 2015
Conference Save the Date

KAPS 2014, Summer/Fall Issue

Kentucky Association of Professional Surveyors, 2014 - Issue 3

Photo provided by KAPS



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Board of Licensure Member
Ken Sperry, PE enjoyed
the beautiful weather at the
2014 Golf Outing. For more
picutres go to [page 23](#).

Jonathan L. Payne, PLS

Kentucky Association of Professional Surveyors
124 Walnut Street • Frankfort, Kentucky 40601

From the President's Desk

We are quickly moving into fall. It will be very nice to have some leaf off conditions in order to make line of sight much simpler - although, I have no complaints about the weather this past summer. I hope you are each seeing more business coming your way.

I want to congratulate Don Pedigo on another successful and fun picnic and golf outing. If you have not made it out to one of these, I recommend trying to come out and join the activities next year.

The fall seminar schedule should be published very soon. We have some new course work available. It would be great to see you at the KAPS hosted seminars. There is a great deal of effort put forth by several people in KAPS to organize and host these events as well as a large chunk of time for the presenters to prepare their material. Let's make their efforts worthwhile by attending.

Preparations continue for the 2015 conference. We will be having several new topics presented during the conference. Entertainment for the

banquet has been lined up. It is shaping up to be another really outstanding conference. Please begin to make plans to attend.

As a final thought, don't forget that all KAPS members are now also members of NSPS. Take a tour of the NSPS website and the KAPS website. There are some very informative links on those two sites that you should be making use of ---

<http://www.kaps1.com/>

<http://www.nsps.us.com/index.cfm?&stopRedirect=1>

If you have ideas about what direction to take KAPS, I would urge you to attend your chapter meetings and volunteer to work at the state level of KAPS. You might find that it is very personally rewarding to help your professional organization move forward.

Thank you all for the continued support of KAPS.

Jonathan L. Payne, PLS
2014 KAPS President
jlp@mchsi.com

KAPS Welcomes New Members

Nicholas Rose, 1st Licensed Year Audubon Chapter
Wesley Witt Bluegrass Chapter



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B. David Cox, Executive Director

Kentucky State Board of Licensure for Professional Engineers and Land Surveyors
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The Board Report

Ethics Courses

The Engineering Committee recently considered recommending that the Board amend the engineering continuing education regulation to require an ethics course; taking such a course is currently optional. The Committee decided not to recommend mandatory training at this time, but wanted to emphasize the importance of ethics courses and recommend that each licensee make it a part of his or her training.

Ethics is an element of almost every enforcement case. In most settlement agreements, we require completion of an ethics course; in particular the 30-PDH course offered by Texas Tech University.

This is an excellent course that would benefit everyone. Below is a link to the information. Remember that you can carry over up to 15 hours from one reporting period to another.

<http://www.depts.ttu.edu/murdoughcenter/products/docs/Comprehensive-Course.pdf>

We also have discussed with KSPE and KAPS the possibility of a general ethics program being offered at their annual conferences.

Exam Results

The results from the April 2014 national exams are as follows (the second % is the national average):

PE First Time Takers – 70%; 70%
PE Repeaters – 62%; 39%
PE All – 69%; 58%

PS First Time Takers – 88%; 69%
PS Repeaters – we had none; 39%
PS All – 88%; 59%

The FE and FS exams are not computer based and offered 8 months during the year. Following are the results for January through May 2014 (again, the second % is the national average):

FE First Time Takers – 77%; 78%
FE Repeaters – 46%; 34%
FE All – 70%; 71%

FS First Time Takers – 100%; 55%
FS Repeaters – 67%; 13%
FS All – 88%; 45%

NCEES National Committees

Kentucky is once again well represented on NCEES National Committees. Jim Riney, PE, PS - Surveying Task Force; Bob Fentress, PLS – Law Enforcement Committee; and David Cox – Finance Committee.

ENFORCEMENT ACTIONS SUMMARY

For The Period

April 5, 2014 – July 18, 2014

RONALD D. CARPENTER
TRIANGLE SURVEYORS, INC.

In January 2013, the Board of Licensure received a complaint which alleged that Triangle Surveyors, Inc. and Ronald D. Carpenter of Durham, North Carolina, had engaged in the unlicensed practice of land surveying. An investigation confirmed that Mr. Carpenter had performed land surveying services on some athletic fields in Lexington Kentucky and stamped the work product with his North Carolina professional land surveyor's stamp. Mr. Carpenter is a licensed professional land surveyor in North Carolina but he is not licensed in Kentucky. Additionally, Mr. Carpenter's firm, Triangle Surveyors, Inc. does not hold a business entity permit to provide land surveying services in Kentucky, as required by KRS 322.060. It was determined that Mr. Carpenter's actions constitute the unlicensed practice of land surveying. The matter was settled with an Agreed Injunction in which Mr. Carpenter is enjoined from further practice of land surveying in Kentucky unless and until he is licensed by the Board and his firm obtains a permit. No penalty was assessed for the current violation; however the Agreed Injunction calls for a fine of \$1000 and seven (7) days in jail for any future violation. The Agreed Injunction was entered in the Franklin Circuit Court on July 7, 2014.

LOREN ROBERT PURDOM, PLS

In October 2013, Mr. Loren Robert Purdom, PLS of Wheelersburg, Ohio entered into a Consent Decree in settlement of a disciplinary action against him.

Among other things, that agreement called for Mr. Purdom to complete a New Mexico State University online course in professional ethics within six months. Mr. Purdom failed to complete the course as agreed. In accordance with the terms of the Consent Decree and after being notified of the default, Mr. Purdom's land surveying license was suspended. The suspension became effective May 28, 2014.

RAY LYNN YEARGAIN II, PE

In January 2014, Mr. Ray Lynn Yeargain II, PE of St. Charles, Missouri was selected for an audit of his Continuing Professional Development (CPD) credits due to a previous failed audit. Mr. Yeargain failed to respond to the audit notice within 30 days, as required by 201 KAR 18:196. After numerous efforts to contact Mr. Yeargain proved unsuccessful, the Board filed formal disciplinary charges. Upon learning of the charges, Mr. Yeargain informed the Board that he would like to voluntarily surrender his Kentucky professional engineering license. The surrender of license was presented to the Board of Licensure in the form of a Consent Decree, which it accepted on July 18, 2014.

RODNEY HALL, PLS

In 2012, the Board received a complaint against Rodney Hall, PLS of Clay City. The complaint alleged numerous violations of the Surveying Standards of Practice, some of which resulted in gross errors on some specific surveys. A Board investigation confirmed the errors and identified extensive violations of the Standards of Practice, 201 KAR 18:142. The matter was settled through a Consent Decree wherein Mr. Hall acknowledged the violations and accepted the following sanctions: (1) a \$1000 fine, (2) a letter of Reprimand, (3) a two-year probation of Mr. Hall's land surveying license during which time he will submit to a quarterly review of his work, (4) additional continuing education in the surveying Standards of Practice, and (5) additional continuing education in boundary surveying and boundary law. The Board of Licensure accepted the Consent Decree on July 18, 2014.

RAY G. FLAKE, PE

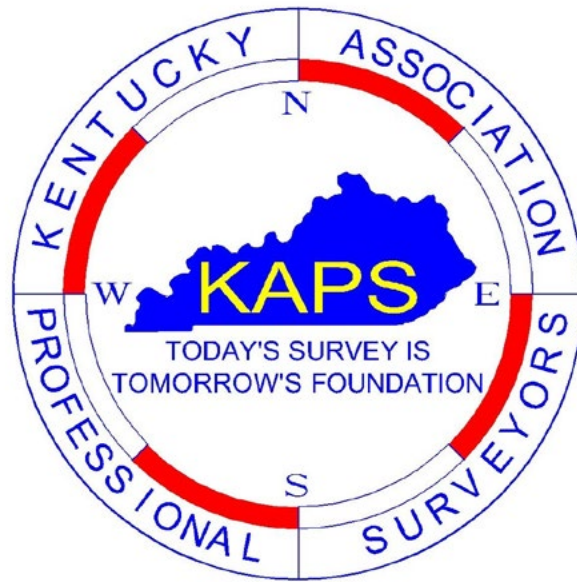
CIVIL ENGINEERING SERVICES, PC

In February 2014, the Board received a complaint which alleged that Ray G. Flake, PE provided professional engineering services on a Kentucky project without a valid Business Entity Permit for his firm, Civil Engineering Services, PC. A Board investigation confirmed the business entity permit of Civil Engineering Services, PC expired on

December 31, 2004 and had not been reinstated. The investigation also confirmed that Flake and his company had provided engineering services to two Kentucky projects after the firm's permit had lapsed. The matter was settled through a Consent Decree wherein Mr. Flake acknowledged that his conduct constituted a violation of KRS 322.060, and accepted the following penalties: (1) a \$2000 fine, (2) Mr. Flake shall obtain a business entity permit for Civil Engineering Services, PC and shall also obtain authorization to conduct business in Kentucky, (3) a letter of Reprimand, (4) Mr. Flake's professional engineering license shall be on probation for two years during which time he will submit a quarterly report of all Kentucky projects, and (5) Mr. Flake shall submit proof of obtaining 30pdh of qualifying Continuing Professional Development activities for calendar years 2013-2014 by not later than January 10, 2015.

ZANE ALEXANDER, PE, PLS

In May 2014, Zane Alexander, PE, PLS entered into a settlement agreement with the Executive Branch Ethics Commission wherein he admitted that he violated the Executive Branch Code of Ethics, KRS 11A.020(2) and KRS 11A.040(4). Specifically, while employed by the Kentucky Transportation Cabinet, Mr. Alexander conducted surveying activities for Phoenix Engineering, a company owned and operated by his spouse and daughter. Phoenix was a subcontractor of D.L. Braughler Company, which was under contract and performed work for the Cabinet for a project in Harrison County. The surveys Alexander performed for Phoenix were conducted at the behest of Braughler in completion of the Harrison County project for the Cabinet. The Cabinet paid Braughler for the surveying activities. Braughler in turn paid Phoenix through the subcontract for the surveying activities that were performed by Mr. Alexander. Mr. Alexander, through his spouse, benefited from Phoenix's subcontract with Braughler by way of Braughler's contract with the Cabinet by which Mr. Alexander was employed. The Board determined that Mr. Alexander's acts also constitute violations of the Code of Professional Practice and Conduct, 201 KAR 18:142 Sections 4, 6 and 9. The matter was settled through a Consent Decree wherein Mr. Alexander acknowledged the violations and accepted the following sanctions: (1) a 30 day suspension of his land surveying license, and (2) Mr. Alexander must take and pass the Texas Tech University online course in engineering ethics. The Board of Licensure accepted the Consent Decree on July 18, 2014.



2015 KAPS CONFERENCE

February 26 - 28, 2015

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ksperry@hmbpe.com

John Walz, PhD
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john.walz@uky.edu

2014 Calendar of Events

October 9	Committee Meetings	Frankfort KY
October 10	Board Meeting	Frankfort KY
October 24	PE, STR Vertical, PS Exams	Louisville KY
October 25	STR Horizontal Exam	Louisville KY

Andrew C. Kellie, PLS

10305 Old Altar Court

Louisville, KY 40291 andy.kellie@murraystate.edu

Riparian Boundaries - Sort Of

Ted and I stood in the rain on the embankment. The sky and the road were a dark gray, the water in the channel was a dirty brown, and the dry grass along the embankment was a dull tan. In fact, the only spot of color in the whole scene seemed to be the green of our rain jackets. The jackets had the company name printed on them as part of my campaign to build name recognition and to brand the company. The scene was melancholy enough for a high school English composition. I don't think of high school English classes very often, but the high school English teacher owned the home just east of the drainage. There was an in-ground pool of truly antique design in the teacher's back yard, and the flooding that Ted and I had arrived to investigate was spilling over the side and into the pool, adding a touch of dark brown to the original color of the water in the pool. The situation was simpler on the west of the drainage; on that side, the water was draining directly through the basement windows of the home located there. There was a pump going on the other side of the house and it made me recall the classic high school physics problem where the student has to figure out long it would take the pump to empty the basement while the water flowed in. I didn't need to do the math here; the pump was clearly losing.

"It's going over the road west of the culvert," Ted observed, "so, I guess the culvert can't be at the low point of the vertical curve." That, of course, was part of the problem. The other part of the problem was the capacity of the culvert. Built in 1960 (according to the stencil on the headwall), the structure couldn't carry current high flows. At high flows, the embankment acted like a dam, and the water backed up and flooded the homes north of the embankment. Everything had been okay until the area upstream of the culvert had been developed. Then, increased runoff from the developed area trumped culvert design based on agricultural land cover and what was probably a relatively unsophisticated design process.

It wasn't long before Ted and I were joined by Bill, the county road foreman, and by Ray, the county

engineer. Our conference also was joined by Mr. Taylor, the English teacher who owned the pool, and Mr. Fox, who owned the flooded basement. Both Mr. Fox and Mr. Taylor were less than happy, especially when Bill incautiously told them he couldn't get to the work until next spring, and Ray told them he couldn't get to the design before then anyway. To put it mildly, things got rather heated. Mr. Taylor, in particular, exhibited a command of the English language appropriate to an English teacher; Mr. Fox exhibited a command of descriptive adjectives appropriate to a trooper. The conversation took its predictable course. Mr. Taylor explained, somewhat forcefully, that he paid taxes in the county and expected the county to maintain the roads properly. That offended Bill, who then tried to explain how understaffed his department was and how little money there was for roadwork. Then, Mr. Fox complained that there wasn't anything sophisticated in the design of a "pipe under a road" that would delay design until next spring. This offended Ray, who totally lost it and said that if folks built in a floodplain, they should expect to get flooded. Taylor and Fox jumped on that and yelled that when they built, there weren't any floodplains to worry about. Ray, (from whom I had expected better) felt obliged to try to explain that, actually, there always were floodplains, but it was only recently that we were finally trying to live with them. This effort brought the predictable response from Taylor and Fox—who clearly were not in the mood for a lecture on hydrological history.

During these fireworks, I was doing my best not to be noticed—a somewhat difficult task in a fluorescent green rain jacket, while Ted, exhibiting exceptional situational awareness, had wandered off and was inspecting the wing walls and entrance to the culvert. I had expected Ted to remain discretely out-of-range until things had cooled, but he rejoined us and interrupted the conversation by suggesting that (a) the culvert would carry more water if it were cleared of debris and brush, (b) this wouldn't cost Bill anything since his crew routinely cleaned culverts and ditches, (c) the work would need to be done

before construction started anyway, and (d) even if it didn't stop flooding, it couldn't help but improve things until design and construction were completed.

The situation improved noticeably. Bill got out of it by agreeing to do what he normally did, Ray agreed to hurry the design if we'd hurry the survey, and I agreed to get a crew on the job as soon as the water went down. Both Mr. Taylor and Mr. Fox were happy and the conversation eventually drifted off into questions of county politics and other unfathomables before everyone finally decided to get in out of the rain. It was a rather acceptable outcome, all brokered by a junior associate in a green jacket—with the company name on it. It's always nice to have smart associates—junior or otherwise.

We started our work on the project the next day. Samantha brought in the vertical control, and Ted's crew ran upstream and downstream profiles and a series of cross sections. Before she left the site, Sam set temporary benchmarks on both sides of the embankment well back from any construction. With any luck, Ray had his design data, and Bill wouldn't find the TBM's until we showed them to him the day before construction. Game on!

As it happened, the "game" happened to be another hydrologic survey, this time parading as a boundary dispute. Our involvement came at the request of a local attorney who called our office and requested that we retrace the boundaries of a tank farm. The tank farm was located south of, and adjacent to, a river that was a navigable waterway. According to the deed, the land involved in the dispute was "located on the waters of _____ River", and then was bounded on the north "by and along the contour of 370.0 feet according to the government datum, NGVD29 as shown on the plat attached hereto." The deed was dated 1943, and it was accompanied by a plat of record showing the east and west boundaries as extending to the north and terminating on the 370.0 contour. The plat also showed the "existing high water mark as of 2/27/1943" of the river as being north of the 370.0 contour. The floodplain on which the farm was located was exceptionally flat, hence the use of the 370.0 contour. Even a small change in elevation would make a big change in the horizontal position of the contour.

The boundary dispute was most unusual. Instead of two adjoining owners who were arguing over who owned what grass or what tree, the dispute here

was between our client (who owned the tank farm) and a local environmental group who claimed that the tank farm was encroaching land of the public because the farm was constructed below the 370.0 contour. Those folks felt this required the tank farm to be moved. It occurred to me that if the farm had been growing sunflowers, it might not have been a concern, but it was storing petroleum products, so it was undesirable. Before the dispute went any further, the attorney for the tank farm owner wanted to know where the boundary was, according to the writings. Naturally in the 71 years since the farm had been established, the river—which was a section of a reach—had deposited and eroded within the flood plain where the tank farm was located. This made the location of the 370.0 contour per the writings somewhat challenging.

I met with the tank farm operator, arranged for safety orientation for the crew, and for the crew's access to the site. Sam, Ted, and I talked over the work. Boundary law seemed rather unclear on the matter. What we did know was that boundaries are fixed by the writings, and everything shown on a plat is part of the deed when the deed calls for the plat. Ted raised the question of riparian boundaries. Was the property riparian? If not, why was the land described in the general part of the description as "on the waters of _____ River"? I pointed out to Ted that describing land as being on a certain watershed was very common in older deeds simply as a way of locating a parcel within the county. The parcel might be riparian, or it might not.

Sam brought up another point. The deed called for the 370.0 contour. If that was the boundary specified—and it was—then the only boundary in contemplation of the parties must be the 370.0 contour *as of the date of conveyance*. Sam reasoned that if another line had been intended, the parties the parties would have drafted the deed differently—which they hadn't.

Ted argued the point with Sam. He felt that the question of a riparian boundary was crucial, because a riparian boundary shifts with the stream, except, of course, in the case of an avulsion. According to Ted's reasoning, if the 370.0 contour were a riparian boundary, the boundary would shift as the contour did. Sam pushed the plat toward Ted. The plat showed the 370.0 contour running along the bank of the river, but the east and west lines of the farm had not been extended past the 370.0 contour to either

the high water mark or the thread. Sam reasoned this way: What if the contour specified had been 570 feet? At an elevation of 570 feet, the contour would have been on the bluff behind our office. The plat could still have shown the river north of the 570 contour, and there was no way a parcel south of the 570 contour could possibly be riparian.

Boundary law aside, our job was to retrace the boundaries of the tank farm. While Ted digitized the plat, Sam downloaded descriptions and elevations for all of the benchmarks in the area. Since NGVD29 was specified in the deed, we would use benchmark elevations referenced to that datum. We then spent a day recovering and flagging the existing benchmarks.

We planned to locate the existing 370.0 contour by differential leveling. Before beginning work, Sam did an NGS-style level calibration using the level and rod she planned to use for the survey. Then I had the crew run between the three existing benchmarks we would use in the survey to verify elevations and elevation differences. We did the field survey in two parts. First, we located a series of points on the 370.0 contour using differential leveling. These points were marked. Second, we obtained horizontal positions for the 370.0 contour points using GPS. We located the perimeter fence, tanks, and structures in the fields as well as the remaining property corners, fences, and, of course, the tanks. I saw to it that everyone on the crew wore a company jacket while in the field. This was a big, high profile job and it seemed to be a good opportunity to garner some name recognition.

In the office, Ted reduced and plotted the field data. The field survey was on the state plane coordinate system, but we had common points connecting our survey and the 1943 work. Ted did the necessary scaling, rotation and translation. When he overlaid our current survey on the 1943 plat, the locations were consistently superimposed. If there had been erosion, deposition, or avulsion, it had been somewhere else on the river. There was no encroachment anywhere. Even the perimeter fence was located inside the 370.0 contour.

In the end, the matter never got to court, and I thought perhaps we had heard the last of it. But it didn't actually end there. Sam and I were having

lunch at a local diner on a rainy day few weeks later. We had our company jackets on again as I was preserving in my attempt at name recognition and branding. A 20-something guy walked up to the table and said to Sam, "I know you. You did the oil company survey, and I worked on that, too."

Sam was frosty. "If I did do that survey, I wouldn't discuss our client's work with you, and I don't know you from anywhere."

Figuring that offense was the best defense, the 20-something continued, "You know, you had that 370.0 line wrong. I used my GPS and marked that line on the ground and it was nowhere near where you had it. I took multiple measurements of each point, computed the mean, and even calculated the standard deviation for the measurements. I can't see that I did anything wrong in any of that."

Sam's frost hardened, but I could see she was really enjoying this. "Actually there *were* some things wrong. *First*, you were on the wrong vertical datum. *Second*, your imprecise measurements were inaccurate because you measured in the wrong place. *Third*, as far as all your statistics go, making more imprecise measurements doesn't improve bad data."

At this point, half the diner was listening to (and thoroughly enjoying) the conversation, and even the 20-something realized he was in a box. He didn't know the vocabulary, he didn't know the surveying, and he didn't know the math. If that weren't enough, he was trying to impress a person who did know all those things—and pretty well, too. It was time to beat a retreat. "Well, I'll see you around," 20-something said.

Sam's reply was classic. "Not likely," she said. It was a rather acceptable outcome, all brokered by a junior associate in a green jacket with the company name on it. It's always nice to have smart associates—junior or otherwise.

Carlson Software Tip of the Day... Wiped Out Property Corner Symbols

Problem:

Problem: Lines or polylines of a boundary show up inside your open property corner symbols. See image 1 for an example:

The additional problem is that, if you trim the lines inside the symbols to make it look cleaner, you're actually modifying the length of property lines so the distances from corner-to-corner are no longer accurate.

Here's an alternative: You can download a modified set of Carlson's point symbols that include a "wipeout" entity that hides the lines behind/underneath the open symbols instead of trimming them and changing the length of the lines. Using the new set of symbols, the same property lines and symbols look like those in image 2 (notice that the distances of linework are unchanged):

Want to know how to do this? Visit www.thatcadgirl.com/news to learn more.

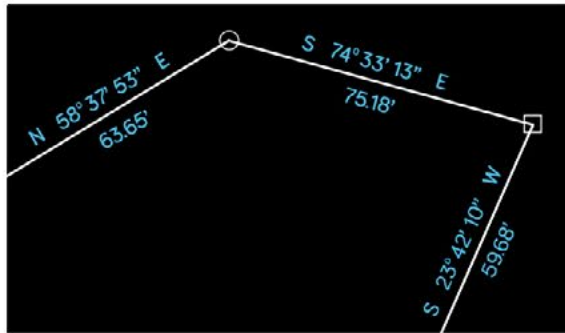


Image 1

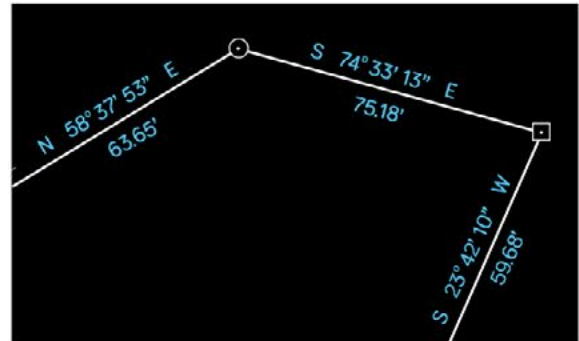


Image 2

That CAD Girl

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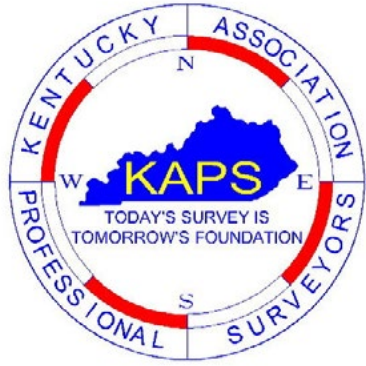
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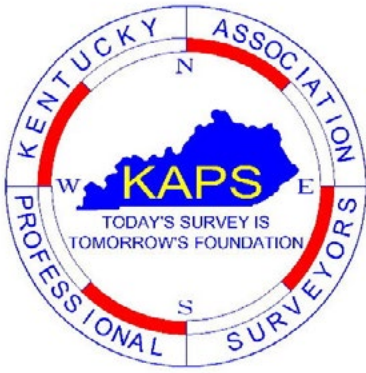
KAPS 2014 FALL SEMINAR SCHEDULE

124 Walnut Street ▪ Frankfort, Kentucky 40601 ▪ Phone: 800.866.3029 ▪ Fax: 502.695.2667 ▪ Email: mforrest@kaps1.com

ONLINE REGISTRATION IS NOW AVAILABLE AT WWW.KAPS1.COM

***Refunds: A full refund will be granted for cancellations at least 15 days prior to the seminar; a \$25 penalty will be assessed for cancellations made less than 15 days prior; all requests must be in writing.**

DATE	SEMINAR	INSTRUCTOR	CREDITS	TIME	MEMBER	NON-MEMBER	LOCATION
Friday, November 7	<i>KRS.322 / MTS / Code of Conduct</i> Course # 14-07-046	Marco M. Rajkovich	4 PDH	8 A.M. – 12 P.M.	Half Day: \$85	Half Day: \$85	Clarion Hotel 1950 Newtown Pike Lexington, KY 40511
	<i>Ethical Considerations in Underground Mine Mapping for Engineers & Land Surveyors</i> Course # 12-08-031	Marco M. Rajkovich	4 PDH	1 P.M. – 5 P.M.	Full Day: \$170	Full Day: \$170	
Friday, November 14	<i>Ethics, Code of Conduct, & Standards of Practice</i> Course # 14-07-048 *4 General Credits / 4 Standards of Practice Credits	Jonathan Payne, PLS	Surveyors: *8 PDH Engineers: 6 PDH	8 A.M. – 5 P.M.	\$170	\$170	Home Builders Association of O'boro 3515 Wathens Crossing Owensboro, KY 42301
Friday, December 5	<i>Ethics, Code of Conduct, & Standards of Practice</i> Course # 14-07-048 *4 General Credits / 4 Standards of Practice Credits	Jonathan Payne, PLS	Surveyors: *8 PDH Engineers: 6 PDH	8 A.M. – 5 P.M.	\$170	\$170	Ramada Plaza Conference Center 9700 Bluegrass Parkway Louisville, KY 40299
Friday, December 5	<i>Relative Positional Precision Explained in Everyday Language</i> Course # Pending	Todd W. Horton, PE, PLS	8 PDH	8 A.M. – 5 P.M.	\$160	\$260	Crowne Plaza 830 Phillips Lane Louisville, KY 40209
Friday, December 12	<i>State Plane Coordinate Systems for GPS Users</i> Course # 12-08-033	Todd W. Horton, PE, PLS	8 PDH	8 A.M. – 5 P.M.	\$160	\$260	Holiday Inn Cincinnati Airport 1717 Airport Exchange Blvd Erlanger, KY 41018
Friday, December 12	<i>Getting to Know Machine Control</i> Course # 12-08-032	Glenn M. Etienne	4 PDH	8 A.M. – 12 P.M.	Half Day: \$110	Half Day: \$210	Clarion Hotel 1950 Newtown Pike Lexington, KY 40511
	<i>GNSS Surveying & Processing</i> Course # 12-07-045	Jeffrey K. Clark	4 PDH	1 P.M. – 5 P.M.	Full Day: \$160	Full Day: \$260	
Saturday, December 13	<i>Drafting Survey Descriptions</i> Course # 14-07-047	Andrew Kellie	4 PDH	8 A.M. – 12 P.M.	Half Day: \$110	Half Day: \$210	Kentucky Dam Village 166 Upper Village Drive Gilbertsville, KY 42044
	<i>Retracing Riparian Boundaries</i> Course # Pending	Andrew Kellie	4 PDH	1 P.M. – 5 P.M.	Full Day: \$160	Full Day: \$260	
Friday, December 19	<i>We Will Standardize...Even if it Kills Us!</i> Course # 13-07-018	Jennifer DiBona	4 PDH	8 A.M. – 12 P.M.	Half Day: \$110	Half Day: \$210	Jenny Wiley State Park 75 Theatre Court Prestonsburg, KY 41653
	<i>Field to Finish for Survey & GIS Collection from a GIS Dummy</i> Course # 13-07-019	Jennifer DiBona	4 PDH	1 P.M. – 5 P.M.	Full Day: \$160	Full Day: \$260	



KAPS

Kentucky Association of Professional Surveyors

124 Walnut Street

Frankfort, Kentucky 40601

Phone: 800.866.3029 • Fax: 502.695.2667

Email: mforrest@kaps1.com

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Date of Seminar _____

Method of Payment:

_____ **Check Enclosed / Amount** _____

_____ **Visa or Master Card / Amount** _____

Name as it appears on Visa/Master Card

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Signature

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SPS80 Rover

This next GNSS receiver features the new 240-channel “6G” chipset, it is optimized for tracking and processing signals from all GNSS constellations. In addition, SP80 is the most connected GNSS receiver in the industry. It is the first to offer a unique combination of integrated 3.5G cellular, unlimited operation time (hot-swappable batteries), Wi-Fi and UHF communications with SMS, email and anti-theft features.

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Precision Products is pleased to announce the addition of Chris Pursell to our sales and support team. Chris will be based in our Louisville location as the FSM Territory Manager. Chris can be reached at 502-631-3045. Please join us in welcoming him to our team!

Saturday, April 5, 2014 10:00am

Kentucky Engineering Center, 160 Democrat Drive, Frankfort, KY 40601

Board of Directors

CALL TO ORDER

KAPS 2014 President, Jonathan Payne, called the April 5, 2014 KAPS Board of Directors Meeting to order.

PROXY VOTES:

Three proxies were submitted: Tom Clayborn assigned his proxy to Mike Ladnier on March 19, 2014. Kevin Phillips assigned his proxy to Josh Calico on March 20, 2014. Tom Crabtree assigned his proxy to Mike Ladnier on March 24, 2014. Don Pedigo moved to accept all proxies. James Mayo seconded. Motion carried.

MEMBERS PRESENT: Jonathan Payne – President; Don Pedigo – President Elect; John Schneider – Vice President of External Affairs; Richard Montgomery – Director / Secretary; Bill Jones – Director / Treasurer; Chris Gephart – Kentucky Board of Licensure Liaison; Josh Calico – Director; James Mayo – Director; Tom Bushelman – Director; Michael Ladnier – Audubon Chapter Chair; Jason Graves – Falls of the Ohio Chapter Chair; Robert Smith – Green River Chapter Chair; Johnny Justice – Highlands Chapter Chair; Matthew Clark – Jackson Purchase Chapter Chair; Greg Barker – Northern Kentucky Chapter Chair; John Ledington – Southeast Chapter Chair

STAFF PRESENT: Molly Forrest – Administrative Assistant

MEMBERS ABSENT: Thomas Clayborn – Past President; Kevin Phillips – Vice President of Internal Affairs / Bluegrass Capital Chapter Chair; Steve Lilly – KAMP Liaison; Craig Palmer – NSPS Governor; Tom Crabtree – Director; Bob Westermeyer – Director; Shaun Foley – Barren River Chapter Chair; Mike Ruggles – Northeast Chapter Chair

PRESIDENTS WELCOME

President Jon Payne welcomed everyone to the meeting. Introductions were made.

ADDITIONS OR REVISIONS TO THE AGENDA

*TAPS Conference – Don Pedigo / President Elect Report

****Realtor Signs Used for Auctions** – Richard Montgomery / initially planned for New Business but moved to President Elect Report as it pertained to another discussion point.

*****Mapping Sciences Licensure** – Don Pedigo / initially planned for New Business but moved to President Elect Report as it pertained to another discussion point.

******Assurance Risk Managers** – New Business

REVIEW AND APPROVAL OF BOARD MEETING MINUTES

The minutes of the February 19, 2014 Board Meeting were reviewed. Chris Gephart made a motion to accept the minutes. Don Pedigo seconded. Motion carried.

The minutes of the February 20, 2014 Board Meeting were reviewed. Don Pedigo made a motion to accept the minutes. Chris Gephart seconded. Motion carried.

The minutes of the February 21, 2014 General Membership Meeting were reviewed. These minutes will not be accepted until the next General Membership Meeting in February, 2015.

KAPS OFFICER REPORTS

President's Report – written report submitted; President Payne thanked those assisting him in learning what to do as President of KAPS.

President Elect's Report – Don Pedigo reported he has a KAPS credit card issued to him when Betty Gray retired as Executive Secretary and he was President. He has used the card for the golf and picnic expenses and other KAPS related business. Administrative Assistant, Molly Forrest, also has a KAPS credit card. Mr. Pedigo would like to know the Board's opinion regarding whether or not he should continue to use the card. Molly Forrest informed the Board she includes Don's card activities in the bi-monthly report she gives to the Treasurer and designated check-signers. The Board agreed to have Mr. Pedigo keep the credit card as he continues to be Chair of the Golf and Picnic Committee.

***TAPS Conference** – Mr. Pedigo attended the Tennessee Association of Professional Surveyors (TAPS) Conference in March. The TAPS Conference is done quite a bit differently than KAPS. They typically have one or two choices for classes. Fifteen hours of continuing education hours can be obtained in a two and a half day period. TAPS gives away a four wheeler at the end of the conference.

Tennessee currently has a House Bill (2234) and a Senate Bill (1931) in process to reinstate the ten year experience rule which will sunset at some point and they will go to a sixteen year route to licensure—experience only—with a little bit of education. You can still get licensed going the education route but TAPS has agreed to this legislation.

TAPS had a Licensure Board Panel Discussion at their conference much like KAPS does. One of the things brought up was Tennessee licensees whose residence is in Tennessee must have Tennessee course numbers for their continuing education courses. Tennessee licensees residing outside the state can submit courses with other state course numbers.

Mr. Pedigo distributed a document called “Get a Home Inspection and Property Survey” which is now being used in Tennessee. He wonders if something similar would be good for Kentucky. The Tennessee Association of Realtors proposed using this form with home buyers. The home inspection and the property survey can be waived at the home buyer’s discretion but the opportunity to obtain one or the other or both is presented by all Tennessee realtors to all Tennessee home buyers. This type of document would give surveyors free publicity to every new home buyer. Mr. Pedigo would like to look into what it would take to get something like this in Kentucky and report back to the Board in June.

****Realtor Signs Used for Auctions** – Richard Montgomery expressed concern over realtor auction signs he’s been seeing that depict something like a plot/property boundary. He’s wondering who determined the shown boundaries and acreage on the form/sign. If this type of thing is going on across the state, perhaps the Board of Licensure should be alerted.

*****Mapping Sciences Licensure** – Don Pedigo reported on a topic of conversation from the Board of Licensure Survey Committee Meeting: the

licensing of mapping science professionals (GIS professionals to photogrammetrists). Mike Ritchie is currently on the Board of Licensure and he is licensed in multiple states as a surveyor, an engineer, and as a photogrammetrist. GIS professionals can currently earn a certificate in Kentucky but they are not licensed. The Board of Licensure is trying to determine if licensure in mapping sciences would be beneficial to the Kentucky public. Therefore, the Board of Licensure would like to know if KAPS thinks mapping science licensure is necessary. Following is the statement put forth from the Board of Licensure:

“The Kentucky State Board of Licensure for Professional Engineers and Land Surveyors is researching an area of concern regarding the potential development of work products by mapping science individuals not appropriately licensed by the Board. We request your assistance in identifying the extent of this issue.

Please provide examples or instances of public harm that have resulted from such work performed by unlicensed individuals, GIS personnel, photogrammetrists, and others within the mapping sciences community.

Please send your responses to bdavid.cox@ky.gov. Your assistance is appreciated.”

The question is should the KAPS Board put this out to the KAPS membership so they can respond to the Board of Licensure. Chris Gephart thinks KAPS need to be very careful as to how licensure is addressed and implemented so as to not offend the GIS community.

Going back to the realtor signs for auctions, Mr. Montgomery is of the opinion if there is no disclaimer on auction maps, then it’s surveying without a license. However, if mapping scientists are not encroaching on KRS.322, then they don’t need a license. If they do encroach on KRS.322, then they need a license.

Mr. Pedigo emphasized the need to work with KAMP (Kentucky Association of Mapping Professionals). John Schneider suggested speaking with representatives from KAMP prior to releasing the Board of Licensure statement to the KAPS membership.

Mr. Montgomery made a motion for Don Pedigo, Chris Gephart, and KAPS/KAMP Liaison Steve Lilly to talk

to KAMP regarding the Board of Licensure statement. Mr. Schneider seconded the motion. Mr. Montgomery amended his motion to add anyone else deemed appropriate by the aforementioned gentlemen in the discussion with KAMP. Mr. Schneider agreed on the amendment to the motion. Motion passed.

Mike Ladnier suggested Mr. Montgomery go ahead and notify the Board of Licensure about his concerns over the realtor's auction flyers. Mr. Montgomery agreed to do so.

Treasurer's Report – Balance Sheet / Profit & Loss Statement submitted in the Board Packet. Treasurer, Bill Jones, had nothing further to add. Don Pedigo made a motion to accept. Richard Montgomery seconded. Motion carried.

Administrative Assistant's Report – written report submitted; Fall Seminar disbursement checks and Chapter dues checks were distributed to Chapter Chairs.

OLD BUSINESS

Online Versions of Marco Rajkovich's Ethics & MTS Courses – nothing to report

SB 130 – Don Pedigo reported on this open records legislation. As of March 3, 2014, the legislation has not moved.

SB 74 – Don Pedigo reported this civil liability protection for engineers and architect legislation was passed ninety-six to one (96-1) on March 22, 2014. Surveyors were not included in this legislation under lobbyist's advisement.

KET-KAPS Telefund Courses – thank-you letters from KET were included in the Board packet. President Jon Payne reported KAPS raised \$32,275.00 during the associational shift.

National Surveyors Week – no written report; discussion centered around lack of participation and possibly doing something at a different time of year since National Surveyors Week takes place fairly close to the annual conference.

GIAC Appointment – Paul Schrader was appointed by the Governor to the GIAC.

NEW BUSINESS

Next KAPS Board Meeting – Friday, June 20, 2014, 6:00 P.M. EST at Wickland Historic Mansion, 550 Bloomfield Rd (US 62), Bardstown, KY 40004.

Surveying 101 for GIS Professionals @ GIS Conference – September 15-17 at the Galt House in Louisville, Kentucky; Don Pedigo coordinated the course at last year's GIS Conference and will again this year. Several Board members agreed to do a portion of the course. It was agreed that two hour sessions might be better than one hour.

GIS/KAMP will be providing a similar course for surveyors at the next KAPS Conference in Bowling Green, Kentucky.

GPS on Benchmark Campaign – nothing further

OPUS Project Training Session – President Jon Payne announced the July 28-29 and July 30-31 dates in Frankfort, Kentucky. Sessions will fill up very quickly.

Harlan County Surveyor / County Judge

Comments – President Payne drew everyone's attention to a copy of an internet article about Leo Miller resigning as Harlan County Surveyor and the remarks made by the County Judge. Richard Montgomery explained that the State Auditor wrote up the county because he felt business was going to Mr. Miller as the County Surveyor without competitive bid. According to Mr. Montgomery, the work was primarily engineering work—not surveying work. The most troubling portions of the article were the following statements made by the County Judge:

"...a lot of times people will call an engineer because they want to have a stronger case if they have to go to court,"

and

"...as we move into the time-frame of 2014, you begin to use engineers more to get the borders of your property so if there's a land dispute you have a stronger case."

Mr. Montgomery promised the Harlan County Judge will know the difference between land surveying and engineering before the end of next week.

Administrative Assistant, Molly Forrest's Annual Evaluation – Chris Gephart made a motion to increase Molly Forrest's salary by one dollar per hour. Don Pedigo seconded. Motion passed.

******Assurance Risk Managers** – Tom Bushelman reported on his experience with the insurance company. He has recently been through the claims process on his house fire. Initially, things didn't go as smoothly as he had hoped; however, ultimately, they replaced all his equipment at replacement value. The "Loss of Business" policy is a little sketchy because you must provide proof of loss of business and he's still working through that process. Overall, he had a good experience with the company.

EX-OFFICIO DIRECTORS REPORTS

KY State Board of Licensure Liaison – no written report; Chris Gephart reported the Board of Licensure met on April 4. Board of Licensure member, David Atwell, has cancer of the bone marrow which is very painful. He is taking chemotherapy and is being treated at Greenwood Nursing and Rehabilitation Center in Bowling Green, Kentucky.

Mr. Gephart cautioned everyone to read the questions carefully on the electronic licensing form. He emphasized the importance of filling out the form personally instead of having a secretary or someone else handle it for you. If the Board of Licensure finds discrepancies in the form and the courses you can prove you've taken, you could get in auditing trouble.

Professional Development Chair – Distribution of KAPS Professional Development Seminar Profits report submitted; Mr. Pedigo urged the Board to promote the seminars. We need new seminar ideas and we need to get new course details to the Board of Licensure 45 days prior to their next meeting which is July 18.

CHAPTER REPORTS

Audubon – report submitted; Michael Ladnier reported the chapter has been discussing hosting a fall seminar. The next meeting will be April 15.

Barren River – no report; Don Pedigo reported the chapter has had a meeting.

Falls of the Ohio – report submitted; Jason Graves reported their attendance doubled for the March meeting where Curt Bynum, GISP (of LOJIC)

spoke. The April meeting will include guest speakers from MSD, who is Jefferson County's flood plain coordinator.

Green River – no written report; Bob Smith reported a meeting scheduled for the coming week. The chapter gave two-hundred dollars to fellow surveyor, Tim Phipps whose son passed away to help with funeral and traveling expenses.

Northern Kentucky – no written report; Greg Barker reported the chapter has met several times this year. Bud Payne has been working with the scouts to obtain their surveying honor badges. The chapter has supported his efforts with a check. Brian Cox is involved with TrigStar program and the chapter is supporting that effort financially. The chapter will also be involved in the TSAB Golf Outing this year.

Purchase – report submitted; Matthew Clark reported a problem with a county clerk refusing to record personal plats. William Ralph Paris is planning to meet with this clerk's political opponent to see if he/she would talk to the chapter regarding this issue.

Southeast – report submitted; John Ledington reported a meeting is planned for later in the month. John Schneider explained the chapter's involvement in the Boy Scouts Merit Badge Jamboree.

COMMITTEE REPORTS

Annual Conference – report submitted; Profit from the 2014 Conference was \$7,222.70. The Conference Committee is hoping food and printing costs will be lower for 2015 in Bowling Green.

Annual Golf Outing and Picnic – Mr. Pedigo announced the golf outing will be held on Friday, June 20, 2014 at My Old Kentucky Home State Park in Bardstown and the picnic would be held on Saturday, June 21, 2014 at Wickland Historic Mansion in Bardstown. He encouraged everyone to attend.

County Surveyors – nothing further

Nominating – Don Pedigo is planning to form a nominating committee this year.

SPECIAL COMMITTEE REPORT

KY / TN State Line Monuments – no written report; President Payne reported he and Matthew Clark worked on a monument in Trigg County. They were

able to gain permissive access to get another done, which will leave two more monuments in western Kentucky. Mr. Wintenberg has been working in the east. John Schneider has four left to take care of.

Board of Licensure Nominations – no report; It was discussed that David Atwell's seat will need to be filled. President Payne said he would begin working on it.

Chris Gephart reported he had met with Derek Guthrie at KSPE regarding the delay in getting last year's nominations to the Governor in a timely manner. Mr. Guthrie acknowledged the problem and

will discuss the matter with the KSPE Board to see if KAPS can pick the letter back up and deliver to the Governor's Office.

ADJOURNMENT

James Mayo made a motion to adjourn. John Schneider seconded. Motion carried. Meeting adjourned.

Respectfully submitted by
Molly M. Forrest for Richard Montgomery, PE, PLS,
Secretary

Edited for content by Doug Comer, PE, PLS, Editor

Help Wanted

PLS / LSIT

SABAK, WILSON & LINGO, INC., a land planning, civil engineering and landscape architecture firm, has a need for a Kentucky PLS or LSIT with minimum 5 years experience. Duties include deed research, subdivision & easement plats, legal description and a thorough knowledge of AutoCAD. Send resume to 608 South Third Street, Louisville, KY 40202, Attention Dennis Kraus (dennis.kraus@swlinc.com). EOE.

Field Surveyor

SABAK, WILSON & LINGO, INC., a land planning, civil engineering and landscape architecture firm, has a need for a crew chief & instrument person in Louisville. with 3-5 years experience in Boundary, Topography, subdivision and roadway surveying. Send resume to 608 South Third Street, Louisville, KY 40202, Attention Dennis Kraus (dennis.kraus@swlinc.com). EOE.

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NCEES honors Cox for service

B. David Cox, of Lexington, Kentucky, has been awarded the NCEES Meritorious Service Award for his dedicated service to the engineering and surveying professions. Cox received the honor at the 93rd NCEES annual meeting, held August 20–23, 2014, in Seattle, Washington.

Cox has served as executive director of the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors since 2001. His contributions to the board include testifying before numerous legislative committees on issues related to regulatory changes, continuing education, and surveyor education requirements. In 2013, on behalf of the Kentucky board, he negotiated and signed a memorandum of understanding with the Japan PE/FE Examiners Council to facilitate licensure of Japanese engineers in Kentucky.

While serving the Kentucky board, Cox has been actively involved in the work of NCEES. His efforts include serving seven terms on the Committee on Finances, including two as chair. He has also served two terms each on the Licensure Qualifications Oversight Group and the Advisory Committee on Council Activities and was a member of the Credentials Evaluation Advisory Group.

His contributions to the Southern Zone include serving as spokesperson for the Member Board Administrators Networking Group and assisting with preparations for the 2007 Southern Zone interim meeting in Lexington and the 2009 NCEES annual meeting in Louisville.

A strong supporter of advancing licensure for engineers and surveyors, Cox has made many presentations on licensure and related issues to student groups and professional organizations.

ABOUT NCEES

The National Council of Examiners for Engineering and Surveying is a nonprofit organization made up of engineering and surveying licensing boards from all U.S. states and territories. Since its founding in 1920, NCEES has been committed to advancing licensure for engineers and surveyors in order to protect the health, safety, and welfare of the U.S. public.

NCEES helps its member licensing boards carry out their duties to regulate the professions of engineering and surveying. It develops best-practice models for state licensure laws and regulations and promotes uniformity among the states. It develops and administers the exams used for engineering and surveying licensure throughout the country. It also provides services to help licensed engineers and surveyors practice their professions in other U.S. states and territories. For more information, please visit ncees.org.



KAPS Golf Outing and Picnic

June 20 and 21, 2014





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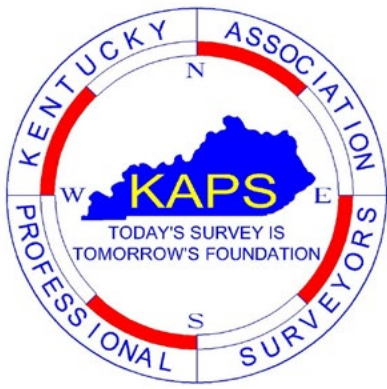
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KY COUNTY _____ CHAPTER _____ KY PLS # _____

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BUSINESS NAME & ADDRESS _____

CITY _____ STATE _____ ZIP _____

DO YOU PREFER: EMAIL USPS / IF USPS, DO YOU PREFER: RESIDENCE BUSINESS

EMAIL ADDRESS _____ BUSINESS WEBSITE _____

HOME PHONE _____ CELL PHONE _____

BUSINESS PHONE _____ FAX _____

BIRTHDAY _____ HIGHEST DEGREE _____

I HEREBY CERTIFY 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

- FULL MEMBER \$ 195.00
- LIFETIME FULL \$3,900.00
- FIRST LICENSED YEAR \$ 0.00
- ASSOCIATE MEMBER \$ 97.50
- CORPORATE MEMBER* \$ 390.00
- BUSINESS MEMBER \$ 390.00
- STUDENT MEMBER \$ 0.00

CHECK ENCLOSED CREDIT CARD

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3-DIGIT V-CODE (on back of card) _____

EXPIRATION DATE _____

SIGNATURE _____

REFERRED BY _____

SEE FOLLOWING PAGE FOR IMPORTANT MEMBERSHIP INFORMATION →



“FULL” AND “LIFETIME FULL” KAPS MEMBERS WILL AUTOMATICALLY BE MEMBERS OF NSPS (National Society of Professional Surveyors).

***Descriptions taken from the KAPS By-Laws / Article III / Section 2 Classifications and Qualifications**

FULL MEMBER: Full Membership shall be granted, upon application to the Board, to any person licensed to practice land surveying in the Commonwealth of Kentucky. Except as otherwise hereinafter provided, such membership shall continue, as long as the person’s rights to practice land surveying is maintained. A Full Member shall enjoy all rights and privileges of membership in KAPS.

- **LIFETIME FULL MEMBER:** Lifetime Full Membership shall be granted upon conditions listed above with one lump sum payment equal to 20 years of the current Full Member dues rate.
- **FIRST LICENSED YEAR:** KAPS offers Full Membership free of charge to newly licensed individuals.

ASSOCIATE MEMBER: Any person who is non-licensed but has an interest in land surveying shall be eligible for Associate Membership in KAPS. Associate Membership shall be granted upon recommendation by a Full Member and application to the Board. An Associate Member shall have all rights of Full Membership except the rights to vote and hold office.

CORPORATE MEMBER: Any firm or organization engaged in the practice of land surveying shall be eligible for Corporate Membership provided that either a principal of the firm or a person in responsible management position of surveying for the firm is a Full Member of KAPS. Corporate Membership shall be granted upon application to and majority approval by the Board. Corporate Members shall only have such rights or privileges as may hereinafter be provided or which may be accorded at the discretion of the Board. Corporate Members may enroll full-time employees as KAPS members under the appropriate category at a 20% discount from the full price.

BUSINESS MEMBER: Any firm or organization who is non-licensed but has an interest in land surveying shall be eligible for Business Membership in KAPS. Business Membership shall be granted upon recommendation by a Full Member and application to the Board. A Business Member shall only have such rights or privileges as may hereinafter be provided or which may be accorded at the discretion of the Board. Business Members may enroll full-time employees as KAPS members under the appropriate category at a 20% discount from the full price.

STUDENT MEMBER: Any full-time student with an interest in the profession of land surveying shall be eligible for Student Membership. Membership shall be granted upon application and approval of the Board of Directors. Student Members shall have all rights of membership except the rights to vote and hold office, except within a Student Chapter.

100% Annual Dues January – June; 75% Annual Dues July – December (proration according to date of application)

FOR KAPS OFFICE USE ONLY:

PAYMENT REC'D / RECEIPT / WEBSITE / EXCEL / CHAPTER / POST NSPS