

Register for the 2014  
Golf Outing and Picnic!

# THE INTERIOR ANGLE



## KAPS 2014, Spring/Summer Issue

Kentucky Association of Professional Surveyors, 2014 - Issue 2

Photo provided by KAPS



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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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The Interior Angle welcomes and encourages comments, opinions and responses by readers. Letters should be addressed to:

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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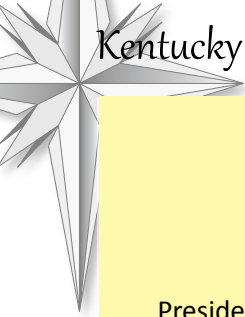
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**On the Cover:  
Jonathan Payne receives  
the 2014 Surveyor of the  
Year Award.**

## Jonathan L. Payne, PLS

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

# From the President's Desk

This year certainly seems to be flying by. It is already June and summer is just around the corner. I am hearing from colleagues that they are getting busier – hopefully a sign that the coming months will bring an influx of business for our profession.

Since this is my first Interior Angle publication, I am quite nervous to follow such excellent writing as our most recent past Presidents of KAPS -Tom Clayborn and Don Pedigo. They always had complete and useful reports.

First, I would like to report that the conference was a great success. Many of you attended and made it a fun and informational event. Thanks to the efforts of the conference committee, I think we had some very good programs this year. The committee will soon begin finalizing plans for the 2015 conference. If you have suggestions for speakers, please let either your chapter chair or me know about them. We had great feedback on this past conference. That feedback will be used as we move forward to try and raise the bar on the next conference.

Going from the educational programs of the conference, I would like to next address Fall Seminars. If your chapter has not already done so, NOW is the time to make arrangements for fall seminars. Once your chapter has determined to have a seminar, you will need to either select from existing programs or have a speaker prepare a new program. Preparing a new program and getting it pre-approved is a lengthy process. Keep that in mind as we move forward. It is always nice to be able to publicize that an offered course has been pre-approved. Please get in touch with Don Pedigo, Molly Forrest, or me about your Fall Seminar plans.

KAPS again assisted KET with their Telefund this year. It is always a pleasure to aid in this

endeavor. This is a very good way to get the profession of Land Surveying out to the public. I personally had several people comment on how nice it was that the Surveyors were helping out. During the KAPS shift at the phones, we accepted \$32,275 in pledges and from call outs raised an additional \$2,759.

KAPS decided to not press for any action during the past legislative session due to the main concern of the legislators being the budget. Currently, the KAPS Legislative Committee is looking into and ironing out language addressing a plat recording law. If you have suggestions of legislative matters you think KAPS should pursue, please let your chapter chair or me know about your concerns. We will certainly bring any idea presented forward to the Board of Directors for discussion.

As a final point, please keep in mind that the annual golf outing and picnic are coming up very soon. It is a great way for our organization to raise funds for scholarships and is also just a really fun outing. Golf occurs on June 20<sup>th</sup> and the picnic is June 21<sup>st</sup>. More details can be found at:

[http://www.kaps1.com/ai1ec\\_event/kaps-annual-golf-outing/](http://www.kaps1.com/ai1ec_event/kaps-annual-golf-outing/)

[http://www.kaps1.com/ai1ec\\_event/kaps-annual-picnic/](http://www.kaps1.com/ai1ec_event/kaps-annual-picnic/)

Thank you to all of the KAPS leadership for their support and help in keeping this organization on a true course. Thank you all for being a part of our state professional organization. With your continued support, KAPS can keep moving the profession forward.

Jonathan L. Payne, PLS  
2014 KAPS President  
[jlp@mchsi.com](mailto:jlp@mchsi.com)



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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

### Security Breach

The following notice is being mailed to everyone in our data base:

“This notice is to inform you that the <http://kyboels.ky.gov> website has been the subject of a security breach and that some of your personal information may have been exposed to outsiders. We are currently working with state and federal authorities to determine the extent and dimension of the breach. Even though results of the investigation are pending, we are taking every possible step to place our licensees on notice of this matter.

We do not know at this time if the security breach of the website could also extend to the database containing personal information of our licensees. Although no social security numbers are known to have been compromised, the possibility is there and you should be aware of that possibility.

While the Board does not retain any financial information, such as credit card numbers or bank account information, on any of our licensees, we are required by federal law to collect and retain social security numbers. Therefore, you should remain alert to any unusual occurrences that may reflect on the possibility of misuse of your social security number.

Please take whatever precautions you feel may be appropriate, such as monitoring your credit report and bank accounts, and immediately notify your financial institution(s) if you notice any discrepancies. There is an online resource available through the Kentucky Attorney General’s Office, which has tips on how to monitor your accounts and obtain a free annual credit report. This information can be found at: <http://ag.ky.gov/civil/consumerprotection/idtheft/Pages/default.aspx>, or by calling the Attorney General’s Office at 502-696-5300. You may obtain a free credit report directly from one of the three credit bureaus—Experian (1-888-397-3742, [www.experian.com](http://www.experian.com)), Equifax ([www.equifax.com](http://www.equifax.com)), and TransUnion (1-800-888-4213, [www.transunion.com](http://www.transunion.com)), or you can obtain a free credit report via [www.annualcreditreport.com](http://www.annualcreditreport.com) or by calling 877-322-8228. Additional information regarding how to respond to possible identity theft is

available at: [www.ftc.gov/bcp/edu/microsites/idtheft](http://www.ftc.gov/bcp/edu/microsites/idtheft), or you may call the Federal Trade Commission at 1-877-382-4357.

Steps have been taken to isolate the breach. At present we have disabled those parts of our website that may have been affected by this intrusion, but the balance of the website remains operational. We will furnish on the website under “What’s New”, updates on this evolving situation. In the meantime, we will send this notice by email and letter to all of our licensees and others in our data base.”

If anyone has questions, please contact David Cox at [bdavid.cox@ky.gov](mailto:bdavid.cox@ky.gov)

### Direct Supervisory Control

Professional Engineers are often asked or required to certify record drawings, certificates of substantial completion, and other similar statements to clients and public agencies. Examples include record drawings for construction projects, sewer and waterline extensions for the Kentucky Division of Water, floodplain construction, mine maps, fill and dam construction, and construction of mine seals.

The preparation of such statements is an important function provided by a PE. Site reviews, field inspections, interpreting test results, etc. should be performed by the PE or under his or her direct supervisory control as defined in our code of conduct regulation; 201 KAR 18:142. Every PE should be familiar with this issue, but we are becoming aware of potential cases where licensees are providing such certifications without performing the proper work. As always, please feel free to contact the Board office if you have questions.

### Continuing Education Audits

Please be aware that if you are selected for audit, our initial letter will give you 30 days to respond. Please do not ignore that deadline. Per our regulations, failure to respond during that 30 day period is a violation which will subject you to a disciplinary action. We have had some licensees ignore the letter and we have had to spend many hours chasing down the information we require and taking disciplinary action.

During the renewal process, one of the questions asked is if you have complied with the continuing education requirements. Be sure to carefully read the question and respond accordingly. We have had several licensees indicate they answered the question incorrectly for their situation.

### **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

**January 11, 2014 – April 4, 2014**

#### **WILLIAM M. REEVES, PE**

In January 2012, Mr. William Michael Reeves, PE of Milford, Ohio entered into a Consent Decree in settlement of a disciplinary action against him. Among other things, that agreement called for Mr. Reeves to submit to an audit of his Continuing Professional Development credits for the 2012/2013 reporting period. Mr. Reeves failed to respond to the audit. In accordance with the terms of the Consent Decree and after being notified of the default, Mr. Reeves' professional engineering license was suspended. The suspension became effective February 5, 2014.

#### **JONATHAN HENRY VOTEL, PE**

Mr. Jonathan Henry Votel, PE of Burlington, was disciplined for practicing professional engineering on a lapsed license in violation of KR 322.020, and for operating K.O.I. Precast Concrete Products, Inc., a business entity which provides engineering services, without a Business Entity Permit in violation of KRS 322.060. The case was settled by a Consent Decree wherein Mr. Votel acknowledged the violation, and agreed to the following: (1) An administrative fine of \$1000; (2) Mr. Votel's pending application for reinstatement would be approved upon the Board's acceptance of the Consent Decree; and (3) K.O.I. Precast Concrete Products, Inc. would apply for a Business Entity Permit not later than ten days after Mr. Votel's PE license was reinstated. The Board accepted the Consent Decree on April 4, 2014.

#### **CHARLES MILTON BEATTIE, PE**

Mr. Charles Milton Beattie, PE, of Somerset was disciplined for a failing to respond to an audit of his Continuing Professional Development (CPD) credits in a timely manner and for failing to obtain the

required number of CPD credits during the specified audit period, in violation of 201 KAR 18:196. The case was settled by a Consent Decree wherein Mr. Beattie acknowledged the violations and agreed to the following sanctions: (1) a \$1000 fine; (2) Mr. Beattie will make up the CPD deficiency for calendar years 2011 and 2012 within six months; and (3) Mr. Beattie will submit proof of participation in at least 30 pdh of qualifying CPD activities for calendar years 2013 and 2014 by not later than December 31, 2014. The Board accepted the Consent Decree on April 4, 2014.

#### **DAMON LEE CRUTCHER, PE**

In September 2013, Mr. Damon Lee Crutcher, PE of Frankfort was subjected to an automatic audit of his Continuing Professional Development (CPD) credits due to late renewal of his professional engineer's license. As a result of that audit and a subsequent investigation, the Board learned that Mr. Crutcher had not participated in any CPD activities since 2010 in violation of 201 KAR 18:196. During settlement negotiations, Mr. Crutcher 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. Crutcher elected 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 April 4, 2014.

#### **ADRIAN BRENT COMBS, PE, PLS**

In 2012, the Board received a complaint against Thoroughbred Engineering, Inc. of Georgetown, its owner, Adrian Brent Combs, PE, PLS and an employee, Robert Kelly Richard, PLS. The complaint alleged numerous violations of the Surveying Standards of Practice as well as ethical violations arising from an alleged conflict of interest involving Combs' involvement at Thoroughbred Engineering and his employment as engineer for the Georgetown/Scott County Planning Commission. A Board investigation identified extensive violations of the Standards of Practice, 201 KAR 18:142 by Mr. Combs and Mr. Richard. The investigation also determined that in his role as engineer for the Planning Commission, Mr. Combs signed several subdivision plats submitted by Thoroughbred Engineering, Inc. at a time when Combs was either an officer, or engineer in responsible charge, or both at Thoroughbred Engineering, Inc. in violation of the Code of Professional Practice and Conduct, 201 KAR 18:142, Section 4(6) and the Business Entity Permit statute, KRS 322.060. The matter was settled



through a Consent Decree which calls for: (1) The voluntary surrender of Mr. Combs' professional land surveyors license; (2) An agreement, signed by Mr. Combs and acknowledged by his employer, that Mr. Combs will not in the future, sit in review of any work product of Thoroughbred Engineering (now known as Thoroughbred Surveying, Inc.) as long as Mr. Combs retains any direct or indirect connection with that entity, whether as an advisor, officer, owner, lender or landlord; and (3) Mr. Combs will complete the online course in engineering ethics offered by Texas Tech University within six months. The Board of Licensure accepted the Consent Decree on April 4, 2014.

**ROBERT KELLY RICHARD, PLS**

In 2012, the Board received a complaint against Thoroughbred Engineering, Inc. of Georgetown, its owner, Adrian Brent Combs, PE, PLS and an employee, Robert Kelly Richard, PLS. The complaint alleged numerous violations of the Surveying Standards of Practice as well as ethical violations arising from an alleged conflict of interest involving Combs' involvement at Thoroughbred Engineering and his employment as engineer for the Georgetown/Scott County Planning Commission. A Board investigation identified extensive violations of the Standards of Practice, 201 KAR 18:142 by Mr. Combs and Mr. Richard. The investigation also determined that Mr. Richard certified a subdivision plat knowing that at the time the work for that project was performed, Mr. Richard was unlicensed and the work could only have been performed under the direct supervisory control of the licensee then in responsible charge. By certifying that plat, Mr. Richard violated Section 8 of the Code of Professional Practice and Conduct, 201 KAR 18:142. The matter was settled through a Consent Decree which calls for: (1) a \$1000 fine; (2) A two-year probation of Mr. Richard's license during which time he will submit to quarterly review of his work; (3) Mr. Richard will attend an additional class in the Surveying Standards of Practice within six months; and (4) Mr. Richard will attend a class in dendrology and/or tree identification within six months. The Board of Licensure accepted the Consent Decree on April 4, 2014.

**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. In July 2011, in settlement of a reciprocal action, Mr. Maslan entered into a Consent Decree with the Kentucky Board of licensure. Among

other things, that agreement placed Mr. Maslan's Kentucky license on probation until such time as he satisfies the terms of probation of his license in Missouri. In June 2013, the Board learned that Mr. Maslan had violated the terms of his Missouri probation and that as a result, the Missouri Board revoked Mr. Maslan's Missouri engineering license. In accordance with the terms of the Consent Decree, Mr. Maslan's Kentucky professional engineer's license was suspended. Mr. Maslan successfully appealed the revocation of his Missouri license based on sufficiency of notice of a hearing on that matter. A Missouri Circuit Court reversed the order of the Missouri Board and a new hearing before the Missouri Board was scheduled. In February 2014, after the second hearing, the Missouri Board again revoked Mr. Maslan's license but stayed that revocation contingent upon Mr. Maslan's successful completion of a five year period of probation. In response to the new action in Missouri, Mr. Maslan and the Kentucky Board agreed to reinstate Mr. Maslan's Kentucky license subject to a new Consent Decree which calls for Mr. Maslan's Kentucky license to be on probation until such time as he satisfies the terms of his probation in Missouri. During the period of probation, Mr. Maslan is required to provide a quarterly report of his Kentucky related work and to provide documentation of that work upon request. Additionally, Mr. Maslan has agreed to restrict his Kentucky practice to civil and structural engineering. The Board of Licensure accepted the Consent Decree on April 4, 2014.

**FRED LEE SHANNON, PLS**

Mr. Fred Lee Shannon, PLS of London, was disciplined for performing a defective survey which encompassed approximately 72.58 acres of land not covered by his client's deed; and for otherwise engaging in a general pattern of violations of the Surveying Standards of Practice, 201 KAR 18:150. The case was settled by a Consent Decree wherein Mr. Shannon acknowledged the violations, and agreed to the following: (1) An administrative penalty of \$1000; (2) Probation of Mr. Shannon's surveying license for five years with quarterly review of his surveying projects; (3) Mr. Shannon must attend an additional training seminar in the Surveying Standards of Practice, KRS 322 and the Code of Professional Practice and Conduct; and (4) Mr. Shannon must complete the online course in Surveying Ethics offered by the New Mexico State University. The Board accepted the Consent Decree on April 4, 2014.

# 2014 Board of Directors

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## 2014 Calendar of Events

July 17	Committee Meetings	Frankfort KY
July 18	Board Meeting	Frankfort KY
August 8	Board Meeting	Frankfort KY
August 20-23	NCEES Annual Meeting	Seattle WA
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

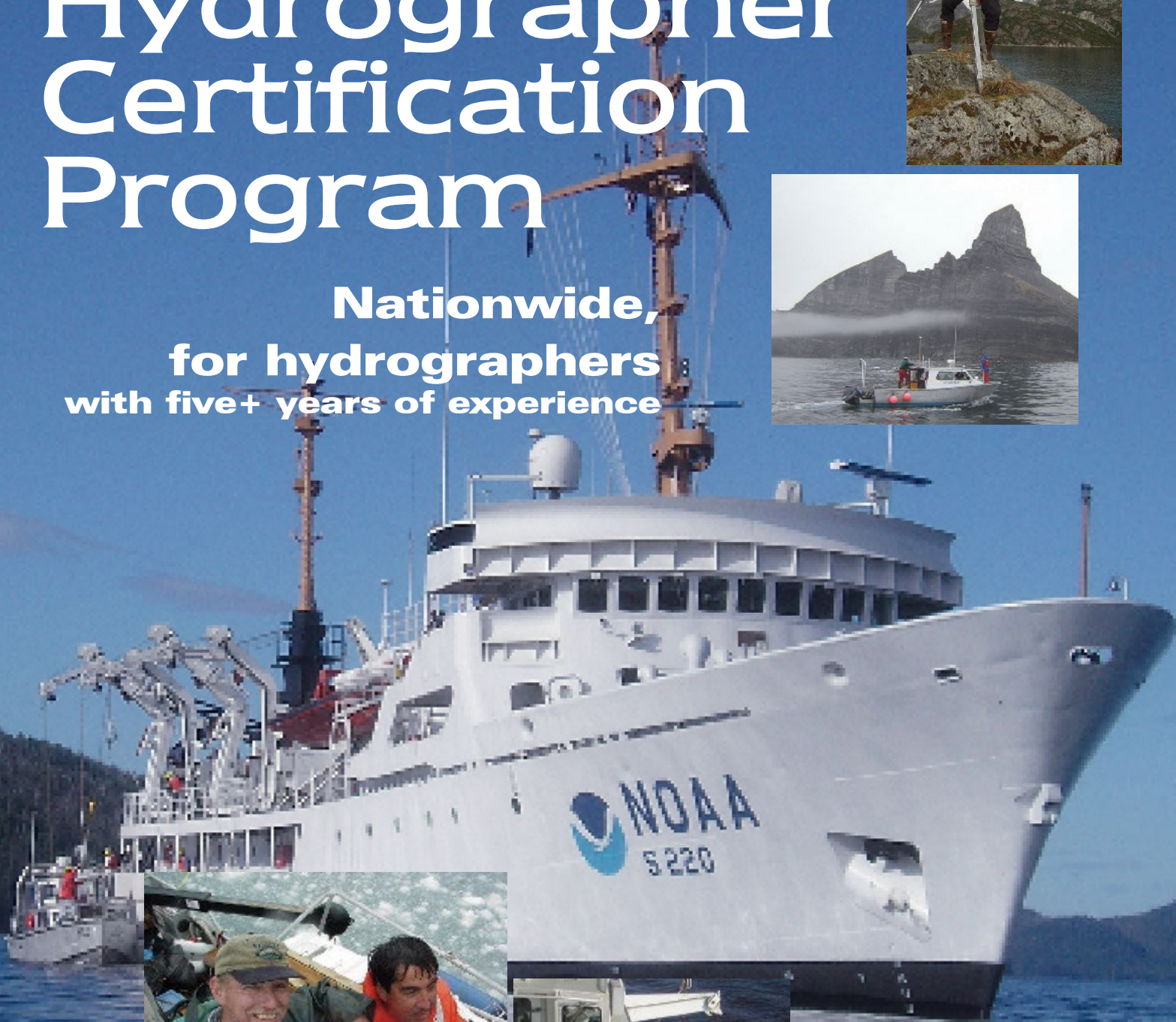


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## Andrew C. Kellie, PLS

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# Graphical Solutions

The crews were working (hopefully productively) in the field, the week's statements were clear, and I was enjoying an odd moment of peace and quiet in the survey office. As I sat at my desk, the spring sun lit up the 'scope of the old transit on the counter and the artistic clutter of plats and deeds on the large drafting table that still filled one side of my office. It was so quiet that the only sound I could hear was the tap-tap of computer keys as Ted worked up a drawing in the next room. I made an executive decision and decided to defer a trip to the courthouse until the noon rush cleared the parking spaces close to the front of the building. It was almost as if the millennium had arrived.

Or not. I'm the surveyor, after all, and so I'm supposed to solve problems, and despite the ambience of the survey office, there still were some problems to solve. My first problem was something that had only become apparent at the annual meeting of our state surveyors' organization last month. There had been a plat contest. As I reviewed the plats taped to the wall of the conference room, it was painfully obvious to me that my competitors were producing some very good graphics. Our firm takes pride in producing quality survey work, and each plat is checked by me, personally, before it leaves the office. It's even a company requirement that the compliance checklist for both BOL and city/county requirements be completed and attached to the plat before crossing my drafting table. Obviously, the difference between our plats and the drawings done by the competition wasn't due to technical content.

If the difference wasn't technical content, then it had to be presentation, and I had to work out a solution before condemning any more of my plats to long term storage at the county courthouse. I

could hear, almost, the courthouse conversation 50 years hence: "That plat shows a good closure, and you can follow what they did, but that poor surveyor sure wasn't much on graphics!" Apart from that, much of our work came through half a dozen law offices that requested surveys for their clients, usually in conjunction with estate settlements. Naturally, we never met *those* clients, but the only way their heirs judged our work was by looking at our plat. Obviously, much of a firm's image has to do with advertising and marketing—and graphics seemed to be right at the center.

Unfortunately, I had to defer a solution to the graphics problem by coaching Ted through some of the finer points of the coordinate scaling, rotation, and translation problem. He had spent much of the morning chasing an "error" of 0.40 feet around a control network that would be used for machine control. The development group involved was one of our best clients, and I didn't like to disappoint. Ted alternated between the office and the field—we had furloughed our drafter at the beginning of the recession—and Ted was doing his own computations and drafting. Unfortunately, infrequent use of the company software package made it difficult to get Ted off the flat part of the learning curve. His learning also was slowed by the time it took him to investigate every computational subroutine, every line type, and each font in the software. Ted's inquisitiveness did have a positive side; it was largely due to his initiative that we had started using 3D mapping for site plans delivered to a couple of architects who occasionally asked for that service. His plats were pretty plain, but the good news was that whatever the plat showed was technically correct.

After reviewing several company plats, looking at some USGS quad sheets, and some of my predecessor's graphics, I had yet to devise a way out of the drawing dilemma. My reflection was disturbed by a phone call from Samantha. Sam and her crew were doing a boundary retracement along Prichard's Creek, an area famous among the county citizenry for water, bass, and fine hardwoods, and among surveyors for mud, mosquitos, and snakes. The work was being done as part of probate proceedings and would go to court early the following week. Sam's crew had located evidence along the west line of the property. That line was hacked and blazed as called for in the deed. The north line was a riparian boundary along Prichard's Creek, a meandering stream that either flowed between muddy banks or spread out into a series of small channels that defied any attempt to identify the thread. In addition, there was a channelized portion—the work of beneficent government to “improve” the agricultural potential (?) of the area. Sam said they were planning to locate the creek during the afternoon. As I contemplated the subject of mapping, it occurred to me that the amount of plotting, computation, and drafting involved in Sam's survey would be significant.

Sam began the plotting, computation, and drafting the next morning. Ted still needed a little time to finish computations and platting on the machine control survey, but I had to send him to the field with Sam's crew to do additional pick-up on the east side of the Prichard's Creek job. I reasoned that the crew would help Ted come on line quickly, and that they would obtain the additional data we would want to complete the plat. Good management practice dictated some flexibility in crew assignments. As long as Ted got back to the machine control in the next day or so, we could finish both jobs on time. I wasn't getting a solution to the graphics problem, but good management practice also dictated some flexibility in the principal's assignments, too.

While I was getting Ted and crew into the field, Sam downloaded her field data and prepared a deed plot. Together, Sam and I worked out corner locations for setting monuments and computed corner and witness monument positions to upload to the data collector. In addition to the data plot

and the computations, Sam set up borders, title block, company logo, and developed a location map for the survey. At the computer, Sam is the diametric opposite of Ted. She uses a limited number of computational and graphical routines very well and employs a single font and line type on all her plats. Although her plats are pretty plain, the good news is that whatever the plat shows is technically correct.

By the end of the morning, we had made impressive progress, and it only remained for Sam and I to go to the field and verify together the location of the thread of Prichard's Creek as plotted from Sam's field work. We would reserve that for right after lunch. We could check on Ted's crew at the same time.

Or not. We were about to leave the office when Roy, the surveyor for a local mine called. I had met Roy at the state surveyors' association meetings. For exploration work, Roy used for the same 3D software we used for site visualization, and we had compared notes on our experiences at the annual meeting. Last week, Ted had located the surface position of a series of drill holes for Roy's company and had done an extensive topo of a proposed plant site. Our only deliverable was the field data, as Roy had planned to do the surface topo and models. There was no trouble with Ted's work, but Roy needed 3D surface models for a presentation in Pittsburg on Friday. It was only Tuesday, but Roy had to leave that evening, and it would take at least a day for the models—if everything went right—and then corporate wanted to work with them. Could we develop and post the models to a company site by Wednesday evening? And—by the way—was I bonded?

I quickly realized that THIS was a moment of opportunity! After months of just meeting payroll, we now had jobs in progress with two established clients and here was a potentially *major* new client! I was bonded—no trouble there—and we had ability with 3D mapping software. Talk about being in the right place at the right time! It was as if the millennium had arrived.

Or not. There was the problem was one of scheduling and expertise. We would be doing three major projects, time was critical, and expertise was thin. There weren't enough hours between now and Friday to work *longer*. We couldn't work *harder* because production—except for the office part of our practice—had been honed to a fine edge by the on-going recession. So if the problem wasn't working longer or harder, the only solution was to work smarter *in the office*.

I started with Sam. I had Sam develop a template with standard format for use in all of our drawings. The template included borders, title block, company logo, space for a location map, standard notes, and BOL required statements that we include on each plat. We would still need to add a bar scale, north arrow, and orientation note, but much of the “boiler plate” was in place. When Sam had finished her work, I changed font type and size in the title block from Arial to Roman. I retained the Arial font on the drawing proper. I also varied the point sizes to emphasize the importance of the lettering. For example, I ensured that the name of the client—who was paying for our services—was larger than the job location. I changed line weights, too. I used a heavy line for the border and very light lines for the trim border and title block. With our template built this way, default lettering on the drawing proper would be different from the title block, but we avoided inconsistent and eclectic lettering styles. In the end, Sam's template became the basis for all our current drawings, and it helps ensure that the work is done quickly, consistently, and without omission of standard information.

Sam and I had just time before dusk to walk the boundary of the Prichard's Creek job. I had to make some changes. The changes would impact area calculation and distance along the thread. Thankfully, the revisions caused no changes to the witness monuments at the northeast and northwest corners. Sam was pretty quiet about the matter, which I figured meant she was mad at herself. When she is mad at me, I generally don't have any figuring to do. Either way, I told Sam to take herself and her crew back to the job first thing in the morning and finish the pickup and set all the monuments that the job required. The

time frame on Ted's subdivision project was more critical, but I needed Ted in the office.

While Sam was working at the creek, Ted and I tackled the 3D models. Our firm uses a dedicated, dual screen workstation for high-end graphics, and it really earned its keep on the mine project. Ted downloaded the data, generated a TIN, and produced both the contour maps and 3D surface models that Roy had requested. Using Sam's template speeded that part of the work, but the scope of the work and the number of views that Roy had requested took until early evening.

Ted was working on the graphics when Sam and crew returned to the office. Sam was going to download the Prichard's Creek data to her computer, when she noticed Ted's control network on the company server. Sam had been party to the discussions about the elusive 0.40 feet and naturally had to check out what Ted had done—or better yet, *didn't do*—if that could be identified. Almost an hour later, Sam still had the same 0.40 feet that Ted had been chasing running around in the network, and she had yet to download her data. As I watched Sam, it gradually dawned on me that it might not be Ted's work that contained the problem. We were working from four county monuments. We had used them in the past and we had confidence in the published coordinates. Still...we had made redundant measurements in our network, we had very strong geometry, and yet we had 0.40 feet unaccounted for. I checked; we hadn't used the monuments since before the great recession began.

I'm the surveyor, so I'm supposed to solve problems. We posted the models to the mining company server as requested, and I (finally) got Sam to download her data so that she could finish the plat at Prichard's Creek. The only thing remaining was to determine if the county control monuments were positioned as published. I discussed the matter with Ted. A simple occupation of the four county control monuments would check internal consistency, but I wanted definitive coordinates for all four of the county control stations. I sent Ted and crew off with instructions to occupy the four county stations,



and to tie them to two NGS control stations we had used within the past six months. We were doing work for a good client, we didn't want any problems when the client started setting grade and pouring concrete, and we were pushing a deadline that should have been no problem to us. Were that not sufficient incentive, yet another trip to the field would pretty much take any profit we still might make out of the job.

The results of Ted's work identified a disturbed monument. In retrospect, it really wasn't surprising. It had been 5 years since we had occupied the control, and I (yep, me, the surveyor) had failed to follow his own policy of verifying control before use. At the end of the week, though, we got all three projects out to the clients on time.

It was hard to believe the week had started with a simple concern about our graphics. Somewhere along the way, we managed to pick up a new

client, expand a new market (for 3D drawing), and to get a company drawing template developed. I had to admit that there were some lessons, too. We hadn't been paying much attention to our office work, perhaps assuming that surveyors could be sufficiently flexible to handle both office work and field work seamlessly. It now appeared that all three of us on the management team could benefit from additional training in the software we used to compute, adjust, and plat our field work. It was apparent, too, that personal involvement by the principal (me, the surveyor) was critical for all our jobs and not just immediately before signing and sealing a project. I had identified a potential problem with the Prichard's Creek location, improved the appearance of our company's graphics, and resolved a problem with Ted's control survey. In addition, my participation in the state surveyors' organization had resulted in a new client and a new line of work. For a change, it was nice to be doing something right!

## Jennifer DiBona

Jennifer DiBona is an independent consultant doing business as That CAD Girl. She is a Carlson Software reseller and provides CAD training, technical support, and other CAD-related services. Visit her website at [www.thatcadgirl.com](http://www.thatcadgirl.com) to find out more.

# CAD Corner

## Do you know... the Layer Translator command?

The Layer Translator command in AutoCAD (LAYTRANS) can be used to select one or more layers in the active drawing and "translate" it/them to another layer. The destination layer can be defined on the fly or selected from a Drawing (.dwg), Drawing Template (.dwt) or Drawing Standards (.dws) file. Once the layer translations have been mapped, you can save the translations to a CAD Standards (.dws) file that can be used again.

For instance, if you have a "Big Client" that requires you to deliver drawing files according to their specific layering standards, you can create your drawing using your own layers, colors and linetypes just as you would for any other project. However, before delivering the drawing to the client, you would use the Layer Translator to map the translations from your layers to your client's layers and save the mapped translations to a CAD Standards file named something like **OutToBigClient.dws**.

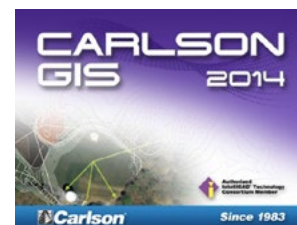
Then, when delivering additional drawings to "Big Client", you will not need to re-map your layers to your client's – you'll simply load the **OutToBigClient.dws** file into Layer Translator and click the Translate button.

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# In Memory of Jim Maggard



## JIM'S LAST FLIGHT

Jim and I swapped U. S. Air Force stories while we worked in the Division of Engineering. Of course, Jim's were much more interesting than mine as he was a navigator on the four-engined turbo prop C-130A Hercules transport aircraft and had flown to many places in the world.

He had told me about his experience with the C-130, saying that at that time, the 1950's, the plane was new and that he flew in the first model, designated A. He described how they had rigged up skis so that they could land on the ice cap to build and supply early warning radar stations in Greenland. He said his unit got an award for that feat. In doing a little research I found information that backs up that story. See the following link:

[http://www.firebirds.org/menu13/mnu13\\_p1.htm](http://www.firebirds.org/menu13/mnu13_p1.htm)

An excerpt from that website states:

Due to the fact that the marginal zone of the Greenland Ice Cap blocked surface transportation, the obvious way to build and resupply DEW line DYE sites was airlift. The concept had been proved during Project Snowman and other expeditions and later been re-affirmed on a practical basis in the resupply of N-33 and N-34. However, because the planned construction of the two DYE sites on the Greenland Ice Cap would involve airlift of material and equipment which was beyond the capability of the ski-wheel aircraft then in the Air Force inventory, an aircraft with a larger cargo capability and longer range was required. Fortunately, the means were available. **During 1957, the Air Force conducted extensive testing of a ski-wheel configured C-130A (55-0021) which could be operated from both conventional runways and snow or ice covered surfaces.** The tests proved the Lockheed manufactured aircraft could successfully do what had already been done by other ski-wheeled aircraft. (47)...(Excerpt, Cloe, p. 18)...



Prototype C-130D, Tail Number 50-021, departing frozen lake near Bemidji, Minnesota during Project Slide tests.  
Photo courtesy of Gerry Harris, Firebird Navigator



I have a world map hanging in my office. It was quite often that Jim would shuffle in to take a look. He would point to a location like Libya or Turkey and say he had flown there.



2013-11-20 IMG\_9609L C130D ski at Pima Air Museum, Tuscon AZ.jpg

I am sad that Jim is no longer with us. But he is now in a place off of the map, exploring new territory. I hope that I will meet up with him again.

Frank L. Phillips



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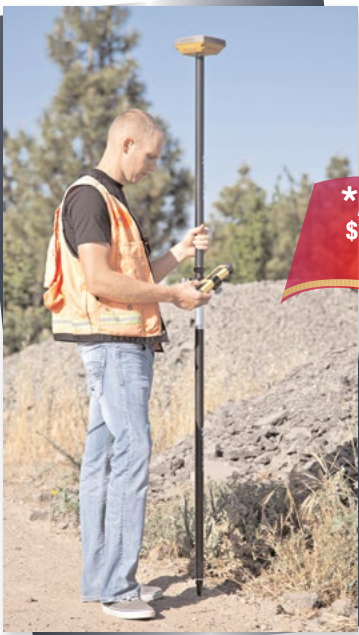
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Wednesday, February 19, 2014

Marriott Griffin Gate, 1800 Newtown Pike, Lexington, KY 40511

# Board of Directors

## CALL TO ORDER

KAPS 2013 President, Thomas Clayborn, called the February 19, 2014 KAPS Board of Directors Meeting to order.

## PROXY VOTES:

One (1) proxy was submitted: John Schneider assigned his proxy to John Ledington on February 3, 2014. Don Pedigo moved to accept the proxy. Richard Montgomery seconded. Motion carried.

**MEMBERS PRESENT:** **Thomas Clayborn** – President; **Jonathan Payne** – President Elect / Jackson Purchase Chapter Chair; **Kevin Phillips** – Vice President of Internal Affairs / Bluegrass Capital Chapter Chair; **Don Pedigo** – Past President; **James Mayo** – Treasurer / Director; **Steve Lilly** – KAMP Liaison / Northern Kentucky Chapter Chair; **Chris Gephart** – Kentucky Board of Licensure Liaison; **Craig Palmer** – NSPS Governor; **Josh Calico** – Director; **Tom Crabtree** – Director; **Bill Jones** – Director; **Bob Westermeyer** – Director; **Michael Ladnier** – Audubon Chapter Chair; **Shaun Foley** – Barren River Chapter Chair; **Tim Gehlhausen** – Falls of the Ohio Chapter Chair; **John Ledington** – Southeast Chapter Chair

**STAFF PRESENT:** **Molly Forrest** – Administrative Assistant

**COMMITTEE CHAIRS PRESENT:** **Ron Gallagher** – Education Committee Chair; **Richard Montgomery** – County Surveyors Liaison

**GUESTS PRESENT:** **Matthew Clark** – Jackson Purchase Chapter; **Bob Fentress** – KY Board of Licensure; **Jason Graves** – Falls of the Ohio Chapter; **Jim Riney** – KY Board of Licensure

**MEMBERS ABSENT:** **John Schneider** – Vice President of External Affairs; **Tom Bushelman** – Director; **Robert Miller** – Green River Chapter Chair; **Johnny Justice** – Highlands Chapter Chair; **Mike Ruggles** – Northeast Chapter Chair

## PRESIDENTS WELCOME

President Clayborn welcomed everyone to the

meeting and apologized for his absence at the last meeting. Introductions were made.

## ADDITIONS OR REVISIONS TO THE AGENDA KAPS Board of Licensure Nomination Process

- Bob Fentress reported a problem in the process of KAPS nominations to the Board of Licensure. By written agreement between KAPS and KSPE, the procedure has been for KAPS to submit their nominees by signed letter to KSPE. Once KSPE signs the letter, they submit the letter to the Governor's office by a designated date. Unfortunately, this past year the nominations were not presented to the Governor's Office on time. KAPS submitted the letter in a timely fashion; however, the letter was delayed at KSPE. Twice KAPS representatives were told the letter had been submitted to the Governor's Office when it actually had not. After discussing the issue with President Clayborn and prior to being named as a Board of Licensure member himself, Mr. Fentress recommended a change in the procedure to KSPE. He proposed KAPS would submit the nominations to KSPE with an appropriate response time at which time if there were no comments from KSPE, KAPS could submit our own nominations to the Governor's Office. This would not take KSPE out of the loop but would enable KAPS to adhere to the nomination deadline. KSPE will take up the issue at their next board meeting. Now that Mr. Fentress has been named to the Board of Licensure, he needs to step back from these negotiations. Chris Gephart offered to move ahead with the revision. President Clayborn appointed Mr. Gephart to move forward.

**KAPS Check Signing** - President Clayborn explained KAPS outgoing checks are to be signed by two people. Currently, Bob Fentress and Molly Forrest are the usual signers. Since both are in Frankfort, it's been an easy process. Now that Mr. Fentress has been named to the Board of Licensure, he can no longer make decisions regarding KAPS checks. Mr. Fentress has spoken with David Cox and the Board of Licensure General Counsel regarding this issue. They agree he cannot be in a leadership or decision-making position with KAPS; however, he could be considered an Assistant Treasurer and continue to



sign KAPS checks as long as he is not making the decision as to what gets signed. The proposal is for Mrs. Forrest to submit a list of checks to designated KAPS leadership for approval. Once approval is gained, she can then contact Mr. Fentress to sign the approved checks. Mr. Fentress would write a memo to file at the Board of Licensure explaining the process. Don Pedigo moves for the board to allow the KAPS President to appoint Mr. Fentress as the Assistant Treasurer and allow him to sign checks upon the approval of the expenses by the Executive Committee. Kevin Phillips seconded the motion. Motion passed. President Clayborn also designated James Mayo, Don Pedigo, and Kevin Phillips to be approved signers in the event Mr. Fentress is not available.

Mr. Fentress expressed his pleasure in serving on the KAPS Board. President Clayborn personally thanked Mr. Fentress for his friendship and for working hard for KAPS through the years. The board showed their thanks and support to Mr. Fentress.

#### REVIEW AND APPROVAL OF BOARD MEETING MINUTES

The minutes of the December 7, 2013 (postponed to January 4, 2014) Board Meeting were reviewed. Don Pedigo made a motion to accept the minutes. James Mayo seconded. Motion carried.

#### KAPS OFFICER REPORTS

**President's Report** – President Clayborn submitted his report in the board packet. He expressed his thanks for a great year.

**Treasurer's Report** – James Mayo drew the board's attention to the Balance Sheet / Profit & Loss Statement in the board packet. Don Pedigo made a motion to accept. Tim Gehlhausen seconded. Motion carried.

**Administrative Assistant's Report** – Molly Forrest submitted a report in the board packet. She reported nearly three hundred are registered for the KAPS Conference. She encouraged the board to make the VIPs and exhibitors feel especially welcome. She thanked those on the board agreeing to be proctors for the seminars.

#### OLD BUSINESS

**Online Versions of Marco Rajkovich's Ethics & MTS Courses** – Don Pedigo reported Mr. Rajkovich has agreed to the online version of his courses. Production will be up to KAPS.

#### NEW BUSINESS

**Next KAPS Board Meeting** – Thursday, February 20, 2014, 6:30 P.M. EST at the Marriott Griffin Gate, Spendthrift, 1800 Newtown Pike, Lexington, KY 40511.

#### Bob Fentress Appointed to the Board of Licensure / Josh Calico Nominated to Fulfill Bob Fentress' Remaining One Year KAPS Director Term –

President Clayborn explained that Bob Fentress' position as Director on the KAPS Board is vacant now that he has been appointed to the Board of Licensure. President Clayborn has appointed Josh Calico to finish out Mr. Fentress' term as KAPS Director. Bob Westermeyer moved to approve President Clayborn's appointment of Mr. Calico to fulfill the remainder of Mr. Fentress' KAPS Director term. Don Pedigo seconded. Motion passed.

**Election of Officers, Teller Report** – The 2014 Teller's Committee Report was submitted in the board packet. The committee consisted of Kelly Carr, Dan Farrell (Chair), and Jared Stevens. The results were as follows:

- President – Jonathan Payne
- President Elect – Don Pedigo
- VP of External Affairs – John Schneider
- VP of Internal Affairs – Kevin Phillips
- Director – Bill Jones (2 year)
- Director – Richard Montgomery (2 year)
- Director – Tom Crabtree
- Director – Bob Westermeyer

The report was brought as a motion and does not need a second. However, Don Pedigo moved to accept and destroy the ballots. Tom Crabtree seconded. Motion carried.

**SB 130** – Mr. Pedigo explained SB 130 affects the requesting and the receiving of public documents. Currently, Executive Directors can deny access to public documents at their discretion. This bill would hold Executive Directors directly responsible (professionally, personally and financially) for any unreasonable denial as ruled in court. The Board of Licensure opposes this bill. David Cox has asked that KAPS and KSPE support the BOLs opposition to the bill. KSPE has already submitted their support for the BOLs opposition and are making calls accordingly. Following correspondence with President Clayborn and President-Elect, Jonathan Payne, Mr. Pedigo expressed to Mr. Cox the intent to discuss the issue with KAPS' lobbyist as well as discuss the matter at



this board meeting. KAPS' lobbyist, Government Strategies, does not feel like the bill is going anywhere and is hesitant for KAPS to get involved. Tom Crabtree made a motion for KAPS to create a statement of support for the BOL's opposition to SB 130. Jonathan Payne seconded. Motion carried. Mr. Pedigo will create and submit the statement.

**SB 74** –President Clayborn explained SB 74 is a bill to protect architects and engineers from being held liable when assisting municipalities or state agencies in a state of emergency situation. Government Strategies is keeping an eye on the bill's movement.

**Proposed Tax Changes** –President Clayborn reported the Governor has laid out a proposal to tax certain services in order to alleviate the state's pension issues. Specifics on the type of services to be taxed are not clear. Government Strategies is watching for activity on this but do not expect any movement until next year's session.

**KET-KAPS Telefund** –KAPS will be assisting KET in their annual telefund on Thursday, March 13, 6 p.m. – 11 p.m. in Lexington. Volunteers are needed to participate. A sign-up sheet was circulated. Tom Crabtree made a motion for KAPS to donate \$500.00 to KET. Bill Jones seconded. Motion carried.

**National Surveyors Week** – March 16 – 22, 2014 is National Surveyors Week. Craig Palmer reported on an idea to observe benchmarks to be used by NGS in their endeavors. Certain criteria must be met in the observations. NGS has created a link on their website detailing the requirements as far as equipment, time of observation, etc. KAPS will be participating in this project during National Surveyors Week. Danielle Kelly will be working with Mr. Palmer on a list of benchmarks. The sessions are to be four and one half hour sessions minimum. Individuals need to observe the point and submit to OPUS. The data will be reviewed before sending to NGS to assure it's in the required format. Notifying local newspapers of the project can draw attention to the profession during National Surveyors Week.

**2014 Budget Acceptance** – The 2014 budget was submitted by James Mayo and was included in the board packet. Don Pedigo made a motion to accept the 2014 Budget. Richard Montgomery seconded. Motion carried. The 2014 Budget will be submitted for approval at the General Membership Meeting on February 21, 2014.

## EX-OFFICIO DIRECTORS REPORTS

**GIAC Liaison** – no appointment has been made.

**KAMP Liaison** – no written report; Steve Lilly reported the KAMP Conference is set for September 15-17, 2014 in Louisville. KAMP is also starting to host seminars around the state. Mr. Lilly spoke with the KAMP Treasurer and was informed they had 18 new members sign on in January. They are including some of the KAMP dues in with the seminar fees. KAMP membership continues to increase.

**KY State Board of Licensure Liaison** – A written report was submitted in the board packet. Chris Gephart reported the budget cuts are beginning to affect operating costs. A fee increase seems inevitable. The BOL has expanded the CPD Committee from three to five members; three of which will be licensed land surveyors.

**NSPS Governor** – no written report; Craig Palmer reported the spring NSPS meeting will be in April in San Diego, CA. NSPS has formed a committee to look into offering an ALTA certification for land surveying.

**Professional Development Chair** –summary report submitted; Mr. Pedigo reported a profit of \$13,452.94. The proceeds have gone down over the years. He encouraged everyone to work harder to increase participation. New ideas for the 2014 Fall Seminars are needed.

## CHAPTER REPORTS

**Audubon** – report submitted

**Bluegrass-Capital** – 2013 Annual Financial Report submitted; Kevin Phillips introduced Josh Calico as the Chapter Vice-Chair.

**Falls of the Ohio** – 2013 Annual Financial Report submitted; Tim Gehlhausen reported the chapter plans to pay for attendee's meals at the chapter meetings to encourage attendance. He also announced that Jason Graves (in attendance) will be taking over as Chapter Chair.

**Northeast** – 2013 Annual Financial Report submitted

**Northern Kentucky** – 2013 Annual Financial Report and written report submitted

**Purchase** – written report submitted; Jonathan Payne introduced Matthew Clark (in attendance) as the new

chapter chair. Mr. Payne also drew attention to the included Resolution of Respect in honor of Richard Howerton. The Resolution was also included in the current issue of *The Interior Angle*.

**Southeast** – written report submitted; John Ledington reported the chapter tested the idea of purchasing meals for those attending the chapter meeting and attendance did increase.

#### COMMITTEE REPORTS

**Annual Conference** – conference program and seminar stats were included in the board packet; President Clayborn commended everyone for their hard work in putting on the conference.

**Annual Golf Outing and Picnic** – flyers were included in the packet; 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 greater participation.

**County Surveyors** – no written report; Richard Montgomery reported eighty-five to ninety licensed professionals filling the County Surveyor positions. Six non-licensed individuals will not be seated due to the new legislation. He encouraged anyone wishing to fill a County Surveyor seat to see him or William Ralph Paris to find out how to go about getting appointed.

**Education** – information submitted; Dr. Ron

**Thursday, February 20, 2014**

**Marriott Griffin Gate, 1800 Newtown Pike, Lexington, KY 40511**

#### CALL TO ORDER

KAPS 2014 President, Jonathan Payne, called the February 20, 2014 KAPS Board of Directors Meeting to order.

#### PROXY VOTES:

One proxy was submitted: John Schneider assigned his proxy to John Ledington on February 3, 2014. Tom Clayborn moved to accept the proxy. Bob Westermeyer seconded. Motion carried.

**MEMBERS PRESENT:** Jonathan Payne – President; Don Pedigo – President Elect; Thomas Clayborn – Past President; Kevin Phillips – Vice President of Internal Affairs / Bluegrass Capital

Gallagher spoke about the surveying program at Western Kentucky University. Enrollment is steady at around seventeen students. The vast majority of students in the program are majoring in Civil Engineering. Dr. Gallagher would also like to see KAPS assist in getting student resumes circulated through the KAPS website. He will look into gathering the information.

**Past Presidents** – no report; Mr. Pedigo invited all Past Presidents to attend the Conference Past Presidents Breakfast on Saturday, February 22 at 7:00 a.m.

**Scholarship** – written report submitted

#### SPECIAL COMMITTEE REPORT

**KY / TN State Line Monuments** – written report submitted; Jim Riney reported this special committee has struggled to get finished due to the bad weather. Mr. Riney commended Jon Payne and Tom Clayborn for their work on the committee and data sheets. He also brought a display map showing stone locations.

#### ADJOURNMENT

Don Pedigo made a motion to adjourn. James Mayo 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

Chapter Chair; **Richard Montgomery** – Director / Secretary; **Bill Jones** – Director / Treasurer; **Chris Gephart** – Kentucky Board of Licensure Liaison; **Craig Palmer** – NSPS Governor; **Josh Calico** – Director; **Tom Crabtree** – Director; **Bob Westermeyer** – Director; **James Mayo** – Director; **Michael Ladnier** – Audubon Chapter Chair; **Shaun Foley** – Barren River Chapter Chair; **Jason Graves** – Falls of the Ohio Chapter Chair; **Robert Smith** – Green River 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

**GUESTS PRESENT:** Jim Riney – KY Board of Licensure

**MEMBERS ABSENT:** John Schneider – Vice President of External Affairs; Steve Lilly – KAMP Liaison; Tom Bushelman – Director; Johnny Justice – Highlands Chapter Chair; Mike Ruggles – Northeast Chapter Chair

#### **PRESIDENTS WELCOME**

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

#### **ADDITIONS OR REVISIONS TO THE AGENDA**

James Mayo brought up an issue from the day's seminars. Mr. Mayo was proctoring a class and a gentlemen had to leave. The man asked for partial credit for the class. Since the proctor statement read prior to each course seemed to indicate that no partial credit could be given, Mr. Mayo did not sign the gentlemen's certificate. Board of Licensure representative, Jim Riney, interjected that partial credit may be given at the discretion of the proctor.

#### **KAPS OFFICER REPORTS**

**President's Report** – no report

**President Elect's Report** – no report

**Treasurer's Report** – James Mayo drew the board's attention to the Balance Sheet / Profit & Loss Statement in the board packet. No changes were made since the February 19, 2014 meeting. Don Pedigo made a motion to accept. Tom Crabtree seconded. Motion carried.

**Administrative Assistant's Report** – no change since the previous meeting

#### **NEW BUSINESS**

*\*President Payne explained for newcomers to the board that the agenda had been thoroughly discussed the previous evening and he would only be addressing the necessary items for the meeting.*

**Josh Calico Nominated to Fulfill Bob Fentress' Remaining One Year KAPS Director Term** – President Payne reminded everyone that Josh Calico is on the board as a Director.

**KET-KAPS Telefund** –KAPS will be assisting KET in their annual telefund on Thursday, March 13, 6 p.m. – 11 p.m. in Lexington. Volunteers are needed to participate.

**2014 Budget Acceptance** – The 2014 budget was submitted by James Mayo and was included in the board packet. Craig Palmer made a motion to accept the 2014 Budget. Don Pedigo seconded. Motion carried. The 2014 Budget will be submitted for approval at the General Membership Meeting on February 21, 2014.

#### **EX-OFFICIO DIRECTORS REPORTS**

No additional reports since the previous meeting.

#### **CHAPTER REPORTS**

No additional reports since the previous meeting.

#### **COMMITTEE REPORTS**

**Annual Golf Outing and Picnic** – flyers were included in the packet; Mr. Pedigo encouraged the board to promote these events.

#### **SPECIAL COMMITTEE REPORT**

**KY / TN State Line Monuments** – Jim Riney distributed a further report to the board.

No additional reports since the previous meeting.

#### **ADJOURNMENT**

Tom Crabtree made a motion to adjourn. Don Pedigo 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





# ***KAPS PICNIC "2014"***

***BRING YOUR ENTIRE FAMILY - JOIN US FOR A DAY OF FUN, FOOD AND GAMES***

## **REGISTER EARLY**

**Date:** June 21, 2014  
**Location:** WICKLAND HISTORIC MANSION  
(Home of Three Governors)  
550 Bloomfield Road (U.S. 62)  
Bardstown, Kentucky 40004  
**Ph.:** 800.638.4877 (Bardstown Tourism Commission)



**Please Bring Your Own Cooler**

**Please register by June 16, 2014.**

**Make checks payable to KAPS, 124 Walnut Street, Frankfort, Ky. 40601.**

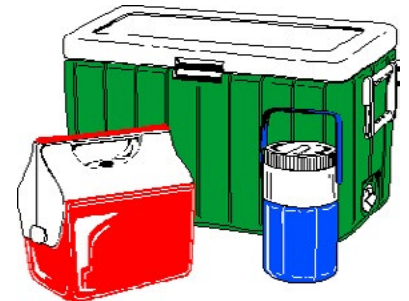
**Fees include a delicious lunch prepared on site and your entry into optional Competitions.**

**For Accommodations Visit: <http://www.visitbardstown.com/tourism/hotels-motels.html>**

**BRO HAMBURGERS  
And Hot Dogs**

## **SURVEY COMPETITION**

*Planned activities include but not limited to:  
Compass & Chain Challenge, Timed Survey Events, Pacing, &  
Survey Instrument Setups.  
Family events include Games, Corn Hole and Kids activities.*



### **2014 KAPS Annual Picnic Registration Form:**

**Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_ **City:** \_\_\_\_\_  
**State:** \_\_\_\_\_ **Zip Code** \_\_\_\_\_  
**No. Attending:** \_\_\_\_\_ \$16.50 per person for lunch (ages 13 & up)  
**No. Kids Attending:** \_\_\_\_\_ Kids age 12 and under Eat **FREE**  
**Total Amount:** \$ \_\_\_\_\_  
**Method of Payment:** Check or Cash: \_\_\_\_\_  
**Charge Visa Or Master Card:** \_\_\_\_\_  
**Card Number:** \_\_\_\_\_  
**Three Digit Security "V" Code (Back of Card):** \_\_\_\_\_  
**Expiration Date:** \_\_\_\_\_  
**Card Holders Signature:** \_\_\_\_\_



**For More Information  
Please contact Don Pedigo, 270.576.9685**

***Join us for KAPS Golf, My Old Ky. Home Golf Course  
Friday June 20, 2014***

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# ***KAPS GOLF "2014"***

## **REGISTER EARLY**

**Date: Friday, June 20, 2014**

**Time: 9:30 (Local Time)**

**Location: My Old Kentucky Home State Park**

**668 Loretto Road**

**Bardstown, Kentucky 40004-0323**

**Phone: 502.349.6542**

**Cost: \$65.00 per player-No Refunds**

**(Includes 18 hole-greens fees, cart & lunch.)**

**Prizes Awarded 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> place**

**You may register as four person teams or individually.**

**Deadline for registration: June 16, 2014.**

**Please return registration form to: KAPS**

**124 Walnut St., Frankfort, Ky. 40601.**

**Player 1 \_\_\_\_\_ Avg. Score \_\_\_\_\_**

**Names of persons on Your Team & Avg.**

**Score For Each Player:**

**Player 2 \_\_\_\_\_ Avg. Score \_\_\_\_\_**

**Player 3 \_\_\_\_\_ Avg. Score \_\_\_\_\_**

**Player 4 \_\_\_\_\_ Avg. Score \_\_\_\_\_**

**Address: \_\_\_\_\_**

**City, State, Zip: \_\_\_\_\_**

**Daytime Phone: \_\_\_\_\_**

**Method of Payment: Check or cash: \_\_\_\_\_**

**Visa/MasterCard: \_\_\_\_\_**

**Name and number as it appears on card: \_\_\_\_\_**

**Three Digit Security "V" Code (Back of Card): \_\_\_\_\_**

**Expiration date: \_\_\_\_\_**

**Signature: \_\_\_\_\_**

**Please contact Don Pedigo, 270.576.8685 for more information**

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## Kyle Elliott, PLS

Kyle Elliott is a licensed land surveyor employed by the Kentucky Board of Licensure for Professional Engineers and Land Surveyor in Frankfort. He can be reached at [kyleelliott@bellsouth.net](mailto:kyleelliott@bellsouth.net)

# Meanderings

*A professional land surveyor may go on, over, and upon the lands of others if necessary to perform surveys for the location of property corners, boundary lines, rights-of-ways, and easements... - KRS 322.470<sup>1</sup>.*

This “right of entry” for a professional land surveyor is an extraordinary right, and along with it comes an immense responsibility. Some surveyors forget, or do not realize there is a responsibility.

Our US Constitution (4th Amendment) and the Kentucky Constitution (§ 10) protects citizens from unreasonable searches and seizures of their person, houses, papers, and possessions, by the government. A government official must show probable cause, and a judge has to issue a warrant, before these rights can be violated. Government employees, primarily the police, but other government employees as well, cannot enter upon a citizen’s private property unless they can demonstrate to a judge that there is a sufficient degree of likelihood that the person’s property contains some evidence of a crime. The private property owner, or the victim of a warrantless search, has to be able demonstrate “a justifiable, a reasonable, or a legitimate expectation of privacy that has been invaded”<sup>2</sup> to invoke the protections of the 4th Amendment and §10 of the constitutions. A surveyor is not required to obtain a warrant to enter upon someone’s land because a person’s property corners are not considered private, though many times they would like for them to be. All that KRS 322.470 requires is that a surveyor “shall make a reasonable effort to notify...” the landowner upon whose land it is necessary to enter. There is a further requirement that the surveyor obtain written permission from the landowner if it is necessary to “destroy, injure, damage, or move anything”, and a provision that civil liability is still a possibility for damages.

Our constitutional protections against unreasonable search and seizure are based upon privacy, and prohibit the police from obtaining evidence against us in a criminal proceeding by violating that privacy.

As a nation, we found such a violation of privacy disturbing and therefore our constitutions prevent the government from being able to invade that privacy. But from the public’s perspective, wouldn’t gaining evidence to use against them in a civil proceeding (boundary dispute) be equally disturbing?

Trespass is whatever the general assembly defines as trespass. Although currently Kentucky law recognizes two types of trespass—civil and criminal—in KRS 322.470, the legislature has said that merely going on a person’s land to survey does not constitute a trespass. The statute says, “Entry under the right hereby granted shall not constitute trespass” and the surveyor “shall not be liable to arrest or a civil action.” That language implies that the surveyor is protected from both civil and criminal trespass actions.

Once the surveyor had legally entered onto a person’s land, his actions are then measured by necessity. It is one thing to brush aside grass and leaves to look for a monument. It is something entirely different to clear a line of sight by cutting brush that the landowner values for its privacy.

What is reasonable effort in the context of, “a professional land surveyor shall make reasonable effort to notify adjoining landowners...”? This is one of the most frequent questions I hear from surveyors and private land owners alike. The statute (KRS 322) is silent on this. I believe “reasonable effort” is a subjective term. An attorney once told me that a reasonable effort is what the average surveyor would do under the same of similar circumstances. For the surveyor trying to do his job, knocking on someone’s door to let them know he is there surveying the neighbors land is probably reasonable. For the private property owner who stands to lose, or gain (in their mind), from the surveyor’s presence, knocking on his door during the middle of the day when most people are at work is probably not reasonable. “Reasonable” to them would likely require advance written notice and possibly a face-to-face conversation of why it is necessary for you or your employees to be on their property – to invade



their castle. Reasonable, as defined in Black's Law Dictionary (9<sup>th</sup> Edition, 2009), is "fair, proper, or moderate under the circumstances." Perhaps a simple test is this: would the average person think the surveyor was making an honest effort to notify the landowner that he intended to survey?

What would you expect if you were the property owner? Be considerate and respectful of people's property, and their property rights. Put yourself in the property owner's shoes and do what you would want someone to do if they were entering your property. Shut their gates, don't break down their fences, don't get overzealous with spray paint, replace divots of sod, talk with them and let them know what you are doing, and try to leave things exactly as you found them. Take a moment to explain to them that traverse stakes do not represent property lines, a common misconception that has led to a few boundary disputes and calls to the Board of Licensure. And remember that property ownership is extremely important to people; it raises people above the peasantry of past feudalism. Just consider the lack of private property ownership in many of the third-world, or pre-industrial countries today.

The point is this: think about this statute and the unique right it gives the professional land surveyor. And then think about the responsibilities that come along with this right. Property surveying in Kentucky would come to a standstill if this right were taken away, and yet I foresee a day when that could happen. All it would take is upsetting the wrong property owner(s), a showing of abuse on the part of one surveyor, and we could lose this right that is integral to our work.

For those of you who use a written contract for your surveying services, you may want to consider making it part of the client's obligation to gain the permission for right of entry. While this would not negate your obligation of making a reasonable effort to notify the adjoining landowners, it could give you some flexibility in your project scheduling and deadlines if adjoining landowners refuse to grant that permission.

*(Endnotes)*

1 <http://www.lrc.ky.gov/Statutes/statute.aspx?id=31465>

2 Williams v. Commonwealth, Supreme Court of Kentucky, November 22, 2006. 213 S.W.3d 671

## KAPS Welcomes New Members

### **Audubon Chapter**

Dennis E. Branson  
Michael Bytner  
Terry N. Foster  
David G. Hamilton  
James Matthew Lee  
Wesley J. Meyers  
Wayne L. Mory  
Grant R. Niemeyer

### **Barren River Chapter**

Steven E. Artz  
Frank J. Kondracki, Jr.  
Ben T. Quinn

### **Bluegrass Capital Chapter**

Ed Hickey  
Ron Householder  
George (Bill) McDonald, Jr.

James D. Napier  
Jeff Pendleton  
Michael Potter  
Stuart W. Spencer  
Samuel R. Williams

### **Falls of the Ohio Chapter**

Edward M. Berry  
Timothy Chilton  
Blake J. Conway  
James Krauth  
James Rice  
David J. Ruckman  
Greg Tackett

### **Green River Chapter**

James H. Davis  
Susan Hall  
Robert L. Smith

### **Highlands Chapter**

Stacey O. Brown  
John K. Smallwood

### **Jackson Purchase Chapter**

Bill Chaudoin, Jr.  
A. Clay Robinson

### **Northern KY Chapter**

Eric Arnold  
David R. Barnhart  
Commonwealth Surveying  
Christopher M. Cook  
William Ellison  
Charles Kluener  
Stephen C. Roat

### **Southeast Chapter**

Phillip M. Seals

# NSPS

# Insurance Program

Committed to specialized insurance for the NSPS members!



NSPS Insurance Program has made a long-term commitment to the land surveying and design professional industry by establishing an insurance program to offer competitively priced policies custom-fit to your specific operations and needs. Our sales agents have extensive experience and in-depth knowledge with the insurance coverage, loss control/risk management, and claims handling required for the land surveyor and/or the design professional.



Working with our multi-carrier partners, the NSPS Insurance Program offers flexible coverage with highly competitive pricing. The program provides industry-specific insurance products via coverage forms written specifically for land surveyors, civil engineers, and GIS professionals that work within municipal, commercial and residential arenas. Our flexible program includes but not limited to; land surveyors who specialize in boundary or property surveys, topogrammetric surveys, photogrammetric surveys, construction stakeouts, geodetic or control surveys, mapping or cartography, and other survey or design related services.

**Coverage Options:** General Liability ● Surveying Equipment/ Inland Marine Floater including Equipment breakdown ● Personal Property ● Property Off-Premises ● Computers/Media & Data ● Valuable Papers ● Automobile ● Umbrella/Excess ● Workers' Compensation ● Errors & Omissions/Professional Liability ● Pollution Liability including contractors job site ● Employee Benefits Liability ● Bonds

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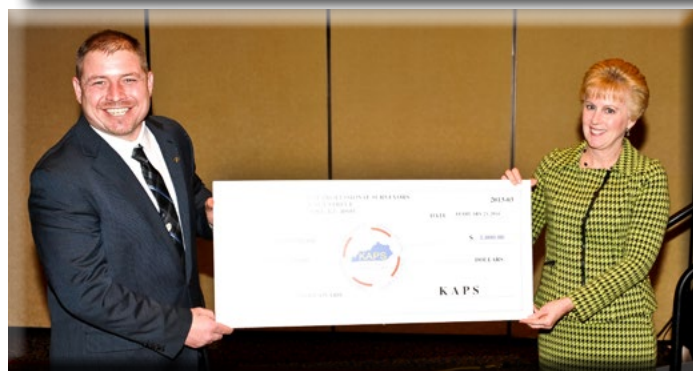
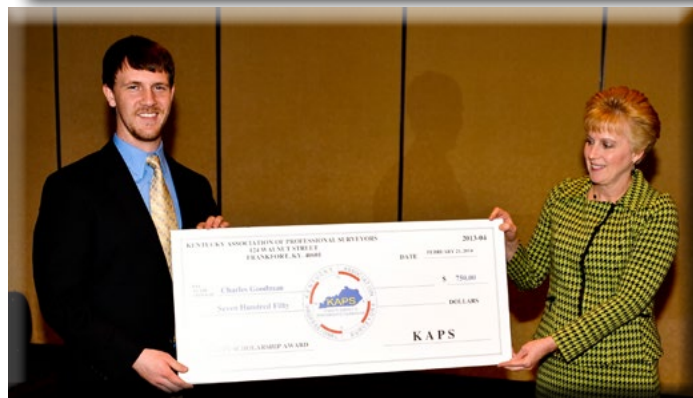
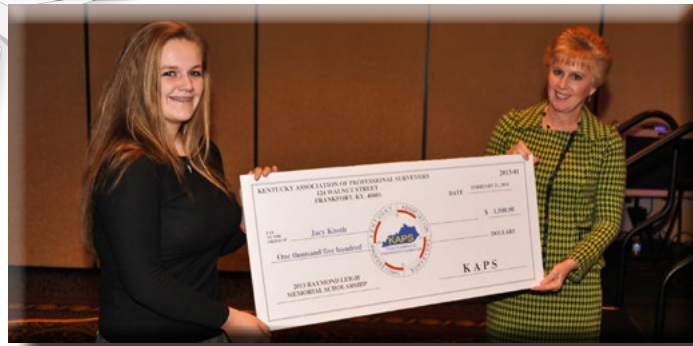


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# 2014 KAPS Conference



Andy Kellie, Honorary KAPS Member



Frontiersman Award Recipient— Steve Cahill



2013 President Tom Clayborn



2014 KAPS Board of Directors



J.D. Knoth - Life Member

2014 Scholarship Recipients





# It Pays to Belong

## How NSPS benefits members/ the profession:

### Advocacy Program

- Political Action Committee (PAC)
- US Congress
- Federal Agencies
- Assistance on state specific matters (if requested)
- Other geospatial organizations
  - International Federation of Surveyors (FIG)
  - Coalition of Geospatial Organizations (COGO)

### Education

- ABET-Lead Society for surveying/geomatics program evaluation for accreditation
- Scholarship Program – 15 annual awards

### Licensing/Standards

- NCEES – Participating Organizations Liaisons Council (POLC)
- ALTA/ACSM Land Title Survey Requirements
- NSPS Model Standards

### Outreach Opportunities

- Trig-Star
- Boys Scouts Surveying Merit Badge
- National Surveyors Week

### Certification Programs

- Reduced rates for Certified Survey Technician Program
- Hydrographic Certification opportunities

## Media

NSPS *News and Views* weekly newsletter – Sign up by visiting <http://multibriefs.com/optin.php?nsp>

NSPS Radio Hour on [www.americaswebradio.com](http://www.americaswebradio.com) 11:00 am Eastern every Monday

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Visit our Blog at [dualfrequency.blogspot.com](http://dualfrequency.blogspot.com)

## Member Discount Programs

### Apparel

NSPS Apparel through Lands' End – [http://ocs.landsend.com/cd/frontdoor?store\\_name=NSPSINC&store\\_type=3](http://ocs.landsend.com/cd/frontdoor?store_name=NSPSINC&store_type=3)

### Insurance

NSPS Exclusive Insurance Program – Assurance Risk Managers  
888-454-9562  
[www.arm-i.com](http://www.arm-i.com)

### Other Insurance programs available

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### Automotive

**TireBuyer.com** and NSPS have teamed up to bring you exclusive member savings on tires and wheels. TireBuyer.com is the fastest, easiest way to buy tires and rims. Save 6% instantly on any set of 4 or more tires or wheels! Here's how it works.

1. Go to [www.tirebuyer.com](http://www.tirebuyer.com)
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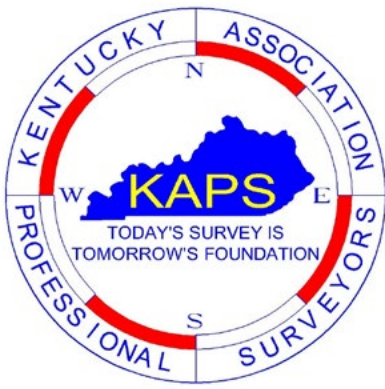
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mail to **KAPS** • 124 Walnut Street • Frankfort, KY 40601  
Register online at [www.kaps1.com](http://www.kaps1.com)

NAME \_\_\_\_\_ SPOUSE \_\_\_\_\_

KY COUNTY \_\_\_\_\_ CHAPTER \_\_\_\_\_ KY PLS # \_\_\_\_\_

RESIDENCE ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

IF NOT RESIDENT OF KY, ARE YOU A MEMBER OF YOUR STATE SURVEY ASSOCIATION?  YES  NO

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

MC / VISA # \_\_\_\_\_

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