

# The *Interior* angle



Kentucky Association of Professional Surveyors

***Conference  
Rescheduled***

Winter 2020 Issue 4

**Details Inside**



# Interior

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# angle

The Interior Angle is the official publication of the Kentucky Association of Professional Surveyors (KAPS). It is published quarterly to communicate with the professional surveying community as well as those in 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 provided to KAPS members and similar organizations on a complimentary basis.

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## In Memoriam of Walter Bowman 1946-2020

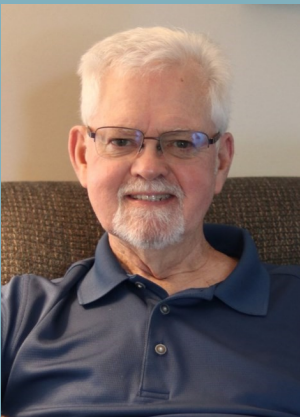


It is with great sadness that I share the passing of KAPS member, Walter Bowman. Our thoughts and prayers are with the Bowman family.

Walter Lynn Bowman, 73, husband of Vivian Lee Crawley Bowman, passed away Mon., Nov. 9, 2020 at Baptist Health Lexington. Walter was born Nov. 29, 1946 in Lexington to the late Albert and Rebecca Manley Bowman. He was a graduate of Lafayette High and the University of Kentucky. He was a veteran of the US Army and served in the USCOE; was a Professional Civil Engineer and Professional Land Surveyor; a member of Broadway Baptist Church and longtime member of Porter Memorial Baptist Church; he was a member of BGSL, Ducks Unlimited, NWTF, and B.A.S.S. Along with his wife Vivian, Walter is survived by his children, Racheal Lynn

Bowman, Brian Phillip (April) Bowman, Meghann Jane (Brendan) Sword, and Stuart Keith Hamilton; grandchildren, Casey James Walls, Payton Raye and Jackson Phillip Bowman, Conner Phillip and Callen Peter Sword; and sisters, Gaile and Dottie Bowman. Services will be 12:30pm Friday, Nov. 13 at Broadway Baptist Church with burial following in Camp Nelson National Cemetery. Visitation will be 10:30am-12:30pm Friday at the church. Kerr Brothers-Harrodsburg Road is in charge. In lieu of flowers, contributions are suggested to Broadway Baptist Church, 2500 Harrodsburg Rd, Lexington, KY 40503 or The Salvation Army, 736 W. Main, Lexington, KY 40508. <https://legcy.co/32tyQZq> – Link to obituary

## In Memoriam of Jim Krauth 1946-2020



It is with great sadness that I share the passing of land surveyor, Jim Krauth. Our thoughts and prayers are with the Krauth family.

James H. Krauth, 73, of Georgetown, Indiana, passed away November 27, 2020 at his home. He was born on December 27, 1946 in Louisville, Kentucky to the late William Henry Krauth and Martha Horsley Krauth. He retired from Qk4 Engineering as a Professional Land Surveyor and was a Veteran of the United States Navy.

James is survived by his wife of 50 years, Gayle Siewert Krauth; two daughters, Alison Krauth and Laura (Brandon) Brummett; four granddaughters, Sarah, Mallory, Brooke and Megan; two siblings, Bob (Sharon) Krauth and Cheryl (Gary) Loeser as well as several nieces and nephews. A private graveside service will be held under the direction of Kraft Funeral Service, Charlestown Road with inurnment in New Albany National Cemetery. A Memorial Service will be held in the spring for all family and friends.

Expressions of sympathy are suggested to Adaptive Hospice or the Michael J. Fox Foundation.

DONATIONS: [Michael J. Fox Foundation](#) [Adaptive Hospice](#)

<https://www.dignitymemorial.com/obituaries/new-albany-in/james-krauth-9921094>



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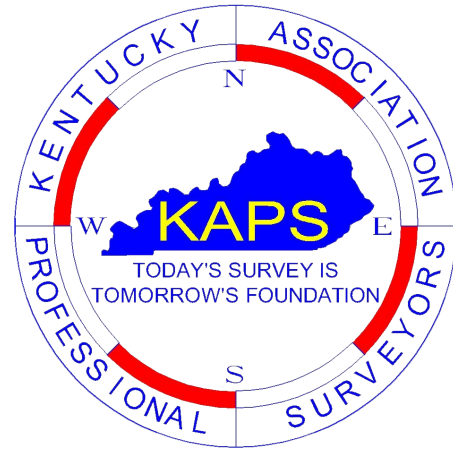
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## 2021 KAPS Conference 9/30-10/2

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## From the President's Desk



I hope you had a great holiday season and brought the New Year in with a boom. Navigating COVID has made 2020 a challenging year. It seems that most of us in the surveying business have continued without missing a beat. Others have not been as fortunate. Let's keep them in mind, and count our blessings.

In case you haven't heard the news, after many hours of deliberation we decided that it would be in the best interest of the membership we serve and the vendors who work so hard to meet the technical needs of our profession to move the date of the KAPS 2021 Conference to the end of September. We have worked diligently to secure qualified and interesting topics and speakers most of whom will be able to make the September move. It is always difficult to break with long standing tradition. I believe the greatest benefit of our conference is the relationships we create and nurture during this event. A virtual event isn't the vehicle that will deliver all we have come to expect from our conference. Our comradery is key to the event. I hope you will be able continue to support this

organization with the fall date and that we can experience a safe environment, in person, together.

Warm Regards,

Greg Barker, PLS

2020/2021 KAPS President



volunteering to give out the new coronavirus vaccine to first responders, teachers, etc. to aid in distribution. It may take longer than usual for me to call & email back, but I promise I will. I hope everyone is staying healthy.

Also, I know you surveyors see benchmarks & survey markers everywhere. If you snap a picture of one, send me the pictures & info to include in an upcoming issue of the IA! Otherwise, you're just going to see the ones Jason & I see. As we enter into a new year, we would love to see some new faces on committees! Let me know how much time you want to dedicate (even if it's just 15 minutes a month), and I will find you a place to volunteer. —Jackie



From the Cover: [Benchmark GZ2350](#) (link to NGS data sheet) on the foundation of the West Point Bank in West Point, Ky. Found by Jason Graves, PLS. Submit your benchmark & pictures to [Jackie@kaps1.com](mailto:Jackie@kaps1.com) !

A quick note— I appreciate everyone's patience right now. The conference plans have completely changed (new dates—9/30-10/2!), memberships are being processed, taxes are due, I was in quarantine due to a coronavirus exposure, and as a Registered Nurse, I am



## A BRIEF UPDATE FROM YOUR APPALACHIAN REGIONAL ADVISOR AT NGS: JEFF JALBRZIKOWSKI

Back in July of this year a Federal Register Notice (FRN) was published by the National Geodetic Survey (NGS) that discusses one of the technical aspects of our forthcoming new datums. A link to that FRN will be at the end of this article for anyone interested in reading it in full, but I'd like to provide a brief summary.

With the new datums will come a new database of geodetic control. I have heard of some misconceptions that this database will begin from scratch, but this is not the case. The new database will initially be populated with control data from both our NGS IDB (Integrated Database) and OPUS Share database. The future vertical datum slated for 2022 (NAPGD2022) will not be a leveling-based datum, but solely comprised of GNSS/GPS observations only. This means that existing leveled control data will not migrate to the new database. There is a "catch" to this, however.

Personnel at NGS have analyzed hundreds of thousands of GNSS vectors in the IDB and believe that some older data should not be migrated to the new database, in turn being used to develop initial **reference epoch** coordinates for NATRF/NAPGD2022. It seems that the older GNSS data, being single frequency or perhaps based on immature satellite orbit data, does not significantly contribute to the network, rather weakens it. As a result of this, our geodesists are considering imposing an age limit (or cutoff date) for GNSS observations that will be migrated to the future

database. That means that a portion of the existing control in your area, even if based on GNSS, *might* not end up getting new coordinates in the new datums, depending on official cut off dates still to be determined. The experiments to make a final decision and determine a cutoff date (if one is needed), have yet to be performed. But the subject FRN has provided some insights into possibilities.

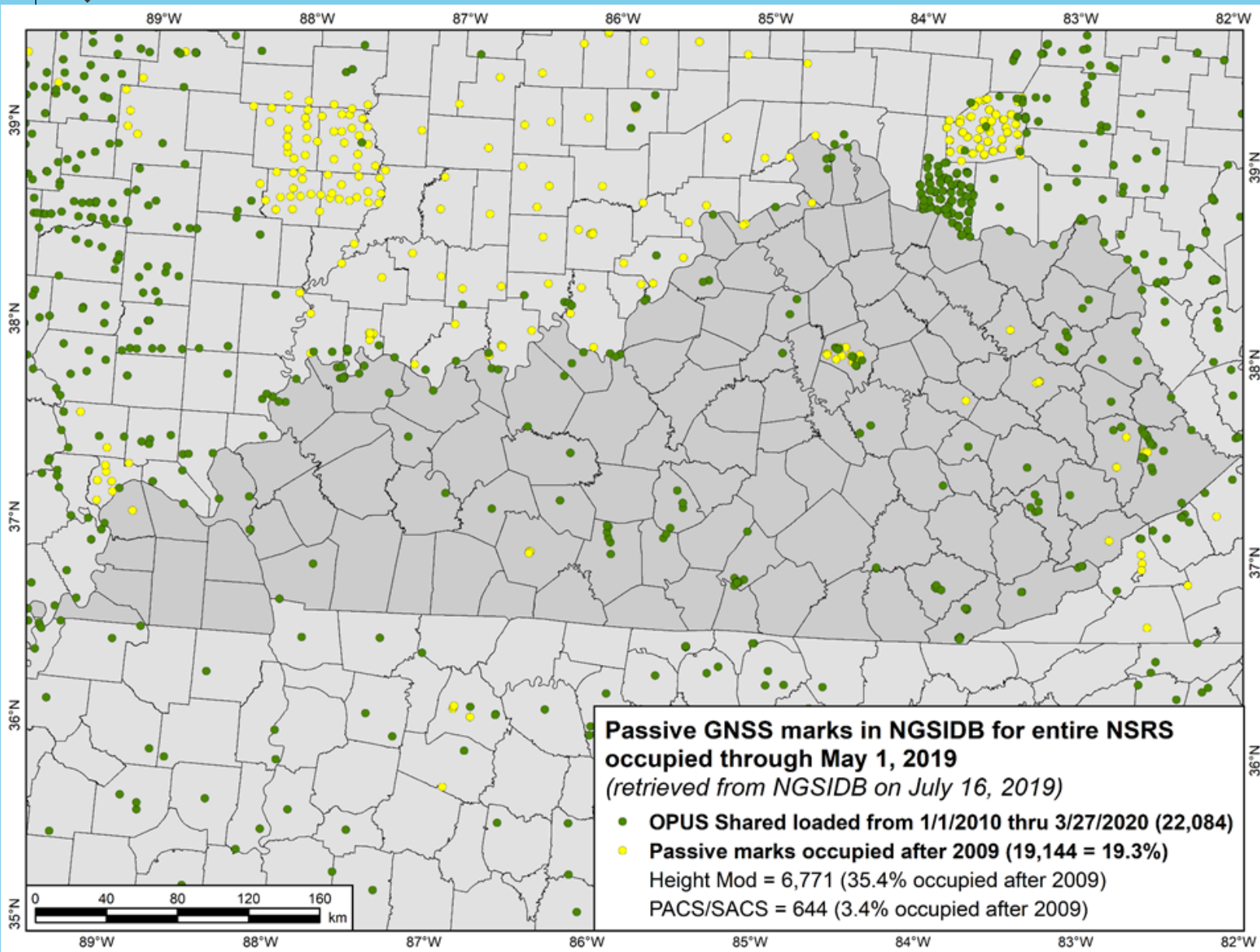
While the cutoff date is undetermined, it is unlikely that it will be fewer than 10 years before the initial reference epoch of NATRF/NAPGD2022, which is set as 01 January 2020 (typically expressed as 2020.0000 in geodetic or astronomic applications). What does this mean? Simply put, any GNSS observations in either of our databases that were collected before 01 January 2020 would not be used for the new datum developments. Remember, per the FRN this 10 years prior cutoff date is a "worst case" scenario and the cutoff date might end up being older. So, what would the Kentucky database look like if the cutoff date is set as 01 January 2010?

I've included a map that illustrates IDB marks in yellow and OPUS Share marks in green, and only marks with observations collected between January 2010 and May 2019 are shown. This gives a pretty good idea of the impact of a January 2010 cutoff date. Note that the Pikeville area looks pretty good, and the Lexington area looks really good due to the recent LFUCG control

(Continued on page 8)



(Continued from page 7)



network submitted to NGS just last year. Conversely, there are a number of counties left with no NGS published control. I don't know the impact of this to the surveying community so that's why I wanted to share it. Perhaps the vast majority of folks are okay with this, as they utilize the KY-CORS RTN, and if that's the case then there's nothing to be concerned with.

If you are concerned with what control will be left in your area, once the new datums are

implemented, there are options. To get a mark "updated" (or newly entered into one of our databases) you would need to perform two static GNSS sessions of 4 hours each, take photos of the mark and your receiver setup, upload the data to OPUS-Static, then choose the option to "share my solution". It's pretty straightforward and we have a 10 minute OPUS Share tutorial video; I will have a

(Continued on page 9)



link to that at the end of this article.

You could also submit your data to us via OPUS Projects if you've been trained on it, which I want to mention will soon have the capability to integrate your RTK and RTN data. Do note that whichever option you choose, the deadline to submit your observations to NGS is 31 December 2021. Drop me a line, I'd be happy to talk (or email) with you about this, or anything else related to the forthcoming new datums.

Federal Register Notice - <https://www.federalregister.gov/d/2020-16084>

OPUS Share tutorial video - [https://geodesy.noaa.gov/corbin/class\\_description/opus-share-tutorial/](https://geodesy.noaa.gov/corbin/class_description/opus-share-tutorial/)

*Sidenote: What is a **reference epoch**?* Each realization of NAD 83 is based on a certain reference epoch, or a specific instant in time that coordinates are referenced to. To see this take a look at the datasheet for PID [AC6044](#). Just below the current NAD 83(2011) positions you will find "EPOCH" and a decimal date of 2010.00 which is the reference epoch for the current 2011 realization of NAD 83. The epoch of 2020.00 will be the initial reference epoch of our new datums (NATRF2022 and NAPGD2022).

*Jeff Jalbrzikowski, P.S., GISP, CFS, is your Appalachian Regional Advisor with the National Geodetic Survey (NGS). His role as Regional Advisor is to assist the public in utilizing the National Spatial Reference System (NSRS), and any other products and services that NGS provides. <https://www.ngs.noaa.gov/ADVISORS/>*



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*The Interior Angle, Winter 2020*

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The Kentucky State Board of Licensure for Professional Engineers and Land Surveyors (KYBOELS) was established by the General Assembly in 1938 to protect the public health, safety and welfare. This is accomplished through the licensing and monitoring of individuals and firms deemed qualified to practice.

Among the services KYBOELS provides to engineers and surveyors and the public are licensure, reciprocity, examinations, and investigations and regulatory compliance. KYBOELS is not associated with the Kentucky Society of Professional Engineers; however, KYBOELS resides in the Kentucky Engineering Center as a leasee of KSPE.

Statutes and regulations regarding engineering and surveying law in Kentucky are available on the KYBOELS website, <http://kyboels.ky.gov>. If you have specific questions not addressed here, please contact the board office at 800-573-2680 or 502-573-2680.

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# Kentucky State Board of Licensure Calendar of Events 2020

April 17	Paper and Pencil PE & STR Vertical Exams	Louisville KY
April 18	STR Horizontal Exam	Louisville KY
April 16	Committee Meetings	Frankfort KY
April 17	Board Meeting	Frankfort KY
April 23-25	NCEES Joint Western/Southern Zone Mtg.	Houston TX
July 30	Committee Meetings	Frankfort KY
July 31	Board Meeting	Frankfort KY
August 26-29	NCEES Annual Meeting	Chicago IL
October 22	Industrial & Fire Protection PE exams (First Computer Based Administration)	Select Pearson Testing Centers
October 22	Committee Meetings	Frankfort KY
October 23	Board Meeting	Frankfort KY
October 23	Paper and Pencil PE & STR Vertical Exams	Louisville KY
October 24	STR Horizontal Exam	Louisville KY

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## STANDARD OF CARE IN RESEARCH

## WHERE TO DRAW THE LINE

A recent, and probably familiar scenario with a client, has prompted me to take a closer look at 201KAR 18:150, for some clarification, I previously thought I had straight in my head. Upon completion and imparting of the deliverables, a client returned to us with a catalogue of easements that were part of a title opinion, we were not privy to, during the field work. They subsequently wanted us to address each item on the survey. Typical contractual wrangling then ensued. Our stance being, we proposed a boundary survey to the requirements of 201KAR 18:150 and addressing items from a title opinion were not part of the original fee. This brought me to question, when a survey is ordered by a less sophisticated client, or one that would not typically involve a provided title opinion, what is “adequate” or standard of care, when it comes to research of easements?

For the practicing surveyor, the requirements of accuracy, corner monumentation, field survey procedures, and so on, are the benchmarks of any project from quotation to completion. However, what exactly is required in the courthouse, is where, for me anyway, it starts to get more subjective. It is important to note that the focus of my original inquiry was centered on easement research. What is adequate research for determining limits of ownership, is best discussed at another time. Only to say I have made it a practice to run the subject property to its source deed. Please, feel free to send in submissions on the matter, always looking for content. For this article, however, I would like to pose the question about the surveyor’s liability regarding records typically only discovered through the course of a third-party title opinion. Is our liability solely dependent on what is provided by the client? If no title opinion is provided, does this indemnify the surveyor from records that are

discovered only by a cross check of all previous owners back to the original owner or over a certain amount of time?

After reading through many other State Regulations, there is a certain amount of consensus that any “visual” evidence of access, ingress and egress, visible utilities, and so on, should be graphically depicted and addressed on a plat of survey. Also, any platted easements related to previous record plats, or as part of the deed of transfer, are expected to be part of a Plat of Survey. But, what about one of those “...across the lands of...” type easements, granted three owners back, to a utility company that no longer has fixtures on the property?

Let us first go to what our own Kentucky Statues say. Surprisingly, the word “easement” does not even show up until the section on Mortgage Inspections. In Section 5 (Record Research), sub section (3), it speaks to “... all relevant documents...”, and subsection (5), again states “Any other available data or documents pertinent to the boundary survey.” Would said blanket easement three owners back be pertinent to location property lines on the ground? Probably not. However, the language leaves room for interpretation.

When we look at the Standard of Practice Regulations for our neighbors to the south, the RULES OF TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS, Section 0820-03-06(8) states, “Easements evidenced by Record Documents which have been delivered to the Land Surveyor shall be shown, both those burdening and those benefiting the property surveyed, indicating recording information....” It goes on to speak to observable evidence, which coincides with the consensus that “if you can see it, show it on the plat.” It is the “delivered

*(Continued on page 15)*





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to the Land Surveyor,” that seems to be missing from the Kentucky Statutes. If this wording protects the surveyor’s liability or not when a title opinion is not delivered, is hard to say. It at least gives the surveyor a legal leg to stand on the Kentucky Statutes do not.

Alabama’s Society of Professional Land Surveyors, take it one step further in their STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, Section 10 (b) “ All easements and rights of way to be shown on the survey must have documentation provided to the surveyor by the client or client’s representative. No sub-surface features are required to be located unless information of their existence and location is furnished to the surveyor by the client.” “Must have documentation provided,” is substantially clearer, and most likely born of situations that exposed surveyor liability.

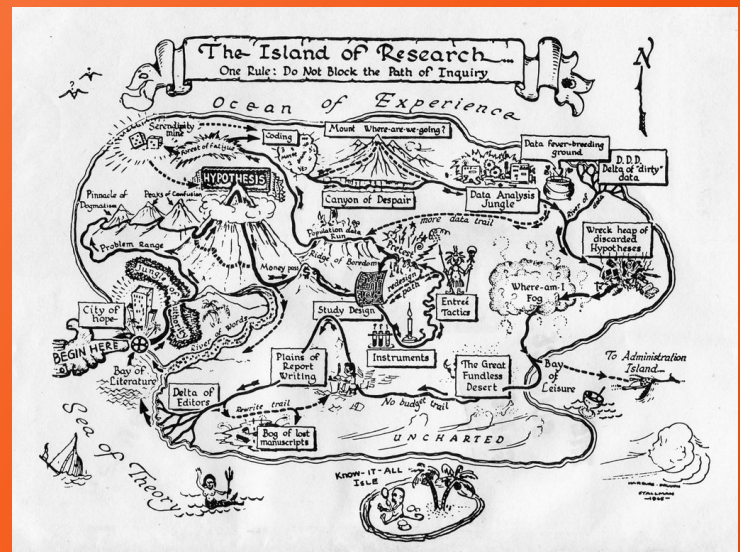
The New York State Office of Professions Land Surveying Practice Guidelines, Section 5(A)(1), dances around the issue when it states what is required of a boundary survey plat,

“Exceptions, easements, encumbrances, rights of way, privileges, restrictions and reversions affecting the client property or access to the same in so far as they affect, the professional determinations to be made by the surveyor.

Note: None of the above is intended to require the surveyor to perform the title search. It is common practice for the surveyor to rely on title search information prepared by others qualified to do so.”

Certainly, a wide range of subjective examples are to be found, when one reviews state regulations across the country. Should Kentucky Surveyors have clearer and less subjective language in the Kentucky State Statutes, when it comes to required research? If we did, would it prove protective in a litigation situation? It could not hurt to have this conversation at least.

In the meantime, the communication with the client



"The Island of Research" by barbourians is licensed under CC BY-NC-SA 2.0

becomes paramount to limiting your liability, and not to mention your profit margin. What is not specifically spelled out regarding research and standard of care in the state statutes, should be specifically named in proposals, drawings, and reports. The lost art of the surveyor’s report can also be a valuable medium in communicating to the client what are the limitations and expectations of a boundary survey. The clearest way I have seen it conveyed to this point, is as follows:

The services provided do not include and should not be construed to be an opinion on the title. A record search performed as part of the surveying services does not substitute for a title search and a title search by a title abstractor does not substitute for a record search by a surveyor. While boundary information is often found in title documents, the examination of the same document by the title examiner and surveyor is different. Title abstractors look at the parties, interest conveyed, the intent of the parties, recital, type of deed, consideration, dates of execution, etc. A surveyor looks at the description of the property and other spatial data bearing on boundaries or use of the land (e.g., easements). A poor description often passes good title while a good description may not necessarily pass good title. Often boundary information is found in plats, miscellaneous records,

(Continued on page 16)



*(Continued from page 15)*

neighboring deeds, etc. These records are seldom examined by a title abstractor. Furthermore, title abstractors usually limit the time period encompassed by a title search back 40 years or less from the present time period. On the other hand, surveyors will often search back in time for a century or more to the first description of the boundary in order to get original information and identify omissions or blunders in the current boundary description.

As a result of the record research, an opinion on the record boundary is presented. An opinion on your title must be obtained from an experienced real estate attorney.

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**Justin Drury,**  
PLS, TIA Editor &  
Contributor,  
teaches  
surveying  
seminars on  
cemetery law.



Friday September 11, 2020 at 6 p.m.  
Zoom Online Meeting (COVID-19)

# KAPS Board of Directors

## CALL TO ORDER

KAPS 2020/21 President, Greg Barker, calls the September 11, 2020 KAPS Board of Directors meeting to order at 6:28 P.M..

## PROXY VOTES:

Chris Higgins to Jason Graves

**MEMBERS PRESENT:** Greg Barker – President, Bob Smith– President-Elect, Nick Jerdon – Past President, Josh Calico - Vice President of External Affairs, Jason Graves – Director/Secretary, Justin Drury – Director/Publications, Richard Murphy – Director, Tim Tong – Bluegrass/Capital Chapter Chair, Mike Billings – Falls of the Ohio Chapter Chair, Curtis Felts – Southeast Chapter Chair, Jon Payne – Director, Johnny Justice – Highlands Chapter Chair, Mike Ladnier – Audubon Chapter Chair,

**STAFF PRESENT:** Jackie Hawkins – Executive Director

**GUESTS PRESENT:** None

**MEMBERS ABSENT:** James Mayo – Director/Treasurer, Craig Palmer – NSPS Director/KAMP Liaison, David Blaker – Northern Kentucky Chapter Chair, John St. Clair – Scholarship Committee Chair, Tom Bushelman – Director/Bylaws and Policy Manual, Mike McKinney – Green River Chapter Chair, Chris Higgins – Barren River Chapter Chair, James Knoth – Jackson Purchase Chapter Chair, Kevin Phillips – Vice President of Internal Affairs,

## PRESIDENT'S WELCOME

President Greg Barker welcomed everyone to the meeting and thanked them for making their effort to make the meeting.

## ADDITIONS OR REVISIONS TO THE AGENDA

New end of term for Greg – 02/21

## REVIEW AND APPROVAL OF BOARD MEETING MINUTES

Tim Tong made a motion to accept the minutes of June 13, 2020 meeting. Josh Calico seconded. Motion carried.

## KAPS OFFICER REPORTS

**President's Report** – No report – End of term date moved up to 02/2021

**President Elect's Report** – No report – Golf outing is 9/11/2020 at My Old Kentucky Home Golf Course

**Treasurer's Report** – No report – Fiscal Year on budget

**Executive Director's Report** – In packet

**Secretary's Report** – Profit/Loss report in packet.

## OLD BUSINESS

We need a new NSPS Young Surveyors Network representative. Must be a NSPS member, a KAPS member and must be younger than 35 or within 10 years of graduating from a course of study in Land Surveying. – Greg Barker talked to Derek Daily. Derek needs the information of what is required for this position. No one was assigned this task.

Honoring Mr. William Ralph Paris with a lifetime membership – Jackie will ask James Knoth for specs to order one

JA Inspire will be virtual. Need to make a video or videos for it or use NSPS or another state's videos.

– Jason to contact about videos.

Kentucky Construction Career Days – waiting to hear back about in-person/online. – Jason will email.

*(Continued on page 18)*

**Website Enhancements** – Searchable Roster of Members published on Odd years

### NEW BUSINESS

Next KAPS Board Meeting – December 5, 2020 @10am

**Fall Seminars** – Online via Zoom

**More Online CPD Courses** – Justin will contact BOL about Bias class, request those who have taught in person before to record a class,

**Conference** – online or in person – Governor mandates

**Responding to emails; volunteer/board burnout** – More reminders for Greg

### EX-OFFICIO DIRECTORS REPORTS

**GIAC Liaison** – no report – committee meeting, no state plane discussion, another meeting next week.

**KAMP Liaison** – no report

**KY State Board of Licensure Liaison** – no report

**KSPE Liaison** – no report.

**NSPS Director** – no report.

**Professional Development Chair** – no report.

### CHAPTER REPORTS

**Audubon** – no report – no in person, no fall seminar

**Barren River** – no report.

**Bluegrass-Capital** – no report. – Zoom meeting in June, another for Sept, Tim & Nick will teach a fall seminar online. Justin's girlfriend will produce. Send Tim the dates of the other Fall Seminars

**Falls of the Ohio** – Report in Packet. 6th or 13th for fall seminar

**Green River** – no report.

**Highlands** – no report.

**Northern Kentucky** – no report.

**Purchase** – no report.

**Southeast** – Report in Packet.

### COMMITTEE REPORTS

**Annual Conference** – no report.

**Annual Golf Outing and Picnic** – no report.

**By-Laws – no report** – Tom Bushelman has not provided updated by-laws for years; promised date was April 2020.

**County Surveyors** – no report

**Education** – no report

**Ethics and Professional Practice** – no report

**Finance** – no report

**Legislative** – no report

**Membership** – no report.

**Nominating** – no report

**Past Presidents** – no report

**Policy Manual** – no report

**Public Relations** – no report

**Publications / Newsletter** – no report.

**Scholarship** – Report Submitted

### SPECIAL COMMITTEE REPORT

**KY / TN State Line Monument** – no report. Jackie add to website map, points, points open to pdf's

**Board of Licensure Nominations** – no report. Governor hasn't assigned anyone

**Continuing Education Hours** – no report

### ADJOURNMENT

Jason Graves motion to adjourn. Bob Smith seconded. Motion carried. Meeting adjourned.

Submitted by Jackie Hawkins, Executive Director

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## Falls of the Ohio Chapter

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Email: [kaps.foto@gmail.com](mailto:kaps.foto@gmail.com)

December 15, 2020

Chapter Meeting Minutes, ZOOM Meeting

Our second ZOOM Meeting was a success with 10 participants. Special thanks to KAPS President Greg Barker for attending. The 2021 KAPS Conference will be held virtually. The seminar schedule, along with presenter bio's, is available on the KAPS website. On-line registration will be available shortly. After a deposit from KAPS for membership dues the chapter has in excess of \$6,000.00 in our checking account. Year-end reporting will be available shortly.

The drawing for a full conference fee, paid for by the chapter, goes to Mark Wilmoth. The drawing for a year KAPS membership, paid for by the chapter, goes to John St. Clair. The chapter decided to donate \$1,000 to worthy causes this holiday season. The first \$500 will be donated on behalf of Todd Jones, to a charity of his choice. The second \$500 will be donated to the family of Bob Fentress, as he continues his on-going health battle. The chapter will also be sending a \$100 gift card to Jackie Hawkins in appreciation of her continued support of KAPS. The chapter will be donating 2 items to the silent auction for the KAPS conference.

As KAPS dues are once again coming around the chapter is

creating a list of all of the surveyors in the counties we represent. Once the list is complete current active members will be taking a role in reaching out to non-members verifying contact info and trying to encourage membership. At the very least this will give the chapter the ability to keep them informed about on-going KAPS issues.

The chapter is currently investigating the possibility of providing a "Final Point Monument" to members of the chapter's families upon their passing. Once a plan is in place it will be presented to KAPS at the state level for other chapters to consider. Our next meeting January 18, 2021, will once again be a ZOOM Meeting.

Please keep Bob Fentress and his family, longtime supporters of KAPS, in your prayers as he continues his battle with cancer at UK Hospital.



Mike Billings, PLS  
Chapter Chair—Falls of the Ohio Chapter

## Southeast Chapter Report

The Southeast Chapter continues to work on the The Cumberland Gap Project, formerly the Thomas Walker Project. The Southeast Chapter is working on increasing membership within the Southeast Chapter.

The checking account for the chapter ending balance as of October 30, 2020 is \$7,006.34 dollars.



Continued successes,  
Southeast Chapter Chairman  
Mr. Curtis J. Felts, PLS  
E-mail: [curtisfeltslps@windstream.net](mailto:curtisfeltslps@windstream.net)  
Telephone: 606-864-5472

## KAPS Scholarship Committee Report

♦ Scholarship application packages were mailed in mid September to various Kentucky area colleges and universities and the “Affording Higher Education” catalog for Kentucky schools was updated with the KAPS scholarship information for 2020.

♦ Seven applications were received. Six completed applications were considered for the 2020 KAPS Scholarships. One application did not include a transcript as required.

♦ Applications were reviewed, scored and ranked based upon the scholarship award criteria in the KAPS Bylaws, Article XVII, Section 2; Criteria, with emphasis on grades, residency, curriculum, financial ability with preference to students that are children of KAPS members.

### RECOMMENDATIONS

The applicants recommended by the committee for KAPS scholarship awards are:

First:

Grace Billings\*  
\$3,000.00 award — Ray Leigh Memorial  
Asbury College  
Major: Pre Civil Engineering/Surveying  
\*Father, PLS and KAPS member

Second:

Ethan Carr\*  
\$2,000.00 award — KAPS Scholarship  
Glenville State College  
BS Land Surveying  
\* Father, PLS and KAPS member

Third:

Cara Morman\*  
\$1,500.00 award — KAPS Scholarship  
Cincinnati State Tech.  
BS Land Surveying  
\* Mother, Ind PLS and KAPS member

Fourth:

Steven Thomas Matheny\*  
\$1,000.00 award — KAPS Scholarship  
Western Kentucky University  
Major: Civil Engineering/Land Surveying  
\*Father, PLS and KAPS member

Applications were received from the following institutions for consideration:

Asbury University	1
Cincinnati State Technical & Community College (1 missing transcript)	3
East Tennessee State	0
Glenville State College (W.V.)	1
Murray State University	0
University of Louisville Speed Scientific School	0
University of Kentucky School of Engineering	1
Western Kentucky University	1
Eastern Kentucky University	0

Respectfully submitted for review at the December 5, 2020 KAPS Board of Directors meeting,



John St. Clair, Chairman, KAPS Scholarship Committee

138 Willow Wood Drive

Mt. Washington, Ky. 40047

502-538-6616 Home Office

502-548-4715 Mobile

[jjssaint@windstream.net](mailto:jjssaint@windstream.net)



## KAPS KSPE Liaison Report

Darin Hensley, PE, PLS with Mason & Hanger was appointed as KSPE President earlier this year. Russ Romine was appointed as Executive Director for ACEC-KY, NSPE-KY and the KEF on July 1 of this year. Mike Harris assumed the position of southeast region director on the NSPE National board of Directors on August 1 of this year.

The Kentucky Engineering Center will hold an 8-hour (8 PDHs) Fall Seminar spread over two days – 12/14-15 from 9:00am – 3:00 pm with a two-hour lunch/work break. Sessions to include: major project updates, “Mitigating Disease Transmission with UV-C”, highway safety innovation, and possible sessions on liability and legal topics. The cost is \$75 for members and \$125 for non-members. For those non-members wishing to join Kentucky Society of Professional Engineers the seminar will be free. Contact: Bill Bell [bill@kyengcenter.org](mailto:bill@kyengcenter.org) 502-695-5680

Please reach out to the Kentucky Engineering Center for information regarding additional professional development hours opportunities. ([www.kyengcenter.org](http://www.kyengcenter.org)). The next KSPE Board meeting was held in mostly a virtual format on Tuesday September 15th. No additional information was available on the Board meeting.

KSPE, like KAPS and everyone else, is doing the best they can to cope with the pandemic and to continue with life as best they can.



Respectfully Submitted,  
Michael P. Billings, PE, PLS  
KSPE Liaison

# ***GENERAL MEMBERSHIP MEETING, VOTING, & OFFICER INSTALLATION***

In this unprecedented year of change, KAPS will be having the General Membership Meeting & Installation of Officers virtually via Zoom.

You can:

- \* Call in with your telephone (no tech needed!)
- \* Download the Zoom app on your smartphone  
[Click here for iOS/Apple](#)  
[Click here for Android via Google Play](#)
- \* Use your computer to go to the website ([click here to download for MAC/PC](#))

I am available to walk you through setup of Zoom over the phone. Please email [Jackie@kaps1.com](mailto:Jackie@kaps1.com) to schedule a time. We would love to see YOU there! Meeting information on the next page →

# ***GENERAL MEMBERSHIP MEETING, VOTING, & OFFICER INSTALLATION***

## **KAPS INSTALLATION OF OFFICERS for 2021**

**Feb 11, 2021 07:00 PM Eastern Time**

Join Zoom Meeting on your **computer** or **smartphone** by clicking the link:

<https://us02web.zoom.us/j/82072366860?pwd=WmtzZGxmejFYa3RkYUwrTVhPRHI6UT09>

Clicking the link above will make a window or the app pop up on your computer. If you have a pop-up blocker (most browsers do), you may need to click the red box in the upper right hand corner of your browser or go into settings and disable the pop-up blocker. Clicking the link from your smartphone should cause it to open the app. If you click the link to join, you will not need the meeting ID or Passcode)

### **To Dial in with Any phone:**

312-626-6799

You will be prompted for the following information:

Meeting ID: 820 7236 6860

Passcode: 561510

If you're on your smartphone and want to dial in (not using the app), copy the string of numbers & symbols below, paste it into your phone dialer, and press the call button. It will automatically dial the meeting ID & passcode for you. Zoom calls this "**One Tap Mobile**," in case you see it somewhere else.

+13126266799,,82072366860#,,,,\*561510#

## **KAPS GENERAL MEMBERSHIP MEETING, 02/12/2021**

**Feb 12, 2021 12:30 PM Eastern Time** (Please refer to the directions above)

<https://us02web.zoom.us/j/84075001500?pwd=cHFGZTc1Y3k2bE5EWTNMTS9kTFpnQT09>

### **To Dial in with Any phone:**

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Meeting ID: 840 7500 1500

Passcode: 883426

### **One tap mobile:**

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## **KAPS VOTING AVAILABLE AT:**

<https://www.kaps1.com/members/voting/>



## James Ed Manning, Executive Director

Kentucky State Board of Licensure for Professional Engineers and Land Surveyors  
Kentucky Engineering Center, 160 Democrat Drive, Frankfort, Kentucky 40601

# The Board of Licensure Report

October 2020

## Stay in Touch

Every year, hundreds of individual PE and PLS licenses and Business Entity Permits are not renewed. In many cases, this is unintentional. There are a variety of reasons why this can happen.

- Licensees often have renewal notices sent to their work address, but fail to inform us when they leave the firm.
- Employees at some firms delegate license and firm renewals to a clerical employee in the office, even providing that employee's email address instead of their own. This can be a problem when that employee leaves the firm or their job duties change.
- Licensees who list their home address as their default address sometimes fail to notify the board when they move. They might submit a change of address form to the Post Office, assuming their renewal notice will be forwarded. But USPS Forwarding Orders expire after six months, so depending on the timing, a renewal notice sent to a licensee's old address might not be forwarded.

Licensees sometimes provide only the minimum contact information to the board, leaving the board with no means of contacting a licensee when the default address is no longer valid.

Here are some tips to help you stay in touch and keep your license status current...

Maintain control over your license renewals. If you delegate this task to someone else, have a procedure in place to make sure it is done properly and on time. It is also important to remember that a license renewal is an application in which certain important questions must be answered. The licensee is responsible for the accuracy of these answers regardless of who completes the form.

Mark your calendar to keep track of when your individual license and business entity permit (if

applicable) expires.

Carefully consider which address to provide to the board as your "default" address for official correspondence. While our system can record multiple addresses (home, work, etc...), the default address you provide is the only address to which renewal notices are mailed.

Provide an email address. While the board still uses USPS for renewal notices, we are beginning to use email for second notices and for other important communications. The use of email will likely increase in the future. Email addresses provided to the board are not published.

Provide phone numbers, including a cell phone number. Thanks to phone number "portability", a cell phone number can potentially be the most enduring method of contact. Many people keep the same cell phone number for years regardless of where they move. Cell phone numbers provided to the board are not published.

Periodically check and update your contact information, especially when you move or have a change in employment. You can check your contact information at our online searchable roster at: <https://clsweb.kyboels.ky.gov/kweb/Searchable-Roster>.

You can update your contact information during the renewal process, or anytime online at:

<https://clsweb.kyboels.ky.gov/kweb/Login?ReturnUrl=%2fkweb%2fAddressChange>

## Board Report is now Digital Only

The Board Report is published in the Kentucky Engineer, an official publication of the Kentucky Society of Professional Engineers and the Interior Angle, the official publication of the Kentucky Association of Professional Surveyors. Both of these publications are now published via the Internet.

(Continued on page 26)



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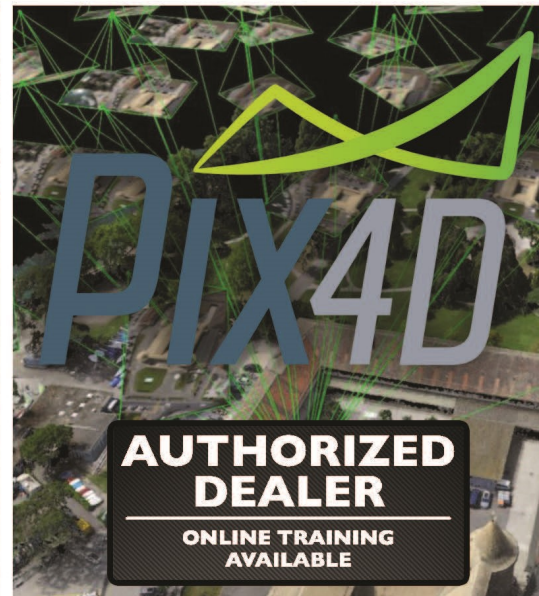
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Interior Angle, Winter 2020  
precisioncapture.com





# The Board of Licensure Report

continued

*(Continued from page 24)*

You can find these publications at:

<https://www.kyengcenter.org/page/KYEngineerMagazine>, and [www.kapsl.com](http://www.kapsl.com)

You can also find current and past Board Reports on the board website at

<https://kyboels.ky.gov/Pages/Whats-New.aspx>

## Late Individual Renewals

If you missed the June 30 renewal deadline for renewal of your individual PE and/or PLS license (odd number years for A-K and even number years for L-Z), you have up to one year to renew using the online renewal system. The system will automatically calculate a 10% per month late renewal penalty. Please be aware that anyone who renews on or after September 1 of his or her renewal year is subject to an automatic continuing education audit.

The late renewal provision notwithstanding, practice on an expired license is prohibited. While your license is expired, you cannot practice, offer to practice, or represent to the public that you are a professional engineer or professional land surveyor. Each of these acts constitutes unlicensed practice and can result in disciplinary action.

Any licensee whose license remains in expired status for more than one year must apply for reinstatement before returning to active practice.

For all these reasons, please renew timely. You can always check your license status and contact information using our online searchable roster at:

<http://elsweb.kyboels.ky.gov/kboels-web/Searchable-Roster.aspx>

Also, please mark your own calendar so you know when your firm and/or individual renewals are due. Even though we send a Renewal Notice in the mail, you are solely responsible for ensuring that your license(s) and permit(s) are renewed in a timely

manner.

## Wallet Cards Discontinued

We continue to receive inquiries from time to time regarding wallet cards. We no longer issue wallet cards for renewed permits or licenses and have not done so for several years. You can check and print information regarding the status of permits and licenses using our online searchable roster, which is updated nightly.

<http://elsweb.kyboels.ky.gov/kboels-web/Searchable-Roster.aspx>

## Continuing Education Audits and NCEES Continuing Education Tracking System

Random Continuing Professional Development (CPD) audits went out in early September. If you have received an audit notice and have not yet replied to it, please contact Tamra Chesser at the Board office immediately. Failure to respond to a CPD audit within 30 days can result in disciplinary action.

The National Council of Examiners for Engineering and Surveying (NCEES) offers a free continuing education tracking system where you can enter your continuing education courses, scan and store documents such as completion certificates, and transmit them electronically to us if you are selected for audit. The link to the free tracking system is available on our website at:

<http://kyboels.ky.gov/Already-Licensed/Pages/Continuing-Education.aspx>

Please take advantage of this free service.

## Multi-State Licensure and the NCEES Record

For a variety of reasons, many licensed professional engineers and professional land surveyors find it necessary to obtain a license in more than one state. The NCEES Records program was developed in

*(Continued on page 27)*

# The Board of Licensure Report

continued

(Continued from page 26)

response to this need. It provides an easier and faster way to complete the licensure process in multiple jurisdictions, including all 50 states, the District of Columbia, Guam, Puerto Rico, Northern Mariana Islands, and the U.S. Virgin Islands. An established NCEES Record will include most—if not all—of the materials you need to apply for comity licensure in additional states and territories.

More than two thirds of PE and PLS licensing jurisdictions across the US and its territories now accept the NCEES Record in satisfaction of all or nearly all of the information required to apply for a PE or PLS license. In these states, the NCEES Record lets you eliminate having to resubmit your college transcripts, exam results, employment verifications, and professional references every time you apply.

If you were licensed in Kentucky in the last few years, you already have an NCEES record. If you don't have an NCEES Record and want to apply for licensure in an additional U.S. state or territory, consider applying for an NCEES Record. NCEES will review your materials and, after your Record is established, electronically submit them directly to the licensing board on your behalf. This saves time and simplifies the application process when you need to practice in multiple states and territories.

## ENFORCEMENT ACTIONS SUMMARY

For The Period

**July 1, 2020 – September 30, 2020**

**Kyle Elliott, Director of Enforcement**

**FIROOZ ZANDI, PE**

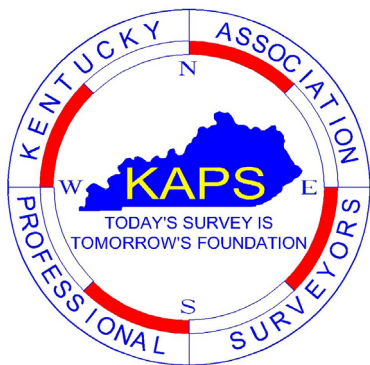
In 2019, the Board of Licensure received notification from the Indiana Board that Firooz Zandi, a resident of Indiana, and a licensee in both Indiana and Kentucky, had been convicted by a court of law, of a felony of *Theft of Property Having a Value in Excess of \$50,000.00*. In an August 14, 2020 Order, the Indiana State Board of Registration for Professional Engineers Indefinitely Suspended Zandi's Indiana license. Mr. Zandi's felony conviction was directly

related to his professional engineering practice, and therefore constituted a violation of KRS 322.180 (7). When Board staff entered into settlement negotiations with Mr. Zandi, he chose to surrender his Kentucky PE license instead of going to an Administrative Hearing. His voluntary surrender of his license was presented to the Board of Licensure through a Consent Decree, which the Board accepted on October 23, 2020.

**JAMES CLANCY, PE**

On September 10, 2019, the New York Board of Engineering, Land Surveying, and Geology, entered an Order against James Clancy for two counts of professional misconduct, for sharing his engineering fees with a non-licensed individual and for signing off on a letter of completion for a construction project, without thoroughly reviewing the work, which had been done by someone else. His New York license was suspended for two years, with the suspension stayed while his license was placed on a two-year probation. After an investigation was initiated, it was discovered that during both his 2009 and 2011 renewals in Kentucky, Mr. Clancy failed to disclose prior disciplinary actions in New Jersey and Vermont. In addition, a review of Mr. Clancy's Kentucky projects found that Clancy was certifying plans that were not prepared by him or under his direct supervision and failed to keep records of his reviews of the plans and his calculations. Finally, Mr. Clancy was operating in Kentucky without an engineering firm permit. All of these are violations of various portions of KRS 322, and 201 KAR Chapter 18. Mr. Clancy was offered a variety of penalties for the many violations, and chose instead to surrender his Kentucky PE license. His voluntary surrender was presented to the Board of Licensure through a Consent Decree, which the Board accepted on October 23, 2020.





# KAPS 2021 MEMBERSHIP APPLICATION

Please send completed form to: Email - [jackie@kaps1.com](mailto:jackie@kaps1.com)  
 USPS - **KAPS** • P.O. Box 211418, Louisville, KY 40221  
 Register online at [www.kaps1.com](http://www.kaps1.com)

Name \_\_\_\_\_ Spouse \_\_\_\_\_

KY County \_\_\_\_\_ Chapter \_\_\_\_\_ KY PLS # \_\_\_\_\_ Birthdate \_\_\_\_\_

Home Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Email Address \_\_\_\_\_ Highest Degree \_\_\_\_\_

Home Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

If you are NOT a resident of Kentucky, are you a member of your state survey association?  YES  NO

Business Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Business Website \_\_\_\_\_ Business Phone \_\_\_\_\_

**Notification Preference:**  Email  USPS to Home  USPS to Business

Information to be included in the KAPS directory:  Email  Cell  Address  Business Info  Name only  
 All of your information will be included in the KAPS directory if nothing is checked.

**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

- Associate Member           \$ 97.50
- Business Member           \$ 390.00
- Corporate Member\*       \$ 390.00
- First Licensed Year Mbr   \$ 0.00
- Full Member (Jan – Dec)   \$ 220.00
- Lifetime Full Member     \$4,400.00
- Student Member           \$ 0.00
- Other: \_\_\_\_\_ \$ \_\_\_\_\_

Check Enclosed or  Invoice Me at \_\_\_\_\_

Email Address (Please do not include your credit card number on this form) \_\_\_\_\_

There is an order fee added to all credit card and PayPal payments. Save money by sending a check!

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**For Office Use Only**

Check # \_\_\_\_\_ Amount Paid: \$ \_\_\_\_\_

Date Paid: \_\_\_\_\_ Staff Rcvd: \_\_\_\_\_

Name if different than Registrant: \_\_\_\_\_

\_\_\_\_\_



**“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.

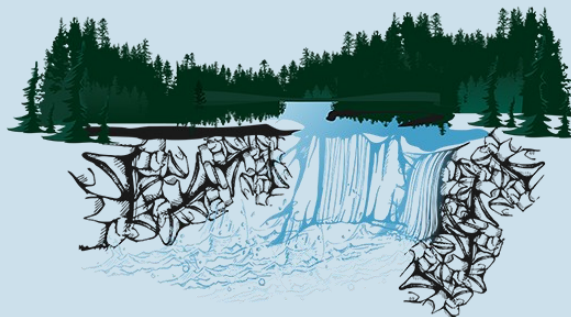
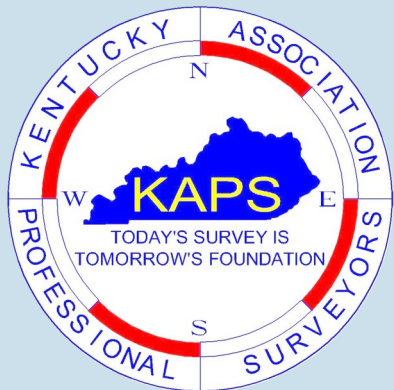
**ASSOCIATE MEMBER:** Any person who is non-licensed but has an interest in land surveying shall be eligible for Associate Membership in KAPS. Associate Membership shall be granted upon recommendation by a Full Member and application to the Board. An Associate Member shall have all rights of Full Membership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





NSPS



# SURVEYING

THE CHANGING LANDSCAPE

Clarion Hotel Conference Center,  
1950 Newtown Pike, Lexington

## 2021 KAPS CONFERENCE

### Sept. 30—Oct. 2, 2021

Learn about the  
New 2021 ALTA Standards with Gary Kent!

- ◆ Live! In-Person!
- ◆ 48+ hours of Continuing Education
- ◆ Awards Banquet with Interactive Entertainment
- ◆ Door Prizes, Silent Auction, Raffle, & More!

More information is available at  
[www.kaps1.com/conference](http://www.kaps1.com/conference)

## SPECIAL GUEST

### Gary Kent



# 2021 KAPS Golf Scramble

My Old Kentucky Home State Park  
668 Loretto Rd, Bardstown, KY 40004-0323

Friday, June 11, 9:30 a.m. EST

\$75.00 per player • no refunds  
(18 hole-greens fees, cart, & lunch included)  
1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> place prizes awarded

Register as four person team or individually  
Deadline for registration: June 4<sup>th</sup>

Please return registration form to:  
KAPS, P.O. Box 211418, Louisville, KY 40221  
Or email to [jackie@kaps1.com](mailto:jackie@kaps1.com)

\*Sponsorship Benefits the KAPS Scholarship Fund

KAPS Family Picnic to immediately follow!



Player 1 \_\_\_\_\_ Avg. Score \_\_\_\_\_ Player 2 \_\_\_\_\_ Avg. Score \_\_\_\_\_

Player 3 \_\_\_\_\_ Avg. Score \_\_\_\_\_ Player 4 \_\_\_\_\_ Avg. Score \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Check  Cash  Email for invoice: \_\_\_\_\_  
Payment by credit card/online will incur an additional fee.

Contact Bob Smith, 270.566.0567 or [bsmithpls@yahoo.com](mailto:bsmithpls@yahoo.com) for more information.



2021 KAPS  
GOLF HOLE SPONSORSHIP

Friday, June 11  
9:30 a.m. EST



My Old Kentucky Home  
State Park

668 Loretto Road  
Bardstown, KY 40004

PLEASE RETURN FORM & SPONSORSHIP TO:  
KAPS, P.O. Box 211418, Louisville, KY 40221

or [jackie@kaps1.com](mailto:jackie@kaps1.com)

**\*Sponsorship Benefits the KAPS Scholarship Fund**

Select sponsorship choice:

- KAPS Hole Sponsor Sign - \$100 (sponsor sign)
- KAPS Hole Contest Sponsor - \$200 (sponsor sign near contest)
- KAPS Major Sponsor - \$250 (sponsor sign; half page ad in *The Interior Angle*)
- KAPS Bronze Sponsor - \$350 (sponsor sign; 4 person team)
- KAPS Silver Sponsor - \$500 (sponsor sign; 4 person team; hole contest sponsor)
- KAPS Gold Sponsor - \$1,000 (sponsor sign; two - 4 person teams; hole contest sponsor; listing as major sponsor at outing)

Name for Sign \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Check  Cash

Email Invoice for Online/Credit Card Payments (additional fees apply):  
\_\_\_\_\_

Contact Bob Smith, 270.566.0567 or [bsmithpls@yahoo.com](mailto:bsmithpls@yahoo.com) for more information.