

The Interior Angle

February 2023



Kentucky Association of Professional Surveyors

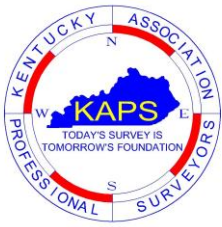


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Interior Angle

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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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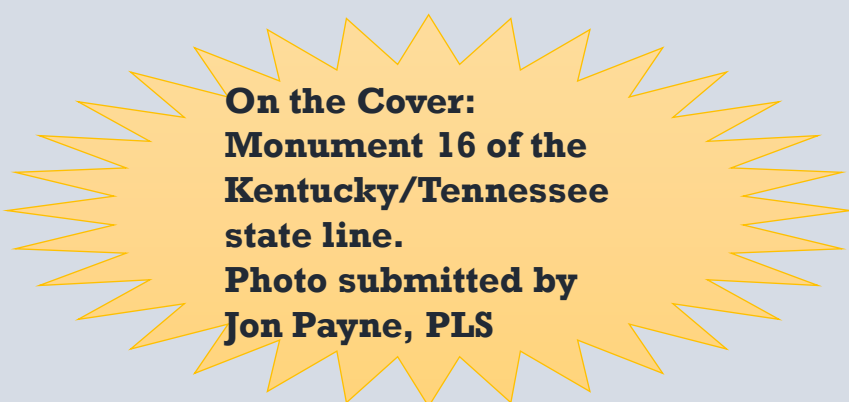
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**On the Cover:
Monument 16 of the
Kentucky/Tennessee
state line.
Photo submitted by
Jon Payne, PLS**

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“Map showing conflicting grants at the junction of the Ohio and Mississippi rivers, especially property in the names of Colonel John Harris, Jacob Myers, and James Barrens”

A map prepared by William Forsyth in 1853 to show conflicting grants in Ballard County Kentucky.

https://www.loc.gov/resource/g3_953b.la000223/?r=-0.616,0.211,2.232,1.356,0



From the Presidents Desk

Bob Smith, PLS (bls3913@yahoo.com)



Greetings to all my fellow surveyors. I hope everyone has enjoyed this mild winter and has been able to complete plenty of projects. Spring is just around the corner, so it is time to try and wrap up those big projects in the woods before the trees begin to leaf out.

From the KAPS side, things have been extremely busy since we last met at our conference last September/October. The Conference committee has been meeting nearly weekly to plan the KAPS conference for this fall; which will be held in Somerset at the Center for Rural Development on September 19th – 20th. We hope everyone will attend. I believe we have some great courses to choose from and pre-registration will be up on the website very soon. The committee has also secured a site in Louisville for the 2024 conference and will go into full planning mode again right after the 2023 conference.

Our annual Golf Scramble and Family Picnic will take place Friday June 16th at the venerable My Old Kentucky Home State Park in Bardstown. The golf outing is slated to begin at 9:30 AM EST and I am personally looking forward to a great turnout. KAPS has a reservation for the Family picnic at the picnic shelter across the road from the golf course immediately after the conclusion of the golf scramble. The estimated time to begin the picnic is 2-2:30 PM EST. I urge everyone to come out, take a day off, play golf, and enjoy some fresh grilled food at the picnic. It is always a great time. All proceeds from the Golf Scramble go directly to the KAPS Scholarship fund. This event is our largest annual fundraiser, and don't we all want to help our young surveyors by providing them with an avenue to enter our beloved profession? If you cannot head out for the golf, please consider sponsoring a team from your area. The team members do not have to be surveyors; we welcome everyone who would like to play. If sponsoring a team is not viable, then consider

From the Presidents Desk

Bob Smith, PLS (bls3913@yahoo.com)



sponsoring a hole or a contest for the day. These are sponsorships are not expensive and would be a great way to help if you can't be there in person.

By now, I'm sure most of you have heard of, or are familiar with, the introduction of HB 151 in the latest session of the Kentucky General Assembly. It was a bill introduced to decrease the requirements to become a licensed surveyor in the Commonwealth of Kentucky. Currently, it is KAPS' position to maintain the requirements we now have in place to become licensed. These requirements became law in 2011 and are the result of an extraordinary effort of many of our KAPS members working with the KYBOELS as well as KSPE. Through emails, phone calls, and personal meetings with representatives and senators, we were able to get the bill withdrawn. We will continue to meet with and educate our elected officials in the hopes of getting out in front of any future bills that may be introduced. I am aware that some in the organization may not fully agree with the current law or may think there could be an alternate avenue to licensure. I believe everyone is entitled to their own opinion and I welcome any discussion on the subject, but as an association representing licensees across the Commonwealth, this is KAPS position at this time.

In conclusion, I would like to thank everyone for their continued membership in KAPS and all the extra time and hard work that goes into being a member. Not all get thanked or are recognized for the efforts put forth so as your current President I would like to say thank you! I really look forward to seeing everyone at the golf scramble and picnic and our September conference. Stay well my friends.



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Letter to the Editor

I have just read Tom Bushelman's article in the October Interior Angle, 'Story of a Survey', in which he stated,

"My first day on the job, I followed and shot about 5,500 feet of wandering fence line up and down the hills most of which turned out not to mean diddley squat," and "Eventually, I looked down and covered up in the briars was a railroad rail sticking straight up about six inches and painted orange. Barring a major train wreck that caused pieces of rail to fly through the air and impale the ground that was a "sure nuff" corner marker."

I look forward to reading his completed surveyor's report.

In the meantime, two things are bothering me. First, until one has eliminated the possibility that that fence has acquired the status of a boundary through acquiescence or adverse possession or mutual recognition, it would be a bit premature to say that the fence means diddley squat. It may render all the deed calls totally immaterial.

Second, if that railroad rail is not listed as a record monument in a senior conveyance, the fact that it and others "line up perfectly" gives them no legal status whatsoever unless he can find some provable evidence that they are replacement monuments.

B.R. Salyer, JD

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A Discussion With Howard Johnston

By Derrick Daily, PLS (Photo by Pam Bushelman)

Just a few days after the legend Howard Johnston turned 94, and Pendleton County celebrated the second “Howard Johnston Day” we sat down at the local diner in Falmouth, KY to gain some knowledge and wisdom. After the waiter recalled his order by memory, he began to export his plethora of memories.

Howard was born in a cabin on Pond Creek Road in Campbell County, KY on February 3rd, 1929. He was to be the sixth-generation farmer on the homestead and was in fact a farmer for many years in his early days. His father was a tenant farmer, and his mother was a retired teacher. Due to his well-educated mother, he excelled at a young age with mathematics. She taught him the first grade at home, and he then went on to attend second grade at Abbot’s school in 35’ which was a one room school. He graduated from Campbell County in 1946.

Upon graduation, Howard went to work for Mosler Safe and Lock Co. where he had an uncle to encourage him to come work with him. While employed at Mosler, Howard studied Mechanical Engineering at the Ohio Mechanics Institute in Cincinnati. During that time, Howard was working full time,



Howard Johnston (R) and Derrick Daily (L)
Photo by Pam Bushelman

A Discussion With Howard Johnston

By Derrick Daily, PLS (Photos by Pam Bushelman)

coming home to milk cows and returning to Cincinnati for school. Howard held a few jobs including the manager at Southern States until the profession came calling in 1958.

Howard began working for Balke Engineering in the fall of 58.' He worked on US 50 in eastern Hamilton County where he got his first taste of the surveying industry. After that work ran out, Howard returned home to continue farming. He bought a new tractor along with multiple implements and performed custom farming.

As fate would have it, former coworkers at Balke started their own firm and called Howard to run a crew for them. Howard accepted and it was all uphill from there. Howard worked on multiple road project in multiple states. In late 66' Howard was working for Brighton Engineers down in southern Kentucky. A man by the name of Teacon gave Howard the books to study to learn trig and additional mathematics to become licensed.

While down in Pikeville, Ky, after a twelve-hour day, Howard received a telegram on January 29th, 1967, with instruction to be present at the University of Kentucky's Mines and Minerals building on January 30th at 10:00 a.m. to take his "test." Howard rushed back to get proper clothes and to be present for said meeting. After a ten-minute oral examination, Howard paid the receptionist a whopping ten dollars and received his license #1041 right then and there.

In 1967 Howard was somewhere in West By God Virginia where there came a rain that didn't stop for a couple days. Howard ended up stuck at his hotel in Beckley, WV for three weeks until the road department could clear the overburden from the mines. Again, as fate would have it, he was headed home on the parkway and passed a couple of his buddies from a former employer. Howard waited up ahead at the toll for them and found out they were working for Hurst

A Discussion With Howard Johnston

By Derrick Daily, PLS (Photos by Pam Bushelman)

& Rochse out of Illinois. Howard followed his friends back to Frankfort, KY where he was offered a job, a flight to Illinois for a new truck and a blank check to outfit his new truck.

After completing many corridor projects including the Brent Spence Bridge in Cincinnati, Ohio, Howard finally went to work for himself in August of 1970. Howard was instrumental in pioneering the development of Congress of Surveying and Mapping which was formed in 1967. With the help of Dean David Bliath at the University of Kentucky, they held multiple meetings across the state and even some in Tennessee. Howard continued to be instrumental in KAPS (Kentucky Association of Professional Surveyors) holding an office and eventually the president from 1978 to 1992.

Howard married his wife, Alta in 1950 and they had three children, who were no strangers to a chain and transit. Matter of fact, Mrs. Johnston had the title of “front chainman” and “accountant” according to Howard. With the help of Mrs. Johnston and their three children, there wasn’t a farm they wouldn’t traverse. After over five decades of no stone unturned, Johnston Surveying has covered Pendleton County and multiple surrounding counties with iron pins that say #1041 on them. Matter of fact, we’re still bidding against him on lot surveys in Falmouth, KY. Howard plans on renewing his license in July of 2023 so keep those bids tight.

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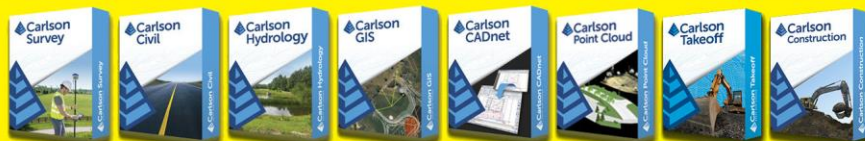
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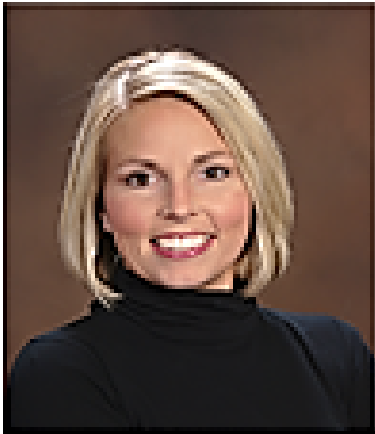
Editor's Commentary

I'm now starting the second year of putting together the Interior Angle newsletter for KAPS. So far, it has been an interesting process with some challenges I'm not used to dealing with.

I've received several compliments from folks who are glad to have the Interior Angle back in circulation and while I appreciate them greatly, those compliments truly belong to the people who have contributed pictures and articles. I am very grateful to all who have participated.

Every submission is very helpful in filling out the newsletter and providing your fellow surveyors with interesting content. So, please feel free to send me any picture or story you think would be of interest to your colleagues. That excitement you feel upon finding the old monument or record that hasn't been uncovered in many years is in the heart of every surveyor out there and we can all experience that thrill vicariously when seeing your pictures or reading your story. If you think you are not a writer and would rather just send a picture, remember that we have a variety of land cover and terrain across our state, so even just pictures of the natural beauty you get to see each day would be of interest to your fellow surveyors across the state.

Regards,
Jon Payne



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THE RESETTING OF KENTUCKY-TENNESSEE STATE LINE STONE #38 REPLICA

Dennis Smith, PE, PLS, F. ASCE, F. NSPS

THE RESETTING OF KENTUCKY-TENNESSEE STATE LINE STONE #38 REPLICA

I-65 - Kentucky Welcome Center
Franklin, Simpson County, Kentucky
26 August 2022

Many **KAPS** members may not be aware that the replica of the #38 Kentucky-Tennessee State line stone Monument and Reader Board that were set at the Interstate 65 (I-65) Welcome Center near Franklin, Simpson County Kentucky over seventeen (17) years ago had to be removed due to the Commonwealth of Kentucky constructing a new Welcome Center at that location.

Endeavors to bring this historic stone replica back into the limelight, entailed efforts being made over several months to get the stone reset at the newly rebuilt I-65 Welcome Center.

Per the detailed and judicious records of Mr. James R. Riney, PE, PLS, the 'original' replica stone was set on a cool and damp Saturday morning, 02 April 2005. The reader Board (or plaque) was then set on Saturday 25 June 2005. See photos below of the 'original' replica stone setting and the placement of the Reader Board.

Prior to the replica stone setting, efforts were made to donate the original #38 Kentucky Tennessee State line stone Monument to the Kentucky Museum on Western Kentucky University's Campus. However, for reasons unknown to the writer, the Museum staff rejected the idea of accepting the stone. What better place for a Kentucky Monument than the Kentucky Museum? Well, whatever? Thus, we were left with, what do we do with this original #38 Kentucky-Tennessee State line stone Monument? The original had been in the possession of Mr. Riney for several years and during that time, KAPS engaged a stone cutter in Magnolia, Kentucky to create a replica.

Dennis Smith, PE, PLS, F. ASCE, F. NSPS

THE RESETTING OF KENTUCKY-TENNESSEE

STATE LINE STONE #38 REPLICA

The original stone was set about thirty (30) miles east of the I-65 Welcome Center during the 1859 Cox/Peoples survey of the Kentucky/Tennessee state line. During that survey, stone markers had been set at five (5) mile intervals along the line that had originally been determined by the Thomas Walker and Daniel Smith survey in 1780. The #38 Kentucky-Tennessee State line stone had been recovered by surveyors from both Kentucky and Tennessee working together in 1990-1992, during which time they recovered a total of forty-five (45) of the original stones that had been set along the subject State Line.

Someone came up with the idea of that since the Kentucky Museum did not appreciate the significance of the stone, maybe the South Central Kentucky Cultural Center in Glasgow, Kentucky would value the stone. Thus, the offer was made to their administrative staff and they were delighted to accept the stone. It was 'officially' donated to the Cultural Center in a ceremony held at 10:00 AM on Friday, 29 April 2005. The Master of Ceremonies was Glasgow's own State Representative Stephen Nunn and the Historical Presenter on behalf of KAPS was our own, Robert W. Fentress, PLS. Today, the stone is still proudly on display in the Lobby of the Cultural Center as recently confirmed by Mr. Riney.

About two and one-half (2 1/2) years ago, and just prior to the demolition of the existing Welcome Center Facility, the writer was contacted by Mr. Kent Anderson, local Maintenance Supervisor with the Kentucky Department of Highways regarding the Monument and the Reader Board and their possible disposition. I met with Mr. Anderson at the site and we discussed some options for the removal and storage of the monument. Mr. Anderson kindly arranged for the Monument's careful removal and storage at the Department of Highways Maintenance Facility in Franklin, Kentucky. He also arranged for the Reader Board removal which he then turned over to me for safe keeping.

Dennis Smith, PE, PLS, F. ASCE, F. NSPS

THE RESETTING OF KENTUCKY-TENNESSEE

STATE LINE STONE #38 REPLICA

Regrettably, the Reader Board had not fared very well. Mother Nature had taken her toll on its face and it was difficult to read and was looking much, much older than it was. In other words, it was time for the Reader Board to be replaced. So, with the Reader Board's removal, it was brought to our Office for storage in anticipation of the procurement of a matching replacement at a later date.

Through the further assistance of Mr. Jim Riney, PE, PLS, Owensboro, we were able to obtain the source of the original Reader Board and luckily that source, Pannier Graphics from Gibsonia, Pennsylvania, still had our original graphic image and wording. I obtained an estimated cost of a replacement for the Reader Board and shared that information with our Barren River Chapter Chairman, Mr. Chris Higgins, PE, PLS.

With the stone Monument carefully stored and the Reader Board in its desperate need of replacement, we set out to arrange for a replacement Reader Board in anticipation of it and the Monument's re-setting some day in the future. I approached our local KAPS Chapter regarding the costs of a replacement Reader Board and it was agreed that the Barren River Chapter would arrange for the funding of a replacement Reader Board. With that agreement in place, I was authorized to place an order with Pannier Graphics for the replacement Reader Board and to maintain its safe keeping until such time as we could replace both the stone Monument and the Reader Board at the newly reconstructed I-65 Welcome Center.

With the construction of the new I-65 Welcome Center complete and after several weeks, nah, several months of planning, meetings, site visits, location determination and coordination with Mr. Anderson, the day to replace the stone Monument and the Reader Board finally arrived!

Dennis Smith, PE, PLS, F. ASCE, F. NSPS

THE RESETTING OF KENTUCKY-TENNESSEE

STATE LINE STONE #38 REPLICA

Following discussions with Mr. Chris Higgins, PE, PLS, with Scotty's Contacting and Stone, it was decided that he would arrange for assistance in the stone Monument and the Reader Board's replacement to occur on Friday, 26 August 2022.

Earlier that week, I did reconnaissance of the site to set stakes to establish and mark the location of the stone Monument and the Reader Board as Mr. Anderson and I had agreed to. The site that was selected is more easily accessible than the previous site and is now also accessible to those that may be using a wheelchair. Following the site reconnaissance, Mr. Anderson arranged for the stone Monument to be delivered to the site on Thursday, 25 August 2022 for reinstallation.

Friday, 26 August 2022, personnel from Scotty's Contacting and Stone, provided hydro excavation for the necessary holes for the stone Monument and the Reader Board. They also provided assistance with the actual setting of the stone through the use of one of their skid steer machines, as it was estimated that the stone Monument and the concrete remaining from the original setting weighted about 600 pounds!

After the stone Monument was set, Matt Rogers, PE, from our Firm and I, with the assistance of the personnel from Scotty's Contacting and Stone, placed concrete to anchor the stone in what we hope is "its final resting place"! With the stone Monument in place, Matt and I then placed the Reader Board in its location and concreted it in place as well, again hopefully in "its final resting place"!

Matt and I then sat about doing final cleanup of the area and packed up and left for the day. I'll return soon to check on both the stone Monument and Reader Board. Hopefully, many of the traveling public will have the opportunity to learn a little history of our great State and one of our boundary stones!

THE RESETTING OF KENTUCKY-TENNESSEE STATE LINE STONE #38 REPLICA

KENTUCKY-TENNESSEE BOUNDARY MONUMENT DATA SHEET	
Monument No: 38	KY County: Allen
Quad. Sheet: Holland, KY-TENN	TN County: Macon
Longitude (approx): 86 Dg 01 Mn 58Sc	Property Owners: KY - Hester Driver TN - Hassie Shackley, Ralph Driver
Latitude (approx): 36 Dg 37 Mn 51 Sc	
Referenced by: Robert W. Pentress	P.L.S. State - No. KY 1857
	Date Referenced: June 15, 1991
Physical Description and Condition of Monument: Monument has been removed and is lying 21 feet north of the State Line Road at the base of a large black oak stump, an old fence corner. The stone is approximately 10" x 10" x 60" and is in good condition.	
Monument Markings:	
North Face: Not legible	South Face: TN
East Face: 1858	West Face: No. 38 5 MLs
Nearest Community: Lafayette, TN	Nearest Public Road: KY HWY 1333
Directions to Monument from nearest mapped community or major roads intersection: From the intersection of KY HWY 99 and KY HWY 1333, travel southeast on KY HWY 1333 3.1 miles to a "Y" intersection. Turn right on Red Hills Road and travel south 1.95 miles to a sharp turn to the west at the state line.	
Reference Sketch: (reference by measurement not less than three points) For general location and recovery purposes only.	

Fig. 1: Page 84 from "Four Step West"; Original Stone recovery notes.

**THE RESETTING OF KENTUCKY-TENNESSEE
STATE LINE STONE #38 REPLICA**



Fig. 2: The *'original'* replica stone setting, Saturday, 02 April 2005.



Fig. 3: The *'original'* replica stone setting, Saturday, 02 April 2005.

**THE RESETTING OF KENTUCKY-TENNESSEE
STATE LINE STONE #38 REPLICA**



You are invited to attend the
Dedication Ceremony
for the
Kentucky/Tennessee
Stateline Monument #38

*Dedication of the Historic Survey Monument
will be held*

Friday, April 29, 2005

10:00 A.M. (CDT)

South Central Kentucky Cultural Center

200 West Water Street

Glasgow, Kentucky

Master of Ceremonies -- State Representative Stephen R. Nunn

Historical Presentator -- Robert W. Fentress, PLS

Please R.S.V.P. to KAPS Office at 800-866-3029 by Friday, April 22, 2005

*Directional information can be found at
www.cityofglasgow.org/skcc/directions.htm*

Fig. 4: The Program for the Dedication Ceremony Friday, 29 April 2005.

**THE RESETTING OF KENTUCKY-TENNESSEE
STATE LINE STONE #38 REPLICA**



Fig. 5: The Reader Board setting, Saturday, 25 June 2005.



Fig. 6: The Reader Board and Stone in place, Saturday, 25 June 2005.

**THE RESETTING OF KENTUCKY-TENNESSEE
STATE LINE STONE #38 REPLICA**



Fig. 7: The Original “Replica” Stone as it sat at the Welcome Center.
Landscaping provided by KYDOT at a later date.



Fig. 8: The Original “Replica” Stone and Redner Board
as set at the Welcome Center.
Landscaping provided by KYDOT at a later date.

**THE RESETTING OF KENTUCKY-TENNESSEE
STATE LINE STONE #38 REPLICA**



Fig. 9: Stakes set “marking the spot”!



Fig. 10: Scotty’s Contracting and Stone Personnel performing the hydro-excavating of the holes.

**THE RESETTING OF KENTUCKY-TENNESSEE
STATE LINE STONE #38 REPLICA**



Fig. 11: Scotty's Contracting and Stone skid steer machine arriving on site.



Fig. 12: Scotty's Contracting and Stone skid steer machine preparing to lift stone Monument.

**THE RESETTING OF KENTUCKY-TENNESSEE
STATE LINE STONE #38 REPLICA**



Fig. 13: Matt Rogers, PE, preparing to place concrete around the stone.



Fig. 14: Stone Monument in place and trimmed out.

THE RESETTING OF KENTUCKY-TENNESSEE STATE LINE STONE #38 REPLICA



Fig. 15: New Reader Board in place.



Fig. 16: Stone Monument and New Reader Board in place and trimmed out.



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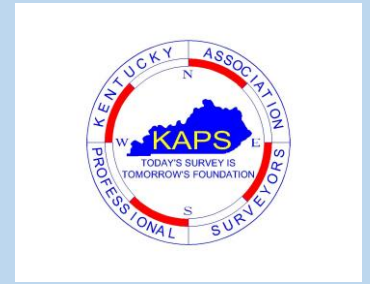
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Getting to Know ...

Tim Tong, PLS



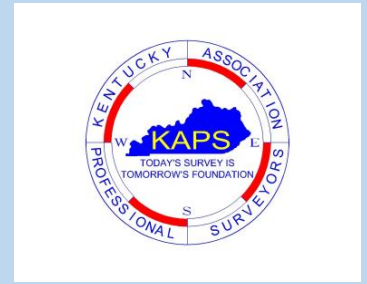
What started you in the surveying profession and what about surveying has held your interest such that you stayed with it?

I fell into surveying as a matter of happenstance when I was 18 years old. My interview with my first land surveying mentor was very short and sweet. He asked if I minded the hot, the cold, snakes, briars and spiders. I said, "Not at all." He said I was hired! Being in the outdoors my whole life, hunting, fishing and just being outside appealed to me. I loved seeing all of nature's beauty and getting to see a new piece of god's country on a daily basis. What really did it for me though, was the investigation portion of the survey mission. Finding evidence of occupation lines, old corner monumentation and figuring out the intent of old deeds, then applying all of that evidence to the footsteps of the original surveyor. The biggest thing that I aspired to, was getting to leave my mark on the world for Future people to discover for as long as that monument lasted, with my unusual name stamped on the cap. Getting licensed fulfilled that dream.



Getting to Know ...

Tim Tong, PLS



In your professional surveying career, what is something you are most proud of accomplishing?

When I first started surveying it was just a job to hold me over until after my gap year between high school and college. I wanted to get into law enforcement. However, I fell in love with it. I started out as a rodman working on a boundary survey of an old oil camp in Fordsville. I never thought I would become a PLS. I am proud to say that I worked my tail off reading every book I could get my hands on, and learning from my many mentors throughout my career to get where I am today – A Project Manager & PLS working for a national firm and running multiple crews throughout the Kentucky area. It was a lot of blood sweat and tears to get here, but it was worth it. I can't imagine doing anything else in my life.



Getting to Know ...

Tim Tong, PLS

Tell us about one of your more memorable surveying projects.

It would most definitely be on a boundary surveying project for the Army Corps of Engineers around a portion of the Fort Knox Military Installation. A large portion of this was from the best I could tell, untouched by man, with the exception of a UXO that you sometimes nearly stepped on while walking through the woods. The neatest thing about this was that USACE surveyors did a portion of the work back in 1912 (I believe). The record canvas plat was one of the most accurate surveys that I have come across since I began surveying. Set corners were 6"X6" precast concrete monuments with a stamped brass plug, and a metal placket facing the adjoiners, that said "US." Interestingly enough this old canvas plat only had bearings to the nearest minute and distances to the nearest tenth of a foot. They all checked in with the latest and greatest survey tool to less than a tenth of a foot in most cases.



Getting to Know ...

Tim Tong, PLS

In your opinion, what are the benefits of being a member of KAPS and what would you suggest KAPS could do to be of more benefit for its members?

People often get stuck in a bubble of, “I have always done it this way,” and “Why change what works.” In my professional opinion, that is no way to run a business. In KAPS, we are a group of likeminded women and men that want to do what is best for the public, ourselves, and our businesses. The collaboration that you receive in this organization fosters positive collaboration and ultimately makes us better surveyors.

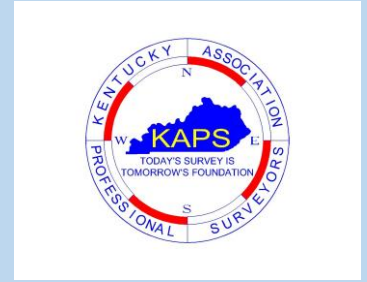
I work in large market areas and don't have to deal much with the folks that undercut many fellow surveyors that say they are providing professional services to their clients and giving them a substandard product. These actions make every one of us look bad and creates tension between property owners shopping around for the best bang for their buck. Oftentimes they think they are getting a real deal but are in all actuality not getting what they expected.

KAPS can help us see the light at the end of the tunnel. This can be done by education and collaboration between fellow surveyors. We do have CPD classes, but you can only learn so much from sitting in a seminar or reading a book. Albeit, you can learn a lot, but when you really get down into the weeds with other surveyors and doing and not doing, you can learn a lot more than you'd think.

I believe that KAPS as an organization need to teach the general public what we do and why we do it. We need community outreach volunteers from the organization to put the time in to better the profession and educate folks. Man a booth at the State Fair. Go talk to kids in the FFA at your local high school. Get involved in the KYYSN and Get Kids into Surveying.

Getting to Know ...

Tim Tong, PLS



What do you do to unwind and step away from the work aspect of surveying?

I am big into keeping up with the latest technology trends and the outdoors. I love all kinds of hunting and the occasional fishing trip. I am hoping to head to South Dakota to go on a pheasant hunt this winter, but deer hunting is what I grew up on since I was very young. My favorite fishing trip was when I went redfish fishing in the Galveston Bay. I only caught one, but it was an experience that I will never forget. I am hoping to get back into riding side by side ATVs. I just can't convince myself to do it.

And of course I love spending time with my son playing basketball and NBA 2K, when he is in town. I also love spending time with my girlfriend and my one-eyed Shih Tzu named Slinky.

Tell the readers something your colleagues may not be aware of about yourself.

I am not of Asian descent. My grandmother spent her final years getting down into the genealogical depths of our family is predominantly in the Owensboro area. My son is the last chance to pass the family name on down, since both of my dad's sisters are married with children.



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The Board of Licensure Report
January 2023
Kyle Elliott, Executive Director

Board of Licensure Officers for 2023

Officer elections were held at the January 27, 2023, Board of Licensure meeting. The following slate of officers was elected unanimously:

Chris Gephart, PLS – Chair

Ryan Griffith, PE – Vice Chair

Nicole Galavotti, PE – Secretary/Treasurer

The following will serve as committee chairs for 2023:

J.C. Pyles, PE – Chair of the Engineering Committee

Don Pedigo, PLS – Chair of the Surveying Committee

Josh Calico, PLS – Chair of the Continuing Professional Development Committee

Greg Meredith, PE, and Josh Calico, PLS as co-chairs of the CPD Task Force Committee*

* The Board of Licensure is currently reviewing the CPD regulations, 201 KAR 18:192 and 196 in an attempt to make the two regulations more consistent with each other. To that end, a Task Force Committee including board of licensure members and representatives from NSPE-KY, ACEC-KY and KAPS are working together to review and possibly rewrite the two regulations.

Firm Renewals

All unrenewed Firm Permits expired on December 31, 2022. Businesses with expired firm permits are prohibited from offering or providing engineering or land surveying services. The online firm renewal system is still open, and firm permits can be renewed online at:

<https://kyboels.ky.gov/Renewals/Pages/default.aspx>. Please be sure to select **Online Firm Renewal** for firm permit renewal and not Online Individual Renewal. The firm will be assessed a late renewal penalty. You may check to see the permit status of any firm by using the Board's online searchable roster: <http://elsweb.kyboels.ky.gov/kboels-web/SearchableRoster.aspx>.

The Board of Licensure Report
January 2023
Kyle Elliott, Executive Director

Individual Renewals

Beginning on April 1, 2023, individual license renewals will open up on the Board's website. On June 30, 2023, all licenses will expire for individuals whose last name begins with the letter A – K. On or around April 1, all individuals whose license expires this year will receive an email reminder from the General Government Cabinet (the Board of Licensure is part of the General Government Cabinet) through GovDelivery. Paper renewal notices will be mailed out in late May.

Calendar of Events 2023

April 13 – 14	NCEES Exam Administration (Structural)*	Regional locations only
April 20	Board of Licensure Committee Meetings	Frankfort
April 21	Board of Licensure Meeting	Frankfort
April 27 – 29	NCEES Zone Meetings	Houston, TX
July 27	Board Committee Meetings	Frankfort
July 28	Board of Licensure Meeting	Frankfort
August 15 – 18	NCEES Annual Meeting	Boston, MA
October 26 – 27	NCEES Exam Administration (Structural)*	Regional locations only
October 26	Board Committee Meetings	Frankfort
October 27	Board of Licensure Meeting	Frankfort

* These are the last times the Structural exams will be offered as pencil and paper exams.

Contract Board Investigator Position

The Kentucky Board of Licensure will be seeking licensed individuals to serve on a contract basis as a Board investigator. Anyone interested in any of these positions may contact Heather Baldwin, Director of Enforcement, at the Board offices.

**Board of Licensure
Enforcement Report
For The Period
October 1, 2022 – December 31, 2022
Heather L. Baldwin, PE, PLS, Director of Enforcement**

Unlicensed Practice

Ron Miller

Though an anonymous complaint, the Board discovered that Ron Miller of Grayson, Kentucky had offered and provided land surveying services to the public, in violation of KRS 322.020. Specifically, Miller responded to a Facebook post, stating that he was a land surveyor, and then located and marked property boundaries, provided a drawing of those boundaries to his client, and accepted compensation for his services. To resolve the Board's investigation, Miller entered into an Agreed Order of Settlement and Injunction with the Board in which he is enjoined from practicing or offering to practice land surveying in Kentucky, or advertising or using any title or descriptive term that would convey the impression that he is qualified to offer or perform land surveying services in Kentucky unless and until he becomes licensed as a professional land surveyor by the Board. Furthermore, he is enjoined from offering or engaging in the practice of land surveying in Kentucky by or through any business entity or advertising that any such business entity is authorized to offer land surveying services in Kentucky, unless or until that business entity obtains a valid business entity permit from the Board. Future violations may be subject to fines and/or periods of incarceration as provided in KRS 322.990. The Agreed Injunction was entered by Franklin Circuit Court on January 19, 2023.

Disciplinary Actions

James William Rush, III, PE #23727

On January 11, 2019, James William Rush, III entered into a Consent Decree with the Board for failure to obtain at least thirty (30) Professional Development Hours (PDH) for the 2016/2017 reporting period, and for representing on his 2018 online renewal application that he had complied with the Continuing Professional Development (CPD) requirements, when he had not so complied. To resolve the violation, Rush agreed to (1) receive a Letter of Reprimand; (2) pay an administrative fine of \$1,000; (3) provide

proof of his 2016/2017 CPD obligation by February 15, 2019; and (4) provide proof of his 2018/2019 CPD obligation by January 10, 2020. Rush met the terms of the Consent Decree. On September 7, 2022, Rush was selected for a random audit of CPD compliance for the 2020/2021 reporting period. In response, Rush provided evidence of 12.5 PDH completed during the 2020/2021 reporting period and 19 PDH completed in 2022, after the end of the reporting period. In addition, during his June 29, 2022 PE license renewal, he indicated that he had complied with the CPD regulations, when he had not so complied. To resolve the second investigation, Rush entered into a Consent Decree with the Board wherein he acknowledged the violations of 201 KAR 18:196 and KRS 322.180(1) and agreed to place his license in “retired” status in lieu of the imposition of penalties pursuant to KRS 322.180. The Board of Licensure approved this Consent Decree on January 27, 2023.

Non-Disciplinary Actions

Cases Closed with a Written Admonishment – 39

- PE - admonishments for CPD violations – 32 (24 random audits, 8 late renewal audits)
- PLS - admonishment for CPD violations – 5 (random audits)
- PE – admonishment for violations in another jurisdiction – 1
- Firm (both engineering and land surveying) – admonishment for falsely answering questions on business entity permit application – 1

Cases Closed with Educational Letter - 1

- Unlicensed practice (land surveying)

Case Closed with No Action – 1

- PE – no violation

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KAPS ONLINE CPD CONTENT



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Currently, all fees from the online courses go to the KAPS scholarship fund. If you would like to produce a course to support the scholarship fund, there are KAPS members who will be glad to aid if they can.

<https://www.kaps1.com/online-courses/>



Become a KAPS Member



We would love to have you be a member of KAPS if you are not already one. If you would like to join for a first time or would like to renew your membership for the coming year, you can do so easily online using the following QR code from your smartphone or by visiting the website at:

<https://www.kaps1.com/join-us>



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