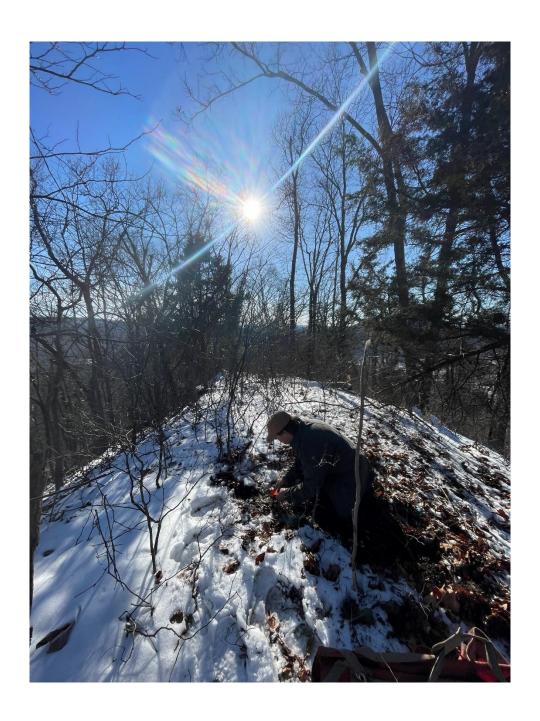
The Interior Angle

February 2024



Kentucky Association of Professional Surveyors

Table of Contents

Historic Map of the Issue	6
From the President's Desk	8
Editor's Corner	11
An Informative Case By Bud Salyer, Esq	13
Getting to Know Joseph Littlepage, PLS	17
Solo Surveying By Tom Bushelman, PLS	22
Italian Survey Markers By Bud Salyer, Esq	30
The Board of Licensure Report	32
Board of Licensure Enforcement Report	34
KAPS Board of Directors Meeting Minutes	36

On the cover:

Tom Bushelman Playing in the Snow Read Tom's article in this issue for details.

Interior Angle

Advertisement Policy

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.

Articles and advertisements appearing in this publication are not the policy of the association unless specifically stated. The association does not assume any responsibility for statements made or opinions expressed in the articles, advertisements, or other portions of this publication. The Interior Angle welcomes and encourages comments, opinions, and responses by the readers. Letters may be emailed to CPD@KAPS1.com or mailed to addressed to:

KAPS P.O. Box 436451 Louisville, KY 40253

Letters must be signed and include a daytime telephone number. The name of the letter's author will be withheld in publication if requested. Letters may be edited for clarity and length. All advertisements are published as a service to the readers and their publication does not imply or express any endorsement or recommendation by KAPS. The advertising rates are:

Ad Copy Size (Nominal)*	Per Issue Price	Per Year Price
Full Page (8.5" X 11")*	\$225	\$800
½ Page (8.5" X 5.5")*	\$125	\$450
¹ / ₄ Page (4.25" X 5.5")*	\$85	\$300
Business Card (3.5" X 2")	\$60	\$220
Business Card (KAPS Member)	\$30	\$110
Classified Ad (1.5" X 3")	\$50	
Classified Ad (KAPS Member)	\$25	

^{*}A 0.1" margin is used in the current publication of the magazine. Images will be scaled to fit within those margins.

Corporate Members may receive a free business card ad in every issue at their request.

Officers

President ... Mike Billings
President-Elect ...Ben Shinabery
Vice President, External Affairs
...Tyler Pence
Vice President, Internal Affairs ...
Kevin Phillips
Past President ... Robert Smith
Treasurer ...James Mayo

Directors

Chris Gephart Richard Matheny Greg Barker James Mayo Kelly Carr Tim Tong

Ex-Officio Directors

NSPS Director ... Ben Shinabery KY BOL Liaison ... Bob Smith KSPE Liaison ... Mike Billings GIAC Liaison ... KAMP Liaison ... James Elliott

Office Staff

Nancy Broyles, Executive Administrator nancy@kapsl.com

Standing Committee Chairs and Co-Chairs

Annual Conference...Greq Barker Annual Picnic/Golf Outing...Bob Smith By-Laws...Mike Ladnier County Surveyors...Bob Smith Education... Richard Matheny Ethics & Professional Practice...Greg Barker Finance...James Mayo Legislative...Ben Shinabery Membership...Ben Shinabery Nominating...Ben Shinabery Past Presidents...Bob Smith Policy Manual...Mike Ladnier Public Relations...Kevin Phillips Newsletter...Jon Payne Scholarship...John St. Clair

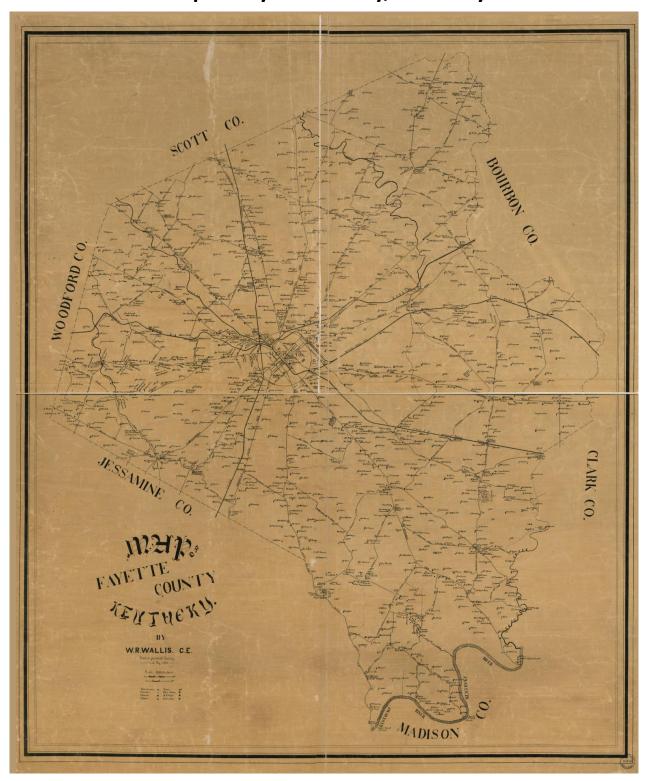
Chapter Chairs

Audubon...Mike Ladnier
Barren River...Chris Higgins
Bluegrass...Tim Tong
Falls of the Ohio...Ben
Shinabery
Green River...Bob Smith
Highlands...Johnny Justice
Northeast...Inactive
Northern Kentucky...James
Elliott
Purchase...Stephen Chino
Southeast...Curtis Felts

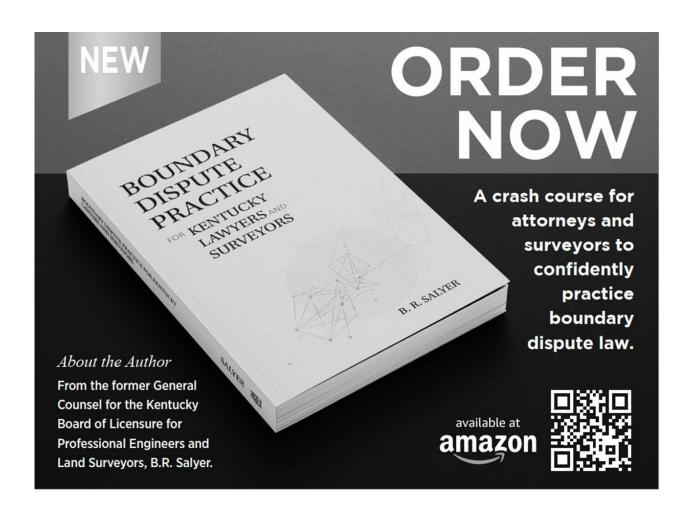


Historic Map of the Issue

"Map of Fayette County, Kentucky"

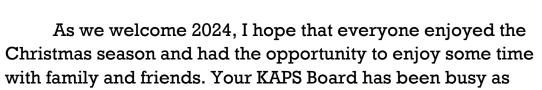


Wallis, W.R. Lexington, Kentucky 1891. From Library of Congress Map Collection: http://hdl.loc.gov/loc.gmd/g3953f.la000230



From the President's Desk... By Mike Billings, PE, PLS

Fellow Surveyors,





we have had Board meetings in December of 2023 and February 2024. During our December meeting Richard Matheny was appointed as head of the Education Committee. I would like to thank Richard for his efforts and ask for any volunteers to assist Richard with this committee. One responsibility of this Committee, as well as with each of us, is to help the general public understand the importance of our profession and to promote our profession to students and individuals as a career path worth pursuing. This is an extremely important need for our profession to continue to survive and grow into the future. Also, during our December meeting James Elliot was appointed as head of the Minimum Standards Committee. Tim Tong, Johnny Justice, and Kelly Carr are also on this committee. With the continuous changes in technology and practices it is important for our profession to stay in front of these changes and to keep our standards of practice current. Ben Shinabery, our NSPS Director, is planning to attend the upcoming NSPS Spring Meeting in Washington DC in late April. Ben Shinabery, our Legislative Committee Chair, reported on the status of House Bill 34. HB 34 was introduced to the House during the legislative session to provide universal license reciprocity to any existing out-of-state licensed surveyors superseding the educational and other licensing regulations of KYBOELS. Many other Committees are busy working on their respective tasks. During our February meeting Mike Ladnier and James Mayo were officially appointed as Secretary and Treasurer, respectively, of KAPS. I would like to thank both Mike and James for their time and efforts with these positions. Numerous Committees either provided written or verbal reports of the ongoing activities of their respective committees. Minutes from Board meetings are available on our website, (kapsl.com), or in the Interior Angle publication. As you can see from the brief summary herein, KAPS is busy and working hard to support the surveying profession across the state. I urge all surveyors to either become

active or stay active with KAPS, as KAPS is an extremely valuable tool and resource to our profession.

Our annual Golf Scramble and Family Picnic with take place on Friday June 14th at My Old Kentucky Home State Park in Bardstown. I urge everyone to come out, take a day off, play golf, and enjoy some grilled food at the picnic. Participation in our golf scramble has been on the upswing the last few years and we would like to continue this success. The golf scramble is not limited to only surveyors, so please ask others, friends, clients, associates to participate in our event. This event is our largest annual fundraiser and is a fun time for all involved. All proceeds from the golf scramble go directly to the KAPS Scholarship fund. If you are unable to attend and enjoy the day, please consider sponsoring a hole or contest for the day.

The 2024 KAPS Annual Conference is scheduled for Thursday September 26th and Friday September 27th at the Marriott Louisville East in Louisville, Kentucky. Our Conference Committee has been busy planning for this event to be both an educational and enjoyable time for all who attend. Registration for the Conference will soon be available on our website, and I urge all surveyors to take advantage of the early registration rebates and make plans to attend our Conference.

Please visit our website, KAPS1.com, to stay informed and up to date with all other KAPS activities.

As the new year is upon us, please take time to renew your membership with KAPS as well as any other professional organizations. I hope that everyone finds time to finish their surveys that were "put off" until the leaves came off of the trees before the leaves come back out. I wish everyone a successful and blessed 2024. I would like to thank everyone for their continued membership and support in KAPS and the extra time and effort that goes into being a member. Matthew 6:21 "For where your treasure is, there will your heart be also."

Respectfully,
Mike Billings, PE, PLS
KAPS President

SEILER GEOSPATIAL

Your Authorized Trimble Dealer

We take pride in being the premier land survey supply company, offering a comprehensive range of services to meet all your surveying needs. With our full-service survey instrument service center, we are committed to providing exceptional support and maintenance for survey instruments. Whether you are in need of high-quality surveying equipment, such as total stations, GNSS receivers, Scanners, or Data Collectors, we have you covered.

Our extensive inventory includes top-notch products from leading manufacturers in the industry. Moreover, our experienced technicians are well-versed in the latest advancements in surveying technology, ensuring accurate calibration, repairs, and maintenance of your instruments. As a trusted partner, we prioritize customer satisfaction and strive to deliver unparalleled service. When you choose us as your survey supply company, you can be confident in receiving reliable equipment and expert assistance that will help you achieve precise and efficient surveying results.





OVER 90 YEARS OF COMBINED EXPERIENCE





Louisville

- 👩 4415 Poplar Level Road Louisville, KY 40213
- 502-459-1300
- amiller@seilerinst.com

CONTACT US FOR OUR LATEST PROMOS SEILERGEO.COM

Lexington

- 1275 Industry Road, Suite #110
- 859-721-1300
- amiller@seilerinst.com

Illinois · Indiana · Iowa · Kansas · Kentucky · Michigan · Missouri · Nebraska · Wisconsin

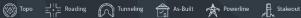




Scanning Total Station



$oldsymbol{ol}}}}}}}}}}$











A new model of the Trimble SX12 total station is available, now equipped with Wi-Fi HaLowTM radio technology. Wi-Fi HaLow provides a more reliable and robust connection—up to 14 times higher bandwidth than long-range radio. It makes it easy to complete data-heavy tasks like scanning transfers or video streaming. If you already own an SX12 system, the new Wi-Fi HaLow radio technology option is available to purchase as an upgrade.

Editor's Corner

By Jon Payne, PLS (cpd@kapsl.com)

Starting out with the first edition of 2024, I would like to express great appreciation to the contributors for this issue, Bud Salyer, Tom Bushelman, and Joseph Littlepage. It makes for a much more interesting read with so many professionals providing articles. These gentlemen have provided some very interesting content that I am sure all the readers will enjoy.

Bud Salyer, who has contributed many great articles to the Interior Angle in the past (as well as in this current issue), has offered to potentially write some upcoming articles based on questions as posed by KAPS members. This would be in relation to the concept of a particular situation but would not be in the form of specific legal advice to the person submitting the scenario or their clients. If you have had a survey matter that you would like to hear an opinion on the topic, please submit your question to cpd@kapsl.com. The more detail you can provide, the better perspective Mr. Salyer would be able to develop an analysis of the matter. Just to repeat, this will not be legal advice for an individual or individual project.

As always, I (and the KAPS membership) would love to read about projects in other areas of the state. If you feel inclined to share, just send me your writings for inclusion in future issues. Pictures are a plus!!



An Informative Case

By Bud Salyer, Esq.

In 1911, Bertha Hendricks purchased a farm on the Tennessee River. In 1925, O.E. Peters purchased the adjoining property. Part of the boundary described in both deeds was a lane that ran between the farms. From the end of the lane, the line then ran to an elm on the riverbank. A fence ran from the end of the lane toward the river but did not go to the elm. It had been built many years before Hendricks purchased her land.

Convinced that the fence was not on the true boundary, Peters removed it and began cutting timber on Hendricks' side of the fence. Hendricks sued and Peters answered, claiming that he had superior title and that his line did not coincide with the fence.

The court entered an injunction against Peters, holding that the boundary was at the fence. On appeal, the Court of Appeals wrote, "...the old fence having been maintained as a division line between the parties and their grantors for more than 15 years, it is now too late to change the situation, even if it was clear that the location of the fence originally was not on the line described in the deed." Peters v. Hendricks, 9 S.W. 2d 1076

The Court emphasized that Peters' predecessors in title had never made any claim to the land on Hendricks' side of the fence but had accepted it as the boundary and acquiesced in its maintenance and respected its location for more than 15 years.

Experienced surveyors know that the surest way to start a boundary dispute is to start a retracement. Most landowners have an idea where they think the boundary is and never give it a second thought until something occurs that conflicts with that belief. Then it hits the fan. My contention is that the first rule of the Standards of Practice should be, "Don't start a fight."

The courts have made it clear that where the parties have treated a "line" as the boundary for at least 15 years, becomes the boundary. It makes little difference whether the "line" is a fence, a ditch, a ridge, a road, a line of trees or other linear marking, as long as the parties have tacitly accepted it as a boundary.

It is not the surveyor's job to decide whether a "line" has become a boundary. However, he has the ability to inspect "lines" and form an opinion whether the object is old, such as wire that is extremely rusty or grown into trees. Knowing that that possibility exists, if a surveyor goes out and starts marking a deed line on the ground and there is an apparent line that conflicts with the deeds, he is simply creating mischief.

When this situation exists, good practice would dictate that the surveyor get the landowners together and explain the problem and attempt to reach a resolution. If the owners agree that the fence or other "line" has become the boundary, then cross-quitclaim deeds need to be made and delivered. If they disagree, the surveyor should go ahead and complete his retracement.

In doing so, he should follow the second most important rule of self-defense: "cover yourself with paper." The plat should show the possible "line" and document that he has explained to the client and adjoiner that while his plat and markings are showing deed lines, there is evidence that suggests that time, acquiescence and adverse possession may have placed the true line elsewhere and that attorneys should be consulted to explore that possibility. He should disclaim any liability if a court places the boundary in a different location. That would be a lot to put on a plat, but the plat could contain a note that this has been explained to the parties in a letter that was delivered to both landowners.

That creates a lot of work. However, lawyer commercials on television make it apparent that we have become an incredibly litigious society: if anything goes wrong in your life, someone else is at fault and there is a lawyer who is willing to take your case. That bit of paperwork will be more valuable than gold in defending a lawsuit.

This is why you should buy Carlson Software from That CAD Girl! **Carlson Software** Offers PERPETUAL licenses with the option for That CAD Girl **NETWORK deployment** MIX & MATCH modules to buy only what you need Discounted pricing on Carlson Software Runs on top of FREE IntelliCAD or your separately FREE SUPPORT with purchase of software purchased license of AutoCAD FREE ONLINE WEBINAR TRAINING with purchase Offers FREE technical support

Allows dynamic design with BASIC CAD entities that can be shared with any other CAD program

Remains INDEPENDENT and answers only to their customer base

of software

PRIORITY SCHEDULING for one-on-one and custom training

30 years of experience with CAD & land development design and construction software

Remains INDEPENDENT and answers only to her customer base



















www.thatCADGirl.com ContactUs@thatcadgirl.com 919-578-1499



Looking for Carlson Software Training?

Visit www.thatcadgirl.com and register for our newsletter for details!



AUTODESK

Gold Partner

KENTUCKY'S AUTHORIZED AUTODESK DEALER



Autodesk Civil 3D° design software empowers civil engineers to meet complex infrastructure challenges in a 3D model-based environment. Civil 3D includes purpose-built tools for critical civil engineering disciplines.



ROAD & HIGHWAY DESIGN





- · Site and survey workflows
- Terrain modeling
- · Corridor modeling
- Intersection design
- Drainage design & analysis
- Pressure networks
- Plan production & documentation
- Interoperability
- Design automation
- Geotechnical modeling
- Materials and quantities
- Bridge design

CONTACT US FOR MORE INFORMATION

Louisville

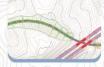
- 4415 Poplar Level Road Louisville, KY 40213
- 502-459-1300
- a emuncy@seilerinst.com

Lexington

- 1275 Industry Road, Suite #110 Lexington, KY 40505
- 859-721-1300
- emuncy@seilerinst.com









SEILERGEODRONES.COM



Getting to Know... Joseph Littlepage, PLS

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

I was in the Civil
Engineering Tech program at
Murray State and took Plane
Surveying with Prof. Kellie. His
enthusiasm persuaded me to
take more of his classes to fill out
my credit hours. After a brief
dalliance with heavy industrial
construction, I grew tired of
working 10 days on, 2 days off
and being hours from home all
the time. I found a job with a local



surveyor and haven't looked back. Surveying is a fantastic blend of both a white- and blue-collar career. Is it pouring rain or is there a ton of snow on the ground? Maybe it's a good day to research that next job. Is it so gorgeous outside to the point of being a shame to be stuck indoors? Get started on that next set of field work.

Tell us about one of your more memorable surveying projects.

The first one that stands out in my mind was during a summer internship I had with Ralph Paris. We were surveying a farm in Livingston County. We found a small piece of land, maybe an acre and a third, that somehow had never been granted to anyone. Parol evidence was that during the Great Depression a family had squatted on the parcel, but no one had ever owned it. Our client and his wife were delightful people, offering us sausage biscuits each morning, and occasionally coffee and fruitcake after lunch. I even got her recipe which we still make every few years for Christmas. When I returned to school that fall Mr. Paris was helping our client get the unowned parcel granted to him from the state.

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

I've only been licensed for about two and a half years, so I don't have quite the achievements under my belt that more experienced surveyors have. While not the achievement it used to be, I'm proud to have passed both the FS and PS exams my first try.



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?

KAPS is a great resource for networking with other local surveyors and the annual conferences make getting your professional development hours a breeze. On the improvement side, I'd say the biggest thing is continuing efforts to bring young

people into the profession. I'm in my mid-thirties and am usually the young guy at chapter meetings.

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

I'm an avid outdoorsman. I enjoy fishing and hunting, especially upland game, like rabbits and quail if you can find them. I also love motorsports and sim racing, to the point that I have a set up for my computer with a steering wheel, pedals, and gear shifter. It's about as close as I'll ever get to driving all the amazing cars I watch on tv.



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

Going through my family's genealogy I found out that an ancestor of mine was the first county clerk of Louisa County, Virginia





GISS SOLUTIONS TO FIT YOUR COMPANY'S DEEDS









Louisville

- 4415 Poplar Level Road Louisville, KY 40213
- **(**) 502-459-1300
- amiller@seilerinst.com

SEILER

GEOSPATIAL

SEILERGEO.COM

Lexington

- 1275 Industry Road, Suite #110 Lexington, KY 40505
- 859-721-1300
- amiller@seilerinst.com

Illinois · Indiana · Iowa · Kansas · Kentucky · Michigan · Missouri · Nebraska · Wisconsin

Trimble Ionoguard

PROTECTING RTK GNSS FROM IONOSPHERIC DISTURBANCES

Trimble lonoGuard, a next-generation technology designed to mitigate ionospheric disruptions in positioning and navigation by minimizing performance impacts caused by scintillation or signal noise.

Referred to as solar activity, ionospheric disturbances peak every 11 years. The next major disruption, Solar Cycle 25, is expected to peak between 2024 and 2026. Ionospheric activity can directly impact the quality of GNSS signals, leading to the degradation of position accuracy. While this type of disturbance has the greatest impact on high precision GNSS users operating around equatorial and high latitude regions, global disruptions are possible during the height of the solar cycle.

Available as a downloadable firmware update for Trimble GNSS receivers utilizing the Trimble ProPoint' GNSS positioning engine, lonoGuard leverages the latest developments in Trimble's high-precision receiver hardware design and signal tracking to deliver improved positioning performance in challenging environments. This will minimize the probability of a complete loss of GNSS signals and improve the quality of the signals' accuracy and integrity.



STREAMLINING SURVEYING WORKFLOWS

SEAMLESS DATA COLLECTION FOR EFFICIENT FIELD-TO-FINISH SOLUTIONS

LEICA SCANNERS PROVIDE:

- RAPID DATA COLLECTION
- ACCURATE 3D DATA
- EXTENSIVE COVERAGE
- SAFE NON-INTRUSIVE SURVEYING

IMAGINIT provides comprehensive solutions tailored for civil engineering with unparalleled capabilities and exceptional training services.



Solo Surveying

By Tom Bushelman, PLS

I would like to share a few experiences that I get to enjoy by being a solo surveyor. I participate in every aspect of a survey from meeting with clients to stomping untrodden paths looking for hidden treasure, and trying to match physical evidence with record evidence to determine where these long-lost property lines really are. A couple of times in the last few years I have been invited to participate in some larger boundary surveys in or near the Daniel Boone National Forest and there is nothing that I enjoy more. I have always been an avid outdoorsman and explorer. Horses were a means to see more of the woods, the US Navy allowed me to travel the world, and surveying has been a license to poke and prod all



over the countryside in places no sane person would intentionally travel.

This most recent survey adventure takes place in Estill County near the Red River Gorge which is such a beautiful area that it attracts over two million visitors a year to hike and camp and generally enjoy the scenery. These visitors take vacations to go to a place where it is my job to hike around, generally in unexplored places, seeing things nobody has seen for maybe a hundred years. This job came about because a bank would not approve a loan for a tract of land because the deed is nearly worthless for describing where the land is or how much of it there might be. In fact, I do not believe a surveyor has ever been involved in the writing of most of the legal descriptions for a thousand acres around the property. The descriptions read like a couple of old timers talking on the liar's bench outside a barber shop. "bounded on the west by Bob, on the north by Bill, and on the east by Henry

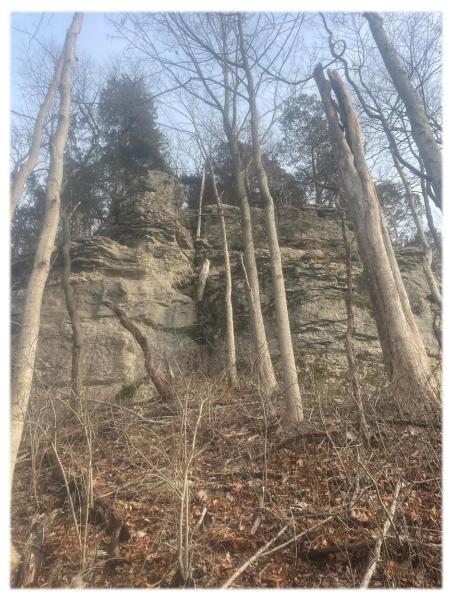
containing about 175 acres". Bob, Bill, and Henry do not provide much clarification either, not to mention the unknown south. Other deeds sometimes call for a direction to the nearest 90 degrees or a distance, but never both. There are two owners of this beautiful valley, fringed with a line of cliffs to both sides and in the back. If you were being chased by bandits and ran your horse into this valley, your goose was cooked because there is no way out. That does make for some outstanding natural boundaries at the cliffs and everyone seems to agree that the cliffs are the line, including the US Forest Service at one section.

There had been a cutout from an adjoiner recently and I picked up the plat at the courthouse. The attention to detail was outstanding on the plat and I knew that pins set meant that this guy actually went out and set pins and they were going to be very close to where they were called for. Great break in the case. It was early afternoon when I picked up the plat so I stopped by the jobsite and got lucky again. An old timer was coming down the road on a side by side so I flagged him down to ask him what he knew about the area. He grew up on the road and bought his current house parcel from the owners of the property I was surveying, albeit not with a good survey. He said he did not know



much about any of the lines but he was a nice guy and we chatted for an hour and a half while the sun was setting and for not knowing much, he clearly described almost a mile of the boundary of the property I was surveying in bits and snatches. The man was a gold mine. All I needed to do was shoot in certain creeks, ridges and old stumps and that portion was complete. Shooting in is the easy part, it is the head scratching that takes real effort.

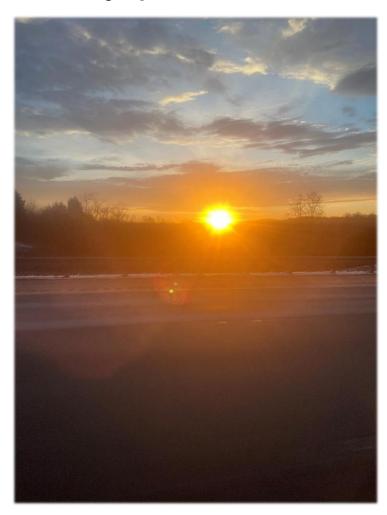
My surveying buddy and I drove a half hour out of this valley, through town and way up this gravel road that runs up above the cliffs which is a long way to get to a spot we could clearly see, but not easily climb to. There had been a big windstorm and not much traffic on this gravel road, so occasionally we would have to stop and move some fallen branches out of the road. One large chunk of tree in the road seemed to have come from nowhere. It was about fourteen inches in diameter and maybe eight feet long and the curious thing was that it had part of a strap hooked to it and looked like it had been dragged because one side had been ground almost flat. A real head scratcher for sure.



We parked the truck on the side of the road and hiked out to the cliffs with a bag of pins, a heavy hammer drill and the best surveying gear money can buy. The thought was that as we shot the cliff, being the known boundary, we could monument every onethousand feet or so as we went, and not have to revisit this section of line. This was a novel idea to me but I like it. We were literally the first surveyors to ever define this section of cliff mathematically. To some folks, it is no clearer than the old timers on the liar's bench describing it, but our work is easier for a bank to swallow and perhaps more accurate on the acreage calculations.

There were places where the cliff sort of faded into a steep hillside, then redefined itself into a sheer rock face and we did the best we could at

determining where the top of the cliff actually is. The ultimate determination was that if you could die falling off it, that was the cliff top. Not too long after that determination, my buddy was going out to the edge to take a shot and I said, "Don't die off that cliff"! No sooner were the words out of my mouth then the ground under his feet opened up and swallowed him to the knees! He had wandered into a soft area where a tree stump had rotted away and left a hole that was lightly covered in debris. Scared the bejeezus out of both of us.



As the sun was getting low on the horizon, we knew it had already set down below in the valley and it was about time to pack it up for the day. We walked back to the gravel road and had about a mile to make it back to the truck. There was a drag mark in the gravel and we figured it must be that log that we had seen earlier with a strap on it. Then it hit me. I said, "I'll bet it was drunk hillbillies surfing on the log while it was being dragged". About halfway back, there was some corroborating evidence with a torn bit of Carhartt canvas from a spectacular surfing wipeout no doubt. We kept our eyes peeled for any big bloody patches but they must have been pros or did their bleeding inside their Carhartts.

Karl Marx once said, "From each according to his ability, to each according to his needs". That has been interpreted in a lot of ways but I see it as describing the perfect fit in life. Surveying fits my need to traipse through the wilderness and I am good at it. What I do for a living is what I would do for a vacation if my work were something else.



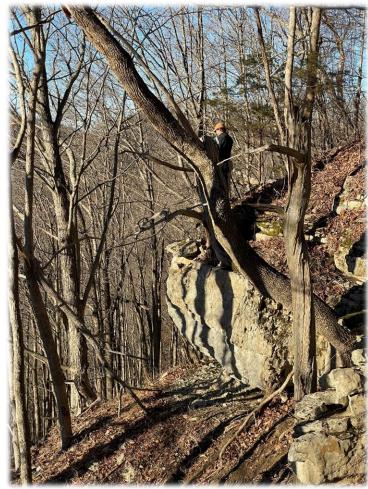
















Introducing the

Surveying Outreach Resource Hub

For Surveyors and Educators

Access
Surveying Presentations

Download Lesson Plans

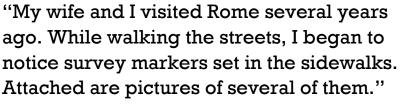
Order Outreach Materials

At BEaSURVEYOR.com's surveying outreach resource hub, you can download lesson plans for classroom activities, access surveying presentations, and even order materials for speaking engagements or career fairs.

Italian Survey Markers

By Bud Salyer, Esq





Bud Salyer











The Board of Licensure Report

January 2024 Kyle Elliott, Executive Director

Board of Licensure 2024

Officer elections were held at the January 26, 2024, Board of Licensure meeting. The following slate of officers for 2024 was elected unanimously:

Gregory Meredith, PE – Chair Joshua Calico, PLS – Vice Chair J.C. Pyles, PE – Secretary/Treasurer

The following will serve as board committee chairs for 2024:

Michael McGhee, PE - Chair of the Engineering Committee

Joshua Calico, PLS - Chair of the Surveying Committee

James Knoth, PLS - Chair of the Continuing Professional Development

Committee

Governor Beshear reappointed Don Pedigo, PLS and J.C. Pyles to four-year terms on the board expiring January 1, 2028. We are pleased to have Don and J.C. continue to serve on the board.

Firm Renewals

All unrenewed Firm Permits expired on December 31, 2023. 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 on the status of any permit or any firm by using the Board's online searchable roster: http://elsweb.kyboels.ky.gov/kboels-web/SearchableRoster.aspx.

Individual Renewals

Beginning on April 1, 2024, online individual license renewals will open up on the Board's website. On June 30, 2024, all licenses will expire for individuals whose last name begins with a letter L-Z. 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 19 Board of Licensure Meeting Frankfort, KY	April 4 - 6	NCEES Southern Zone Meeting	Ashville, NC
·	April 18	Board Committee Meetings	Frankfort, KY
T 1 10 December 2010 and 10 and 10 at 175	April 19	Board of Licensure Meeting	Frankfort, KY
July 18 Board Committee Meetings Frankfort, KY	July 18	Board Committee Meetings	Frankfort, KY
July 19 Board of Licensure Meeting Frankfort, KY	July 19	Board of Licensure Meeting	Frankfort, KY
August 14 – 17 NCEES Annual Meeting Chicago, IL	August 14 – 17	NCEES Annual Meeting	Chicago, IL
October 17 Board Committee Meetings Frankfort, KY	October 17	Board Committee Meetings	Frankfort, KY
October 18 Board of Licensure Meeting Frankfort, KY	October 18	Board of Licensure Meeting	Frankfort, KY

Board of Licensure Enforcement Report

For the Period October 1, 2023 – December 31, 2023 Heather L. Baldwin, PE, PLS, Director of Enforcement

DISCIPLINARY ACTIONS

TIMOTHY G. FUTCH

On October 27, 2023, Timothy G. Futch, PLS #4163, entered into a Consent Decree with the Board of Licensure for violations of KRS 322.470; 201 KAR 18:150 Sections 3(1), 6, 6(4), and 10(5)(e); 201 KAR 18:42 Sections 7, 8, and 8(7); and KRS 322.180 (2) and (3). Among other terms, the Consent Decree called for Futch to pay a fine of \$7,500 within thirty days, and Futch failed to meet this term of the Consent Decree. On November 28, 2023, Futch was notified that he was in default of the Consent Decree and that he had fourteen days to cure the default, or his professional land surveying license would be suspended. Timothy G. Futch's professional land surveying license was SUSPENDED on December 14, 2023.

ALLEN ENGINEERING CORPORATION

Allen Engineering Corporation is a foreign corporation organized in the state of Illinois. An investigation revealed that the company provided engineering services for five Kentucky projects since 2018 without a Kentucky business entity permit as required by KRS 322.060. During the investigation, the company applied for and received a business entity permit to practice engineering in Kentucky. To resolve the investigation, the company, through its president, Daniel P. Allen, entered into a Consent Decree with the Board and agreed to: (1) receive a Letter of Reprimand; (2) pay a fine of \$1,000 within 60 days; (3) maintain a current and valid business entity permit for any period of time in which the company is providing engineering services in Kentucky; and (4) notify the Board in writing of any change in status of the professional engineer(s) in responsible charge of the engineering work in

Kentucky within 14 days. The Board of Licensure approved this Consent Decree on January 26, 2024.

NON-DISCIPLINARY ACTIONS

Cases Closed with a Written Admonishment – 43

PE – admonishments for CPD violations – 36 (1 late renewal audit 2022. 26 random audits 2023, 9 late renewal audits 2023)

PLS – admonishments for CPD violations – 5 (random audits 2023)

PE – admonishments for unlicensed practice – 1

Firm (engineering) – admonishments for unpermitted practice – 1

Case Closed with No Action - 2

Firm (Land Surveying) – code of conduct allegation – no violation - l Firm (Land Surveying & Engineering) – permits made inactive – no violation - l

KAPS Board of Directors Meeting Minutes

KAPS BOARD OF DIRECTORS MEETING

Date: Saturday, December 9, 2023

Time: 10:00 AM ET

Location: Kentucky Engineering Center

160 Democrat Drive

Frankfort, Kentucky 40601



CALL TO ORDER

KAPS President, Mike Billings, called the Saturday, December 9, 2023 KAPS Board of Directors meeting to order.

PROXY VOTES:

a) Robert Smith to Kevin Phillips

MEMBERS PRESENT:

Mike Billings - President/KSPE Liaison, Ben Shinabery - President Elect/ Falls of the Ohio Chapter Chair/NSPS Director/GIAC Liaison/ Legislative, Membership, and Nominating Committee Chair, Kevin Phillips - Vice President of Internal Affairs/Public Relations, Greg Barker - Director/Annual Conference Chair, Ethics & Professional Practice Chair, Richard Matheny - Director/Education Chair, Chris Gephart - Director, Tim Tong - Director/ Bluegrass/Capital Chapter Chair, Kelly Carr - Director, James Mayo - Director/Treasurer, Finance Chair, Tom Bushelman - Secretary, James Elliott - Northern Kentucky Chapter Chair/KAMP Liaison, Curtis Felts - Southeast Chapter Chair, Johnny Justice - Highlands Chapter Chair, John St. Clair - Scholarship Committee Chair,

STAFF PRESENT:

Nancy Broyles, Executive Administrator

GUESTS PRESENT:

Kyle Elliott, KYBOELS Executive Director

MEMBERS ABSENT:

Bob Smith– Past President/ Kentucky Board of Licensure Liaison/Green River Chapter Chair/Annual Picnic/Golf Outing Chair, County Surveyors Chair/ Past President Chair, **Tyler Pence** – Vice President of External Affairs, **Chris Higgins** –

Barren River Chapter Chair, **Stephen Chino** - Jackson Purchase Chapter Chair, **Jon Payne** - Publications/Newsletter Chair/Professional Development

Chair/Continuing Education Review Committee Chair, **Michael Ladnier**
Audubon Chapter Chair, Policy Manual Chair, By-laws Chair, **Luke Woodyard**
Young Surveyors Network

REVIEW AND APPROVAL OF BOARD MEETING MINUTES

Greg Barker made a motion to accept the minutes of the September 18, 2023 meeting. Kelly Carr seconded. Motion carried.

Kelly Carr made a motion to accept the minutes of the September 20, 2023 meeting. Greg Barker seconded. Motion carried.

KAPS OFFICER'S REPORT

President's Report – Report in packet. Additionally, Mike Billings thanked Jon Payne for all of the work he puts into the Interior Angle.

President Elect's Report – Ben Shinabery thanked Mike Billings for sending the bylaws and policy manual and affirmed his commitment to his position and communication within the organization.

Treasurer's Report – Financial Statements in packet. KCTC charges 1% management fees for the investment accounts yet they have performed below the S&P 500. Kevin Phillips will explore other investment management options.

KAPS Executive Administrator's Report - Report in packet

OLD BUSINESS

Next Board meeting: Saturday, February 3, 2023 at 10:00 AM ET at Kentucky Engineering Center, 160 Democrat Drive, Frankfort, KY 40601

NEW BUSINESS

We need to find persons to fill NSPS Director, GIAC Liaison, and Education Committee positions. Ben Shinabery will serve as NSPS Director, Tim Tong will research how to recommend an official GIAC Liaison, and Richard Matheny will serve as Education Committee Chair.

NSPS request for data to add to ArcGIS dashboard. See attached email. Tim Burch sent a follow-up email asking us to use this link to provide information: https://arcg.is/00byL9 Ben Shinabery will take care of this.

Reminder: Don't forget to turn in your chapter financial report next month

EX-OFFICIO DIRECTORS REPORTS

GIAC Liaison – Ben Shinabery recommended chapter chairs inform members about the new oblique aerial imagery available at www.kyfromabove.ky.gov

KAMP Liaison – no report

KY State Board of Licensure Liaison – Kyle Elliott reported that Don Pedigo, KAPS representative, and JC Pyles, KSPE representative, have been reappointed to serve on the Board of Licensure. The CPD Task Force has finished their work. Once the Board of Licensure approves their rewrite, it will be presented to the Legislative Review Committee. Kyle attended the KY School Counselor Association's Fall Conference and hopes KAPS will join them at next year's conference. Kyle also reported the number of registrations for surveying exams continue to rise.

KSPE Liaison – Report in packet

NSPS Director – no report

Professional Development Chair - Report in packet

CHAPTER REPORTS

Audubon – no report

Barren River - no report

Bluegrass-Capital - no report

Falls of the Ohio – Report in packet

Green River – no report

Highlands - no report

Northern Kentucky – James Elliott reported consistent attendance at their chapter meetings including several students from Cincinnati State. Cincinnati State is at risk of losing its newly acquired ASCE accreditation if they do not hire another professor by July. Carol Morman is asking KAPS members to send a letter to the leadership of the college encouraging them to do so.

Southeast – no report

COMMITTEE REPORTS

Annual Conference – The committee is finalizing the course/speaker line up for 2024.

Annual Golf Outing and Picnic – no report

By-Laws – Mike Billings stated the committee is working on reviewing and updating the by-laws and policy manual.

County Surveyors – no report

Education – no report

Ethics and Professional Practice – no report

Finance – no report

Legislative - Report in packet

Membership - Report in packet

Nominating - Report in packet

Past Presidents – no report

Policy Manual - no report

Public Relations – no report
Publications / Newsletter – no report
Scholarship - Report in packet

SPECIAL COMMITTEE REPORT

Board of Licensure Nominations – no report

Continuing Education Hours – no report

Young Surveyors Network – no report

Minimum Standards Review Committee – James Elliott (chair), Kelly Carr, Tim Tong, and Johnny Justice will begin a review of the KY minimum standards

ADJOURNMENT

Greg Barker made motion to adjourn. Tim Tong seconded. Motion carried. Meeting adjourned.

Submitted by Nancy Broyles, Executive Administrator

KAPS ONLINE CPD CONTENT



Make sure to login as a member to get the member rate.

Courses are hosted on an online learning management system which means they are available to you anywhere that you have internet service, and they can be accessed via PC, tablet, smartphone, etc... You will be creating an account and password for that learning management system website.

At the end of the course, you will electronically state that you have personally completed the course in its entirety. Time spent on task, date and time of access, and number of times each section of the course is accessed are all recorded and viewable by the account administrator to help support your statement.

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.kapsl.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.kapsl.com/join-us



JOIN UP

and

Become a Member of KAPS