

# : California

Institutional Affiliate of American Congress on Surveying and Mapping

### THE VOICE OF THE LAND SURVEYORS OF CALIFORNIA

No. 15

FALL EDITION

1970

#### C.L.S.A. Board Approved Resolution **RESOLUTION NUMBER 70-5**

April 18, 1970

WHEREAS: California Land Surveyors Association, recognizes that a problem exists in the exemption of civil engineers contained in the Land Surveyors Act and the inclusion of land surveying in the Professional Engineers Act, and

WHEREAS:

the California Land Surveyors Association Board of Directors is convinced that this problem will never be resolved without legislative action, Board of Registration cooperation, assistance of the engineering societies, and a long range educational program, now therefore, be it

RESOLVED: that the first priority be given to efforts to work with the Board of Registration, and be it further

RESOLVED: that major effort be put forth to sell our overall program to the engineering societies, and, be it further

RESOLVED: that the LEGISLATIVE Committee be directed to modify their California Model Act to incorporate land development in a broader definition of land surveying, and to introduce this Act in the 1971 session of the California Legislature for interim study, and be it further

RESOLVED: that the President is hereby directed to implement this program as soon as possible through such instructions and appointments as are necessary.



The Caravan Inn of Sacramento, the site of C.L.S.A. 1971 convention, getting a preview inspection by Ed Griffin, President of East Bay Chapter and Chuck Wooldridge, Jr. member of the Board of Directors. Photo by Ed Boris

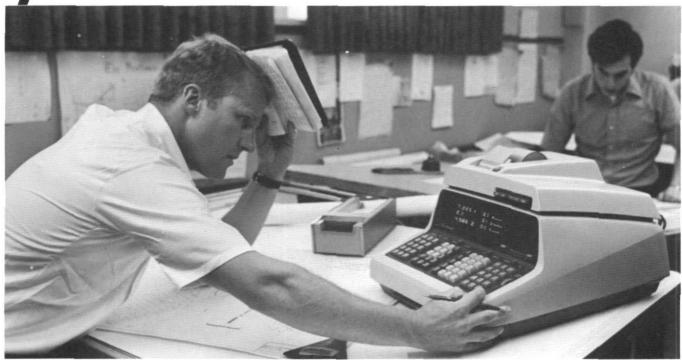
#### C.L.S.A. 1971 CONVENTION

Eugene L. Foster

The Caravan Inn of Sacramento is the new home of the CLSA Convention for the days of May 20-21-22, in 1971. You golfers who would like to come a day early or stay a day after, will be happy to know that there are two 18-hole golf courses directly across the highway. Don't forget to bring your clubs.

Air travelers are hereby informed that Caravan has a direct Limousine Service to Sacramento's new Metropolitan Airport. Those who wish to use this opportunity to visit Cal Expo can reach it by traveling three miles from their room, by freeway.

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HEWLETT PACKARD

HP CALCULATOR SYSTEM 9100

# BOARD OF DIRECTORS MEETING ABSTRACTS OF MINUTES

Jim Adams

The CLSA Board of Directors met at Holiday Inn, Oakland, on July, 1970. President Bob Curtis called the meeting to order at 10:10 c.M.

#### ATTENDANCE:

Board of Directors:	
President, Robert W. Curtis Presen	t
Vice-President George Colson Presen	t
Secretary-Treasurer, James E. Adams Presen	t
Director, Ross Armstead Presen	t
Director, Edward A. Boris, Jr Presen	t
Director, Eugene L. Foster Presen	t
Director William O. Gentry Presen	t
Director C. A. Wooldridge, Jr Presen	t
Past-President, H.J. Schumacher Abser	ıt
Past-President Fred M. Darby Preser	t
Legislative Advocate Andrew W Oppmann Ir	

Legislative Advocate, Andrew W. Oppmann, Jr.

Chapter Kep	resenta	live	25.
Bakersfield,	Donald	E.	Wa

Bakersfield, Donald E. Ward	Present
East Bay, Gilbert G. Barbee	Present
Lake/Mendocino, Jos. J. Scherf	Present
Marin, Eugene Lockton	Present
Monterey Bay, George N. Darling	Present
Mother Lode, John P. Pedri	Present
Northern, John H. Ashbaugh	Present
Sacramento, Edward R. Reding	Present
San Joaquin, Edward Kuhlan	Present
Santa Clara/San Mateo, Thos. J. Gribbin	Present
Santa Clara/San Mateo, Lawrence J. Cloney	Present
Santa Clara/San Mateo, Paul W. Lamoreaux, Jr	Present
Sonoma, Richard Stephan	Present
Southern, Fred W. Henstridge	Present

on Voting Members Present

omer Banks, Jr., President, Sacramento Chapter A. E. Griffin, President, East Bay Chapter John LaTorre, President, Mother Lode Chapter.

Legislative-Interprofessional Committee: The meeting was turned over to Andrew Oppmann, Legislative Advocate, who explained the legislative situation as it now exists. He went into some details about the reasons the Chairman of the Assembly Commerce and Public Utilities Committee would not be receptive to the idea of devoting time to an interim study regarding the updating or revision of the Land Surveyors' Act, during the Fall of 1970.

He went into detail in explaining just what interim study involves, and various approaches to securing such a study, as well as the time element to be considered.

Minority Report: Don Ward presented what he termed a minority report, in which he advocated a direct approach to the Board of Registration, rather than a legislative approach, to solve the problems in question. Much of his argument was based on tabulation of replies to recent questionnaires, which had been sent to land surveyors in many states, and some foreign countries. He stressed the advisability of exhausting administrative approach before considering legislative action.

There was much discussion about many ideas preceding Mr. Oppmann's departure at the lunch break.

President's Report: The first order of business following lunch, was the President's Report, which primarily consisted of a report of his activities since the last board meeting.

The President stated he had visited the Marin Chapter, and visits to other chapters are scheduled within the near future. Requests for visits should be made as far in advance of meeting dates as possible to avoid conflict of dates.

A meeting, held at the President's home, for the purpose of having committeemen "up-date" the President in their current activities, and for discussion among committee members, was reported.

The President reported the receipt of a packet from ACSM, including the Policy of Matters of Professional Practice, which he recommended for perusal by members of the Legislative Committee.

Advance notice of ACSM's California Conference, October 16th and 17th, at the Sacramento Inn, was also received, and the proposed program schedules outstanding speakers, and promises an exceptionally good meeting.

Thought to inclusion of Photogrammetric Surveyors among our membership was suggested by the President. The subject was scheduled under New Business.

Sustaining Memberships: A discussion as to whether sustaining membership fees should be computed on a calendar year basis, and whether there should be a pro-ration, following which, it was moved by William Gentry, and seconded by E. Reding, that the first year's fees for a sustaining member be pro rated on a quarterly basis, with no reduction in subsequent years. There was no opposition, and the motion passed.

The question of listing sustaining members' addresses in the California Surveyor was brought, and the subject discussed at some length, after which, it was agreed that the editor of the publication had the feeling of the board that the matter should be discretionary with the editor, and with the desires of the sustaining member.

Legislative and Interprofessional Committee: The President announced return to the report of the Legislative and Interprofessional Committee.

Don Ward stated that during lunch he and C. A. Wooldridge had developed a recommendation for presentation to the board, which is in line with the Legislative committees' recommendations.

The recommendation is in the form of a resolution (See page 1). C. A. Wooldridge submitted and read the resolution, which is to supersede both recommendations in both committee reports, and the resolution presented by the Legislative Committee. He moved the approval of the resolution. His motion was seconded by Joseph Scherf. The President asked each member present for a discussion, and any questions he might have concerning the resolution. When the President asked for a vote, the motion passed by a unanimous vote.

The President ordered the Secretary-Treasurer to have the resolution printed and added to the Legislative Committee's packet, and appointed C. A. Wooldridge to be chairman of the Liaison Committee to the Board of Registration, to be assisted by the two committee chairmen — the I.P.R. Committee, and the Legislative Committee, respectively — Don Ward and Dick Stephan.

Joseph Scherf requested that members limit involvement in the subject to ideas outlined within the packet prepared by the Committee, and in the hands of each member. He stressed unanimity as the board's strength, and selling the ideas contained in the packet as the goal.

Secretary-Treasurer's Report: James Adams stated that as indicated in the written report, there is developing a shortage of funds with which to continue the year's business. After enumerating some present and up-coming expenses, he approximated that \$1,000 would be needed. He asked for suggestions as to how this money could be raised, and several members volunteered contributions of \$100.00 each which were indicated as sustaining memberships, and others as simply donations toward the cause. It was brought up that chapter donations might be requested, and chapter representatives were asked to present the matter to their respective chapters. It was suggested that reminders should be sent to members of the association who have not yet paid their 1970 dues.

Education Committee: Gene Foster added to his written report by saying a communication from the San Mateo Skyline College indicated that the Chairman of their Physical Science Division was interested in structuring a curriculum to properly train land surveyors, and the association's assistance in so doing was requested.

Mr. Kuhlan explained the progress being made in structuring the studies at Fresno State, and the problems involved in setting up the curriculum and getting the faculty to present it. His proposed program is strictly a Bachelor of Science program. Job placement, following completion of the course, is anticipated as being essential to the success of the program. He stated that much valuable equipment was being donated, and his problem is to find a place to put it to use.

Public Relations Committee: Gene Lockton reported his pride in the establishment of a Blood Bank in Marin County by their chapter, which was brought about by an urgent local need.

Continued on Page 4

#### **BOARD OF DIRECTORS MEETING**

Continued from Page 3

At the last meeting Mr. Lockton was charged with the responsibility of presenting a plan for selecting the Surveyor of the Year. He urged selection of a person of stature, who would reflect credit upon the profession, and the avoidance of such a selection becoming a "popularity contest." He suggested the appointment of a subcommittee to study this project.

Santa Clara/San Mateo: Larry Cloney presented an offer to host the 1973 convention, made by the Santa Clara/San Mateo chapter, with the feeling that the 1972 Convention might preferably be held in the south. The President suggested that any offers to sponsor a convention in the future, should be submitted in writing, by the interested chapter. He presented the possibility of not limiting the locale for conventions within the boundaries of the state of California, suggesting Lake Tahoe, or possibly, mountain resorts outside of San Diego, and that locations for the 1972 convention would be considered at the October board meeting.

Paul Lamoreaux was announced as the third representative of the Santa Clara/San Mateo chapter, upon certification of their eligibility for three representatives by the Secretary-Treasurer. The certification was made.

It was mentioned that the San Joaquin Valley chapter had joined the Fresno Council of Engineers and Architects, as a liaison gesture. After a discussion, the President admonished chapters to consider carefully advantages, or disadvantages to joining other groups.

California Surveyor: Ed Boris, the editor inquired as to the status of the Tahoe chapter, and the President stated that their acceptance, as a chapter, had not yet been completed.

The cost to the membership of mailing copies of the Surveyor to all Land Surveyors, rather than just the membership, the editor reported, cost as little as \$1.18 per member. The plan to send the publication to all Land Surveyors was made for one year only, and, because of the sale of advertising, the editor asked whether this practice was to be continued in 1971.

The President offered to accept a motion recommending that the California Surveyor be sent to all Land Surveyors in the state of California, and other interested parties, included on the current mailing list, in the future.

William Gentry so moved, and the motion was seconded by C. A. Wooldridge. The vote was unanimous in favor of the motion.

A discussion relative to listing the names as Sustaining Members who donated X number of dollars; the idea being to bring attention to the need for additional funds and the hope that other members would be encouraged to assist.

It was further called to the attention of board members that 8" x 10" original of the cartoons used in the surveyor are available for a \$25. donation.

Thanks and appreciation of the time and effort put into publishing the Surveyor by Ed Boris were expressed by the President on behalf of the board.

Sacramento chapter's resolution: Mr. Reding pointed out the difficulty of locating particular individual names in the present roster under the present system of listing, and stated that his chapter was proposing that all civil engineers be listed alphabetically, and that all land surveyors be listed alphabetically, without separation by county.

C. A. Wooldridge suggested this could be an item which the Committee might refer to the Board of Registration.

It was moved by Ed Reding, seconded by Gene Foster, and carried that this matter be left in the hands of the Liaison Committee, with authority to act.

Cal Expo: Mr. Reding stated that the subject of a booth at the Cal Expo was discussed at the last meeting, and the chapter was authorized to proceed if funds could be acquired. At the chapter meeting subsequently, the members decided to defer this until 1971, and recommended that any surplus money from the convention fund, if any, could be used to subsidize the booth.

Photogrammetric surveyors': The President brought up for discussion the possibility of an amendment to the Constitution and By-laws, that would permit photogrammetric surveyors membership in CLSA. He stated the subject had been brought up previously, and a direction made, but he wished to be sure it was understood by everyone. There was considerable discussion, following which it was moved by C. A.

Wooldridge, and seconded, that the Constitution and By-laws Committee be directed to prepare an amendment to the constitution and by-laws that would provide for full regular membership for anyone licensed under the Land Surveyors Act. A vote showed no opposition, and it was so ordered.

Education: Ed Kuhlan stated that the San Joaquin Valley Surveyor Conference was again being planned for next Easter, it being held on alternate, odd-numbered years, and that last time it was held the CLSA co-sponsored it, together with two other people. There is no cost to the organization. It was moved by Joseph Scherf, and seconded by C. A. Wooldridge that CLSA be listed as a co-sponsor of this event, as in the past. The motion carried.

Membership Committee: Larry Cloney called attention to the fact that Tom Gribbin's name was omitted from the Educational report. He pointed out that, through Fath Gribbin's efforts, mostly, the Membership Committee is sponsoring a Land Surveying seminar in San Francisco, for four Saturdays, starting this morning, and Tom Gribbin is teaching it. A second project of the committee is the re-writing of the CLSA brochure. Ten copies of tentative plans for the brochure were handed to committee chairmen, with the request that they send comments or suggestions to the Membership Committee within two to three weeks.

Next board meeting: There was discussion as to whether the meeting should be held the week-end of the ACSM meeting in Sacramento, and it was agreed it would be unwise, and could do a disservice to both organization meetings. After considering other locations, it was moved by Tom Gribbin, seconded by Ed Reding, and passed, that the next meeting of the board of directors be held at the same location, Holiday Inn, Oakland, on October 3rd, at 10 A.M.

The Board's Girl Friday Faith Griffin wished all present a very fond farewell, wished them well, and stated the hope that she would locate in her present area.

James Adams introduced Mrs. Eleanor Silvershield, who will be taking over the duties formerly done by Faith.



Several years ago the Sonoma County chapter took a bold ep for the 'then young' C.L.S.A. group. The Chapter instigated action which lead to a general county-wide compliance with the Record of Survey requirements of the Land Surveyors Act. This is possible for two reasons; first, the Chapter had the imagination and the conviction to do the right thing, and secondly, the complete cooperation of our local surveying firms and our Deputy County Surveyor.

In speaking of the accomplishment with my many friends, throughout the State, I have found a varied response, ranging from a well done, to the idea that the requirements are stupid, so why bother.

After all the reasons why a surveyor shouldn't or can't file Records of Surveys, and the truth is finally out, perhaps only two reasons prevail. COST and TIME. In part the cost is tied to our antiquated system of filing procedures. This then, is a matter of up-dating the system to meet needs and demands of today. We then have the time factor and when dealing with property and the development there of, time is money. There is no reason that it should take more than a week, or at the most two, to check the technical information on a Record of Survey.

Another problem arises when the technician, in checking the map, questions the Professional decision of the surveyor. The fact remains that the land surveyor, who signs the map is the only one who has any professional responsibility and ability. The judging of a survey's abilities is done by the bublic, and his peers, when he files his map as a public record.

The laws governing the filing of Records of Surveys is the same throughout the State, but the requirements and procedures of the County Surveyors differ greatly. Uniform requirements would certainly be a beginning. Remember, also, that the County Surveyor is governed by the same Land Surveyor Act and must answer to the Board if a complaint is filed. The problem may, in part, be due to the fact that in many areas, the County Surveyor is not even a Land Surveyor.

The system of filing Records of Surveys is good. It really works and, in my opinion, the proper filing of our surveys result in many benefits; such as, an increase in the quality of the survey's work and maps, higher standards, elimination of moon lighters and adequate records for future Land Surveyors to rely on. This eliminates the unqualified and protects the public. All Property Boundary Surveys, by private practitioners and agencies should be preserved by proper filing and it must be done, economically and quickly, to be in the best interest of the public.

Now to speak of another matter, as your President I have accepted the responsibility to do whatever is in my power to enhance the profession of Land Surveying. Therefore, upon request, I will endeavor to attend any chapter meeting, or chapter formation meeting, subject, of course, to personal business requirements.

If you have any ideas regarding the above article, or the Land Surveying profession in general feel free to write to me at anytime.

As the 1970 Session of the Legislature progresses to its final adjournment, CLSA is keeping a close watch on 27 bills currently, seeking amendments to those which would adversely affect competent land surveying and supporting those which clarify existing provisions of law or advance desirable public policy regarding the ownership of land vis a' vis the profession of land surveying.

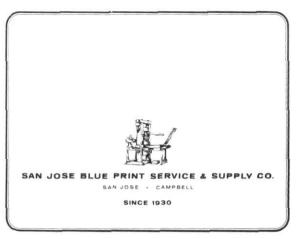
THE INTERIM STUDY

Despite the pressures generated by bills presently before them, most committees of the Legislature are also planning their "interim" activities, thus laying the groundwork for major bills which will be introduced and acted upon by the 1971 Session. These interim activities play an increasingly important part in the Legislature's consideration of what laws to change and how specifically to change them.

Proposed changes in the statutes are basically problem-oriented. Normally a legislator will introduce a bill during the legislative session in order to resolve some problem which has come to his attention. The problem underlying such a bill, therefore, does not come to the attention of the entire Legislature or its committees until it is "dropped into the hopper" along with approximately 4000 other bills and problems.

It is obvious that even the committees assigned to handle bills and problems in a relatively restricted field cannot spend much time on any one problem or measure during a session. There are just too many bills before each committee. Additionally, committee members' time is to a large extent taken up with presenting bills they have authored to other committees.

The activities of a committee during the "interim" - that four or five month period between the end of one Legislative Session and the start of the next - are basically in-depth problem solving. Through its staff, research is done first to determine the dimensions of a problem, to gather facts and opinions relating to it, to discover precisely how existing laws and regulations fail to solve (or even create) the problem. Perhaps the most important staff activity is to start developing ideas on how changes in the law could solve the problem under study.



#### THE SURVEYOR-ENGINEER CONTROVERSY

W.J. Jurkovich

"Presented at the Fourth Annual C.L.S.A. Convention in Santa Cruz, February 26, 1970."

Your invitation to participate in this "great debate" makes me feel like a Republican invited to address a Democratic caucus in an effort to convince the delegates to vote for a Republican candidate. I took special notice that the "great debate" was scheduled at the end of the meeting. As a precaution, I have my wife waiting in a get-away car with the motor running.

In spite of the partisan atmosphere, I believe the facts and logic that I present will convince most of you that the AB 2296 approach is not the solution to the problem. Besides, when it comes to legislation the people to be convinced are our elected representatives — and the facts and logic are overwhelming against the AB 2296 type legislation.

In preparing for this event, I thought I should look into the reasons AB 2296 was introduced. I obtained the Association's "Summary of the Reasons for the Amendments to the Land Surveyors Act" dated March 28, 1969. Reviewing the California Land Surveyor Association summary of the reasons for the amendments, I note that "one of the basic aims as a professional association is to guard against the unqualified practicing land surveying."

How does one go about doing this? — I don't know — but I assume the association intends to endorse the continuation of licensing or registration in the field of land surveying as a method of preventing the unqualified from practicing land surveying. That appears to be the right approach. Most associations are formed for the mutual protection of their members and I assume that yours is no exception. On the other hand, the purpose of the Registration Law is to protect the public. These two purposes are not at all incompatible if properly administered. My responsibility as a member of the Board is the protection of the public and I want to assure you that the Board of Registration will examine the applicants for proficiency in land surveying and administer disciplinary action when charges of incompetence or negligence are proved.

I am disturbed about a statement in the Association's summary that says, "It has been publicly stated by a leading title attorney that the land surveying profession is the only profession in the State of California wherein 80% of the persons practicing are unqualified." This statement has no basis in fact. If this statement were true, the Board of Registration would be flooded with complaints.

As A1 Smith used to say: "Let's look at the record." Were there any complaints? How many were cited for incompetence? I asked the Board of Registration staff to summarize the number of complaints and disciplinary actions that have been brought to the Board's attention in the last couple of years.

In the year 67-68 the number of complaints against land surveyors was 40, and the number of complaints against civil engineers in the field of land surveying was 36. In the year 68-69 the number of complaints against land surveyors was 37,

and against civil engineers, 33. The number of disciplinary actions against the licensed land surveyor and the civil engineer was none. The record clearly shows that charges of incompetence running rampant in the surveying field are no supported by the evidence on file in the agency responsible enforce this provision.

This indicates to me one of three things: (1) The charges of incompetence are unfounded; (2) the Board is not enforcing the Act; or (3) the cases of incompetence are not filed with the Board nor brought to its attention.

Considering in 1968-69 1,119 active licensed land surveyors received 37 complaints and 13,925 active registered civil engineers got only 33, it should be evident that the record does not favor the land surveyors. It should be apparent that not all 13,925 civil engineers are practicing land surveying, or if they are, they aren't stirring up nearly as many complaints. It is safe to say that, as professional people, the civil engineers confine their practice to their field of competence.

It is difficult to understand why a leading title attorney would charge that 80% of the persons practicing land surveying are unqualified when the record does not support the charge. If this title attorney actually knows that 80% of the persons practicing are unqualified, it is wondered why he, personally, has not initiated charges against these incompetents. Surely this is his responsibility. I might add that incompetence is easy to charge, but difficult to substantiate — especially in land surveying.

The Association's summary states that the removal of the examination of civil engineers from testing and licensing under the Land Surveyors Act would "(1) Require all those wh wish to begin the practice of land surveying to show competency by passing the same land surveyor examination which land surveyors are now required to pass." This infers what to me is a gross fallacy — that passing the examination indicates competence. In reality, all it shows is that the individual has, at least, the minimum knowledge that the examination tests.

If one reviews a course of study leading to a degree in any professional field, he will conclude that the candidate for the degree has been exposed only to the basics. He has a long way to go to become proficient in even one area of the profession. For example, the registration examination covers several fields of civil engineering, but not all. To single out land surveying for specific testing any more than singling out hydraulics, highways, bridges, buildings, sanitary, water treatment, site development, economics, etc., is not practical nor meaningful. We cannot test each man on each course he took. We sample the field. After all, the competence and proficiency of an engineer comes with desire, industry and time. No examination can test this.

The second statement said, "It would again create the demand in our educational institutions for the necessary courses in surveying and mapping, electronic and photogrammetric measuring techniques, legal and title principles, descriptions in boundary control and other land surveying subjects." It's true that if every civil engineering graduate



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# COMMENTS AND LETTERS, From In, Out and Around

The Honorable Ronald Reagan Governor of California State Capitol

Dear Governor:

Your consideration, and possible veto, of AB 2513 by Assemblyman Wilson, is solicited. This bill, as now awaiting your signature to become law, violates the very principle and purpose of the provisions of the Land Surveyors Act providing for perpetuation of survey information through Record of Survey Maps. In fact, Section 8764.5 was added for the express purpose of prohibiting certificates such as would be required by AB 2513.

Controls and restrictions on land division belong in the Sub-division Map Act as pointed out in the report of the Sub-Committee of Governmental Efficiency and Economy (Assembly Interim Committee Report 1963 through 1965, Vol. 8, No. 9) which state that the Parcel Map requirements of Section 11575 through 11580 were created and intended to be used in lieu of the Record of Survey.

The California Land Surveyors Association, working with the League of California Cities, arranged amendments to the bill which would not have violated the purpose of the Record of Survey Map, but these amendments were later deleted. We respectfully request that you investigate, and hopefully veto AB 2513, so that we may work with it's sponsors to arrange better legislation next year.

With appreciation for your consideration and courtesy, I am,

Very truly yours, Robert W. Curtis, President California Land Surveyors Association

Dear Mr. Edward A. Boris, Jr., Editor

I read a couple of items written by Don Ward and Richard Stephan in the "California Surveyor" (Spring edition). Both were writing about what they thought they heard, I am sure.

I am sending a copy of the text of my talk at the CLSA convention in Santa Cruz and my answer to Mr. Stephan's letter. I request that both be reproduced in your next edition so your members will be fully informed on what I said. They can make their own judgment on the aptness of Ward's and Stephan's comments in regard to my statements.

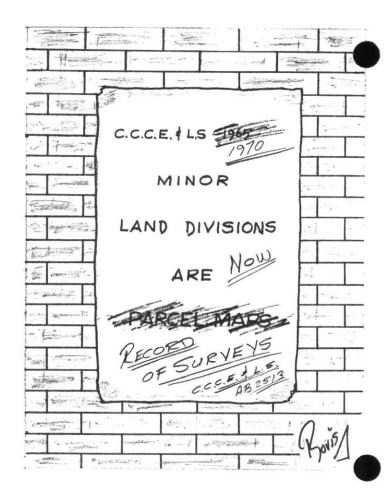
Very truly yours, W.J. Jurkovich

#### DEAD LINE DATES FOR THE CALIFORNIA SURVEYOR

Winter Edition				. 1	November 21, 1970
Spring Edition					February 20, 1971
					May 29, 1971
Fall Edition .					

Articles, Reports, Letters, etc., received after the above mentioned date will be placed in the next Edition.

Editor



Dear Mr. Richard J. Stephan,

In your letter of March 11, 1970, you wrote to explain your feelings that some of the ideas I presented are interpreted incorrectly. I do not know if you mean that I interpreted them incorrectly or if you did. You amused me with your statement that I "may not be aware of exactly what land surveying is."

Your second paragraph indicates to me that you did not understand what I said on the subject. To put the record straight, I am sending you a copy of my statements at the meeting. I delivered the text verbatim so no one can say what I said or didn't say. I said exactly what's in the text and your recording of the session will verify this. I doubt that either of the land surveyor participants can duplicate their statements.

First of all I did not cite a case of poor surveying. If you will read the last paragraph on page 9, you will note that I am pointing out that when there are differences of opinion between surveyors that the case is settled by a judge. I never heard of charges of incompetence filed against the loser because incompetence is difficult to prove even if a judgment is against the individual.

Your third paragraph states that an examination will test minimum qualifications. On page 4, paragraph 2, I called it minimum knowledge. If you will reflect on this a while you will agree "knowledge" is the correct word and not "qualification".

#### Mr. Richard Stephen Continued from Page 8

I expressed no fear as you stated in the fourth paragraph. If you will read the text of my talk in detail you will note that I stated that education must be improved for both civil engineers and land surveyors. I keep hearing that the civil engineer is not educated in land surveying. Where is the "land surveyor" getting his education? It isn't in any formal education if the colleges don't teach it as you state. You state that "competence cannot be tested by examination". The statement is contradicted on page 3 of your Association's "Summary", "———those who wish to practice land surveying to show competency by passing the same land surveyor —."

The second paragraph (page 2 of your letter) talks about creating "the demand for more formal education in land surveying ----". AB2296 made no mention of educational requirements for land surveying. This is the point I made at your annual meeting.

As I have repeatedly stated, the educational institutions must be convinced of the need for education in land surveying. There is no way the AB2296 legislation will solve the educational problem.

I asked Jack Long to contact your association in an effort to solve this problem. You probably have heard from him by now.

Very truly yours, W.J. Jurkovich

#### YOU REPRESENT THE SURVEYING PROFESSION

C.A. Woolbridge, Jr.

No man is an island unto himself. YOU represent the entire surveying profession in every action and with every word that you utter simply because you are a Licensed Land Surveyor. Your friends know that you are a surveyor, the merchants in your town and the members of every group in which you hold membership.

What kind of impression do you make? Do you have the respect of those with whom you associate? Do they listen to what you have to say? Can you get your ideas across or do you fumble for words, unable to express your thoughts forcefully?

Some people, surveyors included, have a natural "gift of gab". Others have to strive and put forth considerable effort to be able to express themselves. Still, whenever they attend a lodge meeting, discuss a job with a client, speak up at a church or PTA membership meeting; in fact every time they open their mouths they are known as surveyors, and making an impression on the public that reflects on all surveyors.

I have had occasion to attend many meetings of ACSM, CLSA and other organizations, including CLSA Board of Directors. Listening critically at any of these affairs is enough to convince me that almost every surveyor owes it to his rofession to put forth the effort necessary to improve the impression that he makes.

There are many methods available to accomplish this worth while aim. Most high school and local college districts have evening courses in public speaking. Numerous books have been written on the subject. I have found one method that has helped me considerably and has been fun at the same time. Toastmasters clubs.

Toastmasters has clubs in most cities and towns throughout the world. They are composed of individuals concerned about their ability to speak in public and dedicated to helping each other. Most of them meet once a week; many of them for breakfast, lunch or dinner. They follow a time proven outline published by International headquarters which is continually updated, but the basic assistance comes from the members themselves.

Your Chamber of Commerce or local newspaper may be able to advise you of the clubs in your area. If not, drop a line to Toastmasters International, P.O.Box 10400, Santa Ana, Ca. 92711. You owe it to yourself, your profession and your own advancement to investigate now.

#### LAND SURVEYOR'S DAY IN COURT

Don Ward

A land surveyor is hired as an expert witness by an attorney because the attorney believes that the land surveyor can help him win a case for the client. The attorney will discuss the merits of the case with the land surveyor many weeks or months prior to the trial date. He will want to know if the land surveyor can testify in an unimpeachable fashion that sustains a position that he is trying to establish, and do so within the framework of his ethical profession with impeccable honesty, accuracy and knowledge.

In most litigation in which I have been involved, the cases are never really cut and dried, or black and white. They are always gray. The final judgment will rest mostly upon the presentations in court. The favorable decision will go to whoever has the best prepared case with a preponderance of unimpeachable evidence to support the judgment.

That is to say that any given dispute can be supported in a courtroom by evidence and by testimony that is favorable to either side, and the land surveyor who is the sharpest in the accumulation of his evidence and can best present it to his attorney so that the attorney can understand the evidence, is in the best position for a favorable judgment.

A. How to recognize the technicalities upon which the dispute will be settled.

A surveyor does not establish property lines; he identifies them. People establish lines, courts establish lines, procedures of codes and ordinance establish lines, or principles of law establish lines.

A dispute arises when adjoining owners fail to agree upon a division line between the two owners. The cause of the dispute may be an overlap of title papers, disagreement upon the location or method of locating a line, errors of surveys, imperfect deeds, or more.

#### APPLICATION FOR MEMBERSHIP IN THE CALIFORNIA LAND SURVEYOR'S ASSOCIATION

1. MEMB	R GRADE: Have a valid California Land Surveyor's License.	
a.	Name	
b.	Address	Zip
c.	Mailing Address	Phone No
d.	Employment: Private (Principal)	
	Public Agency	
	Retired	
e.	Signature and L.S. No.	
f.	Other than California	

#### FIRST YEAR'S ANNUAL DUES ARE TO BE PRO-RATED FROM DATE OF APPLICATION.

Dues schedule:	Entrance	Annual	
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Mail application and check to: California Land Surveyor Association 1626 Bryden Lane, Santa Rosa, CA. 95404

#### LAND SURVEYOR'S DAY IN COURT Continued from Page 9

The surveyor must rely upon his knowledge and experience and judgment to answer this question. This knowledge may be the principles of the practice of surveying which he has observed and followed for years. Perhaps in the techniques of measurement or the General Land Office procedures, or the boundary dispute cases with which he is familiar. Whatever the case may be, it is incumbent upon the surveyor to study the principles of the dispute and research the law or authorities for similar cases so that he can recognize the technicalities of the case at hand.

For instance, in a case in Bakersfield a map was recorded in 1889 dividing approximately 20-acre parcels. The dimensions shown on the map for each lot were to the centerlines of the streets and not to the lot lines. When a description referred to a lot corner, a question arose as to whether the writer of the description was referring to the actual lot corner as shown on the map or to the centerline intersection of the streets to which all dimensions were arrowed.

In cases such as this the intent is very important. What did the seller intend to sell? Therefore, fence lines, lines of occupation, testimony, dates-all become very important as to the rendering of a judgment.

An example of a judgment in such a case is as follows: "The court finds that all distances described are to be measured to the centerlines of the adjoining highways and roads. That the existing fence does constitute the boundary between plaintiffs' and defendants' property and that said fence is an agreed boundary, having been located in its present condition since the early 1930s. That the allegation of the complaint that the defendants and each of them are unlawfully in possession of a

certain piece or portion of the property hereinabove described is untrue. That it is also untrue that defendants occupied said premises without right to do so and that said defendants still hold and keep possession of said premises unlawfully and be menaces and threat."

"That the allegations of the second and affirmative defense of defendants' answer that the subdivision map under which the property herein was subdivided into lots provides that said lots shall be measured to the center of all roadways adjoining them and that when the property of defendants is measured from the center of the roadways that defendants have possession of all lands to which they are entitled is true."

So the technicalities of this case were the measurements to the centerlines of the streets, the intent of the sellers, the long-established fence lines.

B. How to best convey this information to the attorney so that he in turn can bring this before the court.

The attorney may or may not be completely familiar with the technicalities of the case or all of the statutes that concern the litigation and will rely heavily upon the surveyor to inform him of these points. Also, procedures of surveying which are accepted locally are very important.

It is important for the surveyor to understand exactly what position the attorney is trying to establish. He will then study the problem to see if, in fact, he can support this position. Obviously an expert witness must be firmly convinced he is right in his opinions which he is about to present in court.

The surveyor must study all aspects of the case, all points which favor the attorney's position, as well as the points which are adverse to the attorney's position.

#### LAND SURVEYING Continued from Page 10

As soon as he has determined this, he will then have another conference with the attorney and lay out the various points for the attorney's consideration. Obviously all of the good points need to be brought out at the trial and all of the bad points ignored, and hope that the opposition also ignores them, and the attorney be apprised of both.

However, the opposition may not ignore them and upon cross-examination may bring them forth fully. If this happens, the surveyor must answer all questions with the same confidence and integrity that he did with the direct examination. However, it is not incumbent upon the surveyor to volunteer information that may be adverse to his own attorney's case. This means that it is up to the opposing attorney to bring out the facts which will support his case and he must ask the questions precisely in cross-examination to accomplish this. This is one advantage that a well-prepared attorney has over a not-so-well-prepared attorney.

On many of the cases on which I have served, most of the adverse questions have been ignored because the opposing attorney just simply didn't know the right questions to ask, whereas our attorney, had asked all questions which were pertinent to his case and skillfully avoided any allusion to the negative questions. The reason our attorney asked all of the right questions was that they had been discussed thoroughly prior to the trial. He was familiar with all maps, photographs and documents that would support his position and the order of their presentation, so that the case would unfold in a logical and simple manner, so as to be the least confusing to the jury or the judge.

Remember that the attorney is not a surveyor. All of the details which the surveyor may know and which have a bearing on the case must be explained thoroughly so that the attorney can develop the conclusions in a logical and orderly manner.

Contrary to popular belief, the attorney does not always know how to interpret the law or how it is related to the case in point. The surveyor generally knows the law as it is related to his profession better than the attorney. So the attorney must be educated as to the points on which the surveyor has expert knowledge. Once this is pointed out to the attorney and he has researched the law and they both can agree upon its interpretation, they can proceed to build the case.

Since most of the presentation is done by questions and answers, the attorney must be given the proper questions to ask so that the answers cover the material needed to enhance his case.

C. How to best prepare his evidence for presentation.

A land surveyor acting as an expert witness may express opinions and support such opinions with reasons and documents covering the subject matter of the testimony. Most opinions will be in summary form and all supporting data will be introduced to the court as evidence and become exhibits. They, therefore, should be self-explanatory, with good and afficient titles and checked thoroughly for errors and omissions so that when examined by the opposition they will not be subject to impeachment on small trivial matters.

Research is vital to the surveyor. He should check all available sources of information. When dealing with boundary disputes, which is his field of expert witness testimony, he should be absolutely sure that he has investigated every means available to him for information; county surveyor's office, county engineer's or city engineer's as the case may be, assessor's office, title companies, hall of records, other surveyors, utility companies, and any place where the history of ownership or property corners are kept, may hold a vital key to the case, one way or the other. One thing the surveyor or the attorney does not want to happen to him is to have the opposition turn upon some technical fact that was overlooked by the surveyor and which has a bearing on the case.

D. How to conduct himself during trial, both on and off stand.

The land surveyor is a professional. He will be accepted by the court, jury and attorneys as a professional. His conduct should always be professional. He should testify with absolute frankness, with no sign of biased positions, even though he has been retained by one side. He should give his opinions consistently and truthfully whether his testimony aids or hinders his client or the opposition. It is the attorney's job to win or lose the case, as the case may be. It is the surveyor's job to give his honest opinion, supported by any evidence necessary, as he is asked for it.

When off the stand he may need to listen attentively to testimony which may have a technical bearing upon the case, so he can advise his attorney on cross-examination.

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#### THE SURVEYOR - ENGINEERING Continued from Page 6

knew he was going to be examined in detail on land surveying, there would be a certain demand for more courses but I have a very healthy hunch that rather than putting a demand on the institutions for more courses, the end result would be to put more pressure on the Board to make the examinations easier.

It is amazing the number of people who feel that the licensing will automatically protect the public from incompetent practitioners. And even more amazing is how those same people think they can determine who the incompetents are simply by examining these individuals and issuing licenses.

I am sure Senator Grunsky is aware of the insinuations by the Little Hoover Commission and some legislators that the boards and commissions in the Department of Professional and Vocational Standards appear to be more interested in protecting the profession rather than the public.

I am going to quote from Ralph H. Wallace, a former member of the Board of Registration in the State of Iowa. The things he says about engineering registration apply equally to licensing of land surveyors and other professions.

Engineering registration is being promoted as the professional thing to do and all sorts of specious arguments are used in the promotion. One can very easily gain the impression that registration is some sort of holy rite that will immediately transform a son of a bitch into a saint. As a matter of fact, and of law, engineering registration simply and only constitutes a license to offer and furnish engineering services to the public.

The license is issued upon the basis of minimum qualifications and experience and does not guarantee the competence or honesty of anyone. To the contrary, the license only provides the State with a means of punishing those who are guilty of practicing fraud or deceit, gross negligence, incompetence or misconduct.

I reviewed the last two land surveyor examinations and concur that they both contain good subject matter which would indicate a knowledge of land surveying. I thought I might quote a few of the comments made by some experts on past examinations. One of the comments made was:

A study made to determine the number of times each question was answered incorrectly revealed that questions generally in the areas of astronomy, mathematics and photogrammetry were missed most frequently. To us this seems to indicate that the examinees were not adequately prepared in these areas.

Another comment was — "Apparently many examinees lacked sufficient education, not only in surveying, but in reading, writing and arithmetic."

Another stated — "I firmly believe that this was not too difficult an examination and that it was more than fair in every respect. So the only conclusion I can draw is that the majority of the examinees are not qualified. Needless to say, I am disappointed that so few examinees are qualified. Apparently, we need a program for education. All those presently licensed should be aware of and pass on to their subordinates the fact that much more education is needed than is normally considered adequate by most of those seeking a license."

This takes me back to point (2) of the Association's summary which states that it would again create the demand in our educational institutions for the necessary courses in surveying and mapping, electronic and photogrammetric measuring techniques, legal and title principles, descriptions in boundary control and other land surveying subjects. It should be clear to all present that what is needed is an intense program of education in land surveying for both land surveyors and civil engineers. This cannot be done by legislative action. It must be done through the efforts and cooperation of the professions and the educators.

The point I am trying to make is that if formal education is not developed in the area of land surveying using the latest techniques and developments, there will be fewer and fewer people able to pass the examinations. Increased emphasis on education is necessary. There is no question that the mechanics of land surveying is changing with the development of precise measuring equipment and more precise mapping by means of photogrammetry.

The other alternative is to decrease the difficulty of examination. This will result in licensing people who know less and less about the subject. This is certainly not the way to achieve the goal of obtaining more qualified people in land surveying as stated by the California Land Surveyors Association in their summary.

It should be obvious to all of you that the AB 2296 approach is the wrong solution to the problem. It is my contention that the professions, both land surveyors and civil engineers, must confer with the various universities and convince the educators that additional courses in land surveying are required in order to promote a land surveying profession that is knowledgeable.

During the past several months I have been in contact with the University of California at Davis and the University of California at Berkeley. I tried to convey to the deans of both of these colleges that there is a need for a broader education in land surveying. You are urged to cooperate with professional associations and the educational institutions in developing courses which will satisfy the needs in the field of land surveying. Educators are responsive to suggested changes in curriculum when the professional associations and societies propose them.

I often hear about the expertise of surveyors on the legal aspect of property surveys. This is an important knowledge or ability. However, when there is a disagreement on location of a line or corner of any significance, it most often ends up in courts. An example of this is the case cited in the September-October 1969 issue of the Southern California Section of the American Congress on Surveying and Mapping News-Letter titled "When the Experts Fail to Agree".

This court action was necessitated because of the difference of opinion between two surveyors. It was finally settled after the District Court of Appeal reversed a Superior Court judgment. Here again was shown a difference of interpretation by two judges. The point I am making here is that things aren't always black and white in surveying and when there is

#### THE SURVEYOR-ENGINEERING Continued From Page 12

difference of opinion between surveyors, people outside of the profession make the judgment. In this particular case, there was also a difference of interpretation by two judges, but unlike surveyors, the judge of the higher authority has the final say.

When professional men have to take a dispute to court and submit their technical problems to a judge who probably knows little about the technical field, they have to a large extent failed in their professional responsibility. It is true, a knowledge of the legal aspect of land surveying is an important part of our knowledge and training. It is very important that we all know the law and that we do our work in conformance with it. More training in the legal side is vital in land surveying so that the appeals to a court of law are kept to a minimum.

One of the basic aims of the California Land Surveyors Association is to guard against the unqualified in land surveying and the obvious area of weakness is in education.

The AB 2296 approach cannot succeed because: (1) There is no evidence in the files of the Board of Registration for Professional Engineers that there are incompetent civil engineers practicing in the field of land surveying.

(2) When the California Land Surveyors Association goes to the Legislature and requests that the civil engineers be prohibited from practicing land surveying and the evidence of incompetence among the civil engineers is non-existent, there is the implication that the land surveyors are attempting to protect their profession by reducing competition.

If that should be your aim, it is a short sighted goal. Don't orget, the Registration Law was designed to protect the public. As such, it will protect the capable land surveyors and will cut out the incompetents. And I'll just make you a bet—if you keep your sights high and, as an Association, strive for the protection of the public interest, I'll bet that when you take stock, you'll find that in the process you have done a great deal to strengthen your own Associations.

#### C.L.S.A. CONVENTION Continued from Page 1

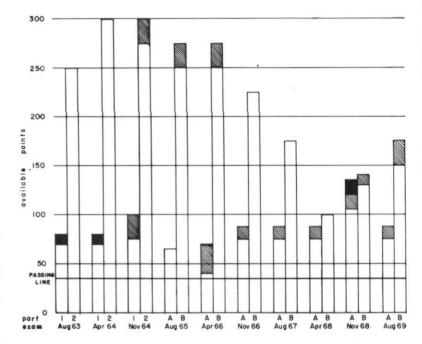
For the ladies as usual, an interesting tour of Sacramento and an exciting luncheon are being planned.

To the north, beyond the golf courses, lies giant McClellan Air Force Base and four miles northeast on Auburn Boulevard at Orange Grove Avenue is American River College. Directly east, five miles and eight miles respectively, one reaches the suburban cities of Carmichael and Fairoaks.

Sacramento Chapter, CLSA, had you in mind while deciding upon the Caravan Inn. We think you will always remember your stay here, the delicious cocktails in the Sultan's Lounge, the savory foods served in the beautiful Scheherezade Dining Room, the pool and your modern, comfortable, reasonably priced rooms. We will continue to have you in mind during the coming year as we do our very est to provide you with that extra sparkle which will send ou home talking to yourself about how good it is to be alive. We think you deserve it.

#### LEGEND

- subject matter in land boundary surveying, control surveying, geodesy and photogrammetry
- subject matter in construction layout and related calculations
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Prepared For: CALIFORNIA LAND SURVEYORS ASSOCIATION By: R.J. Stephan, Legislative Committeeman December, 1969



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#### PROFESSIONAL INTEGRITY COMMITTEE

Paul W. Lamoreaux, Jr.

Do you have professional responsibility for Land Surveying in your organization?

Everyone has his favorite gripe about his professional responsibility or lack of it; opportunities for promotion and higher salary, etc. The committee has been charged by President Curtis to get the facts about Land Surveyors as employees, their job descriptions, salary, working conditions, fringe benefits, etc., and how they relate to the type of organization-State, County, City, Special Districts, Public Utilities, Engineer Design Firms, Land Surveying Firms and others.

We want your help! Send information about conditions or situations that you think should be changed to Chairman Paul W. Lamoreaux, Jr., 1355 Holly St., San Carlos, California 94070. If you include any names or information you wish to remain confidential please indicate, and the committee will get your permission before using it outside the committee.

#### SURVEY MY DEED

"147 acres, 3 rods, and 19 rods after deducting whatever swamp, water, rock and road areas there may be included therein and all other lands of little or no value, the same being part of said deceased's 1280 acre colony grant, and the portion hereby set off being known as near to and on the other side of Black Oak Ridge, bounded and described more in particular as follows, to wit:

Commencing at a heap of stone, about a stone's throw from a certain small clump of alders, near a brook running down off from a rather high part of said ridge; thence, by a straight line to a certain marked white birch tree, about two or three times as far from a jog in a fence going around a ledge nearby; thence, by another straight line in a different direction, around said ledge and the Great Swamp, so called, thence, in line of said lot in part and in part by another piece of fence which joins on to said line, and by an extension of the general run of said fence to a heap of stone near a surface rock; thence, as aforesaid, to the "Horn," so called, and passing around the same as aforesaid, as far as the "Great Bend," so called, and from thence to a squarism sort of a jog in another fence, and so on to a marked black oak tree with stones piled around it; thence, by another straight line in about a contrary direction and somewhere about parallel with the line around by the ledge and the Great Swamp, to a stake and stone bounds not far off from the old Indian trail; thence, by another straight line on a course diagonally parallel, or nearly so, with "Fox Hollow Run," so called, to a certain marked red cedar tree out on a sandy sort of a plain; thence, by another straight line, in a different direction, to a certain marked yellow oak tree on the off side of a knoll with a flat stone laid against it; thence, after turning around in another direction, and by a sloping straight line to a certain heap of stone which is, by pacing, just 18 rods and about one half a rod more from the stump of the big hemlock tree where Philo Blake killed the bear; thence, to the corner begun at by two straight lines of about equal length, which are to be run by some skilled and competent surveyor, so as to include the area and acreage as herein before set forth."

#### THE INTERIM STUDY Continued from Page 5

Once staff has completed its research, the committee will hold public hearings at which witnesses formally present testimony and the committee members and staff have the opportunity to cross-examine them. These hearings are paced much more leisurely than those held during the Session and, consequently, the depth of evidence gathered is greater.

Following its hearings, the committee members meet in executive session to formulate recommendations and details of legislation they will sponsor and shortly after the start of the next Legislative Session, the committee's report, with its bills, are submitted.

Although such committee bills must be considered by both Houses of the Legislature in exactly the same fashion as any other bills, the fact that they are based on interim study and are authored by a majority of the members of a committee, make their chances for passage significantly better than an ordinary one-author measure. The problems underlying the committee bills have been much more fully explored. And often the process of compromising differences has been completed prior to the introduction of such legislation.

The interim study approach, in summary, affords a significant method of legislative problem solving and is of equal value to the groups affected by such problems and the Legislature itself.



On second thought Clyde, your just **not** what we had in mil as a chairman.

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#### PROFESSIONAL CODE

It shall be considered professional and consistent with honorable and dignified professional conduct for any member of the California Land Surveyors Association:

To devote effort and support programs to raise the professional, ethical and social status of Land Surveying.
 To maintain a campaign for public recognition of professional

 To maintain a campaign for public recognition of professional contribution to the ethical, economical and social well-being of citizens of California and of the United States.

To accept and maintain standards of professional conduct of the highest order to win the respect and admiration of all citizens.

 To protect the profession of Land Surveying and the public against the unqualified.

 To promote an effective program of exchange, communication and cooperation amongst its professional members.

To maintain a constant effort of understanding between professionals in government service and private consulting, recognizing the common aims and philosophies and mutual respect of the professional society.

 To promote and stimulate leadership in public service on a community, state and national level.

 To promote and maintain an effective and continuous program of expanding our knowledge of social and technical advances.

To protect the professional reputation, prospects and practice of another professional with the same vigor and determination as he would his own.

 To manage his professional ethics with the courage to uphold his integrity over all other considerations.

11. To publish thoughtful and subdued public announcements free from ostentatious complimentary or laudatory implications. Professional cards, brochures, posted projects, press releases of worthy news items and project participation notices are acceptable forms of public announcements.



# The California Surveyor

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> P.O. Box 6083 Hayward, CA 94545 Edward A. Boris, Jr., EDITOR

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