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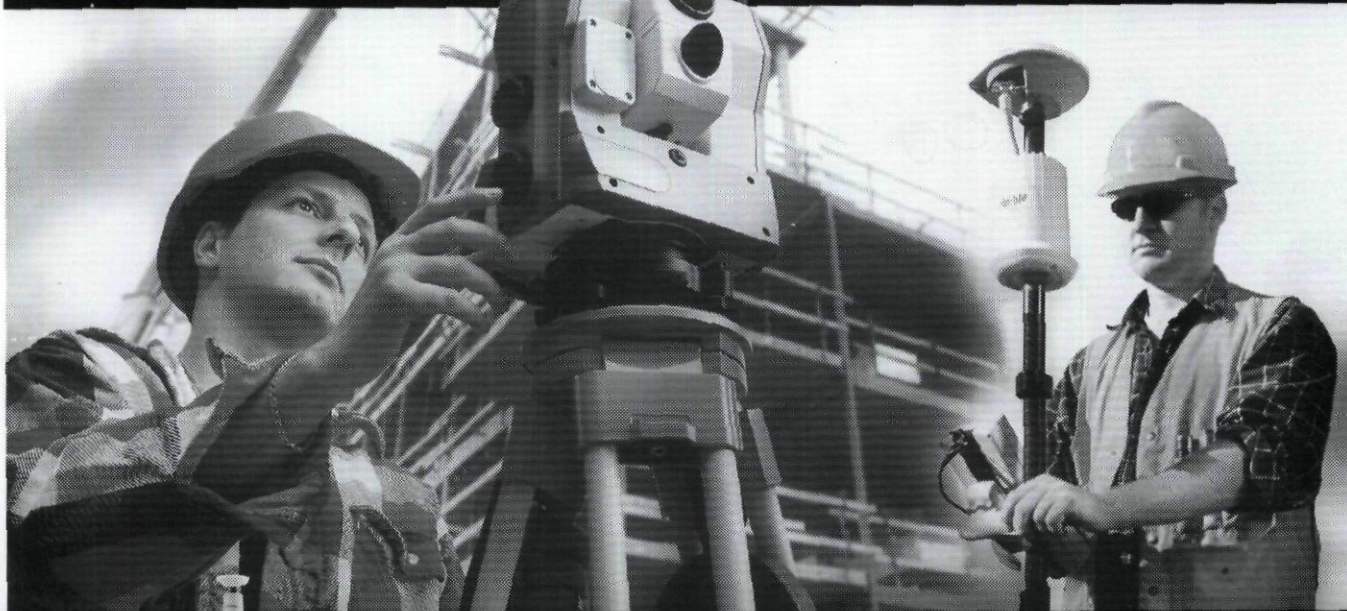
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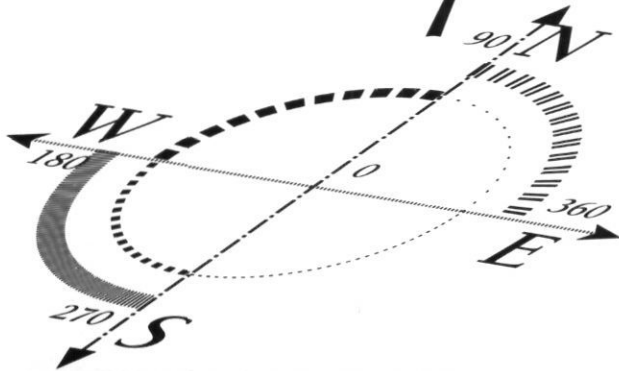
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“Recognizing that the true merit of a profession is determined by the value of its services to society, the California Land Surveyors Association does hereby dedicate itself to the promotion and protection of the profession of land surveying as a social and economic influence vital to the welfare of society, community, and state.”

“The purpose of this organization is to promote the common good and welfare of its members in their activities in the profession of land surveying, to promote and maintain the highest possible standards of professional ethics and practices, to promote professional uniformity, to promote public faith and dependence in the Land Surveyors and their work.”

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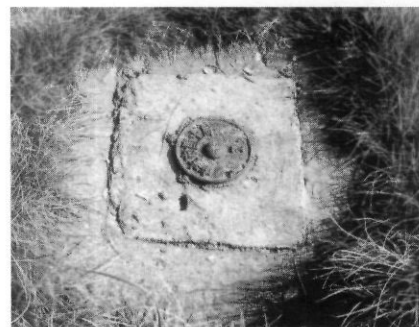
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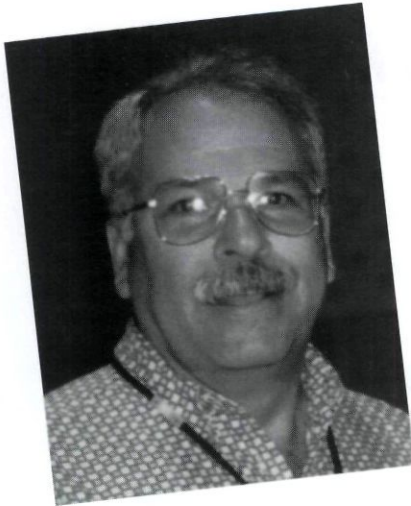
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On The Cover

CLSA Immediate Past President Michael Butcher, P.L.S., (left) passing gavel to 2001 President, Patrick Tami, P.L.S.





Is it just me...?

Weekly the mail box is inundated with slick promotions spewing the virtues of having the latest version of Quickbooks, AutoCad,

Billyware, etcetera. I don't know about you, but I'm getting fed up with upgrades. Collectively, these advertisements fill a shopping bag of "recyclables" each month. If one were to buy every upgrade on their computer, it may be wise to purchase a bucket of KY-Jell to aid the installation process!

Due to Apple's faux pas of not allowing cloning, it seems we are stuck with Billyware. Billyware-Three-Point-One. Billyware-Ninety-Five. BillywareNT. Billyware-Ninety-Eight. Billy. Billy. Billy. Can you imagine how many Curtas you'd have on the office shelf if they went the way of the software vendors? Besides, how many nano-seconds do we need to save? (I still refuse to own a cell-phone or pager.)

Ecologists tout the software industry as "green." Green indeed! Don Corleone sends you his greeting to "upgrade" and you sent him "The green", or you could be sleepin' with the fishes. Speaking of green... this "paperless" world isn't so "green" either. Pulp harvest is up exponentially!

What's my point? The point is... there must be a point in software development whereby the cost of the update, installation, hardware updates, operator health/training far out weigh the benefits of the upgrades. Of course if we don't maintain our software/hardware addiction, the software/hardware dogs will have only their tail to chase. That could cause their fancy "fluff 'n puff" offices to deflate like a child's Bouncing Barney trampoline at the end of a birthday celebration.

When architects request digital mapping, I ask them what file-type do they expect. It used to be AutoCADD. Now they're using a more user friendly system, but their software accepts Acad... until AutoCADD screws with 'em. After the last recession, one architectural contact went back to hand drawings! I thought how can you make any money? He thought back, "Simple. I'm nearly retired and can push lead faster than some 'puter geek (who requires constant supervision to be certain it doesn't get dimensioned to the nearest 1/16th of an inch.) So, all I need is a decent wordprocessor for billing." The small firm can be very profitable, very efficient and most importantly - enjoy more freedom.

I would like to scream, "I'm mad as hell and I won't take anymore!" "... Nurse! More meds! His editorial reads like he's agitated again." Aaaaahh.■

Well, you should have been there . . .

For those that missed the ACSM/CLSA/NALS/WFPS Conference at the beautiful Riviera you missed a superb conference! There was so much to see and learn. Attendees were like kids running between the candy store and the toy store. Central Office reports that over 40% of the attendees were from California and 25% from our easterly cousins - Nevada. Not bad for a state that doesn't have mandatory continuing education . . . and an out of state conference, to boot.

The NSPS Map/Plat Design Competition winners were works of art! (So was the life-size bronze sculpture in front of the Riviera!) There was a hand-lettered map from Lisbon, Connecticut that was of museum quality! Absolutely beautiful! Metro Water of Southern California took a Second Place in color maps. Congrats southern cousins!

Honorable mention goes to Ryan Cook. Ryan, (CSU Fresno alumni), was in charge, (again), of orchestrating the students tasks. Unfortunate for Ryan he had to juggle students from six colleges this year! Due to their volunteerism the conference ran as smooth as a well-oiled locomotive. We all owe a debt of gratitude to the students of . . . University of Maine . . . Oregon Institute of Technology . . . New Mexico State University . . . Ferris State University . . . California State University, Fresno . . . University of Florida . . . and whomever else I missed. Thanks, Ryan!

Priceless rewards of TrigStar . . .

In last issue of the California Surveyor I suggested sharing our profession with high school students via the TrigStar program. Well cousins, my first experience with TrigStar was as wonderful as my first solo flight. After going to press I received some of the nicest letters of appreciation.

The following were some comments that show a deeper meaning of TrigStar - community involvement.

" . . . it's not very often that high school students get the opportunity to see how what they are learning in school can be relevant to their lives. Thanks so much for giving my students a chance to have that. They thought your presentation was really interesting, (as did I), and they really enjoyed it. Thank you so much for taking the time to come to our school."

"Survey away! We need you. And maybe me in five years."

" . . . you really gave me a better appreciation for your field of work."

"Thanks for taking the time to make math more interesting . . ."

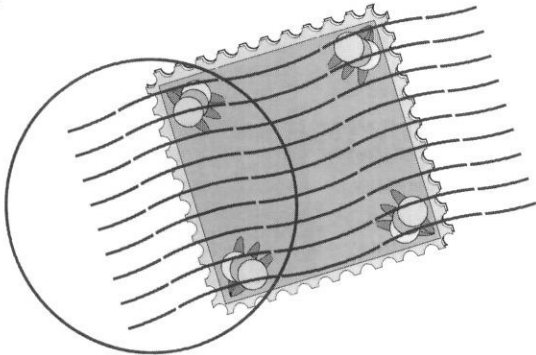
" . . . Having our lesson plan applied to 'real life' circumstances really does make it more interesting and **easier to grasp.**"
" . . . I drove by a surveyor yesterday and had so much **more respect . . . and drove extra carefully!**"

"Thank you for coming and **making our trig 'real.'** You should come back soon!"

While visiting chapters last fall, President Tami made a passionate plea to speak to at least a couple of people each month about what our profession does. Try it - you'll wish you had done it sooner.

Thanks for your time and support.

Letters to the Editor



■ First of all let me commend you on the great Spring 2001 cover! So many things to look at.

I also wanted to tell you the article *The Lost Art of Professionalism* really touched a chord in me. Michael Hoffman is so right. **Not just in the surveying profession, but in everyday life professionalism is gone. What a shame.** Thank you Michael Hoffman for saying it so brilliantly.

Laura R. Shambeck
via email

■ Dear Phillip,

I am the editor of the Ontario Land Surveyor magazine, a publication issued quarterly for the members of the Association of Ontario Land Surveyors. I was sent a copy of the spring 2001 issue of *The California Surveyor* by one of your members. I was hoping that you would put us on your mailing list. The reason that he sent me the magazine was because of a particular article on page 31, *Postcards* by Judy Frank. I was wondering if I could have permission to reprint the article and was hoping that you would send me a digital copy along with the picture and a little more information about the author Judy Frank.

Thanks in advance,
Maureen V. Mountjoy, OLS, OLIP
Deputy Registrar/Editor - via email

Glad you liked Judy's "Point Zero Des Routes De France." The following is an addendum to her Post from Monsieur Claude Boucher: To my knowledge, this mark has no specific role in national control networks, both horizontal (the classical fundamental point is the cross on the top of Pantheon in Paris) or vertical (zero point is a tide gauge in Marseille). But it has a role for roads. It is the origin of estimates of the length of road itineraries, at least for the so called "national roads" in France. (Judy corrected me, but I failed to get this information in on time - Ed).



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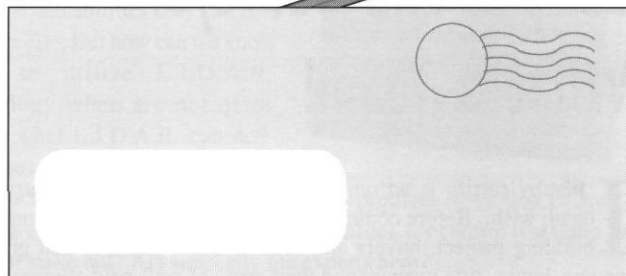


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by Knud E. Hermansen, P.L.S., P.E., Esq.

Send a Letter

A contract is frequently described as a "meeting of the minds." It is an agreement which both parties seek to enter for their own benefit. The fact that a contract is reduced to writing or left to memory is inconsequential until the terms, conditions, or fee are questioned. At this point, the difference between a written record of a contract and one left to memory become obvious. Terms that were not discussed become crucial while other terms thought fixed and certain are misunderstood or forgotten. In spite of these and other problems caused by hearing shortfalls and memory aberrations, many surveyors continue to provide professional services without benefit of a written record or other recording of their contract. In defense of this situation, surveyors are quick to point out that a formal written contract is not worth the time, effort, or aggravation — especially when an unsophisticated client seeks simple and seemingly uncomplicated services. Nevertheless, given the sheer volume of this category of service, the simple and uncomplicated survey for the unsophisticated client will more than likely be the source of most surveyor-client problems.



Fortunately for the surveyor, the expansion of the court's equity jurisdiction and increased volume of commercial transactions has caused many courts to liberalize the written form and contents necessary to evidence a contract. In fact, the widespread influence of the Uniform Commercial Code (U.C.C.) has given rise to the use and acceptance of correspondence to evidence the terms of a contract. As a result, surveyors that are unwilling or reluctant to use a formal contract for small jobs, should at least prepare and send a letter. A letter in the form of correspondence to the client may be a satisfactory compromise between the formal written document, on the one hand, and no written record, on the other hand. Sending a letter is good business practice, relatively easy to prepare, and reinforces the communications between the surveyor and client.

As shown in the example, (see next page) a properly drafted letter meant to provide a record of the contract should cover: 1) the purpose or type of survey, 2) standards and specifications the surveyor will adhere to, 3) the fee or cost of the survey, and 4) time constraints. If there are no time constraints, this fact should be mentioned.

continued on next page & page 1.

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19 November 2001

Mr. William Heyd
1991 Seymor Street
Grove City, ZN 09231

Dear Mr. Heyd:

Thank you for calling our firm today and requesting our surveying services. According to the notes made by our office manager, Chris Melrose, you have requested a boundary retracement survey in order to install a fence around a two acre lot located at 1991 Seymor Street in Grove City. Our survey will comply with Class B survey standards as established by the ZN State Surveying Society (a copy is enclosed for your review). Please note that according to these standards we will monument all corners not already marked and provide you with a plan and report at the completion of our survey.

After we complete a review of your property records at the courthouse, we will send a survey crew to your property, weather permitting, sometime between 8:00 a.m. and 4:00 p.m. during the first week of December. Regardless of the starting date, the survey will be completed by 15 January 1993. As a courtesy to you and your neighbors we will write, call, or visit your neighbors prior to surveying your property.

The estimated price for our services will be \$1,200. Should unforeseen circumstances arise, we will not exceed this amount without first explaining the situation and obtaining your consent to continue.

If we have misstated or omitted any terms agreed upon or you have any comments, questions, or suggestions do not hesitate to write, call our office (collect), or stop in. As a service, we have enclosed a brochure prepared by the ZN Society of Land Surveyors.

We hope you have a nice day. We are looking forward to meeting you.

Sincerely,
Carroll Mitrox Surveys, Inc.

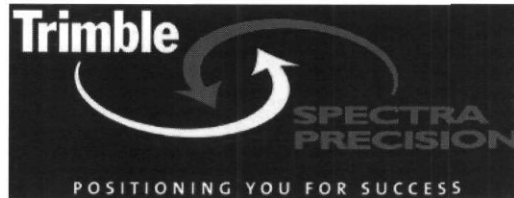
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Send a Letter

To make sure the letter will be enforceable, certain precautions and procedures should be followed. Most important, the information in the letter should be a complete, honest, and an understandable rendition of the terms agreed upon during the meeting or phone conversation. To help insure the terms in the letter will be binding on the client, a sufficient period of time should be allowed between mailing the correspondence and starting the survey. A reasonable time period is necessary to provide the client with sufficient time to contest any information before a fait accompli (the irreversible deed is done). The credibility of the letter can be improved significantly by making sure it is not one sided. For example, the surveyor should include terms that bind the surveyor and not just the client. A copy of the letter with a photo copy of the stamped, properly addressed envelope kept in the client's file at the survey office goes a long way in thwarting any claim the letter was not received.³ In some cases, it may prove valuable to send the letter with a return receipt request.

While using correspondence as a record of the contract has been stressed so far, correspondence to the client should be more than a cold rendition of the contract terms. The best way to avoid confrontation with the client is to maintain communications and a friendly relationship. Therefore, the properly drafted letter should show some feeling, personality, and appreciation for the client's business. The letter can also be used as a means to educate or convey educational information to the client. Education information not only includes the broad and general aspects of surveying but should also include the surveyor's mode of operation.

While a letter is no substitute for a formal record of the contract (i.e. a written contract), it is better than no record at all. A letter takes little time and effort given the fact that a letter form can be stored on the word processor and quickly personalized and edited to encompass most situations the surveyor will encounter. In fact, given the widespread availability of word processors and the short time a letter takes to prepare, it seems almost negligent not to send the client some form of correspondence at the very least an acknowledgement that there is an agreement. As a result, if you are not going to prepare a formal written contract, at least send a letter.

1. See e.g. U.C.C./2-202 and/2-207
2. A formal written contract should be used whenever possible. Surveying contract forms can be purchased from the American Congress on Surveying and Mapping (ACSM), 5410 Grosvenor Lane, Bethesda, MD 20814 or Professional Education Systems, Inc. (PESI), P.O. Box 1208, Eau Claire, WI 54702 or at CLSA Central Office, P.O. Box 9098, Santa Rosa, CA 95405
3. The common law assumption is that a letter properly post-paid, addressed, and mailed is a letter received. Knud Hermansen is an Assistant Professor at the University of Maine and a private consultant. He is a licensed surveyor, engineer, and attorney in several states.

Written contracts are now required by law in California although we could brush up on our proposal writing skills - Ed

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Proposed Adoption of a Code of Conduct

The following report is a heads-up to survey professionals.

The Board of Professional Engineers and Land Surveyors (BPELS), hosted an informal meeting at their offices on Thursday, March 15, 2001. The topic of the meeting was BPELS intention to enact a code of conduct for Professional Engineers and Land Surveyors sometime in 2002.

Margie Freeman of the BPELS enforcement division is heading up this assignment and it was she who invited our organization, as well as others, to this meeting. Also represented were, CELSOC, who sent 2 people, CalTrans, who sent 3 people, PECG, SEAOC, and CASCE who sent 1 person each. Besides Margie Freeman, Howard Brunner and 6 other enforcement analysts from BPELS attended the discussion.

We were supplied with a copy of the NCEES "Model Rules of Professional Conduct" and those formed the point of departure for our discussion. A copy of these rules is attached.

Jim Corn, an attorney for CELSOC made the most salient points regarding the model rules, during the discussion. His perspective was from how plaintiffs' attorneys could use the code with it's somewhat vague wording, to increase our exposure to liability. He cited the first rule which elevates our responsibility to public welfare even above our duty to our clients. He said that with that wording, the legal concept of negligence per se could be used to place increased liability on professionals.

Corn said that CELSOC did not necessarily oppose adoption of such a code of conduct as long as any potential wording problems, like the one just cited, were reviewed and replaced with more specific, less litigious language. He was also concerned with the language of article I-f, saying it seems "over-reaching" and could potentially hamper an engineer or surveyor advocating a project in a public forum such as a planning commission meeting.

Questions were posed to the BPELS staff along the lines of:

What are we trying to achieve with adoption of this code. Are we creating a new body of law to enforce? Or Are we merely trying do define what constitutes ethical behavior? What will the enforcement process be? One attendee cited a case in Arkansas, (she thought), where a licensee was disciplined and had his license revoked for an ethics violation. Does this code or portions of it, conflict with existing law as in the "responsible charge" laws? Is there a conflict between articles I-h and II-c with respect to making a violation accusation about a peer versus not criticizing his reputation or work?

BPELS staff were not prepared to answer any of these questions and characterized this meeting as a way to test the waters and find out what the surveying/engineering community's concerns are. They feel we must have some problems that can be addressed by embracing this process and they cited one area of concern from their standpoint: Rights of entry.

BPELS says they get numerous complaints about abuse of the right of entry procedure and that many surveyors apparently give no notice to the land owner and essentially trespass. They apparently wonder if this should be addressed as an ethical shortcoming.

This meeting ended with BPELS encouraging all participants to identify scenarios of questionable ethics and send them in for consideration. All organizations are encouraged to discuss the NCEES model code and write a letter to Margie at BPELS stating our position on each tenet and perhaps providing suggestions for others not in the model code.

Nevada enacted such a code of conduct recently and there are a few things in that code that are not in the model code, unnecessarily, some might say.

I suggest we discuss this at our April Board meeting and send a letter to BPELS immediately thereafter. We have an opportunity to help shape this code and we should take advantage of it because we will all have to live with it later.

MODEL RULES OF PROFESSIONAL CONDUCT

July 1990 (revised 1997)

Preamble

*To comply with the purpose of the (identify jurisdiction, licensing statute), which is to safeguard life, health, and property, to promote the public welfare, and to maintain a high standard of integrity and practice, the (identify board, licensing statute) has developed the following **Rules of Professional Conduct**. These rules shall be binding on every person holding a certificate of licensure to offer or perform engineering or land surveying services in this state. All persons licensed under (identify jurisdiction's licensing statute) are required to be familiar with the licensing statute and these rules. The **Rules of Professional Conduct** delineate specific obligations the licensee must meet. In addition, each licensee is charged with the responsibility of adhering to the highest standards of ethical and moral conduct in all aspects of the practice of professional engineering and land surveying.*

The practice of professional engineering and land surveying is a privilege, as opposed to a right. All licensees shall exercise their privilege of practicing by performing services only in the areas of their competence according to current standards of technical competence.

Licensees shall recognize their responsibility to the public and shall represent themselves before the public only in an objective and truthful manner.

They shall avoid conflicts of interest and faithfully serve the legitimate interests of their employers, clients, and customers within the limits defined by these rules. Their professional reputation shall be built on the merit of their services, and they shall not compete unfairly with others.

*The **Rules of Professional Conduct** as promulgated herein are enforced under the powers vested by (identify jurisdiction's enforcing agency). In these rules, the word "licensee" shall mean any person holding a license or a certificate issued by (identify jurisdiction's licensing agency).*

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“All You Have To Do...”

surveyor’s certification. It’s a boiler plate of Orwellian proportions...double speak and trick questions all the way, loaded with “all” –“any” “none” and “other.”

Called, modestly, the “Survey Services Agreement,” the 34-page contract comes from the lender’s attorney on the West Coast. They must be doing things a little differently over there, maybe? To make matters worse, all the surveyor’s work must comply with Exhibit C, which happens to be missing from the package. Oh, well! “All you have to do...” and only 10 business days left to closing.

After careful study of the contract, 18 exceptions or modifications are duly noted and initialed by the surveyor, in duplicate. Back to the attorney for final acceptance and signature by the client. Scope and fee are fixed and cannot be exceeded without “the Buyer’s prior written consent.” While the “Buyer” is mulling over the 18 exceptions initialed by the surveyor, his attorney has another thought. It would really be helpful, and now it seems, even necessary, if the surveyor included a zoning certification in his report. “All you have to do...”

Boston is an old city and its thick zoning code contains over 256 pages, plus 344 detailed amendments and hundreds of cross-references. To sort it all out will add to the “not-to-exceed fee.” Could we get the Buyer’s written consent, please? There isn’t enough time for that, says the exasperated attorney. He, too, is under pressure! Just go ahead and hurry. “All you have to do...” Only eight business days left to closing...and don’t worry, you’ll get paid. The surveyor crosses his fingers, knocks on wood, and frantically proceeds with his research, field survey, and office

work. No contract yet. No title examiner’s report yet. No names to whom to certify yet...only seven business days left to closing.

When, two days later, the title insurance commitment letter arrives, Schedule B list 14 exceptions, eight of which are relevant easements, takings and street discontinuances, neatly reference by book and page of the County Registry of Deeds, but no copy to review. They all must be shown on the plan. Back to more research; only five days left to closing.

The missing Exhibit C finally arrives. On reviewing the Orwellian boiler plate of the “Buyer’s” standard surveyor’s certification, the surveyor finds that he is to put his hard-earned reputation and professional registration on the line for a one-page document that has been cleverly crafted by a legal wordsmith of the highest order. “All you have to do...” On close examination, the one-page document reveals that it contains 34 lines and 299 words to encompass 44 certifications – all in one sentence! It is a classic surveyor’s suicide note! Just sign below. Forty-two million dollars! To protect himself, the surveyor carefully dissects the all-encompassing certification into digestible and comprehensible parts, relevant to the facts of the survey. Invariably, he has to insert the words “to the best of my professional knowledge, information and belief” after the preprinted “I hereby certify.”

“Oh, we almost forgot.” The Boston lawyer got a call from the New York lawyer who spoke to the West Coast lawyer who thought that they really should get an advance draft Legal Description from the surveyor – not mentioned in the 34 page contract. “All you have to do...” Three days before the closing, the attorney wants to see a first draft of the surveyor’s certificate just in case. Lo and behold, the “Buyer” does not

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RULES OF PROFESSIONAL CONDUCT

I. LICENSEE'S OBLIGATION TO SOCIETY

1. Licensees, in the performance of their services for clients, employers, and customers, shall be cognizant that their first and foremost responsibility is to the public welfare.
2. Licensees shall approve and seal only those design documents and surveys that conform to accepted engineering and land surveying standards and safeguard the life, health, property, and welfare of the public.
3. Licensees shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled under circumstances where the life, health, property, or welfare of the public is endangered.
4. Licensees shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony.
5. Licensees shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.
6. Licensees shall issue no statements, criticisms, or arguments on technical matters which are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking and reveal any interest they have in the matters.
7. Licensees shall not permit the use of their name or firm name by, nor associate in the business ventures with, any person or firm which is engaging in fraudulent or dishonest business or professional practices.
8. Licensees having knowledge of possible violations of any of these **Rules of Professional Conduct** shall provide the board with the information and assistance necessary to make the final determination of such violation.

II. LICENSEE'S OBLIGATION TO EMPLOYER AND CLIENTS

9. Licensees shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or land surveying involved.
10. Licensees shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared under their direct control and personal supervision.

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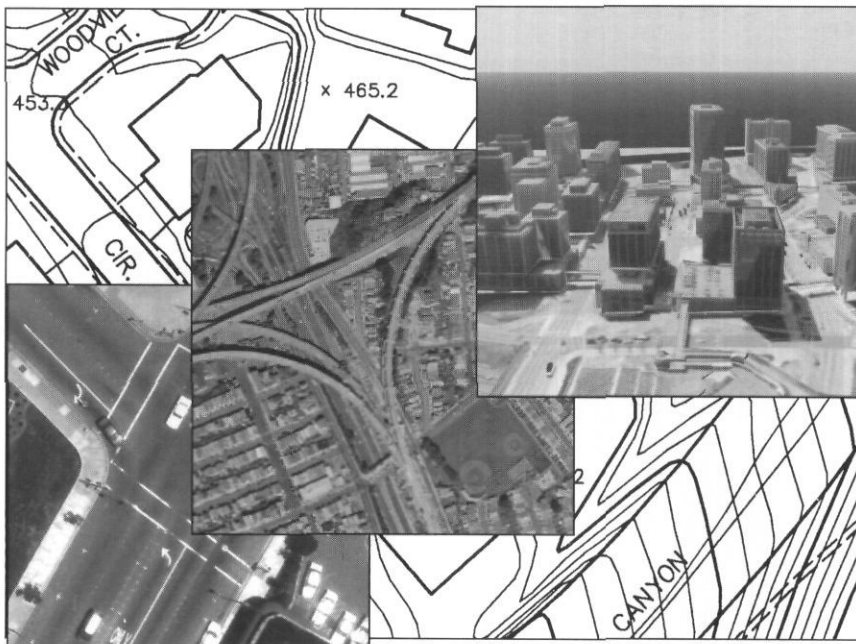
11. Licensees may accept assignments for coordination of an entire project, provided that each design segment is signed and sealed by the licensee responsible for preparation of that design segment.
12. Licensees shall not reveal facts, data, or information obtained in a professional capacity without the prior consent of the client or employer except as authorized or required by law.
13. Licensees shall not solicit or accept financial or other valuable consideration, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients.
14. Licensees shall make full prior disclosures to their employers or clients of potential conflicts of interest or other circumstances which could influence or appear to influence their judgment or the quality of their service.
15. Licensees shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
16. Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Conversely, licensees serving as members, advisors, or employees of a government body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body which they serve.

III. LICENSEE'S OBLIGATION TO OTHER LICENSEES

17. Licensees shall not falsify or permit misrepresentation of their, or their associates', academic or professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in prior assignments nor the complexity of said assignments. Presentations incident to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.
18. Licensees shall not offer, give, solicit, or receive, either directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by public authority.
19. Licensees shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensees, nor indiscriminately criticize other licensees' work.



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CLSA - At The Beginning



An English Historian, Lord Acton, wrote this line Advice to Persons About to Write History- Don t. That sounds like good advice to a surveyor, so the following narrative is not intended as a history. It is a story, to the best of my memory, about people who started the California Land Surveyors Association thirty-five year ago. It was a loose type of organization that gathered monthly in the dark lounge of the old Hotel Occidental in Santa Rosa and they called themselves The Sonoma, Lake and Mendocino County Engineers and Land Surveyors. This tri-County organization who met, shared drinks and told stories were a small group, seldom more than thirty men at each meeting. The County Engineer, Marshall Wallace, and the Santa Rosa City Engineer, Walt Adams, were the core members, but there was little formality, no dues, and the meeting usually revolved around a speaker or topics such as the latest state subdivision regulation. The Land Surveyors were welcomed, tolerated, would be a better word, because land surveyors had been licensed since 1891 and Civil Engineers had only been licensed since the act passed in 1936. Most of these older engineers had been surveyors, usually with a better education. Many of the C.E. s had been grand-fathered into their license by the 1936 state Civil Engineer Act. The surveyors in general were bush-country guys, and actual field-surveying experience was considered as the important element in evaluating their standing in this community.

In the LaPicture 1950 s and early 1960 s, there existed many new opportunities. The big War (WW11) had ended only a decade ago, and many newer surveyors came into the area with experience gained from military surveying. The engineers as a rule, had held positions or ran businesses which started pre-war, and those businesses had been lucrative during the war. The new surveyor guys brought in some new techniques of precision surveys, experience with European theodolites, and a brand new technology called Photogrammetry. As it happens in every new generation, the older men are gradually displaced by the younger, more energetic, and impatient men. Some of us surveyors were feeling stifled under the auspices of the Civil Engineer, and out of this discontent there grew among us a desire to feel important as surveyors in our own rights. Those older guys treated us as an indulgent father might, but made it clear that they had been important in this community for a long time, and we needed to serve our apprenticeship. This impatience and ambition, I believe was the primary motivation for the beginning of the California Licensed Land Surveyors Association. On February 18 1966, a series of local phone calls brought together nine of the local surveyors, and we met in a

restaurant in Sebastopol. These men included me, Dick Hogan. I was at the time a 40-year-old surveyor who had been in business 10 years in Sebastopol; L.G. (Danny) Hughes, 51, a surveyor employee of Pacific Gas and Electric Co. for 20 years; Quintin Campbell, 65, a retired surveyor from the U.S. Bureau of Public Lands Surveys; Dick Stephan, and Bob Curtis who were about the same age, and who had recently formed a Land Surveying partnership.; Herb Schumacher, about 34 and a former military surveyor; Neal Prescott a local Land Surveyor; Bob Jacobson and Dick Coughlan of Santa Rosa. Jacobson, Coughlan, and Curtis, and Herb Schumacher were all were recently licensed Land Surveyors (within two years), and had been employed by Hogan, Schoch and Associates Inc. (my firm). As I remember, we all generally shared the enthusiasm (and just a tad apprehensive) about achieving our common goal. My mind serves me that I stood after dinner, and made a little speech, drumming up the idea of the ways and means of organizing an exclusively Land Surveyors Association, and I asked Bob Curtis to report about inquiries he had made by mail to other State Surveying Organizations. Bob had indeed been busy with an impromptu mailing approach to many other state associations, and had received eight replies. He passed around the Illinois State Association organizational material. We needed a chairman to start things off, and someone suggested that since I raised the issues or maybe had made the most noise about it, I should be the temporary chairman. We called ourselves the steering committee, and without too much argument agreed to the following: 1- Formation of a provisional state headquarters chapter 2-Under this umbrella, to make an attempt to solicit on a statewide basis all other licensed Surveyors to organize into local chapters; 3-To form three committees, that of Bylaws, Membership and Aims and Projects. 4- We decided there would be three classes of membership, Active, Associate and Junior. 5- We formed a five-man Provisional Board of Directors for the next six months. We set a fee schedule up at \$10/\$5/\$5 with an initiation fee of \$10 for Charter Members. 6- We concluded that meetings of this new organization would be scheduled at not less than two calendar month intervals.

This was our ambitious start for a state wide organization. All of this is included in a summary of the minutes taken for that fateful meeting of February 18, 1966. On March 1, 1966 our No.1, Vol.1 NEWSLETTER was mailed out to many surveyors in the state. Its title was C.L.L.S.A. (California Licensed Land Surveyor Association), and in the mast head was the optimistic note From small beginnings. The newsletter

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proclaimed We've started, from our February meeting-the first step! The newsletter announced that Santa Rosa is to be the Provisional State Headquarters for the first California organization of land surveyors. It stated this optimistic aim... (There is) Strength in Organization, state wide, with recognition of our chosen profession. Let us be concerned with Licensed Land Surveyors, as honorable, professional and ethical practitioners. Let us speak state wide, for the Surveyor, as an important integral part of California's progress. Let us shine forth as a learned profession, instead of hiding as some sort of back-cousin to a Civil Engineer. Let us erase the image that equivalent competence could be expected from a party chief hired blindly from a Union Hall. Let us be proud of ourselves and bind together to solve our common complaints. Should we not police ourselves by ethical standards, instead of letting a non-surveyor from the State Board of Registration slap our hands in their curious interpretations of State law. In short, let us grow up and join the world, who will only recognize us if we, collectively, are proud of our profession. It clearly expressed the discontent of this group of surveyors, and provides an argument basis, and motivation for the formation of C.L.S.A. Seventeen interested men indicated that they would serve on four fundamental organizational committees. Among these were: Provisional directors, Robert Curtis of Healdsburg (who would serve as elected president of CLSA in 1970 & 1971); Oliver Howard, a long-time Santa Rosa Surveyor; Tom O Conner of Lakeport; Herb Passarino of Santa Rosa; and Dick Hogan of Sebastopol (to be provisional President). Listed among the committees were: Joe Scherf of Ukiah (served as president 1974 & 1975); Herb Schumacher of Sebastopol (CLSA president in 1969); and LaVerne Persky, one of the very few early woman surveyors, who would later become the

Mendocino County Surveyor. Included also were Merrill Harrington, Deputy County Surveyor of Sonoma County; Howard Cornell, & Paul Dowling of Santa Rosa and Phil Windrem of Lake County.

This newsletter then challenged surveyors state-wide, saying ten persons have put up their money (\$10.00 each) as Charter Members as an Initiation fee to provide for immediate expenses. How about you? The Newsletter asked. It seems to this writer in 2001 that \$100.00 was a mighty slim budget, but remember, first-class postage at that time was only 3 cents. We were young, ambitious and righteous, we knew we would succeed. The newsletter announced that a Charter Night would be held April 22, in Santa Rosa, and clearly indicated a non-dinner meeting to vote on bylaws and establish what we intended to accomplish locally and statewide.

In early May we learned that in Sacramento a group had also tentatively formed the nucleus of a state surveyors organization. As I recall, initially I spoke with Jim Dowden, an L.S. who traveled state-wide providing Control Surveys for municipalities and many early photogrammetric control projects with the then new laser optical measuring device. However it was May 26, 1966 when I sent out a letter to Eugene Foster (who was CLSA President in 1968), a letter which suggested that they meet us at a half-way point to discuss that possibility of joining forces. We chose Jonesy's Steak house at the Napa Airport for June the 3rd. I enclosed a copy of our organizational Newsletter, so they might determine the extent of our organization.

That meeting did occur and it was very fruitful to the growth of C.L.S.A. statewide. We shared steak and a beer or two and got better acquainted. The Sacramento contingent, who called themselves C.A.L.L.S. (California Association of Licensed Land Surveyors) discussed their progress with their attempts to organize statewide. We explained our focus and organization, and suggested since we had such common goals, we should join forces. We left for home, agreeing to contact our own members in each group for this potential of association. As I recall there was an expression of amazement between both groups that we, independent of each other had begun an organized effort with the same objective. We agreed to meet July 29th at Jonesy's again to formally merge if all provisional members were in agreement. Present at that time were some eighteen people of both groups, representing an area bounded on the north at Ukiah, to the south at San Francisco and east to the Sacramento valley area. As acting president, I voiced an opening statement stressing the need for a common ground for an understanding between practicing Land Surveyors within the state. Eugene Foster, the acting president of C.A.L.L.S. formerly completed the consolidation within our C.L.L.S.A. and turned over their membership of 38 members, and a bankroll of \$101.00 to the treasurer, Herb Schumacher. As acting President, I then entertained motions for names to be appointed to the nominations committee. Bob Curtis was chosen Chairman, and Eugene Foster, Fred Darby, Bill Sweeny, Joe Scherf, and Dick Coughlin made up the committee. It was pointed out that according to our by-laws it was incumbent on this group to submit its recommendations 90 days prior to the first General Meeting. Time-wise this would not work out and so being flexible we made up a new timetable that fixed January 14, 1967 to be the new General Meeting date, with the place to be selected by the acting Board of Directors. An Annual Meeting Program committee was formed with Fred Darby as the chair and included Eugene Foster, Jim Dowden, Phil Windrum, and Laverne Persky. It was stressed they submit recommendations by October 28, 1966. In other business Jim Dowden agreed to design a membership certificate to be issued to all members. A design for the seal of the association presented by Eugene Foster was adopted. This early certificate was issued August 29, 1966 to Jack Page. Jack became chief surveyor for P.G. & E. A

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Newsletter dated September 9, 1966 indicated that I, acting as president, proposed a Directors meeting September 30, 1966 at Chapman s Restaurant in Napa. This meeting would take up the matter, which was considered an emergency, that would propose to modify the Land Surveyors Act. A letter had been directed to L.H. Halcomb, the Exec. Director of the Commission on California State Government on Organization and Economy, his response indicated no public hearings were scheduled until late October and we would be advised as an interested party. They further advised that they would welcome any suggestions our organization would care to make. This newsletter asked the Directors to debate their recommendations and attempt to arrive at a position, and possibly ask for a written ballot from all the members to consolidate the force opinion of the fledgling C.L.L.S.A. The meeting took place on December 1966, and the minutes of that special meeting were summarized in a Newsletter as follows:The topic discussed on the October 28th meeting resulted in a Statement of Position. As a result of the membership vote this statement was adopted by the Board of Directors, pleased with an approval of a majority of the members. It was decided to communicate the Statement of Position to all licensed non-members, so they might more clearly understand one of the purposes of, and the necessity for a professional association in California. For the benefit of these non-members who may not have had knowledge of it, there was a proposal to modify the Land Surveyors Act, which we felt would compromise the integrity and identity of all Licensed Land Surveyors (The Statement follows).

1. The California Licensed Land Surveyors Association feels that Land Surveying is a separate and distinct profession from Civil Engineering.
2. The California Licensed Land Surveyors Association feels that the continued identity of the Land Surveying profession is necessary for the protection of the public interest.
3. The California Licensed Land Surveyors Association is unalterably opposed to the elimination of the Land Surveyors License in California.
4. The California Licensed Land Surveyors Association opposes any modification of any facet of the Land Surveyors Act by any business, engineering or legislative groups, without consultation and approval by a majority of Licensed Land Surveyors.

This Newsletter with its strong professed statement echos the emotional context in which this new, one-year-old organization was formed, and seems to give a sustenance for the emotional reason for its birth. Other notes in the Newsletter included a report from the Nomination Committee, and set a date (January 20, 1967) for the next directors meeting. It would be at that meeting that the first statewide elections of officers and directors would be made. A review of correspondence of that date indicated that the organization had nearly 100 members and a treasury of \$1185 dollars. A tally sheet of the final results of the election of officers by the members (54 of the Association s 96 members, who voted) was adopted. The results were that Fred Darby was elected president; Tom O Connor, vice-President; and Herb Schumacher, the Treasurer. Five directors were elected, they were; Alfred Boysen; Robert Curtis; James Dowden; Eugene Foster and Fred Henstridge.

This story of the first year of the California Licensed Surveyor s Association beginning may have left out pertinent data, and may yet still be revised. Written history is never absolutely accurate, simply because we are human beings who remember or attempt to remember, were never privy to all the side stories and actions of all the people involved. Even so, some bias affects any History. Historians write that history is usually written by the winning survivors, and thus it may be so. This is the best I can do.



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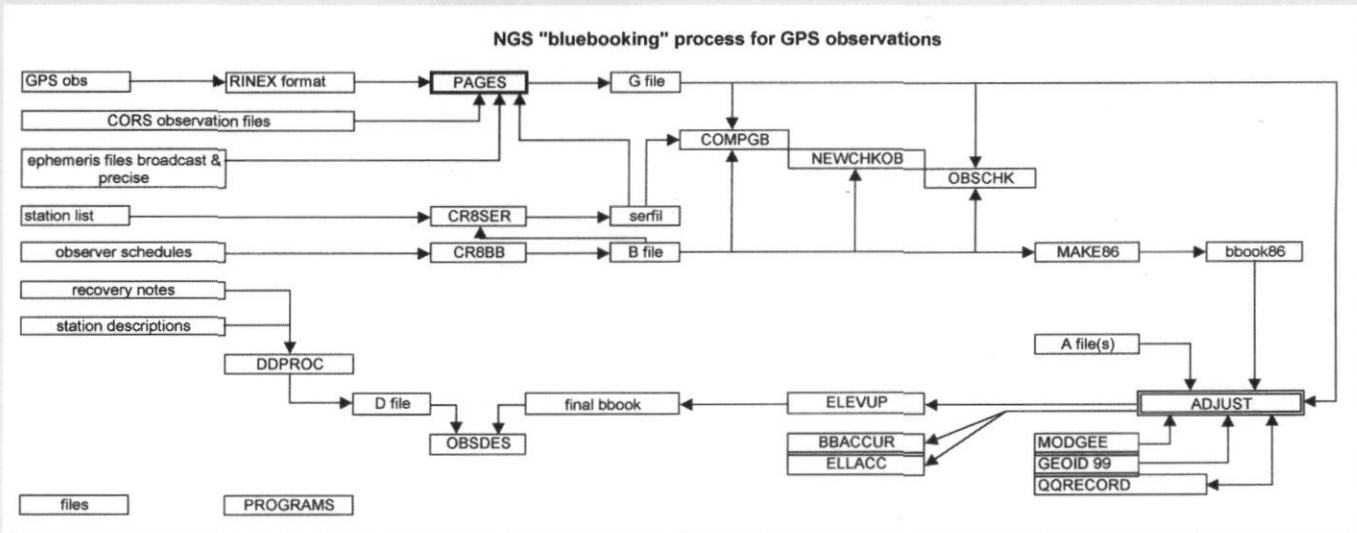
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control stations from our database through our web site (www.ngs.noaa.gov), or from the CDs we publish annually through our Information Center (301-713-3242). This database holds information on survey control stations established over many decades by the U.S. Coast and Geodetic Survey, by NGS, by other public entities, and by private firms and surveyors like you.

Why should you take the extra trouble to submit the results of your control surveys to NGS for inclusion in the National Spatial Reference System (NSRS) database? On one level, you could consider it good publicity for your business and a little piece of immortality. You could sleep better at night knowing that you had contributed to the development of the national infrastructure. On another level, having the knowledge and facility to contribute to the database could be a useful business service to offer public clients. Some public clients include "bluebooking" as part of the requirements for their projects. Most do this as a quality assurance measure. They assume, correctly, that our independent checking will verify that the survey results meet a recognized national standard before they're accepted for inclusion. In essence, local governments use NGS to do the quality checking they don't have the knowledge and experience to do. When "bluebooking" is included as a contract requirement, evidence of a surveyor's capability and experience with this process may be included as a selection criterion. Those who have, and do, have an advantage over those who don't.

But it occurs to me that the clever surveyor, e.g., you, could turn this transaction around. You could suggest "bluebooking" to public clients and offer this as a value-added service that would distinguish you from the other ten surveyors competing for a particular government's business. You would essentially be suggesting that, for a small extra fee to cover your time in formatting and preparation, you will use the NGS standards and specification as your quality assurance measures, and you will get NGS to do some serious quality control checking at no additional charge. Doesn't that sound like a great deal! Municipal and county GIS and photomapping projects are examples of the types of activities where I've seen "bluebooking" included in the work requirements. This could apply equally well to any projects that include either GPS or differential leveling control extension.

The term "bluebooking" derives from a time in remote antiquity where the Input Formats Specification document was distributed in a blue binder. The blue binders are gone, and the format specification has evolved. Now, the best way to obtain the specification document is as a digital file from the NGS web site.

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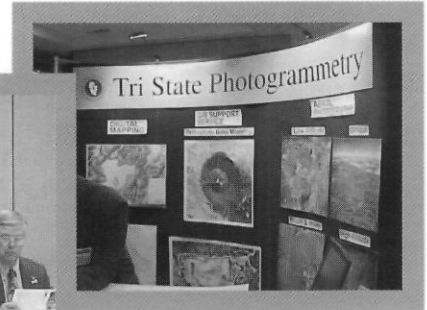
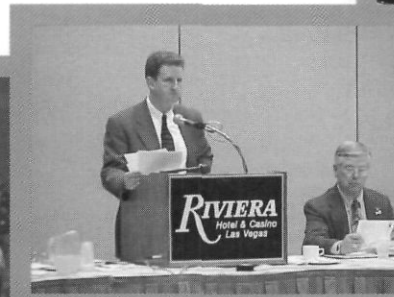
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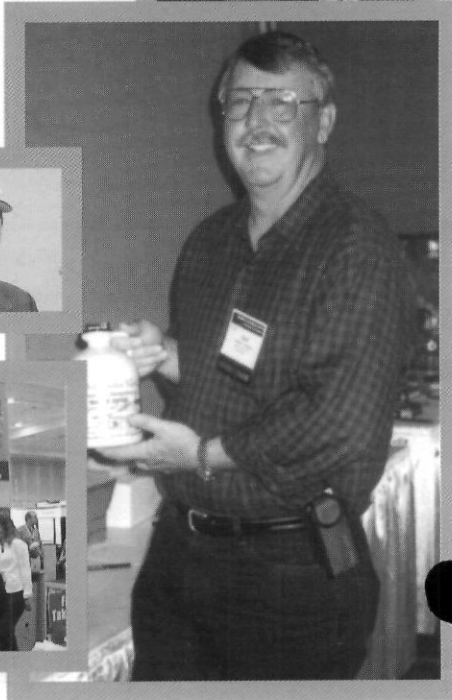
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effort shouldn't amount to more than one or two person-days for local projects. The accompanying figure (see page 22) shows the basic process for preparing GPS observations for submission to NGS. All of the programs shown on the flow chart are available at no cost from NGS, and all run in a standard PC environment. Documentation is available for most of the programs.

The process involves three main steps: GPS observation processing, vector adjustment, and station description processing. The chart shows the GPS observations as being processed through an NGS program named PAGES (Program for Adjustment of GPS Ephemerides.) This program is available free from the NGS website. PAGES has been optimized to work best on long sessions over very long lines, and it works only with dual-frequency data in the standard RINEX format. You can actually use any software to process your GPS observations into vectors. The key requirement is that your processing software must produce an NGS format "G file" as an optional output. You need the G file as an input to NGS' ADJUST program.

Use of ADJUST is required for GPS projects sent to NGS. There are two reasons for this. First, the outputs from ADJUST are required input to quality checking programs used at NGS. Second, since NGS created the program, we know what happens inside ADJUST. I am in no way implying that other, commercially available, adjustment software does not produce good results. Clearly, many do. NGS has just never had the resources to properly test and verify their operation, so we rely on an adjustment program whose function we can back.

The NGS "bluebooking" process only looks intimidating at the start. Once you get into it and submit your first project, you'll wonder why you ever hesitated. The software and documentation is all available from NGS. Training classes in ADJUST and the associated checking programs, conducted by an expert geodesist from Silver Spring, can be arranged for groups. And if you really get desperate, you can always call me for assistance.

On a somewhat related topic, GPS field observations on the new Mississippi CBN project are essentially complete. Vector processing is in progress now, and preliminary results are looking very good. It's too early to predict just when the new results will be published. When MDOT's GPS field party got to southeastern Mississippi in December to make its observations on the CBN project, they discovered that the HARN station Van Reset, in central Jackson County, was gone. There was nothing left but a hole. I had recovered the station in good condition not six months earlier. The property owner told one of our professional staff that some surveyors had removed the entire monument just a few weeks before we came back. If you have any information about this, please pass it along to me.



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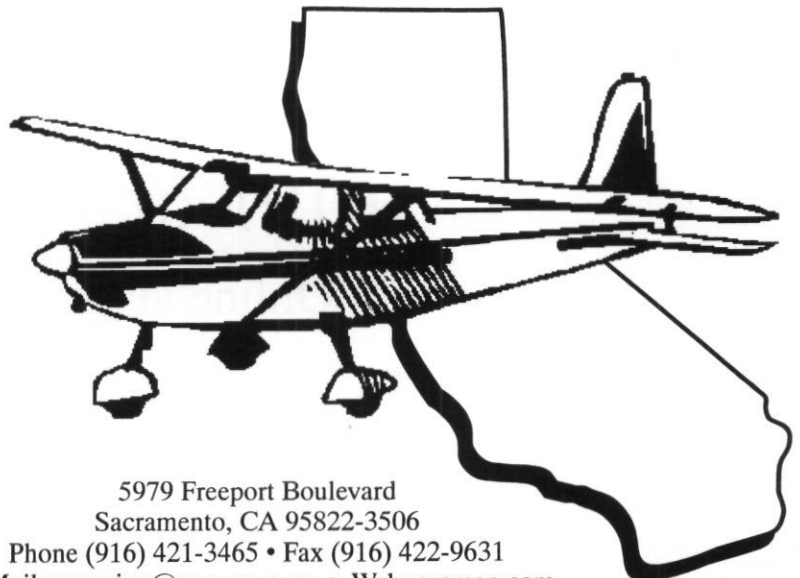
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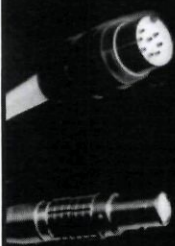
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like “To the best of my professional knowledge...” He considers them weasel words – and attempt to escape responsibility for the survey. They never had this problem before with other surveyors! They must be doing things differently on the West Coast!?! Only two days left to the closing.

The hassle continues. The lawyer is desperate. The \$42 million loan is in jeopardy! He wants to do what his client is asking. The surveyor is adamant. He doesn’t want to lose a future client and wants to maintain good will, but he also wants to stay in business. After all, his professional liability insurance policy clearly states under the heading “Exclusions” that the insurance company “will not pay under this policy for claims or claim expenses arising out of express warranties or guarantees...”

Off the record, the Boston lawyer admits, that he, too, cautions his architect clients not to issue certifications that amount to warranties. But he is helpless here. He is “under the gun!” His client insists. It’s the West Coast, again! They probably blame the East Coast when they deal with West Coast surveyors. Who knows? The American Congress on Surveying and Mapping has published a little booklet, entitled *The Liability Environment* (Foster 1989), which strongly advises that “Certifications should only be furnished by surveyors when they...do not create guarantees or warranties...” The book quotes Black’s Law Dictionary specifying that a certification is “the formal assertion in writing of some fact” and a certification in this context must not involve a statement of opinion.

All to no avail. The lender turns a deaf ear. His \$42 million must be protected no matter what. Yet, they finally compromise. Out of 17 dissected and itemized Surveyor’s Certifications, eight are qualified by the words “to the best of my professional knowledge, information and belief.” The Surveyor’s Certificate is amended with an addendum reporting 18 specific encroachments and other relevant observations by the surveyor. The one-page boiler plate has turned into five pages of reliable information and common sense.

Against all odds, and after a total of 43 telephone calls and fax messages, the ALTA/ACSM title insurance survey and surveyor’s report are completed, duly signed, sealed, certified and delivered on time. Great team work! Forty-two million dollars can now change hands, safe and sound. There is just one more request, though: please, deliver three identical copies of the original certificates, each with an original seal and signature of the land surveyor. Two days after the closing, and executed and 18-times counter-initiated “Survey Services Agreement” arrives at the surveyor’s office. No mention of the additional fee for the rendered zoning opinion and certification.

Don’t worry! You’ll get paid.

What a Team!

Gunther Greulich, PLS, PE President of Gunther Engineering Inc.

Reference Foster, R.W 1989. The liability environment. In: Technical Papers. ACSM, Bethesda, MD.

Reprinted from the Oregon Surveyor – Oct./Nov. 2000



Postcards

We received this unique photo from Dave Harp after his visit to China this winter.



*Dear Readers,
I thought you might enjoy this picture . . . a Chinese survey monument in the town of Nanjing, (South capitol old China). It was in a historical setting of a park/palace . . .
Dave Harp*

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LOCAL: Your local chapter represents you in local issues. Through your chapter representative to the State Board of Directors, the individual member can direct the course CLSA will take. **STATE:** The Surveyor is represented at the state level through an active legislative program, legislative advocate, and liaison with the State Board of Registration. **REGIONAL:** CLSA is an active member of the Western Federation of Professional Surveyors. This Federation is composed of associations throughout the western United States and addresses regional issues. **NATIONAL:** Through institutional affiliation with the National Society of Professional Surveyors and the American Congress on Surveying and Mapping, CLSA is represented at the national level.

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Don't look now, but you're being followed.



Grab a prism and the TPS1100 Professional Series will follow you anywhere.



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