Salifornia California California

Congress on Serveying and Mapping

Following the Footsteps, Electronically

Article by William Schroeder, PLS on page 13

Fall 2003 Issue #138



CHANGE SERVICE REQUESTED The California Surveyor P.O. Box 9098 Santa Rosa, CA 95405-9990 "What the CLSA Central Office Does" article on page 18

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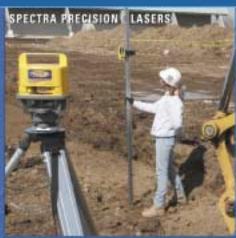
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"Recognizing that the true merit of a profession is determined by the value of its services to society, the California Land Surveyors Association does hereby dedicate itself to the promotion and protection of the profession of land surveying as a social 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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# On The Cover:

Following the Footsteps, Electronically By: William Schroeder, PLS





# Dah Left Coast . . .



Whave. Editor of The State that's recallin' a Gov. The Nation is watching our every move. You'd think I'd be a Stanford graduate for this position. Not! Or a Cal Poly grad. Not! CSF Fresno. Keep guessin'. Sorry . . . Santa Rosa Junior College. Now you understand how I got this job . . . a lil' slow at learnin' how to step back like the rest of 'em.

# People ...

How many of us have been involved with CLSA? If you've been a Chapter Secretary - God knows, the Central Office has helped you get your yearly reports completed or has answered a question or ten. Attend a CLSA Board of Directors meeting - and observe time and time again - when "time" needs to be reversed, all one must do is press Dorothy's "play back" button. Bam! It's last year. No, further. Bam! She kicks it up a notch . . . and bam! It's 1970. Dorothy is like a robot "... Oh yeah. That was when So n. So suggested we do this and that . . . I'll research the exact details and report back . . . " She'll say. A walkin' hard drive that Dorothy!

I think I speak for most all of us - that Dorothy Calegari and her staff do so much for this organization. In the past I have attempted to write an article on the wonders of our Central Office. My "read" on Dorothy, et al is she/they feel they "are just doing their job," . . . and ink would be better spent on issues regarding the profession. Mrs. Calegari and staff - we wouldn't be where we are or know what we do without you! At my request, the Central Office has compiled a list of tasks they perform on a daily basis for our members. I am publishing the list in this issue to remind CLSA members of the numerous resources available to them through the CLSA Central Office.

#### Model Law Concerns . . .

A concern of mine is the new Model Law requirement of an ABET degree. To my junior college Hill Billy way of thinkin' - I feel we're shooting our foots again. Should the professions' evolutionary process continue on the present track, we'll be tradin' some toes for a thumb 'n tail . . . and in a few years we'll be monkeys with degrees . . . relegated as engineers-aides. Once again, the full-circle-thing . . .

The educational component of the Model Law Surveyor requires one must meet the minimum requirements of the act

which is graduate of an EAC/ABET engineering curriculum, RAC ABET curriculum, or the equivalent.

And to be a Surveyor Intern . . . "The following shall be considered as minimum evidence to the board that the applicant is qualified for certification as a surveyor intern.

(aa) A college senior or graduate of an EAC/ABET or RAC/ABET surveying curriculum of four years or more shall be admitted to an eight-hour written examination in the fundamentals of surveying. Upon passing such examination, the applicant shall be certified or enrolled as a surveyor intern, if the applicant is otherwise qualified.

(bb) A graduate of a curriculum related to surveying of four years or more as approved by the Board and with a specific record of two years of progressive experience in surveying or land surveying shall be admitted to an eight-hour written examination in the fundamentals of surveying or land surveying. Upon passing such examination, the applicant shall be certified or enrolled as a surveyor intern, if the applicant is otherwise qualified.

(cc) A graduate of a four-year or more curriculum as acceptable to the Board and with a specific record of four years of progressive experience in surveying or land surveying shall be admitted to an eight-hour written examination in the fundamentals of surveying or land surveying. Upon passing such examination, the applicant shall be certified or enrolled as a surveyor intern, if the applicant is otherwise qualified."

Personally, if we must have a four-year degree - any degree is better than none, (save, a major in Basket-weaving!) To prove my point, back to my experience in the field of aviation. Rod Machado, is a nationally recognized flight instructor, speaker, columnist and author. His degree was not in aviation, nor aeronautical engineering - it's psychology! People, this guy is off the charts, in a positive way, in all aspects of his profession. So I can't totally agree with the ABET all the way.

As I see it, Model Law is going from no degree, (even High School!) to nearly a doctorate, (ABET). One step at a time. Many talented intelligent potential surveyors will pass on "surveying." And if college life is going to be that difficult, they may go into a more lucrative profession. I honestly believe with all my heart, that the intent of those in charge of the Model Law change was an entirely noble one. However, it may be seriously flawed. And . . . boys 'n girls - it's too late to do anything about it.

Continued on next page



In an attempt to see how the four-year degree component would affect our profession, I went to the ABET website. (Not many ABET accredited colleges around, I might add.) A search using "surveying" as the discipline resulted in seven colleges for the entire United States. Fortunate for California - two exist here - California State Polytechnic University, Pamona and California State University, Fresno! In the derriere section of P.O.B. magazine, there is a list of "colleges and universities." (By the way . . . to be named on said list is not "free!" Professional societies donate. Individuals donate. Would it be too much for a 'zine to "donate" a piece of paper to list institutions of high education? For heaven's sake, is everybody profit motivated? What happened to give youth a break? A piece of paper? Me-first mentality? There! Vented.)

			TABLE 1				
COLLEGE	1996	1997	1998	1999	2000	2001	2002
CALPOLY-PAMONA*							
CSU-FRESNO*	26	10	13	14	- 11	0	15
FERRIS STATE UNIVERSITY*							
NEW MEXICO STATE*			13	8	10	9	7
OHIO STATE UNIVERSITY	- 5	8	10	4	2	9	8
OREGON INSTITUTE OF							
PENNSYVANIA STATE			14	14	14	14	14
PURDUE UNIVERSITY*			8	13	8	15	7
TENNESSEE			8	11	10	14	12
UNIVERSITY OF MAINE	7	3	3	0	5	6	e
MICHIGAN TECHNOLOGICAL UNIVERSITY		19	13	18	10	16	٥
TOTALS:			82	BO	05	90	70

Ooops where was I? (He's gone off on another tangent folks!) Oh yes. Back to the college issue. Courriels (that's the new French term for e-mail! Don't you love the French!?), were sent to various colleges asking how many students graduated during the past five years. Table One is a finding of those that responded. (Asterisks indicate ABET accredited. Those blank did not respond or the editor screwed up and didn't list them).

Assuming that those that didn't response held an average of the other colleges. That would bring the GRAND TOTAL OF GRADUATES FOR THE ENTIRE UNITED STATES to approximately 125 per year! That's 125 divided by 50 EQUALS 2.5 potential Model Law Surveyors per State! That also assumes all graduates become licensed Model Law Surveyors! The numbers of graduates don't seem to add up as a positive thing as to the future of the profession.

My prediction, (assuming my numbers are correct), is - as time goes by . . . the number of licensees will dwindle to 2.5 per year, or less, if we embrace the ABET four-year degree! When such occurs, to the point that our profession can't service the consumer - then another profession, will take up the slack for the consumer. And who might that be? Folks, then we'll be

back to where our forefathers began - street sweepers to our engineer cousins. There are so many factors that may affect my prediction, that I may be all wet behind the ears. I'd sure like to hear your thoughts.

Don't forget - colleges are no different than big business. Legislate a need and the fish is on the hook. Besides, who do you think educated business?

# News from the Southlands ...

A report, rather an epic, from Michael Palamary, on difficulties some San Diego cousins may be encountering with local government was forwarded for publication. However, it was so copious and specific

to a specific area that I chose not to publish. If you are having problems with certain issues in San Diego, contact Mr. Palamary for an informative treatise on the subject.

# CLSA - we're gettin' better . . .

At a recent joint meeting with our Sonoma County cousins, I was told of the benefits of the CLSA Website. One story was from a Sustaining member who had some GPS equipment stolen. Somebody, viewing the web-site noticed similar equipment being offered on the Ebay flea-mart. Our Sustaining member contacted the seller, and yes, his equipment was recovered! Case solved! Thanks to an alert member and our web-site!

A Corporate member had spent hundreds of dollars with a local newspaper looking for help. To no avail. His case too, was solved by the CLSA website!... and it didn't cost him a cent. Member benefit.

Thanks again to Central Office for their vigilance/maintenance of the CLSA web-site.

Holiday story: Another Corporate member wanted to employ our cartoonist Sergio Saturnino Lobato De Faria, (we just call him "Nino"), for their firms holiday cards. (Cool cards, I might add!) If you need a cartoon, you may contact Nino direct, (707) 864-9433, tell him what you'd like and he'll knock something out post haste, (and just might profit 37 cents on the deal!). Artists! (They're as bad as surveyors . . . most work too cheap.)

Be advised, the web-site is now capable of on-line orders! And don't forget to support CLSA - purchase your on-line deeds through the CLSA website. Our Affinity-Partners-link, Courthouse Direct, gives CLSA a stipend for each order placed. But remember, go through our website!

Well folks, this issue is bigger than a Cheech-'n-Chong Bad-Boy! I hope you enjoyed it. Don't forget to write . . . don't forget to vote.

Don't forget to spray, (this has been a stinky issue), wash your hands 'n put down the seat. See ya next winter.❖

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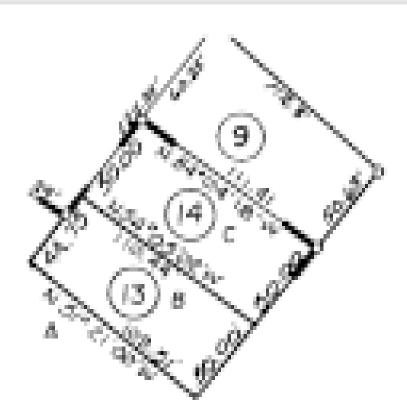
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# The Only Record of

"Hi, I'm here to inquire about this letter," I said to the bored draftsman behind the County Surveyor's public counter:

# Dear Mr. Surveyor:

After review of your recently submitted Record of Survey, we have calculated the checking fee to be \$57,879.36. Please remit.

County Surveyor

"Maybe I was mistaken," I told the draftsman, "but I was under the impression that the checking/examining fee was limited to '\$100 or the cost of the service, whichever is the lesser,' according to Section 8766.5 of the Land Surveyors' Act."

"Well, you're right about that part of the Section," the draftsman replied, "but it also says the fee 'may be increased by the Board of Supervisors if ... the cost of providing the examination service actually exceeds \$100.' "

"How could it possibly be \$57,879.36?" I asked.

"Well, you were the only one to turn in a Record of Survey in the whole county last year!" he said. "And since we have the County Surveyor, who makes \$21.01 an hour, and me, the draftsman, at \$6.71 an hour, that's \$43,868.88 a year for him and \$14,010.48 a year for me. So that's \$57,879.36, including sick and vacation time. It could have been worse. We might have had a whole crew and a couple of draftsmen, too."

"But doesn't Section 8766.5 also say, 'The county surveyor may charge a reasonable fee'?" I asked.

"Sure, but it doesn't say he has to. In fact, as long as the Board of Supervisors acted on 'a duly adopted ordinance,' and the ordinance was adopted 'pursuant to a staff report' that the cost actually exceeds \$100, then it's legal. The staff —that's me and the surveyor – reported that our salaries divided by the number of Records of Survey was the actual cost of examining and checking."

"What makes you think the surveying community and their clients should exclusively support your department?" I asked.

"We're required by law, Section 8766 of the Land Surveyors' Act to be exact," he replied, "to examine the Record of Survey for mathematical accuracy and the technical stuff

Survey

listed in Section 8764. We even have to check the size and the border, and the spelling in the statements and the State Plane Coordinates, if you have any, and check to see if you said you tagged all your points and all that stuff listed in Sections 8762.5, 8763, 8764.5, 8771.5 and 8772. That can be a lot of work."

"How can it be any work?" I asked. "I provide a copy of the map with point numbers annotated on it, a complete set of traverse closures, and copies of all the deeds and tie notes. I list on the Record of Survey everything I did, including the reason I did it. I even state the basis of bearings and the record map I took it from and draw it to scale. It's all laid out like a Land Surveyor Exam problem, except the answer is given!"

"We require all that stuff so we can keep the costs down by not having to do the research and calculations ourselves," he replied.

"I could have let you do the survey, too," I said. "I might have saved us all a bundle!"

"Oh, no! We can't field survey a map to check it," he said. "Section 8766 says so."

"Forget I mentioned it," I replied. "I'm not the only one doing surveys in this county, am I? Aren't Records of Surveys for the public good? Shouldn't they be checked for free?"

"To do 'em free we'd have to get an infinite number a year, or close to it," he said. "Remember that calculation: our salaries divided by the number of Records of Survey, etc. We can't handle that many! We've only got 218 working days a year, what with 52 weeks total in a year, 3 weeks of vacation, 12 holidays and 15 sick days."

"I'll bet you'd have to do two or three a day," I said.

"The year before last we only got 73 maps total," he replied, "so we had to stretch 'em out over two and three days sometimes. They didn't come in steadily. Some days we'd get one; some days we'd get two. Most days we didn't get any."

Continued page 12



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Execution.

# The Only Record of Survey

"But you checked mine rather quickly," I pointed out.

"It was the only one we had, remember?" he said.

"What if you didn't get any?" I asked. "I mean, what if nobody turned one in? You would still have to have a County Surveyor, so why not check them for free and spread the costs over every citizen in the county? They all benefit."

"We can't have people paying for other people's surveys," he said. "That's not fair."

"They aren't paying for the survey," I replied. "They're paying for the wealth of information it contains, for its validity, and for preservation of the record. Take your \$57,000 or whatever the number is, and divide it by the number of citizens, however many you've got, and it can't cost as much as a cup of coffee for everyone."

"I can't drink coffee," he said. "It keeps me awake."

"What if the surveyors who work in this county all got together and worked to change the Land Surveyors' Act to eliminate the need for most Records of Survey, especially Section 8762(b)(5)?" I asked. "Or what if every surveyor did what some of the 'bad apples' do: don't file Records of Survey, or set only leads and tacks without tags-a blatant violation of Section 8772. I've seen fresh pencil marks on the concrete, so I know the points were set recently. Not every survey can be claimed to have been done before 1985! Or they set iron pipes with concrete or wood plugs with just a nail, or even worse, just a plain wood stake with a plumb bob punch in it.

"Some surveyors claim to do only 'construction surveys.' Yeah, for constructing fences, and what's more indicative of a boundary line than a fence! And those with the ultimate gall file a Corner Record when a Record of Survey is clearly called for!

"I may just have to join the ranks of the 'bad guys' if you persist with this notion of financing the entire survey department with Record of Survey fees. I'll have to tell my clients not to mention my name to anyone, or else your ridiculous fee will have to be paid. That will keep them quiet! And since I received nowhere near enough money for this survey to pay your fee, I guess I'll just go pull my points out of the ground. The client can use the holes I leave behind to build her fence. That should leave quite a hole in your income, too,"

"We have to record this Record of Survey now that we've checked it," said the draftsman.

"Put a note on it that the surveyor went "belly-up" and couldn't afford to be honest," I told him. \*

Continued from page 10

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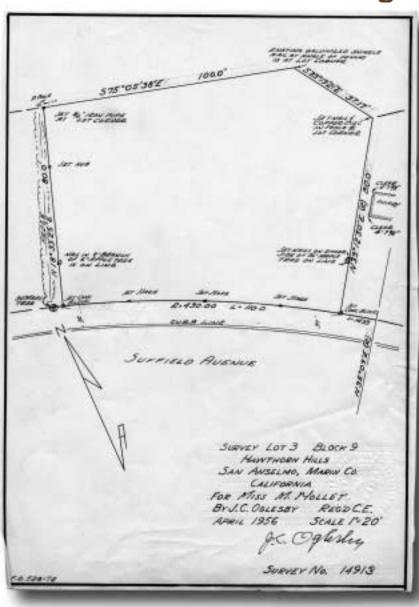
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# Following the Footsteps, Electronically

William Schroeder is a private-practice surveyor in Marin County; past president of the Marin Chapter of CLSA. His firm possesses the life's work of seven surveyors and is the largest survey archive in Marin County, which contains over 25,000 unrecorded surveys, dating back to 1860s.



There is no better advice in Land Surveying than to "follow in the footsteps", to literally and figuratively follow earlier surveyors around to find where the original lines were marked. Modern technology has given us a lot of new tools to perform the art of surveying; we now have satellites, aerial photography, and powerful computers to help us perform our craft. For the boundary surveyor today the problem is not technology, but how to find written evidence of the original boundary lines and then to find their locations in the field. I'm going to describe how old survey maps can be brought into a modern CAD system to follow in the footsteps electronically.

My practice is in a suburban county near San Francisco. Our area is characterized by a nearly built-out land base, therefore much of the work for smaller survey firms relates to projects to remodel or rebuild existing homes and site improvements on individual properties. Many of these lots were created in a time when government standards for land development were minimal and consequently the record maps are often poor. Frequently the lots do not close mathematically, and sometimes they aren't even dimensioned! Over the years many of these lots have been reconfigured by deed, and many of these descriptions are also poorly written. To top it all off, many old subdivisions have no controlling monuments, and the standard monument used by surveyors for a hundred years was the 2" by 2" redwood hub.

The problem then, is you are trying to survey a lot where the record is uncertain and there are no monuments of record. Yet all of these houses were

Continued on page 15





Submitted by David Harp, PLS

**Dutch Control Point** 

# **Following the Footsteps, Electronically**

not built without some surveying. Someone else, someone before you, has performed the same task that you are now attempting. Some record of that work was probably made and it's your job to find it. It's true you may not find an original survey, only a first survey, but it's still part of the record.

Some obvious sources for old survey records are private archives of past surveyor's work, title company back rooms, and County Surveyor's back rooms.

Another source, often overlooked, is the landowner himself, and the adjoining landowners. It can be a fruitful practice to send a card or letter by mail to adjoining landowners informing them that you will be

working in the area next week, and asking if they know of any corner markers or have any old survey maps. This does two things: it cuts down on hostility from neighbors wondering what you're doing digging around that fence, and it can lead them to come out and show you where they remember seeing a stake, and then pulling out an old map and asking "Will this help?"

With an old plat in hand you now have, at least, a record of what someone used for bearings and distances around the lot, and possibly a lot more valuable information. If the plat shows the house or other definite site features such as gates, columns, walkways, telephone poles or even prominent trees, then you have some good clues for finding the old stakes. An electronic scan of the old map and a modern CAD program can be very useful in developing those clues.

Send the map out to be scanned; then you can import the .tif file into your cad program. Create a layer named "scan" and import the file to this layer. Move the scanned image of the boundary into coincidence with your boundary drawing at one distinct property corner. Then scale the image by comparing the length of a

scanned property line with it's actual length; use the "scale" command and apply the ratio between the two lines to the scanned image. Then you must rotate the image so that it is aligned with the boundary lines. Then compare the whole boundary in relation to the scanned boundary; you may need to rescale and/or re-rotate to achieve the best fit possible. After some manipulation you should have your cad boundary lines in coincidence with the scanned lines behind. (Hint: It's necessary to have the scanned

# Another source, often overlooked, is the landowner himself, and the adjoining landowners.

image "behind" the line work in order to see anything besides the scan. In my Softdesk program, this is done by the menu: tools/display order/send to back). Remember the scan is something like a print in that there is some stretch as the map goes through the machine, and you may be scanning a print to begin with. I am usually able to achieve a good fit and the result is better than working with a print alone.

Once you have fit the scanned boundary to the cad boundary you are now ready to "set points" by eye on the distinct hardscape on the map. Building corners, angle points in walks, wall corners and other sharp objects are good candidates. If you have a deskjet type plotter (not a pen plotter) you can make a plot of your boundary drawing along with the scan and your point numbers. Now you are ready for the fieldwork.

Once on site, start by taking side shots on the site features that have coordinate points. Then using a field computer such as the TDS 48, you can translate and rotate your field points onto your record points. By comparing the relationship of several pairs of points you can get your best fit. Now you are "on" the old survey. Some old timers in our area have said that, in some

subdivisions, if two surveyors would set the same corner close enough together that both could be covered by a hat, then there wasn't much to quibble about. I like to say that at this point in our electronic retracement we are within a sombrero of the old point.

Now when you "stakeout" the boundary point you are looking for, you are within a sombrero of the point. This gives me the confidence to be aggressive about digging for an old point, and gives me some comfort that it's worth tearing up the client's yard. We scrape away the grass or ground cover in the size and shape of a sombrero. Then depending on the hardness of the soil we

scrape away the soil a half-inch at a time with the side of the shovel. Hopefully we find the old wood hub or the remnants of it. We have found redwood stakes over 50 years old in

surprisingly good condition, some in poor condition, and once the only thing that was left was the cellulose of the rings. The best thing to do at this point is to drive an iron pipe with the plastic cap right into the center of the old wood point. Once you have found two old points, you can re-translate and rerotate onto those points. Now you are really "on" the old survey. Using this method we have been able to recover many old wood markers when at first glance there was little hope. On some surveys where there were no points of record, no Records of Survey, and no fences to begin a trial location, we were still able to find all the old markers on our property and the adjoining properties.

The records and monuments in your area may be in better condition, but undoubtedly there are still a great many old plats and points not of record, and you'll be doing everyone a great service if you persevere in your search for them. It's very satisfying to find points where others have not, and these methods can help you do that. Following in the footsteps is definitely the right practice, and doing so electronically is a fun and effective way to do it. •

# Code of Professional Conduct for Land Surveying

Provided below is the actual language of the new Code of Professional Conduct for Land Surveyors, effective July 4, 2003, as adopted by the Board for Professional Engineers and Land Surveyors.

# 476. Code of Professional Conduct — Professional Land Surveying

To protect and safeguard the health, safety, welfare, and property of the public, every person who is licensed by the Board as a professional land surveyor or professional civil engineer legally authorized to practice land surveying, including licensees employed in any manner by a governmental entity or in private practice, shall comply with this Code of Professional Conduct. A violation of this Code of Professional Conduct in the practice of professional land surveying constitutes unprofessional conduct and is grounds for disciplinary action pursuant to Section 8780 of the Code. This Code of Professional Conduct shall be used for the sole purpose of investigating complaints and making findings thereon under Section 8780 of the Code.

# (a) Compliance with Laws Applicable to a Project:

A licensee shall provide professional services for a project in a manner that is consistent with the laws, codes, ordinances, rules, and regulations applicable to that project. A licensee may obtain and rely upon the advice of other professionals (e.g., architects, attorneys, professional engineers, professional land surveyors, and other qualified persons) as to the intent and meaning of such laws, codes, and regulations.

# (b) Conflict of Interest:

- (1) If a licensee provides professional services for two or more clients on a project or related projects, the licensee shall disclose in writing to those clients and property owners or their authorized representatives his or her relationship to those clients.
- (2) If a licensee has a business association or a financial interest which may influence his or her judgment in connection with the performance of professional services, the licensee shall fully disclose in writing to his or her client(s) or employer(s) the nature of the business association or the financial interest.
- (3) A licensee shall not solicit or accept payments, rebates, refunds, or commissions, whether in the form of money or otherwise, from contractors or suppliers of material, systems, or equipment in return for specifying their products to a client or employer of the licensee.
- (4) A licensee, while engaged by a governmental agency as an officer, employee, appointee, agent, or consultant of that agency shall not engage in a professional land surveying business or activity that may be subject to that licensee's direct or indirect control, inspection, review, audit, or enforcement on behalf of that agency, unless the circumstances are disclosed to and approved by that agency in writing prior to such engagement.

# (c) Representations:

- (1) A licensee shall not misrepresent his or her qualifications to a prospective or existing client or employer.
- (2) A licensee shall not misrepresent to a prospective or existing client the licensee's scope of responsibility in connection with projects or services for which the licensee is receiving or will receive compensation from that client.
- (3) A licensee shall not misrepresent his or her scope of responsibility in connection with projects or services for which the licensee is claiming credit.
- (4) A licensee shall not misrepresent nor permit the misrepresentation of his or her professional qualifications, or affiliations or the affiliations or purposes of the institutions, organizations, or other businesses with which he or she is associated.
- (5) When providing information in connection with a person's application for a license to practice professional land surveying, a licensee shall accurately represent his or her knowledge of the applicant's qualifications.
- (6) A licensee may advertise or solicit for any services for which he or she is authorized by licensure.
- (7) A licensee shall only express professional opinions that have a basis in fact or experience or accepted land surveying principles.
- (8) A licensee shall attribute proper credit to others for their professional work or professional contribution and shall not misappropriate the professional work of others.
- (9) A licensee shall not knowingly permit the publication or use of his or her data, reports, maps, or other professional documents for unlawful purposes.
- (10) A licensee shall not falsely or maliciously injure or attempt to injure the reputation or business of others.
- (11) A licensee shall not misrepresent data and/or its relative significance in any professional land surveying report.

Continued on page 20



# ALLEN

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# "What the CLSA Central Office Does"

The CLSA Central Office is your "front" and "back" office, acting as liaison to outside vendors and fulfilling requests for information about the Association, while managing committees, distributing newsletters and keeping track of Association documents.

# Workshops Member & Seminars Benefits MANAGEMENT DIFFERENCE CONTRIBUTION

Membership Services

CLSA Central Office is the contact for all member inquiries. The Central Office maintains a database with member and prospect information, verifies and approves membership applications and develops and executes recruitment and retention campaigns.

- · Process membership applications
- · Invoice membership dues
- · Process membership dues
- Maintain database with current information on members
- · Design, preparation and delivery of certificates and awards
- Accounts Receivable
- Accounts Payable
- · Invoicina
- Telephone/Fax/Email/List Serve
- Correspondence Coordination
- · Process mailing list requests
- · Develop office policies
- · Develop and implement membership promotion programs
- . Identify and secure source lists
- · Review and recommend membership benefits
- Maintain Who's Who with contact information on all state Officers, chapter Officers and Committees
- Geographical Queries
- Develop and implement membership promotion campaign for new licensees
- Assemble current membership material and setup membership booth at annual conference

- Secure staffing and provide membership material and booth at other statewide events. Provide membership booth instructions/policies
- . Maintain current membership list

# Board/Executive Committee

The CLSA Central Office identifies and executes Association programs approved by the Board of Directors and assists Association Officers and Committee Chairmen in their responsibilities. The Central Office organizes and attends all meetings of the Association and assists with the development of the organizational structure, policies and procedures.

- Prepare and distribute meeting notices
- Prepare and distribute agendas and addendums
- · Prepare and distribute minutes
- Prepare and update Board Handbook
- · Attend Board meetings
- · Annually update directors manual
- Review Strategic Plan
- · Schedule conference calls
- . Fill requests for Board Members, Officers and Committee Chairs
- Provide administrative assistance and/or correspondence for Board Members, Officers and Committee Chairs
- . Prepare and distribute slate of candidates
- Secure autobiography from candidates and prepare for mailing with the ballot

Continued on next page



- Secure autobiography from candidates and prepare for mailing with the ballot
- Prepare and distribute Ballots
- Serve on the Tellers Committee when appointed by the President. Maintain a tally of ballots received.
- File all necessary forms with the Secretary of States office
- Prepare and distribute summary of major actions at the annual meeting
- Maintain calendar of events to avoid conflict with other activities
- Prepare reports including membership status quarterly report, CLSA Central Office Report and others as needed
- Maintain all filing requirements with the Fair Political Practices Commission in conjunction with CLSA-PAC
- Maintain name badges and tents for all board members
- Prepare, organize and distribute handout material
- Prepare and distribute Resolutions
- Maintain a historical record of:
- Bylaw amendments
- Agendas and Addendums
- Minutes
- Resolutions
- Financial Records

### **Finances**

CLSA Central Office manages the association bank accounts as directed by the Board of Directors, organizes the approval and payment of all expenditures, process income and produce quarterly income and expense reports, file the annual tax returns and assists with budget development.

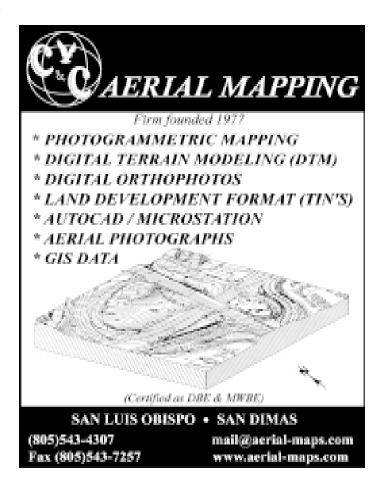
- · Accounts Payable
- Accounts Receivable
- · Balance monthly bank statements
- Prepare and distribute quarterly and annual financial statements to the Board of Directors
- Prepare State and Federal tax forms and file with the IRS and Franchise Tax Board for the State and 21 local chapters
- Maintain insurance and bonding programs
- File quarterly reports on sales tax with the Board of Equalization
- Handle accounts receivable and payable for CLSA Education Foundation
- Provide quarterly report on the CLSA Education Foundation to the Board of Directors
- Handle accounts receivable and payable for the CLSA-Political Action Committee

#### **Committee Relations**

 Provide assistance to all Committee Chairmen as needed and/ or requested

# **Legislative Committee**

- Notify members of amended bills and request responses on a bi-weekly basis
- Receive and compile responses
- Forward compilation to the reactive chair for CLSA position
- Notify lobbyist of CLSA position
- Update lobbyists website with CLSA position
- Prepare and distribute Legislative Report to members every month



- Arrange meeting date and location
- · Send meeting notices
- Attend Legislative Committee meeting
- File digitally and by mail the quarterly reports with the Secretary of State's office as a lobbyist employer

# **Chapter Relations**

- Verify that chapters are reporting as required by the State bylaws
- Prepare and file chapter tax forms
- Notify chapters of new state members
- Qualify chapter representatives
- · Maintain contact information on chapter officers
- Maintain files on chapter correspondence

# Cal Surveyor/CLSA NEWS

The Central Office is responsible for the distribution of the quarterly magazine the Cal Surveyor and the bi-monthly publication the CLSA NEWS.

- Design, layout, formatting
- · Secure right to reprint, if necessary
- Input articles as necessary
- Review and approve final Blue Line
- Oversee printing
- Provide updated mailing list and oversee mail distribution
- Maintain advertising contracts
- Advertising sales

Continued page 28



# Code of Professional Conduct for Land Surveying

# (d) Confidential Information:

Confidential information obtained by a licensee, in his or her professional capacity, concerning a client, employer, or other related party shall not be disclosed by the licensee without the permission of the client, employer, or other related party except for the following:

- Disclosures made in response to an order of the court or to a subpoena or summons enforceable by an order of the court.
- (2) Disclosures made in an adjudicatory proceeding.
- (3) Disclosures made in response to an official inquiry from a governmental regulatory agency.
- (4) Disclosures made when required by law.
- (5) Disclosures made upon discovering a hazard within the licensee's field of professional expertise which may threaten the health, safety, and welfare of the public.
- (6) Disclosures made when providing evidence to the Board regarding other licensees or unlicensed individuals who may have violated the Professional Land Surveyors' Act.
- (7) Disclosures made regarding illegal conduct.

  As used in this section, "confidential information" means information identified as confidential by the licensee's client, employer, or other related party.

# (e) Document Submittal:

- (1) A licensee shall not misrepresent the completeness of the professional documents he or she submits to a governmental agency.
- (2) A licensee shall not misrepresent the completeness of the professional documents he or she prepared to his or her client or to other involved parties.

{Added, effective July 4, 2003}❖

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# AMERICAN CONCRESS OF SURVEYED FOR MAFFIRMS Bulleral Society of Professional Surveyors, Inc.

# Annual Map/Plat Competition

Nashvillo, TN, April 19, 2004.

DEFECTAL BETTEY FORM

# The 2004 ACSM/NSPS Man/Plot Dotton Competition is new room for entries.

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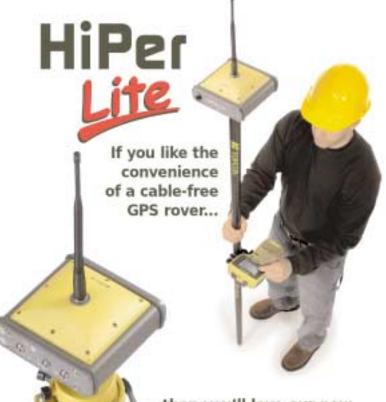
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# National Society of Professional Surveyors



Area 9 Director's Report

The big news in NSPS right now is the overwhelming passage of the proposed New ACSM. This is a very exciting time for all of the members of NSPS. In short, there will be no more individual persons as members of ACSM. The Member Organizations (MO's such as NSPS, CaGIS, GLIS and AAGS) will be the Member Organizations of the New ACSM. NSPS, CaGIS, GLIS and AAGS members will pay dues to their respective societies. Each MO will be responsible for the governance and financial success of itself. In turn NSPS, CaGIS, GLIS and AAGS will pay ACSM for services that New ACSM provides to each organization.

There has been a lot of work by a lot of people nationally to bring the concept of the New ACSM to reality. The result is that NSPS will become the single national voice for land surveyors and in control of our destiny and financial future. Will there be more changes in NSPS as a result of the New ACSM? The answer is, "yes" and the NSPS leadership is prepared to meet this challenge with a commitment to the success of NSPS and our national programs.

July 18th and 19th I attended the NSPS Excom meeting in Gaithersburg at ACSM Headquarters as the Area 9 Director. During the two-day meeting we completed a two page agenda and thoroughly went through a whole binder of supporting material. I cannot even begin to do justice to the meeting in this short report, but I do want to "hit" some of the meeting highlights and let you know what the NSPS leadership is up to. In brief we discussed and made assignments related to the following topics:

NSPS President John Fenn conducted the meeting and kept us all on task and moving along. You can be assured that your President is very busy and taking his administration seriously. The meeting concluded with a long list of individual and committee assignments and actions items. This was my first Excom meeting (two Area Directors rotate attendance). The meeting was excellent and as you can see there are many activities currently underway by NSPS.

A major part of NSPS is the societies participation in scholarship awards throughout the U.S. through the NSPS Foundation. At the Phoenix Conference ACSM and NSPS awarded a number of scholarships. The recipients of these awards are as follows: the Allen Chelf Memorial Scholarship went to Christopher Colin Sherby; the Catherine K. "Cady" McDonnell Memorial Scholarship went to Suzanne Lee Swarthout; the NSPS Board of Governors Scholarship went to Preston J. Hartzell and Anthony Michele Squellati; the Kris M. Kunze Memorial Scholarship Tri State Surveying, Ltd. went to Jonathon C. Wildrom; the NSPS Scholarship went to Christopher Colin Sherby and John Glas; the Nettie Dracup Memorial Scholarship went to Steven J. Novak; the ACSM Fellows Scholarship went to Timothy W. DeMumbrum; and the Mary Feindt Scholarship - Forum for Equal Opportunity went to Jennifer Lynn Blue.

- 1. Review of the NSPS goals, objectives and services
- 2. Review of new NSPS Boards, committees and charges
- 3. Criteria for NSPS Membership classifications
- 4. Secondary Membership Dues
- 5. New ACSM Delegates and Alternates
- 6. Surveying and Land Information Systems Journal Fees
- 7. Anniversary Issue of the ACSM Bulletin
- 8. Tracking NSPS Membership Demographics
- 9. New and Renewing Member Benefits
- 10. Enhancement of the NSPS Website
- 11. New ACSM and Inter-Affiliate MOU's
- 12. NSPS Participation at Affiliate Conferences
- 13. Spring 2004 Nashville Meeting
- 14. NAFTA MRD
- 15. Survey Technician Certification Program
- 16. NSPS Turning Points Newsletter
- 17. NCEES Items: (a) Trig-Star; (b) Surveyor's Week; (c) Surveying Licensure Promotional Program; and (d) Model Law
- 18. ACSM Lobby Day
- 19. Constitution & By-Laws Amendments
- 20. NSPS 2004 Budget
- 21. Workshop List Data Base
- 22. APPA Affiliation
- 23. Lewis & Clark Activities
- 24. Surveying Safety Video
- 25. NSPS/ASCE MOU
- 26. USGS Historical Records
- 27. NSPS/ACEC-COPS MOU
- 28. NSPS Revenue Generation
- 29. High School Recruitment Strategies
- 30. Future of the Surveying Profession
- 31. Guam Society of Surveyors Affiliation
- 32. 75th Anniversary of the Illinois Professional Land Surveyors Association
- 33. NSPS Map/Plat Competition & Awards �



# Proportionate Share Municipal Taxation

ave you experienced a local government body seeking to fully tax your business license when you are providing a relatively small percentage of services within its jurisdiction?

# If you have, you may not be alone.

Sufficient numbers of Land Surveyors have experienced this practice to raise it as an issue at a California Land Surveyor Association Legislative Committee meeting in Sacramento. As CLSA's Legislative Advocates, we have reviewed this issue in the context of assisting you to put an end to this practice and are pleased to provide you with tools you can use if you have ever experienced this situation, or ever do.

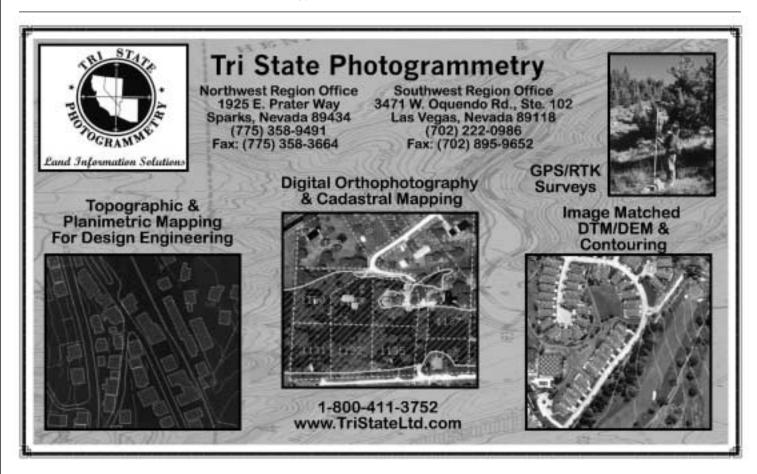
# In short, this practice is abusive and arguably illegal.

The statutes pertaining to such taxing authority can be found in Business and Professions Code Section 16000, which states in pertinent part, "Any legislative body, including the legislative body of a charter city, which fixes the rate of license fees pursuant to this section upon a business operating both within and outside the legislative body's taxing jurisdiction, shall levy the license fee so that the measure of the fee fairly reflects the proportion of the taxed activity actually carried on within the taxing jurisdiction." (Emphasis added.)

Unequivocally, current law states that a municipality may levy taxes only on the proportionate share of the licensed services provided within its jurisdiction or boundaries. example, a surveyor whose principal place of business is in City A performs one day of on-site field work (10 hours) in City B to survey and set courses for a 100 lot subdivision. For the next month, the surveyor performs office work in City A necessary to prepare the subdivision map for filing (100 hours). City B may only assess a business license fee for the 10% portion of the project performed in that jurisdiction, not the entire amount of the project.

It is our belief that the current law is sufficiently clear; any city or local government entity that endeavors to disproportionately tax a professional license for services is not in compliance with existing law.

Continued on page 33





# Ask the Subdivision Map Act Experts



Robert E. Merritt received his J.D. from the University of California at Berkeley School of Law (Boalt Hall) in 1966. Considered one of the state's leading authorities on the Subdivision Map Act, he has written the Guide to California Subdivision Sales Law, (CEB, 1974), has co-authored California Subdivision Map Act and the

Development Process, (CEB, 2001), and has written numerous articles on land use regulations. He has joined with Dan Curtin in writing the Subdivision Map Act Manual, (Solano Press Books, 2000). He has lectured extensively on real estate development topics for CEB, the Practicing Law Institute, and the University of California Extension.



**Tedra Fox** is an attorney with Bingham McCutchen's Environmental and Land Use Group in Walnut Creek. She is a graduate of UC Berkeley's Boalt Hall. Prior to practicing law, Ms. Fox served as a Senior Planner for the City of Ojai and as Chief of the Land Use Planning Division for the National Park Service, Santa Monica

Mountains National Recreation Area. She also served as a law clerk in the Office of the Solicitor, U.S. Department of the Interior, San Francisco.

Please submit your question(s) for the Subdivision Map Act Experts to:

Attn: Phil Danskin, Editor c/o CLSA Central Office clsa@californiasurveyors.org

Continued on next page

# Question #1

Does the California Supreme Court's decision in Gardner v. Sonoma County, 29 Cal. 4th 990 (2003), mean that all subdivisions created before 1893 are illegal, even if the subdivided lots are now developed?

#### **Answer**

No. The Supreme Court's holding in Gardner acknowledges that there may be limited circumstances when a map recorded before the first statewide Map Act was enacted, in 1893, either creates legal lots or facilitates their establishment.

In addition, if an illegally subdivided lot was "approved for development" by a public agency, it would likely qualify for a Certificate of Compliance under Gov. Code § 66499.35(c). A Certificate of Compliance is the local agency's declaration that a lot is legal because it complies with the Map Act and related local ordinances.

# The Gardner Decision

In Gardner, the Supreme Court was asked to determine whether an accurate subdivision map recorded in 1865 created legal parcels. The map in question featured roughly 1,000 acres divided into 90 lots. When the map was recorded, no subdivision regulations existed, so the map was not reviewed or approved by any public agency. Over the years, portions of the map were conveyed to different parties. In 1990, a 158-acre portion was conveyed to the Gardners. The Gardners' property contained two original lots, and the fragments of 10 others. The Gardners applied for Certificates of Compliance for all 12 parcels, but the County would only issue one Certificate for the entire 158-acre parcel.

The Gardners filed suit and the case made its way to the California Supreme Court. The Supreme Court affirmed the rulings of the lower courts, finding that the 1865 map did not create 12 legal parcels. The Supreme Court held that maps recorded before 1893 do not -- by themselves - create legal parcels.

However, the Supreme Court observed that it is possible for antiquated maps to either facilitate, or create, legal parcels in certain situations. For example, under the "common law", a parcel shown on a map recorded before 1893 might acquire independent legal status if the owner later conveys the lot separately from the surrounding land through a deed or

patent. Thus, the recorded subdivision map plus the attendant conveyance of a parcel depicted on the map has the potential to result in a legally cognizable parcel.

The Supreme Court also suggests that the "grandfather provisions" of the Map Act, Gov. Code Sections 66499.30(d) and 66412.7, might be the basis of finding that an antiquated map created legal lots. The Supreme Court observed "[r]easonably read, sections 66499.30(d) and 66412.7 protect subdivisions that either already were approved by local agencies, or were deemed exempt under previous subdivision laws in effect at the time the subdivisions were established." Thus, even in the absence of a statewide Map Act in 1865, if the County had a local law specifically governing land subdivisions and the map was either in conformity with it, or exempt from it, the Gardners' 12 lots might be grandfathered in. However, it should be noted that few, if any, local subdivision statutes existed prior to 1893 based on research conducted to date.

# Maps Before 1929

In a footnote in the Gardner decision, the Supreme Court leaves open the question of whether maps filed before 1929 can, by themselves, create legal lots. Gardner, 29 Cal. 4th at fn7. This date is significant because it was not until the 1929 amendments to the Map Act that cities and counties were given authority to regulate subdivisions. The Supreme Court said it had no reason to resolve this question in Gardner because the map at issue predated the earliest statewide Map Act statute (1893).

# Certificates of Compliance for Developed Properties

Gov. Code § 66499.34 and § 66499.35(c) require a local agency to issue a Certificate of Compliance if the lot has been "approved for development." The definition of "approved for development" includes: (1) lots that have received a development permit or approval from the local agency; (2) lots that were developed before a development permit or approval was necessary; and (3) lots that were developed in reliance upon a permit or grant of approval. See Gov. Code § 66499.34. Thus, if a lot depicted on a pre-1893 map was developed pursuant to local agency approval or before local agency approval became necessary, then the text of the Map Act appears to support the conclusion that the agency must issue a Certificate of Compliance validating the parcel.

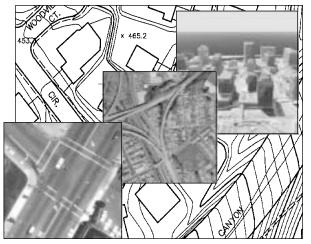
Continued on page 31



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# "What the CLSA Central Office Does"

- Compile, verify and maintain advertisements received by vendors
- · Prepare run sheet for each issue of the Cal Surveyor
- Provide administrative support to the Cal Surveyor and CLSA NEWS Editors

# **Publications**

The Central Office is responsible for producing publications on California Laws as a member benefit as well as a source of information for the surveying profession.

- Update annual publications (SMA, PLS/PE/Board Rules) from current year chaptered legislation.
- Design, layout and format annual publications in two sizes;
   8 1/2 x 11 and booklet size
- Update Numeric PLS Roster and Alpha PLS Roster from information secured from the Board of Registration
- Oversee printing
- Promote/market publication sales
- · Process publication orders
- Maintain inventory of all other publications

# Website

CLSA Central Office acts as the Association Webmaster, performing general maintenance and updating the calendar of Events. The Central Office also provides technical support for posting on the Forum (discussion & classified pages).

# **Conference**

CLSA Central Office handles all advance planning, from site selection, contract negotiations and blocking hotel rooms to arranging for food and beverage service, audio-visual equipment and exhibit management. The Central Office works with the Program Committee on program development and agenda creation, handle the mailing of invitations, registration and promotion material and process advanced registrations. During the meeting, the Central Office manages all event logistics, including speaker and program arrangements, onsite registration and materials including speaker handouts for meeting attendees.

- · Site selection and scheduling
- · Hotel contract negotiations
- · Layout/Design/Printing of media material
- Registration brochures
- Flyers & programs
- Ads
- · Design, print and distribute certificates/awards
- Promotion of Conference
- Exhibit management
- Contracting with decorator, coordinate booth assignment with decorator
- Assign booth space
- · Exhibitors Prospectus and contract
- Negotiate and coordinate ground transportation
- Coordinate optional activities

Continued on next page



### Continued from previous page

- Advanced and On-site Registration
- Financial management
- Order all conference supplies
- · Develop and maintain staging guide
- · Prepare audio visual requirements and contract with an audio visual company.
- Maintain hotel rooming list for speakers
- Mail conference invitations to VIP's and guests
- Assign moderators
- Secure speaker bio's
- Secure security guard service
- · Design, print and distribute name badges
- Design, print and distribute final program
- Design directional signs
- Distribute ads to local chapters for inclusion in newsletters
- Publish ad in Cal Surveyor and CLSA NEWS
- Arrange for student assistance
- Solicit door prizes/raffle items
- Photograph all events for conference reporting
- Make hotel and airline reservations for speakers, quests and students
- Send letters of appreciation to speakers and exhibitors
- Distribute attendee list digitally to exhibitors
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- Track continuing education and issue Certificates of Completions

# Seminars

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- Hotel contract negotiations
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- · Registration brochures
- Flyers & programs
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- Pre-Registration & On-Site Registration
- Accounting
- Design and distribute PDH Certificates of Completion
- Audio Visual Requirements
- · Contract with Speakers
- Handle travel arrangement for speaker
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# **Ask the Subdivision Map Act Experts**

**Question 2:** If an owner subdivides real property four times over a period of years, when the owner creates an additional parcel, must be or she obtain a tentative and final subdivision map?

Answer: Yes. Creation by a subdivider of four or fewer parcels requires approval of a parcel map, and subject to certain limited exceptions, if the subdivider creates, or causes to be created, additional parcels on the same or contiguous parcels, the subdivider must process a tentative and final subdivision map. In counting parcels, the Map Act does not consider the time period over which these subdivisions occur, provided they are made by the same owner or the owner's agent.

This rule is stated in the case of Bright v Board of Supervisors, (1977) 66 Cal. App.3d 191. In 1973, Bright attempted to subdivide property (Parcel A), which he held as his separate property into four parcels by parcel map and was told by the County that it required a tentative and final subdivision map. This was because Bright and his wife in 1968 had acquired as joint tenants a contiguous parcel of property (Parcel B) and in 1971 Bright transferred a portion of his interest in Parcel B to his wife. This divided Parcel B and the County counted this division together with the proposed division of Parcel A finding that the combined

divisions resulted in creation of more than four parcels by the same subdivider. The Court agreed with the County, and stated that Parcels A and B were adjoining parcels and had to be considered together.

This rule is consistent with the Map Act prohibition on quartering. Quartering is when a subdivider divides a single parcel by parcel map into four parcels and then transfers each of the parcels to persons who have some relationship with the subdivider so they can be continually subdivided into four parcels through use of parcels maps and thereby avoid the requirement of a tentative and final subdivision map. This practice has been condemned by the courts and the California Attorney General, and on some occasions has led to criminal prosecutions.

In 1986, legislation was introduced to reverse the rule of the Bright case to permit successive subdivisions by parcel map (AB 2034 Bradley). The bill was strongly opposed by the League of California Cities and the County Supervisors Association of California on the grounds that the change would allow landowners to avoid design and improvement requirements under the Map Act. The bill was amended in committee to eliminate the language sanctioning serial subdivision of land by parcel map. Today, the rule of the Bright case is still good law, and land surveyors should advise clients to consult an attorney if the client desires to file successive parcel maps to divide contiguous property into more than four parcels. •



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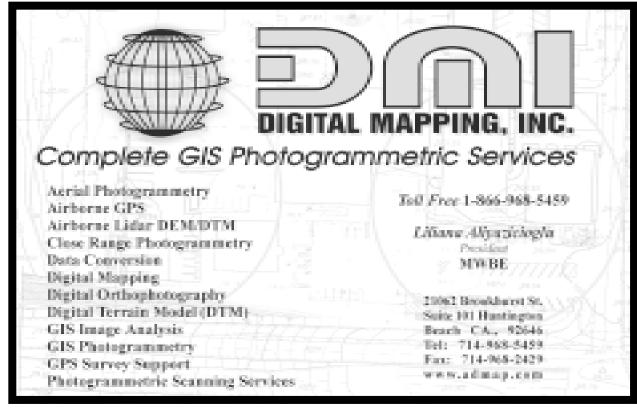
# Proportionate Share Municipal Taxation

This law was enacted in 1990 by Assembly Bill 2779 (Lewis) (Chapter 357, Statutes of 1990) in order to address precisely the issue that is currently being raised by some land surveyors.

If you have experienced or do experience this situation, we recommend that you do two things. First, bring this law to the attention of the local government body. Let them know that you have the facts, and the law, on your side. Second, contact your local CLSA Chapter in order that it may be noted and documented should further activity be required. Documentation is critical to establish credibility beyond an anecdotal basis.

With the above provided information, you should be able to successfully argue against imposition of multiple local business license arrangements. Furthermore, all attempts by local governments to impose a business license tax other than in your principal place of business should be reported to CLSA in the event current law needs to be strengthened or clarified. •





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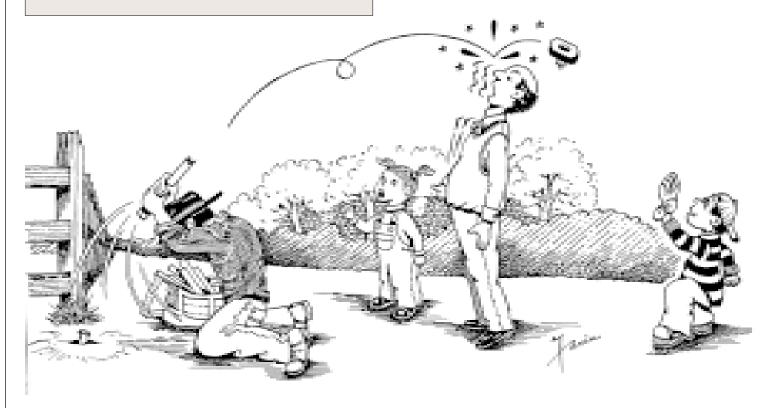
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# Here's Some Important Information About CLSA

The goal of the California Land Surveyors Association is to promote and enhance the profession of surveying, to promote the common good and welfare of its members, to promote and maintain the highest possible standards of professional ethics and practice, and to elevate the public's understanding of our profession. CLSA represents all Land Surveyors, whether they are employees or proprietors, whether in the public or private sector.

# Representation

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.

# **E**ducational Opportunities

CLSA presents annual conferences which provide technical and business programs, as well as exhibits of the latest in surveying and computing technology. Seminars and workshops are presented to assist in continuing education. CLSA publishes the California Surveyor magazine and the CLSA NEWS to keep the membership abreast of changing legislation, legal opinions, and other items which affect our profession.

# $oldsymbol{\mathcal{B}}$ usiness and Professional Services

CLSA provides a fully staffed central office which is available to answer questions or to provide up-to-date referrals concerning legislation, educational opportunities, job opportunities, or other issues concerning our membership. Professional liability insurance programs are available to members.

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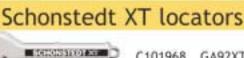
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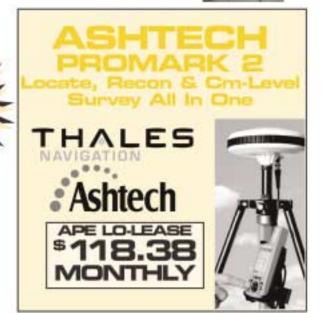
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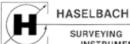
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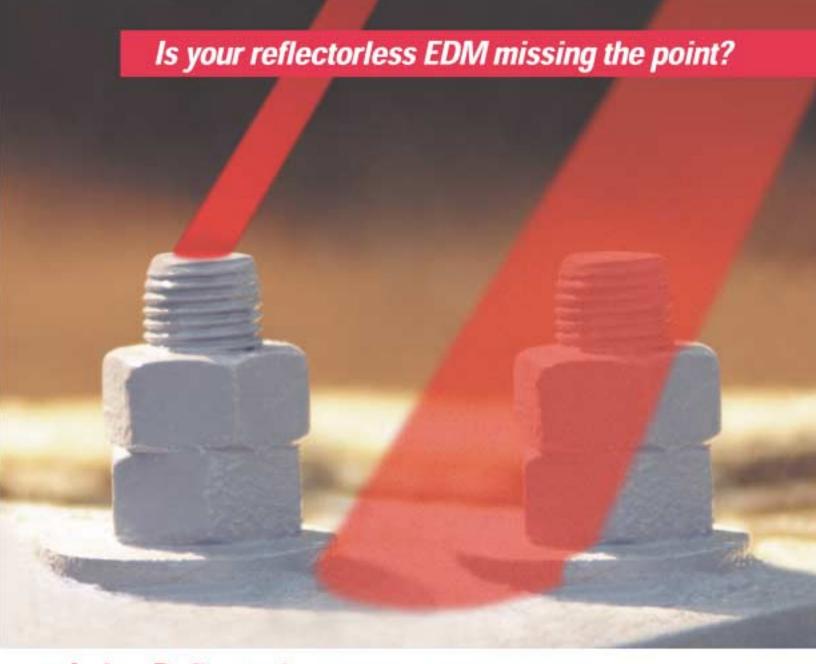
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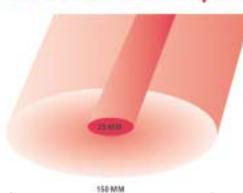
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