

The Voice of the Land Surveyors of California

SURVEYOR *California*

Institutional Affiliate of American Congress on Surveying and Mapping

Spring 2004 Issue #141



Passing the Gavel:

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New CLSA President

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2003 President

Las Vegas
Conference Highlights
pages 19 & 22



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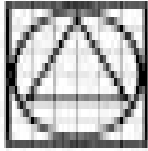
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“Recognizing that the true merit of a profession is determined by the value of its services to society, the California Land Surveyors Association does hereby dedicate itself to the promotion and protection of the profession of land surveying as a social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

Passing the Gavel



We have met the enemy - and the enemy is . . .

A most delightful elderly client, Rabbi S suggested to me: "Phillip, you should take out an advertisement in the local newspaper warning the public to have their properties surveyed before they buy. If I had done that I would have never bought this property!"

Ladies and gentlemen, our profession has a problem. Most of us are altruistic rather than egocentric. (Though "the contrary may be shown.") For some reason, our psychological make-up is the love of outdoors . . . crunchin' numbers . . . and artistic endeavor. We lack that part of the psyche which delights in public-relations writings, promoting our profession and bridging relationships with somewhat consanguine professions such as realtors, attorneys, architects, landscape architects, etc.(Consanguine, Phil?! Shame on you! Sorry, speak with Roget.)

Hell . . . give me a surveyor with a razor-sharp machete, the same degree of "sharp" that Eugene Lockton used to employ in order to cut his tomato on during lunch . . . and a three-meter high wall of tick infested brush - 'n I'll show you a surveyor in Pig Heaven! Give 'em a two by three-meter phone-free, mind-calming light green cement cell, with a window just large enough to tell 'em whether it's day or night . . . a 'puter with a fat-boy hard-drive full of "surveyor-ware" . . . meta data from the previous day's work through-the-three-meter-high-wall-of-tick-infested-brush . . . and sit back and laugh to the screams of ecstasy or agony that may be heard reverberating off the light green, at the termination of each iteration . . . and when "resolve" has visited his/her mind - an orgasm may be heard in the next state.

We need to boost our egos! Not so much so as to be confused with a media-sucking attorney . . . but somewhere between there and here!

To most of us, public speaking is not our bailiwick, (. . . guilty as charged, your Honor!). As part of our make-up . . . we should coerce ourselves toward public speaking. We need to bridge the profession. Talk to realtors. Explain to 'em why they shouldn't call on the 25th of the month for an A.L.T.A. survey to "close" on the 1st! Explain what we do. Too many people view our services are simplistic.

"Read the Prelim, look at the deed, (for heavens sake don't read 'em!), take out your three-hundred dollar hand-held GPS and let's close the deal! Time is money."

However, our profession requires time - sometimes lots of it! One might order a map from the recorder's office, only to find it illegible. Then make a request to view the original - only to be told it may be weeks! They need to walk a few kilometers in our shoes. And



how best do they do that? Be a guest-speaker to their society meeting! Explain surveys. Ask them if there is some way our organization may enhance theirs and vice versa. Give'em a slide show. Share the horrors and/or rewards of true war-stories. Doing so will not only provide them with knowledge of surveying, but acquire some respect for what we do! (You may substitute the aforementioned 'realtor' to any profession that employs us or contacts us for information. Schools. Attorneys. Architects. Engineers. Public Works Associations. Etcetera.

Another way to educate the public could be through newspaper articles. It would be wonderful if lot line adjustments, boundary surveys, etc. articles would be written and published in the Real Estate section of a local rag. Educating the public could be a full time job because we are so lacking in the 'promotions' field!

Now - go forth my children and proselytize the heathen masses! And don't forget to wash your hands and put the seat down! May you have a good Spring ahead and take care not to fall back.

CALLING ALL SURVEYORS? Whazzzzzz up!!! Where are the surveyors!?!?

I thought you all might enjoy the frustrations we editors have . . . The above is a reprint of the February Issue of Focal Point, an excellent publication by the Sacramento Chapter under the well honed eye of Jed DeGraff. Come on guys 'n gals, as they yell in Little League: talk it up out there!

This little rag circulates to almost 500 people a month, yet only eleven (11) of the questionnaires sent out in last month's publication were returned??!! Did the Focal Point get delivered last month? Are you guys out of stamps or just too busy at work to spare a few minutes.?

Continued on next page

As with so many organizations, members are simply too busy to get involved, attend meetings, submit opinions, or even spend just a few minutes completing a questionnaire designed to help the chapter better help you, the member!

Last month's questionnaire won't measure the capability or professionalism of member surveyors, but the lack of response did indicate the apathy and indifference that prevails in our ranks.

I'm sure all of you think about issues facing our profession. Do you take the time to talk with your fellow surveyors, one on one, about them? Would you like to be heard by a larger audience? Monthly meetings are a good place to start. Prior to the business meeting there is always time for some open forum discussions. If you are unable to attend meetings, then the Focal Point can be your forum (or soap box). The chapter is fortunate to have this medium for sharing thoughts, concerns, experiences, and ideas. Kudos to those who do contribute articles whether sporadically or on a regular basis, to give the rest of us food for thought. (You know who you are)

How about some ongoing dialog?

Following is a list of some issues affecting California surveyors; does anyone wish to provide an editorial on one of these subjects?

- _____ Thoughts about the newly enacted code of conduct?
- _____ How about the recently revised Board Rule 404 which now takes a stab at defining negligence?
- _____ How about thoughts on the new LS exam format?
- _____ What about the NCEES model law, which seems to give California surveyors such fits?
- _____ Is anyone having great success with CORS stations locally?
- _____ Who uses OPUS?
- _____ Is there any opposition to the fact that our registration fees doubled last year?
- _____ Is it true California universities graduate less than 30 Bachelor of Science degrees in surveying each year? Does that worry anyone?
- _____ The division lines on the local corner record issue run very deep, why is no one expressing an opinion?
- _____ What are some issues confronting our new JPPC?
- _____ What about new laser scanning technologies such as LIDAR and CYREX?

Won't you take a few minutes and tender a few written words on these issues? Why does everyone have an opinion at the bar, but suffer from writers' cramp when it comes to offering a published opinion? The lack of contributors with opinions, yes opinions, baffles me. Somebody must care about these matters enough to say something. Then again, maybe not.

A series of editorials on any topic, would be good for our chapter, good for local surveying and good for the profession. ❖

Letters to the Editor



State Mandated Continuing Education

Let the debate begin:

Should California Professional Land Surveyors support state mandated continuing education? (Not to be confused with voluntary continuing education, which everyone favors.)

I strongly oppose state mandated continuing education (SMCE). It is absurd and dangerous.

It is absurd that under SMCE a seasoned Professional Land Surveyor (PLS) is presumed less qualified than when initially licensed! A license to practice in California, once issued by the state, should not be revoked for reasons other than incompetence or violation of the law. The state now acts in this capacity and adequate safeguards are in place to protect the public. Allowing the state to impose new, contingent criteria to maintain one's PLS status effectively redefines the meaning of "professional" to "state agent."

Continued on next page

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The Value of TACs

The Technical Advisory Committees (TACs) that serve the Board for Professional Engineers and Land Surveyors are made up of professionals appointed by the Board. These TACs perform several important functions. The TACs advise the Board on issues of relevance to their discipline, they research subjects at the request of the Board and they work on special projects at the direction of the Board. That is until recently.

In years past, the LSTAC, for example, has been asked to review LS applications, to review facts in disciplinary cases, to develop a form for documenting relevant experience for land surveying interns, and to assist in revising wording in certain of the Board Rules. The other TACs, including the mechanical, electrical and civil engineering committees have carried out similar assignments.

The Governor's Budget Summary for Fiscal Year 2003-2004 limited advisory boards and commissions, to a single meeting a year. Obviously, this directive was intended primarily to reduce outgo of state monies. A Budget Letter was issued by the Department of Finance on January 29, 2003, that directed all state agencies to implement this new practice. The letter said, in part,

"As directed in the 2003-04 Governor's Budget Summary (page 216), all State advisory bodies are to limit their meetings to one annually, if such limitation does not require statutory change. This practice should produce savings and contribute to the solutions to the budgetary shortfall. All advisory bodies are requested to implement this new practice as soon as possible.

Per Government Code Section 13337.3 (a) (1), "Advisory body" means every board, bureau, commission, committee, panel, task force, or similar group created by statute or executive order whose principal function is to review, advise, plan, advocate, or promote."

Neither the budget summary nor the budget letter addressed self-funded boards such as ours. Subsequent to that order, the Board's legal counsel interpreted this order as applying to the TACs. In addition, counsel ruled out coordinating TAC work via email or conference calls in the absence of actual meetings, citing such communication as a violation of open meeting laws.

This has effectively brought the work of the TACs to a standstill and with it, much of the work of the Board, as well. While many tasks can be carried out by Board staff, they are short-handed and are subject to an ongoing hiring freeze. In short, the Board needs our help.

The California Board for Professional Engineers and Land Surveyors is a self-funded Board. Their revenue from license renewal fees and exam application fees, results in a surplus of money with which they would theoretically be able to operate quite effectively in the black. However, they are prevented from using this money and currently operate on a greatly reduced budget. That is bad enough, but suffering under a blanket policy that unreasonably prevents the operation of the TACS is intolerable.

Continued on next page

There is no evidence that SMCE, alone, more effectively safeguards the public's interests than independent actions of a PLS in pursuit of a career - gaining experience, independent research and study, consultations with colleges, and voluntary continuing education. The burden of proof to justify SMCE is on the state, not on CLSA or other organizations. How many CLSA members are clamoring for SMCE and demanding that leadership be more proactive?

PLSs have demonstrated their ability to absorb technology and respond to changes in the law. State intervention to force PLSs to be aware of such changes is unwarranted. Moreover, the state is the least effective agent for change and may actually hinder innovation and progress.

California should not be characterized as "behind" other states that have established SMCE requirements for a PLS to hold a license to practice. Many states have decided against this dangerous action. California Land Surveyors are wise to defend against further state encroachment on their rights to practice as professionals.

PLSs ought to support voluntary continuing education and oppose state mandated continuing education. They should encourage organization leadership to act on behalf of the membership to protect their rights. Ceding new power to the state is not in any PLS's interest.

Michael R. Bond, LS5852

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Continued from previous page

We need to get the business of the TACs and the business of the Board back on track. I urge you to contact the administration and request the modification of the budget memo insofar as its effect on self-funded Boards. You can contact the governor at the following address:

Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814 governor@governor.ca.gov

Carl C. deBaca, PLS

Dear Editor,

Love this month's cover. Females are a constant topic of conversation in our office only because there are so many of them! The Sonoma County Surveyors Office/Land Development section has been "All Male, All the Time" for 150 Years, but since I got here we have slowly turned the corner....Patricia says it's a "phase," but at this point I'm the only male left! If she's still here when I retire it'll be 100% female!!!! I lumber around here grumbling and complaining about not being able to grunt or scratch whenever or wherever I want, but between you and me, I like it.

On Corner Records, ours are plotted on our base maps (just like R/S's and sub maps) with copies available at the counter in a binder while the originals are kept in a fire proof safe (Patricia's idea...see what I mean?)

Gary O'Connor, PLS 7272
County Surveyor - Sonoma County ❖

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President's Message



President's Challenge

How do we motivate our members to become active and embrace the challenges of advancing the interests of the profession of land surveying?

The answer is simple, we lead by example. While reviewing the list of the charter members of CLSA, I was surprised to find that I had a connection with five of them. These gentlemen seized the opportunity to improve the profession by creating an association dedicated to establishing and maintaining ethical conduct, integrity and objectivity in the practice of land surveying.

Harold E. Robinson is an outstanding example of this esteemed group. He provided insight from his vast experience and challenged me to perform at the highest level of responsibility and integrity. Russell H. Garner offered his expertise and knowledge of the state plane coordinate system in a chapter sponsored examination preparation class. Fred William Henstridge promoted a global perspective of the business of land surveying at many conferences, and Curtis M. Brown, although we never met, lead me to a valuable understanding of boundary surveying. Earl Ray Cross shared many examples of diligently searching for boundary evidence and the importance of being earnest in pursuit of our profession.

We have the responsibility to accept the legacy of those who built this association and carry forward their charge with vigor and vision.

We are on the verge of an explosion of activity this year... or destined to plod along the path of least resistance. The choice belongs with our members who make things happen by volunteering to accept responsibility for tasks assigned by Committee Chairmen to accomplish goals and objectives established by the Board of Directors.

Past President Pat Tami, while speaking at a chapter meeting in Modesto, warned that if we failed to bring new people into the survey profession we will not be able provide the services necessary for the growth of development. Whether it's housing, transportation, municipal services, parks, water resources development, gas and oil exploration, communication networks or a myriad of other

activities that need Professional Land Surveyors to complete these projects; without expanding our ability to provide these services someone will create a means to fill the void. We may not agree with someone else's solution to our dilemma.

We are embarking on a mission to increase our membership by expanding our education program to include semester long examination preparation programs based on the most successful programs our chapters have developed. We will provide support with program content and regional instructors to areas in the state that have been underserved and encourage an outreach program that serves our affiliate members, who are our future corporate members. These efforts will not compete with commercial programs occurring on a one or two day schedule. We support the Geomatics Bachelor of Science programs, including the on-line classes, but at the present rate, the number of graduates entering land surveying this professional track will not meet the number of surveyors needed for California.

Excellent professional development programs will continue to be provided and we will develop new subject material that will advance the practice of land surveying.

Education of the public will be expanded from our publication of brochures to develop skills in public relations activities and establish contacts with print and broadcast media to promote the activities of our association and our members, which characterize our service to the public.

You can help this association by investing your time, skills and interests in the future of land surveying while paying back those individuals who nurtured your entry into this profession. ❖

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Closing the Deal

From the perspective of a Homebuyer/Surveyor

The scenario is a familiar one. Someone is purchasing a new home, or buying a parcel of property.

The multitude of hoops one must pass through seems to be never-ending. First of all, there is the trauma of finding the "right" property. Then, making contact with the realtor, possibly the seller, the lender, and ultimately the closing agent (usually an attorney or title insurance agent).

The simple act of filling out the loan application can be extremely intimidating. It seems that just getting an approved loan is tantamount to winning the lottery, but this is just where the "fun" begins. Throughout the entire ordeal, one is so eager to close the deal and get into the house that most of us never stop to think about who is protecting our interests. Or for that matter, whether our interests even need protecting.

There are so many professionals involved in this transaction we tend to believe that everyone is looking out for us. This may not be true, and most buyers do not even think about hiring someone to specifically protect their interests. They are just happy to close the deal.

The realtor is typically being paid by, and working on behalf of, the seller. The lender is interested in providing funding for the purchase in a way that protects the lender's investment. The title insurer is interested in providing protection against faults in matters of title to the property in a way that creates the least amount of risk of claims that may be brought to the title insurance provider. The closing agent (who may be one of the above) is interested in closing the deal and getting everyone paid for their services.

While all of the people mentioned above are typically conscientious and well-meaning, there is no real incentive to inform the purchaser of potential problems that are typically referred to as "matters of survey".

These "matters of survey" relate to anything that could negatively affect the use of the property being purchased, and can be disclosed by having a current field survey of the property performed. Some examples of such matters include encroachments across property lines or building restriction lines (onto or from the property) of buildings, fences/walls, landscaping features, wells, swimming pool decks, etc. Other

Continued on next page

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matters may include the location of utilities, accessways, etc. relative to easements, property lines, or buildings.

While it is possible that "matters of survey" are covered items in title insurance policies, such coverage that protects purchaser/homebuyer interests is not likely to be included unless a survey is performed prior to issuance of the policy. Policies known as "lender's policies" may cover "matters of survey" without the requirement for a current survey, but these policies do not protect the purchaser/homebuyer. The risk associated with this type of policy is often acceptable to the title insurer because claims from a lender are not likely to occur until the purchaser/homebuyer defaults on the loan.

In recent years, it has become popular to either have the seller sign an affidavit, effectively guaranteeing that no matters of survey negatively affect the property, or to utilize a survey document from a previously performed survey. In the former case, the seller may be unwittingly accepting some unwarranted risks or liability. In the latter case, the use of previous survey documents without the consent of the surveyor who provided them may be in violation of copyright laws. In either case, the purchaser/homebuyer still may not be protected from the expense of resolving matters that could have been uncovered by a current survey.

In today's environment of instant gratification and expedited closure of deals, it is becoming less and less commonplace for a purchaser/homebuyer to be informed about the benefits a current survey can provide. In fact, many times they are led away from having a survey performed by the "logic" that doing so would slow down the closing process. This does not have to be so.

The primary reason that having a current survey performed can slow down the closing process is that it is not ordered from the surveyor until closure of the deal is assured. At this point, the incentive is to close immediately, thus leaving the implication that having a survey performed is impractical. However, if the purchaser/homebuyer is in control of deciding whether or not a current survey is desired, it can be ordered early enough so as not to negatively affect the closing date.

The key is that purchasers/homebuyers must be informed of the benefits a current survey can provide, and of the fact that the purchase of title insurance may not fully protect them. This notification must take place when the potential purchaser/homebuyer first contacts the realtor, or applies for a loan. Using this scenario, the purchaser/homebuyer can decide whether having a current survey is good "insurance" against matters that otherwise are not likely to surface before closing.

There is a school of thought that current surveys are not necessary for the real estate closing process. That concept is

based on the aforementioned perception that surveys slow down closings, and the argument that there is no evidence that the incidence of problems created due to the absence of a current survey is commonplace. This argument is supported by the statistics related to title claims payments. An article in the Wall Street Journal in 2003 revealed that only \$0.47 of every \$10.00 paid in title insurance premiums is paid out for claims. While this may be true, the raw statistics ignore the fact that many of the problems related to "matters of survey" are not covered by the title insurance policy, thus are not likely to be considered in developing the statistics. It is the purchaser/homebuyer that is left to pay the cost of resolving the problems.

The many letters to advise columnists, anecdotal accounts, and outright "horror stories" of incidents where the purchaser/homebuyer has been left to resolve and pay for discrepancies demonstrate the need for a better informed consumer of real estate with regard to "matters of survey".

Representatives of the American Congress on Surveying and Mapping (ACSM) have discussed this issue with the Department of Housing and Urban Development (HUD) during

its recent hearings on the Real Estate Settlement Procedures Act. Interestingly, several HUD representatives related anecdotal accounts of their own related to "matters of survey" for property they, or relatives and acquaintances, have purchased.

ACSM has provided to HUD a form explaining to the purchaser/homebuyer the benefits of a current survey in the settlement process.

The form is similar in size to the

one currently provided to loan applicants with regard to termite inspection. ACSM has also provided to HUD language that can easily be included in the homebuyer's manual that is given to those who apply for loans regulated by HUD. HUD representatives have expressed a willingness to seriously consider the inclusion of this information in homebuyer packages. The ACSM documents also provide information about the difference between the benefits provided by what is commonly known as a "mortgage inspection survey" and those provided by a full survey of property.

ACSM representatives have expressed appreciation for the notion of expediting the settlement process; however, they have also stated that expediency should not come at the expense of protection of consumers and the public welfare. After all, protection of the public welfare is among the duties assigned to surveyors when they are granted a license to perform surveys for their fellow citizens.

For information regarding the position taken by ACSM on the issue of "closing the deal", contact Executive Director Curt Sumner, LS at csumner@acsm.net. ❖

In today's environment of instant gratification and expedited closure of deals, it is becoming less and less commonplace for a purchaser/homebuyer to be informed about the benefits a current survey can provide.



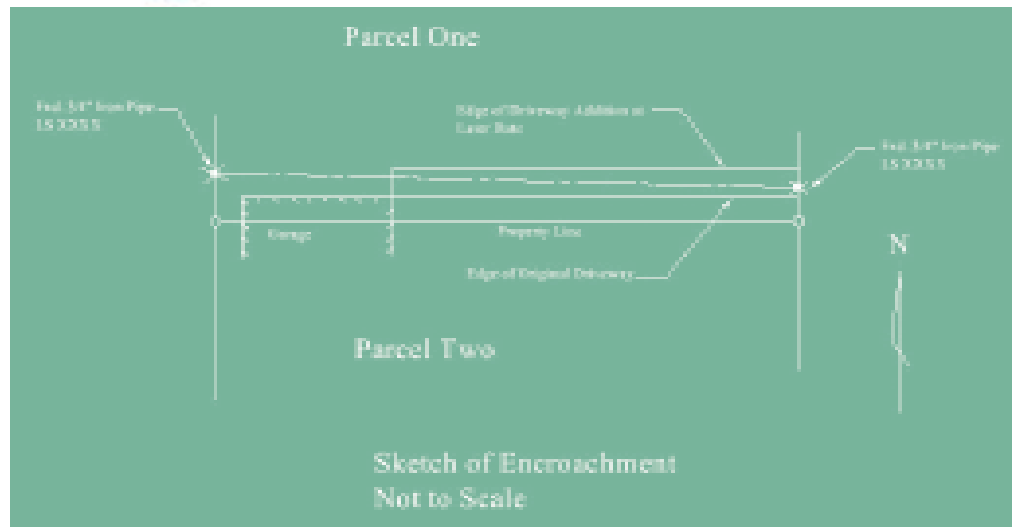
A Curious Survey

I read in a newspaper column a few months back that the public perceives land surveyors and engineers as some of the most ethical and honest people in business. As an insider in the business, I'd have to say that I agree. Most of the surveyors I know or work with are diligent, conscientious, and fair. It is nice to know that the public perceives us in such a way. So if we have a reputation as being a little bit eccentric, we also have a reputation as being honorable and with convictions. Unfortunately,

for every rule there is an exception, and in our line of work, like in every business, there are a few that don't follow the rules. This happens to be a story about one such case. It is one thing to make an honest mistake, admit it, and correct it, and another to commit fraud in the name of profit. This is not meant to be an article about the seamy side of our business. Just an article about people being people, and how a little observation can lead us to reasonable conclusions about what happened in the past, and thus help us do our jobs better.

I received a call a few months back to survey a parcel in a subdivision that I was quite familiar with. The subdivision had been filed in 1913, and for the time period fit together quite well, with adequate monumentation. The survey was for two parcels with a fifty-foot frontage in the same block and contiguous to a parcel I had surveyed three years before. The only unusual aspect of the previous survey was that each parcel on the block consisted of a legal description of a portion of two lots from the original subdivision.

A typical description for a parcel on the block would read "The South 10' of Lot 6 and The North 40' of Lot 7." Other than the fact that the parcels were not shown on a record map and therefore triggered a record of survey, it was still a pretty routine survey. There had been no material discrepancy between the original survey and my present survey, and the only reason to file the record of survey instead of a corner record was the fact that the parcel was a combination of two parcels and did not show on any record map. I never did figure out exactly what happened for the lots to be divided in such a fashion. My best guess was that when the subdivision was first built, a ten-foot error had been made in the location of a lot line and all of the parcel lines were adjusted



Continued on next page

accordingly so that each parcel would have a fifty-foot frontage.


The two parcels to be surveyed consisted of a vacant lot to the north (Parcel 1) and an adjacent lot with a single family dwelling to the south (Parcel 2), which I guessed had been built sometime in the twenties. The same person owned both properties, but it was the intent of the owner to sell each lot separately and a new house would be built on the vacant lot. On my first reconnaissance of the job, I found iron pipes with a surveyor's tag marking the northeast, southeast and southwest corners of Parcel 1. They had been there awhile and I guessed they had probably been set in the 50's or 60's. Oddly enough, the pipe at the southeast corner of Parcel 1 was set in a concrete driveway. I didn't think too much of it at the time, although I probably should have.

I pulled a cloth tape from the northeasterly corner of the parcel I had surveyed three years previously to the found monument in the driveway, fully expecting to see a distance in the neighborhood of 50 feet. I was more than a little concerned when the distance measured 51.7 feet.

My first thought was that I might have made a mistake on my previous survey. But the monuments had fit the possession lines well and I had been careful in my calculations and field work. I continued along the frontage of the lot and measured 100.25 feet to the pipe at the northeast corner of Parcel 1. Not exact, but considering the previous survey had been done when transits and chains were the rule, very acceptable.

I tied in the existing corners of the survey to my original primary control of the block as well as the occupation lines and went back to the office. After calculating the property lines based on the proportionate block measurements, which fit the record quite well, I found that the garage of Parcel 2 fell 2.5 feet over the property line into Parcel 1 and the driveway fell 4.5 feet into Parcel 1. Even more alarming was the fact that my calculated corner for the southwesterly corner of Parcel 1 fell 3.7 feet southerly from the previous surveyor's monument and my calculated corner for the southeasterly corner fell 1.7 feet southerly of the surveyor's monument. On a whim I looked up the surveyor's number on the Department of Consumer Affairs BORPELS website, noting that he had been licensed in the 1950's and much to my surprise, it had been revoked in the 1980's.

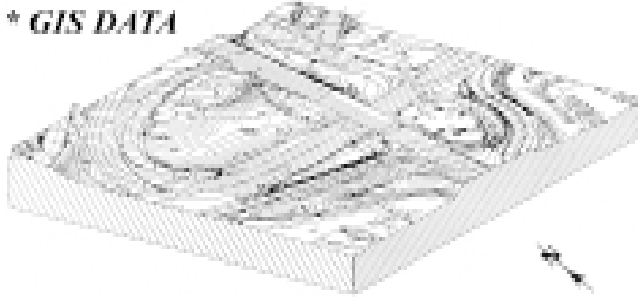
The logical method for locating the lot corners with a transit and chain would have been to chain down the centerline of the street set a point and then turn angles to the front and back corners, chaining the appropriate distance and then setting the monuments. My first thought was a busted angle while the instrument was set in the centerline. But my calculations showed that the northeast corner monument had been set close to the proper location, so if the surveyor had chained down the centerline, he had gotten that far without a problem. So if he had measured fifty feet more down the centerline accurately, an angle giving a 1.7 foot error at the frontage would have given an error of 9.5 feet at the back corner, which certainly



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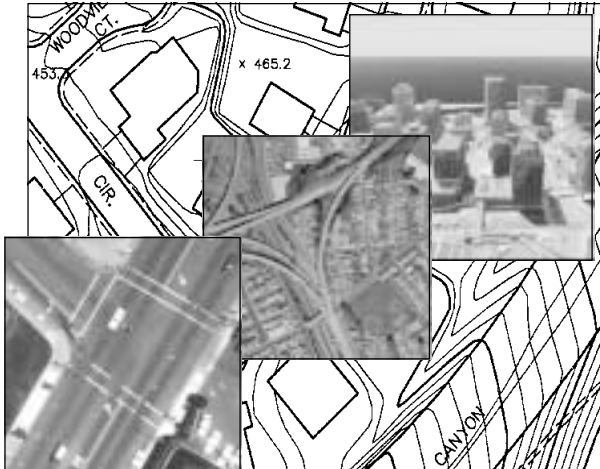
did not agree with my measurement of 3.7 feet. To get the error that I was seeing, the surveyor would have had to measure 49.10 feet on a fifty foot measurement and then turn an angle of 90°55'00" rather than the 90°00'00" angle called for. Possible, but it didn't seem very likely. It just wasn't making sense that an error had been made. There seemed to be an ulterior motive. I went back to the Department of Consumer Affairs website and looked up the reason for the revocation of the surveyor's license. It only listed the portion of the Business and Professions Code that deals with negligence, fraud and deceit. From the cases I've seen in my BPELS newsletter, and in most cases of negligence the surveyor is given an opportunity to correct his or her deficiencies while undergoing a probationary period. Fraud and deceit are generally treated more harshly, as they should be. I began to suspect that the surveyor had set the monuments to satisfy an immediate need, but why? The southeast corner monument fell within the driveway, so what was his point? It still showed an encroachment on the vacant lot.

On my way to a meeting with another client a few days later, I stopped by the site to see if I could gather any further information. I examined the iron pipe set in the driveway again, and suddenly the obvious struck me. I don't know any surveyor in my area who would bore a hole in a concrete driveway in

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order to place a iron pipe for a property corner. There are better methods to set a monument in concrete. The driveway had been pored into two separate sections. The original driveway was approximately eight-feet wide and my calculated corner fell within the original driveway. But the previous surveyor had placed his monument about a half a foot northerly of the edge of the driveway. The back corner had been placed outside the original driveway also, giving the appearance that there was not an encroachment. I suspect one of the owners of the property had considered selling the vacant lot and the surveyor and owner had agreed to place the monuments in such a fashion. The prospective buyer could then be shown the monuments and be assured that there was no sign of encroachment on his new property. Perhaps the owner never had any luck selling the property or another owner had bought both parcels and decided to widen his driveway. The concrete crew had been very diligent in pouring concrete around the fraudulent monument and therefore had preserved it for the ages. Although it was not a laughing matter, I did chuckle a little when I thought of all the monuments and control points that construction crews had destroyed of mine over the years. This crew had gone out of their way to preserve a monument that was not only worthless but damaging to the present owner of the property.

This is just an example of what conclusions can be drawn from the evidence available. Conclusions that may seem

obvious after all of the evidence is pieced together, are not necessarily obvious on initial inspection. I could have accepted the corner monuments set by the previous surveyor, even though they were not shown on any record map. Since they were not, I don't think I had any obligation to accept them. But what if the surveyor had filed a record map on his survey. If they were original monuments that did not appear to be disturbed, I think I would have had to accept them unless the evidence had shown that the survey was fraudulent. After an examination of the evidence, it showed that the surveyor had more than likely committed fraud. It is possible that the surveyor had made an honest mistake, but I think the evidence leaned toward fraudulence. I think the surveyor was probably a "I'll put the corner where you want it for a price" surveyor. I guess you could say this story had a happy ending, since the surveyor's lack of ethics finally caught up with him and he lost his license to practice. But the result was an expensive lot line adjustment and use easement, 40 years after the original surveyor did his damage. The original surveyor's lack of moral fiber had cost the present owners a pretty penny.

In every profession, be it doctors, lawyers, engineers or land surveyors, there are a few who just don't have the ethics to practice with the public welfare in mind. People are people and even though they may have the intelligence, education and experience to pass a state licensing examination, it doesn't mean they have the professional ethics to put that knowledge to use for the good of the public. And that is in part the reason for the existence of our board of registrations. Even though I don't always agree with the policies of the board of registration, in my state, it was comforting to know that at least in the case of this surveyor they had done their job. I think it is common courtesy to contact and inform another surveyor when we believe they have made a mistake. Give them the opportunity to correct it, but in the case of fraudulence, I don't think common courtesy applies. ❖



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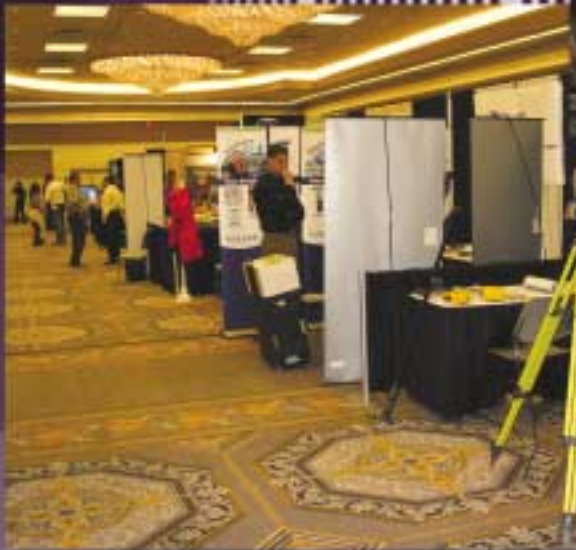
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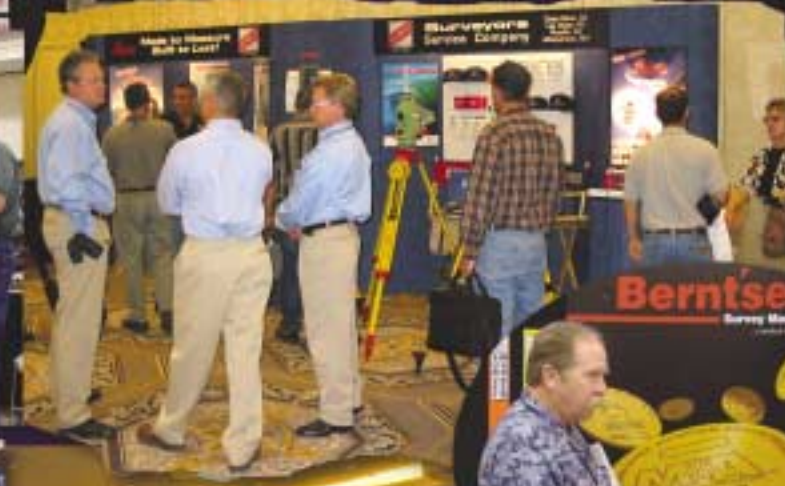
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Remembering Phil Mott

Carl C. deBaca, PLS

My friend and mentor, Phil Mott, LS 3847, passed away some ten years ago. I began working for Phil when I was a young LSIT and a party chief. He was very influential in my choice to pursue a license, and in the direction of my career since. His humorous but heavy-handed advocacy for doing things right, and his pride in our profession had a bearing on the lives and careers of a few other surveyors I know in the Reno and Sacramento areas. This is for those that remember Phil, fondly or maybe not so fondly.

Phil is generally recalled by those of us lucky enough to have worked with or for him, as a crusty old codger. Not that he was that old, but seemed to have developed his crustiness at a rather young age, and then perfected it thereafter. Most quotes I could attribute to him would require a political correctness filter that would sadly render his colorful eloquence weak. He was quick with a joke and cared little that it might offend some. "Kill 'em all but six and save those for pall-bearers," was a saying I remember

hearing often. To whom was he referring? It depended on the day. Party chiefs that couldn't close a traverse, Pre-'82 engineers practicing surveying, and county map-checkers with no surveying background, all received a share of Phil's disdain.

My time working for Phil came in two tours of duty, three years in Reno as a party chief and an office technician and later, two years in Sacramento as a survey technician and boundary analyst. In fact, I moved to Sacramento expressly for the opportunity to work with him again. Every discussion, discourse, or diatribe was a teaching opportunity for Phil. As a party chief I took a beating for my bad handwriting and sketches. As a scrivener, my early legal descriptions were eyed very critically and often found lacking. As an emerging boundary surveyor, my efforts were routinely examined for holes. He loved to engage me in debate over some conclusion that I made. He'd hand me the rope, let me hang myself

Continued on next page

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and then patiently explain what I'd done wrong. There really is no substitute for learning from your mistakes. I know, I've made them all.

Phil Mott was born to be a boundary surveyor. He was methodical and analytical. He took meticulous notes and tried to consider every side of an argument. But he followed those traits up with the one that makes or breaks a land surveyor. He was a good finisher. Not everyone can reach a conclusion and put a project to bed. Decisiveness is more than a learned talent. Phil would weigh evidence and reach a conclusion, then leave a trail of documentation that would allow anyone retracing his work to understand what he did.

When Phil developed cancer and could work no more, I took his position over, at first on an interim basis and later permanently. He spent his last few months walking beaches in his native Oregon and on those times when I spoke to him I could not bring myself to ask questions about the many unfinished projects I had inherited. Instead I relied on what he left in the files. Most times digging through those files was like having a chat with him. After he died I found myself thumbing through those files, finding memos he'd written more to himself than anyone else, enjoying the consistency of his thoughts.

When I check in at the survey conference of the great hereafter, I expect I'll find Phil in the hospitality suite enjoying a beer, telling one of his stories and making the old surveyors laugh and the young surveyors scared. I reckon I'll be laughing. ❖

Today the Land Surveying Profession has been diminished.

Feb. 22, 2004

Today we lost the "Father" of Electronic Data Collection for Land Surveyors. Today the Land Surveying Profession lost the creator of the Surveyors Module, a collection of programs for surveyors that changed the land surveying profession forever, all because one man had the dream to make it easier, faster, and more productive for those who follow after.

Today we lost a good friend and fellow Surveyor; Mr. Stanley Trent of Church Hill, Tennessee.

"Stan" was the man who started it all. A man who strove to bring the profession out of the time consuming task of note keeping as all of "us" old timers were used to, and did a marvelous job of it. Look at what we have today in the way of different data collection systems for every Electronic Total Station Instrument that is on the market. Stan changed the way we all do surveying and today we all wonder how we managed to do surveying without his creation.

It was a great pleasure and privilege to know Stan; he always had a friendly way of inviting each surveyor's opinion of his work and would change his data collection programs for anyone who seemed to have a better method or would incorporate it into the program.

Stan was loved and admired by hundreds of Land Surveyors. We will all miss him very much. Thank you, Stanley for giving your time and making the surveying profession more enjoyable and productive.

It was my pleasure and privilege, to be a small part of your organization. With your humility you taught me patience when it came to learning a different way of surveying.

Stan, I will miss you very much as my friend and mentor. In my opinion you were the greatest thing that ever happened to the land surveying profession.

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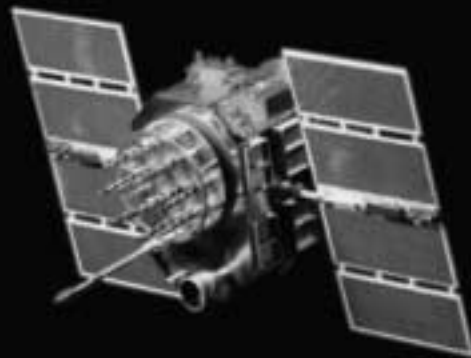
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Messages such as these do not advertise the services of a particular company; instead they promote professional services for the greater good of the profession and public. In this example, the national and local affiliate of the American Institute of Architects (AIA) have been responsible for delivering this message.

Land surveyors across the nation know that the importance of their services is generally unknown by the public and misunderstood by many affiliated professionals. This is not the result of a poor public relations message; it's the result of no message being delivered at all.

In an age of rapidly changing approaches to how all types of services are provided, land surveyors cannot afford to continue sitting around in obscurity. If land surveying is to remain a vital service, we have to tell the public why it's

Continued on next page

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important. Our national and state societies understand the importance of using professional lobbyists to assist us with legislation. Just as important is the need for professional public relations assistance.

According to Yvonne Buchanan, a public relations expert:

"Public relations is all about identity, creating one, improving one and sustaining one – through repetition and consistency of its key messages. Unlike marketing and advertising, public relations does not attempt to sell but to convey information that will ultimately benefit the organization.

To ensure that your public relations activities are focused and effective, a system is needed. This system is called the Public Relations (PR) campaign and it is detailed in (a) PR plan.

All PR plans attempt to answer three questions:

1. Where are we now? (Situation Analysis)
2. Where do we want to be? (Goals and Objectives)
3. How do we get there? (Strategies and Tactics)

In addition, all PR plans should contain the budget for the plan, and a method for measuring and documenting the plan's success. How detailed a plan your (organization) will need depends on your situation and objectives."

In recent years individuals within national and state land surveying societies have engaged in isolated public relations campaigns. Their work such as providing speakers for civic groups is commendable, but largely unsuccessful from a broad perspective. Also, Buchanan warns that if your organization "relies on many individuals – often the message is not consistency but confusion."

The Board of Directors of our national and state societies need to seek the advice of PR professionals on how best to deliver public messages about the importance of land surveying. Such a campaign may be perceived as expensive, but in reality the benefit should far outweigh the cost. Funding and directing a public relations campaign should be considered one of the most important and logical roles for these societies.

Individual members and chapters can help initiate a public relations study by sending written requests to their state and national society boards. Otherwise, the public perception will continue to be: Land surveyors – we hardly know thee.

John Freemyer has been in the private or public sector of land surveying for 34 years. Currently he is the Carver County Surveyor. He is a past president of MSPS and was editor of Minnesota Surveyor magazine for 12 years. ❖



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Postcards

We're a sick lot! Not only do we have our children lookin' at the ground - but also photographing it! This sent in by my son, Anthony Sanfilippo, during an Inland Cruise through southern Alaska. Near British Columbia "... and thought dad would like a picture of it." Yes, I'm sick too! Thoughts of my college photography professor's words: "never divide the horizon", hit me like a freight train. Take the kid for a ride in an airplane and all he wants to do is take aerial photos! Ed.

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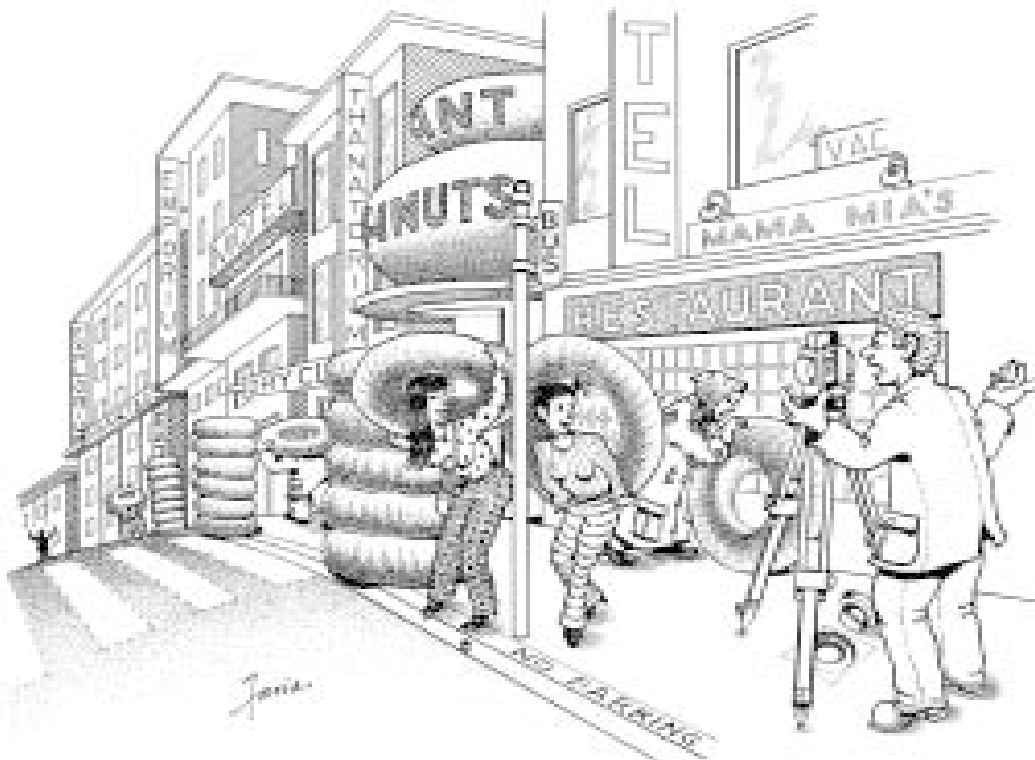
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The goal of the California Land Surveyors Association is to promote and enhance the profession of surveying, to promote the common good and welfare of its members, to promote and maintain the highest possible standards of professional ethics and practice, 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.

Educational 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.

Business 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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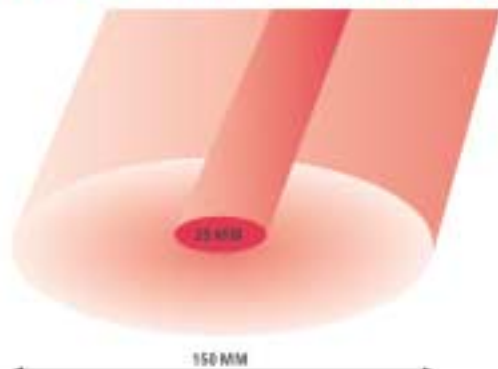
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