

The UCLS Newsletter



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What is it?



Do you recognize this ingenious device? Correctly identify what it is, where it is at, and how it is related to surveying and you may be eligible for a free lunch at your next chapter meeting. Answers may be emailed to smerrill@ucls.org. The winner will be determined by the earliest received date and its time of response.

In This Issue: Gary Kent provides NSPS guidance on ALTA/ACSM Land Title Surveys on HUD Multi-family dwellings; a review of DOPL activities and investigations, suggestions on how to remain safe from insects this summer, a letter of support to the Oklahoma Hurricane victims, various Chapter Reports, an introduction to two more UCLS members, and other fun and informative news and activities.

Do you have a picture to share? We invite you to share charismatic photos of yourself and/or coworker, panoramic images of Utah’s scenic wonders, or pictures of survey related tools and equipment. Additionally, we need interesting and unique descriptions or survey related stories to share with our membership. Remember, if you do not participate you have no right to complain. Please let us know your thoughts, recommendations, suggestions, or complaints.

“Surveyors are not and cannot be judicial officers, but in a great many cases they act in quasi-judicial capacity with the acquiescence of parties concerned; and it is important for them to know by what rules they are to be guided in the discharge of their judicial functions.”

-Chief Justice, Thomas M. Cooley,
 Jan 11, 1881

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Contributions are encouraged. Articles, Advertisements, Pictures, and Comments may be submitted to UCLS at ucls@ucls.org or uclsforesights@ucls.org

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HUD Multi-Family Acquiesces to ALTA/ACSM Position on Certification

- Gary Kent, Chair of the NSPS ALTA/ACSM Survey Committee

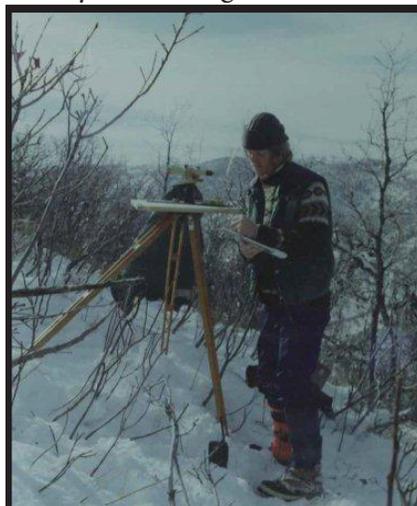
Effective February 23, 2011, the Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys mandated that *only its unaltered* Section 7 certification is to be used. This move was made in response to a seemingly endless supply of lender-mandated certifications that surveyors were told the “had” to use on Land Title Surveys even though their use routinely caused surveyors to make express guarantees and warranties that invalidated professional liability insurance and violated their state laws and Board rules.

The only allowable alteration to that certification is as may be required under Section 3.B. of the 2011 ALTA/ACSM Standards - referencing requirements of jurisdictions and agencies that *regulate the practice* of surveying. This most commonly, if not exclusively, refers to certification requirements mandated by a number of State Licensing Boards for surveyors practicing in their jurisdictions. Obviously, notwithstanding the “only” and “unaltered” wording of the ALTA/ACSM Section 7 certification, if state law mandates certain certification wording, surveyors working in those jurisdictions have to include such wording on the ALTA/ACSM Land Title Surveys. Although attorneys working for HUD Multi-family routinely invoke Section 3.B. as justification for telling surveyors that they have to use the HUD certification, they are off-track on that issue because - while HUD has its own requirements - it most certainly does not “regulate the practice” of surveying in *any* jurisdiction.

Ever since the introduction of the 2011 ALTA/ACSM Standards, surveyors across the country have spent innumerable hours arguing with HUD attorneys over this issue. Under Section 7 of the standards, the only logical middle-ground on the certification conundrum was for the surveyor to provide the HUD certification on separate letterhead, cross-referenced to the survey. The survey plat itself would bear only the Section 7 certification, but HUD could still get its wording - albeit not on the face of the survey. Some HUD offices and attorneys would accept this compromise, while others would not, thus putting the surveyor and the attorney on a collision course that usually wasted a lot of time and energy.

Recently, an alert surveyor in Alabama notified the NSPS ALTA/ACSM Survey Committee of a HUD website that he found which at long-last lays this issue to rest. The webpage - [the link to which surveyors should keep available for quick reference](#) - is entitled **Multifamily Document Reform Implementation Frequently Asked Questions - Surveyor's Report and Instructions**. It states the following in response to an FAQ about the certification issue: “[HUD Multi-Family] Housing will accept the HUD Certification on a separate [sic] sheet of paper and cross referenced to the survey.”

It is not clear when this FAQ was posted, but it should end the acrimonious debate between surveyors and attorneys over how to address the HUD certification. NSPS is still working to find a way to engage HUD on the entire issue of the redundancy of its own separate certification, but in the meantime, due to this HUD position, surveyors no longer should have to weigh making clients angry against violating the ALTA/ACSM Standards.



May - Who is it

Although we received numerous guesses, the membership of UCLS failed to recognize a much younger and rugged Robert Baker.

Rob was featured in the “Getting to Know Our Members” section of the May 2013 Newsletter. An estimate of Rob’s age might be made by identifying the equipment he is using in the picture. Real surveyors would rather work in the mountaing of Idaho, during the dead of winter, using a plane table than use a robotic total station to topo a flat parcel of land in Millard County.

Many thanks to Rob for submitting a great picutre.

**DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING
PROFESSIONAL ENGINEERS / SURVEYORS CASE SYNOPSIS**

MARCH A building inspector reported that a set of residential plans were submitted that had many obvious alterations to them. These plans had an engineer's seal upon them. A woman had cut and pasted the engineer's seal on the plans she had bought off the internet and she'd altered them to suit her. The engineer has worked for her in the past and wasn't interested in pursuing forgery charges against her. The engineer wanted something done, but said she is a single mother and has 2 children. The subject was cited for doing engineering without a license.

An engineer submitted some hand drawn plans without a title plan on them, no project name, and the sizes were not shown for piping for laundry mat. He admitted that he was under the gun and it doesn't represent the type of work he usually submits to a building dept. for a permit. He was sent a Letter of Concern.

APRIL A city engineer, who was only an intern, had listed himself on his business card as "City Engineer". The subject was working under the direction of a licensed PE getting his field training. The subject wasn't aware until I showed him the various laws regulating the use of the title. He and his supervising PE agreed to change the matter immediately. A Letter of Concern was issued to this individual.

A case was issued claiming that a licensed engineer wasn't meeting the agreements made in a stipulation and an order to show cause was being prepared. I approached the individual and explained the options that he had and the consequences for his noncompliance. This individual decided to surrender his PE license and maybe re-apply in the future.

**PROFESSIONAL ENGINEERS AND PROFESSIONAL
LAND SURVEYORS LICENSING BOARD MEETING**

May 15, 2013, 9:00 A.M. - 12:00 P.M.

Room 474 - 4th Floor

Heber M. Wells Building

160 E. 300 S. Salt Lake City, Utah

This agenda is subject to change up to 24 hours prior to the meeting

ADMINISTRATIVE BUSINESS: 9:15 A.M. - 9:30 A.M.

1. Call meeting to order
2. Sign Travel reimbursement
3. Review and approve minutes dated March 20, 2013
4. Compliance Report

APPOINTMENTS: 9:30 A.M. - 10:00 A.M.

9:30 A.M. - Clayton Elliott McFall, probation interview

DISCUSSION ITEMS: 10:00 A.M. - 11:00 A.M.

1. Investigation report
2. Review renewal application for Boyd Urie
3. Consideration of UCLS request for use of Education and Enforcement Fund to cover expenses related to February 28 event
4. Application for funding from the Education and Enforcement Fund, SEAU, Mike Molyneux; Scott Roche
5. Report from NCEES Western Zone Meeting, April 18-20
6. NCEES Annual meeting August 21-24; San Antonio, TX
7. Investigation process and procedure
8. Application process and procedure
9. Subject matter experts for state specific PLS exam
10. Open and Public Meeting Act Training and SB 77
11. Proposed amendments to continuing education requirement in R156-22-304
12. Proposed amendments to education requirement for foreign educated PE applicants in R156-22-302b(1)(c)
13. Proposed amendments to definition of unprofessional conduct in R156-22-502

2013 Board meetings have been tentatively scheduled:

September 18, November 20

NEXT SCHEDULED MEETING:

July 17, 2013 Room 402

Note: In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and service) during this meeting should notify, Dave Taylor, ADA Coordinator at least three working days prior to the meeting. Division of Occupational & Professional Licensing, 160 East 300 South, Salt Lake City, Utah 84115, 801-530-6628 or toll-free in Utah only 866-275-3675.



State of Utah
Department of Commerce

Division of Occupational and Professional Licensing

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Assistant Director

FRANCINE A. GIANNI
Executive Director

MARK B. STEINAGEL
Division Director

ENGINEERS - SURVEYORS CASES 2012

MONTH	CASES OPENED	CASES CLOSED
JANUARY	3 PE / PLS	4 PE/ PLS
FEBRUARY	1 PE	2 PE
MARCH	1 PE	2 PE
APRIL	1 PE	2 PE
MAY		
JUNE		
JULY		
AUGUST		
SEPTEMBER		
OCTOBER		
NOVEMBER		
DECEMBER		
TOTALS	6 PE / PLS	<u>10 PE / PLS</u>

METHOD of CLOSURE

ADMINISTRATIVE SANCTIONS	
ADMINISTRATIVE CITATIONS	2
CRIMINAL FILINGS	
INTELLIGENCE*	1
LETTERS of CONCERN	3
UNFOUNDED**	

There are 8 active cases under investigation

- This represents cases that do not rise to the level that administrative actions or disciplinary sanctions would be imposed. The lack of substantial evidence or simple negligence would represent these cases.

** These cases are investigated and determined to be without merit in the allegations or there is insufficient evidence to support the allegations

Getting to Know Our Members

Name: **David K. Balling**

Residing in Kaysville, Utah

My spouse is Sandi and we have 6 children, 2 boys and 4 girls.

My hobbies and interests include swimming, hiking and fly-fishing. I like to tie my own flies and build my own rods. You've probably seen me tie flies at the conference.

When I retire I would like to get involved in church and community service. Perhaps a mission or two and whatever I can to help make the area live in better.

I have been a member of the Utah Council of Land Surveyors since 1980's and enjoy helping in the Golden Spike Chapter. I would like to see more improvement from the members. I think communication with other surveyors can only produce good results.

My current employment is with Balling Engineering.

My brother (Scott) and I are the owners and it has been a real pleasure working with family and doing surveying for my entire employment. Our company has been incorporated since 1959. We specialize in subdivisions and property surveying.

I became a land surveyor because of the rich tradition in the family. My father in law, Don Burningham, was the first city engineer for Bountiful; my father followed him as the engineer of Bountiful, and C.W. Burningham, Don's Father, surveyed the townsite of Bountiful. Naturally I became a surveyor in the area of Bountiful and South Davis County.

The surveying profession is always changing. From the days of a steel tape chain to G.P.S., even the name of Surveying to Geomatics. Being able to change is most critical. The economy, clients, growth all changes and to continue we must adapt and change also.

In my opinion, if we want to move ahead in a direction of a higher level of professionals we need to communicate within the community of surveyors and not be so closed minded of others work, but rather share ideas, will a 4 year degree help? Can we monitor or profession as the BAR does? Can we bill by the hour as a professional or continue bidding? We should talk and move forward with our ideas and not let the market direct our path.



Name: **Tyler J. Baron, PLS**

Residing at: Lehi, UT

My spouse is Cass and we are the parents of 4 children

My hobbies and/or interests include camping, fishing, hunting, shooting, skiing, golf and just about anything that involves my family.

I have been a member of the Utah Council of Land Surveyors since 2010 and wish they would continue promoting the profession to new people.

My current employer is Meridian Engineering

My position or title is Project Surveyor, Right of Way

and I am responsible for all aspects for right of way projects with local and state governments.

I have been employed by this company since 1997 but have been involved in the surveying profession since 1992.

I became a surveyor because I got a job on a survey crew and fell in love with the profession.

During the past 20 years, technology has had the greatest impact on the surveying profession. However, during the next few years I believe technology will have the most influence on its future.

In my opinion, the future of surveying is exciting, technology will continue to advance and change creating new ways of thinking and new problems to solve.

Reprinted from the American Surveyor – Written by Insect Shield

May is Lyme Disease Awareness month and a good time to re-visit methods of protection to keep yourself and outdoor employees protected from ticks in the coming summer months.

40,000 cases of lyme disease are documented in the US alone every year and health experts are predicting 2013 to be another bad year. In fact, researchers have already discovered another disease caused by the same tick that spreads Lyme disease – the deer tick. More: <http://new.pitchengine.com/pitches/e975809a-619b-488a-a6da-d3ddc0227d31>

Here are some helpful tick-prevention strategies to keep you and your outdoor workers protected this summer:

- 1.) Where Ticks Like To Live: Ticks are not out in the middle of your lawn, they live where yards border wooded areas, or anywhere it is shaded and there are leaves with high humidity. Place a layer of wood chips between your grass yard and the woods edge. Ticks are attracted to the wood chips because of the shade and moisture it provides.
- 2.) Tick Checks: Do periodic tick checks and carefully remove any found. (Wear light colored clothing so ticks are easier to find.)
- 3.) Outdoors: Try to remain in the center of a trail in order to minimize your exposure. Remember - ticks cannot fly, they crawl up. Avoid sitting directly on the ground, woodpiles or fallen logs - areas where ticks love to live.
- 4.) Personal Protection: Wear tick repellent clothing.



Oklahoma Hurricanes

What would the membership of the Utah Council of Land Surveyors do?

The following is a letter to the City of Moore, Okla., from the Executive Director of the Oklahoma Society of Land Surveyors offering assistance after the recent tornadoes there:

Mr. Eddy, I don't want to bother you on the phone at this time because I know you are very busy with recovery efforts. I'm sure that in the coming days and weeks there will be needs arise for which the city may not be prepared. This is where The Oklahoma Society of Land Surveyors would like to help.

We are a 400-plus member strong organization of Professional Land Surveyors across the State of Oklahoma willing to offer our services to you free of charge. Several of our members have already been in contact with me offering their services for whatever needs may arise.

Some of the services that we can offer include:
 Infrastructure location (manholes, utility lines, meters, etc.)
 Easement location for utility repair/relocation
 Survey control monuments for future infrastructure work
 Property locations/relocations
 Floodplain administration
 Roads and rights of way
YOU NAME IT!

Please know this is an honest offer from our membership to help in any way possible. All you need to do is let us know what you need and we will be there.

Please pass this on to all of your departments and let them know we are here to do whatever is needed for your community.

Burk Cornelius, PLS
 Executive Director
 Oklahoma Society of Land Surveyors
 13905 Twin Ridge Road
 Edmond, OK 73034

Dastardly Deeds

Years ago, descriptions of deeds was completed by walking the boundary of the property and writing a description of the corners or markers used to identify these boundaries. Many of these deeds refer to a tree, rock, fence post etc. However, there are some instances where a deed calls for a corner to be some of the following:

1. Thus with the line an easterly course, to where the cow stands in the field...
2. Follow the line a westerly direction to a grapevine...
3. Thence with the crooked chopped line...
4. Thence on a south line bearing a little west...
5. Thence on a western direction bending to the north...

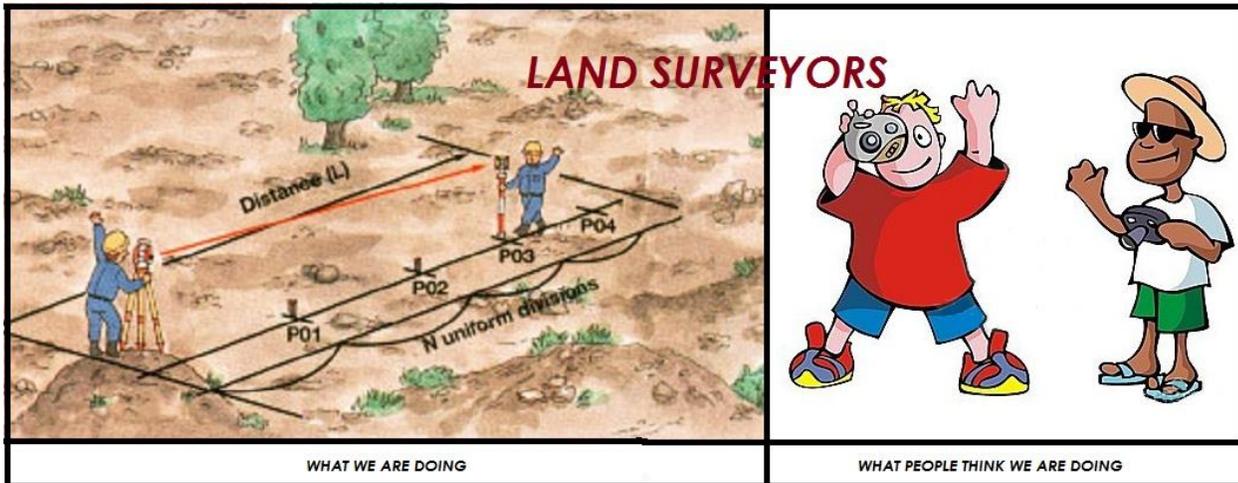
Then there are those deeds that give a description of a piece of property as being:

1. All that land where the house and lot are that the parties reside.
2. All the property lying between the adjoining neighbors.
3.to a point, thence going backwards a distance of 15 poles....
4. Thence with a bearing of N 60° W (or N 6° W)

Lengths provided in deeds were another challenge

1. A distance of 2 smokes
2. Along the right of way 2.5 moots...
3. The length being 37 toise jacks...
4. As far as you can see from the ridgeline

How will the surveyor retrace these original survey calls?



FARMING WITH REBAR & CAP

Many thanks to Timpanogos Chapter President Dennis Carlisle for submitting this wonderful picture.

Beating the Bounds

Beating the bounds is an ancient custom still observed in some English and Welsh parishes. Under the name of the **Gangdays**, the custom of going a-ganging was kept before the Norman Conquest. A group of old and young members of the community would walk the boundaries of the parish, usually led by the parish priest and church officials, to share the knowledge of where they lay, and to pray for protection and blessings for the lands.

In former times when maps were rare, it was usual to make a formal perambulation of the parish boundaries on Ascension Day or during Rogation week. Knowledge of the limits of each parish needed to be handed down so that such matters as liability to contribute to the repair of the church, and the right to be buried within the churchyard were not disputed. The relevant jurisdiction was that of the ecclesiastical courts. The priest of the parish with the churchwardens and the parochial officials headed a crowd of boys who, armed with green boughs, usually birch or willow, beat the parish boundary markers with them. Sometimes the boys were themselves whipped or even violently bumped on the boundary-stones to make them remember. The object of taking boys along is supposed to ensure that witnesses to the boundaries should survive as long as possible. Priests would pray for its protection in the forthcoming year and often Psalms 103 and 104 were recited, and the priest would say such sentences as "Cursed is he who transgresseth the bounds or doles of his neighbor". Hymns would be sung, indeed a number of hymns are titled for their role, and many places in the English countryside bear names such as Gospel Oak testifying to their role in the beating on the bounds.

Golden Spike Chapter

By: David K. Balling

We held our last meeting on the 15th of May at the IHOP in Layton. Steve Keisel from the publications committee gave a discussion on our magazine and newsletter. We should all take advantage of these publications and get more involved in contributing to them. Thank-you Steve.

Our next meeting is on June 12 (second Wednesday). The meeting will be held at 12:00, at the Maddox in Perry. John Crofts, the flood plain manager of the state will be addressing us. I believe he will talk about elevation certificates, LOMAR and CLOMAR applications. I'm sure he will answer any questions we have in this area. Please come and learn with us, socialize with great people, and leave with a good feeling in your stomach.

Salt Lake Chapter

By: David Mortensen

Here is hoping everyone is having a good spring.

We were grateful to have a good lunch in May at the Madeline's Steakhouse in Sandy, in which we heard from John Crofts, the Utah State Flood Plane manager. It was a great discussion and wish everyone could have heard him speak. I believe he is going to be presenting next month in the Golden Spike Region. If you have the chance, I recommend your participation.

During the next three months, we are excited to have two great speakers and an end of the summer barbeque. We will be sending out more plans on the August 15th barbeque, which will be held somewhere in Salt Lake Valley. We will be inviting members and their families and would love to have as many as can show up so we can socialize.

In June, we will be pleased to have Bill Rowley come to talk about ALTA title Exceptions and plan to be meeting at a new Chinese restaurant. In July, we will be hearing from Matthew Jensen, with Smith Hartvigson, in which he will present Water Rights and how it relates to a Surveyor from a lawyers point of view.

It has been fun having so many attend our meetings this year and we hope that even with the busy summer you will be able to attend more great presentations. We are still trying to fill out our year with a presentation in October and November so if you have any thoughts, topics, or meeting location suggestions, please send me an email at dtmprod72@gmail.com

NSPS News

NSPS Executive Director Curt Sumner was contacted last week by Carrie L. Ciliberto, Esq., AGC Senior Director and Counsel, Contracts and Construction Law, ConsensusDocs Deputy Executive Director and Counsel, to ask if NSPS would be interested in participating in the drafting, review and/or commenting process on a standard contract between owners and land surveyors.

ConsensusDocs - the only standard contracts written and endorsed by 38 leading design and construction industry associations - is in the initial stages of creating this type of standard agreement and would like to get stakeholder participation to ensure that it publishes a fair and balanced contract that incorporates best practices.



ODE TO THE SPELL CHECKER



EYE HALVE A SPELLING CHECKER,
 IT CAME WITH MY PEA SEA.
 IT PLAINLY MARQUES FOUR MY REVUE
 MISS STEAKS EYE KIN KNOW SEA
 EYE STRIKE A KEY AND TYPE A WORD
 AND WIGHT FOUR IT TWO SAY
 WEATHER EYE AM WRONG OAR WRITE.
 IT SHOWS ME STRAIT A WEIGH.
 AS SOON AS A MIST ACHE IS MAID,
 IT NOSE BEE FORE TWO LONG.
 AND EYE CAN PUT THE ERROR RITE
 ITS RARE LEA EVER WRONG.
 EYE HAVE RUN THIS POEM THREW IT.
 I AM SHORE YOUR PLEASE TWO NO,
 IT'S LETTER PERFECT AWL THE WEIGH.