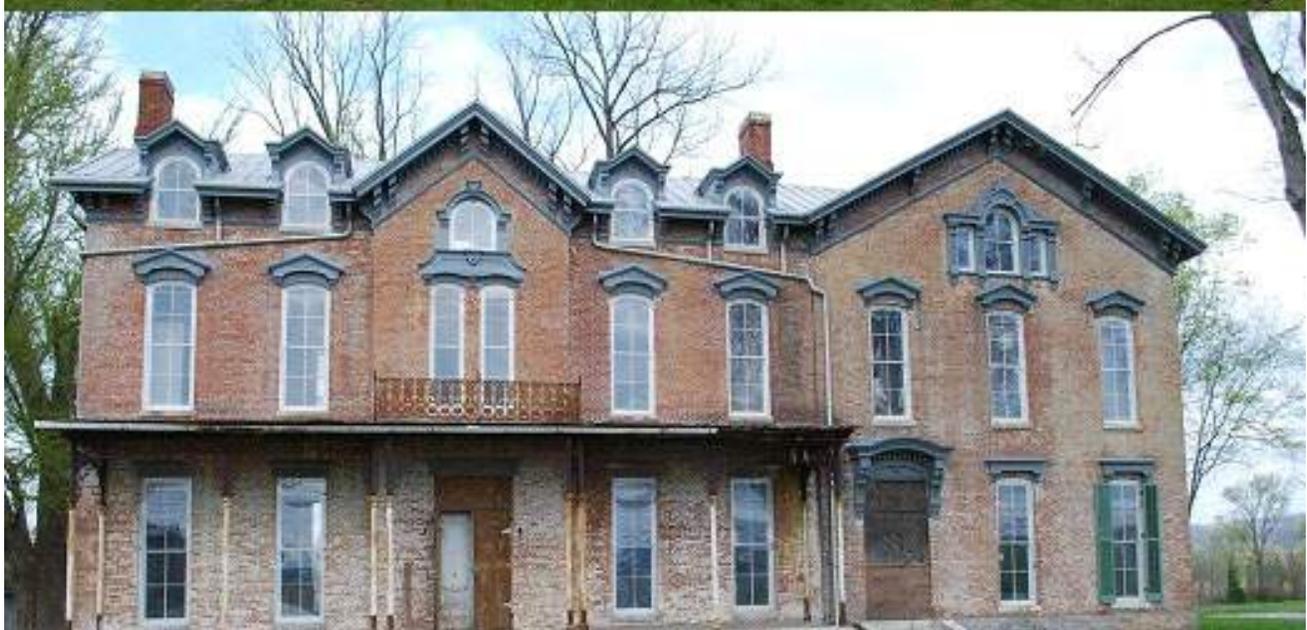




# THE INTERIOR ANGLE



**Kentucky Association of Professional Surveyors**  
Spring 2016, Issue 2



**ADVERTISEMENT POLICY**

The Interior Angle is the official publication of the Kentucky Association of Professional Surveyors (KAPS). It is published quarterly to communicate with the professional surveying community as well as those in related professions and others with an interest in surveying. The Interior Angle is financed primarily by membership dues, although advertisements are welcome from service and product industries relating to the needs and activities of the profession. The Interior Angle is provided to KAPS members and similar organizations on a complimentary basis.

Articles and advertisements appearing in this publication are not the policy of the association unless specifically stated. The association does not assume any responsibility for statements made or opinions expressed in the articles, advertisements or other portions of this publication. Articles may not be reproduced in whole or in part without the written permission of the editor.

The Interior Angle welcomes and encourages comments, opinions and responses by readers. Letters should be addressed to:

Editor — The Interior Angle  
124 Walnut Street  
Frankfort, KY 40601

Letters must be signed and include a daytime telephone number. The name of the letter's author may be withheld if requested. Letters may be edited for clarity and length.

The Interior Angle is published quarterly. All advertisements are published as a service to readers, and their publication does not imply or express any endorsement or recommendation by KAPS. The rates are:

Size	Per Issue/Per Year
Full Page	\$175/\$600
1/2 Page	\$100/\$350
1/4 Page	\$65/\$225
Business Card	\$50
Business Card (KAPS Member) Classified	\$25
Classified (KAPS Member)	\$40
	\$20

Corporate Members receive a free business card ad in every issue.

**Publisher**

Diane Comer  
[DianeComerKAPS@gmail.com](mailto:DianeComerKAPS@gmail.com)

**Editor**

Doug Comer, PLS, PE  
[ComerPEPLS@gmail.com](mailto:ComerPEPLS@gmail.com)

# Table of Contents

**From the President's Desk**

Jason Graves, PLS

Page 4

**Getting to Know... Kevin Phillips, PLS**

Page 5

**Board of Licensure Board Report**

Page 8

**From the Editor's Desk**

Doug Comer, PE, PLS

Page 11

**Golf Outing and Picnic - Flyers and Forms**

Pages 13-15

**Meanderings**

Kyle Elliott, PLS

Page 16

**New KAPS Members**

Page 17

**KAPS Conference photos**

Pages 18-20

**Licensure Board and Calender of Events**

Page 22

**Intent and Ambiguity**

Bud Salyer, Esq.

Page 23

**KAPS Board Report**

Page 27

**Meet Our Corporate Sponsors**

Berntsen International, Inc.

Page 31

**City Annexations**

Kyle Elliott, PLS

Page 33

**KAPS Membership Application**

Page 34



## KAPS 2016-17 Officers & Directors

President	Jason Graves, PLS
President-Elect	Josh Calico, PLS
Vice President, External Affairs	Dan Farrell, PLS
Vice President, Internal Affairs	Kevin Phillips, PLS
Past President	Tom Clayborn, PLS
Secretary	John Ledington, PLS
Treasurer	James Mayo, PLS

## Ex-Officio Directors

Professional Development Chair	Mike Ladnier, PLS
NSPS Governor	Craig Palmer, PLS
KY State Board of Licensure Liaison	Chris Gephart, PLS
KSPE Liaison	William Bowie, PLS
GIAC Liaison	Paul Schrader, PLS
KAMP Liaison (Non-Voting)	Steve Lilly, PLS

## Directors

Greg Barker, PLS	Tom Bushelman, PLS
Tom Crabtree, PLS	John Ledington, PLS
James Mayo, PLS	Richard Montgomery, PE, PLS

## Chapter Chairs

Audubon	Mike Ladnier, PLS
Barren River	Bob Neuhaus, PLS
Bluegrass-Capitol	Nick Jerdon, PLS
Falls of the Ohio	Tyler Pence, PLS
Green River	Robert Smith, PLS
Highlands	Johnny Justice, PLS, PE
Jackson Purchase Area	Matthew Clark, PLS
Northeast	Inactive Chapter
Northern Kentucky	Randy Long, PLS
Southeast	Dempsey Miracle, PLS

## KAPS Office Staff

Molly Forrest, Administrative Assistant  
124 Walnut Street  
Frankfort, KY 40601  
(502) 695-2349 • (800) 866-3029

*An Affiliate of the American  
Congress on Surveying and Mapping and The  
National Society of Professional Surveyors*



## KAPS 2016-17 Standing Committee Chairs & Co-Chairs

Annual Conference	Jason Graves, PLS
Annual Picnic	Jason Graves, PLS
By-Laws	Tom Bushelman, PLS
County Surveyors	Richard Montgomery, PE, PLS
Education	Josh Calico, PLS
Ethics & Professional Practice	Chris Gephart, PLS
Finance	James Mayo, PLS
Legislative	Tom Clayborn, PLS
Membership	Tom Clayborn, PLS
Minimum Standards	Chris Gephart, PLS
Nominating	Josh Calico, PLS
Past Presidents	Tom Clayborn, PLS
Policy Manual Professional	Tom Bushelman, PLS
Development	Mike Ladnier, PLS
Public Relations	Kevin Phillips, PLS
Publications / Newsletter	Doug Comer, PLS, PE
Scholarship	John St. Clair, PLS

### *On the Cover:*

Judge Joseph Holt House, rural Breckinridge County, above in 2009, below as it looks today with rehabilitation underway. Holt (1807-1894) was the first Army Judge Advocate General, appointed by President Abraham Lincoln, and he presided over the trial of the Lincoln assassination conspirators. Holt's father, John, was a successful attorney and Breckinridge County road surveyor. For more, see [www.jholt-houseky.org](http://www.jholt-houseky.org)

## Jason Graves, PLS

2016 KAPS President

502-419-8136 - [jasongraveslandsurveying@gmail.com](mailto:jasongraveslandsurveying@gmail.com)

# From the President's Desk



Now that spring is in full swing I am hopeful that you all are having a productive and bountiful season. While we are hard at work let's remember to take time to enjoy the warmer weather, clearer skies and ticks.

I will start by letting you all know that the 2016 conference was great! We had great speakers, good attendance and everything went really smoothly. I would like to thank Molly for all of her efforts in organizing the conference and making sure everyone was where they needed to be. Many thanks also go out to our conference committee for their efforts and determination to provide our members with a great conference. And a conference isn't a conference without attendees, so thank you to everyone who attended.

Moving forward, we have the annual golf outing June 17 and the picnic June 18. The picnic is a very good time with good food and conversation. The golf outing is what I imagine is a great time (I am not a golfer). It should be noted that the golf outing is the primary source of funding for our scholarships. With that being said, please take the time to visit the KAPS website ([www.kaps1.com](http://www.kaps1.com)) and consider sponsoring a hole. The beginning cost to sponsor a hole is \$100, and I can promise you that the money is very much appreciated by the scholarship recipients. The kids receiving these scholarships are the future of land surveying, and we need to do all that we can to encourage them and lead them to our profession.

KAPS has been making an extra effort to reach out to youth and show them our great profession. Last year, KAPS set up a booth at the Kentucky State Fair in Louisville, a 10-day long event that will take place August 18-28 in 2016. Last year the fair had more than 600,000 attendees, which puts KAPS in a really good position to reach a lot of young people. However, we need volunteers to sit at the booth to pass out information to

these kids. Another initiative that KAPS has taken is to set up a booth at the Kentucky Construction Career Days, will take place Sept. 20-21 at the Shelby County Fairgrounds. During this event, 2,300 students will visit booths set up by companies and organizations involved in the construction industry. Again, we will need volunteers to be at this booth to talk to these children. If you are interested in volunteering your time to either of these worthy events, please contact me to let me know of your interest.

KAPS is hard at work setting up this year's fall seminars. While it may be too late for suggestions this time, I encourage you to reach out to your chapter chairs with any ideas you may have for next year's fall seminars. For that matter, if you have any ideas at all that you would like to bring to the table, I encourage you to attend your local KAPS chapter meetings and even volunteer at the state level. "Every man owes some of his time to the up-building of the profession to which he belongs" is a quote by Theodore Roosevelt that I frequently use. Land surveying has given me, and many of you, a lot to be proud of – so please consider giving back to the profession with whatever you can.

I would like you all to know that I very much look forward to serving the general membership and that I am honored to be in this position. I have had the opportunity to visit three chapters so far, and met some great people while doing so. I am excited to be able to visit with your chapter and make new friends throughout the year. As your president I appreciate and need your support. Please feel free to contact me about any matters that you deem necessary.

**Jason Graves, PLS**

2016 KAPS President

502-419-8136

[jasongraveslandsurveying@gmail.com](mailto:jasongraveslandsurveying@gmail.com)

# Getting to Know...Kevin Phillips, PLS

## What sparked your interest in surveying?

I became interested in surveying through my relationship with my stepfather. He's a civil engineer and land surveyor. The work outdoors, the variety of tasks that surveying entailed and of course the time spent with my Dad all made the career attractive to me. He has always been supportive of me and my career in this path I have chosen and I'm very grateful for that.

## What do you like most about the profession?

I enjoy the variety of the survey projects. Each project has its own challenges, both physical and mental. I also enjoy strenuous outdoor work, as surveying is often strenuous. That kind of physical labor is actually very gratifying to me. It keeps the stress levels down and it makes me sleep well at night. At the end of the day, I can look back through the sight line I cut through the honeysuckle and briars or look at the hubs and stakes I've set on a construction site and there's immediate satisfaction that I accomplished something today.

## Everyone has memorable stories from the field. What's one of yours?

When I was about 8 or 9 years old, I went on a trip to a coal mine that my stepfather was working on in either Martin or Lawrence County. I was traumatized by the treacherous route we took to get to the auger mine opening. The mine road was muddy and very close to the edge of a very steep slope. It was my first encounter with this type of off-roading and I was actually terrified. I begged him not to continue down the path, but he did anyway. We made it without any harm to us or the "Jimmy." That was one of the first of many trips to eastern Kentucky with him working on mine-related surveys. Bologna (that's pronounced "buh-lonie," of course) sandwiches purchased from the local stores on the way to the job site grew on me, I think. There was a pot-belly stove in one of those stores in downtown (!) Wrigley, KY that I was so very thankful for on a windy, sub-zero day. There are so many little snippets of life and life as a land surveyor that I remember so very vividly – memories that I hope to never lose track of.



## What is your proudest professional accomplishment?

The ability to support my family in a career that I enjoy and provide a place where my employees are able to do the same for their families makes me very proud. There's a lot of pressure with respect to financial stability when running a small business – it's not just my business, but it's their business, too. I'm always worried about their livelihood as much as my own. When business is good and everyone is provided for makes me proud that I'm able to help and be a part of that.

## What do you most enjoy or find most beneficial about belonging to KAPS?

That's the question whose answer apparently eludes many of the licensees in Kentucky and one that will define the growth or decline of the organization in the future. For me, it's all about the interaction with other surveyors. Without the benefit of KAPS, I would never have become acquainted with virtually any of the folks I have met through KAPS. I appreciate and greatly value the ability that I now have to call upon my many surveyor friends all over the state to compare notes, to get information and just to share stories of our lives as surveyors. It's nice to know that we don't struggle alone in this profession and it's good to have friends and colleagues who can celebrate and appreciate the work that each one of us does.



For me, KAPS provides that contact with the many, many skilled surveyors in our state and for that, I'm very grateful.

**Where do you see the surveying profession in 10-20 years? What will be the biggest challenges?**

The genuine need and demand for land surveyors and the services they provide will remain well past the foreseeable future. As the numbers of licensees dwindles, the demand for surveying from each individual surveyor will increase and I expect that will increase the rates for which we agree to work. My hope is that that increase in rates will translate to more folks becoming attracted to the profession. My fear, however, and I think others' fear, is that if the number of surveyors drops below some threshold of being able to provide adequate and necessary services to the public, then other professional disciplines will start to assume the role of "the surveyor." If that happens, then it's quite possible that the "surveyor" as we know him or her today could become extinct. It's important that the educational institutions recognize the future demand

and profitability for the land surveying profession and to guide their students toward careers and licensure. KAPS is working on re-introducing our profession to college-level students. That's a great place to start, but it will eventually need to filter down to the primary school levels. It may be some time before "land surveyor" becomes as fascinating in grade school as "policeman," "fireman," "doctor" or "dinosaur when I grow up," but it at least needs to be an option!

How do you spend your time when not on the job? I enjoy spending time with my wife, Gina (exact age unknown!), and my son Pruet who turned 13 in April. We eat well, we vacation well and we enjoy each other's company immensely. They're both so funny and agreeable to be with – they make my time away from work so enjoyable. Pretty darned boring to the casual observer certainly, but just being in their company is the best time spent in the world!

**Tell something about yourself that your professional colleagues may not know.**

Outside of doing it in a small farm pond stocked with starving bluegill, I can't fish a lick. I hope Kroger is open during the Zombie Apocalypse, because I'm liable to starve if they're not.

**Congratulations Kevin,  
2016 KAPS Surveyor of the Year!**

	Civil Engineering Land Surveying Transportation Engineering Materials Testing Land Planning Landscape Architecture
	183 Saint Charles Street Bowling Green, KY 42101 Office: 270-842-0812 Fax: 270-842-0910 <a href="http://www.landmarkengineering.net">www.landmarkengineering.net</a>
Quality • Innovation • Integrity • Satisfaction •	

<i>Your Project, Our Promise</i>	
<small>Professional Consulting Engineers and Land Surveyors</small>	
Georgia · Kentucky · North Carolina · South Carolina · Tennessee	
<b>1-800-388-6660</b>	<b>www.VaughnMelton.com</b>

# TRIMBLE BUSINESS CENTER

**SPECIAL  
PROMO**  
2 BUNDLE OPTIONS OVER

# 50% OFF

## DRAFTING PACK 50%+

an upgrade for customers that have an existing TBC license and would like to add both the Advanced Drafting and Data Prep modules. We are offering a discount of over 50% for the Drafting Pack.



## SURVEY SUPERPACK 40%+

A **NEW** TBC license that includes the TBC Advanced Edition, Advanced Drafting Module, Data Prep Module and GIS Module in one offering. We are offering a discount of over 40% for the Survey Superpack.



**PRECISION  
PRODUCTS**

**THERE'S NEVER BEEN  
A BETTER TIME TO TRY**



### TOP ACTIVITIES IN TBC:

**#1**

Process GNSS & Optical Control Surveys

**#2**

Prepare Points, Lines, Surfaces & Corridors for Stakeout

**#3**

Process Features and Attributes for GIS

**#4**

Process Topographic Surveys for CAD



**CALL US TODAY! 844-459-1300**

[WWW.YOURPRECISION.COM](http://WWW.YOURPRECISION.COM)

## B. David Cox, Executive Director

Kentucky State Board of Licensure for Professional Engineers and Land Surveyors  
Kentucky Engineering Center, 160 DEMOCRAT DRIVE • Frankfort, Kentucky 40601

# The Board Report

### Board Members

Governor Matt Bevin has made two appointments to the Board:

William Bowie, PE, PLS replaces James Riney, PE, PS whose term had expired.

Herb Goff, PE replaces Linda Bridwell, PE whose term had expired.

We welcome our new members and thank Jim and Linda for their service to the Board, the professions, and the citizens of Kentucky.

### 2015 Enforcement Statistics

Open Cases January 1, 2015 – 75

Cases Opened (41 engineering; 19 surveying; 1 both) – 61

Cases Completed – 85

Open Cases December 31, 2015 – 51

Closed with no disciplinary action – 52%

Fines, probation, education, etc. – 35%

Suspensions – 5%

Revocations – 8%

### Continuing Education Tracking System

We plan to add an online continuing education tracking system to our website around August/September of this year. It will be free, online, and simple to use. You can enter all your education and scan attendance certificates or other documentation. It will be stored electronically in your personal account.

If you are selected for audit, you can submit the information to us electronically. It can also be used for other states as well.

Another quick comment related to continuing education. If you are selected for audit, please respond timely; do not ignore us. In reviewing the disciplinary actions listed below, you will note that five out of the nine actions had a continuing education violation and that all five resulted from failing to respond to us.

### ENFORCEMENT ACTIONS SUMMARY

For The Period

January 16, 2016 – April 1, 2016

#### MATTHEW AYER

#### AYER QUALITY ENGINEERING, LLC

In 2013, the Board received information that Matthew Ayer and his firm Ayer Quality Engineering, LLC, of Cincinnati, Ohio had practiced professional engineering in Kentucky without a license or business entity permit, in violation of KRS 322.020 and KRS 322.060. Specifically, it was alleged that through his firm, Ayer Quality Engineering, LLC, Mr. Ayer prepared a BACT Report for an industrial client in Louisville. It was determined from a review of that report that some of the work required to prepare the report and some opinions expressed therein constitute the practice of engineering as defined in KRS 322.010. Mr. Ayer is not licensed as a professional engineer in Kentucky and his firm does not hold a business entity permit from the Board. To resolve this matter, Mr. Ayer entered into an Agreed Injunction which bars him from further unlicensed practice either individually or through a business entity. No penalty was assessed for the current violation; however the Agreed Injunction calls for a fine of \$1,000 and seven (7) days in jail for any future violation. The Agreed Injunction was entered in the Franklin Circuit Court on March 9, 2016.

#### ROBERT KELLY RICHARD, PLS

In April 2014, Mr. Robert Kelly Richard, PLS of Georgetown entered into a Consent Decree in settlement of a disciplinary action against him. Among other things, that agreement called for Mr. Richard to submit a quarterly list of his surveying projects from which the Board would select certain projects for review. Mr. Richard failed to submit a projects list for the fourth quarter of 2015 within the time specified in the Consent Decree. In accordance with the terms of the Consent Decree and after being notified of the default, Mr. Richard's professional land surveying license was suspended. The suspension became effective

January 26, 2016. Mr. Richard subsequently submitted the list and paid the associated fees on February 22, 2016 and the suspension was lifted.

**DALE WILLIAM CODY, PE**

Mr. William Dale Cody, PE of Lake Mary, Florida was disciplined for failing to respond to an audit of his Continuing Professional Development (CPD) credits in a timely manner, in violation of 201 KAR 18:196. The case was settled by a Consent Decree wherein Mr. Cody acknowledged the violation and agreed to a Reprimand and a \$1,000 fine. Additionally, the agreement specifies that Mr. Cody must make up a 1 pdh deficit in his CPD within six months. The Board accepted the Consent Decree on April 1, 2016.

**RANDY EARLE MARTIN, PLS**

In July 2014, the Board received a complaint against Randy Earle Martin, PLS of Lexington in connection with his retracement of a lot in Georgetown. The complaint alleged ethical violations as well as violations of the Surveying Standards of Practice. A Board investigation determined that no ethical violations had occurred, however some Standards of Practice issues were identified. An expanded review of Mr. Martin's recent work product identified a pattern of violations of the Standards of Practice, 201 KAR 18:150. The matter was settled through a Consent Decree wherein Mr. Martin acknowledged the pattern of violations of the Standards of Practice and accepted the following sanctions: (1) Letter of Reprimand, (2) a \$1000 fine, (3) Mr. Martin will attend a class on the Surveying Standards of Practice, and (4) a two-year probation of Mr. Martin's land surveying license during which time he will submit to a quarterly review of his work. The Board of Licensure accepted the Consent Decree on April 1, 2016.

**GREGORY KOOPMAN, PLS**

In August 2014, the Board received a complaint against Gregory Koopman, PLS of Cincinnati, which alleged numerous violations of the Surveying Standards of Practice on Mr. Koopman's survey of a lot in Highland Heights, Kentucky. A Board investigation identified numerous Standards of Practice issues on the plat of the subject survey. An expanded review of Mr. Koopman's recent work product identified a serious pattern of violations of the Standards of Practice, 201 KAR 18:150. The matter was resolved by a Consent Decree wherein Mr. Koopman acknowledged the

violations and agreed to surrender his professional land surveyor's license. The Board accepted the Consent Decree on April 1, 2016.

**GERALD PAUL SULLIVAN, PE**

Mr. Gerald Paul Sullivan, PE of Orchard Park, New York was disciplined for failing to respond to an audit of his Continuing Professional Development (CPD) credits in a timely manner, in violation of 201 KAR 18:196. The case was settled by a Consent Decree wherein Mr. Sullivan acknowledged the violation and agreed to the following sanctions: (1) a \$1,000 fine, (2) Mr. Sullivan shall make up a 7 pdh deficit identified during the audit within sixty days, (3) Mr. Sullivan will complete the online course in engineering ethics offered by Texas Tech University within six months, (4) Mr. Sullivan will submit proof of his participation in at least 30 hours of qualifying CPD activities during the 2016/2017 reporting period by not later than January 10, 2018, (5) Mr. Sullivan agrees to comply with the CPD regulations in the future and to respond to any future audit request within the time period specified in the regulations. The Board accepted the Consent Decree on April 1, 2016.

**MALCOLM L. FOSS, PE**

Mr. Malcolm L. Foss, PE of Woodstock, Georgia was disciplined for failing to respond to an audit of his Continuing Professional Development (CPD) credits in a timely manner, in violation of 201 KAR 18:196. The case was settled by a Consent Decree wherein Mr. Foss acknowledged the violation and agreed to the following sanctions: (1) a \$1,000 fine, (2) Mr. Foss shall make up a 11.5 pdh deficit identified during the audit within sixty days, and (3) Mr. Foss will submit proof of his participation in at least 30 hours of qualifying CPD activities during the 2015/2016 reporting period by not later than January 6, 2017. The Board accepted the Consent Decree on April 1, 2016.

**JASON MATTHEW CONN, PE**

Mr. Jason Matthew Conn, PE of Linden, Michigan was disciplined for failing to respond to an audit of his Continuing Professional Development (CPD) credits in a timely manner, in violation of 201 KAR 18:196 and for operating Conn Engineering Consultants, Inc., an engineering business entity without a Business Entity Permit from the Board, in violation of KRS 322.060. The case was settled by a Consent Decree wherein Mr. Conn acknowledged

the violations and agreed to a written Reprimand and a \$4,000 fine. Additionally, Mr. Conn agreed to maintain an active Business Entity Permit for his firm for as long as he provides engineering services in Kentucky through that firm. The Board accepted the Consent Decree on April 1, 2016.

**ARTHUR F. GAMBLE, III, PE**

Mr. Arthur F. Gamble, III, PE of Austin, Texas was disciplined for failing to respond to an audit of his Continuing Professional Development (CPD) credits in a timely manner, in violation of 201 KAR 18:196. The case was settled by a Consent Decree wherein Mr. Gamble acknowledged the violation and agreed to a written Reprimand and a \$1,000 fine. The Board accepted the Consent Decree on April 1, 2016.

Coverage That's Right for You

**W.B. Griffin & Son**  
Insurance Administrators  
*a Pearl Company*

Land Surveyors, Landscape Architects,  
Engineers & Architects



wbgriffininsurance.com | 855.782.0176  
127 Cheapside, Lexington, KY 40507-1303 140624



**KAPS members answered the phones during the annual KET Telefund drive on Wednesday, March 16 at the studio in Lexington**

**Doug Comer, PE, PLS**

# From the Editor's Desk



**"Hey buddy, got a light?"**

## Embarrass yourself & WIN a Major Award!

Starting with this issue, *The Interior Angle* will have an alternating new photo feature that will actually have a return on your investment of time! Each issue will present either a picture or pictures of a KAPS member, in a former life, or a photograph of a feature located in the field.

We hope these "Who am I" and "Where am I" articles will encourage a little friendly competition among KAPS members to present guesses as to the identity of the person, or the location of the field feature. A \$25 gift card will be awarded to the first correct response received via email to [ComerPEPLS@GMail.com](mailto:ComerPEPLS@GMail.com).

HOWEVER – for this idea to succeed, we also need KAPS members to submit photographs for future issues. Please do feel free to share your most embarrassing haircuts or fashion failures, but please don't send baby pictures that only your Momma could identify!

Regarding the "Where am I" feature, we will consider photographs of (hopefully) unique locations or items that could reasonably be identified with research, observations, local knowledge or use of your amazing ESP talents.

Ideally, the photographic submissions should be capable of being legible, without being too grainy or distorted when published at, say, 1/4 page publication size. All submittals will be reviewed and considered for publication. If you want, a story or anecdote can also be presented with the submittal, especially if the subject is in a potentially compromising position. It's not like we have never been there.

As an aside, thank goodness that we did not have immediate access to digital cameras or recorders when I was little... my goose would have truly been cooked on more than one occasion.

To start us off, take a good look at the young 'un here already starting down a bad path at an early age. Then look for two other photos of this wayward youth in the magazine (pages 17 and 27), which may offer more clues to help you identify this future, mostly upstanding surveyor professional.

Submit your photos for a future issue to [dianecomerkaps@gmail.com](mailto:dianecomerkaps@gmail.com).

And good luck on this one!

**Doug Comer, PE, PLS**  
Editor, *The Interior Angle*

# HOLMAN'S | USA

PRECISION PERFORMANCE SINCE 1955

## Your Friend in the Field

We provide sales, training, and technical support for every customer based on 60 years of business experience.

Holman's is here to help you make informed decisions and provide you with world-class service for the **life of the equipment.**

## *Leica* ScanStation P30 & P40 *Geosystems* Because every detail matters



### **The right choice**

Real-time planning of architecture and building projects with fast and accurate deliverables.

### **Reduced downtime**

Performs under the toughest environmental conditions.

### **Realistic clarity**

Unsurpassed range and angular accuracy.

### **Complete scanning solution**

3D laser scanner data can be processed in the industry's leading 3D point cloud software suite.

Call 1-800-545-0932 for your demo + quote

Holman's USA, LLC | 704 S. Illinois Avenue, Suite C103, Oak Ridge TN 37830 | [www.Holmans.com](http://www.Holmans.com) | GSA Schedule Available

# 2016 KAPS GOLF OUTING

Friday, June 17, 9:30 AM (EST)

My Old Kentucky Home State Park  
668 Loretto Rd, Bardstown, KY 40004-0323

\$70.00 per player • no refunds  
(18 hole-greens fees, cart & lunch included)  
1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> place prizes awarded

Register as four person team or individually  
Deadline for registration: June 13, 2016

Please return registration form to:  
KAPS, 124 Walnut St, Frankfort, KY 40601  
Or email to [mforrest@kaps1.com](mailto:mforrest@kaps1.com)

**\*Sponsorship Benefits the KAPS Scholarship Fund**



Player 1 \_\_\_\_\_ Avg. Score \_\_\_\_\_ Player 2 \_\_\_\_\_ Avg. Score \_\_\_\_\_

Player 3 \_\_\_\_\_ Avg. Score \_\_\_\_\_ Player 4 \_\_\_\_\_ Avg. Score \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Check  Cash  Credit Card  Card # \_\_\_\_\_

3-digit code \_\_\_\_\_ Expiration date \_\_\_\_\_ Signature \_\_\_\_\_

Contact Jason Graves, 502.419.8136, for more information.

# 2016 KAPS GOLF HOLE SPONSORSHIP

Friday, June 17  
9:30 AM (EST)



My Old Kentucky  
Home State Park  
668 Loretto Road  
Bardstown, KY 40004

**PLEASE RETURN FORM & SPONSORSHIP TO:  
KAPS, 124 Walnut Street, Frankfort, KY 40601  
or mforrest@kaps1.com**

**\*Sponsorship Benefits the KAPS Scholarship Fund**

Select sponsorship choice:

- KAPS Hole Sponsor Sign - \$100** (sponsor sign)
- KAPS Hole Contest Sponsor - \$200** (sponsor sign near contest)
- KAPS Major Sponsor - \$250** (sponsor sign; half page ad in *The Interior Angle*)
- KAPS Bronze Sponsor - \$350** (sponsor sign; 4 person team)
- KAPS Silver Sponsor - \$500** (sponsor sign; 4 person team; hole contest sponsor)
- KAPS Gold Sponsor - \$1,000** (sponsor sign; two - 4 person teams; hole contest sponsor; listing as major sponsor at outing)

Name for Sign \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Check  Cash  Credit Card  Card # \_\_\_\_\_

3-digit code \_\_\_\_\_ Expiration date \_\_\_\_\_ Signature \_\_\_\_\_

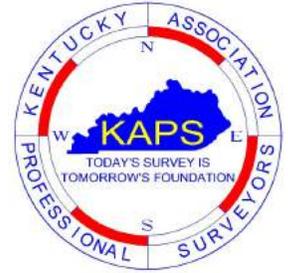
Contact Jason Graves, 502.419.8136, for more information



# 2016 KAPS PICNIC

**Saturday, June 18  
10:00 AM (EST)**

**Wickland Historic Mansion  
550 Bloomfield Rd (US 62)  
Bardstown, KY 40004**



Fees cover lunch, optional competitions,  
& door prizes (please bring your own cooler)

Planned activities include but are not limited to:  
Compass & Chain Challenge, Timed Survey  
Events, Pacing, & Survey Instrument Setups

Family events include:  
games, corn hole & kids activities

**Please register by June 13, 2016**

Make checks payable to:  
KAPS 124 Walnut St, Frankfort, KY 40601  
or email [mforrest@kaps1.com](mailto:mforrest@kaps1.com)

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

**Adult (13 & up) #:** \_\_\_\_\_ **x \$16.50 =** \_\_\_\_\_

Children (under 13) #: \_\_\_\_\_ x \$0.00 = \$0.00

Kids 17 & under names & ages:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check  Cash  Credit Card

Card # \_\_\_\_\_

3-digit code \_\_\_\_\_ Expiration date \_\_\_\_\_

Signature \_\_\_\_\_

**Contact Jason Graves, 502.419.8136, for more info**

For Accommodations Visit: <http://www.visitbardstown.com/tourism/hotels-motels.html>



**Kyle Elliott, PLS**

# Meanderings

The single biggest problem in communication is the illusion that it has taken place.<sup>i</sup> *William H. Whyte*

This is the second part of a two-part series about communication, with a goal of helping the reader to be a more effective communicator. In the first article, tips were provided to assist you in communicating to other individuals more effectively by: speaking in clear, simple, plain language; and in using tools or visual aids. In this second article, I will discuss the more difficult part of communication, active listening.

## Active Listening

As the name implies, effective listening is an activity. It is not passive. Hearing can be a passive endeavor, but listening is not. Listening takes effort and to be an effective listener takes action.

Listening is defined in Webster's Dictionary as hearing something with thoughtful attention. Thoughtful attention requires being fully engaged with your senses – all of them, not just hearing – and to be thinking, or considering what it is the person is trying to communicate to you. In other words, listening takes both sensory and mental engagement with the speaker.

Dennis M. Kratz and Abby R. Kratz write in their book, *Effective Listening Skills*, that "For anyone who wants to succeed in business, becoming an effective communicator is a key goal."<sup>ii</sup> They go on to claim the better communicators are almost always those who have developed effective listening skills.

## Listening Skills

First, when listening to someone, try to avoid unnecessary distractions. While this may be apparent, it is not easy, especially in today's world of almost constant contact through our cell phones, social media, email, and internet connections. There is only one good way to deal with these types of distractions and it requires you to put your cell phone/electronic devices away when you are trying to listen to someone. Another form of distraction, and possibly the largest one, is having your mind wander. It is easy to get ahead of what the speaker

is saying and assume we know what they mean, or where they are going. It is also easy to begin to think about other things including work schedules, appointments, and home or personal life. Try to stay focused on the speaker.

Second, maintain eye contact with the person speaking to you. Eye contact keeps you involved in what the person is saying, and it makes their words personal to you. Maintaining eye contact also allows you to watch for non-verbal visual cues, like facial expressions and body language. According to Dr. Albert Mehrabian (an engineer before he became a professor of psychology), Professor Emeritus of Psychology at the University of California, body language accounts for up to 55 percent of what a person is trying to communicate.<sup>iii</sup>

Third, try to remain objective and open-minded. You do not have to agree with everything, or anything, the speaker is saying, but if you are not at least receptive and open to the speaker, you will never understand exactly what it is they are saying. Without being objective and open-minded, you will hear what you believe, or what you want to hear and not effectively hear what the speaker is trying to communicate. Finally, try to ask yourself questions about what idea or question the speaker is attempting to convey. How does their point relate to things you may already know or you may have already experienced? Do you understand their point? If not, what can you ask them that will help you understand? When the speaker is finished, paraphrase what they have said back to them to see if there is an understanding. Remember from the first article, for communication to have taken place there has to be a shared understanding between two or more people.

These four tips: avoiding distractions, maintaining eye contact, listening objectively and open-mindedly, and asking questions of the speaker, will all assist you in becoming an effective and

active listener. In general, people love to know that others are listening to them. Dr. Joyce Brothers has said that listening is the sincerest form of flattery you can give another person.

<sup>i</sup>1950 September, Fortune. "Is Anybody Listening?", pg. 174. Time, Inc. New York.

<sup>ii</sup>Kratz, Dennis, Kratz, Abby R. (1995). *Effective Listening Skills*. McGraw-Hill.

<sup>iii</sup>Mehrabian, A. (1972). *Nonverbal Communications*. Aldine-Atherton, Chicago, Illinois.

*Kyle Elliott is a licensed land surveyor employed by the Kentucky Board of Licensure for Professional Engineers and Land Surveyors in Frankfort. Reach him at [kyleelliott@bellsouth.net](mailto:kyleelliott@bellsouth.net)*

**Who is our mystery KAPS member?  
Well we know he was a sharp dresser**



**Holly Gill, CIC**  
PROFESSIONAL LIABILITY AGENT  
WALKERAGENCY.COM

Cell: 317-691-5302  
Direct Line 317-759-9320  
[holly@walkeragency.com](mailto:holly@walkeragency.com)



## WELCOME New KAPS Members

**John Bell** - Student Member - Northern KY Chapter

**Mark Chamness** - Full Member - Audubon Chapter

**John Greenwell** - 1st Licensed Year Member - Falls of the Ohio

Chapter **Christopher Jackson** - 1st Licensed Year Member - Northern

KY Chapter **Jeremy Loudenbeck** - Full Member - Barren River Chapter

**Kenneth Marhoffer** - Student Member - Northern KY Chapter

**William McCarty** - Full Member - Audubon Chapter

**Richard Murphy** - Associate Member - Bluegrass Capital Chapter **Sam**

**Peters** - Full Member - Falls of the Ohio Chapter

**Avery Price** - Student Member - Northern KY Chapter

**William Reis** - Full Member - Northern KY Chapter

**Chris Steffey** - Student Member - Northern KY Chapter

**Charles Willard** - Associate Member - Bluegrass Capital Chapter

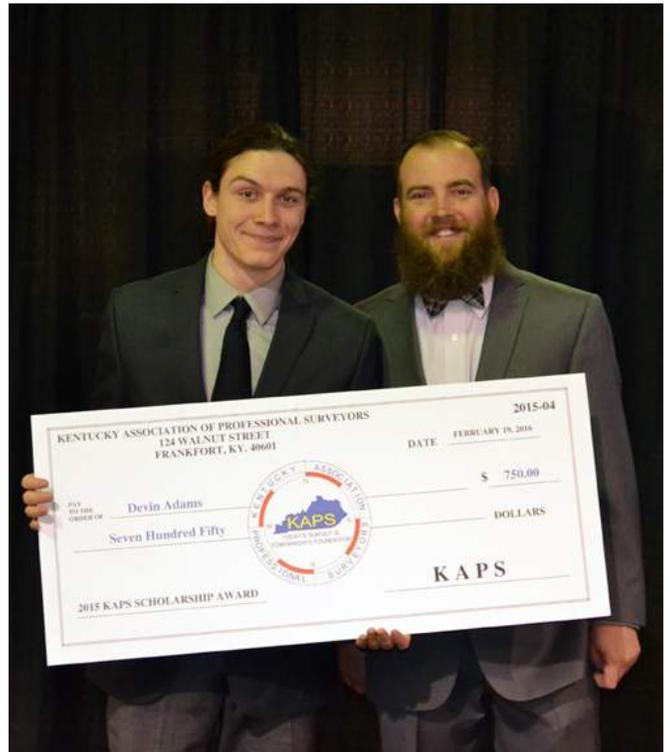
**Richard C. Williamson** - Full Member - Falls of the Ohio Chapter

**Tim Woodcock** - Full Member - Bluegrass Capital Chapter



At the KAPS Banquet, left to right: John St. Clair, Kevin Phillips, Greg Barker, Jason Graves (2016 KAPS President), Tommy Crabtree, Tom Clayborn (Past President), Michael Ladnier, James Mayo, Craig Palmer and Dan Farrell. KAPS leadership can be found on page 3 of this issue. Thanks for your help and service!





Congratulations to the KAPS 2016 Scholarship Award winners, clockwise from top left, Jacob Ryan, Devin Adams and Justin Holt, as well as Charles Jasen Wells and David Wallace, who were unable to attend the conference. Special thanks to John St. Clair, KAPS Scholarship Chairman, for the years of service and hard work!





**Kevin Phillips, PLS  
KAPS Surveyor of the Year**



Several teams participated in a mean game of Family Feud, KAPS-style



Don, what's that you're holding?

Team Clubs has a little fun as they prepare to do battle in Family Feud. Though apparently, Tommy Crabtree thinks he's signed up for Mexican poker...





**"WE ARE THE MOST COMPETITIVELY PRICED DEALER IN THE SURVEYING BUSINESS!"**

**Robotic Total Stations**

**PS Series Robotic Total Stations**  
*Advanced Design with Superior Technology*

*The PS is a professional grade robotic total station. This advanced design provides an onboard data collection interface, exclusive LongLink™ communication, and an incredibly powerful EDM.*



As Low As  
**\*\$386.<sup>12</sup>**  
Per Month  
*Does Not Include Data Collector*

**Topcon RC-5**  
As Low As  
**\*\$113.<sup>81</sup>**  
Per Month



On-Demand Remote allows for rapid prism search no matter your position. A built-in directional sensor constantly monitors the prism movement so the PS can turn left or right whichever direction is closer.



**HiPer V**

**Topcon extends the reach of Vanguard Technology into the HiPer V product.**

*With 300% increase in channel availability and Topcon's exclusive Universal Tracking technology, the HiPer V is ready to increase your productivity.*

**Compact, cable-free solution with Vanguard Technology for all GNSS positioning applications.**



**We Ship Same Day!**



**\*** Price shown with asterisk indicates a 60 Month Lease with a two month monetary payment up-front. Access to equipment is given after lease has been signed and monetary requirements met.

**HiPer V**  
**Base/Rover Production Tool**



**Network Only Rover**  
**\$11,629.00**



**Featuring Vanguard Technology:**

- 226 Channel Vanguard Technology
- Fence Antenna technology for superior signal tracking
- New internal Bluetooth Technology
- New HSPA faster modem models available

*Hayes* **LOYAL CUSTOMER Rewards!**

**Become a "Loyal Customer"...**

**Then enjoy your rewards throughout the year.**



**Order at 1-800-251-1280 or www.hayesinstrument.com**

# 2016 KY State Board of Licensure Board of Directors

**Kenneth Sperry, PE  
Chair**

3 HMB Circle  
Frankfort, KY 40601  
(502) 695-9800  
[ksperry@hmbpe.com](mailto:ksperry@hmbpe.com)

**Robert Fentress, PLS  
Vice Chair**

133 Locust Hill  
Frankfort, KY 40601  
(502) 229-0025  
[rofenta@fewpb.net](mailto:rofenta@fewpb.net)

**Herb Goff, PE  
Secretary**

11321 Plantside Drive  
Louisville, KY 40299  
(800) 814-7503  
[hgooff@donan.com](mailto:hgooff@donan.com)

**Don Pedigo, PLS  
Board Member**

65 Aberdeen Drive  
Glasgow, KY 42141  
(270) 651-7220  
[dpedigo@aei.cc](mailto:dpedigo@aei.cc)

**William Bowie, PE, PS  
Board Member**

101 Irvine Road  
Lexington, KY 40502  
[billb@lexingtonky.gov](mailto:billb@lexingtonky.gov)

**Charles Scroggin, PE  
Board Member**

2517 Sir Barton Way  
Lexington, KY 40509  
(859) 629-4822  
[charlie.scroggin@hdrinc.com](mailto:charlie.scroggin@hdrinc.com)

**James Sigler, PE  
Board Member**

400 E. Vine St. #300  
Lexington, KY 40507  
(859) 233-2100  
[sigler@entran.us](mailto:sigler@entran.us)

**Beverly Smith  
Board Member**

1600 Man O'War Blvd.  
Lexington, KY 40513  
[beverly.smith@insightbb.com](mailto:beverly.smith@insightbb.com)

**John Usher, PE  
Board Member**

J.B. Speed School  
of Engineering  
University of Louisville  
Louisville, KY 40292  
(502) 852-0085  
[usher@louisville.edu](mailto:usher@louisville.edu)

**John Walz, PhD  
Board Member**

University of Kentucky  
Lexington, KY 40506  
(859) 257-1687  
[john.walz@uky.edu](mailto:john.walz@uky.edu)

**Sam Williams, PE, PLS  
Board Member**

1555 Old Frankfort Pike  
Lexington, KY 40504  
(859) 425-2810  
[swilliam@lexingtonky.gov](mailto:swilliam@lexingtonky.gov)

## 2016 Calendar of Events

July 21	Committee Meetings	Frankfort
July 22	Board Meeting	Frankfort
Aug. 24-27	NCEES Annual Meeting	Indianapolis
Oct. 6	Committee Meetings	Frankfort
Oct. 7	Board Meeting	Frankfort
Oct. 28	PE, STR Vertical Exams	Louisville
Oct. 29	STR Horizontal Exam	Louisville

**Bud Salyer, Esq.**

# Intent and Ambiguity



Behind every boundary dispute is an ambiguity as to the location of the true line.

The fundamental rule of construction of deeds is to give effect to the intentions of the party executing the instrument, and this is to be arrived at by the language used in the entire instrument (“within the four corners”). *Riley v. Riley*, 266 S.W. 2d 109. That statement unfortunately suggests that construction of a deed is a simple and straightforward process. It is not. Deeds are fraught with words and expressions and circumstances which create uncertainty as to the grantor’s intent. Such uncertainty or confusion is called an “ambiguity.”

Ambiguities come in two forms: patent ambiguities and latent ambiguities.

A patent ambiguity is created by the language contained in the description. The term “patent” means “obvious, easily recognizable, clear, plain, conspicuous, unconcealed and unmistakable.” When applied to a deed, it means that the uncertainty appears on the face of the instrument. Consider the following deed description:

“Beginning at a maple tree and running north a distance of 200 feet; thence running west 200 feet; thence running south 200 feet; thence running east 200 feet, containing 34 acres, more or less.”

the dimensions in the description cannot possibly contain “34 acres, more or less.” Thus, the question becomes: did the grantor intend to convey a square with 200 foot sides (i.e., by the metes and bounds), or did he intend to convey 34 acres, more or less, regardless of the measurements?

When faced with a patent ambiguity, the courts are clear: no evidence outside the instrument can be used to clarify the grantor’s intentions; it is to be presumed that he intended to convey what he clearly said he was conveying.

The construction of a deed is a matter of law, and the intention of the parties is to be gathered from the four corners of the instrument. *Delph v. Daly*, 444 S.W.2d 738; *Gabbard v. Short*, 351 S.W.2d 510. The court may not substitute what a grantor may have intended to say for what was said. *McMahan v. Hunsinger*, 375 S.W.2d 820; *Mascolino v. Noland*, 391 S.W. 2d 710.

It is to be assumed that the parties to a deed intended each of its provisions to have some effect from the very fact that the words were used and the rule is well settled that words in a deed that are not technical must be construed as having their ordinary connotation. *Phelps v. Sledd*, 479 S.W. 2d 894.

See also *Ball Creek Coal Co., v. Napier*, 202 S.W.2d 728.

In the example description given above, one would resort to the hierarchy of elements as they apply to description. Distances, being a higher element than acreage, which is the lowest on the scale, would control the location of the boundary.

While the courts have emphasized that patent ambiguities cannot be resolved by information outside the document, the fact is that, as it applies to deed descriptions, a patent ambiguity in a deed is relatively rare.

A latent ambiguity is a defect that is not apparent on the face of the instrument, but arises when one attempts to locate the lines on the ground. As it applies to boundary locations, most ambiguities are latent.

If a latent ambiguity is encountered, extrinsic evidence (i.e., evidence outside the four corners of the instrument) will be permitted.

Latent ambiguities are infinite in their causes. Examples of possible latent ambiguities could be found in the following example. A deed might read as follows:

Beginning at a stone beside the road and then running north approximately 800 feet to a marked black oak on top of the ridge.

When one reaches the ridge, he discovers (1) several marked black oaks in close proximity, or (2) a marked red oak on the ridge but no marked black oak, or (3) a marked black oak that is 75 feet below the ridge on one side or the other, or (4) a marked black oak that is on the ridge, but is actually 1,500 feet from the beginning point.

In this example, there is no possible way to reconcile with any certainty the language of the deed with what is found on the ground without more information from outside the deed.

Numerous examples of latent ambiguities exist. In *Holbrook v. Holbrook*, 2006-CA-002105-MR, the deed called for a line to run to a locust post. Both parties agreed that a locust post was the corner. Unfortunately, when the dispute arose, the post had long been gone and the parties could not agree on where it had stood. The court heard testimony of several witnesses concerning their recollection of where the post was located when it existed.

In *Vanover v. Consolidation Coal Co.*, 237 S.W. 21, the deed called for a line running to an oak at a ford of the creek; upon viewing the ground, it was discovered that there were two oak trees some distance apart at the ford, either of which satisfied the description. Testimony was allowed from witnesses who were present when the boundaries were laid off.

In *Justice v. Justice*, 124 S.W. 351, the deed called for a line to run to a “cliff on the top of the ridge”; the evidence showed that there were two

cliffs on the top of the ridge. Evidence was heard from witnesses who professed to know which cliff was intended.

In *Day v. Asher*, 132 S.W. 1035, an individual sold 688 trees marked “HH” located on land described in the deed description. More than one hundred of the trees were later determined to be located on a tract that the seller actually owned, but which had not been included in the description. The court concluded that this created a latent ambiguity and the seller was permitted to testify that his intent was to sell all the marked trees, regardless of his failure to include the tract in the description.

In dealing with latent ambiguities, the first task is to clearly identify what causes the ambiguity, and then be creative in considering what information might be available to clear up the confusion. In one case, a call was for a walnut standing in a field, and another was to run with a branch. The walnut no longer existed, and the branch was “said” to have been moved 50 years before by a great gully washer. The U. S. Forest Service has notes and plats of surveys it performed during the 1930s when it began acquiring land for the Daniel Boone National Forest. One survey clearly identified the location of the walnut and the original location of the branch.

In another case, a call was for a line to follow a ridge a certain distance and then turn south and follow a “division fence” down the hill. One surveyor followed the ridge until he found a fence running down a hill and followed the fence, although the fence ran down the hill through a patch of woods and was located nearly a thousand feet further than called for in the deed. He insisted that the “monument” took precedence over the distance. A review of aerial photos that had been flown about 30 years before by the department of agriculture clearly showed the field and the fence – at the distance called for in the deed.

Once it is determined that a latent ambiguity exists, the door is open to any otherwise admissible evidence that tends to shed light on what the parties intended. Trial courts seem inclined to be liberal in admitting oral testimony that might clearly be considered hearsay, particularly when a case is being tried to the court and not to a jury, but experience tends to indicate



that this is true in other kinds of cases as well.

In *Morgan v. Muncy*, 2009-CA-001950 (unpublished) the court, in citing previous cases, said:

Additionally, [a] boundary may be proved by every kind of evidence which is admissible for the establishment of any other fact-and when the boundary is ancient, even reputation is admissible for its establishment. From the nature of the thing, an old boundary cannot, in general, be proved by direct and positive proof; and reputation is, therefore, from necessity, admissible. Reputation as to the location of the lines and corners is admissible as evidence, and is an exception to the rule against hearsay evidence. *Hail v. Haynes*, 312 Ky. 357, 227 S.W.2d 918.

Probably the only evidence that a court might exclude would be self-serving statements, but even then a court might allow that in a bench trial, believing it could ferret out the truth.



**Who is our mystery KAPS member?  
Clearly a chick magnet at an early age**

# GET NOTICED

## CERTIFY YOUR SKILLS AND ABILITIES

Make your resume stand out!

Today's employers prefer certified technicians.



Learn More at [nsp.us.com](http://nsp.us.com)  
Exam Prep: [LearnCST.com](http://LearnCST.com)  
240-439-4615 Ext. 112



HOLMAN'S | USA  
PRECISION PERFORMANCE SINCE 1955

# Aibot X6

## Flexible surveying & geo-mapping

*Leica*  
Geosystems

With the **Aibot X6**, you can generate data for orthophotos, 3D models, and point clouds in **high density with great accuracy**. Flight planning software makes it simple to obtain **photogrammetry**, all while **saving time and money!**

- *Safely go where conventional equipment can't reach*
- *Point cloud generation, volumetrics, GM creation*
- *Creation of location & inventory plans, topographic images, planning fundamentals, and aerial photos*

*Call today for  
your demo!*

**1-800-545-0932**  
**www.Holmans.com**

704 S. Illinois Avenue, Suite C103,  
Oak Ridge TN 37830, GSA Schedule Available

Wednesday, February 17, 2016, 6:00 p.m.

Ramada Plaza Conference Center, Louisville, Kentucky

# KAPS Board of Directors

## CALL TO ORDER

KAPS 2015 President, Tom Clayborn, called the February 17, 2016 KAPS Board of Directors Meeting to order.

## PROXY VOTES:

A total of two proxies were submitted: Chris Gephart assigned his proxy to Steve Lilly or Earl Strater on February 1, 2016 and Richard Montgomery assigned his proxy to Tom Clayborn on February 1, 2016. Neither Mr. Lilly nor Mr. Strater were present so Mr. Gephart's proxy was rendered void. Mr. Montgomery's proxy was also rendered void as he cannot name the presiding KAPS President as his proxy.

**MEMBERS PRESENT:** Thomas Clayborn – President; Jason Graves – President Elect / Falls of the Ohio Chapter Chair; Jonathan Payne – Past President; Dan Farrell – Vice President of External Affairs; Kevin Phillips – Vice President of Internal Affairs / Bluegrass Capital Chapter Chair; Tom Crabtree – Director / Treasurer; Greg Barker – Director; John Ledington – Director; James Mayo – Director; Josh Calico – Director; Craig Palmer – NSPS Governor; William Bowie – KSPE Liaison; Michael Ladnier – Audubon Chapter Chair; Bob Neuhaus – Barren River Chapter Chair; Matthew Clark – Jackson Purchase Chapter Chair; Curtis Felts – Southeast Chapter Chair; Tom Bushelman – By-Laws & Policy Manual Chair

**STAFF PRESENT:** Molly Forrest – Administrative Assistant

**GUESTS PRESENT:** Brian Cox – Northern Kentucky Chapter; Nick Jerdon – Bluegrass Capital Chapter

**MEMBERS ABSENT:** Richard Montgomery – Director / Secretary; Chris Gephart – Kentucky Board of Licensure Liaison; Steve Lilly – KAMP Liaison; Paul Schrader – GIAC Liaison; Robert Smith – Green River Chapter Chair; Johnny

Justice – Highlands Chapter Chair; Earl Strater – Northern Kentucky Chapter Chair

## PRESIDENTS WELCOME

President Tom Clayborn welcomed everyone to the meeting. Introductions were made.

## ADDITIONS OR REVISIONS TO THE AGENDA

No additions or revisions were requested.

## REVIEW AND APPROVAL OF BOARD MEETING MINUTES

The minutes of the December 5, 2015 board meeting were reviewed. Tom Bushelman made a motion to approve the minutes. Jason Graves seconded. Motion carried.

## KAPS OFFICER REPORTS

**President's Report** – Submitted in the board packet.

**Treasurer's Report** – The January 31, 2016 Balance Sheet / Profit & Loss Statement was submitted in the board packet as well as a budget comparison report. James Mayo moved to accept the financial statements. Greg Barker seconded. Treasurer's Report accepted.

**Administrative Assistant's Report** – Submitted in board packet. Molly Forrest reported the preliminary profit for the 2015 fall seminars to be \$18,723.42; however, the figure is likely to change as time allows further review following the conference.

## OLD BUSINESS

**Salary Survey** – Jonathan Payne distributed revisions for further review. He will also follow-up with an email to get further feedback before releasing the survey KAPS-wide.

**KAPS Membership Certificates and Cards** – Website estimates were included in the board packet. Molly Forrest reported Option 1 on the

Included estimate sheet would include better map functionality, automation of renewals via subscriptions, pro-rating of dues, reworking the directory, membership cards and certificate integration, the site would rely on less customization and fewer plugins. This option is estimated at \$2,000 - \$2,800 depending on the exact scope. Option 2 would add the membership cards and certificates to the current system only for \$600 – \$1,000. Jason Graves made a motion for Option 1. Mike Ladnier seconded. Motion carried.

#### **Prints of Professions Surveyor's Print –**

President Clayborn reported the Art Committee had met in January and exchanged ideas and took pictures of surveying equipment. The committee is to meet again during the conference.

**KET Telefund** – Wednesday, March 16, 2016, 6-11 p.m. in Lexington; a sign-up sheet w distributed and everyone was encouraged to attend.

#### **Marco Rajkovich's Online Courses –**

Information included in the board packet. President Clayborn has been in contact with Christine Clements with Clements Computer Associates inquiring as to how to move forward with online courses. She is researching possibilities. Jon Payne mentioned a PowerPoint extension he's used could work for online courses but would be less high-tech.

#### **College Level Land Boundary Surveying**

**Courses** – Josh Calico reported Chris Gephart was planning to bring up the subject at the next Board of Licensure (BOL) meeting. Mr. Calico talked to Ed Manning and Mr. Manning indicated the BOL would be hesitant to make changes to KRS unless there were several things that needed to be changed.

#### **NEW BUSINESS**

**Next KAPS Board Meeting** – Thursday, February 18, 2016, 7 p.m. EST at the Ramada Plaza Conference Center, 9700 Bluegrass Parkway, Louisville.

**National Surveyors Week** – March 21-26, 2016; information included in the board packet. Craig Palmer reported Frank Lenik is promoting OPUS

for the network. Everyone is encouraged to get involved and involve the chapters.

**Election of Officers, Teller's Report** – The 2016 Teller's Committee Report was submitted in the board packet. The committee consisted of Bob Fentress (Chair) Kelly Carr, and Harry Girdler. The results were as follows:

- President – Jason Graves
- President Elect – Joshua Calico
- VP of External Affairs – Dan Farrell
- VP of Internal Affairs – Kevin Phillips
- Director – John Ledington
- Director – James Mayo
- Director – Greg Barker
- Director – Tom Bushelman

The report was brought as a motion and does not need a second.

**2016 Budget Acceptance** – James Mayo distributed the proposed 2016 budget. Mike Ladnier made a motion to accept the budget. Bob Neuhaus seconded. Motion carried.

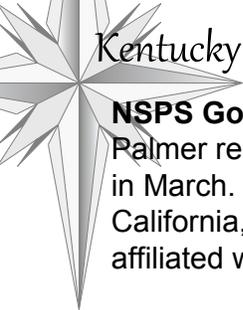
**Continuing Education Hours** – Report submitted in the board packet. President Clayborn reported that Kentucky is one of the lowest states in continuing education hours required. BOL members President Clayborn spoke with seemed to agree an increase is a good idea. Kentucky engineers are required to get 15 hours while surveyors are only required eight. Following discussion, President Clayborn agreed to look into the matter further including finding out if the BOL or KAPS should take the lead. Jason Graves made a motion to pursue thirty continuing education hours every two years. Tom Bushelman seconded. Motion carried.

**KAMP / KAPS MOA Proposal** – Sample submitted in the board packet; President Clayborn asked the board to review the sample provided by Steve Lilly and be ready to discuss at the next board meeting.

#### **EX-OFFICIO DIRECTORS REPORTS**

**KY State Board of Licensure Liaison** – Written report submitted.

**KSPE Liaison** – No written report; Bill Bowie reported reorganization at the national level.



**NSPS Governor** – No written report; Craig Palmer reported the national meeting will be held in March. He further mentioned Arkansas, California, and West Virginia are the states not affiliated with NSPS.

**Professional Development Chair** – No report.

### CHAPTER REPORTS

**Audubon** – Written report submitted; Mike Ladnier reported the chapter will meet again in March.

**Barren River** – Written report submitted.

**Bluegrass-Capital** – Written report submitted; Kevin Phillips reported Nick Jerdon will serve as their new Chapter Chair.

**Falls of the Ohio** – No written report; Jason Graves reported the new chapter chair will be Tyler Pence.

**Northern Kentucky** – No written report; Tom Bushelman reported the chapter hosted approximately 22 people at their annual Christmas event.

**Purchase** – Written report submitted

**Southeast** – Written report submitted; Curtis Felts reported he had spoken with Curt Sumner at NSPS and the Bonnie Atwell Fund has approximately \$39,000 in it. He also submitted information regarding the award on the back of his chapter report. The winner of the award this year lives in New Jersey. The award will stay in the KAPS office until next year.

### COMMITTEE REPORTS

**Annual Conference** – Conference data included in the board packet; President Clayborn welcomed everyone to the conference.

**Legislative** – No written report; President Clayborn reported Government Strategies has kept the committee up-to-date on legislative issues. Although it doesn't directly affect surveyors, a bill has been introduced requiring all recorded deeds to have some sort of title research on the property verifying a good deed.

committee and most likely will not go any further this year.

Another profession has introduced a bill denying the Governor access to their licensing funds. If this particular profession gets the bill passed, perhaps it's something that can be done for the surveying licensing funds as well.

### SPECIAL COMMITTEE REPORT

**KY / TN State Line Monuments** – No written report; John Ledington reported he spoke with John Schneider regarding the project. Mr. Schneider indicated some property access issues such as sites located in the National Forest as well as struggles getting enough signal. A couple of sites still need to be scouted out. Since Dempsey Miracle will be coming onto the KAPS Board for the coming year, Mr. Ledington is hopeful he can offer further insight. Jon Payne is willing to help with the project. Mr. Payne mentioned there are several on the west end of the state needing observation. Someone in Tennessee has the reference monuments he needs.

**Board of Licensure Nominations** – President Clayborn reported there has been no word from the Governor's office.

### ADJOURNMENT

Mike Ladnier made a motion to adjourn. Jason Graves seconded. Motion carried. Meeting adjourned.

Respectfully submitted by

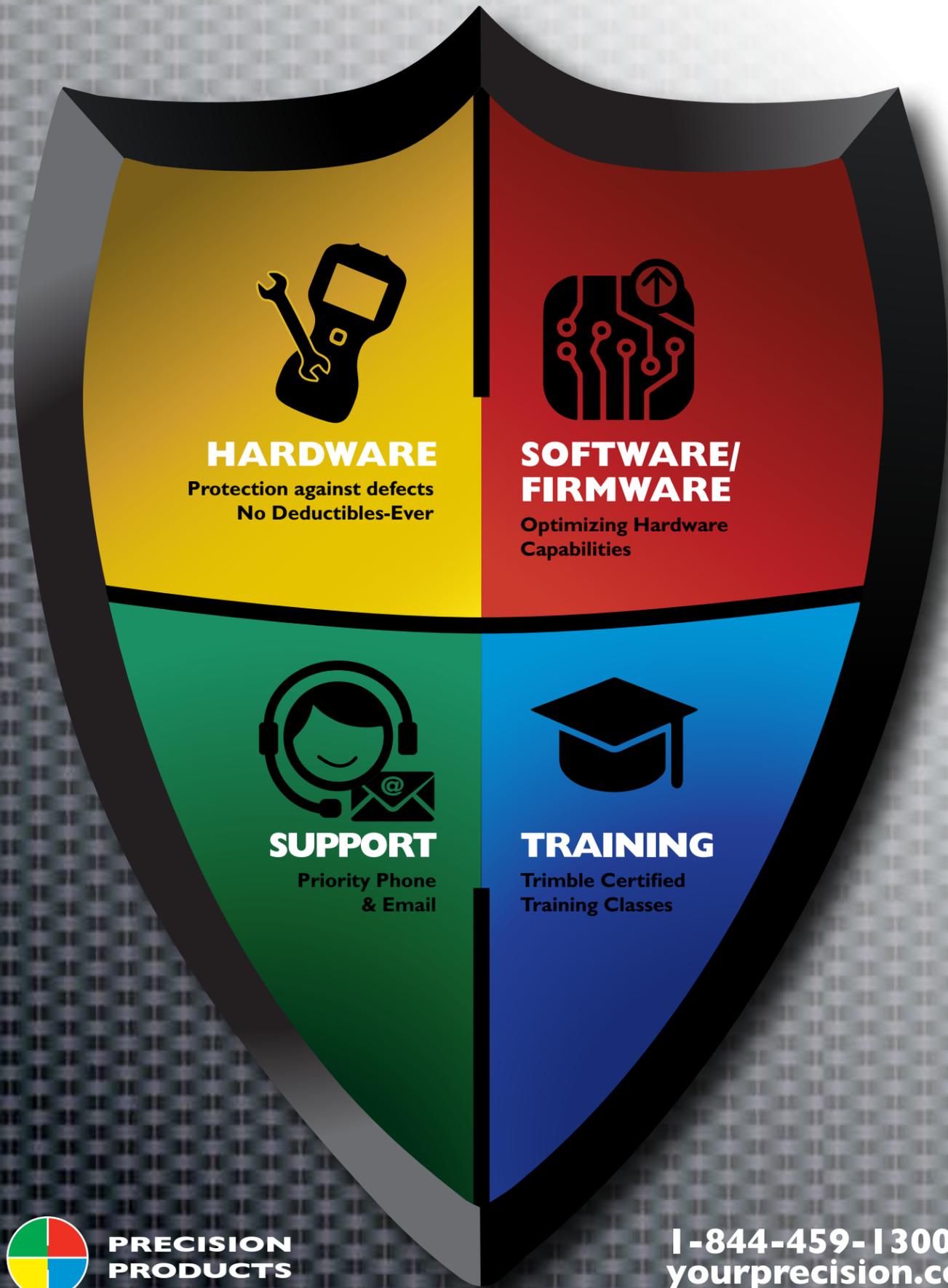
Molly M. Forrest for Richard Montgomery, PE,  
PLS, Secretary

Edited for content by:

Doug Comer, PE, PLS, Editor

Follow KAPS on Facebook





**HARDWARE**

Protection against defects  
No Deductibles-Ever

**SOFTWARE/  
FIRMWARE**

Optimizing Hardware  
Capabilities



**SUPPORT**

Priority Phone  
& Email



**TRAINING**

Trimble Certified  
Training Classes



**PRECISION  
PRODUCTS**

**1-844-459-1300**  
**yourprecision.com**



**PRECISION  
SHIELD**

**PROTECTION  
PLAN**

**Protect Your**

Total Stations, Tablets,  
Levels, Radios, Hand-  
helds, GNSS Receivers,  
Control Units, and  
Antenna Equipment.

**Why Shield Protection?**

- Protect your investment and stay productive
- Avoid unexpected repair costs
- Eliminate costs for parts and labor
- Maintain fixed, scalable maintenance expenditures
- Transferable ownership (Warranty follows serial number)

Precision Shield offers many more benefits including **discounted supplies!**

**CALL US TODAY  
FOR MORE INFO**



**Hardware Warranty**

*Antennas, Control Units, GNSS Receivers, Levels, Radios, Tablets, Total Stations*

**Features:**

- Manufacturer Defect Coverage
- No Deductibles
- Wear & Tear along with Environmental Damage Coverage
- Surge Protection
- Reduced Service Rental Rates



**Software/Firmware Warranty**

*Control Units, GNSS Receivers, Tablets, Total Stations*

**Features:**

- Minor Updates
- Enhanced Signal Tracking (GNSS)
- AccessSync Cloud-based File Transfer Service



**Support**

*All Employees*

**Features:**

- Priority Phone Support
- Priority Email Support



**Training**

*All Employees*

**Features:**

- One free seat to any of our Trimble Certified Training Classes
- Reduced fees for additional seats
- Customizable to fit your needs

## Berntsen International, Inc. - A History of Innovation

# Meet our Corporate Sponsors

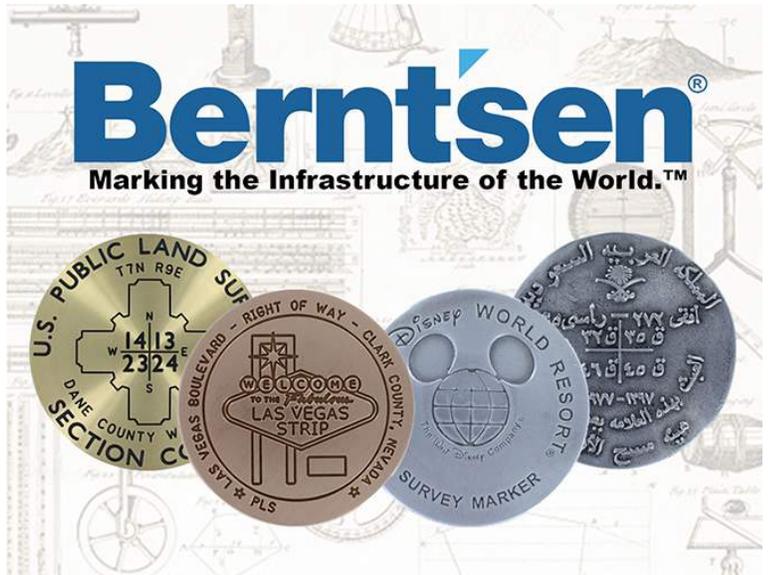
Back in 1971, an idea, lunch, and a napkin were the blueprints of today's largest manufacturer of survey markers and monuments, Berntsen International, Inc.

Phil Peterson, salesman for heavy equipment, had recently met with a friend who worked at the Wisconsin Department of Transportation. The DOT had been setting concrete survey monuments and was looking for something easier, lighter in weight and more economical. From this discussion Phil's interest was piqued.

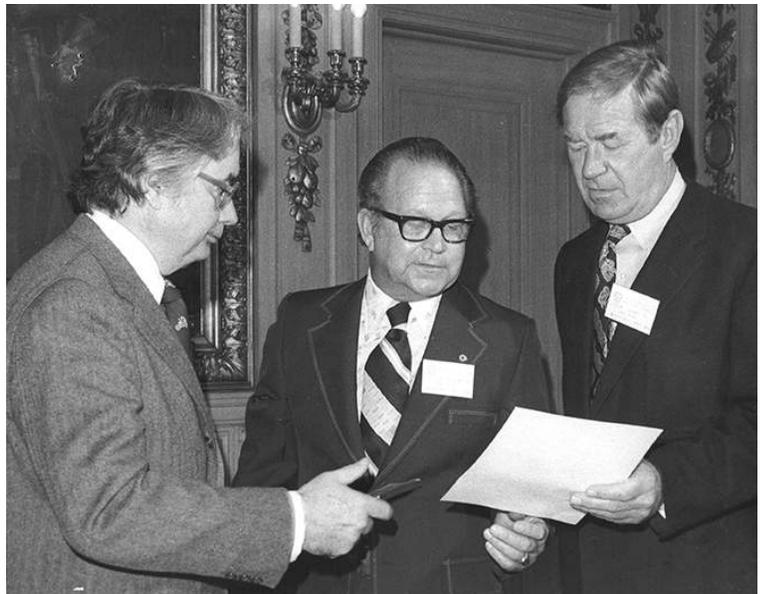
Phil spoke with an acquaintance, Peter Berntsen of Berntsen Brass and Aluminum Foundry, about a business concept. Peter drew an idea for the innovative W-1 monument on a restaurant napkin. With Peter's manufacturing background and Phil's sales management experience, this team began prototyping a new product design and testing out the market. In 1972, these two entrepreneurs created Berntsen Cast Products, Inc. (now Berntsen International, Inc.) to take on this new challenge.

The first prototype monument was too heavy and had a metal corrosion issue. To remedy the problem, Phil enlisted the expertise of University of Wisconsin Professor of Metallurgy, Dr. H. Arthur Dodd. With this new knowledge about metal alloys and combining metals, Phil began looking for an alternate way to make a more corrosion-resistant monument. That's when the idea of using high-strength magnets in the monument was developed. Several prototypes later, the market-ready version was an 8½ pound aluminum monument with ceramic magnets. The design was light enough to carry, easier than current methods to install and designed for longevity in the field.

Phil and Peter took their monument to the Wisconsin Society of Land Surveyors Annual Institute, where they were met with a range of feedback. Some thought there would be a market for the monument but that sales would be difficult.



Phil and Peter took their monument to the Wisconsin Society of Land Surveyors Annual Institute, where they were met with a range of feedback. Some thought there would be a market for the monument but that sales would be difficult. Another asked, "What are you going to do with THAT?!?" Phil's entrepreneurial spirit kicked in when he replied, "I'm going to market it!"



Undaunted, Berntsen Cast Products, Inc. rented a booth at the 1973 American Congress on Survey and Mapping convention at the Washington Hilton.

Here, Phil and Peter received invaluable feedback and gained confidence that their vision to provide a better, lightweight monument would fill a need and be the basis for a new business. Indeed, that was just the start of a company that would grow to provide hundreds of products for land surveys and infrastructure projects around the world.

The “die was cast” for a corporate culture of innovation and products of high quality that answer the needs of customers. Staying true to its core foundation, Berntsen is changing the infrastructure marking game again. Since as early as 2009, Berntsen recognized that technology could be used to enhance the current asset marking industry. In 2014, Berntsen introduced the patented InfraMarker® system which combines RFID technology with GPS locating technologies, magnetic locating, and mobile application software to mark, map and manage infrastructure assets.



### Berntsen International, Inc.

5418 Monument Lane  
Madison, WI 53704

800-518-0934  
[www.berntsen.com](http://www.berntsen.com)



*The Wild Side* will be a regular feature of *The Interior Angle*. Graciously submitted by Mark A. Beville, AIA. Reprinted with permission.

**Kyle Elliott, PLS**

# City Annexations

With the upcoming 2020 Decennial Census by the U.S. Census Bureau, the Kentucky Secretary of State's Land Office goal is to have all of the older Kentucky City annexations, and/or resolutions, filed and mapped before December 1, 2019. Having those annexations mapped and added to city boundaries will ensure the U.S. Census Bureau has the latest available correct data when they download interactive maps from the Commonwealth of Kentucky. Accurate mapping of city boundaries assists in the determination of how billions of dollars in federal funding are divided up among local communities.

In Kentucky, only a licensed professional land surveyor can prepare an annexation map and description. Kentucky Revised Statute (KRS) Chapter 81A describes the requirements of local governments when they chose to enlarge or reduce their existing boundaries, and specifically KRS 81A.470 details the map and description requirements for land surveyors. One of those requirements is for the surveyor to "clearly state on the documents the location of the existing municipal boundary." An earlier section in the chapter (81A.410) requires that areas to be added to a city's boundaries must be "adjacent or contiguous to the city's boundaries at the time the annexation proceeding is begun."

The Land Office is requesting Kentucky surveyors' assistance in helping cities ensure their proposed annexation areas are adjacent or contiguous to the existing city's boundaries when the surveyor is hired to prepare annexation maps and descriptions. Existing city boundaries can be viewed through the Secretary of State's website at <http://www.sos.ky.gov/admin/land/cities/Pages/default.aspx>.

Surveyors should understand there might be conflicts between the maps as viewed at the above portal, the city's own city map, and the city's ordinances because of mapping errors, improper filings or filings never made to the Secretary of State's office. Gaps between

existing and proposed city boundaries should be addressed with local officials and the Secretary of State's Land Office prior to the beginning of new annexation proceedings. Kandie Adkinson, of the Land Office, a person long known to surveyors for her knowledge of and assistance with obtaining copies old Kentucky land patents, is available to surveyors and city officials who have questions about the annexation process. Kandie can be reached at (502) 564-3490, or by email at [kandie.adkinson@ky.gov](mailto:kandie.adkinson@ky.gov).

When preparing city annexation maps, and descriptions, it is not required of surveyors to perform a "boundary survey" as defined in the Standards of Practice (201 KAR 18:150), unless in the opinion of the licensed professional a boundary survey is necessary to protect the public, or if the city client prefers a boundary survey. In such cases the requirements of Sections 1-12 of the Standards of Practice should be met. When it is determined by the professional land surveyor that a boundary survey is not required, then Section 13, "Non-Boundary Survey Work," of 201 KAR 18:150 should be met. In these cases the professional land surveyor has wide latitude in determining which tools he uses and what accuracy and precision he or she achieves. The Standards of Practice are available at the Board of Licensure's website at <http://kyboels.ky.gov/Already-Licensed/Pages/default.aspx>.





# KAPS MEMBERSHIP APPLICATION

Please complete form:

email to [mforrest@kaps1.com](mailto:mforrest@kaps1.com) or fax to 502.695.2667  
mail to KAPS • 124 Walnut Street • Frankfort, KY 40601  
Register online at [www.kaps1.com](http://www.kaps1.com)

NAME \_\_\_\_\_ SPOUSE \_\_\_\_\_

KY COUNTY \_\_\_\_\_ CHAPTER \_\_\_\_\_ KY PLS # \_\_\_\_\_

RESIDENCE ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

IF NOT RESIDENT OF KY, ARE YOU A MEMBER OF YOUR STATE SURVEY ASSOCIATION?  YES  NO

BUSINESS NAME & ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

DO YOU PREFER:  EMAIL  USPS / IF USPS, DO YOU PREFER:  RESIDENCE  BUSINESS

EMAIL ADDRESS \_\_\_\_\_ BUSINESS WEBSITE \_\_\_\_\_

HOME PHONE \_\_\_\_\_ CELL PHONE \_\_\_\_\_

BUSINESS PHONE \_\_\_\_\_ FAX \_\_\_\_\_

BIRTHDAY \_\_\_\_\_ HIGHEST DEGREE \_\_\_\_\_

I HEREBY CERTIFY THE STATEMENTS MADE ON THIS APPLICATION ARE CORRECT AND THAT, IF ELECTED, I AGREE TO BE BOUND BY THE CONSTITUTION AND BY-LAWS OF THE ASSOCIATION.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

## CLASSIFICATION OF MEMBERSHIP

- FULL MEMBER \$ 195.00
- LIFETIME FULL \$3,900.00
- FIRST LICENSED YEAR \$ 0.00
- ASSOCIATE MEMBER \$ 97.50
- CORPORATE MEMBER\* \$ 390.00
- BUSINESS MEMBER \$ 390.00
- STUDENT MEMBER \$ 0.00

CHECK ENCLOSED  CREDIT CARD

MC / VISA # \_\_\_\_\_

3-DIGIT V-CODE (on back of card) \_\_\_\_\_

EXPIRATION DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

REFERRED BY \_\_\_\_\_



**“FULL” AND “LIFETIME FULL” KAPS MEMBERS WILL AUTOMATICALLY BE MEMBERS OF NSPS (National Society of Professional Surveyors).**

**\*Descriptions taken from the KAPS By-Laws / Article III / Section 2 Classifications and Qualifications**

**FULL MEMBER:** Full Membership shall be granted, upon application to the Board, to any person licensed to practice land surveying in the Commonwealth of Kentucky. Except as otherwise hereinafter provided, such membership shall continue, as long as the person’s rights to practice land surveying is maintained. A Full Member shall enjoy all rights and privileges of membership in KAPS.

- **LIFETIME FULL MEMBER:** Lifetime Full Membership shall be granted upon conditions listed above with one lump sum payment equal to 20 years of the current Full Member dues rate.
- **FIRST LICENSED YEAR:** KAPS offers Full Membership free of charge to newly licensed individuals.

**ASSOCIATE MEMBER:** Any person who is non-licensed but has an interest in land surveying shall be eligible for Associate Membership in KAPS. Associate Membership shall be granted upon recommendation by a Full Member and application to the Board. An Associate Member shall have all rights of Full Membership except the rights to vote and hold office.

**CORPORATE MEMBER:** Any firm or organization engaged in the practice of land surveying shall be eligible for Corporate Membership provided that either a principal of the firm or a person in responsible management position of surveying for the firm is a Full Member of KAPS. Corporate Membership shall be granted upon application to and majority approval by the Board. Corporate Members shall only have such rights or privileges as may hereinafter be provided or which may be accorded at the discretion of the Board. Corporate Members may enroll full-time employees as KAPS members under the appropriate category at a 20% discount from the full price.

**BUSINESS MEMBER:** Any firm or organization who is non-licensed but has an interest in land surveying shall be eligible for Business Membership in KAPS. Business Membership shall be granted upon recommendation by a Full Member and application to the Board. A Business Member shall only have such rights or privileges as may hereinafter be provided or which may be accorded at the discretion of the Board. Business Members may enroll full-time employees as KAPS members under the appropriate category at a 20% discount from the full price.

**STUDENT MEMBER:** Any full-time student with an interest in the profession of land surveying shall be eligible for Student Membership. Membership shall be granted upon application and approval of the Board of Directors. Student Members shall have all rights of membership except the rights to vote and hold office, except within a Student Chapter.

*100% Annual Dues January – June; 75% Annual Dues July – December (proration according to date of application)*

**FOR KAPS OFFICE USE ONLY:**

PAYMENT REC'D /  RECEIPT /  WEBSITE /  EXCEL /  CHAPTER /  POST NSPS