CHANGE is in the WIND
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Official Publication of the Texas Society of Professional Surveyors
January, 2015
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In This Issue

On the cover – The TSPS 2015 Symposium returns to San Antonio in February! Join your fellow land surveyors at this annual two-day education event, located at the Wyndham San Antonio Riverwalk Hotel. Check out the course and special events schedule on pages 20-21 and the Registration page on page 22. Online registration is available now at www.tsps.org. (Cover photo property of the San Antonio Convention & Visitors Bureau.)

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The Texas Surveyor/January 2015
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Happy New Year! As many of us have made our New Year’s resolutions for 2015, the year is full of promise. TSPS, your association, is looking forward to a promising year as well. We begin the year with all RPLS members now enjoying the benefits of being a NSPS member too. As of late December, TSPS had added 770 members to the NSPS roster. By the end of January, approximately another 200 will have renewed their membership and thus joined NSPS. This is an exciting transition for Texas members to be receiving both national and state benefits.

The 83rd Texas Legislature began on Tuesday, January 13th. The Governmental Affairs committee along with TSPS legal counsel Mark Hanna will be monitoring legislation as it is introduced. Any legislation that appears to have potential impact on TSPS or TBPLS will be monitored and tracked. TSPS will keep the membership updated throughout the session via the website. Look for “Capitol Corner” updates bi-weekly (and more often if needed) on the home page.

TSPS will host its Legislative Day on Tuesday, March 10th. Please save the date and plan to attend. The day will begin with a briefing session to provide members with their talking points as they visit with legislators and their staff at the Capitol. Members will enjoy several hours at the Capitol and have the opportunity to see the legislature in action on the house and senate floors. A recap session will end the day with the group providing feedback from their meetings. Numbers are important on this day – your participation is requested and needed!

As in years past, the TSPS Board of Directors will hold quarterly meetings throughout the year. Dates and locations can be found on the Community Calendar on the website. Board meetings are open to the membership and we welcome you to attend and participate in the business of the association.

The last quarterly Board meeting will be held during the 2015 Annual Convention at the Sheraton Dallas Hotel. The 2015 Convention will have a different rotation of days than in the past – Thursday through Sunday. The golf tournament will be held on Thursday, October 8th, the Annual Business Meeting and Opening Keynote Session will be held on Friday, October 9th and all educational sessions and the Tech Expo will be held both on Saturday, October 10th and Sunday, October 11th. The convention will adjourn at 5:30 pm on Sunday. In addition to the change in schedule, the convention will share the weekend with Texas Longhorn and Oklahoma Sooner fans for the Red River Rivalry. Please be sure to make your hotel reservations early – the hotel will sell out!

As our resolutions prevail in 2015, TSPS will join its membership in a promising and successful year.
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"Never give in–never, never, never, in nothing great or small, large or petty, never give in except to convictions of honour and good sense."  Winston Churchill - 1941

Well, Its 2015….another New Year to reflect on. And it seems that everyone has been run off their feet with work during 2014, but what about 2015? As I write this the price of West Texas Intermediate is in the low $50’s a barrel, the lowest it has been in several years. What will happen with the price of oil over the coming months? I wish I had that crystal ball to tell me, but my guess is that if the price of a barrel of oil has not rebounded by June, we may see a slowing of the Texas economy. As goes the price of oil, so goes the Texas. But that is something that you and I have no control over. What we do have a say in is how, in a professional sense, we react to an economic downturn.

The Texas Legislature meets in 2015, and as usual this promises to be a busy and interesting session. State budget issues always seem to be a big part of every session. Governments looking for ways to save money, and reduce bureaucracy! We should be prepared to support the continued existence and funding of the Texas Board of Professional Land Surveying should there be another attempt, as there has in the last two sessions, to abolish or defund this body. That is short term. In the long term we need to begin working toward preparations for the Sunset Commission review of the Professional Land Surveying Practices Act, which will happen in 2018.

It sounds like that is a long way in the future, but it is only three years, and if we wish to take the bull by the horns and be proactive, not reactive, it would be wise of us to soon start thinking about how we wish to approach this event. Otherwise the Sunset Commission may have already set the agenda and made its recommendations before we, as representing the Land Surveying profession, have had an opportunity to provide input and guidance that would strengthen the profession and better protect the people of Texas. Our Governmental Affairs Committee is charged with taking the lead in this matter, and with input from well-respected members of our Society, including current and former members of the Texas Board of Professional Land Surveying, I am supremely confident that our objectives are in good hands.

The motion that follows was presented to, voted upon, and adopted almost unanimously by the membership at the 2014 annual meeting. It sets a direction to be followed by all administrations and will continue in effect until accomplished or, if the former is not possible, amended by vote of the general membership.

(See From The President, page 14)
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The following is a summary of the recent Texas real estate law cases as prepared by the Real Estate Section of the State Bar of Texas. For more information regarding these cases or other legal issues of significance to the surveying profession, contact TSPS Legal Counsel, Mark J. Hanna, 900 Congress Avenue, Suite 250, Austin, Texas 78701; telephone: (512) 477-6200.

Real Estate Cases - State Courts

1. Promissory Notes and Loan Agreements.

1.1 The negotiability of an instrument is a question of law. As defined in UCC §3.104, “negotiable instrument” means an unconditional promise or order to pay a fixed amount of money, with or without interest or other charges described in the promise or order.

1.2 A promise or order is unconditional unless it states (i) an express condition to payment, (ii) that the promise or order is subject to or governed by another record, or (iii) that rights or obligations with respect to the promise or order are stated in another record. A promissory note is not a negotiable instrument if it contains a statement indicating that the rights and obligations of the parties with respect to the note are stated in another agreement. The rationale for precluding reference to other documents is that the holder of a negotiable instrument should not be required to examine another document to determine rights with respect to payment. However, a mere reference to another record does not of itself make the promise or order conditional.

Guniganti v. Kalvakuntla, 346 S.W.3d 242 (Tex.App.-Houston [14th Dist.] 2011, no pet.). The original principal amount of the note was $2,948,523.45 “or so much thereof as is advanced and outstanding from time to time . . . .” The Note also provided, “NOT ALL of the principal amount of this Note has been advanced on the date hereof. Additional advances will be made in accordance with the terms and condi-

(See Attorney’s Angle, page 13)
tions of the Loan Agreement, reference to same being here made for all purposes." The note was later modified pursuant to a modification agreement which recited that the principal balance remaining was $1,439,491.21 and the final maturity date was December 12, 2002. The modification provided that the terms of the note remained unchanged except as modified and said that "If any inconsistency exists between this [Modification] and the terms of the Note and/or Security Documents, this [Modification] shall control and the Note and Security Documents shall be construed accordingly."

The note went into default. In November 2007, Guniganti (who had acquired an interest in the note) brought suit for damages and judicial foreclosure of the property securing it. The maker of the note claimed enforcement of the note and lien were barred by the four year statute of limitations. Civil Practice & Remedies Code § 16.004(a)(3), which is the statute of limitations for debts. Guniganti argued that the UCC § 3.118(a) six-year limitations period for negotiable instruments was applicable.

Here, the modification, which the court said must be read together with the note, made references to the deed of trust, a guaranty, and the loan agreement. The court assumed, without deciding, that those references in the modification were to statements of rights, and do not defeat negotiability.

The note also referred to the loan agreement and here the court held that the note’s reference to the loan agreement rendered the note non-negotiable. The problem was that the note said advances were to be made in accordance with the loan agreement and that any default under the loan agreement was a default under the note. This was more than a "mere statement" referring to the loan agreement. This language burdened the note with the conditions of the loan agreement. The modification brought this wording forward by saying that the unmodified terms of the note remained unchanged.

2. Lis pendens.

2.1 During the pendency of an action involving title to real property, the establishment of an interest in real property, or the enforcement of an encumbrance against real property, a party seeking affirmative relief may file a lis pendens in the real property records of the county where the property is located. Property Code §12.007. The notice must contain certain information, including the style and cause number of the proceedings, the court where it is pending, the names of the parties, identification of the kind of proceedings, and a description of the property affected. A properly filed lis pendens is not itself a lien, but rather it operates as constructive notice “to the world of its contents.”

(See Attorney’s Angle, page 15)
WHEREAS, it is to the benefit of the entire State of Texas that all Land Surveyors work more closely with our regulatory agency to maintain the independent nature of the regulation of land surveyors and to promote best practices in candidate selection, enforcement of the provisions of the Professional Land Surveyors Act and the Rules promulgated thereunder, and diligent complaint investigation and appropriate discipline in order to protect the people of Texas.

And WHEREAS, by the provisions of the Texas Sunset Act as it relates to the Land Surveying Profession, a review will take place in 2018-2019 and the Texas Board of Professional Land Surveying (TBPLS) will be abolished unless continued in existence by an act of the legislature.

And WHEREAS, during recent legislative sessions there have been multiple attempts to defund or abolish the Texas Board of Professional Land Surveying.

BE IT RESOLVED THAT:

In order to support the TBPLS in its mission to provide the most effective regulation of the practice of Land Surveying in Texas, TSPS shall continue to promote (1) the independent nature of the regulation of Land Surveying, (2) the ongoing development of the best process for candidate selection, and (3) thorough testing and continuing education at multiple levels in order to perpetuate a high professional level of competence. Going forward, such regulation should also incorporate the guidance and oversight of periodic peer review and sufficient funding for the handling of complaints, disciplinary actions, and penalties as necessary to maintain the overall professional practice of land surveying, thereby benefiting and protecting the General Public of the State of Texas.

I solicit the energy, dedication, thoughtfulness and support of all TSPS members in accomplishing our goals for the coming year, and wish you the best of fortune in 2015.

Jim Gillis
President

“In the long term we need to begin working toward preparations for the Sunset Commission review of the Professional Land Surveying Practices Act, which will happen in 2018.”

– James B. Gillis

FROM THE PRESIDENT (Continued from page 10)
2.2 To challenge notices of *lis pendens* that, as here, were filed after September 1, 2009, a party may file an application to have a *lis pendens* expunged. Property Code §12.0071. The court must grant the motion if (1) the pleading on which the notice is based does not contain a real property claim, or (2) the claimant fails to establish by a preponderance of the evidence the probable validity of the real property claim. This is because the property against which the *lis pendens* is filed must be the subject matter of the underlying lawsuit. If the suit seeks a property interest only to secure the recovery of damages or other relief that the plaintiff may be awarded, it is not an action involving: (1) title to real property, (2) the establishment of an interest in real property, or (3) the enforcement of an encumbrance against real property as required by section 12.007 to render a notice of *lis pendens* proper.

2.3 Before section 12.0071 was enacted, there was a split in authority about whether the classification of a claim as direct or collateral should be made solely by reference to the pleadings or by examining the evidence. The new section 12.0071 resolves that split, expressly providing avenues for both by allowing expungement based on the (1) failure to adequate plead “a real property claim,” or (2) failure to demonstrate by a preponderance of the evidence “the probable validity of the real property claim."

_In re Cohen_, 340 S.W.3d 889 (Tex.App.- Houston [1st Dist.] 2011, no pet.).
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Common Research Mistakes Surveyors Make
(Seniority of Title)

By Knud E. Hermansen
P.L.S., P.E., Ph.D., Esq.

I am often involved in litigation involving surveying services and research mistakes. (I must also admit that in excess of 40 years of practice, I have made my share of mistakes performing record research.) There are five common mistakes often made by surveyors when researching the records. This first article will explain the common mistake made by surveyors when determining senior title.

Many surveyors are under the misunderstanding that once a person conveys property, they cannot subsequently convey good title in the same property to another person. This is never true. In fact, there is not a single state recording act that would place senior title with the first grantee unless the grantee took immediate steps to record the deed or take possession of the property.

The recording acts in all states fall into one of three general categories of statute: 1) Race, 2) Notice, and 3) Race-Notice. The general definition of each category is the following:

Race — The first person to record their deed has senior title regardless of the sequence the conveyances were made or the knowledge a grantee had of an earlier conveyance.

Notice — The last conveyance made where the grantee did not have notice of an earlier conveyance has senior title

Race-Notice — The first person to record their deed who was conveyed the property without notice of an earlier conveyance has senior title.

Consider the following example: Sam conveys a lot to Andy on 1 July 2010. A short time later, Andy tells Betsy that he purchased the lot from Sam. Betsy goes to Sam and offers to buy the same lot that Sam sold to Andy. Even after Sam explains to Betsy that he has already conveyed the lot to Andy, Betsy insists of paying money to Sam in order to obtain a deed to the lot. Sam, with marginal ethics, goes for the money and conveys the same lot to Betsy on 2 July 2010 that was previously sold to Andy. Sam now realizes he can make a considerable profit if he keeps conveying the same lot to other individuals without knowledge of an earlier conveyance of the lot. Consequently, Sam conveys the same lot to Cassie on 3 July 2010. On 4 July, Sam conveys the same lot to Daniel. On 5 July, Betsy records her deed. (Thereby providing “the world” constructive notice of a conveyance of the lot from Sam.) On 7 July, Cassie records her deed. On 8 July Andy records his deed. Daniel never records his deed.

Even though Andy was the first conveyance from Sam, he does NOT have senior title under any of the recording acts. Under the “race” category of recording act, Betsy has senior title. Betsy was the first to record a deed to the lot. Under the “notice” category of recording act, Daniel has senior title. Daniel was the last person to be conveyed the lot without notice of an earlier conveyance. In fact, Daniel will have senior title under a notice category of recording act even though Daniel never records his deed. Under a “race-notice” category of recording act, Cassie

“A surveyor should take the time and determine what category of recording statute is effective in their state.”

– Knud Hermansen

has senior title. Cassie was the first person to record a deed from Sam that was delivered to her without notice of an earlier conveyance.

As can be seen from this example, without knowledge of the category of a state’s recording statute, surveyors will often terminate their record research prematurely or will mistakenly determine senior title resides with the wrong person in a situation such as an overlap.

A surveyor should take the time and determine what category of recording statute is effective in their state. At least two states have more than one category of recording act in effect.

(Knud is a professor in the surveying engineering technology program at the University of Maine. He offers consulting services in the area of boundary litigation, title, easements, land development, and alternate dispute resolution.)
“If it ain’t broke, don’t fix it.” Well that has been a saying we all have heard for years, for some of us decades. It’s been an axiom for many of us for as long as we have been involved in land surveying. Pretty much this has worked well. Lately I’ve been wondering if it’s not broken but it isn’t working efficiently do we get a new one, fix the old one or just maintain it better? When it comes to our land surveying equipment, I go back to something I remember Clayton Williams said when the oil boom in West Texas went bust in 1983, I will paraphrase from memory, “We’re going to use things until they break, then we’re going to fix them and use them again until they break and keep fixing them until they are completely worn out before we replace them.”

Land surveying equipment is an ever changing and developing technology. In my time spent in this profession the evolution of surveying equipment has gone from open face mountain transits, dumpy levels, chaining miles and miles of line and triangulation to GPS, Robotic Total Stations, High Precision Aerial Photography, LiDAR, Remote Sensing, High Definition Scanning and now Unmanned Aerial Vehicles performing specialized surveying tasks. It may not be broken but it may be obsolete and to compete in today’s world this equipment and tools are the keys, not only to success but to survival.

Just like our equipment our organizations need to evolve. TSPS has been providing guidance and resources to the land surveying profession in Texas for more than 60 years now, and we have continued to do things very much like it has been since 1953 when our founding fathers put the processes in place that govern and guide us today. We have an elected body of Officers and Directors that give freely of their time at a cost to their businesses, families and personal time. The presiding officers appoint committee chairs and members to get the detail work done that moves us, as a profession, forward and improves our lives, the lives of our families and employees as well. Perhaps not all of our fellow land surveyors feel the need to add their “two-bits” into the operation and maintenance of TSPS by joining or after joining, become “active” to donate even a small part of their time to the greater good of surveying. Although the entire profession of surveying benefits from the efforts of a few TSPS members some feel it not necessary to participate, but “when the train rolls everybody rides.” What is the key to getting more surveyors to participate in TSPS?

The bulk of the work in TSPS is done by about 50-100 people. I coined the phrase in 2006 of calling them the ‘Sacred 100.’ The Officers, Directors, Committee Chairs and their Committee Members are the most visible along with the ‘movers and shakers’ of TSPS. You know these folks, they are at board meetings, the Presidents hospitality suite and events like the Ray Wisdom Bar-B-Que, fish fries, golf tournaments, fishing tournaments, Symposium, Convention, Seminars and other standard social events. They are made up of Past-Presidents and recently active members, board members and committee chairs. After 36 years of being active in TSPS I can honestly say it’s been worth every minute of the time I contributed. The friendships and networking has been a savior in many aspects. I hope and pray that it has made me and many other surveyors in TSPS a better and more professional surveyor. The educational opportunities I’ve been afforded through membership in itself has been worth my membership fees. The fellowship, camaraderie and advice from other members has been the cherry on top for me.

So after all of that being said, I am glad that TSPS still has a place for me to make a contribution to the organization but just like everyone else my time and by association ‘our time’ is in very short supply these days. Recently, as one of my duties as Chairman of the Tellers Committee, I tallied votes for the 2014 candidates for Officers and Board Members of TSPS. This is a standard duty that I have performed for the last few years but a task that takes a good deal of time to do right, since we are talking about the leaders that operate our Society. Anything that is worth doing is worth doing right. In past years this task has required the help of my spouse and up to 12 hours of our time, which also involves checking and verifying each ballot as we go to eliminate the human error. For those of you that weren’t at the 2014 TSPS Annual Board Meeting I want to share some important statistics. In 2014, only 350 members cast ballots out of 1405 eligible voters which amounts to 24.91% of the membership voted. 334 members or 95.43% of the votes cast, voted on the Constitutional Amendments which were all housekeeping items. Looking back over the past few years the trend is towards fewer votes being cast by members. 34 votes separated the winning candidates in the Vice-Presidents race with 24 votes separated the Secretary-Treasurers’ race. Maybe it was the $0.49 the precluded 1055 members from voting or the 15 minutes or less to mark the ballots, sign the back of the envelope and drop it in the outgoing mail. All that being said, TSPS will embark on a new benefit for membership, that of offering the privilege of voting by making it easier and relatively free of charge.

At the TSPS first quarterly board meeting on January 31, 2015, the Constitution and Bylaws Committee will introduce an amendment to the Constitution in order to facilitate electronic balloting.”

— L.A. “Bud” Thompson

(See Change in the Wind, page 26)
THURSDAY, FEBRUARY 19
12:00 p.m. (Shotgun start)
19th Annual Alamo Chapter 11 Golf Tournament
Include some golf with your 2015 Symposium experience! TSPS Alamo Chapter 11 will hold its annual golf tournament on Thursday, February 19 at the Quarry Golf Club, 444 East Basse Road, San Antonio, Texas 78209. Registration deadline is Thursday, February 12. Go to www.tsps.org for more tournament details including golf sponsorship opportunities.

FRIDAY, FEBRUARY 20
7:00 a.m. – 5:00 p.m.  Registration

8:00 a.m. – 5:00 p.m.  (8-hour Course)
Art of Topographic Surveys (8 CEUs)
Speakers: George Forbis-Stokes, RPLS
This course will examine the skills utilized in representing physical features on a map. By defining mapping categories, and terms, we will establish a common language for use during the course. Attendees will list various types of surveys that require the same mapping skills as the standard topographic survey. Attendees will evaluate survey equipment, and associated technologies, for collecting field data. We will practice communication techniques to help insure that we provide what the client needs. Attendees will identify drawing attributes that will provide the clearest mental picture of physical features on a map. Attendees will be able to effectively communicate with their client, choose the best survey tools for the job, and deliver a final product that will satisfy their client’s needs.
(8 CEUs, including 3 hrs Ethics)
(Attendees MUST attend both AM and PM sessions for CEUs)

8:00 a.m. – 5:00 p.m.
*Exploring Texas Boundaries (8 CEUs, includes 3 hrs Ethics)
Speakers: Michael Hoover, RPLS, LSLS, CFM; Jason Jernigan, RPLS; and David Klotz, RPLS, LSLS
Get ready to explore the origins and unique characteristics of Texas Boundaries. We’ll discuss the critical role of the Texas General Land Office, present methods of “classical” boundary construction for Texas Surveyors and discuss the importance of the “dignity of calls.”
Objectives: By the end of this course students will be able to:
1. Identify and discuss the historical boundaries of Texas.
2. Recognize and discuss what events lead to the present day Texas boundary.
3. Recognize and discuss the disposition of lands from the sovereign.
4. Discuss the importance of the Texas General Land Office records and recognize methods of researching those records.
5. Apply the “dignity of calls” to complete “classical” boundary scenarios.
(8 CEUs, including 3 hrs Ethics)
(Attendees MUST attend both AM and PM sessions for CEUs)

8:00 a.m. – 12:00 p.m.
The Business of Surveying
Speakers: Trisha Land, RPLS; and Ivy Young
Through lecture and the demonstration of aspects of running a business, students learn and discuss the key elements for impacting a successful surveying firm. The course covers techniques for developing business relationships and identifying and accommodating clients’ needs. Products and services essential in the surveying business will be identified. Methods for determining fees and expenses and managing the administration of a survey business will be presented.
(4 CEUs)

8:00 a.m. – 12:00 p.m.
*Land Surveying - A Learned Profession
Speakers: Shane Neally, RPLS; and Jamie Gillis, RPLS
Help us build the structure of A Learned Profession. As we construct the building blocks for Land Surveying- a Learned Profession, attendees will define and construct the 3 pillars of professionalism, Service to the Public, Integrity and Honesty, and Knowledge.
(4 CEUs, includes 4 hrs Ethics)

12:00 Noon – 1:00 p.m.  Lunch On Your Own

1:00 p.m. – 5:00 p.m.
Height Modification and Littoral Boundaries
Speaker: Gary Jeffress, Ph.D., RPLS, and Stephen Blaskey, RPLS, LSLS
Survey descriptions, good or bad, are forever. This interactive course examines the terms & components of a retraceable legal description. Attendees will identify the terms used for the parts of a retraceable legal description; access a glossary of terms for words used in writing legal descriptions; identify common types of legal descriptions; identify the components included in each of the parts of a retraceable legal description; and write a legal description that includes the components of a retraceable legal description. This course is for anyone who wants to explore the art and science of using words to describe land. Attendees will walk away with a comprehensive and flexible format for composing retraceable legal descriptions.
(4 CEUs)

1:00 p.m. – 5:00 p.m.
*Attorneys: Their Adventures with Surveyors
Speaker: Kenneth Gold, RPLS
A monitored, intellectual open forum-panel discussion among several attorneys from Austin, Houston and San Antonio about surveyor performances in boundary and/or trespass to try title suits, depositions, court appearances, etc., and may include some time for audience questions.
(4 CEUs)

1:00 p.m. – 5:00 p.m.
TSPS South Plains Chapter 1
TSPS East Texas Chapter 4
TSPS Dallas Chapter 5
TSPS Deep East Texas Chapter 6
TSPS Permian Basin Chapter 10
TSPS Captop Area Chapter 13
TSPS West Central Texas Chapter 18
Be a Symposium Sponsor! Call Brenda at 512-327-7871!
Saturday, February 21

7:00 a.m. – 2:00 p.m.  Registration

8:00 a.m. – 5:00 p.m.  **Exploring Texas Boundaries (8 CEUs, includes 3 hrs Ethics)**
*Speakers: Michael Hoover, RPLS, LSL, CFM; Jason Jernigan, RPLS; and David Klotz, RPLS, LSL*

Get ready to explore the origins and unique characteristics of Texas Boundaries. We’ll discuss the critical role of the Texas General Land Office, present methods of “classical” boundary construction for Texas Surveyors and discuss the importance of the “dignity of calls.”

Objectives: By the end of this course students will be able to:
1. Identify and discuss the historical boundaries of Texas.
2. Recognize and discuss what events lead to the present day Texas boundary.
3. Recognize and discuss the disposition of lands from the sovereign.
4. Discuss the importance of the Texas General Land Office records and recognize methods of researching those records.
5. Apply the “dignity of calls” to complete “classical” boundary scenarios.

*(Attendees MUST attend both AM and PM sessions for CEUs)*

8:00 a.m. – 12:00 p.m.
*An Expedition Through the Act & Rules*  
**Speaker: Paul Carey, RPLS, LSL, and Joe Breaux, RPLS**

Do you know where you stand in the land of surveying rules? Are you fully aware of your obligations as a surveyor, and the associated pitfalls, penalties, and punishments? Join us on an expedition through the Act & Rules and take charge of your journey through this amazing world of surveying. By the end of the course each attendee will be better able to discuss the history and purpose of Act & Rules, recognized differences between the Act & the Rules, identify the most common rule violations and board action taken, and recognize lesser known rules that affect daily practice, and identify and discuss various violations in real surveying scenarios. Having each of these tools in your professional gear pack will help you navigate the terrain of land surveying with integrity and confidence.  

Not to mention satisfy the newest CEU requirements.

*(4 CEUs, includes 2 hrs Ethics)*

8:00 a.m. – 12:00 p.m.
**Study Group for RPLS Candidates**  
**Speaker: Jason Jernigan, RPLS**

Are you a candidate for RPLS or SIT? Then plan to sit in and participate in this study session for RPLS candidates with Jason Jernigan, RPLS. It is suggested attendees bring a scientific calculator.  

*(PP)*

8:00 a.m. – 12:00 p.m.
**Survey Math 101**  
**Speakers: James Redmon, RPLS, LSL**

This course covers the basics of surveying mathematics. The Survey Math 101 seminar is designed to expose individuals to basic surveying math computations. The Survey Math 101 seminar will prepare students for topics covered in the Survey Math 102 seminar and will help prepare them for Level 1 of the NSPS Certified Survey Technician Exam. Basic math computations relating to conventional surveying techniques will be demonstrated and real field survey scenarios will be provided for attendees to solve. By the end of this seminar attendees will be able to: manipulate equations to solve for a missing variable, solve right triangles for the missing elements when given two known elements, derive angles, distances, and new coordinates from given coordinates. It is suggested attendees should bring a scientific calculator and be familiar with its operation.  

*(PP)*

8:00 a.m. – 12:00 p.m.
**Survey Math 201**  
**Speakers: Joe Webber, Jr., RPLS; and Jason Ward, RPLS**

The Survey Math 201 seminar is an intermediate math course designed to assist individuals preparing for advancement within their company; preparing for one of the first three levels of the NSPS Certified Survey Technician Exams; or reviewing their math skills for the SIT Exam. Math computations relating to conventional surveying techniques will be demonstrated and real field survey scenarios provided for attendees to solve. Concepts to be practiced are the ABC’s of Trigonometry, using Law of Sines and Law of Cosines to solve for missing elements of oblique triangles, and using Vertical Angles to determine height. Attendees must have a basic knowledge of calculators, right triangles and algebraic manipulation. Attendees should bring a scientific calculator and be familiar with its operation.  

*(PP)*

12:00 Noon – 1:00 p.m.  
Lunch On Your Own

1:00 p.m. – 5:00 p.m.
**Retractable Legal Descriptions**  
**Speaker: Paul Carey, RPLS, LSL, and Joe Breaux, RPLS**

Survey descriptions, good or bad, are forever. This interactive course will examine the terms & components of a retraceable legal description. Attendees will: identify terms used for the parts of a retraceable legal description; access a glossary of terms for words commonly used in writing legal descriptions; identify common types of legal descriptions; identify the components included in each of the parts of a retraceable legal description; and write a legal description that includes the components of a retraceable legal description. Attendees will leave with a comprehensive and flexible format for composing retraceable legal descriptions.

*(4 CEUs, includes 4 hrs of Rules)*

1:00 p.m. – 5:00 p.m.
Implementing GIS in Your Surveying Environment  
**Speaker: Coleen Johnson, RPLS**

This course is designed to provide attendees with an understanding of the steps necessary to build a basic Geographic Information System specifically for a surveying business. You will be able to develop a customized system that will help you manage the daily administrative tasks of a business, and organize and utilize the data in a way you never imagined. This is not an introductory course to GIS, but intended to provide guidance for users of GIS data. Attendees should have some working knowledge of GIS.

*(4 CEUs)*

1:00 p.m. – 5:00 p.m.
**CST Exam Prep Course**  
**Speaker: James Redmon, RPLS**

The Certified Surveying Technician (CST) program is a nationally recognized exam and has been endorsed by the Texas Department of Transportation as well as other organizations. This course has helped many individuals prepare and successfully complete the CST exam.

*(PP)*

1:00 p.m. – 5:00 p.m.
**Survey Math 301**  
**Speakers: Joe Webber, Jr., RPLS; and Jason Ward, RPLS**

The Survey Math 301 course will demonstrate Advanced Math computations relating to conventional surveying techniques and provide exercises for attendees to solve, which relate to real field survey scenarios. At course’s end, attendees should be able to recognize, compute and analyze errors in field measurements; derive angles, distances and new coordinates from given coordinates; compute elevations along a vertical curve when given two grades, BPT and BPC stations; and calculate elevations at specific points along the vertical curve. Attendees should bring a scientific calculator and be familiar with its operation.  

*(PP)*
## Attendee Information
One form per person. Please print.

Name (first) ______________________ (Badge Name) ____________________ (last) ____________________

Company __________________________________________________________________________________________________

Address __________________________________________ City ___________________ State ___    Zip __________________

Phone _______________    Email required for confirmation________________________________   RPLS# ______    PE # ______

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## Education Sessions (All class sizes are limited – REGISTER EARLY!)

### Friday, February 20, 2015

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>CEUs/PHDs</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00 a.m. – 5:00 p.m.</td>
<td>Art of Topographic Surveys (8 hours/all day)</td>
<td>8 CEUs/8 PDHs</td>
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<td>Height Modification and Littoral Boundaries</td>
<td>4 CEUs/4 PDHs</td>
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<td>1:00 p.m. – 5:00 p.m.</td>
<td>*Attorneys: Their Adventures with Surveyors</td>
<td>4 CEUs/4 PDHs</td>
</tr>
<tr>
<td>6:00 p.m. – 7:30 p.m.</td>
<td>Friday Night – Meet &amp; Greet at .....</td>
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### Saturday, February 21, 2015

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</tr>
<tr>
<td>8:00 a.m. – 12:00 p.m.</td>
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<td>0 CEUs (PP)</td>
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<td>0 CEUs (PP)</td>
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<td>0 CEUs (PP)</td>
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</tbody>
</table>

*Meets TBPLS requirements for Ethics and/or Rules – **Paraprofessional Course

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## Registration Fees

<table>
<thead>
<tr>
<th>Registration Type</th>
<th>Member (By Feb. 3)</th>
<th>Member (Feb. 4 &amp; after)</th>
<th>Non-Member (By Feb. 3)</th>
<th>Non-Member (Feb. 4 &amp; after)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RPLS 2 days</td>
<td>265</td>
<td>315</td>
<td>365</td>
<td>415</td>
</tr>
<tr>
<td>RPLS 1 day</td>
<td>200</td>
<td>250</td>
<td>250</td>
<td>300</td>
</tr>
<tr>
<td>Paraprofessional 2 days (no CEUs/PDHs)</td>
<td>115</td>
<td>140</td>
<td>170</td>
<td>195</td>
</tr>
<tr>
<td>Paraprofessional 1 day or 1/2 day (no CEUs/PDHs)</td>
<td>60</td>
<td>85</td>
<td>95</td>
<td>120</td>
</tr>
</tbody>
</table>

Payment:

- □ Check # __________ made payable to TSPS
- □ VISA □ MC □ AMX □ DISCOVER

Credit Card Acct # ___________________________ Security Code ______  Exp Date ______  TOTAL _______________

Name of Cardholder ___________________________ Card Billing Address ________________________________

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Register online at www.tsps.org or mail this form with payment or fax this form with a credit card number to:
TSPS
2525 Wallingwood Dr Ste 300
Austin TX 78746
Fax: 512-327-7872
(No Phone Reservations Accepted)
<table>
<thead>
<tr>
<th><strong>COMING EVENTS</strong></th>
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</thead>
<tbody>
<tr>
<td><strong>JANUARY</strong></td>
</tr>
</tbody>
</table>
| **January 30**    | Certified Survey Technician Exam  
8:00 a.m.-1:00 p.m.  
SKG Engineering  
706 South Abe Street  
San Angelo, Texas  76903  
Proctor: Jerry White  
jwhite@skge.com |
| **January 31**    | First Quarterly Board of Directors Meeting  
Committee meetings will be held Saturday morning with the Board meeting Saturday afternoon.  
Omni Austin Hotel at Southpark  
4140 Governor’s Row  
Austin TX 78744 |
| **FEBRUARY**      |
| **February 14**   | Certified Survey Technician Exam  
8:15 a.m.-1:00 p.m.  
North Lake College - West Campus  
1401 Royal Lane  
DFW Airport, Texas  75261  
Deadline for application through TSPS office:  
Friday, January 30, 2015  
Proctor: John Pierce  
jpierce@saminc.biz |
| **February 20-21**| TSPS 2015 Symposium  
16 CEUs possible  
Wyndham San Antonio Riverwalk  
111 Pecan Street East  
San Antonio TX 78205  
210-354-2800  
Room Rate: $129  
*(deadline Monday, January 29 to receive group rate)*  
Course and speaker info, along with online registration, available now at [www.tsps.org](http://www.tsps.org). See more on page 20. |
| **MARCH**         |
| **March 10**      | TSPS Legislative Day  
Join fellow TSPS members in Austin as they storm the Capitol for TSPS’s Legislative Day. Participants will meet for a briefing session prior to visiting with their legislators. Strong attendance is needed so more voices are heard. Please save the date and plan to attend! |
| **MAY**           |
| **May 2**         | Ray Wisdom BBQ & Auction  
The Ray Wisdom BBQ and Auction will be held at Richard Moya Park, Shelter 3, 10001 Burleson Rd, Austin, TX 78719. This is a family event – all are encouraged to attend and support the TSFI educational scholarship fund. The event follows the TSPS Board meeting – more details TBD. |
| **JULY**          |
| **July 24-25**    | Strategic Planning & Third Quarterly Board Meeting  
Horseshoe Bay Resort  
2000 Hi Circle North  
Marble Falls, Texas 78657  
Room Rate: $149  
Phone: 830-598-2511  
More details TBD. |
| **OCTOBER**       |
| **October 8-11**  | 64th Annual TSPS Convention & Tech Expo  
Sheraton Dallas Hotel  
400 North Olive Street  
Dallas, TX  75201  
Room Rate: $159  
Phone: 214-922-8000  
More details to come in 2015! |
This is not Scrooge’s reaction to all of the wonderful giving and sharing we experienced during the Christmas and New Year holidays. It is simply a few suggestions on how to help prevent the spread of diseases and germs in the work place and at home. Not only during the winter, but in all seasons.

Winter in Texas is a season that for some, is short and mild, for others cold and icy. But for all of us it can be a time of colds, influenza (the flu), allergic reactions and other, sometimes serious illnesses.

Often, fever is the first sign of an oncoming illness. Fever is the body’s reaction to a problem, but, workers with a fever should stay home and rest, and avoid taking their fever and the illness that is causing the fever to the workplace and exposing others. A person in the first few days of an illness is highly contagious, so it is best to stay at home and stay away from others. Don’t share.

Since many diseases, especially the flu, are easily spread by airborne droplets before the symptoms appear, it is very important to follow some basic rules and practices of good personal hygiene. These are good rules in all seasons:

**Cover your cough**
**Wash your hands**
**Disinfect**

**Cover your cough.** Coughing without covering spreads germs all around. Use coughing and sneezing etiquette to prevent the spread of germs. Cough or sneeze into the fold of your arm, on the inside of the elbow.

This catches the spray and germs in a place not likely to touch surfaces exposed to others. If the arm is covered by a shirt, the cough or sneeze is caught in the fabric of the sleeve, which is washable.

Don’t use an open hand or hands to cover your mouth. Germs are spread through the air and the skin that caught the cough or sneeze can easily spread germs when it touches other surfaces or other people.

**Wash your hands.** Wash your hands often and thoroughly. Washing hands is one of the most effective ways to prevent spreading germs and disease. And use a paper towel to turn off the water.

**Disinfect.** Infectious agents can survive for long periods on many types of surfaces. Frequently disinfecting, especially during cold and flu season, of those surfaces which are exposed to touching is very important. Surfaces such as light switches, counter tops, door knobs, cabinet or drawer pulls, telephones and computer keyboards, or anything exposed to or shared by many, are all easily contaminated. They should be wiped down with disinfecting wipes once a day or more to reduce germs.

So, please don’t share your germs. Stay home if you are sick or becoming sick, cover your cough, wash your hands frequently and thoroughly, and disinfect exposed surfaces commonly touched by many. By practicing these steps, you can limit the possibilities for infecting or becoming infected with germs that cause sickness.

When it comes to germs, Don’t Share!
Samir “Sam” G. Hanna, RPLS
CEO & President
SAM
LAND SURVEYING
HYDROGRAPHIC SURVEYING
AERIAL MAPPING
AIRBORNE, MOBILE, & HDS LIDAR
SUBSURFACE UTILITY ENGINEERING
P.O. Box 417187
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Fax: (817) 326-0342
E-mail: info@samllc.com
Website: www.samllc.com

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Halyff
L. J. (Joey) Stanger, RPLS
President
R. S. (Shane) Neally, RPLS
Vice President
Preston Maxfield
Vice President
15333 Northwest Freeway, Suite 306
Houston, Texas 77040
Phone: 713.462.3178
Fax: 713.896.6126
President, Gulf Coast Surveyors
President
713.462.1611
drzoom@stangercorp.com
www.stangercorp.com

Thompson & Associates, Inc.
1528 N NW Loop 323
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Phone: 903.593.0128
Fax: 903.592.5474
tasurveying@suddenlink.net
www.tasurveying.com

3301 Handcock Drive Suite 6
Alvin, Texas 77511
Phone: (512) 451-8891
Fax: 451-8691
Website: www.mcgrow.com
TBP LS Firm No.: 100095500
TBP LS Firm No.: 100995500
TBP LS Firm No.: 10001100
TBP LS Firm No.: 10025700
TBP LS Firm No.: F-115
TBP LS Firm No.: F-115

E.L. Curtis Surveying & Mapping, Inc.
E.L. “Buster” Sartin
Registered Professional Land Surveyor
2004 W. Grande Blvd.
Tyler, Texas 75703
Phone: (903) 881-7758
Fax: (903) 881-5279
E-mail: Buster@ricco.texas.com
www.elsurveying.com
TBP LS No. 10032000

Frontier Surveying Company
Corpus Christi: 710 Buffalo Boulevard
Ford Worth: 2001 West 6th Street
Fort Worth, Texas 76107
Phone: (361) 881-3630
Fax: (806) 335-4044
Email: info@frontiersurveying.com
Website: www.frontiersurveying.com

Wiers & Associates, Inc.
1.800.499.7070
www.wiersassociates.com

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Registered Professional Land Surveyor
2004 W. Grande Blvd.
Tyler, Texas 75703
Phone: (903) 881-7758
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Website: www.keysurveying.com

The Texas Surveyor/January 2015
your decision prior to submitting your ballot. One thing it will not do is
move the deadline for submittal. Once you submit your ballot, you’re
done and you cannot go back and vote again or revise your ballot once
submitted. Other state surveying associations across the U.S. which
utilize YourMembership.com have been successfully using this system
for years.

The priority task is to add an amendment to the Constitution to provide
electronic balloting for the election of new officers and directors. The
process requires a rough draft be submitted at the first quarterly board
meeting on January 31. The draft will be introduced and then deferred to
the Constitution and Bylaws Committee for further work then return to
the 2nd quarterly board meeting with a more refined amendment and any
supporting by-laws for a second reading. At the third quarterly meeting
the motion to place it on the ballot for a membership vote will finalize
the process and the amendment is then placed on the ballot for the entire
membership to vote on. If this is successful this will lead to electronic
balloting and the Tellers Committee will NOT spend the entire weekend
before the convention counting ballots but the best part is TSPS will
probably get more participation from the general membership in the
election process. Wouldn’t it be nice to have the majority of members
elect our leaders? In the future voting on other important legislation
could be made on a regular basis and involve more of the membership.

TSPS isn’t broken but the new tools incorporated into the web site
can make some of the required maintenance of our society more user
friendly. It’s a tune up in our process.

(Continued from page 19)
All offers of employment are contingent upon the prospective employee passing a background/drug screen, which will include the candidates driving record.

Please send all resumes and correspondence to jolenep@urbaneng.com.

MULTIPLE POSITIONS AVAILABLE - Austin, Texas

RPLS/SIT/Senior CAD Tech - Austin, Texas

Ideal applicants will have 5+ years’ experience as a project manager, researching, assembling and producing topographic and boundary surveys. A comprehensive knowledge of ALTA surveys, boundary analysis, topographic surveys, preparation of easement documents, legal descriptions, final plat preparation, construction staking and the ability to utilize Trimble survey field equipment and software is essential. Proficiency with AutoCAD Civil 3D for design and drafting activities is required. The candidate must have the ability to manage multiple tasks, to coordinate projects, and to interact with other design services.

Senior Party Chief – Austin, Texas

Ideal applicants will have 3 to 5 years’ experience as a survey crew chief, conducting topographic and boundary surveys. Construction staking experience required. Thorough knowledge of Trimble Robot- ics/GPS survey equipment and Survey Pro/Trimble Access software preferred. Some travel may be required. SIT or SIT-track applicants preferred.

To submit your resume, please email to sduarte@4wardls.com.

RPLS (PROJECT MANAGER)

Registered Professional Land Surveyor wanted as a Project Manager in the Oil and Gas Division of a growing and dynamic surveying company. Payne Land Surveying, LLC offers competitive pay, paid time off, overtime and insurance. Applicant will work out of a satellite office in North Austin and must be currently registered as an RPLS in the State of Texas. Experience in oil and gas surveying including but not limited to: pad/well and access road staking, unit plat preparation and pipeline surveying is a plus. This position includes both management and production so CAD proficiency is required. Carlson Survey software experience preferred but not necessary. Position is available immediately. Must be able to pass a drug test. Please email resume with references to ccleary@payneland-surveying.com.

(See CLASSIFIED ADS, page 28)
MULTIPLE POSITIONS - Houston, Texas

LUPHER, LLC Texas Professional Land Surveyors in Houston Texas has the following open Full Time Employment positions available for Surveying on Public Works & Transportation Design Projects. Typical Projects involve Control Surveys, Boundary, Route & ROW Acquisition, Topographic, Utility Line Locations, Private Development Surveys, Construction Survey Control Mapping, etc.

• RPLS (2-5 years’ experience)
• SURVEY PARTY CHIEF (5+ Years’ Experience)
• INSTRUMENT OPERATOR (2+ years’ experience)
• SURVEY TECH OR S.I.T. (2+ years’ experience)
• SR. CAD TECH- (Autocad/Microstation/Geopak PREFERRED)

Lupher, LLC offers Sign On Bonus, Competitive Salary & Year End Bonus. Full Benefits include Medical, Dental, Vision, Life, IRA, & PTO.

Please email resume to rlupher@lupherllc.com

MULTIPLE POSITIONS IN DALLAS AND AUSTIN

Jacobs, our success comes from our people! As an industry leader with 60,000+ employees worldwide and revenues over $12 billion, we have a solid position in the market that reflects our strength and our heritage. Building strong, long-term relationships with our clients is the key to our success as a company which has us growing and adding to our survey staff. Our emphasis on safety, growth, and exceeding client expectations starts with solid employee relationships. It all starts with you.

The positions below are open at this time and additional information can be found at www.jacobs.com.

Dallas: Geo-Spatial Surveying & Laser Scanning North Texas Department Manager and Regional Lead Coordinator, IRC297603
Dallas: Survey Technician, IRC297854

Austin: I-Man, IRC297853
Austin: Party Chief, IRC297273
Austin: Survey Technician, IRC297041
Austin: Project Manager/RPLS, IRC296512

To express interest in these roles, send your resume to recruiters@jacobs.com and in the subject line list the position(s) which interest you.

Jacobs values diversity and is an affirmative action, equal opportunity, M/F/Vet/Disability employer.

PROFESSIONAL LAND SURVEYOR

Brown & Gay Engineers, a Texas consulting engineering firm, is seeking a newly registered to experienced RPLS in the Houston area. Candidates should be a RPLS in the state of Texas with excellent communication skills, project management experience and working knowledge of Civil3D software. Surveying and mapping experience in the areas of land development, site development, public works and transportation/TxDOT are beneficial but not required.

For a full list of openings and to apply visit the careers section at www.browngay.com

(See CLASSIFIED ADS, page 29)
Vickrey & Associates, Inc. is a Texas-based civil engineering consulting and surveying services firm, with offices in Austin and San Antonio, providing program management, design, and construction phase services to the private and public sectors since 1971.

V&A is recognized by the San Antonio Business Journal and the San Antonio Express News as one of the Best Places to Work. Vickrey & Associates, Inc. offers a full array of employee benefits to include 401K, life insurance, medical, dental, LTD, cafeteria plan, PTO, holiday pay, etc.

Registered Professional Land Surveyor (RPLS) - Vickrey and Associates is seeking an experienced RPLS for their fast-growing office. The successful candidate will be responsible for coordinating office duties, supervising and managing field and office technicians, reducing field data, preparing scopes of work and pricing competitive proposals, quality assurance and quality control. The candidate must be registered in the State of Texas, have a strong knowledge in boundary, design topographic surveying, tree surveying, TxDOT surveys, and construction surveys. Technical capabilities must include a strong knowledge of AutoCAD Civil 3D and MicroStation or GEOPAK, Leica Infinity, Trimble Business Center, Trimble and Leica GNSS, Imaging and Robotic instrumentation. Apply on the careers page of our website at http://vickreyinc.com/careers.asp

Survey Technician or SIT / AutoCAD Civil 3D / Microstation - MSM Surveying & Mapping seeks qualified candidates for the Dallas area. Positions listed below:

• Texas Professional Land Surveyor
• Survey Tech
• Party Chief

Top pay for qualified personnel.

Send resume to markvmatthews@gmail.com

SURVEY CREW CHIEF and/or OFFICE TECHNICIAN

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(See CLASSIFIED ADS, page 30)
CLASSIFIED ADS

(Continued from page 29)

Party Chiefs and Instrument Operators for Transportation, Electric Transmission and Oil & Gas Crews - Experience in boundary, topographic, and construction surveys. Candidate must be experienced and able to perform the applicable field calculations, accurate data collection, and verify that data conforms to regulations and standards. Knowledge of Leica Digital Levels, Trimble GPS equipment, and robotics is required. Applicants must have a valid driver’s license, ability to travel upon request, and be able to pass a drug test. Applicants can apply on the Careers Page of our website at http://vickreyinc.com/careers.asp, email an application to hr@vickreyinc.com or call (210) 349-3271

PROJECT MANAGER

Baseline Land Surveyors in Austin, Texas is seeking an experienced project manager proficient in AUTOCAD Civil 3D. Task will include Final Plat preparation, topographic & site design surveys, preparing metes & bounds descriptions & title surveys. Good pay & benefits. Please contact Bruce Bryan at (512) 374-9722 or email bruce-baseline@austin.rr.com.

LAND SURVEYING BUSINESS FOR SALE

We are pleased to present for sale a growing, profitable land surveying business in the Dallas area that has been successfully run by its owner for over 20 years. 80% of the current business is from repeat customers that value the integrity, quality and consistency of the service. The owner has established a reliable and professional support organization of field personnel to assist in serving their clients. The owner is willing to support a new owner(s) on a successful transition of the business to a buyer.

For details, contact Donald Wendel at 214-751-3911 or by email at d.wendel@murphybusiness.com.

SURVEY SECTION MANAGER & CREW / PARTY CHIEF - Frisco, Texas

Survey Manager & Crew Chief
Frisco, TX

Farnsworth Group, Inc. is seeking a Survey Manager and a Crew Chief to join our team in Frisco, TX. Qualified Survey Manager candidates will oversee budgets, manage employees, along with managing a variety of projects including gas/oil pipelines, boundary and topographical surveys, TxDOT projects, subdivision plats, and ALTA/ACSM Land Title Surveys. Qualified Crew Chief candidates will perform boundary, topographic, and oil and gas surveys as well as construction layouts; 80% travel required.

Farnsworth Group offers a competitive compensation and benefits package. If interested in learning more please visit our company website, www.f-w.com and click on the career link!

Farnsworth Group, Inc. is proud to be an EEO/AA Employer M/F/D/V.

Post a Classified

Classified ads are billed at $1.25 per word/$25.00 minimum charge. Ads are posted to the Web site immediately and inserted in next available publication. (Copy deadline - 15th of the month preceding publication.) All classified ads must be prepaid.

Submit text of ad and payment information via email to DougL@tsps.org.
1. If the ad is "Web Only", the ad cost is still calculated according to the publication insertion rate of $1.25 per word.
2. Publisher’s limits of liability in event of error: Correct ad will be published once. Account will be billed and credit issued.
3. The Texas Surveyor magazine and Metes and Bounds newsletter (electronic) are published bimonthly as follows:

   The Texas Surveyor - Jan/March/May/July/Sept/Nov
   Metes & Bounds - Feb/April/Jun/Aug/Oct/Dec

Payment may be made with check or credit card (MC/VISA/AMEX). Call with card info to 512-327-7871. Make checks payable to TSPS and mail to:

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