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Executive Director
DJ Kyle
2525 Wallingwood Dr. #300
Austin, TX 78746
Phone: 512-327-7871
FAX: 512-327-7872

Legal Counsel
Mark Hanna, P.C.
900 Congress Ave., Suite 250
Austin, TX 78701
Phone: 512-477-6200
FAX: 512-477-1188
Why are surveyors members of the Texas Society of Professional Surveyors? First, TSPS has many opportunities to get the required CEUs for license renewal – Annual Convention and Tech Expo, Symposium, Heart of Texas Boundary Retracement Seminar in Brady, Locating Original Corners Seminar in Concan, The High Plains Experience Seminar in Channing and now TSPS is branching out into online education. In addition, there are the December seminars that are designed for some of us who wait until the last minute.

Second, *The Texas Surveyor* is a printed hard copy magazine mailed to members every other month to keep you informed of current events and trends in the industry. Third, *Metes & Bounds* is an e-newsletter that is published in the off months with more recent activity.

Members also receive national news from NSPS in the form of a weekly email titled “News and Views” that can contain more urgent matters. Most recently there was a bill jointly introduced by Senator Cornyn and Representative Thornberry, the “Red River Gradient Boundary Survey Act” (H.R. 428/S. 90). This legislation authorizes $1 million to survey the gradient boundary along the Red River in the States of Oklahoma and Texas, and that this activity be conducted by surveyors that are licensed and qualified to conduct official gradient boundary surveys.

As a TSPS member, you have representation before the Texas Legislature and, on a national level, through NSPS (www.nsps.us.com). TSPS is hosting a Legislative Day for all Texas surveyors on Wednesday, March 22, 2017 at the Texas State Capitol. We will visit with Representatives and Senators to let them know our concerns. NSPS will host a Capitol Hill Day on March 15 during their 2017 National Surveying and Mapping & Geospatial Conference in Silver Spring, Maryland.

As I have said many times, one of the most important benefits of membership to me is the surveyor contacts I have all over the state. It is almost impossible to visit some parts of the state and not call a local surveyor to catch up or just have a quiet dinner together. Networking is the most important reason to be a member of TSPS.
CHOOSING IS HALF THE BATTLE!

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Membership is the key to any association’s success. TSPS is focusing on membership this year for both members and non-members. Our goal is for every surveyor in Texas to be a member of TSPS and for members to find value in their membership.

I know this may sound like an impossible goal but we don’t think so! With new leadership at the helm of the Membership Committee and a President who has made this his initiative, we have every reason to believe we will succeed.

Members will be privy to new benefits throughout the year. Affinity Partner relationships are being expanded to include travel discounts, gym memberships, tire/auto discounts, etc. We are negotiating terms with various providers and will make announcements on new programs as they are finalized.

A membership to TSPS already pays for itself in educational discounts. An RPLS membership to TSPS is $245 per year. RPLS members pay $100 less to attend Symposium and $200 less to attend convention than non-members. Should an RPLS member choose to attend the Heart of Texas Seminar, it’s $150 less; Locating Original Corners and the December seminars are both $100 less than the cost to non-members. I realize a member will not attend all of these educational opportunities each year but you can see just attending convention and one other seminar pays for your TSPS membership. Not to mention the additional benefit of the relationships that are formed by participating in these events.

As a recruiting effort, non-members will receive a copy of this magazine along with a newly created Membership Brochure (see magazine cover photo). The brochure will highlight the benefits of membership to TSPS. It will be available for chapters to use at their meetings as we encourage them to invite and/or mentor a non-member.

As a TSPS member, we ask you to help in this effort. Sign in to your member profile, click on Groups along the top bar and join the membership committee. We need TSPS Ambassadors throughout the State willing to follow up and possibly serve as a mentor to non-members in your area.

Why did you join TSPS? Do you want to tell your inspiring TSPS story? If so, please submit it in writing to Kristen@tsps.org by April 18th. Everyone that submits a story will be entered into a drawing for one nights complimentary hotel stay at the Embassy Suites, Frisco during the Annual Convention (a $189 value) and the winners story will be featured in the May issue of The Texas Surveyor. In addition, we’ll pull quotes from these stories to feature in various other media to help non-members see the value in joining TSPS!
## New Members

### Registered

<table>
<thead>
<tr>
<th>Name</th>
<th>Chapter</th>
<th>Company</th>
</tr>
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<tbody>
<tr>
<td>Chad Breuer #6141</td>
<td>9</td>
<td>Erickson Contract Surveying</td>
</tr>
<tr>
<td>Mark Brown #5553</td>
<td>9</td>
<td>Tri-Tech Surveying Company, LP</td>
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<tr>
<td>Jose Herndon, Jr. #1558</td>
<td>17</td>
<td>Barragan &amp; Associates, Inc.</td>
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<tr>
<td>Will Herring #6355</td>
<td>13</td>
<td>Surveying And Mapping, LLC (SAM)</td>
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<tr>
<td>Harold Kniffin #1684</td>
<td>4</td>
<td>Kniffin Surveyors</td>
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<tr>
<td>Shawn MacMenamin #6590</td>
<td>9</td>
<td>T Baker Smith</td>
</tr>
<tr>
<td>Chris Matteo #6501</td>
<td>5</td>
<td>JQ Engineering</td>
</tr>
<tr>
<td>John Mattingly #6630</td>
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<td>Morris P. Hebert, Inc. (MPH)</td>
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<tr>
<td>Gary Mitchell #4982</td>
<td>3</td>
<td>All County Surveying, Inc.</td>
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<td>Aaron “Anorby” Norby</td>
<td>9</td>
<td>KLJ</td>
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<td>Matt Raabe #6402</td>
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<td>Stantec Consulting Services, Inc.</td>
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<td>Korey Smith #6645</td>
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<td>Walker Partners, LLC</td>
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<td>Craig Wilson #6300</td>
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<td>Jacobs Engineering Group Inc.</td>
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### Affiliate

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<tr>
<td>Matthew Aguilar</td>
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<td>Lamb-Star Engineering, LP</td>
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<td>Antonio “Tony” De La Rosa, Jr.</td>
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<td>Estevan “Steven” Gonzalez</td>
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<td>Gonzalez De La Garza &amp; Associates</td>
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<td>Charles “Andy” Jackson, Jr.</td>
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<td>Lamb-Star Engineering, LP</td>
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<td>Fernando Sanchez</td>
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<td>Preston Trail Land Surveying</td>
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<tr>
<td>Jamie Zamarron</td>
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<td>Gonzalez De La Garza &amp; Associates</td>
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### Associate/SIT

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<tr>
<td>Lichelle Armstrong</td>
<td>5</td>
<td>B &amp; D Surveying Inc</td>
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<td>Brandon “Jason” Barber</td>
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<td>B &amp; D Surveying Inc</td>
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<td>Mark Besheer</td>
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<tr>
<td>Joseph “Andy” Castillo</td>
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<td>Everett Griffith, Jr. &amp; Associates</td>
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<td>James “Jimy” Dyer</td>
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<td>GBI Partners, L.P.</td>
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<td>Adalberto “Beto” Guerrero</td>
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<td>Paso Del Norte Surveying Inc</td>
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<td>Jacob “Bradin” Hopper</td>
<td>5</td>
<td>Kimley-Horn and Associates, Inc.</td>
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<td>Seth-David Passovoy</td>
<td>9</td>
<td>Cobb Fendley and Associates</td>
</tr>
<tr>
<td>Joe Perez</td>
<td>11</td>
<td>Cude Engineers</td>
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<tr>
<td>Blake Wilde</td>
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<td>Wilde Engineering, LLC</td>
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### Geospatial

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<td>Robert Coleman</td>
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<td>Dawson Geophysical Company</td>
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### Student

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<tr>
<td>Victor Bernal, Jr.</td>
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<td>GE Reaves Engineering Inc.</td>
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<tr>
<td>Jon Brown</td>
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<td>Tyler Junior College</td>
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<tr>
<td>Jose Garcia</td>
<td>5</td>
<td>Preston Trail Land Surveying</td>
</tr>
<tr>
<td>Scott Hood</td>
<td>9</td>
<td>Gullett &amp; Associates, Inc.</td>
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<tr>
<td>Malcolm “Mac” Martin</td>
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<td>Probstfeld &amp; Associates, Inc.</td>
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<tr>
<td>Ozer Ozturk</td>
<td>9</td>
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<tr>
<td>Jennifer Polzin</td>
<td>12</td>
<td>Nueces County Appraisal District</td>
</tr>
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Texas Real Estate Law Recent Cases

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; facsimile: 512-477-1188.

1. Easements


Courts adjudicating implied easements for roadway access for previously unified, landlocked parcels must assess such cases under the necessity easement doctrine.

The less forgiving proof requirements for necessity easements (strict and continuing necessity) simply serve as acknowledgment that roadways typically are more significant intrusions on servient estates.

By contrast, improvements at issue in prior use easements (e.g., water lines, sewer lines, power lines) tend to involve more modest impositions on servient estates. Accordingly, for such improvements, the court has not mandated continued strict necessity but instead carefully examined the circumstances existing at the time of the severance to assess whether the parties intended for continued use of the improvement.

“This case presents the Court with an opportunity to provide clarity in an area of property law that has lacked clarity for some time: implied easements."

In 1936, O. J. Bourgeois deeded 41.1 acres of his property in Harris County, Texas, to his grandson, Paul Bourgeois. During Paul’s ownership, a dirt road was constructed on the eastern edge of the 41.1-acre tract, providing access from the remainder of the land to a public thoroughfare, Richardson Road. In 1953, Paul deeded two landlocked acres of the tract to Alvin and Cora Bourgeois, severing the 41.1 acres into two separate parcels. Alvin and Cora used the dirt road to access their two acres. The two-acre tract was subsequently transferred to Henry and Bettie Bush in 1956, who sold the land to Henry Gomez in 1957. In 1967, Henry Gomez and his wife, Anna Bell, built a house on the two-acre tract with a listed address of 6630 Richardson Road. Anna Bell became the sole owner of the two-acre tract when Henry died in 1990.

In the late 1990s, developer William Cook began construction of the Barrington Woods subdivision on the remaining acreage of Paul Bourgeois’s property. Cook planned to close the dirt road Anna Bell used to access her two acres and to construct a paved driveway for her to directly access her property from a newly added paved street. But Anna Bell’s land was not platted, and Harris County required a one-foot reserve and barricade between her property and the new street, which rendered the dirt road her only means of access.

In February 2000, Cook unilaterally filed a special restriction amendment to the subdivision’s deed restrictions. The special restriction purported to create a “Prescriptive (Rear Access) Easement” along the southeast property line of Lots 3 and 4. It further stated, “[t]his Prescriptive Easement will also be used by Annabelle [sic] Gomez,” and allowed Anna Bell a fifteen foot wide easement along the dirt road for herself, her family, social guests, and service vehicles under 6,200 pounds. Anna Bell was not a party to the special restriction, never discussed its contents with Cook, and did not learn of the existence of the document until September 2005.

The Hamricks and others purchased lots on Barrington Woods. The developer told them that, when Anna Bell sold her home, the property would be platted, her access to the main road would open, and the Hamricks would recover full use of the dirt road.

Before the Hamricks closed on their home, Anna Bell sold her property to the Wards. After buying her property, the Wards continued to use the dirt road. They reinforced the dirt road with gravel and made use of the road to build a new home on the land.

In 2006, the Hamricks got a temporary injunction preventing the Wards from using the easement to construct their home. Ward responded by platting the property. Access was made available to the paved road that allowed them to complete construction. Even with access to the paved road in place, the Wards continued to press a counterclaim that they had an implied, prior use easement to use the dirt road. The trial court granted the Ward’s motion for summary judgment.

Both sides appealed. The court of appeals held that the evidence established beneficial use of the road prior to severance as well as the necessity of the road, affirming the trial court. It held that the Wards had to prove only necessity at the time of severance, not continuing necessity. But, the court of appeals determined that a fact issue remained with respect to the bona fide purchaser defense.
At the supreme court, the parties raise three distinct issues: (1) whether the Wards have an implied easement over the Hamricks’ land despite a lack of continued necessity; (2) whether the Hamricks qualify as bona fide purchasers so as to take the land free of any easement the Wards may have; and (3) the propriety of the trial court’s award of attorney’s fees. The Court disposed of the first issue in a way that precluded reaching the other two.

Under Texas law, implied easements fall within two broad categories: necessity easements and prior use easements. But the unqualified use of the general term “implied easement” has sown considerable confusion because both a necessity easement and a prior use easement are implied and both arise from the severance of a previously unified parcel of land. Further contributing to this confusion, courts have used a variety of terms to describe both necessity easements and prior use easements. Despite imprecise semantics, the supreme court said that it has maintained separate and distinct doctrines for these two implied easements for well over a century. In this case, said the court “we clarify that a party claiming a roadway easement to a landlocked, previously unified parcel must pursue a necessity easement theory.”

The supreme court recognized in 1867 that a necessity easement results when a grantor, in conveying or retaining a parcel of land, fails to expressly provide for a means of accessing the land. To successfully assert a necessity easement, the party claiming the easement must demonstrate the following: (1) unity of ownership of the alleged dominant and servient estates prior to severance; (2) the claimed access is a necessity and not a mere convenience; and (3) the necessity existed at the time the two estates were severed. As this analysis makes clear, a party seeking a necessity easement must prove both a historical necessity (that the way was necessary at the time of severance) and a continuing, present necessity for the way in question. Once an easement by necessity arises, it continues until “the necessity terminates.”

Two decades after it established the necessity easement doctrine for roadways, the supreme court found that framework to be ill suited for other improvements that nonetheless are properly construed as implied easements. It held that, if an improvement constructed on one parcel of land for the convenient use and enjoyment of another contiguous parcel by the owner of both is open and usable and permanent in its character, the use of such improvement will pass as an easement, although it may not be absolutely necessary to the enjoyment of the estate conveyed. Unlike necessity easements, which are implied out of the desire to avoid the proliferation of landlocked—and therefore, unproductive—parcels of land, the rationale underlying the implication of an easement based on prior use is not sheer necessity. The basis of the doctrine of prior use easements is that the law reads into the instrument that which the circumstances show both grantor and grantee must have intended, had they given the obvious facts of the transaction proper consideration.

The requirements for establishing are as follows: (1) unity of ownership of the alleged dominant and servient estates prior to severance; (2) the use of the claimed easement was open and apparent at the time of severance; (3) the use was continuous, so the parties must have intended that its use pass by grant; and (4) the use must be necessary to the use of the dominant estate. The element of proof of necessity is higher for a prior use easement, and the requirement differs depending on whether the easement is implied by grant or by reservation. If implied by reservation, strict necessity must be proved; if by grant, usually only reasonable necessity is required, although there is some ambiguity as to the latter (which the court did not address).

The court noted that the factual circumstances where a prior use easement has been found are somewhat limited: use of a common stairwell, grazing cattle, recreational use of adjoining property, a party wall, utility easements, and the like.

The court then held that the prior use doctrine was inappropriate for easements such as that claimed by the Wards. It held that courts adjudicating implied easements for roadway access for previously unified, landlocked parcels must assess such cases under the necessity easement doctrine. The court said that it had developed the two types of easements for discrete circumstances. The less forgiving proof requirements for necessity easements (strict and continuing necessity) simply serve as acknowledgment that roadways typically are more significant intrusions on servient estates. By contrast, improvements at issue in prior use easements (e.g., water lines, sewer lines, power lines) tend to involve more modest impositions on servient estates. Accordingly, for such improvements, the court has not mandated continued strict necessity but instead carefully examined the circumstances existing at the time of the severance to assess whether the parties intended for continued use of the improvement. The court then remanded to allow the Wards to pursue a necessity claim.

Mark J. Hanna practices law in Austin and has served as TSPS Legal Counsel since 1992. In addition to providing legal and legislative representation for the Society, Mr. Hanna specializes in representing the interests of individual business and professional clients located throughout the State.
At G4 Spatial Technologies, we have a proven reputation for offering the best support and service in Texas. With a professional staff we are able to offer our clients the latest surveying and construction equipment and techniques. We provide thousands of products from many quality manufacturers that help us build a custom solution for your business.
2017 Annual SurPAC Campaign
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Greg Smyth’s Final Point Ceremony was held on January 21st in Uvalde, Texas. Many gathered on this warm, blustery day at the Hillcrest Memorial Park Cemetery to pay respects to a friend, co-worker, mentor, and colleague. Jim Gillis, Past President of TSPS, officiated at the heartfelt celebration of Greg’s life. Jim shared the story of how he and Greg met at a Heart of Texas Boundary Retracement Seminar and continued by describing their close friendship thereafter and how much he will be missed. Jerry Lehew, current President of TSPS, also spoke about his memories of Greg and their close relationship throughout the years. Ken Gold, Past President, reflected on Greg’s contribution to TSPS, TBPLS, and to the surveying community in general. The celebration at Greg’s gravesite was concluded with Jim reciting Psalm 23, from the Psalms of David. After the celebration the attendees gathered at the offices of D. G. Smyth for a reception where they learned of Greg’s devotion to his family. We also learned that Greg raised thoroughbreds for racing, loved hunting, and enjoyed catching alligator gars (yes, on purpose). Greg was a very special individual who made a big difference in the lives of his family, friends, and fellow surveyors and he will be sorely missed.

- Doug Turner, RPLS #3988
I was just exiting out of my first ever Texas Society of Professional Surveyors Convention in October of 2016 and my mind was still buzzing with all that I had experienced during those three days. From CEU courses to the Tech Expo, and spending my first moments with the other officers of the Texas Young Surveyors group, there was a lot that to take in. An overarching aspect that stood out was the communication and general flow of information exchanged during this confluence of surveying knowledge. Returning to the office the following workday, back to the grind, back to staying in our lane, back to looking at other surveyors like the competition; I left with the question, “Why stop the communication?”

A highlight of my experience at the 2016 TSPS Convention was attending the “Abstract & Research: Skills for the Hunt” educational session. Even more than the valuable lessons learned from the course subject matter taught by the instructors, I was intrigued by the open discussion from surveyors across the state, concerning everything from county specific tips to general knowledge issues about statewide websites like the GLO. What then would stop me from inquiring the same of a surveyor that I didn’t know? For example, just from my time working in the city of New Braunfels, I can tell you that there are some city maps that are not recorded that can be a big help in searching for boundary in the city limits. Would anyone from outside the area learn the same without going through hours more research? This connection between fellow surveyors is an area where we can improve.

There is a common phrase or idea that “you can’t ask another surveyor for anything while on a project outside of your area, because perhaps the local surveyor feels they should have been asked to perform the work.” During the days where surveyors staked their claim in a certain area and stayed within those bounds, I would say that phase might have held some validity. However, with increased specialization of services and clients looking to expand into other regions, we see surveying companies traveling further away from that home office; sometimes even to other states. Texas is a large state with an incredible variation of circumstances making connections with a local or nearby surveyor an invaluable resource. I am not advocating for data sharing, but helpful tips for research, courthouse information, old map locations, and perhaps unique utility company practices may help a fellow surveyor who has a specific problem area on a project.

TSPS takes great strides in connecting surveyors through the annual convention, symposium, chapter meetings and other networking and educational events. The networking opportunity alone is worth the price of membership, and the knowledge gained through education courses and listening to others share their experiences is an added bonus. I left from the convention with many new contacts, and therein lies a huge benefit of participation in TSPS events. I now have several connections scattered around the state that I could easily contact if ever I needed their opinion or consultation while working in their region. Participation in the Texas Young Surveyors is also a great way to build your communication with fellow surveyors, and continues to provide a voice and a connection for the future generations to the previous generations.

So looking at some of the symptoms of the surveying profession: we have seen the graphs, looked at the numbers, and heard the phrase “surveying is a greying profession.” Data shows the decrease in the number of young people getting into surveying and current license holders are not getting any younger. While this could be attributed to a number of factors, it is clear that the profession could benefit from a good dose of more open communication between the each other and between generations. Technology can help speed up our data collection, but it does not explain why it does something or how to determine a complex boundary analysis. Only though communication efforts can surveyors pass down the history and experience learned over lifetimes of fieldwork and boundary calculations. For those with more experienced, mentor when you can, welcome and encourage a learning environment to those newer to the profession. Young surveyors out there, strive to be a sponge to other more experienced surveyors, and never be afraid to ask questions. With efforts to improve communication on both sides, we can keep our profession growing through an open collaborative network and perhaps that is just what the doctor ordered!

To learn more about Texas Young Surveyors, visit www.tsp.org/TYS.

Richard L. Neubauer III (Trey) is a Surveyor in Training at Vickrey and Associates Inc., and is the Austin/San Antonio Regional Coordinator for the Texas Young Surveyors.
Texas Young Surveyors' Officer Team

**Director:** Anna Burroughs

**Region Coordinators:**
- Brady Stanford, West Region
- Nick Vann, East Region
- Julianne Henson, Central Region
- Richard Neubauer, III, South Central Region
- Stuart Warnock, North Region
- Cole Strevey, South Region

**Administrative Coordinator:** Danielle Pirtle

TYS is still looking for coordinators for the Panhandle and Coastal Regions. If you are interested, please contact Anna via email: annaintx@hotmail.com.

2017 Regional Calendar*

- 4/22 Waco/Temple – Lunch
- DFW – Happy Hour
- 4/29 Round Rock - Happy Hour
- 5/13 Midland/Odessa/Abilene
- 6/10 Tyler
- 6/24 Houston
- 8/3 San Antonio
- 8/26 Waco/Temple – Lunch
- DFW – Happy Hour
- 9/16 Corpus Christi

2017 National Calendar

- 10/4-10/7 TSPS 2017 Convention, Frisco, TX
- 10/5 NSPS Young Surveyor Network
- 2017 Fall Meeting, Frisco, TX

*Details TBD. Be sure to follow us on social media for up to date information.

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**Follow TYS on social media:**
- [facebook.com/TexasYoungSurveyors](http://facebook.com/TexasYoungSurveyors)
- [twitter.com/TXYoungSurveyor](http://twitter.com/TXYoungSurveyor)
- [linkedin.com/groups/8300367](http://linkedin.com/groups/8300367)

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The Texas Surveyor | March 2017
Did you know...?

Forums are available on the TSPS website (for members only!) to ask questions, post comments and/or articles related to these specific Fields of Practice topics in the surveying industry:

- Boundary Surveying
- Land Development
- Route and Right of Way Corridor Surveying
- Construction Staking
- Energy Development - Oil, Gas and Wind

You can choose to receive instant updates to any Forum by clicking on the Forum Actions drop down arrow and choosing ‘Subscribe to Instant Updates’.

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### 2017 TSPS Budget

#### Income

<table>
<thead>
<tr>
<th>Item</th>
<th>17 Budget</th>
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#### Expenses

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#### Direct Member Service

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**GENERAL EXPENSES**

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**TOTAL EXPENSES**

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**NET REVENUES (EXPENSES)**

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One of the questions we frequently hear is “What benefits do we receive by joining TSPS?” TSPS offers so much to each and every member of the surveying community, but there is one benefit that is greater than all of the rest. At this moment, you might be thinking of the phenomenal continuing education courses put on by the fellow members of TSPS, the informative issues of The Texas Surveyor and Metes & Bounds, the efforts by TSPS to recruit young people into surveying, or perhaps the efforts led by TSPS to protect the interests of all paraprofessional and professional members of the surveying community. Maybe you’ve heard about the new Fields of Practice forums, where members can have an open discussion about topics related to specific types of surveying; essentially, an online mentoring and resource avenue connecting you to experienced surveyors in several sub-categories of surveying. Maybe it was the CEU credit you can earn by attending a Chapter Meeting. Perhaps you thought of the online classified and job search opportunities on the TSPS website. If you were thinking of any of these many benefits, you have a valid point, as these are all great benefits delivering an amazing value for the small cost of annual dues.

While all of these are excellent reasons, the two of us believe, and many active TSPS members would agree, that none of those are the greatest benefit to you as a TSPS member. So what is that benefit? To describe that benefit, we must first describe our own experiences as members of TSPS.

When we were relatively new in the surveying profession, we believed the active TSPS members were elites who held themselves aloof. We thought that there was no reason to join and it was just another expense. Why should we pay for something just to say we were a member, not knowing about or understanding how it might actually be beneficial? We thought it was a waste of time and money, but after becoming involved in TSPS, we discovered that our presumptions were wrong, very wrong.

Once we became active within TSPS by attending meetings, joining committees and volunteering when needed, we realized that the greatest benefit of being a member of TSPS is the collegiality that comes with being an active member of a profession. As we became more involved, we befriended some of the most honored and respected surveyors in Texas and discovered the value that TSPS offered to our professional endeavors, nearly priceless. For Anna, both in her local TSPS chapter and with the Young Surveyors Network, she has found when people with a common interest join together, they can build a family of support to protect the profession and provide a voice for the individual. Through TSPS, she now has a solid network of surveyors across the state that she can utilize as a resource. For Trisha, the rewards of being a course developer and speaker for TSPS brand seminars has been nothing short of career enhancing.

Collegiality creates value in several ways.

**Increase your knowledge**

As a member of this profession, we strive to improve our skills and knowledge about surveying. As a member of TSPS, you have the opportunity to broaden your surveying knowledge and enhance your skill sets in ways that are absolutely impossible outside of TSPS. One of the ways we learn is by listening to the most legendary surveyors tell their “war stories.” As the different surveyors tell about their experiences and their solutions to problems they encountered, we have learned to become better at what we do. When an unusual situation presents itself, we have friends we can reach out to and bounce ideas off of them. These relationships among members can be a valuable tool to utilize when working in areas that may be unfamiliar or have many complicated issues where another member may have the experience to assist.

**Build your network**

One of the most important assets in a career is one’s network. As the old adage goes, “it is not what you know that matters, but who you know.” This is definitely true in surveying. While we pride ourselves in being outstanding surveyors, being an excellent surveyor without being well connected among other surveyors and professionals, significantly limits your career potential.

**Enhance your career**

As an active member of TSPS, other members will notice your commitment to knowledge and will tell you about positions that are available but not yet advertised. Searching for jobs and interviewing strangers does not yield the same results as a strong network of potential employers. The seminars taught by volunteers who are respected surveyors and business people, provide a wealth of information to help you become established in surveying. Once established, members who wish to take their career to the next level, should volunteer to help prepare and present continuing education courses. Over the years, this pay-it-forward philosophy is a way that many TSPS active members have shown their commitment and dedication to a profession that they love.

---

“...the greatest benefit of being a member of TSPS is the collegiality that comes with being an active member of a profession.”

---
As an active member of TSPS you have the chance to network, which leads to multiple business opportunities. Trisha can attest that her career has been enhanced many times over by the network she has established through her membership with TSPS. From teaming partners to winning contracts to establishing her name in the marketplace, all through her involvement with TSPS. The study groups she attended both as a SIT and RPLS, held by TSPS members, also helped her prepare for both exams and to pass on her first attempt.

TSPS is not for the elite, but rather for an alliance of professionals who wish to help their friends and colleagues be the best they can be. A profession cannot exist without the contributions of its members, that means each and every one of us. Together as colleagues with a common purpose, we work to make this profession better and create a brighter future for all of us. This is OUR chosen profession and we must have unity to voice our concerns to lawmakers at times and to the public at others. TSPS offers us the place to be the voice of many.

What else does membership provide?

The membership committee and the TSPS staff are actively working on additional “perks” that can save you in the pocketbook such as discount programs for travel and dining. For now, be sure to check out some more of our ongoing benefits, such as:

- Affinity Partnerships - discounted programs offered through select TSPS partners
- Big Blue Sky Advertising - For all your website design and advertising needs.
- ANCO Insurance - Business insurance and help from someone who knows the surveying profession.
- Silicon Benefits - For employee and individual health insurance.
- Courthouse Direct - For all of your research needs.
- Online education and CEUs with specials for TSPS members.
- Online Forums - The newly launched online groups to discuss questions or issues in the many fields of surveying across Texas.
- Member Profile - TSPS members now have a profile page and feed on the website, to connect with fellow members and see updates about TSPS news.

If you are not already a member, we would like to welcome you to: take a look at of the many benefits, courses, and events that TSPS offers, reach out to your local chapter representative, and attend a TSPS event. If at any time either of us can be of assistance we are here for you.

We hope to see you at an event soon!
MAGNET Enterprise is a web browser-based environment that simplifies managing field and office data in the cloud. Track assets and communicate with everyone involved on your projects. Login from any browser for live updates. Save time and collaborate during a project.

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- Map View of Field Data
- Data Secure Backup
- Chat and Communicate with Others

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Don’t forget to ask us about our GeoShack Advantage programs – where you can get support, training, and other services along with your equipment purchase.

<table>
<thead>
<tr>
<th>Location</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Austin</td>
<td>(512) 821-2828</td>
</tr>
<tr>
<td>Dallas</td>
<td>(972) 241-6001</td>
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<tr>
<td>Fort Worth</td>
<td>(817) 335-3131</td>
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<td>Richardson</td>
<td>(972) 783-2706</td>
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<tr>
<td>El Paso</td>
<td>(915) 775-1269</td>
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<tr>
<td>South Houston</td>
<td>(713) 955-2007</td>
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<td>North Houston</td>
<td>(713) 688-8814</td>
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<tr>
<td>Lubbock</td>
<td>(806) 771-9524</td>
</tr>
<tr>
<td>San Antonio</td>
<td>(210) 521-7732</td>
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For More Information Visit Us At: www.GeoShack.com
April is “Distracted Driving Awareness Month.” It is promoted nationwide by the National Safety Council and statewide by the Texas Department of Transportation (TxDOT). Why is this important and being promoted? Because traffic fatalities and accidents that are attributed to distracted driving is a serious problem in the state of Texas and nationally. The primary distraction these days is a cell phone.

Here are some brief, but startling facts and information to prove the point:

- One out of 4 car accidents in the US is caused by texting while driving. The average text message takes the driver’s eyes off of the road for 5 seconds. This is equivalent to traveling at 55 mph for the entire length of a football field, while blindfolded!
- Three seconds of inattention while driving is equal to the time it takes to start your car, and it is enough time for an accident to occur.
- Of the 2.5 million people in the U.S. that are involved in road accidents yearly, almost 1.6 million of these accidents involve some form of cell phone use. Stated another way, that is 64% of all the road accidents in the nation have cell phones involved.
- The chance of a crash is increased by 23 times when texting while driving. Even if an accident is caused by another driver, you may be able to avoid that crash if you are devoting your full attention to driving.
- Each year over 330,000 accidents that are caused by texting while driving leads to severe injuries, meaning that over 78% of distracted drivers are distracted by texting while driving.
- Texting and driving is 6 times more likely to cause an accident than drunk driving. That means that it’s safer for a drunk person to drive than to text while driving! That is a sad statistic, but don’t take it as being OK to drive while intoxicated.
- There is almost 3 times more risk of accident while dialing a phone number on a cell phone while driving.
- 77% of adults and 55% of teen drivers say that they can manage texting while driving.
- 94% of teens say that they understand the risks of texting while driving, but 35% of these teens admit that they still text while driving.
- Teen drivers are at a 400% greater risk of being involved in a car crash when texting while driving.
- According to a studies by the Texas A&M Transportation Institute in 2015, in Texas:
  - Almost 1 in 5 crashes in Texas involved driver distraction.
  - Almost 38% of drivers admitted to talking or texting while driving.
  - More than 21% of drivers admitted to reading or sending a text or email while behind the wheel.
  - Voice-to-text offers no safety advantage over manual texting.

Startling numbers, and they are still on the increase.

So, is cell phone use, either texting or making a call, the only distraction to driving with which we should be concerned? Not at all. Other forms of distractions (read this as any activity undertaken while driving that keeps you from giving full attention to the task of driving) are many. Sadly though, we may have become so accustomed to performing these tasks that we don’t think of them as distractions to driving. Either that, or we’re simply fooling ourselves into thinking we’re good at multitasking while driving. We’re talking about other actions such as:

- posting to social media
- checking email
- adjusting the vehicle sound system
- punching in a location into the vehicle navigation system
- eating or drinking
- grooming- combing your hair, shaving, applying makeup
- reading- a road map, book, newspaper, or any material
- daydreaming
- becoming engrossed in conversations with passengers
- planning our work day, the next meal or any other task unrelated to driving
- drowsiness due lack of sleep, medication, or boredom

This list is not all inclusive, but it should make us think about things we may routinely do which reduce our focus and keep us from focusing our full attention on driving.
Safety

What can we do to keep from being distracted while driving? Education is one of the best ways to get the message about the hazards of distracted driving out to drivers. This information is important for us as well as to other drivers and passengers, for drivers of all ages. But getting the message to teen drivers is of special importance. Teen drivers are sometimes less cautious and they certainly have less driving experience. For all of us, we must break the habit of being controlled by our cell phones, our devices and our routine habits while driving.

Here are some other suggestions for eliminating distractions while driving:

- Don’t perform any task that takes even a small amount of attention away from driving.
- Don’t use a cell phone while driving. Even go so far as to silence your phone or place it where it is not within your reach, as in the console, the glove box or the trunk. If receiving or making a cell phone call or text message is so important that it can’t wait, pull over. Find a safe location such as a parking lot, rest stop or other place off of the road and off of the shoulder to make or take that call.
- Pre-program the navigation system in advance.
- Pre-set your music play list.
- If you become drowsy, pull over in a safe place and get out. Walk around, get a drink of water, eat, perform exercises or do some activity to wake up. If that won’t work, find a safe place to take a nap. Just don’t keep driving drowsy and endanger your self or other vehicles and their occupants.

Many employers have implemented distracted driving policies. Many of these forbid making or taking cell phone calls or text messages while the vehicle is in motion. Some also include any type of navigation system or hand-held device including hand-held GPS units. There is liability for the employer if an employee is involved in or causes an accident; even more so if that accident is attributed to distracted driving.

For more information on distracted driving and Distracted Driving Awareness Month, go to the following: TxDOT- www.TxDOT.gov; the National Safety Council- http://www.nsc.org. For specific information on teen drivers and distracted driving go to the TxDOT web page at http://www.txdot.gov/driver/kids-teens.html.

Any driver distraction is unsafe and can cause crashes and fatalities. It is up to all of us Texans to focus on the road and driving, not only during Distracted Driving Awareness month, but all of the time. Eliminate the distractions, pay full attention to driving and return home safe and sound each and every day.

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Online Education

The Texas Society of Professional Surveyors online portal offers education from individual experts around the country. Creating this network of geospatial education enables us to offer you a wide resource for educational opportunities.

Classes currently available:

- Applied Ethics
- UAS Photogrammetry
- State Plane Coordinates I, II & III
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- Geomatics in a UAV World: an Introduction
- UAS Technology: Operational Implications
- Letters of Map Change: How to Update Flood Map
- Why and How Elevations Matter in Floodplain Management
- Fundamentals of Geodesy Part VI - Vertical Datums & Geoid Models 1
- Fundamentals of Geodesy Part VII - Vertical Datums & Geoid Models 2
- The 2016 ALTA/NSPS Standards – An Overview
- The 2016 ALTA/NSPS Standards – Course III Section 4 Records Research
- The 2016 ALTA/NSPS Standards – Course VI Sections 7 & 8 Certification & Deliverables

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Steven J. Freeman, R.
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Chris Bradley, RPLS
C: 317-399-6116
rblades@elmsurveying.com

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The Survey Sales Specialist position requires a working knowledge of the local survey market with 2-5 years of a proven sales track record and the ability to develop relationships with customers and provide them with real, effective solutions. You will be responsible for prospecting and identifying potential opportunities and closing high value deals with surveying and engineering firms, and governmental entities in a dedicated sales territory. You will be selling Topcon GPS, surveying instruments and robotic total stations.

The successful candidate will possess:

- Minimum 2-5 years sales experience
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- Strong achievement drive
- Must be computer literate
- Knowledge of survey, engineering and/or governmental markets preferred
- Willingness to learn about the products we sell
- Positive, sales-oriented personality
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- Prefer Bachelor’s Degree or equivalent.

Benefits:

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MARSHALL LANCASTER & ASSOCIATES, INC.

Marshall Lancaster & Associates, Inc. is a DFW area professional land surveying firm seeking resumes for:

- **Project Manager**: Supervision of technical staff and budget management. Ability to operate or learn Carlson Survey and TBC. RPLS preferred.
- **Office Technician**: Preparation of ALTA surveys, topographic surveys, subdivision plating, and construction calculations. Ability to operate or learn Carlson Survey and TBC. LSIT preferred.
- **Party Chief**: Experience with Trimble robotics and GPS systems preferred.
- **Survey Trainee**: Entry level position for dependable individual with positive attitude that enjoys the outdoors. Mathematical aptitude required and computer skills a plus.

Email resume to hr@mla-survey.com and visit our website at www.mla-survey.com.

MULTIPLE POSITIONS – FORT WORTH, TX

MOAK SURVEYORS, INC.

Well established Surveying Firm in the Northeast Fort Worth area seeking experienced:

- **Party Chief**
- **Instrument Person**

for all types of surveying including primarily boundary, topographic surveying and construction staking.

Experience with Carlson Surv CE data collection and Topcon GPS equipment preferred.

Competitive salaries, retirement benefits and health insurance available. Please respond by sending resumes to dwm@moaksurveyors.com or faxing to 817-282-0401.

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BGE, INC.

BGE, Inc. (Brown & Gay Engineers), a Texas consulting engineering firm, is seeking a RPLS in the Houston/Woodlands area. Candidates should be a RPLS in the state of Texas with excellent communication skills, project management experience and working knowledge of Civil3D software.

The Ideal candidate would have surveying and mapping experience in the areas of land development, site development, public works and transportation/TxDOT and capable of managing survey technicians and field staff.

For a full list of openings and to apply visit the careers section at www.bgeinc.com.
MULTIPLE POSITIONS – FORT WORTH, TX
TOPOGRAPHIC LAND SURVEYORS, INC.

Topographic is a complete-service specialist in land surveying and mapping for traditional and emerging energy technologies. We are experience exciting new growth and opportunity in the wind, solar, power transmissions and civil engineering fields. These positions are located in our south Ft. Worth, TX offices unless designated.

• Drafter - Drafts detailed construction drawings, topographical profiles, and related maps and specifications used in planning and construction of oil and gas/pipeline/alternative energy projects. Reviews rough sketches, drawings, specifications, and other data. Plots maps and charts showing profiles and cross-sections, indicating relation of topographical contours and elevations to buildings, retaining walls, tunnels, overhead power lines, and other structures. May also specialize in drafting and modifying topographical maps from surveying notes and aerial photographs. Will use computer Auto CAD) equipment and software.

• Civil Design Drafter - Working alongside the Project Manager, and independently as needed, to coordinate field and office tasks on civil design projects such as water, wastewater, transportation, drainage and commercial and residential land development as well as pipeline projects, utility projects, ALTA/ACSM Land Title Surveys.

• Survey Tech - Seeking Surveyor-in-Training to manage and coordinate field surveying and office drafting requirements for internal/external customer. Passed the Texas (Colorado for openings in our Lafayette office) S.I.T. exam and pursuing a career as a RPLS. If not SIT, will consider candidates with 5-7 years prior Survey Tech exp. Proficient in AutoCAD 3D +, Microstation, and produce working sketches, solve boundary issues, produce topographic and ALTA surveys. Positions available in Fort Worth, Texas and Lafayette, CO.

• GIS Technician - Seeking qualified candidates with BS in Geography or related field and/or equivalent combination of education and experience. ESRI ArcGIS experience required. Oil & gas, pipeline or surveying experience a plus. Positions available in Fort Worth, Texas and Lafayette, CO.

• Sr. RPLS - Texas registration with 15 + years’ experience. Responsible for all office survey mapping and work product. Quality control, oversight and review for all office survey work product. Assist with proposals for survey services. Respond to and solve concerns/issues as they arise. Candidate must have experience with directing and communicating with others, and knowledge of survey field techniques. Proficient use of AutoCAD with strong research skills and knowledge in boundary resolution. Must have excellent phone and communication skills.

Topographic Land Surveyors provides a generous benefits package that includes: Health, Dental, Life, Short Term Disability, Supplemental Policies, 401K, Flexible Spending Accounts, PTO and paid Holidays. Email Resumes: laurie.hess@topographic.com or apply online at www.topographic.com/careers.

EEO/Drug Free Workplace

SURVEY PARTY CHIEF – DALLAS, TX
HUITT-ZOLLARS, INC.

Huitt-Zollars, Inc. has an awesome career opportunity for a Full-Time Survey Party Chief in its Dallas office. The successful candidate will have 5 years of experience in all phases of land surveying, construction, boundary and topographic surveying. This is an excellent opportunity to work with a premier architectural and engineering firm that’s on the leading edge of design and national development.

Responsibilities

• Lead survey crew in daily activities
• Train survey crew in proper survey procedures
• Maintain safety procedures for all survey personnel
• Ensure proper procedures are in place when transferring field data to office
• Oversee maintenance and operation of all surveying equipment

Requirements

• 5 years of land surveying experience
• High School diploma or GED required
• Ability to work outside in all seasons
• Valid driver’s license

We offer a competitive benefit & compensation package, including medical, dental, vision, life, & long/short term disability plans & two retirement plans: a 401(k) & an ESOP.

Huitt-Zollars is an equal opportunity employer, dedicated to a policy of non-discrimination in employment on any basis including race, color, age, sex, sexual orientation, gender identity, religion, national origin or any other legally protected status. Consistent with the Americans with Disabilities Act, the company will make reasonable accommodations to assist in the application process upon the request of an applicant. No question on this application is intended to secure information to be used for discriminatory purposes.

This contractor and subcontractor shall abide by the requirements of 41 CFR 60-741.5(a) and 60-300.5(a). These regulations prohibit discrimination against qualified individuals on the basis of protected veteran status or disability, and require affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans and individuals with disabilities.

Apply Here: http://www.Click2apply.net/srswbp3ks3 or at https://external-huitt-zollars.icims.com  Job ID No: D225

BUSINESS FOR SALE

Fifty-five year practice in the Houston area needs RPLS to assume portion of business. Must be up-to-date and in good standing with TBPLS. Annual $800k-$1mil. Call 281-922-4820.

All for sale listings can also be found online at www.tsps.org/forsale
## Coming Events

View more details and register for coming events at [www.tsps.org/calendar](http://www.tsps.org/calendar).

### March
- **Mar 16-18**
  - Heart of Texas Boundary Retracement Seminar
  - Wulff Cedar Creek Ranch
  - FM 765 | Brady, TX  76825
- **Mar 19-25**
  - National Surveyors Week
- **Mar 22**
  - TSPS Legislative Day
  - Texas State Capitol | Austin, TX

### April
- **April 7**
  - CST Exam (Paper Exam)
  - Lumberton Public Library
  - 3250 Eastex Fwy | Beaumont, TX  77703
- **April 8**
  - CST Exam (Electronic Exam)
  - West Campus - North Lake College
  - 1401 Royal Lane | Dallas, TX  75261
- **April 15**
  - CST Exam (Paper Exam)
  - Adams Surveying Company
  - 1475 Richardson Dr. #255 | Richardson, TX  75080
- **Apr 21-22**
  - High Plains Experience Seminar
  - LIT Ranch
  - Channing, TX
- **Apr 29**
  - 2nd Quarterly Board Mtg
  - Austin Marriott North
  - 2600 La Frontera Blvd. | Round Rock, TX  78681

### August
- **Aug 4-5**
  - Strategic Planning & 3rd Quarterly Board Mtg
  - Omni La Mansion del Rio
  - 112 College Street | San Antonio, TX  78205

### September
- **Sept 21-23**
  - Locating Original Corners Seminar
  - Neal’s Lodges and Annandale Ranch
  - Concan, TX 78838

### October
- **Oct 4-7**
  - 66th Annual Convention & Tech Expo
  - Embassy Suites Dallas-Frisco Hotel, Convention Center & Spa
  - 7600 John Q. Hammons Dr. | Frisco, TX 75034
- **Oct 5-6**
  - NSPS/TSPS Joint Meeting
  - Embassy Suites Dallas-Frisco Hotel, Convention Center & Spa
  - 7600 John Q. Hammons Dr. | Frisco, TX 75034

#### TSPS Legislative Day

All Texas Surveyors are invited to join us in Austin to maximize our impact as we meet with legislators at the Capitol!

Make plans to meet your fellow surveyor at The Capitol Grill on Wednesday, March 22nd.

**Schedule**

- **9:00 am – 9:45 am**
  - Continental Breakfast and Briefing - Bill O’Hara, Governmental Affairs Chair and Mark Hanna, TSPS Lobbyist will review the TSPS Legislative Agenda’s “talking points” in preparation for meetings with legislators and their staff.
- **9:45 am**
  - Group photo on 1st floor Grand Staircase on Senate side of the Capitol (immediately after briefing)
- **10:00 am – 12:00 pm**
  - Team Meetings with Legislators/Staff - Appointments will be made by YOU, the constituent. Contact your State Senator and Representative to ask for a few minutes of their time to speak about issues important to the Texas Surveyor.
- **12:00 pm – 1:00 pm**
  - Lunch on your own
- **1:00 pm – 2:30 pm**
  - Team Meetings with Legislators/Staff continued
- **2:30 pm – 4:00 pm**
  - Debriefing from Meetings

Please RSVP to this event if you plan to attend!
[www.tsps.org/legislativeday](http://www.tsps.org/legislativeday)
The microdrone md4-1000. It’s not a toy. It’s a Tool.

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