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The Texas Surveyor welcomes contributions from members. Submit original articles in Word doc format to communications@tsps.org. Copy all quoted material exactly as it appears in the original, indicating omissions by ellipses. Use quotation marks for quotes and give credit to the source from which you are quoting. Hi-res photos in .jpg format preferred. Include your name and identify the picture and all persons in photo. Email submissions to communications@tsps.org.

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On the Cover
The 2016-2017 TSPS Board of Directors.

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John Barnard, Bill O’Hara, Trisha Lund,
Jerry Lehew, Heather Sides, Paul Carey

Back Row L-R:
Jamie Gillis, Mike Hoover, Joe Breaux,
Bud Thompson, Doug Turner, Philip Adams,
Stan Piper

Not Pictured:
Robby Christopher, David Klotz, J.D. Davis

Original photo by Bear Gordon.
Cover art/design by Kristen L. Evon.

Editor-in-Chief: Trisha Lund
Managing Editor: Kristen L. Evon

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Record numbers were set at the Boot Scootin’ into the Future Annual Convention & Tech Expo. More than 750 participated in the three day event which included over 550 attendees, 150 exhibitor personnel, 50 student volunteers and 10 speakers. The exhibit hall was sold out at 71 booths and classrooms were filled to capacity with 15 different educational offerings! The Derailers played to a late night crowd of over 150 boot scootin’ fans. The convention mobile app was introduced and provided a new means of communication to make announcements, complete evaluations, take surveys/polls, etc. All of this combined made for another very successful TSPS event.

A special thank you to Trisha Lund (Chapter 11) and Coleen Johnson (Chapter 13) for co-chairing the convention and to Anna Burroughs, Paul Carey, Henry & Monica Kuehlem, Lynn Savory and Eric Snell for serving on the committee. Great job! For convention photo highlights, see page 16.

At this year’s Membership Benefits Social (held for the first time at convention) many membership benefits were highlighted. The advantage of using TSPS Affinity Partners, subscribing to the Career Center, obtaining CEU’s through TSPS annual events as well Chapter meetings, and participating in the newly created Fields of Practice Forums. If you have not heard about the Forums please sign in on the TSPS website. Go to Resources drop down menu, then click on Forums. Five forums were created after a member survey was completed which identified the top five Fields of Practice. They are Boundary Surveying, Land Development, Routes and Right of Way Corridor Surveying, Construction Staking and Energy Development – Oil, Gas and Wind. You can ask questions, post comments and/or related articles to specific Fields of Practice topics and create communication, get opinions and advice from the membership. For more forum information, see page 21.

With the many membership benefits TSPS offers I hope there is no doubt in your mind about renewing your dues. These new initiatives along with the traditional benefits like networking and professionalism make TSPS an important part of your career advancement. As you know, it’s that time of year to renew your membership dues. All members were emailed a dues invoice on October 27th. Membership dues are due to the TSPS office by December 31, 2016. We again ask that you please renew online. If you have any questions or need help, just call the TSPS office.

Wishing all a happy holiday season!

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During the Strategic Planning Meeting at Canyon of the Eagles in Burnet, Texas, Maxey Sheppard asked a couple of us how we got started in surveying. As your new president, I wanted to give you a little history about myself. Here is my story.

The summer of 1971 was the summer before I graduated from high school. I had plans of hanging out by the pool and water skiing in Lake Grapevine...but little did I know my dad had other plans for me. He had made arrangements for me to have a summer internship at Texas Power & Light Company (TP&L), an electricity provider in the North Texas area where he was a contractor. I was told there were two jobs available, a draftsman in the office or a member of a survey crew working in the field. I was given first choice and being an avid outdoorsman, I took the survey job. (A friend of mine from high school got the drafting job. I went to his retirement party this year. He worked for TP&L through many name changes for 41 years!)

At that time, TP&L had state of the art equipment. We had three four-man crews and one three-man crew. We drove green Suburbans with no radio or air conditioning. Among the four crews we had 3 one minute transits, one wild T-1A theodolite, and one beetle distance meter. Crews were divided into distribution or transmission, with the transmission crew usually having the distance meter. I remember one of my first days, we were out driving for a couple of hours and after a while the party chief pulled off the road and announced, “y’all get out, grab the chain and tie down that power pole.” I thought, what the heck? That pole isn’t going anywhere! I spent most of that summer following a leather strap through the grass as a rear chainman, the 5th man on a four-man crew.

After that summer, I finished my senior year of high school and then enrolled at the local junior college. There I met John Pierce (RPLS #2011), a young drafting instructor. I didn’t want to go to all the trouble of keeping a mechanical pencil sharp for the different line weights, so I used a 0.05 mm pencil. Mr. Pierce told me that I couldn’t get better than a B using a 0.05 mm pencil. I told him that was fine with me. One day, we went to class and the Carter Blood Bank bus was in the parking lot. When we got to Mr. Pierce’s class, he told us he would give us an A for the day if we donated blood. That was the only A I ever got in Mr. Pierce’s drafting class.

I spent a couple more semesters at junior college taking core classes, learning how to scuba dive, and making the mistake of taking something called aerobics. I really thought I wanted to be an engineer, so I transferred to the University of Texas at Arlington to improve my grades. Turns out I was not meant to be an engineer or a student for that matter, so I dropped out and got a job with TP&L working out of Sherman, Texas.

I loved surveying and was once again a rear chainman. That year I walked the 50 mile trek from Savoy, Texas to Paris, Texas, several times, surveying a parallel transmission line from the power plant at Savoy to the switching station at Paris. I got married in 1975 and we moved to Bryan/College Station where I became a student again. Long story short, I still wasn’t a very good student so I applied for a job with an engineering firm in College Station and was hired after another candidate decided reducing the field notes from the field crew’s work the previous day was not the job for her.

Fast forward to 1980. I had been working in surveying for some time now, occasionally in the office and other times in the field. I decided to apply to take the Registered Public Surveyor (RPS) exam. When I got the call that I had been accepted to take the RPS exam, I hurried back to Dallas and spent a couple of weeks studying. Re-enter John Pierce. I credit him and the prep class he was teaching for me passing the exam on the first try. (Back in those days the RPS exam was sixteen hours spread over two days.) Three days after the exam I got a call from Betty Pope, the Executive Secretary of the Texas Board of Professional Land Surveying, saying I had passed.

I spent the next ten years in private practice, mostly in North Texas, and then another ten years working on underground structures including the Super Conducting Supercollider in Waxahachie, Texas. It’s now been 14 years working for the North Texas Municipal Water District in Wylie, Texas and more than 20 years as an active member of the Texas Society of Professional Surveyors.
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The Flu & You

By Joe Breaux, RPLS, TSPS Safety Committee Chair

The 2016-17 flu season is upon us. We hear a lot about the flu and the annual flu vaccine this time of year because, as winter approaches, conditions become more favorable for exposure to the flu virus. Many of us carry the virus, but worse than that, many who are sick from the flu and don’t seek treatment simply won’t stay away from others. The influenza virus can be detected year round here in the United States, although flu season is primarily from October to as late as May with the peak usually occurring around February.

The flu is a contagious respiratory illness caused by influenza viruses that are easily spread by coughing, sneezing or close contact with others. Effects of the flu vary from mild illness to high fever, chills and discomfort. Consider these FACTS when evaluating symptoms of the flu: Fever, Aches, Chills, Tiredness and Sudden Onset. Other symptoms that can accompany the flu are sore throat, coughing, headaches and a runny or stuffy nose. More severe cases may even require hospitalization. Flu can also lead to other serious illnesses such as pneumonia and blood infections and may cause diarrhea and even seizures in children. It can make certain medical conditions such as lung or heart disease even more serious. Those most vulnerable are children, individuals with certain health conditions such as a weak immune system, and the elderly. Every flu season thousands of people die from or complications resulting from or brought on by the flu. Consulting your doctor is the best way to know if you are at greater risk than normal for catching the flu.

So if I’m exposed to the flu, how long am I contagious? Most people are able to spread the flu virus anywhere from one (1) day before showing symptoms to 5–7 days after symptoms have begun. Young children and the severely ill may even be able to spread the flu virus longer.

To reduce the chances of getting the flu or from passing it on to others, there are a number of effective steps to take.

• Get the annual flu vaccine.
• Practice good personal hygiene by covering your cough. Cough into your shirt sleeve or into a tissue (not your hand).
• Wash your hands often with soap and warm water. If soap and water are not available, use an alcohol based hand sanitizer.
• Stay away from those who are sick.
• Stay at home when you’re sick.

These steps also go a long way to help one prevent picking up or spreading the flu virus as well as a number of other types of germs and diseases.

The most recommended means to fight the flu is to get a flu shot or vaccine each year. Reports show that flu vaccines have prevented more than 90,000 people from being hospitalized for treatment of the influenza virus. The Center for Disease Control (CDC) states that receiving a flu vaccine can prevent the flu, lessen the severity of the symptoms if it is contracted, and help keep the virus from spreading to family and friends.

Experts suggest taking one dose of flu vaccine annually before or early in the flu season. Why annually? Why early? First, the predominant flu viruses change each year. A new flu vaccine is created each year by medical and research experts to protect against 3 to 4 viruses that are thought to be the most likely occurring flu viruses for that flu season. Even if the vaccine is not exactly the same strain as the viruses, it may still provide protection. Second, a flu vaccine requires about 14 days to take effect before the recipient is protected from flu viruses, but it lasts through the entire flu season. Children who are 6 months through 8 years old may need two doses of flu vaccine during flu season. Be sure to consult your child’s doctor or other medical professional for details that apply to children.

For the 2016-17 flu season, the CDC recommends the use of the flu shot which consists of inactivated influenza vaccine (IIV) and the recombinant influenza vaccine (RIV). The nasal spray flu vaccine (live attenuated influenza vaccine or LAIV) is not recommended for use during this flu season due to concerns about its’ effectiveness.

Today, fortunately, flu vaccines are more available to the public and at a very reasonable price. More medical insurance plans cover flu shots and some medical clinics offer a flu shot for little to no cost. Additionally, many pharmacies and walk-in medical clinics offer on-site vaccinations without an appointment.

There are a few precautions that should be noted regarding the annual flu vaccine. Some illnesses are flu like and the flu vaccine does not protect against these, nor does it offer full protection against other flu viruses. Another concern to some may be that most, though not all, flu vaccines contain a small amount of egg protein. In past years, those who had allergic reactions to eggs were cautioned against having the flu shot altogether. More recently, the recommendation has been modified to allow those who only experience mild reaction to take the vaccination. Others who may have a stronger allergic reaction should seek medical advice and may be able to take the vaccine under close medical supervision.

As with any medication or vaccine there is some risk of having a reaction, but most people who take a flu shot have either no reaction or only experience a mild one that usually goes away on its own. Common, minor reactions resulting from a flu shot are soreness, swelling, or redness at the injection site; sore, red or itchy eyes, cough, hoarseness; fever; headache; fatigue, aches or itching. If any of these symptoms develop after taking a flu shot and they linger for more than 1-2 days, consult your doctor or medical professional immediately.

(See SAFETY, page 15)
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Did you know that TSPS the best source for obtaining your CEUs? Yes, we are sure most of you know about the awesome courses presented at Convention and the really thoughtful and insightful courses developed by our members themselves and presented at Symposium; but, did you know that being active in TSPS can provide additional CEU opportunities? By attending chapter meetings and becoming active on committees, you have the opportunity to get to know fellow surveyors and learn from their experiences in addition to fulfilling annual licensing requirements.

In a recent trip to a Chapter 10 (Permian Basin) meeting, Trisha realized the discussion that arose from the Ethics Committee Report provided so much insight into surveying in that region, that she found it more informative than some of the most well rounded speakers on the subject. It gave her an opportunity to witness members opening up and enlightening other members, who have not been in the area as long, about some very pertinent and informative advice. In this case, some considerably obscure court cases and decisions, that, if unaware of when working in the area, could result in some very wrong surveys.

Over the past few years we have heard comments, questions and concerns about earning Continuing Education Units (CEUs) and how TSPS can help. As everyone is aware, surveyors are required to have at least 12 hours of CEUs per year to renew their license; three of which must be Rules or Ethics taken every year and cannot be carried over from any previous year. You are able to carry over up to eight units from the previous year. (Ref. Texas Board of Professional Surveyors website “self-study” and The Act & Rules 664.3 and 664.4).

From Trisha’s experience with her home chapter, Chapter 11 (Alamo), she was always under the impression that in order for credit to be approved, a speaker had to be at the meeting and a brief bio had to be presented to the TBPLS, as Chapter 11 has done for a number of years. Chapter 11 was also under the impression that members were required to attend 4 meetings a year to qualify for this credit. From Anna’s experience the last few years as Secretary/Treasurer for Chapter 13 (Capital Area), when trying to get clarification, she was informed differently by separate sources, believing that the CEUs were only valid for a meeting if there was a speaker. It was evident that not all chapters understood the requirements or the interpretation of the chapter meetings as CEUs in the eyes of the TBPLS and it was clear that chapters were handling their meetings differently in regards to CEUs.

After other chapters inquired about meeting CEUs as well, Trisha researched this with the TBPLS board to get their insight into the rules. We can report that while having a speaker is a great way to hold meetings and boost attendance, it is not mandatory for board approval, as in the Chapter 10 meeting Trisha attended. Having conversations at chapter meetings that lead us to be better surveyors and get CEU credit at the same time is a win for you, your fellow surveyor, the society, and the public which we are charged to protect.

From the discussion over what constituted the rule 664.4 Types of Acceptable Continuing Education (8) that reads “Meetings and activities such as in-service programs which are required as part of one’s job; and have been approved by the board,” Trisha met with board members and requested their interpretation from the rule, thus approving additional ways TSPS can provide CEUs for surveyors.

The board has approved all “regular” chapter meetings (excluding those that are considered recreational functions such as fishing tournaments, softball games, golf tournaments, etc.) for 1 hour of CEU. Many chapters struggle with active participation and attendance at their meetings. These meetings are a good way for you to get your CEU credit with little or no money out of your pocket. There are a few items to remember in order to ensure acceptance of the credit by the board in the case of a CEU audit.

1. A chapter officer or delegate must keep a registration or sign-in sheet of the attendees.
2. The attendee must be given a receipt or ability to obtain a receipt (i.e. the registration/sign in log).
3. The attendee must keep the receipt as part of their records in case of audit, as TBPLS does not maintain CEUs.
4. It is the responsibility of the attendee to obtain and keep proof of attendance for an event.

Did you also know there is another great way that TSPS helps you to obtain your CEUs? This opportunity falls under rule 664.4 Types of Acceptable Continuing Education (3) “Teaching or consultation in programs such as institutes, seminars, workshops which provide increased professional knowledge related to the practice of professional land survey.” How do you do this you ask? Under the Education Committee, TSPS offers Course Development workshops each year where we look for members to volunteer to assist in developing courses for presentation at the annual Symposium. These courses are also available to chapters under the TSPS Brand Courses. Speakers/ Presenters of the courses are awarded CEU credit for teaching those courses. As someone who has worked on developing courses and presenting them, Trisha can tell you that it is work but it is also very rewarding. If you are interested in getting involved in Course Development, you can contact Education Chair Chester Varner or visit www.tsps.org/coursedev.

TSPS offers its members many benefits in addition to the ones mentioned here. Did you know you can track your CEUs in your profile on the TSPS website? For any State TSPS course

(continued on next page)
The Texas Surveyor | November 2016

CEUs

you attend you can print your Certificate of Attendance. Here’s how:

1. Login at www.tsps.org.
2. Go to manage profile.
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We hope to see you at a future TSPS chapter meeting and/or event. We are blessed to have such a great and strong Society but it is nothing without the support, attendance and active participation of our members. For both Trisha and Anna, this is one of the best parts of TSPS… members networking with other members, not just for business purposes but to truly help their fellow surveyor. Trisha may be a big city girl with a small town soul, and Anna may be a small town girl who landed in the big city, but both feel that there is no better way to meet your fellow surveyors than becoming active in TSPS! The more active you become, the more connections you make. The more connections you make, the more resources you have available – all of which can be beneficial for you, your company and the surveying profession. As with anything we do in Texas… Let’s make it bigger and better!

SAFETY (Continued from page 13)

Serious reactions and problems resulting from a flu vaccine are not common but can occur. These situations could include fainting from having an injection, although some people may do this after any injection not just a flu vaccine. If dizziness occurs after an injection, simply remain seated for 10 minutes or so until the feeling goes away. Some people may develop severe shoulder pain and experience difficulty with arm movement. This is uncommon and will usually go away on its own. On the rare chance (about 1 in one million) that one does have an allergic reaction to a flu shot, this usually occurs within minutes to hours after the injection. Allergic reactions can include hives, swelling of the face and throat, difficulty in breathing, accelerated heart beat, dizziness or weakness. If any of these symptoms occur after receiving a flu vaccine, call 911 or seek medical attention immediately.

To learn more about flu vaccines or to ask questions, consult your healthcare provider or contact the Center for Disease Control and Prevention (CDC) by visiting their website at www.cdc.gov/flu. Here’s hoping you and yours are able to avoid the flu and stay safe and healthy this season!

SYMPOSIUM 2017

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The Texas Surveyor | November 2016
Highlights from the 65th Annual TSPS Convention & Tech Expo!!!

Photos by Bear Gordon
TSPS Convention & Tech Expo!!!
Highlights from the 65th Annual

Photos by Bear Gordon

The Hugh L. George Memorial Award, presented posthumously to D.G. "Greg" Smyth, Sr., RPLS #2046, is accepted by Mark Logrbrinck (pictured right)

Surveyor of the Year
Michael Hoover, RPLS #5423 (pictured left)

Chapter President of the Year
Philip Adams, RPLS #5610 (pictured right)

Star Chapter of the Year
Chapter 13 - Capital Area

Pinning the newest Past President, Paul Carey, RPLS #4454
TSPS Convention & Tech Expo!!!
In the meeting of the TBPLS, last July, the determination was made to withdraw section 661.57 from the proposed rule revisions, as published in the Texas Register, and from their rules to be adopted at their October meeting. Section 661.57 is the section titled “Land Surveying Firm Compliance.” It defines the obligations, rules and restrictions that we as a profession place on firms that practice surveying in Texas. The importance of this section is that it is the only way that the TBPLS has of governing firms that are not owned by Texas surveyors or Texas residents. We who hold a Surveying License have the vulnerability of having our Board threaten to remove it. Those who only have company ownership are not under the same burden. If you don’t even live in Texas, the State Attorney General cannot bring charges except through the federal courts. This section is important to the viability and reputation of our profession.

The need for it has evidenced itself in many ways. The Board recently stopped an firm from offering land surveying without a Certificate of Registration and with a Surveyor moonlighting for his company without notifying the Board. Recently, I highlighted a situation where companies are offering services in distant metropolitan areas where they have no certified office. I’m not talking about a field crew on a project six counties away. I’m talking about continuous, repeat, new business from clients local to the distant metropolis. This process is being accomplished by engaging a contract (non-employee) “party chief” who does not report to the surveyor, by federal law, was not trained and is not supervised by the surveyor and who performs duties from research to fieldwork to boundary decisions to drafting to billing all without ever seeing the certified office or the registered surveyor. Possibly these products are delivered electronically to the Certified office and signed by the Registered Surveyor. Possibly these products are delivered electronically to the Certified office and signed by the Registered Surveyor. Possibly these products are delivered electronically to the Certified office and signed by the Registered Surveyor. Possibly these products are delivered electronically to the Certified office and signed by the Registered Surveyor. Possibly these products are delivered electronically to the Certified office and signed by the Registered Surveyor.

Apparently one of the big hurdles at the Board was “enforceability.” Two issues have recently been discussed; the definition of “direct supervision” and the definition of a “branch office.” In recent years, many companies have dispatched field crews and Registered Surveyors to various parts of Texas to accomplish vast survey projects for pipelines and horizontal drilling projects. These groups of employees would work autonomously for weeks on end without ever seeing the “office.” The difference here is that these were groups of employees, on payroll, reporting directly to the chain of command under the Registered individual responsible for their work.

We are blessed to have the opportunity to give input to our governing board and to have them seek our input. We should not overlook the opportunity nor shirk our responsibility to our profession and to our peers to make these rules the best written and most enforceable that they can be. We may need to help make the definitions of “branch office,” “supervision” and “responsibility” more understandable and applicable.

There are six Surveyors on our State Board. Let us not rest the responsibility of crafting our rules solely on their shoulders. My purpose here is to promote awareness and vigilance to the changes that will appear in the next Texas Register and to encourage you to read them and respond to the request for feedback. At present one or two registered members of the TBPLS will be composing these new rules. I believe that the cooperative and combines effort of those of us who will be exercising these rules can help make them effective and enforceable. We have thousands of Surveyors in Texas engaged in multitudes of specific fields and employing scores of methods to accomplish their goals. We should be able to help craft these rules with our Board members in order to protect our profession, enable the TBPLS to effectively enforce well written rules, and better serve the residents of the State of Texas.

In closing, I offer all of my best wishes to you, my peers, and I wish to thank and applaud the hard work done by all of the Committee Chairs and members who diligently served the TSPS throughout 2016.

Paul T. Carey, Past President

1 https://www.dol.gov/whd/govcontracts/dbra.htm
2 http://www.sos.state.tx.us/texreg/pdf/backview/0205/0205is.pdf
FORUMS FOR TSPS MEMBERS

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

1. Login to the TSPS website and go to the Resources drop down menu to access Forums.
2. Click the title to the Field(s) of Practice of interest to view topics posted. Ask questions, post comments/pictures/articles on threads pertaining to personal or professional interest.

Within Forums, members can also:

- edit their forum signature
- post photos, videos, articles of topic related interest to other members
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- subscribe to a specific forum or forum topic to be notified of new replies that have just been posted

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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.

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<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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<td>(915) 775-1269</td>
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<td>(713) 688-8814</td>
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<td>Lubbock</td>
<td>(806) 771-9524</td>
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<tr>
<td>San Antonio</td>
<td>(210) 521-7732</td>
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Americans are proud to be Americans, Texans are proud to be Texans, and Texas Surveyors are proud to be Texas Surveyors.

Land surveying is a historic and honorable profession, we know it and we like it. We find gratification when we locate that block corner in the oldest part of town or when we finally find that deed reference in the grantor-grantee index in the basement of a rural courthouse. A satisfaction known by the few, the proud, the surveyor.

At the NSPS Young Surveyor Network Fall Meeting in September, I was fortunate to meet surveyors from across the country, young and old alike. What did we all have in common? We like what we do! Of course it was nice to vent some distress about common workplace woes, but I quickly realized individual concerns are no different than industry concerns. We work too many hours, we don’t ask enough for what our services are worth, and we are continually challenged by the changes in technology.

So, what do we need to do? COLLABORATE!

Go to your local chapter meetings, attend statewide TSPS events, serve on a committee, and get involved. You want to see something change? Be the catalyst of that change. You’re probably not the only one. Share some stories, listen to someone else’s stories and glean insight from a different perspective. Each one of us can have a hand in furthering our profession. Change takes action and action takes people willing to engage in order to make a difference. Young surveyors will be driving the direction of our profession for the future. This is our future. We’re in for the long haul. We have many years of service ahead of us, so we need to take interest now.

In just the past couple of years young surveyors across the nation have formed local and state chapters. The NSPS Young Surveyors Network, created in 2014, was created to give young surveyors a voice, a way to connect and share ideas across the profession. Established in 2015, the Texas Young Surveyors became a part of that movement and in 2016 we found regional leaders to help build our statewide network of young surveyors. These officers are getting the word out and creating a presence at both TSPS and NSPS events. Nationally, Texas had two officers attend both the Spring FIG/NSPS Young Surveyor Meeting and the Fall NSPS Young Surveyor Meeting. In state, we held a Young Surveyor Social and co-hosted a booth at the TSPS Convention to reach out to young surveyors, as well as participating in other TSPS events. In 2017 we will be holding events across the state. We are also excited to welcome surveyors from across America to our great state for the NSPS Young Surveyor Network Fall Meeting next October in Frisco. Through professional networking we can foster ideas, facilitate change, and support the profession of which we are so proud to belong. There will be many opportunities throughout the year to come together and learn from the experiences shared by our professional peers.

Are you a young surveyor? Do you know a young surveyor? Join the Texas Young Surveyors. Sponsor or mentor a young surveyor in your region. Come to an upcoming TYS social and meet some other young surveyors from around the state. We’re just getting started and we’d love to have you.

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713-981-7132 Office
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TBPLS Firm Registration Number 10104700 TBPE Firm Number F-5238
Texas Young Surveyors' Officer Team

**Director:** Anna Burroughs

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

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

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

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)

**2017 Regional Calendar***

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<td>Waco/ Temple – <em>Lunch</em></td>
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<tr>
<td>8/26</td>
<td>Waco/Temple – <em>Lunch</em></td>
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**2017 National Calendar**

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<tr>
<td>10/4-10/7</td>
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<tr>
<td>10/5</td>
<td>NSPS Young Surveyor Network</td>
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<td>2017 Fall Meeting, Frisco, TX</td>
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*N*Details TBD. Be sure to follow us on social media for up to date info.

The NSPS Young Surveyor Network held its 2016 Fall Meeting in Chandler, AZ at the Wild Horse Pass Hotel and Casino. Young surveyors from across the country joined to discuss the current and future goals of the network. They also attended several NSPS committee meetings and the NSPS Fall Business Meeting.

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The Texas Surveyor | November 2016
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2016 Annual SurPAC Campaign

Donation Form

SurPAC provides TSPS the means to create and maintain a presence in the legislative process. Please help us to continue to promote and protect the surveying profession.

By now the November 8th elections are past us and it’s an important time to remember the need to donate to SurPAC. Prior to the elections the SurPAC committee made eight contributions to Senator José Menéndez (Keynote Speaker at convention), Senator Kirk Watson, Senator Judith Zaffirini, Representative Trent Ashby, Representative Phil King, Representative Brooks Landgraf, Representative Jeff Leach, and Representative Poncho Nevárez. These contributions depleted the SurPAC account which now has a balance of approximately $4,000. More contributions may be needed prior to the start of the 85th Legislative Session in early January, 2017. SurPAC’s purpose is to protect the surveying profession, please consider making a donation today.

YES! I would like to support SurPAC and its efforts by donating $ ________________________________.

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Please mail this form along with a personal check to:
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Thank you for your support of SurPAC!
An Attorney’s Angle
Mark Hanna – TSPS Legal Counsel

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. Leases


Texas courts have uniformly recognized that, because a judgment of possession in a forcible detainer action is a determination only of the right to immediate possession, it does not determine the ultimate rights of the parties to any other issue in controversy relating to the realty in question.

Because of the limited matter adjudicated in a forcible detainer action, a subsequent suit in district court may adjudicate matters relating to the property that could result in a different determination of possession from that rendered in the forcible detainer suit. AAA bought the property where OIS was the ground lessee. AAA gave OIS a notice of termination, believing it had the right to do so under the terms of the lease. OIS filed this suit for a declaratory judgment that AAA had no right to terminate the lease. While this suit was pending, AAA filed a forcible detainer suit in the justice court. OIS prevailed in the forcible detainer and was awarded attorneys’ fees and expenses. It then moved for summary judgment in this declaratory judgment case on the ground that the final judgment in the detainer case was res judicata of the claims made in this cause because the same issue—validity of AAA’s termination of the lease—was decided in the county court. OIS argued that the county court ruled in its favor because it necessarily found AAA could not terminate the lease. OIS argued the finding has “res judicata” effect in this litigation, bars a declaratory judgment action to construe the lease, and precludes AAA from arguing OIS breached the lease or tortiously interfered with its business relations by remaining on the premises.

AAA contends the trial court erred in granting OIS summary judgment on res judicata grounds because the detainer action adjudicated only the issue of immediate possession of the premises. AAA argues the court in the detainer action did not adjudicate the ultimate rights of the parties under the lease and that AAA could not have asserted its affirmative claims for relief in that action. OIS argues that res judicata bars all the claims in this suit because the county court specifically determined that AAA could not terminate the lease and that issue was finally determined for all purposes.

Texas courts have uniformly recognized that, because a judgment of possession in a forcible detainer action is a determination only of the right to immediate possession, it does not determine the ultimate rights of the parties to any other issue in controversy relating to the realty in question. Because of the limited matter adjudicated in a forcible detainer action, a subsequent suit in district court may adjudicate matters relating to the property that could result in a different determination of possession from that rendered in the forcible detainer suit.


A provision in the TAA lease form stating that tenant is obligated to pay for any damage for any cause not due to the landlord’s negligence or fault violates public policy and is not enforceable because it makes a tenant liable for damage to the entire apartment project for accidental losses, acts of God, criminal acts of another, or something unassociated with the tenant or the apartment complex.

White’s clothes dryer in her apartment caught fire and destroyed her apartment and belongings as well as several adjacent apartments. She had signed the TAA lease which said the tenant was obligated to pay for any damage for any cause not due to the landlord’s negligence or fault. Despite a jury finding that White was not negligent, the landlord took the position that she was still contractually liable pursuant to the TAA lease provision. White argued that the provision violated public policy because it makes a tenant liable for damage to the entire apartment project for accidental losses, acts of God, criminal acts of another, or something unassociated with the tenant or the apartment complex. The court agreed.

The court paid homage to the strong public policy in favor of freedom of contract, but then focused on certain provisions of Chapter 92 of the Property Code. Chapter 92 permits the parties to contract over who will pay for repairs when the tenant causes damage. Under § 92.052, “[i]n the event the condition is caused by normal wear and tear; the landlord does not have a duty . . . to repair or remedy a condition caused by: (1) the tenant; (2) a lawful occupant in the tenant’s dwelling; (3) a member of the tenant’s family; or (4) a guest or invitee of the tenant.”
The Property Code also specifically authorizes the parties to shift by contract costs of repairs for “certain damages” from the landlord to the tenant irrespective of whether the damage was caused by the tenant. But these “certain damages” are limited. Under § 92.006(f), a landlord and tenant “may agree that, except for those conditions caused by the negligence of the landlord, the tenant has the duty to pay for repair of the following conditions that may occur during the lease term or a renewal or extension: (1) damage from wastewater stoppages caused by foreign or improper objects in lines that exclusively serve the tenant’s dwelling; (2) damage to doors, windows, or screens; and (3) damage from windows or doors left open.” By adding subsection (f), the legislature permitted landlords and tenants to bargain over who would bear the cost of repairing these three specific conditions, typically tenant-caused, without requiring landlords to show that they were tenant-caused.

The court said that the public policy of Texas, as expressed in the Property Code, is that tenants may be held responsible for damages they, their cotenants, or their guests cause, and a landlord and tenant have the freedom to contractually agree a tenant will pay for specific kinds of repair without a showing that the tenant caused the damage. Absent from this legislatively-expressed public policy is the imposition of contractual liability on a tenant for any and all damages to the apartment complex whenever the damages are not caused by the landlord. In this case, all that is required to impose liability on a tenant is that the damage not be caused by the landlord. Here, the jury determined White’s negligence did not proximately cause damages to the landlord. However, under the TAA lease provision, White is required to pay for any damages to the apartment complex as long as the apartment complex was not at fault. The court concluded that the broad imposition of liability on a tenant for damage not caused by the landlord is void because it violates public policy as expressed in the Property Code.

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.
Professional Listings

List your card here! Send a digital copy of your business card to Kristen@tsps.org, or call 512-327-7871 for more details.

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E-mail jeff.ryall@leicaus.com
Address 10821 Harwin #318
Houston, TX 77036
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CR & G

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Land Boundary and Topographic Surveying
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Registered Professional Land Surveyor
ahickley@brookesbakersurveyors.com
TBLPS No. 1609260
930 Hickory Ct., Guntersville, AL 35976
Phone (256) 260-0770

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List your card here! Send a digital copy of your business card to Kristen@tsps.org, or call 512-327-7871 for more details.
Measurements taken using GPS/GNSS are completely different in how they are applied to property boundaries from conventional survey measurements. This course will provide an in depth understanding of how GPS/GNSS technology can be ethically applied to the rules of Texas Land Surveying. (8 hours of CEUs to include 3 hours applicable to Ethics/Rules)

Jim Gillis, RPLS, NSLS, CLS, first qualified as a Land Surveyor in 1973 at the age of 21 years. He started in private practice with his own firm two years later, which he continued to operate until he moved to Texas. He now holds commissions as a Nova Scotia Land Surveyor, a Canada Lands Surveyor and a Texas Registered Professional Land Surveyor. Jim has Diplomas (Associates Degrees) in Land Surveying and Geophysical Surveying from the Nova Scotia Land Survey Institute (now known as the College of Geographic Sciences), where he also taught part time.

For 44 years, Jim has practiced throughout North and South America and the Middle East, and has worked in the field from 78 Degrees North Latitude to 58 Degrees South Latitude and from 52 Degrees East Longitude to 177 Degrees West Longitude. He now resides in Midland, where he is the Manager of Geomatics Services for Dawson Geophysical Company. Jim has served as Chairman of the TSPS Education Committee and of the TSPS Nominating Committee, a Director at Large of TSPS, and as President of the Texas Society of Professional Surveyors. He has also created and presented a number of 8 and 16 hour educational seminars for the surveyors of Texas and elsewhere.

Hotel Accommodations:
DoubleTree by Hilton DFW Airport North | 4441 W John Carpenter Fwy | Irving, Texas 75063
Special TSPS room rate $79 for Friday and/or Saturday night | Call 972-929-8181 by 11/25/16

To Register, circle one:
RPLS Members : $230 | $280
Paraprofessional Members : $135 | $185

RPLS Non-Members : $330 | $380
Paraprofessional Non-Members : $235 | $285

Course materials and a buffet lunch are included in registration fee.
Cancellation Policy: Refund less $50 processing fee if notified by Monday, November 28.

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Method of Payment: Check #_______ Amount $_______ □ Mastercard □ Visa □ American Express □ Discover
Name on card: ______________________________________________________________________________________
Billing Address: _____________________________________________________________________________________
Billing City: ___________________________ Billing State: __________________Zip: ____________________________
Account Number: _____________________________________________ Exp Date: ___________ CVV Code: ________
A Surveyor’s Guide to River Boundaries &
Overview of Laws Regarding the Navigation of Texas Streams (6 CEUs)

Presented by Michael Hoover, RPLS, LSLS, CFM and David Klotz, RPLS, LSLS

Surveying boundaries along rivers and streams in the State of Texas can present the surveyor numerous problems. Is it navigable? Should a gradient boundary be performed; and, if so, should the RPLS determine such a boundary? What rights does the public have within, over and across any such stream? How does the surveyor handle a boundary line along a tidally influenced stream? This course will answer all of those questions and more, covering river characteristic fundamentals and fluvial morphology; the history, development, and basic application of the gradient boundary; navigation and the navigation right; relinquishment acts; and stream uses and obstructions. Case law review and real life case studies will be prominently used to illustrate the presented concepts and encourage discussion. This will be an interactive seminar with plenty of visuals. At the end of this riverine adventure each attendee should be able to stamp his/her return ticket from the "River of No Return”!

Michael Hoover, RPLS, LSLS, CFM, has been surveying the lands of the five county greater Houston area since 1987, covering a span of nearly 30 years. In addition to being a Registered Professional Land Surveyor, he is also a Licensed State Land Surveyor and a Certified Floodplain Manager. Focusing primarily on boundary and boundary related issues, Mr. Hoover is currently Vice President and Director of Surveying operations with Andrew Lonnie Sikes, Inc. He has been active with the TSPS for many years and was humbled and honored to be named 2016 TSPS Surveyor of the year. He is a past President of Gulf Coast Chapter and is a current Director of the TSPS at the state level. Mr. Hoover is a United States Navy veteran and is married with 3 grown children and 5 grandchildren. In his limited spare time he enjoys working in the yard and playing guitar.

David (Dave) Klotz, RPLS, LSLS is a veteran of the US Navy and is currently Senior Land Surveyor at the Texas General Land Office (GLO). He has over thirty (30) years of experience in the Land Surveying/Civil Engineering field. Most of that has been in the private sector supporting Land Development, Transmission Line and Oil & Gas Projects throughout the states of Texas, California and Louisiana. Dave currently serves as TSPS State Director and sits on the curriculum advisory committee for Austin Community College's Land Surveying and Geomatics Department.

Hotel Accommodations: Crowne Plaza Northwest | 12801 Northwest Fwy | Houston, TX 77040
Special TSPS room rate $89 for Friday and/or Saturday night | Call 713-462-9977 by 11/30/16

To Register Circle One:

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Course materials and a buffet lunch are included in registration fee.

Cancellation Policy: Refund less $50 processing fee if notified by Monday, November 28.

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Name on card: _______________________________________________________________________________________________
Billing Address: _____________________________________________ City/State/Zip: _____________________________________
Account Number: _____________________________________________ Exp Date: _____________ CVV Code: ___________
MULTIPLE POSITIONS – HOUSTON, TX

**LUPHER, LLC**

Lupher, LLC, Texas Professional Land Surveyors located in Houston, Texas has the following Full Time positions available. Typical TXDOT or Public works type Projects involve Control Surveys, Boundary, Route & ROW Acquisition, Topographic, Utility Line surveys, Private Development Surveys, Survey Mapping, etc.

- **RPLS (2-5 years’ experience)**
- **SURVEY PARTY CHIEF (5+ Years’ Experience)**
- **INSTRUMENT MAN (2+ years’ experience)**
- **RODMAN (1+ years’ Experience)**
- **SURVEY TECH OR S.I.T. (2+ years’ experience)**
- **SR CAD TECH (Autocad/Microstation/Geopak PREFERRED)**
- **MICROSTATION CAD TECH**
- **ADMIN ASST (1+ years Experience: HR & Quickbooks experience a plus)**

Lupher, LLC offers Competitive Salary & Year End Bonus. Full Benefits include Medical, Dental, Vision, Life, IRA, & PTO. Please email resume to rlupher@lupherllc.com.

TBPLS FIRM No. 10193807

MULTIPLE POSITIONS – SPRING, TX

**S&V SURVEYING, INC.**

S&V Surveying, Inc. in Spring, Texas has the following open Full Time employment positions available:

- **Survey/CAD Technician (5+ Years Experience)**
- **Survey Crew Chief (5+ Years Experience)**
- **Instrument Man (2+ Years Experience)**
- **Rodman (1+ Years Experience)**

We offer competitive salary and full benefits including Medical, Dental, Vision, Life and Vacation/Holiday Pay. Please email resume to mcarey@svsurveying.com.

MULTIPLE POSITIONS – DALLAS/FORT WORTH, TX

**MSM SURVEYING & MAPPING**

MSM Surveying & Mapping seeking qualified candidates for the Dallas, Fort Worth area. Positions listed below:

- **Texas Professional Land Surveyor**
- **Survey Tech**
- **Party Chief**
- **Rodman**

Top pay for qualified personnel. Send resume to markmatthews@gmail.com.

MULTIPLE POSITIONS – NEW MEXICO

**PETTIGREW & ASSOCIATES**

New Mexico firm has IMMEDIATE openings for experienced Survey Project Managers, Crew Chiefs and CADD Technicians. Construction Survey and Trimble GPS experience required. Survey work includes ALTA and other boundary surveys, cross country route surveys including right of way and easement delineation, horizontal and vertical control networks, engineering design surveys, topographic surveys and construction staking.

Please email resumes to emartinez@pettigrew.us or visit our website at www.pettigrew.us.

MULTIPLE POSITIONS – TEMPLE, TX

**ALL COUNTY SURVEYING**

All County Surveying, a Temple-based firm, is seeking an experienced SURVEY CAD TECH. Top pay for top producer.

Please email letter of interest and/or resume to jobs@allcountysurveying.com.

MULTIPLE POSITIONS – CONROE, TX

**JEFFREY MOON & ASSOCIATES**

Moon & Associates is in need of the following positions for people experienced in Public Works projects, (water, sewer, roads), Topographic Surveys, Route Surveys, Boundaries, Land Development projects, Construction Staking.

- **RPLS: 5+ years experience, ownership possibilities**
- **Party Chief: 5+ years experience**
- **Instrument Man: 3+ years experience**
- **Cad Tech: 3+ years experience**

Medical Insurance, Profit Sharing, Bonus. Send resumes to jeff@moonsurveying.com.

SENIOR PARTY CHIEF – CEDAR PARK, TX

**SURVTEX, LLC**

SURVTEX, LLC, located in Cedar Park, is seeking a full time Senior Party Chief. Successful candidates will have a minimum of 4 - 5 years of Crew Chief experience including; Boundary, ALTA/ACSM Surveys, Topographic / Tree Surveys, and Construction Staking. Preference will be given to candidates with TxDOT experience and/or a CST certification. Some travel may be required. SURVTEX offers competitive wages, paid vacation & sick leave, 401(K), and healthcare plan.

Please send your resume to jason.parker@survtex.com.

TBPLS Firm #10084600

All job listings can also be found online in the TSPS Career Center:

www.tsps.org/networking
TSPS MEMBERS!

Get ahead of the competition... subscribe to receive INSTANT job listing notifications!

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1. Visit www.tsps.org/networking
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You will now receive an email alert each time a new opening is posted.

Happy job hunting!
SURVEYOR-IN-TRAINING (SIT) – HOUSTON, TX

Huitz-Zollars

Huitz-Zollars’ Houston office has an immediate opportunity for a Surveyor in Training (SIT) to manage and coordinate field surveying and office drafting requirements for a myriad of external and internal clients. Candidate must have successfully passed the Texas S.I.T. exam and pursuing a career as a Registered Professional Land Surveyor. Candidate must be proficient in Microstation (AutoCAD Civil 3D a plus), and have the ability to produce working sketches, solve boundary issues as well as produce topographic and ALTA surveys.

Responsibilities:
- Assist the Survey Project Manager in land surveying duties
- Produce working sketches, topographic and ALTA surveys
- Cross-functionally performs field survey work as needed

Requirements:
- Minimum 5 years’ experience in land surveying
- TBPLS Surveyor-In-Training Certificate (SIT)
- Driver’s license and acceptable driving record (for cross-functional assignments with field survey employees) preferred
- Previous TxDOT experience preferred
- Solid knowledge of surveying principals and methods, and use of required field survey equipment
- Familiarity with state plane coordinates systems and geodetic calculations
- Solid documentation skills (boundary analysis and decisions)
- Proficiency in Microstation, AutoCAD Civil 3D, Trimble Business Center software, MS (Word, Excel) is a plus
- Excellent communication and interpersonal skills
- Effective problem solving/analytical skills
- Ability to complete multiple assignments successfully through effective multi-tasking and prioritization

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.

Huitz-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 online at http://www.Click2Apply.net/cjwzcnh2rr.

SURVEY SALES SPECIALIST – AUSTIN & HOUSTON, TX

GeoShack

GeoShack is growing and we are looking to hire a talented Survey Sales Specialist, who enjoys a challenging, fast-paced environment that’s both competitive and rewarding. GeoShack is a leading distributor of leveling, alignment, measurement, guidance and grade control solutions to the Construction, Survey, Machine Control and Agricultural markets in North America. We provide our customers a “total solution” of quality products and services to meet their needs.

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
- Exceptional organizational and communication skills
- 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
- Business-like, professional appearance
- Prefer Bachelor’s Degree or equivalent.

Benefits:
- Competitive Salary with commissions
- Vehicle Allowance
- Travel expenses covered
- Medical, Dental and Vision Insurance
- 401(k) Retirement plan with company match
- Employer paid Life Insurance, and Short and Long-term Disability
- Paid Time Off and Holiday Pay
- Laptop Computer and Cell Phone

If interested, please apply online at geoshack.com/careers.
SURVEY PROJECT MANAGER – AUSTIN, TX
BOWMAN CONSULTING

Bowman Consulting is looking for a Survey Project Manager for our Austin, TX office. The Survey Project Manager will execute through administration, technical and management techniques on multiple projects to ensure successful completion, on time and within allocated budget.

Primary Duties and Responsibilities:

- Meet with prospective clients, prepare proposals and establish budgets and schedules.
- Maintain close liaison with clients to resolve all project questions, such as, but not limited to, technical requirements, completion requirements and billing inquiries.
- Review with manager all project changes, pending or anticipated alterations to the contract, additional work requests, and all other factors, which may significantly affect staffing requirements or budget.
- Supervise work of all project personnel to ensure that it meets the highest professional standards.
- Coordinate with other internal departments to meet project requirements.
- Define the scope of multiple, complex projects and develop plan to accomplish projects. Monitor progress toward deliverable schedules. Compile project status reports.
- Review job cost sheets and prepare monthly billings. Ensure assigned projects stay within budget allocation.
- Collect outstanding monies due from assigned clients.
- Participate in and formulate marketing presentations and attend marketing meetings.
- Secure repeat business from existing clients and identifying new clients.

Position Requirements:

- Bachelor’s degree in Surveying or related field.
- Texas Registered Professional Land Surveyor.
- Minimum of ten (10) years’ surveying experience to include project management, staff supervision and client relationships.
- Knowledge of AutoCAD, Civil 3D.
- Thorough understanding of municipal codes and regulations applying to the land development industry.
- Ability to manage multiple projects and project teams.
- Thorough understanding of financial principles.
- Excellent organization and communication skills.

Apply online: http://ow.ly/4N3Y305udrM

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Apply online: http://ow.ly/4N3Y305udrM
Be Captivated
Visit www.leica-geosystems.com/VivaGS16 to find out more and request a demonstration.

For more information, please contact:
Jeff Ryall
jeff.ryall@leicaus.com
713-516-5446

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