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Executive Director
DJ Kyle
2525 Wallingwood Dr., Suite 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

On the Cover
TPS word cloud generated from the content of the Texas Surveyor membership issue published March 2017.
www.worditout.com

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

Standards for Submission of Articles
The Texas Surveyor welcomes contributions from members. Submit original articles in Word doc form 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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because of my twelve year stint on the Texas Board of Professional Land Surveying (TBPLS), I am frequently asked by surveyors who have had a complaint filed against them what they should expect during an informal settlement conference. Since this has been asked of me so often I thought that I would share what I have found from my experience.

I was recently at a seminar where I made the statement “The TBPLS is not out to get you,” …. after the laughter died down a bit, I tried to explain that the informal settlement conference should be thought of as a friendly environment and the chance for the surveyor to show the committee that the investigator made a mistake or didn’t have all the facts. The licensee should realize that the Board is not the accuser, the informal settlement conference is a fact finding mission, and the Board members are hearing the information for the first time. The Board’s position on matters changes as the makeup of the Board changes. However, I have taken part in many informal settlement conferences over my twelve years on the TBPLS and have made a few consistent observations that would be beneficial for the licensee to know. The following are not steadfast rules, but if you find yourself in an informal settlement conference, you might want to consider them.

1. **Dress Accordingly.** When you attend the settlement conference you are representing yourself as a licensed professional. So, dress accordingly. This does not mean you should wear formal attire but at least wear slacks and a sport shirt. During one informal settlement conference, a licensed professional surveyor appeared before the Board in dirty jeans with holes and a dirty, worn flannel shirt. He had not just come from the field. In fact, he did not work in the field. He had driven from another city and deliberately dressed in this manner. Another appeared before the Board in a muscle shirt! These two “professionals” purposely dressed in this manner. Do not “follow the footsteps” of these two surveyors. If you have a complaint filed against you with your licensing Board, this is your opportunity to plead your case in front of the conference committee members (also professionals). I have another piece of advice … show up sober! It may be hard to believe, but some surveyors have actually attended the conference under the influence of drugs or alcohol. If you attend a settlement conference impaired, I can assure you that you will not get the benefit of the doubt.

2. **Be Prepared.** This is probably the most important part of your presentation. You should thoroughly know your file on the particular survey that is the subject of the complaint. Speaking of the file, bring everything associated with the survey including order forms, contract, research, notes you may have made, field work, field books, analysis files, plat, etc. You need to have an excellent understanding of the facts of the survey so that you can clearly substantiate your professional opinion.

3. **Do Not Put the Board Rule on Trial.** Frequently the surveyor requests the informal settlement conference so he can make the argument that the rule is the problem and not him. He will go to great lengths to try to pick the rule apart and explain the “proper elucidation” (as stated by one surveyor) of the rule to the Board members present. In short, this has never worked. And, the informal settlement conference is not the best venue for challenging the Board’s authority or rule interpretation.

4. **Be Polite.** The investigator and Board members will ask questions about the survey and your attitude in responding will be important. Do not be antagonistic, belligerent, or confrontational. The Board’s intent is to uncover the facts. The Board will also assume that the attitude you exhibit at the conference (or any other contact you have with the Board, for that matter) is the same attitude you exercised with your client. Therefore, be polite and respectful. The cardinal rule of surveying is to “follow in the footsteps of the original surveyor.” However, I suggest that you not “follow in the footsteps” of the surveyor who brought his response to the Board’s request for information in person to the Board office. He barged into the office, yelling “Here is your *%!@%* response!” as he threw the file at the Executive Director, scattering the papers around the office. Then he stormed out of the office slamming the door with enough force to knock the picture frames off of the wall. His attitude did not win friends and influence people. Well, he did influence people, but not in any way helpful to his complaint. While his actions were not considered when ruling on his complaint, his manner did support the complainant’s assertions.

5. **Show Corrective Action.** If you have made a mistake (and we all do), it is important to show that you have taken corrective action. Talk about procedures you have put in place to keep the mistake or oversight from happening again. For example, one surveyor created a checklist for performing a QA/QC review of each survey. He does not sign any survey that does not have the QA/QC paperwork attached for his review. He has the technician that worked on the survey initial the checklist so there is a paper trail of those who worked on each survey. He developed the checklist after receiving the notice of the complaint and realizing that there was a flaw in his checking procedures. The members on the committee were impressed with his initiative and took into account his atonement when ruling on his settlement. It is important to mention that the Board has never instituted disciplinary action against a surveyor for making a mistake.

6. **Apologize.** While it seems trite, make the effort to call the complainant and apologize. This, quite possibly, should be
your first course of action. Many complainants have asked that their complaint be withdrawn after speaking with the surveyor. While the Board cannot allow the complaint to be withdrawn, it will consider the request when making a ruling.

7. Communicate. While a majority of complaints are resolved at the informal settlement conference, the best complaint is one that was not filed. One of the most important ways to avoid a complaint is to communicate. Over the past several years many complaints have been filed simply to get the surveyor to contact the complainant. Since the surveyor would not return calls, the land owner had no other choice but to file a complaint. The complainant assumed that filing a complaint would force the surveyor to contact him. In more than one case the complainant only wanted additional copies of his survey. Others just wanted the surveyor to uncover the property corners (a task for which they were willing to compensate the surveyor).

One final tidbit of information … while you are perfectly within your rights to have an attorney present (and in some cases having your attorney present is helpful), the complaint is typically not a legal issue, and the informal settlement conference is not a court of law. The attorney will frequently want to argue the rule, challenge the TBPLS’ authority to regulate surveying, and present your case for you while having you refrain from speaking. However, the Board is interested in hearing from you, the surveyor. More often than not, the presence of an attorney at the informal settlement conference muddles the surveyor’s case. Hopefully, none of us will ever be in the position of needing to exercise these guidelines. We are all human though and will make mistakes. But, as of five years ago, the TBPLS had never sanctioned anyone for simply making a mistake.

Are you a social media savvy surveyor?
If so, be sure to follow TSPS on Facebook, Twitter, Instagram and LinkedIn:
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instagram.com/texassurveyor
linkedin.com/company/texas-society-of-professional-surveyors
See you out and about on the internet!

NEW MEMBERS

REGISTERED
Brandon Absher #6654 - Chapter 14
CivilCorp, LLC

Stanley “Thomas” Felts, Sr. #4625 - Chapter 5
BDD, Inc.

Zachary Keating #6668 - Chapter 2
Topographic Land Surveyors

Richard Kennedy #5527 - Chapter 2
Gorrondona & Associates, Inc.

Avelardo “Abel” Ponce #6032 - Chapter 17
GRVies Engineering Solutions LLC

Roger “Curtis” Smith #5494 - Chapter 2
Gorrondona & Associates, Inc.

Ivor Walker #5022 - Chapter 9
TxDOT

STUDENT
Tomas Arvizu - Chapter 5
Spooner & Associates, Inc.

Brett Gagliardi - Chapter 9
Lupher, LLC

ASSOCIATE/SIT
David Frankenfield - Chapter 2
U.S. Army Corps of Engineers

Kristopher “Kris” Greenwood - Chapter 13
McGray & McGray Land Surveyors, Inc.

Daniel “Dan” Putnam - Chapter 2
Transystems Corporation Consultants

Cory S lone - Chapter 18
MQI Land Surveying

James Watkins, Jr. - Chapter 5
Schrickel, Rollins and Associates, Inc.

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As we begin the New Year many of us commit to various resolutions. I, for one, have committed to living life to the fullest each day. As many of you know, I am fighting breast cancer. In 2017, I completed 16 rounds of chemotherapy and underwent three surgeries. In 2018, I will complete six weeks of radiation, 18 rounds of targeted therapy and two more out-patient surgeries. By December 2018 I will look back, smile knowing I am done and had some fun along the way! I am sharing this with the TSPS membership to express my gratitude for the overwhelming support I have received from you – the TSPS community!

Membership is the theme of this issue of The Texas Surveyor. I could focus my article on the many benefits of membership like discounted education, legislative representation, networking and leadership opportunities but I personally feel it’s the people that are TSPS’s greatest benefit – the TSPS community!

We have asked our members why did you join TSPS? Many had a mentor that got them involved; others attended a chapter meeting or convention and got hooked; and still others just want to be a part of their professional association. I know for the non-member and the inactive member, it’s hard to imagine how TSPS may benefit you. The true answer is, it’s the relationships that are formed when you become active in the TSPS community!

It may seem like an impossible task to get involved with work, family, etc. and I know it can be an anxious feeling to attend a meeting alone for the first time. Perhaps start with attending a chapter meeting and as a benefit/incentive earn one CEU. Reach out to your local chapter president and/or representative (all listed on the TSPS website) and let them know you are planning to attend the meeting. I assure you they will welcome you with open arms (well they may not hug you!). If you are attending a state event for the first time, call me and I will be sure you are welcomed into the TSPS community!

As I reflect on my personal resolution, hoping to not sound like a cliché, I realize it’s the people who surround your life that make it full. I am so fortunate to have family, friends and the TSPS community who have all been so supportive during this fight. I will end with a quote by Eleanor Roosevelt, “the purpose of life, after all, is to live it, to taste experience to the utmost, to reach out eagerly and without fear for newer and richer experience.” I hope membership in the TSPS community can be a new and rich experience for you.
Geomatic Resources
Dallas Office
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Continuing Education Policy

Trisha Lund, RPLS, Vice President & Membership Co-Chair

I hope 2017 has proven to be a good year for everyone and that 2018 is looking even better thus far. For me things have been extremely busy with the move to Houston and a starting at a new firm, but I am loving every minute of it! 2017 was a very good year for TSPS and membership overall held steady with many new faces joining the organization and a lot of young blood stepping up into leadership roles with the guidance of our esteemed veteran colleagues.

As we continue to move forward I would like to encourage and challenge every member to bring at least one (1) new guest to a TSPS Chapter or State event this year. Membership is a benefit to our profession and with that we want update everyone on a new policy that was adopted by the TBPLS on October 17, 2017.

The following is a copy of the policy that was adopted and further clarification from Paul Kwan, RPLS & TBPLS board member.

Continued Education Policy

• If an approved class has expired, can it be renewed by paying the renewal fee retroactive from the date of expiration?
  Answer: Yes, a course is approved for two years. Upon payment of a new renewal fee, the course can be renewed retroactive from the date of expiration. Once a course is approved, it should remain to be considered as an approved course unless the class content or instructors are changed.

• For ABET approved classes through an accredited institution, does the Board have a guideline as to the ratio of CEUs allowed/credit hour received?
  Answer: Since the rule change on the maximum number of CEU can be carried over, each survey related course completed during one semester in a university, junior college, and community college is awarded 16 hours. There is no sense to award more than 16 hours because they cannot be carried over anyway.

• In the past, the teaching of courses has been awarded twice the CEUs of the classes. Is this ratio of 2 for 1 still appropriate?
  Answer: Since the rule change on the maximum number of CEUs that can be carried over, an instructor of survey related course in a university, Junior college, and community college is awarded 16 hours per course. There is no sense to award more than 16 hours because they cannot be carried over anyway.

• Preparation of courses that will be submitted at a later date are acceptable for CEU credit. Would this be considered self-study and therefore limited to 4 CEUs. If not deemed self-study, should there be a limit as to the number of hours claimed?
  Answer: It is considered as self-study because the course may not be accepted by the Board for CEU. One policy the Board has adopted since late 1990s is awarded 8 CEUs to a surveyor who has successfully passed an examination to be licensed in another state. Mr. Robert Prejean, past TBPLS chair has relocated to North Carolina. He requested 8 CEUs for the studying to prepare for the North Carolina examination. This is the precedent establishing CEUs for studying to pass licensing examination in another state.

• Is the preparation and teaching of para-professional classes acceptable for CEUs?
  Answer: No, CEUs are generally not awarded to the instructors of para-professional classes because this is not considered as a way to improve a surveyor’s practice and increase professional knowledge. Civil duty is admirable but it is not acceptable to be considered as continuing education. However teaching surveying classes in a college or university is acceptable because they are part of an approved college degree curriculum.

• If a surveyor submits an Individual Course Approval form and backup information for a nonapproved class, is he required to pay a course approval fee to have the work approved?
  Answer: No, individual course approval has no fee. Only sponsors of CEU courses pay an application fee.

• If a surveyor submits a self-study form and backup information for self-study, is he required to pay an approval fee to have the course approved?
  Answer: No, self-study approval has no fee.

• Since the 1990s, the Board has adopted the policy to award a maximum of 8 CEUs for taking beginner CAD classes in AutoCAD and MicroStation. This encourages surveyors to learn CAD which improves ones knowledge. But it also discoures surveyors from taking multiple advance CAD classes just to satisfy their annual CEU requirement.

• Business management, risk management, business writing, basic economic courses are generally acceptable for CEUs.

• Courses related to Texas specific issues such as littoral and riparian boundary, sectionalized land, etc. generally required the instructors to be licensed in Texas.

• TSPS chapter meetings are awarded one CEU per meeting up to 4 CEUs per year with no limitation on the meeting topics. This is to promote professional development among surveyors. **Clarification via email with Paul Kwan, RPLS & TBPLS Board Member, “The Chapter should provide a certificate or receipt to the attendees for their CEU log. There is no need to have a sign in sheet unless the chapter wants to have one for their own record.” **
• CEUs awarded to courses and trainings offered by equipment vendors and software developers are depended on the actual hours applicable to surveying related topics. For example, a two day course on Geopak may only receive 4 CEUs if the majority of the class material is on roadway design application.

• Authorship of articles in magazines is not acceptable for CEUs unless the articles are peer reviewed. Trade industry publications such as The Texas Surveyor, Point of Beginning magazine, and American Surveyor are not peer reviewed for accuracy and technical expertise. Technical journals by ACSM and ASCE that have been peer reviewed are acceptable.

• TBPLS committee assignment and proctoring RPLS examinations are awarded CEU for participation.

• It is important to carefully critique online courses to ensure the courses have substantial value and the instructors are not “name only.” It is advisable to obtain the password from the sponsors to check the course presentation and contents.

• It is a good practice to randomly audit courses. The sponsors are required to provide accommodation to TBPLS to attend courses at no charge. Ben Thompson, Jim Childress, and I have showed up in many seminars to verify the accuracy of the course content.

Did you know...?
Members can track and print CEU certificates through the website for TSPS classes attended. Here’s how:

1. Login to your member profile on the TSPS website.
2. Click the Professional Development tab.
3. Click the Journal Entries tab.
4. Find the class you need a CEU certificate for and then click the print icon to print out or the email icon to email it to yourself.

Note: Classes and earned CEUs will not appear in member profiles until after each event.

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Surveyors Helping Surveyors

This year’s U.S. Atlantic hurricane season is officially the most expensive ever, racking up $202.6 billion in damages. – Insurance Journal, 11-28-17

Tens of thousands of Houston residents lack stable housing 3 months after the storm. … Over 22,000 of those without a home are children. … Officials say the blame falls on government agencies at all levels for not doling out aid fast enough. – Newsweek, 11-26-17

About 135,000 homes out of about 2.4 million in the Houston area were damaged or destroyed. … across the state of Texas, as many as 1 million houses out of 2.8 million suffered at least some damage. – USA Today, 11-14-17

Aransas County School Superintendent … said enrollment is down a fifth of its 3,300 total enrollment. … 97 percent of students fell into the state’s definition of homeless. – Austin American-Statesman, 11-23-17

The Storm

For many Texans, months have passed, the news coverage is gone, and their focus has shifted to other concerns. However for thousands of Gulf Coast residents, the nightmare continues. Holiday plans were held outside of the traditional locations (Grandma’s house is still not habitable, and besides, she is staying at Uncle John’s house anyway). Home improvement gift cards, carpet, and paint topped the shopping lists. Debris piles were decorated with holiday lights instead of homes and front yards. As 2017 came to an end, we looked forward to new beginnings, stability, and peace.

2017 brought so many tears, heartaches, and helplessness. It also brought the proverbial silver lining. Neighbors called on neighbors. Coworkers met on weekends to tear down walls (physical and emotional), and build them back up (just the physical ones). Carpooling was a necessity, but it also formed relationships that would not have existed otherwise. In my town, we coined “Houston Strong” and gave the Astros a rallying cry. We all sacrificed for each other. The Cajun Army showed us the way, and every fishing boat was a tool to assist others. Instead of “Nice weather, isn’t it?” we said, “Tell me what I can do for you.”

The Assistance

It came from every direction. Many surveying and engineering companies had fundraisers for their employees. J.J. Watt of the Houston Texans was everywhere, calling on celebrities to donate. Jim “Mattress Mack” McIngvale of local Houston furniture store, Gallery Furniture, opened up his showrooms and let people sleep on the merchandise. Austin, San Antonio, Fort Worth, and Dallas loaned us garbage trucks and the personnel to haul away the remnants of our battered lives.

Most importantly, we, the surveying community took care of our own. Many of you might not even have known it was happening. Contributions were made by individuals to individuals who had only met through TSPS events. Distant

TSPS Chapters gave to the Gulf Coast Chapter, then that money was distributed to TSPS members who were affected. The NSPS Foundation gave tens of thousands of dollars to individuals involved in the surveying profession.

The Foundation

I did NOT know the NSPS Foundation had a Disaster Relief Fund, and in the chaos of Harvey Week, I do not remember where I heard about it. They are now my personal group of angels. I assisted several people in filling out the applications for funds, signed their forms stating that I knew of their direct involvement in the surveying profession, and then waited for the decision on grants of money. I did not have to wait long. Within a day of submittal, the applicant would receive a phone call from one of the NSPS Foundation members. Most of the time, it was Joe Dolan who called. A kind, gentle man who happens to be a surveyor; and, who also had been a flood victim himself, forced to start all over rebuilding his home and his surveying company.

Joe would interview the applicant, determine the level of need, and then meet with the foundation committee to get a decision on the grant. Typically the decision was made within a day, and the check was cut and mailed. Literally within 3-5 days after the application was submitted, my coworkers and colleagues were standing holding a check. There were no government policy makers asking about what insurance, or FEMA, or the GLO was going to pay. There was immediate peace of mind. They could rest, knowing that although they were missing work (sometimes without pay), their family could eat dinner, get clean clothes, and think about the next steps for recovery.

In a recent article, Joe explained that the Foundation severely depleted their funds. Most of this was during the Harvey aftermath. In fact, $41,000 was granted to Texas surveyors, leaving approximately $19,000. And, when I met with him at Convention, Puerto Rico and the western states were starting to call in the wake of Hurricane Maria and wildfires. He explained that the Foundation is independent of NSPS and is a tax deductible 501(c)3 organization. It is run by volunteer surveyors to benefit those involved in our profession. By listening to his
story, I understood his compassion, and his calling to aid those who suffer. The Foundation is not a huge conglomerate of people. There are no lawyers, no marketing, no television ads. The money donated goes directly to the PEOPLE WHO NEED HELP. {What a concept.}

The TSPS Board had some funds that were set aside “just in case” during the 2017 budget plan ($57,000). When it was determined that these funds were not needed, we elected to pay RPLS dues to NSPS for 2018 (about $44,000) and the rest of the money will be donated to the Foundation.

**Your Action**

Donate: www.nsps.site-ym.com/donations/donate.asp?id=13326

Talk to the TSPS Board of Directors; talk to your local TSPS chapters; talk to the owners of your companies; talk to your spouse; talk to your accountant; tell them about the importance of funding this Foundation. Ask them to set up a consistent giving plan. I would love to tell the Foundation that we have replenished their coffers and are committed to maintaining a constant stream of income for future disasters. Since the dinosaurs, we know that another disaster is always coming. It is just a matter of time before it happens to us.

**My Story**

I personally saw a group of people (NSPS Foundation members) step in and take care of my friends and coworkers. Their response was immediate and effective. I met Foundation Chair, Joe Dolan, and found a kindred spirit, one who has experienced loss and became better because of it. I saw the look on my friends and coworkers faces when they opened the envelope and had the weight of an unconscionable burden lifted from their shoulders. I saw hope for the first time since the rain started falling.

---

**Surveying Glossary**

*Johnny Ingram, 2002*

A as in Angle and for Azimuth too, both are important and usually true; but so is Astronomic and Adjoiner too.

B as in Backsight and Bearing, names we all should know; like Brush, Bugs and Bites - always together go.

C as in Compass and Chain, over the hill we go; Calculate the Closure, fun - to this, the party Chief says no.

D as in Deeds and Distance, hand in hand they define; apply Dignity of call - let the Draftsman refine.

E as in Engineers and Easements, important names - I guess; then came the EDM, reduced our labor - now that’s real success.

F as in Foresight and Field notes are usually used to guide; whereas Field crew & Fire ants - together they ride.

G as in Ground shots & the Gunter’s chain, a term we use no more; now GPS, Geodetic and GIS - are new names in our store.

H as in Hammer and stake, together, they’ll always be; as necessary to a surveyor - as leaves are to a tree.

I as in Instruments, important as they are; they aid us in alignment and - guide us by a star.

J as in the Jacob staff, more equipment from the old; Judicial decisions, guide us now - at least that’s what we’re told.

K as in Keuffel & Esser, supplier of the past; another distance, the Kilometer - will we ever last?

L as in Links of old and Laser Levels new; Lietz then changed their name - but Lawyers still will sue.

M as in Metes & bounds, will this term remain? The terms Machete and Measure - will always be the same.

N as in Numeric, which means a Number, at least that part is true; even as a Meter - the unit is just new.

O as in “OUT”, a term uncommon now; Owners will forever try - their best to tell us how.

P as in Polaris and Plumb, terms which still remain; Pole & Perch, though unused - will always mean the same.

Q as in a Quit claim deed, it doesn’t give us much; but, it’s presence will sometimes “QUITE” a title - or at least help with such.

R as in Route & Right-of-way define, Residue & Riparian each, do much the same; a Rod, a Rock & Rodman too now are just a name.

S as in Semicircumferter and the Sextant too, instruments of old; there is Satellite & Sun Shot, new terms - at least that’s what we’re told.

T as in Transit, Theodolite & Tripod, more equipment from the past; Topography and Ticks, together, stick - like partners that last.

U as in Underground Utilities, a surveyor must sometimes find; even when you cannot see them - they should be on your mind.

V as in the Spanish Vara, defined as a Texas length; Vegetation, on the other hand - is measured by it’s strength.

W as in Warranty deed, a common legal name; a paper showing ownership - and title to the same.

X as in “X” out, mistakes made in your notes, never to erase; they may come back to haunt you, protection - just in case.

Y is for “Yes”, the answer, to questions you receive; “no”, is the best response - when you cannot believe.

Z as in Zeiss, equipment maker of old, Zenith is the angle in a vertical line; and is usually preceded - by a plus or minus sign.
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Introducing the Leica GS18 T, the first true tilt compensation solution that is immune to magnetic disturbances. The bubble no longer has to be centered. As a matter-of-fact, you can forget about the bubble. In addition to that, the system is calibration-free, so no long-winded procedures are required. Just turn it on and go.

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Jeff.ryall@leicaus.com
713-516-5446
Each year, Texas A&M – Corpus Christi reports the average age of Registered Professional Land Surveyors (RPLS) in Texas. In 2016, the average age was 57 years old. The average age of a RPLS actually hasn’t grown too much in the last ten years (about 2%); however, a more concerning growth is the percentage of RPLSs that are 65 years or older (28%). Ten years ago, it was about 18%. There are many factors that play into these numbers but one of them is certainly the fact that young people are not becoming land surveyors.

The Texas Society of Professional Surveyors (TSPS) has done an extraordinary job in promoting land surveying to our youth. We visit high school students, counselors, and conferences to promote our profession. Heck, TSPS even won the 2016 NSPS Public Relations Award for our recruitment efforts!

In my opinion, the greatest program that TSPS promotes is the SkillsUSA Land Surveying Program. It gives us a chance to get in front of our youth and, not only explain land surveying, we get to show them land surveying.

The SkillsUSA Land Surveying Program uses TSPS volunteers to teach high school students some of the basic fundamentals of land surveying including measuring angles, performing level loops, using a steel chain to measure distances, and writing field notes. We teach the associated math such as calculating azimuths, bearings, areas, and missing angles and distances. Students also study the Certified Survey Technician (CST) Level I material. The students use these learned skills to compete in District and State competitions towards the end of the school year.

I have been volunteering for SkillsUSA for about eight years now and we have seen continued growth in the SkillsUSA Land Surveying Program. What started as a small volunteering project in the Dallas-Fort Worth area has turned into the largest SkillsUSA competition in the State of Texas! I have seen high school students pass the CST exams, decide to pursue land surveying in college, and even enter careers in land surveying. None of this could have happened if it wasn’t for the TSPS members who have volunteered their time to educate the students and oversee their competitions.

My favorite success story involving a former SkillsUSA land surveying student occurred about five years ago. I was at a high school promoting SkillsUSA and one of the teachers mentioned that he saw a former SkillsUSA land surveying student working in the paint section at Home Depot. This same student had also just finished his Associates Degree in Land Surveying at TSTC-Waco. I called him and immediately offered him a job, which he accepted. He started working as an Instrument Man and is now a CAD Technician. He is also finishing up his Bachelor’s Degree in hopes to become a RPLS!

This is the time of the year in which high schools start reaching out to me to find volunteers to help prepare their students for competition. Why should you volunteer for SkillsUSA? It’s rewarding to promote land surveying to our youth, guiding them to place in their District and State competitions, and possibly finding your next great employee!
Texas Young Surveyors' Officer Team

Director:
Anna Burroughs

Region Coordinators:
Stuart Warnock
North Region Coordinator
(DFW Area)
Nick Vann
East Region Coordinator
(Houston/Beaumont Area)
Richard Neubauer, III
South Region Coordinator
(San Antonio Area)
Cole Strevey
Central Region Coordinator
(Austin/Waco Area)
Brady Stanford
West Region Coordinator
(Midland/Odessa/Abilene Area)
Bryan Gillis
Coastal Region Coordinator
(Corpus Christi Area)
Jerrod Stapleton
Panhandle Region Coordinator
(Amarillo/Lubbock Area)

Administrative Coordinator:
Danielle Pirtle

Social Media Coordinator:
Holly Swoger

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

2018 Regional Calendar

<table>
<thead>
<tr>
<th>Date</th>
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<tbody>
<tr>
<td>Jan 27</td>
<td>Round Rock 4:30 pm - Brass Tap</td>
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<td></td>
<td>(following TSPS Board Meeting)</td>
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<tr>
<td>Feb 22</td>
<td>Houston TBD</td>
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<tr>
<td>Mar 17</td>
<td>Fort Worth TBD</td>
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<tr>
<td>Apr 28</td>
<td>Round Rock 4:30 pm - Brass Tap</td>
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<td>May 12</td>
<td>Abilene 3:00 pm - Frontier Texas</td>
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<td>(Family and Friend Event!)</td>
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<td>Jun 28</td>
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<td>Jul 20</td>
<td>Austin - TENTATIVE</td>
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<td></td>
<td>General Land Office</td>
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<td></td>
<td>Tour &amp; Happy Hour</td>
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<td>Aug 3</td>
<td>Georgetown -</td>
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<td>TSFI Ray Wisdom Auction</td>
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<td>Sept 15</td>
<td>Dallas TBD</td>
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<td>Oct 4</td>
<td>Galveston - Young Surveyor Social</td>
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2018 State/National Calendar

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<td>Feb 16-17</td>
<td>TSPS Symposium, San Marcos, TX</td>
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<td>Feb 20-22</td>
<td>NSPS Spring Meeting, Las Vegas, NV</td>
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<td>Mar 18-24</td>
<td>National Surveyors Week</td>
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<td>Oct 3-6</td>
<td>TSPS Convention, Galveston, TX</td>
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<td>YSN Meeting, Maryland</td>
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<td>NSPS YSN Meeting, Maryland</td>
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Be sure to follow Texas Young Surveyors on Facebook for event information and details.
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, 2414 Exposition Blvd., Suite A-1, Austin, Texas 78703; telephone: (512) 477-6200; facsimile: (512) 477-1188.

1. Mechanics' and Materialmen's Liens
   Ritchey filed a lien affidavit related to concrete sand. The affidavit claimed a lien for “concrete sand and related freight charges (including applicable fuel charges).” Addison claimed “the lien improperly included freight and fuel surcharges because these items are not ‘materials’ under the property code.” Id. at 15. Property Code § 53.001 defines “material” as all or part of:
   (A) the material, machinery, fixtures, or tools incorporated into the work consumed in the direct prosecution of the work, or ordered and delivered for incorporation or consumption
   (B) the component items of the final price were properly included in the lien price
   (C) power, water, fuel, and lubricants consumed or ordered and delivered for consumption in the direct prosecution of the work.
   “Ritchey asserts that the freight or delivery was factored into the price of the materials sold, and it was therefore entitled to the lien price of the ‘material ordered and delivered for consumption’ and ‘fuel consumed in connection with the Project.’” Id. at 16. The court agreed.
   “Ritchey charged by the ton for the materials delivered to the Project. The invoices show the components of the final price—material, freight, and fuel surcharge. These components comprise the total cost per ton. The final price of the materials is based on the weight of the material, not the delivery distance. The weight is multiplied by the estimated material and freight components of the delivered price of the material during the bid process. The fuel charge is expressed as a percentage, and calculated from the freight component of the delivered price. The fuel surcharge is acquired from an index and is based on the variable rate of diesel fuel from the time the bid is placed to the time the material is ordered.

   Ritchey demonstrated that all three components (material, freight, and fuel surcharge) are added together to arrive at the final invoiced price of the material. The price charged is calculated by multiplying the tons of material delivered by the component rates for that material and freight. An additional percentage is then applied to the freight portion to obtain the fuel surcharge. The material and freight components are broken out on the invoices so that customers can track the proper application of the fuel surcharge. Ritchey does not categorize the freight value as a shipping charge, nor is it based on mileage. This evidence establishes the components of that which was consumed in the direct prosecution of the work, ordered and delivered for incorporation or consumption. Thus, the evidence shows that the component items of the final price were properly included in the lien price.” Id. at 16-17.

2. Ad Valorem Taxation
   “Francis owns three contiguous tracts of land in Parker County: a three acre tract, a one acre tract, and a nine acre tract. A home in which Francis lives is located on the one acre tract. The properties are contiguous, forming one thirteen acre tract of property.

   Prior to 2010, Francis had applied for and [PCAD] ... granted ... a valuation of the three acre tract as open space land for purposes of ad valorem taxes....[I]n 2010 and 2011, Francis applied for the residence homestead exemption on the three acre tract,” which PCAD denied. Id. at 2. Francis challenged the denial. The trial court ruled for Francis, applying the residence homestead exemption and the valuation based upon open space land.

   PCAD claimed “that land may not be used as a residence homestead and also be used principally for agricultural use so as to qualify as open space land.” Id. at 15. The court disagreed. Tax Code § 23.55(i) provides that “a parcel of land qualifying for open space land valuation does not undergo a change in use when it is claimed as part of a residence homestead.” Id.

   “PCAD also asserts that Francis’ construction of section 23.55(i) thwarts legislative intent to impose a tax penalty upon landowners for taking property out of agricultural production. PCAD contends that the rollback tax is assessed when the landowner stops using the land for agricultural purposes in order to recapture the taxes the owner would have paid had the property been taxed at market value for each year covered by the rollback.” Id. at 17. The court agreed with PCAD, “but here, Francis did not take his property out of agricultural production in 2010 or 2011. To the contrary, the stipulated facts and evidence before the trial court established that the three acre tract qualified for the open space land valuation throughout 2010 and 2011 because it was used principally for agricultural use. Moreover, the plain language of section 23.55(i) makes it clear that the legislative intent -- at least with regard to having landowners obtain open space land valuation of property that they subsequently may desire to claim as their residence homestead -- was to encourage such landowners by specifically providing that for purposes of rollback taxes, the use of open space land did not change solely because the landowner now claimed it as part of his residence homestead.” Id.
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<tr>
<td>Dallas</td>
<td>(972) 241-6001</td>
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<td>Fort Worth</td>
<td>(817) 335-3131</td>
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<tr>
<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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<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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</table>

For More Information Visit Us At: www.GeoShack.com
Winter Driving Tips
Joe Breaux, RPLS, TSPS Safety Committee Chair

For most of us, winter in Texas begins with cold fronts blowing in sometime in November and it continues into March. Depending on where you live in our great state, you may experience cold, ice, snow, fog, rain, or even heat. Temperatures can change in a matter of hours from warm, short sleeve weather to cold, blowing rain, dense fog and wet roads or ice or snow. Driving is for most of us, a major part of our lives, both in our work life and in our personal life. Winter is also a time for many who increase their driving due to hunting trips, holiday plans, trips to see loved ones or to take special family trips; and then there’s commuting to and from work.

Winter driving is sometimes tough due to the weather extremes. Changes in the weather calls for changes in our driving style and habits. But, that is not always the case with some drivers, who don’t seem to change their driving habits when weather conditions cause road conditions to become treacherous. I was recently driving to Austin early one morning and drove into a dense fog as I was about an hour out. I continued to drive but began to slow my speed as the fog thickened. My visibility was limited to about a safe following distance of 4 to 6 seconds between me and the vehicle ahead. So, I dropped my speed from 70 mph down to 60 mph, or less, and cars still zipped by me appearing to be going faster than the 70 mph speed limit. My visibility was extremely limited even after slowing down. Could those other drivers see through that dense fog better than I could?

So what can we do to drive more safely during the often hazardous conditions of winter. Hopefully the following presents something to think about as well as to provide some good tips for safe driving in the varying conditions of winter time.

**Winter Driving Tips.** Cold weather does take a toll on a vehicle. Routine maintenance of your vehicle is very important. Service your vehicle or have it serviced by a trusted mechanic. Check all fluids and make sure they are topped off, especially oil and the radiator. Keep the washer reservoir filled and use additive that will keep it from freezing as well as help to clean the windshield.

**Check Your Battery.** Cold weather can strain and weaken a battery more than in warm temperatures. A weak battery may not have enough power to turn over an engine and start it. Being stranded in cold can be most uncomfortable, even dangerous. If you suspect that your battery may be weakening, take your car to a shop or store where they can load test the battery before it fails. Keep your gas tank filled, at least to one half full or more. This can help prevent gas line freeze up. Also, being stuck in a traffic jam or stopped due to bad weather could result in long periods of idling or running the engine just to keep warm.

**Check Your Tires.** Keep tires properly inflated. Make sure that tires match, that all are radial or conventional. Mixing radial and conventional tires can cause steering, handling and stability problems as each type of tire has different handling characteristics. Inspect tires at least monthly for condition and proper inflation. As temperatures drop, tire pressure drops also. Proper inflation provides the optimum amount of tread contact with pavement for the best traction and safest ride. Too little tire pressure can cause heat buildup and tire failure. For the correct tire pressure look on the driver’s side door post or in the owner’s manual. Don’t go by the pressure on the tire since most tires have a wide range for minimum to maximum load carrying. Tread depth should always be greater than 2/32” to offer good traction and removal of excess water from the road surface. Also check tire side walls. If cracks begin to appear, it is past time to replace tires. In fact, by current standards tires most should be replaced every 5-6 years, regardless of remaining tread depth. For more information on tire age, recalls, replacement recommendations, and more, check these and other tire related web sites (also check tire manufacturer web sites):

- www.nhtsa.gov/equipment/tires
- www.discounttire.com/learn
- www.tirerack.com/content/tirerack/desktop/en/research_advice.html

**Know Your Brakes.** Most vehicles today are equipped with anti-locking brake systems (ABS). That means that when you hit the brake pedal hard to stop quickly, ABS will automatically pulse to keep brakes from locking up and potentially causing the vehicle to skid out of control. These brakes also may make a groaning sound when applied quickly, which is normal. For ABS to work properly, hold steady pressure on the brake pedal. Conventional brakes (without ABS) do require the driver to pump the pedal to avoid lock up and potential skidding. Knowing the type of brakes with which your vehicle is equipped can make a significant difference in performing the correct or incorrect action when braking quickly. If you don’t know the type of brakes on your vehicle, check the owner’s manual, contact the dealer or a competent mechanic.

**Check Windshield Wiper Blades.** If wipers don’t sweep rain/moisture from the windshield in one or two swipes, replace them. Sources recommend that wiper blades be replaced about every 6 months; more often if weather conditions are harsh (extremely hot or cold). Cold weather hardens the materials in windshield wipers and makes them less effective in removing rain, dirt and other objects from the windshield. Maintaining good visibility is imperative as weather conditions worsen.
Winter Driving Tips

Rain and Ice. Rain can cause visibility problems as well as driving difficulties. Winter rain can turn into sleet and ice when temperatures drop below freezing. Always slow down on wet pavement and slow down even more if conditions are icy. Allow more following distance between your vehicle and the one in front of you as reaction time may be delayed due to diminished visibility or wet pavement. Wet or icy pavement causes stopping distances to be significantly increased and the potential for hydroplaning is always there. Be more alert in rain, especially for others who don’t seem to be driving safely.

If you find your vehicle going into a skid on wet or icy pavement, don’t over react by over correcting. Steer in the direction you want the front of the vehicle to go and quickly remove your foot from the accelerator. Only brake lightly, constantly if you have ABS, and steer in the direction you want to go. If you over compensate, steer slightly in the other direction, but still in the direction you want to go. Far too many accidents are caused by overcorrecting when the driver loses control or the vehicle goes into a skid.

Fog. Fog can cause extremely hazardous driving conditions, too. These bad conditions include limited visibility, wet pavement, and reduced depth perception. Use extreme caution and restraint when driving in fog. Turn on your headlights but only on low beam, especially at night. Hi-beam lights are dispersed by fog and this causes an almost blinding glare to you, the driver.

Reduce your speed in fog and pay special attention to running up behind other vehicles that may be driving very slow.

Snow. Not all of Texas sees snow annually. Some almost never. But if it does snow, snow on pavement can cause a variety dangerous condition similar to all of the above mentioned conditions. Snowy pavement can be slippery and/or icy, wet or slushy. Driving while snow is falling is like driving in fog. If you encounter snow while driving, slow down, allow extra following distance and use all of the same precautions and tips mentioned above.

Cold alone doesn’t always pose a significant driving danger. But, mix that with wind, rain, fog, ice, snow, or any combination of these weather elements and road conditions quickly go from bad to worse, from hazardous to dangerous. These bad weather conditions warrant slowing down, increasing your following distance, allowing for extra braking distance and response time, and using extra caution. During bad, winter weather conditions, allow extra travel time so that you can arrive safely at your destination. This is not only safer for you and your passengers, but it’s safer for other drivers, too.
JOB LISTINGS

More job listings can be found online: www.tsps.org/networking

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
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Benefits:
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Land Surveying Company (West Houston-Katy, TX) is seeking a:
- Party Chief with a minimum of 3 Years Experience with ALTA/ACSM Land Title Surveys, Boundary and Topographic Surveys. Prefer experience with Leica Total Station, Carlson data collector and Leica GPS.
- Instrument person: 1 year experience required with Leica Total Station, Carlson data collector and Leica GPS.

We offer competitive wages, comprehensive Medical/Dental Insurance with HSA Account, vacation & sick leave, 401K and a good work environment. Applicants must be self-motivated, pass background check, drug test and have valid driver license.

Fax resume to 281-492-6026 or email to westbeltsurveyingjobs@gmail.com.

RPLS – FORT WORTH, TX
SEMPCO SURVEYING, INC.

Sempco Surveying, Inc. seeks RPLS for potential partner. Benefits include paid insurance, vacation, holidays, 401K plan and 4 day work week.

Please apply to our ad at https://www.indeed.com.

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3+ years of experience, with experience in Final plat & easement preparation, Boundary analysis, ALTA surveys, Legal descriptions and AutoCAD Civil 3D.

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Please apply via email to andrew@votexsurveying.com.

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Subscribe to receive notifications as jobs are posted online.

1. Visit www.tsps.org/networking
2. Click on Subscribe to login to the website
3. Select relevant categories, then save your preferences

You’ll receive an email alert for each new listing posted.

Happy job hunting!
## Attendee Information

One form per person. Please print.

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## Registration Fees

(Does not include hotel or meals)

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## Education Sessions

(All class sizes are limited – REGISTER EARLY!!)

### Friday, February 16

- 8:00 am – 5:00 pm *Manifest Destiny and the Bumbled Boundary* (8 hours) 8 CEUs/8 PDHs
- 8:00 am – 12:00 pm *Business Ethics - What You Should Not Sell!* 4 CEUs/4 PDHs
- 8:00 am – 12:00 pm *The Role of the Surveyor in Land Administration* 4 CEUs/4 PDHs
  
  Noon – 1:00 pm **Lunch On Your Own**

- 1:00 pm – 5:00 pm Business Metrics 4 CEUs/4 PDHs
- 1:00 pm – 5:00 pm *Retraceable Legal Descriptions* 4 CEUs/4 PDHs
- 1:00 pm – 5:00 pm Survey Procedures for Construction Layout 4 CEUs/4 PDHs
- 1:00 pm – 5:00 pm *Searching for the Truth: Texas Boundary Law Applied* 4 CEUs/4 PDHs

### Saturday, February 17

- 8:00 am – 5:00 pm Gradient Boundary Seminar (8 hours) 8 CEUs/8 PDHs
- 8:00 am – 5:00 pm Everyday Use of Texas State Plane Coordinates by Texas Surveyors (8 hours) 8 CEUs/8 PDHs
- 8:00 am – 12:00 pm Surveying - A Learned Profession 4 CEUs/4 PDHs
- 8:00 am – 12:00 pm **Study Group for RPLS Candidates** 0 CEUs
- 8:00 am – 12:00 pm **Survey Math 101** 0 CEUs
- 8:00 am – 12:00 pm **Survey Math 301** 0 CEUs
  
  Noon – 1:00 pm **Lunch On Your Own**

- 1:00 pm – 5:00 pm Understanding Your Client’s Needs (The Title Company) 4 CEUs/4 PDHs
- 1:00 pm – 5:00 pm *Abstract & Research: Skills for the Hunt* 4 CEUs/4 PDHs
- 1:00 pm – 5:00 pm **CST Exam Prep Course** 0 CEUs
- 1:00 pm – 5:00 pm **Survey Math 401** 0 CEUs

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

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## Payment:

- [ ] Check # __________ made payable to TSPS
- [ ] VISA  [ ] MC  [ ] AMEX  [ ] DISCOVER

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Payments made to TSPS are not deductible as charitable contributions, however, they may be deducted as a trade or business expense. Consult your tax advisor.
Looking for a partner for the long haul? You’ve found it. No matter your challenge, our staff, with a combined 350 years of experience in the industry, will use their expertise to make sure your solution is the smartest one possible. Whether you visit one of our 6 locations or call us, you’ll experience the WDS service and experience that keeps clients coming back for years.

Visit us at wds-us.com today.
Forums for TSPS Members

Forums are available at www.tsps.org 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

Login today to join the conversations!

List your card here!

Send a digital copy of your business card to Kristen@tsps.org or call 512-327-7871 for pricing.

Business for Sale

Twenty-Nine (29) year old Surveying business in Northeast Texas for sale. Gross Revenue for 2016 was $467,000.00. Turn Key business includes building, trucks, instruments, Topcon GPS stations (base and rover), computers, software, searchable job database. Price negotiable, owner willing to work a minimum of 2 years for transition. Owner Registered in Texas, Arkansas and Oklahoma. Phone (903) 701-0918, E-Mail at kennethlynch@lynchsurveying.com.
2018 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.

**YES! I would like to support SurPAC and its efforts by donating $_______________**

Please print:

First Name _____________________________________

Last Name _____________________________________

Employer _______________________________________

______________________________________________

Address ________________________________________

_______________________________________________

C/S/Z _________________________________________

Phone (________)________________________________

Email __________________________________________

Payment Information

☐ Check # _______

☐ VISA ☐ MC ☐ AMEX ☐ DISCOVER

Card # _________________________________________

Exp Date _______________ Sec. Code _______________

Cardholder _____________________________________

Billing Zipcode _________________________________

Please mail this form along with a personal check to:

TSPS SurPAC
2525 Wallingwood Dr., Ste. 300
Austin, TX 78746

Personal credit card donations can also be sent via:

Fax: 512-327-7872

Email: djkyle@tsps.org

www.tsps.org/SurPAC

**COMING EVENTS**

View more details and register for coming events at www.tsps.org/calendar.

**JANUARY 2018**

Jan 27 1st Quarterly Board Meeting
Austin Marriott North
2600 La Frontera Blvd. | Round Rock, TX  78681

**FEBRUARY**

Feb 16-17 TSPS 2018 Symposium
Embassy Suites San Marcos
Hotel & Convention Center
1001 E. McCarty Lane | San Marcos, TX  78666

**APRIL**

Apr 28 2nd Quarterly Board Meeting
Austin Marriott North
2600 La Frontera Blvd. | Round Rock, TX  78681

**AUGUST**

Aug 3-4 3rd Quarterly Board & Strategic Meeting
Sheraton Georgetown Texas Hotel & Conference Center
1101 Woodlawn Avenue | Georgetown, TX  78628

**OCTOBER**

Oct 3-6 67th Annual TSPS Convention & Tech Expo
Galveston Island Convention Center at The San Luis Resort
5600 Seawall Blvd. | Galveston, TX  77554

Oct 4 Annual TSPS Business Meeting
Galveston Island Convention Center at The San Luis Resort
5600 Seawall Blvd. | Galveston, TX  77554

**NOTICE:**

TBPLS Board meetings are now streamed live.

tps.org/tbplsmeeing

CEU credits not applicable. Per TBPLS: in order to earn hours you must physically attend the meeting and sign the sign-in sheet.
The Trimble® SX10 scanning total station redefines the capabilities of everyday survey equipment by providing the world’s most innovative solution for surveying, engineering, and scanning professionals. The Trimble SX10 will change the way you work by easily capturing 3D point cloud data and images that you can import directly into your native CAD software. **In stock at Martin Instrument and ready to deliver to your jobsite today! Call 512.282.4099!**

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