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The Texas Surveyor welcomes contributions from members. Submit original manuscripts or articles in Word doc format to DougL@tspso.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 jpeg format preferred. Include your name and identify the picture and all persons in photo. Email submissions to DougL@tspso.org. Hard copy submissions can be mailed to:

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Editor-in-Chief:
Trisha Lund
Managing Editor:
Doug Loveday

In This Issue
On the cover – Texas A&M-Corpus Christi’s Field Camp II was held January 10-15 on TSPS member Dale Moore’s property in Wauelder, Texas. Many thanks to Jeff Ryall of Leica Geosystems for providing survey equipment all week. See page 16 to learn more about the camp and how it has evolved over the years. (Photo courtesy of TSPS President Paul Carey.)

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On January 30th, the Board of Directors approved the 2016 Budget. The budget is included on pages 26-27. I wanted to take a moment to explain the Board’s reasoning in passing an unbalanced budget with ($7,471) in net revenue. Over the past several years TSPS’s goal was to replenish reserves that were used in 2010-2012. In 2014 $25,000 was deposited in the short term fund and $50,000 in the long term fund. In 2015 another $60,000 was deposited into the long term fund. Of course the balances in these funds fluctuate depending on current market conditions but as of December 31, 2015, $27,950 was in the short term fund and $604,572 in the long term fund. This is a $131,524 increase from 2013 in the long term fund alone. Because of this goal most of the funding for committee work/projects were cut so that TSPS could concentrate on strengthening its reserves..

Now that TSPS is in a better position to move forward, the Board wanted to reposition itself back into providing more member services and giving the dollars needed for committees to be successful in their charges. At the 2015 Annual Business meeting many active members spoke directly to this subject and asked the Budget & Finance committee to give serious thought to recommending their budget requests be approved. So you will notice a few new line items within the 2016 budget both on the income and expense side.

The 2015 year ended with net revenue of $17,686. The net revenue was not quite as high as the previous two years due to the office renovations at approximately $38,000 and lower than expected convention registrations. However when taking a closer look at the monthly financials there are several items that are included for proper accounting reasons but could be eliminated to show the actual net operating balance at year end (see chart below).

<table>
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<th>Net Operating Income</th>
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<td>Year End Net Revenue $17,685.70</td>
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<tr>
<td>Investment Income $(51,480.53)</td>
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<td>Unrealized Gain/Loss $47,429.11</td>
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<td>MS Investment Fees $5,748.74</td>
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<td>Depreciation $8,938.68</td>
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<td>Actual Net Operating $28,321.70</td>
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With an actual net operating of $28,322 and ($7,471) in budgeted net revenue, TSPS will still end 2016 with $20,851 in operating dollars. These factors and the Board’s commitment to support the committees all lead to the approval of the 2016 Budget.
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Recently, I have encountered several of my fellow licensees who seem to have difficulty with complying with the very authority which issues their license. In other words, the rules don’t seem to apply to them. Whether we are talking about rules of boundary retracement, administrative rules or rules of ethics, some of our colleagues aren’t allowing themselves to be limited by them.

For instance, I’m going to pick on the “fence-line surveyor.” Admittedly, there are occasions when the fence is the best evidence of a boundary location. That said, that case might exist after the rules of retracement have been exhausted, the footsteps of the establishing surveyor are lost, seniority has been addressed, monumentation has been unconfounded or disproven, course and distance have proven unfruitful and area is of no help because of wide variations from the record. Another case would be when the fence is described as the intended boundary in the original deed.

In a retracement of a 200-plus acre tract, 700 feet wide and three-plus miles deep – the product of a family heirship distribution years ago – I found that the partition deed described these tracts with single six-thousand vara lines, front-to-back. When I pulled the recent deed to the adjoining owner, I found that the last surveyor had created and recorded eight to twelve short courses on each of these long lines, apparently deflecting the boundary line at a point adjacent to every traverse point where a fence tie was made and at all found intersecting fences, beginning and ending at a steel stake “set” next to a fence post. I have yet to find legal justification for modifying a boundary line to accommodate the inability of the builder (or series of builders) of a fence to stay on a straight line. The only explanation for this practice is to placate the buyer or seller with the false assurance that the fence is “on line.” This reduces the survey to a mechanical measurement without regard for the law or for the rules of conduct or the ethical responsibility that a professional has to make a thorough examination of the evidence and apply their knowledge and experience to their best ability. Unless this is “to their best ability” or maybe they’re just lazy. A GISP can produce this product without the slightest knowledge of any boundary law or the rules of boundary construction. This kind of practice is very destructive to our effort to distinguish surveying from GIS.

When I am looking at a piece of rebar standing flush against a ten-to-twelve inch diameter fence post, I always ask myself, “which one was there first?” If the pin was there first, how likely is it to have remained “undisturbed” during the construction of the fence? If the fence post was there first and is the best evidence of the boundary corner, why off-set it with a survey monument, moving the boundary line off of the center of the post, other than to lend one’s self some unwarranted credibility?

“I have yet to find legal justification for modifying a boundary line to accommodate the inability of the builder (or series of builders) of a fence to stay on a straight line.”

– Paul Carey

There are other kinds of violators in our midst. Some of them seem to think that contracting a non-employee “party-chief” working remotely, hundreds of miles away, is ethical. I am not talking about a group of employees working on a project nineteen counties from the office. I am talking about offering services in a distant community from an un-registered branch office manned by an un-registered non-employee. Some call them “contract fieldcrews” but I have found that the operator of these remote offices are doing research, communicating with clients, conducting fieldwork and even producing surveys without one minute of supervision by a registered surveyor. One reason that there is a poor public perception of our professionalism is this kind of unprofessional practice.

I could go on, but I hope that I have made my case.

The Texas Board of Professional Land Surveying is the checkpoint that authorizes each of us to carry our seal and declare ourselves “Professional Surveyors.” The Board qualifies applicants, administers examinations and approves the graduates as knowledgeable and fit to serve the public, safely. This means that they certify that you and I have the knowledge and the training to conduct ourselves professionally. Most of the time they are right. So we must conclude that the aforementioned divergence from the professional pathway is a willful act and not the product of ignorance or poor training, it’s a matter of choice.

The Board monitors and investigates us as needed and imposes penalties for violations. The Board can even proceed to remove someone from our ranks if that action is found to be necessary. Investigations are initiated by complaints and the investigator will pursue the complaint on its merits and report back to the Board. Many investigations produce violations and result in “letters of voluntary compliance” and a fine. Some investigations reveal a pattern of unprofessional behavior. Recently the Board cited a surveyor for a violation that he was previously cited for more than a decade earlier. This indicates to me that this surveyor was allowed by the Board and by his peers, you and me, to practice unprofessionally for years, abusing the public trust and tarnishing our corporate reputation. And I know that he is not alone.

(See From The President, page 11)
The Board will require a “violator” to periodically provide a list of projects, to be sampled for violations, for months after settling their case. This procedure allows the subject the opportunity to clear their record by complying with our rules for a period of time. This process does not guarantee that this surveyor will not eventually revert to those same unprofessional practices again, as the one did in the case above. Nothing will, short of removal from our ranks. Had the investigation of this decades-long violator included research into his past, perhaps the victims of his choices during the subsequent decade could have been spared and the reputation of the profession could have been improved.

Investigation is not solely the duty of our Board staff. You and I also have a responsibility to ourselves and to each other to police this profession. If you find blatant disregard for rules or procedures it is your duty, as well, to act. Action might not be more that just keeping a file. If that file starts to get heavy, then it might be time to engage the Board. Clearly, we are human and we can make mistakes: I’ve been called out more than once. I am not talking about errors by oversight or omission; I am talking about blatant disregard or willful choice.

One of the reasons that the public has yet to see Surveyors as professionals is because we, as a whole, have failed to earn it. One of our failures is to allow practitioners that we know are producing inferior work to continue and to do so by underperforming and undercharging. As long as the client can get a product that performs the required function, like securing financing or enabling a transaction, and he finds that he can get that product for thirty to fifty percent of what it actually costs to properly produce that product the client will see those that are asking for the full price as the scoundrels. Last month I quoted a survey and received a curt email informing me that my estimate was 300% over the surveyors’ he hired. I honestly don’t believe I could even properly recover all the corners needed to correctly retrace this tract for that price, and neither can Mr. Lowbid.

Honoring your license and your community is what a professional does with their work. You do your best and you charge what you think it is worth. When a surveyor allows the market pressure to determine how much research will be done, how thorough our search for evidence on the ground will be and how carefully we will examine the evidence and appropriately apply the law, the science and the art that produces a justifiable and defensible boundary, he or she is abdicating their responsibility, harming the public and disgracing their colleagues and their predecessors.

As I have said publicly before, if we are going to see the public opinion of the surveyor improve, we will need to start with us. If we are going to see intelligent students choose surveying as a profession we will need to prove that it is one.
I want to thank President Paul Carey for asking me to serve as Chair of the Government Affairs Committee. I have been involved with this committee for many years and my years at the General Land Office and as a member of the Texas Board of Professional Land Surveying provide additional insight into the government processes. I certainly look forward to serving TSPS in this capacity.

I want to express gratitude to the former Chairs of this committee for their diligent leadership in carrying out the will of the TSPS executive committee, working with the executive and legislative branches of our state government on behalf of our profession, and for establishing an effective advocacy of our membership. The work by Mark Hanna, TSPS Legal Counsel, must also be acknowledged. Mark gets a lot of well-deserved accolades from the people who have the good fortune to work closely with him and I want to jump on that bandwagon. Mark is a tremendous asset to our association and this committee, providing excellent guidance on the legislative process and the ability to gain access to legislators. And, to all the members who attend, participate and contribute in the committee meetings, thank you too.

An important fact to know is the wheels of our government are always turning, not just during a legislative session. Sure, we need to be on hyper alert and ready to react when the legislators convene at the domed stadium in downtown Austin since things can happen quickly, but that is just 140 days every other year. A lot of necessary work can and does get done when the legislature is not in session. Here is a brief report of recent activities this committee has been involved in.

Members of the Government Affairs Committee Sales Tax Working Group (Bill O’Hara, Pat Smith, Dennis Walker, Jerry Fults and Mark Hanna) met on October 2, 2015 at the Texas Comptroller’s office with agency staff to discuss the list of Sales Tax Definitions developed by TSPS. The meeting was very productive. We left the meeting with a commitment from the agency staff to include the definitions in their publication and potentially adopt into their codes. The list of definitions provided to the Comptroller has been posted on the TSPS website for access by membership. Please note that Elevation Certificates are listed as a nontaxable service though the Comptroller’s Office views it as a taxable service because of the purpose (flood insurance) of the certificate. The ultimate desire is that all surveying services be nontaxable but until that happens it is imperative we land surveyors have a practical understanding of which of our services are taxable according to the Texas Comptroller’s office.

The Texas Railroad Commission posted proposed rule changes in the November 6, 2015 issue of the Texas Register. Section 3.86 (g)(6) of the proposed rules requires the certification of an RPLS or a PE on certain well plats. TSPS commented to the RRC generally in favor of the rules with the exception of allowing PEs to sign the plats and requested a public hearing. On December 17, 2015 RRC staff notified TSPS that they were going to delete all of 3.86(g)(6) because it was “not intended to disturb the existing authorities, duties and relationships existing between the Land Surveyor and Oil & Gas communities.” We called to request a meeting with RRC staff and were given that opportunity on December 21st. Mark Hanna and I met with three RRC staff members and reiterated TSPS’ general support of the rules except for the provision allowing PEs to sign certain plats but that we could live with it and requested they not delete 3.86(g)(6). They agreed to leave it in if TSPS withdrew the request for a public hearing. The request was withdrawn and the section was left in the proposed rules. The proposed rules were approved by the Commission at their January 12, 2016 meeting and were posted in the Texas Register on January 29th. For many years Texas surveyors, the TBPLS and RRC have been at odds over the notion that well plats clearly showing ties to real property boundaries were not “boundary” surveys and therefore not required to be signed and sealed by an RPLS. Although the new rules are not the panacea for all the problems regarding the RRC plat requirements, it is definitely a step in the right direction.

An issue concerning certificates of merit was brought to TSPS recently by Tim Soefje, an attorney in the Dallas area who spoke at a CEU class during the TSPS 2015 Convention in Dallas. During his presentation he stated that a Certificate of Merit is not required in a claim against a land surveyor and other design professionals when the claim is made by a “third party” plaintiff. Mark Hanna and I met with Mr. Soefje in January in Austin to discuss the issue. The matter has been brought to the Board of Directors.

Other issues the Government Affairs Committee continues to focus on are the Sunset Commission Review of the TBPLS in 2019, TBPLS rule changes, repeal of the sales tax on surveying services, consolidation of state agencies, the Rail Road Commission’s classification of surveyors as excavators, and whatever else gets brought to our attention. Lastly, I encourage all TSPS members to contribute money to SURPAC. It doesn’t really matter what you or I think about the political process, the fact is we have fostered some friends in the legislature who have listened to our concerns and helped us when needed; we need to return the show of support and contribute to their campaigns.

“It doesn’t really matter what you or I think about the political process, the fact is we have fostered some friends in the legislature who have listened to our concerns and helped us when needed; we need to return the show of support and contribute to their campaigns.”

– Bill O’Hara
Stranger to the Deed

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

A surveyor queried me in regard to a conversation he had with a neighbor’s attorney. The neighbor’s attorney claimed that the surveyor’s client did not have a right of way across the property belonging to the attorney’s client.

The surveyor pointed out as proof positive that his client’s easement was expressly mentioned within the deed of the attorney’s client. How can the neighbor deny an easement does not exist when the easement is described in his deed?

Background

Here are the facts with the names omitted.

The owner of parcel B (surveyor’s client) has wanted an easement for many years across parcel A (neighboring property) in order to access that portion of parcel B that could not be accessed without crossing a swamp. The owner of parcel A had always put off the request for an easement for parcel B by promising to convey an easement to the owner of parcel B at the time the owner of parcel A conveys his property. He was attempting to sell parcel A.

The owner of Parcel A, the neighboring property, entered a purchase-and-sales contract to sell his property. When the owner of parcel A conveyed his parcel, he inserted the following in his deed:

“Excepting and reserving from this conveyance a 20 foot wide easement along the northerly boundary of the above described conveyance for [the owner of parcel B], his heirs and assigns to access his property.”

Upon learning of this clause in the neighbor’s deed, the owner of parcel B obtained a survey locating the easement and planned to build a road across the neighboring property (parcel A). The new owner of parcel A objected to both the survey and the contemplated road to be constructed. A dispute ensued.

Unfortunately for the surveyor’s client (the owner of parcel B) the creation of the easement in the conveyance of parcel A was ineffective under the Stranger to the Deed doctrine.

Foundations for the Stranger to the Deed Doctrine

Under the Stranger to the Deed doctrine the law will not permit the owner of land to convey the land to one person and in the same deed to establish an easement in favor of another. In some jurisdictions, the stranger to the deed applies to all interests in property, not just an easement.

Under the Stranger to the Deed doctrine the creation of an easement to an individual not a party to the deed is not a valid conveyance. There are several reasons for voiding a third party transfer.

First, there can be no presumption of acceptance on behalf of a third party when the grantee to the deed accepts the deed conveying title to the property. There is no meeting of the minds. The easement to a third party is not a collimation of negotiations.
An Attorney’s Angle

Mark Hanna – TSPS Legal Counsel

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.

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.

Real Estate Cases - State Courts

1. Mortgages and Foreclosures

1.1 Mosby v. Post Oak Bank,
401 S.W.3d 183 (Tex. App.—Houston [14th Dist.] 2011, pet. denied).

Property Code §5.004 deals with execution sales. It states:

(a) A conveyance of real property by an officer legally authorized to sell the property under a judgment of a court within the state passes absolute title to the property to the purchaser.

(b) This section does not affect the rights of a person who is not or who does not claim under a party to the conveyance or judgment.

Section 5.004(a) does not affect the Bank, which was not a party to any conveyance in the execution deed, nor claiming under a party to any such conveyance, nor a party to the judgment.

1.2 Wells Fargo Bank, N.A. v. Robinson,
391 S.W.3d 590 (Tex. App.—Dallas 2012, no pet.).

For a party to recover damages for wrongful foreclosure and breach of the deed of trust, he must show that he has suffered a loss or material injury as the result of an irregularity in the foreclosure sale. In general, this is shown where the actions of the lender or note holder have caused the property to be sold for a grossly inadequate price. In such a case, the damages are measured by the difference between the market value of the land and the remaining balance on the outstanding mortgage debt. The recovery of damages is not appropriate, however, where title to the property has not passed to a third party and the borrower’s possession of the property has not been materially disturbed.

2. Home Equity Lending

2.1 Sims v. Carrington Mortg. Servs., L.L.C.,

The restructuring of a home equity loan that involves capitalization of past-due amounts owed under the terms of the initial loan and a lowering of the interest rate and the amount of installment payments but does not involve the satisfaction or replacement of the original note, an advancement of new funds, or an increase in the obligations created by the original note is not a new extension of credit that must meet the requirements of §50 of the Texas Constitution.

Capitalization of past-due interest, taxes, insurance premiums, and fees is not an advance of additional funds if those amounts were among the obligations assumed by the borrower under the terms of the original loan.

A restructuring of this type need not comply with §50(a)(6) because it does not involve a new extension of credit.

Repeated restructuring of a home equity loan does not convert the loan into an open-end account subject to §50(t).

(See Attorney’s Angle, page 15)
An Attorney’s Angle

Mark Hanna – TSPS Legal Counsel

(Continued from page 14)

3. Home Equity Lending

3.1 Fin. Comm’n of Tex. v. Norwood,
   418 S.W.3d 566 (Tex. 2013).

“Interest” for purposes of § 50(a)(6)(E) means the amount determined by multiplying the loan principal by the interest rate. The supreme court said the definition provided in the Finance Code should not be used in the home equity lending context.

Executing the required consent or a power of attorney is part of the closing process and must occur only at one of the locations allowed by the constitutional provision, i.e., only at the office of the lender, an attorney at law, or a title company.

3.2 Patton v. Porterfield,
   411 S.W.3d 147 (Tex. App.—Dallas 2013, pet. denied).

The common law rules for disposition of excess foreclosure proceeds apply to home equity lien foreclosures.

3.3 Williams v. Wachovia Mortg. Corp.,

The residual limitations period in Civil Practice & Remedies Code §16.051 applies to constitutional infirmities in closing a home equity loan.

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FIELD CAMP II

Accredited course provides TAMUCC seniors hands-on training

By Doug Loveday
TSPS Communications Director

Texas college and university surveying programs offer a wide variety of classroom instruction for the state’s future surveyors. And at Texas A&M University – Corpus Christi, students tie that learned knowledge together with a week of instruction in the field.

Field Camp II, taken during a student’s senior year, is a “… one-week field camp undertaking projects in cadastral, engineering, hydrographic, and geodetic positioning,” according to the 2015-2016 TAMUCC course catalog. The class also includes “… Reduction of digital field data to produce final plans and reports.”

In short, Field Camp II is where it all comes together for the student.

“We still do conventional surveying during the camp,” said Henry Kuehlem, a 14-year instructor at Field Camp II. “They use a total station and we actually traverse the property with angles and distances, and that’s a conventional instrument survey.

“They may have had the opportunity to use an instrument on campus or in Field Camp I (a course taken during sophomore or junior years), but this is the first time for them to be exposed to the whole process,” Kuehlem said. “The enlightenment they gain in a short amount of time is enormous.”

The camp has been held on the property of TSPS member Adjunct Prof. Dale Moore, who has played the role of host and surveying instructor for 16 years. His ranch is located in Waelder, Texas and the camp attendees at one time would actually stay in his ranch house during the week. A decade ago, however, the university purchased two FEMA trailers and placed them on the property for use by camp attendees. Each trailer holds five to six people, while a “bunkhouse” property is designated for female campers. Instructors now stay in the house or in RV’s they drive to the grounds.

This year’s Field Camp II was held January 10-15 and included 18 students, up from the average attendance of 12.

(See Field Camp II, page 17)
Field Camp II

(Continued from page 16)

That wasn’t the only growth either. “Now there might be six or seven instructors, RPLSs and LSLTs, coming in during the week,” Kuehlem said. Dr. Gary Jeffress, Professor and Director of the Conrad Blucher Institute at TAMUCC, also pays students a visit during the camp, as have other faculty.

Kuehlem’s invitation 14 years ago to instruct camp students was partly due to his involvement in GPS, whereas Moore was a more traditional traverse surveyor, he said. Students were then able to complete the same survey with conventional instruments and then with another instrument like GPS.

And today the camp, and its technology, continues to evolve.

“This year and last year we have exposed them to digital scanning and to UAV drones,” Kuehlem said. “We haven’t incorporated these into the day-to-day use in the camp, but we give them a few hours to see what they can do.” The new technology, however, doesn’t take away from the bottom line.

“We expose students to what it takes to get from point A to point F in the process of getting a survey to a client,” he said. The camp has also surveyed different parts of the Moore property until settling recently on a tract that has all of the components the instructors were looking for.

“This tract has witness trees,” he said. “There’s probably less than 1,000 surveyors, maybe less than 500, who have seen a true witness tree. Here, the students have a modern day survey (1940s) but one that has components that might be a hundred years old.”
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Former TSPS President Shane Neally (right) joined Texas Secretary of State Carlos Cascos February 18 at the Brook Hill School’s American Freedom Museum in Bullard, Texas.

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TSPS is off to a great year with more than 200 registered for Symposium in Beaumont. I feel sure that number will increase even more by the time this article is read. Many thanks to Chapter 6 for hosting the meeting and to the other chapters and companies who helped support Symposium.

On February 6, Doug and I were invited to attend the Chapter 18 meeting at the Frontier Texas Museum in Abilene. We were treated to a barbecue lunch, met some new members and toured the museum. We had a wonderful visit and very much enjoyed seeing the great turnout.

Remember March 20-26 is National Surveyors Week and to do your part in promoting the surveying profession. Both FindATexasSurveyor.com commercials are still available on YouTube as well as the Recruitment Campaign brochures for your use during this week.
**Professional Listings**

---

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President: Patsy Ingram  
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Email: pingram@unitedgeotech.com  
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Tyler, TX 75703  
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**Douglas W. Tatum, RPLS**

Survey Director  
IDS Engineering Group  
13333 Northwest Freeway, Suite 300, Houston, Texas 77040  
Phone: (225) 402-3179  
Fax: (713) 808-6426  
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903-593-0128  
903-592-5474  
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**Texas Surveyor/March 2016**

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The Texas Surveyor/March 2016
SAFETY CULTURE

SAFETY COMMITTEE

By Joe Breaux, RPLS, TSPS Safety Committee Chair

Safety is not just slogans or policy. Safety is not just a manual and procedures that are followed only when it is convenient. Safety is all of these, and it is also attitude. More importantly, safety is a culture or a "way of life," if you will. Safety must be taught, learned, practiced and supported. Good, safe procedures must be implemented and followed, always. A strong safety culture is necessary, and that goes for on the job or away from the job.

What is "safety culture?" Wikipedia defines it as "Safety culture refers to the ways that safety issues are addressed in a workplace." It often reflects "the attitudes, beliefs, perceptions and values that employees share in relation to safety." In other words, "the way we do safety around here."

The Occupational Safety and Health Administration (OSHA) website states that "Safety cultures consist of shared beliefs, practices, and attitudes that exist at an establishment. Culture is the atmosphere created by those beliefs, attitudes, etc., which shape our behavior. An organization's safety culture is the result of factors such as:

- Management and employee norms, assumptions and beliefs;
- Management and employee attitudes;
- Values, myths, stories;
- Policies and procedures;
- Supervisor priorities, responsibilities and accountability;
- Production and bottom line pressures vs. quality issues;
- Actions or lack of action to correct unsafe behaviors;
- Employee training and motivation; and
- Employee involvement or "buy-in."

The definitions may be a bit abstract, but we know that many accidents are preventable. That is often the determination made by an after the fact incident evaluation, so why are we surprised when accidents happen? If it is important for a company to have a strong safety culture, what does that mean? From these definitions above, a safety culture must include shared beliefs, attitudes and practices that shape behavior so workers willingly perform work tasks in prescribed ways that minimize the risk of danger to themselves, their tools or equipment, and their surroundings. It also means that top level management – owners, administrators, supervisors and leaders – must prioritize safety and provide strong support by promoting safety policies and procedures, training, motivation, responsibility and accountability. Workers must also be involved and have "buy-in" or willingness to follow the policies and procedures because they know and understand that it is for the best of all concerned. Action must be taken to correct unsafe behavior or practices. Worker buy-in is likely a better motivator than penalties, though responsibility and accountability are important in a strong safety culture, too. Worker buy-in is not only a willingness to follow policy, procedures, maintain and improve training, it should also consist of involving workers in the development of at least some policies, procedures or practices. Individual involvement creates “ownership” and the willingness to go beyond the minimum requirement.

How do we know that a strong, effective safety culture exists within a company? I know of companies that have a well thought out safety policy, a safety manual, they conduct regular safety meetings, and offer regular training and educational opportunities related to safety. Some even give safety awards or host dinners or other activities as a reward for no lost time due to injuries or accidents, or for other measurable successes in safety. Tracking accidents and safety violations and publishing the data helps to measure these successes. But, there are aspects of a safety culture that are intangible and difficult to measure such as values, beliefs or attitudes which may only be apparent by the reduction of incidents. That alone is a major accomplishment but, there's more to it. And developing a strong safety culture will most likely take time, though keeping workers safe is worth it.

How do you know that your company has an effective or maybe even an exceptional safety culture? In the article "25 Signs You Have An Awesome Safety Culture," by Mark Middlesworth, the author lists 25 points to evaluate a company's safety culture to help know the answer to that very question. I won't cover all of the 25 ways here, but those that seem important enough to top the list are the following:

- “There is visible leadership commitment at all levels of the organization.” That which an organization's leadership values will always show and always gets done. Leadership proves their commitment to safety through actions and empowerment of others.
- “All employees throughout the organization exhibit a working knowledge of health and safety topics.” Something valued is worth

(See Safety Culture, page 25)

1 OSHA at https://www.osha.gov

the time and effort. To be competent, one has to “know your stuff” and invest time for training.

• Another item that goes hand-in-hand with the above is “Safety is viewed as an investment, not a cost.” Time and money invested are worth it. Seeing that employees are trained is visible evidence of the investment. A strong safety culture takes resources, not just slogans and talk. If a constant battle exists for funding for safety matters, there is a significant weakness in the program and in priorities.

• “There is regular, facility-wide communication on health and safety topics.” A regular transfer of knowledge is critical to distribute knowledge. Communication about safety and health topics and issues is essential.

• “Employees are actively engaged in health and safety initiatives, producing tangible results for your company.” Employees who are engaged are more productive and work safer.

• “Safety is a condition of employment.” Safety is a fundamental value. An employee who does not share this value is a liability and should work elsewhere.

• “There is a clear definition of the desired culture the organization wishes to achieve.” The goal, a successful safety culture requires a plan, and a plan must be written down and clearly defined.

• “There is a concrete definition of what success looks like for your health and safety program.” One only knows what success is when it is well defined and goals are set.

• “There is meaningful involvement in health and safety from everyone in the organization.” Safety is a team effort that takes time, from every level of an organization, and everyone must do their job well.

Don't take my shortlist as a shortcut to an evaluation of a company’s safety culture. Check out the complete list of all 25 items. Evaluate your own safety culture to see if your company has “An Awesome Safety Culture.”

Why is a safety culture important in a workplace? There many different elements that combine to create a safety culture. Separately, each of these elements is important, but without all of them combined, a company, a workplace and the individuals involved are left vulnerable and more likely to have an accident, an injury or even worse. Let's not gamble on not having an accident, let's take the steps and create the atmosphere and attitudes of good safety practices and procedures that create an effective and strong safety culture. Let's eliminate or reduce the risks. Safety is not a cost, it is an investment that is worth the time and resources. Keep in mind that each of us has someone who wants us to return home alive and safe each and every day.
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<th>Income/Expenses</th>
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<th>15 ACTUAL</th>
<th>15 BUDGET</th>
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**Expenditures**

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<tr>
<td><strong>TBPLS Reg. Practices</strong></td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
</tr>
<tr>
<td><strong>Tx Assn Appraisal Districts</strong></td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
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<td><strong>TxDOT Liaison</strong></td>
<td>$320.00</td>
<td>$312.50</td>
<td>$200.00</td>
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<td><strong>TSFI</strong></td>
<td>$2,500.00</td>
<td>$4,725.00</td>
<td>$2,500.00</td>
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<td>$6,076.69</td>
<td>$9,500.00</td>
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<tr>
<td><strong>Executive Committee Travel</strong></td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
</tr>
<tr>
<td><strong>TOTAL OFFICERS &amp; COMM</strong></td>
<td>$42,770.00</td>
<td>$35,929.76</td>
<td>$41,577.50</td>
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</table>

**DIRECT MEMBER SERVICE**

<p>| Chapter dues rebate | $30,897.00 | $26,704.25 | $28,783.00 |
| NSPS Dues Rebate | $46,000.00 | $46,060.00 | $44,000.00 |
| <strong>Printing- General</strong> | $1,100.00 | $577.67 | $1,500.00 |
| <strong>Printing--convention</strong> | $8,000.00 | $7,018.98 | $9,000.00 |
| <strong>Printing--Symp</strong> | $5,000.00 | $6,294.89 | $5,000.00 |
| <strong>Printing--seminars</strong> | $3,000.00 | $2,540.94 | $5,000.00 |
| <strong>Seminar-Chapter Sponsored</strong> | $38,500.00 | $41,710.85 | $27,000.00 |
| <strong>Facility Rental--convention</strong> | $65,000.00 | $65,289.53 | $63,000.00 |
| <strong>Facility Rental--Symp</strong> | $9,000.00 | $20,592.47 | $12,000.00 |
| <strong>Facility Rental--Seminars</strong> | $8,500.00 | $8,402.43 | $10,000.00 |
| <strong>Speakers/Instructors--convention</strong> | $15,000.00 | $9,385.42 | $15,000.00 |
| <strong>Speakers/Instructors--Symp</strong> | $4,000.00 | $5,669.99 | $5,000.00 |
| <strong>Speakers/Instructors--Seminars</strong> | $3,000.00 | $3,275.44 | $3,000.00 |
| <strong>Special Events--convention</strong> | $15,000.00 | $16,796.23 | $14,000.00 |
| <strong>Transportation--convention</strong> | $500.00 | $919.42 | $1,000.00 |
| <strong>Trans-Symp</strong> | $- | $- | $- |</p>
<table>
<thead>
<tr>
<th>Item</th>
<th>Expenses</th>
<th>Income</th>
<th>Profit Split</th>
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<tbody>
<tr>
<td>Salaries--General</td>
<td>$243,400</td>
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<tr>
<td>Salaries--Convention</td>
<td></td>
<td>$179,223</td>
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<td>Salaries--Sym</td>
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<td>$28,809</td>
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<tr>
<td>Salaries--Seminars</td>
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<td>$13,957</td>
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<td>Payroll Taxes -- General</td>
<td>$19,500</td>
<td>$14,544</td>
<td>$4,956</td>
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<td>Payroll Taxes--Convention</td>
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<tr>
<td>Payroll Taxes--Sym</td>
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<tr>
<td>Payroll Taxes--Seminars</td>
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<td>Retirement expense</td>
<td>$7,300</td>
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<td>Insurance-Health/Disability -- General</td>
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<td>Insurance-H&amp;D--Convention</td>
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<td>Insurance-H&amp;D--Sym</td>
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<tr>
<td>Insurance-H&amp;D--Seminars</td>
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<td>Contract Services</td>
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<td>Contract Services-education/seminars</td>
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<tr>
<td>Depreciation</td>
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<td>Dues-Professional</td>
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<td>Repair &amp; Maintenance</td>
<td>$1,250</td>
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<td>Repair &amp; Maintenance--Bldg</td>
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<td>Office Supplies</td>
<td>$3,500</td>
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<td>$137</td>
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<td>Condo Association Dues</td>
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<td>$2,790</td>
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<td>Telephone + telecommunications</td>
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<td>Travel-ED--Convention</td>
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<td>Travel-ED--Sym</td>
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<td>$294</td>
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<td>Travel-ED--Seminars</td>
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<td>Travel-Staff</td>
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<td>Travel-Staff--Convention</td>
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<td>Travel-Staff--seminars</td>
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<tr>
<td>Insurance--Building</td>
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<tr>
<td>Insurance--D&amp;O and WC</td>
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<td>$3,003</td>
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<td>Insurance--Convention</td>
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<td>$581</td>
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<td>Printing-Other</td>
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<td>$14,142</td>
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<td>Bank charges/Credit Card Fees</td>
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<td>MS investment fees</td>
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<td>Postage-Generals</td>
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<td>Subscriptions/Publications</td>
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<td></td>
<td></td>
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<tr>
<td>Memorials--inc Final Points</td>
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<td>$300</td>
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<td>Janitorial</td>
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<tr>
<td>Taxes-property</td>
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<tr>
<td>Interest Expense</td>
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<tr>
<td>Miscellaneous General Exp</td>
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<tr>
<td>Utilities</td>
<td>$5,500</td>
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**TOTAL GENERAL EXPENSE**  
$437,983.00

**TOTAL EXPENSES**  
$909,225.00

**NET REVENUES (EXPENSES)**  
$(7,471.00)
**COMING EVENTS**

**MARCH**

**March 14-18**  
National Surveying and Mapping Conference  
The Hilton Hotel  
2399 Jefferson Davis Highway  
Crystal City, Virginia 22202  

**March 17-19**  
2016 Heart of Texas Boundary Retracement Seminar  
**Instructors include:**  
• D.G. (Greg) Smyth, RPLS, LSLS  
• C.B. (Ben) Thomson, RPLS, LSLS  
• Bill O’Hara, RPLS, LSLS  
• Davey Edwards, RPLS, LSLS, CFedS  
16 CEUs (includes 1 hour Ethics & 2 hours Standards, as approved by TBPLS)  
Wulff Cedar Creek Ranch  
Farm Road 765  
25 miles North of Brady, Texas  
Brady, Texas 76825  
The Heart of Texas Boundary Retracement at Wulff Cedar Creek Ranch in McCulloch County will be a modern day search for original survey corners. By utilizing county record information, GLO field notes, working sketches and aerial photos, the original surveys can be positioned within a small search area. See more details and a registration form on the next page, and sign up online today at [www.tsps.org](http://www.tsps.org).

**March 20-26**  
Texas & National Surveyors Week  
Learn more about this annual event on the National Society of Professional Surveyors (NSPS) website at [www.nsps.us.com](http://www.nsps.us.com).

**March 26**  
Certified Survey Technician Exam - Houston, Texas  
LJA Engineering, Inc.  
2929 Briarpark Drive  
Houston, Texas 77042  
**Proctor:** Heather Sides, RPLS, PLS, CFedS;  
hsides@ljaengineering.com  
**Proctor:** Victor Armenta, RPLS, PLS;  
victor.armenta@woodgroup.com  
TSPS office is no longer receiving applications. Send applications directly to NSPS (visit [www.nsps.us.com](http://www.nsps.us.com)).

**March 26**  
Certified Survey Technician Exam - Lubbock, Texas  
Hugo Reed and Associates, Inc.  
1601 Avenue H  
Lubbock, Texas 79401  
**Proctor:** Alan Cox; alan.cox@hugoreed.com  
TSPS office is no longer receiving applications. Send applications directly to NSPS (visit [www.nsps.us.com](http://www.nsps.us.com)).

**APRIL**

**April 16**  
Permian Basin Chapter 10 Golf Tournament  
Hogan Park Golf Course  
3600 N Fairgrounds Rd  
Midland, Texas 79705  
United States  
Visit the Community Calendar on [www.tsps.org](http://www.tsps.org) for more details.

**April 22-23**  
High Plains Experience Seminar  
LIT Ranch  
Channing, Texas  
Enter 16 CEUs at this annual favorite. Seminar hosted by TSPS Chapters 1, 10, 16 and 18.  
Visit the Community Calendar on [www.tsps.org](http://www.tsps.org) to view a brochure and paper register form, or register online today!
TEXAS RPLS - Round Rock, Texas area

An expanding Civil Engineering firm is in immediate need of a Texas Licensed RPLS in the Round Rock, TX area.

Job Requirements:

- Experience in platting, field notes, research skills, verification of street rights-of-ways, review of deeds for ownership and closure and review of legal descriptions for easements, covenants and abandonment is preferred.

- Knowledge of traditional total station based data collection, knowledge of GPS based data collection is a plus, staking, layout, ALTA survey, boundary survey, topographic survey, AutoCAD based drafting and plan preparation, public presentations, proposal assistance, scheduling, and job procurement.

Please email resumes to: assistantsurvey1@gmail.com

AUTOCAD SURVEY TECHNICIAN – Boerne, Texas

Texas Landmark Surveying is a family-owned and operated firm dedicated to integrity, excellence and customer service. Located in the heart of the Hill Country near the expanding suburb of Boerne, Texas, we are looking for a motivated and competent individual to join our growing team. The candidate must have a minimum of 2 years drafting experience with Autodesk Civil 3D. Experience with Autodesk LDD 2007 or Carlson Survey 2015 is a plus.

The CAD Technician’s primary function is to work under the supervision of an RPLS with responsibilities that include the processing of field data, preparation of ALTA/ACSM Land Title Surveys, boundary surveys, topographic surveys, construction stakeouts, elevation certificates, FAA 1A certifications, subdivision plats, and legal descriptions.

Position includes a flexible benefit package, competitive salary based on experience and drug-free, professional work environment. TxLMS will work with the right candidate by providing a flexible work schedule and education reimbursement to assist in obtaining the SIT Certificate.

Please send resumes to: rob@landmarksurveying.net No phone calls please.

FIELD INSTRUMENT OPERATOR – Boerne, Texas

Texas Landmark Surveying is a family-owned and operated firm dedicated to integrity, excellence and customer service for every project. Located in Boerne, Texas, we are looking for a motivated and competent individual to join our growing team. The candidate must have a minimum of 2 years of experience operating total stations and GPS equipment, be proficient down-loading field data, performing topographic and boundary surveys, construction staking, and field survey calculations. Experience with AutoCAD and TopSURV preferred. SIT certification is a plus.

Position includes a flexible benefit package, competitive salary based on experience and drug-free, professional work environment. TxLMS will work with the right candidate by providing a flexible work schedule and education reimbursement to assist in obtaining the SIT certification.

Please send resumes to: info@landmarksurveying.net No phone calls please.

CAD SURVEY TECH / RPLS CANDIDATES

Seeking CAD Survey Technician & RPLS candidates

Clean driving record

CAD:
3-4 yrs experience preferred
Microstation or Carlson proficient
RPLS:
Minimum 2 years crew leader experience
Proficient in Microstation, Trimble Office & RTK GPS, & Total Station
TDS
Victoria, TX
Goodwin Personnel 361-578-3636
info@goodwinpersonnel.com

RPLS - Dallas, Texas

The City of Dallas - Sustainable Development and Construction Department is seeking a licensed surveyor to review plats and survey field notes associated with private developments to ensure they meet applicable state laws and City Code. No field work is anticipated.

Must be a Registered Professional Land Surveyor (RPLS) in Texas and have a valid driver’s license with a good driving record. Must have basic PC and MS Office or similar skills and have the ability to perform geometric and trigonometric calculations. Experience in platting, field notes, research skills, verification of street rights-of-ways, review of deeds for ownership and closure and review of legal descriptions for easements, covenants and abandonments is preferred. Salary range is $53,614 - $91,100 annually and includes health and pension benefits.

For more information on this position or to apply please go to: http://agency.governmentjobs.com/dallas/default.cfm
Applications will be accepted until March 19, 2016.

OFFICE POSITION

Proficiency in AutoCAD, Carlson Survey and Microsoft Office preferred. Prepare land title surveys, topographic surveys, easement exhibits, subdivision plats. Write legal descriptions. Knowledge of residential/commercial construction is very helpful. If you possess the qualifications above and the desire to join a dynamic team, submit your resume with salary requirements to info@sprysurveyors.com.

SURVEY PROJECT MANAGER - Dallas, Texas

Gorrondona & Associates, Inc. is seeking a qualified Survey Project Manager in our Dallas office.

RESPONSIBILITIES:

- Prioritize and manage multiple projects within timelines and budget
FIELD PERSONNEL NEEDED

Well established Surveying Firm in the Northeast Fort Worth area seeking experienced Party Chief and Instrument Person for all types of surveying including primarily boundary, topographic surveying and construction staking.

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

Competitive salaries, retirement benefits and health insurance available.

Please respond by sending resumes to dwm@moaksurveyors.com or faxing to (817) 282-0401.

SURVEY INSTRUMENT OPERATOR

CRIADO has an immediate full-time opening for a Survey Instrument Operator, assisting in the daily surveying activities under the supervision of a Crew Chief. Experience in Trimble, Leica, Digital Leveling and TSC3 data collectors preferred. TxDOT experience, a plus.

Positions offer full benefits package. Salary is competitive and commensurate with experience.

Email resume to hr@criadoassociates.com or fax to 972-392-9192.

PROJECT MANAGER - Austin, Texas

Surveying And Mapping, LLC is looking for a Project Manager to join the Transportation team in Austin, Texas. The Project Manager reports to the Transportation Group Manager/ Senior Project Manager and is responsible for the supervision of one or more project surveyors and a team of survey technicians and field crews to complete large scale transportation survey projects.

Job Duties and Responsibilities

- Performs boundary analysis, ROW surveys, topographic/design surveys, and control for LiDAR/aerial mapping for large-scale route surveys for transportation clients
- Successfully coordinates and completes project scope, schedule and delivery
- Aids the Senior Project Manager in writing scope for RFQ’s and preparing fee proposals
- Maintains strong client working relationships and serves as client contact
- Sign and seal plats, field notes and control drawings
- Perform quality control check throughout the project schedule
- Other duties as assigned

Required Experience, Education and Skills

- 2+ years of experience as registered surveyor, with experience in Transportation market preferred
- TxDOT pre-certifications preferred
- Demonstrated experience in project/phase management for large-scale route survey projects

Send resumes to dstrauss@landpoint.net (281-465-8730 for inquiries)
• Strong technical skill set, including MicroStation/Geopak and MS Office
• Excellent writing and verbal communication skills
• Proven work history, strong work ethic, mentoring and team-player attitude

TO APPLY, please visit our career site at www.sam.biz/careers and click on Job# 16-1786.

We offer a best in class benefits package that includes company paid premiums for medical, vision, dental and life insurance, a VERY generous 401 (k) plan AND performance-based bonuses.

SAM is an EOE/Affirmative Action Employer M/F/D/V. If you are interested in applying for employment with SAM and need special assistance to apply for a posted position, please contact (512) 685-3556 to leave a message or send an e-mail to hraccommodation@sam.biz.

Surveying And Mapping, LLC (SAM) participates in the federal E-Verify Program.

USED GPS/GNSS SURVEY EQUIPMENT FOR SALE

Dawson Geophysical has recently upgraded all of its surveying and mapping GPS/GNSS hardware and are selling the no longer needed items at very reasonable pricing. We have a number of Trimble R8’s Model 2 and Model 3, R7’s, GeoXH and XT’s, TSC3’s and Leica GX1230’s as well as Laser rangefinders and a few total stations. Please go to this link to view what is available: https://www.32auctions.com/dawsonsurvey

REGISTERED PROFESSIONAL LAND SURVEYOR

Gonzalez-De La Garza & Associates, LLC (GD) is seeking a RPLS with five plus years of experience.

Desired Qualifications

Individual must possess working experience with TxDOT, as well as City, County and State entities. Must have TxDOT precertification in surveying categories. Experience should include but not limited to metes & bounds descriptions, easements, topography and boundary survey, ROW strip map, land development and as-built survey. Proficient with AutoCAD and Microsoft Word and Outlook.

GD offers a comprehensive benefits package to our employees.

If you are interested in applying please send your resume and reference to o hernandez@gd-us.com.

INSTRUMENT OPERATOR/RODMAN WANTED

McGray & McGray Land Surveyors, Inc. in Austin, TX has immediate openings for field crew: Instrument Operator and Rodman. Work for a well established survey company that has been surveying Texas for 34 years.

Multiple survey positions available

Precision Surveyors, Inc. is searching for outstanding candidates in Houston for the following positions:

Texas RPLS
Survey Tech
SIT or BS in Surveying
CAD Draftsman
GIS Technician
Research Assistant
Field Crew Chief
Jr Field Crew Chief
Rodmen

Excellent opportunity for stability and advancement.

Competitive Salary and Benefit package. Please send resume to jobs@precisionsurveyors.com

DIRECTOR OF SURVEYING

Location: DFW Regional Office, Richardson, Texas
Reports To: President, Baseline Corporation
Minimum Years of Experience Required: Ten (10).

Baseline Corporation is a Professional Land Surveying Firm headquartered in Houston, Texas, which has been in business for 40 years. With regional offices in Richardson and College Station, we have built our practice by providing quality land surveying for numerous clients throughout Texas, including the Texas Department of Transportation (TxDOT), other public sector clients to include cities, counties, special districts, as well as private developers. Baseline Corporation is a wholly owned subsidiary of Binkley & Barfield, Inc., a multi-disciplined engineering consulting firm with a focus on regional and state surface transportation, public infrastructure and utility projects. As a part of The

(See CLASSIFIED ADS, page 32)
Binkley & Barfield Family of Companies, we are an employee-owned firm who gains recognition from publications such as the Alfred P. Sloan Awards for Business, Houston Business Journal and Engineering News Record, as we continue to enhance our flexible professional environment by providing our employees with work/life balance.

The Director of Surveying for the DFW Regional Office will report to the President of Baseline Corporation and will assist Baseline through responsibilities and requirements which include, but are not limited to the following:

Job Requirements:

- Texas Registered Professional Land Surveyor (RPLS)
- Extensive experience with TxDOT, public sector work (cities, counties, utility districts, other agencies) and private land development
- Responsible for financial aspects of regional office
- Experience in Business Development to manage, grow and refine our DFW Regional office
- A passion for land surveying
- Detail oriented, can adapt to/focus on new technology and fit into our company culture
- Manage, train and mentor field and office employees
- Computer literate with a knowledge of MicroStation, GeoPAK, Civil3D, Carlson, Microsoft Office and other associated software
- GIS experience is a plus
- Read, write and speak fluent English

Baseline Corporation currently offers a competitive benefit and compensation package, which includes medical, dental, vision, life insurance, long term disability plans, 401k match and ESOP.

Send resume and salary requirements to info@baselinesurveyors.net.

RPLS - San Antonio, Texas

LNV, Inc. is a full service consulting firm comprised of architectural, engineering, surveying and construction experts who develop technically-sound and cost-effective solutions for both public and private sector clients.

LNV, Inc. is committed to customer satisfaction by providing responsive and practical solutions.

Currently seeking a Registered Professional Land Surveyor for our San Antonio, Texas office.

The right candidate must be able to supervise, review and sign survey drawings and documents. Responsible for management of office and field staff, interacting with clients, mentoring and guiding production activities. The successful candidate will oversee all day to day survey operations and assist in the development of the survey division.

Competitive salaries, comprehensive benefits and a great work environment are offered.

Please visit our website http://www.lnvinc.com/careers.html to learn more about the opportunities and to apply.

SURVEY OFFICE MANAGER

Stanger Surveying in Fairfield, Texas is seeking a Texas RPLS for Office Manager. Duties include the day-to-day operations, project administration from start to finish, field crew supervision, and quality control throughout. Candidates must have excellent management and communication skills. Proficiency in AutoCAD, Carlson Survey and Microsoft Office preferred. This is an established branch office that has been in business for over 10 years and the main office has been in business for over 25 years. Excellent compensation and benefits. Send resume to personnel@stangercorp.com, fax to 903-534-8060 or mail to 1595 E. Grande Blvd., Tyler, TX. 75703.

PARTY CHIEF / INSTRUMENT TECHNICIAN - Houston, Texas

MBCO Engineering, LLC is an engineering consulting firm based out of Houston, Texas that provides services in civil engineering, public works, public infrastructure and surveying in Texas. Currently seeking to fill the positions below in our Houston office.

Party Chief

Applicants must have 3+ years of experience as a Party Chief in topographical surveys, ALTA and boundary surveys, construction staking, and utility surveys a plus.

- Survey new construction projects and record survey measurements, changes and description data using notes, record drawing plans, sketches and inked tracings.
- Maintain accurate notes, records and sketches on work performed
- Prefer experience with Trimble, Nikon, and similar brands.
- Direct all phases of work of a field survey crew
- Calculate information needed to conduct surveys from plans, notes, maps, deeds or other means.
- Able to work 9/80 schedule with occasions overtime

Instrument Technician

Essential Functions and Responsibilities

- Will work primarily in the field as an I-man of three-person field crew and can take over if party chief is absent
- Prefer experience with Trimble, Nikon, and similar brands
- Knows how to run a Trimble GPS unit or similar
- Reads and understands plans and specifications
- Know basic sources of measurement errors
- Performs other duties as assigned
- Provide quality seamless customer service
- Know, understand and demonstrate safe working/operating methods of assigned tools and equipment
- Can work 9/80 schedule with occasional overtime

Please email resumes to: Jeremy.Kowis@mbcoengineering.com, brock.crenek@mbcoengineering.com

MULTIPLE POSITIONS - MULTIPLE LOCATIONS

Tri-Tech Surveying Company, LP has immediate openings in Houston, TX, San Marcos, TX and Lufkin, TX

(See CLASSIFIED ADS, page 33)
Principal job duties include but not limited to the following:

- Perform necessary work scopes primarily for home builder clients, commercial projects and/or engineers.
- Gain clear understanding of an adequate staff commensurate to the day to day workload. Ensure all company policy and procedures are followed accordingly.
- Ensure all new projects are assigned properly and manage workload.
- Ensure most efficient and cost effective methods are being used pertaining to orders, workflow, systems, delivery and file. Ensure deliverables meet quality control standards.
- Maintain process awareness on each job to ensure open line of communication and to maintain and enforce turnaround times to accommodate client’s needs. Review and compare the budgets to ensure goals of the company are being met.

Position requirements:

- Must possess current Texas Registered Professional Land Surveyor license
- 2 - 5 years experience as an RPLS
- Proficient in AutoCad
- Good managerial and communication skills.

**Land Survey Technician or Surveyor-In-Training (SIT)**

**Location: - Houston & San Marcos**

Seeking an experienced Land Survey Technician or certified Surveyor-In-Training. Must be able to produce and prioritize drawings for variety of land surveying projects including engineering, residential, commercial and oil/gas. Platting experience a plus!

Position requirements:

- Must be proficient in AutoCad
- Working knowledge of LDD or Civil 3D preferred
- Minimum 3 years related work experience or SIT certification

Pre-employment requirements include negative drug screening and a successful motor vehicle record.

Excellent benefits package.

Qualified candidates email resume to hrmanager@tritechtx.com or apply online www.surveyingcompany.com. EOE.

**OFFICE MANAGER - Oklahoma City, Oklahoma**

As the Oklahoma City Office Manager for SAM, you will plan, direct and coordinate all aspects of office operations, including management of project managers, staff surveyors, technicians and field operations. Additionally, you will be involved in business development and sales in all areas of company services and coordination with senior management for company operations. We are looking for someone with a unique mix of technical depth and business acumen to foster and lead the growth of a major office location. This is a rare opportunity to play a key role in a well-established organization with upward growth potential at the senior staff level – including an opportunity to advance to a shareholder position.

**TO APPLY, please visit our career site at www.sam.biz/careers**

An excellent benefits package, competitive compensation, relocation assistance and career advancement opportunities are just a few of the amazing benefits as a SAM employee!

SAM is an EOE/Affirmative Action Employer M/F/D/V. If you are interested in applying for employment with SAM and need special assistance to apply for a posted position, please contact 512-685-3556 to leave a message or send an e-mail to hraccommodation@sam.biz. Surveying And Mapping, LLC (SAM) participates in the federal E-Verify Program.

**TRIMBLE SURVEY EQUIPMENT AND SOFTWARE SALES**

Western Data Systems (WDS), founded in 1984 is the authorized Trimble Dealer for Texas and Oklahoma specializing in the sales, rentals, training and technical support for Geospatial, Marine, Utility, Environmental, Fleet Management and Oil/Gas/Chemical Industries. With six (6) offices serving Texas and Oklahoma, and one of the world’s largest rental fleets, we are able to provide unmatched customer service. WDS also manages the world’s largest Member-Owned VRS Network serving more than 1,500 users with additional Reference Stations and Members being added each year.

WDS is hiring a Survey Sales Representative for our San Antonio Office. Qualified candidates will have multiple years of experience in the Survey industry that includes a working knowledge of Trimble Equipment and Software. Successful candidates will also possess sales and customer service experience. Compensation includes a base salary with generous commissions. An attractive benefits package including employer-provided health insurance, vacation, and employee stock is also included. To apply, please send your resume to hou@wds-us.com or visit our website at www.wds-us.com/careers.html.

**LAND SURVEYING BUSINESS FOR SALE**

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

Listing Price: $399K
Total Sales: $515K
Cash Flow: $282K

For details, contact Donald Wendel at 214-751-3911 or by email at d.wendel@murphybusiness.com.
Imagine the havoc to title that could result if the acceptance of a grantee will bind a third party. Consider the situation where the owner of a parcel is burdened by an easement of necessity crossing the middle of his property. Every attempt to persuade the owner of the appurtenant property to move the location of the road in the easement has failed. Without a requirement for a third party in a deed to accept the conveyance, the owner of the burdened property could sell the property to his spouse reserving an easement to the neighbor in a different location much more favorable to the burdened property and much less favorable to the appurtenant property. Without the Stranger to the Deed doctrine to protect the owner of the appurtenant property, the establishment of an easement in this situation means that the “easement by necessity” no longer exists and its former location is extinguished.

A second reason for an easement granted to a third party to be void is that there was no consideration for the interest created in favor of the third party to the deed. Since there was no consideration for the interest conveyed to the third party (at least stated in the deed), the interest is not protected by the recording statutes.

A third reason for an easement granted to a third party to be void is that the easement conveyed will not be indexed and not found during a typical title search.

Consider the following ramification if the Stranger to the Deed doctrine did not exist.

If the creation of an easement to a third party in a deed of conveyance were permitted, the result would thwart notice of the easement during a title examination of the appurtenant property. Referring to the first scenario, the examination of the title to parcel B would never reveal the existence of the easement. A title search of parcel B’s title documents would never reveal a conveyance from the owner of parcel A to parcel B. Even if an abstractor, searching parcel B’s title were to look in the grantor/grantee index for title documents involving the owners of parcel A, the abstractor would never see a listing in the index where the owner of parcel A conveyed an easement to an owner of parcel B. It is not a reasonable and typical procedure for a title search of parcel B’s title documents to also examine each and every title document for the surrounding properties.

The fatality arising under the Stranger to the Deed doctrine could have been avoided if the grantor had first made a conveyance of the easement to the owner of parcel B by deed, followed immediately (if so chosen) with the conveyance of parcel A.

Some jurisdictions have abandoned or modified the Stranger to the Deed doctrine. Why shouldn’t the grantor be allowed to accomplish in one deed what can legally be accomplished in two? Is it much different from what the law has long permitted, for the grantor to convey, using just one deed, a life estate to one person and a remainder to another person?

Unfortunately for the surveyor who made the query that started this discussion, the jurisdiction where the properties reside continue to recognize the Stranger to the Deed doctrine. Even though the easement is cited in the neighbor’s deed, the neighbor is under no obligation to recognize the easement.

Knud Hermansen is a licensed surveyor, engineer, and attorney at law. He teaches in the Surveying Engineering Technology program at the University of Maine and offers consulting services in boundary retracement, surveyor liability, roads & easements, boundary litigation, and alternate dispute resolution.

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**GROWING SURVEY FIRM**

WINDROSE LAND SERVICES, a Houston-based Surveying Firm, has provided surveying and platting services for our public/private clients for 25 years. We have the following full-time positions available:

- R.P.L.S. Texas
- S.I.T.
- Survey Technician

Successful candidates must have a strong technical background with a desire to work in a fast-paced team environment.

If you are interested in a competitive salary and “big company” benefits, send confidential resume to: Jeanne.Kidwell@windroseservices.com

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World's First Self-Learning System

As the industry’s only solution with intelligent environmental awareness, the NEW Leica TS16, TS60, an M560 bring the field of surveying a step closer to artificial intelligence. Incorporating groundbreaking technologies, these instruments adapt to more than 200 challenging environmental conditions, ignoring all distractions in the field and remaining locked onto the sole target – yours. Along with an immersive 3D experience from our Captivate Software, you are empowered to do what you never thought possible and what others only wish they could do.

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jeff.ryall@leicaus.com
713-516-5446

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**Leica Network Rover Packages**

Starting at $11,495

**GeoMax Zenith25 Pro Packages**

Starting at $166.00 per month

**Spectra Precision SP80 Packages**

Starting at $239.00 per month