

BENCHMARK



THE NEWSLETTER OF THE SOUTH CAROLINA SOCIETY OF PROFESSIONAL LAND SURVEYORS

An affiliate of the National Society of Professional Land Surveyors

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GENERAL MEMBERSHIP MEETING

SATURDAY – APRIL 2, 2011
10:00 AM

OCONEE STATE PARK
MOUNTAIN REST, SC



Ladies' Auxiliary Outing at 10:00 AM
Lunch provided at noon
Hike to Ellicott's Rock at 1:00 PM

PRESIDENT'S MESSAGE

Dear Fellow Members:

First, let me say a huge "Thanks" to all who attended, participated in and helped with our recent Continuing Education Conference and Trade Show! Even with the lingering poor economy, will still had over 240 attendees during the two day event and 16 vendors set up on the trade show floor! Bruce King & the Education Committee did an excellent job in bringing in some top-notch instructors, and as always, Brenda and Kim did a fantastic job getting everything organized and making it run smoothly! If you have any

comments or suggestions on this year's Conference, please let us know. It's your input that helps us to continue to improve the Conference each year!

To update you on our insurance status; we have received several quotes from various underwriters and our Insurance Committee (Dennis Clinkscales, Chairman) is in the process of reviewing them for coverage and cost. The committee will report to the Board at its April 2 meeting at Oconee State Park

and from there, we will try to determine the best route for the Society to take. Speaking of April 2, that's the date of our first ever General Membership meeting to be held at Oconee State Park! During our 2010-11 planning session, we could not get a commitment that the renovations to Camp Buckhorn would be complete by the spring of 2011, so Oconee was chosen instead! Our General Membership meeting will be at 10:00 am, followed by a hotdog cookout. Then at 1:00 pm, for those who are able and adventurous, we are planning to hike to Ellicott's Rock/Commissioner's Rock (the corner of SC, NC & GA). Round trip, it will be approximately 7 miles. But for the historical and surveying aspects of the corners, it'll be worth some sweat & sore muscles! So consider making a weekend out of it and joining us at Oconee (for more info, see page 3). And for an extra enticement, Oconee State Park is offering a 45% discount on all online reservations for the cabins and campsites during the month of April (that's almost like paying for one night & getting the second free)! We hope to see you there!

Sincerely,
Dale C. Swygert, PLS
SCSPLS 2010-11 President



HOW WILL YOU SERVE YOUR PROFESSION?

We will have a new slate of officers coming up for the new year beginning July 1, 2011. As the surveying profession is changing, we challenge you to consider becoming more active in your Society and your profession by serving on a committee on the State level or in your own chapter. Being active will be an enriching experience both personally and professionally, and we would encourage you to get involved. Standing committees are appointed by the President and approved by the Board to assist the President and the Board. Their tasks are determined and assigned by the Board, working mostly as advisors to the Board by making recommendations on their specific tasks and/or duties. The Scholarship Trustees (Committee) is the only committee able to work completely independent of Board approval by the Declaration of Trust. No committee can set its own agenda. Make sure your chapter representative is attending the four designated Board of Directors meetings as well as general membership meetings this next year in order for your chapter to be informed and updated. A few voices can sway decisions that affect all of us.

Please take time to get involved in your local chapter and attend those meetings. By attending more chapter and general membership meetings, you can learn more about upcoming events and trends in your profession. Strength and power is in numbers. You need to rally support from your fellow practitioners, come to meetings and discuss these issues and offer support for each other. How many general membership meetings have you attended this year? At how many chapter meetings were you present? Get active and participate! You will be surprised what you will learn!

Did you know that the average age of the surveyor across the nation is 57 years of age? This suggests that you need to reach out and promote the Surveying profession among the youth, possibly hiring for summer work and mentoring into the profession. By getting involved, promoting the profession, and supporting the Society and local chapters, you are building a stronger foundation for yourself and those interested in the surveying profession.

"Every man owes a part of his time and money to the business or industry in which he is engaged. No man has a moral right to withhold his support from an organization that is striving to improve conditions within his sphere.

-Pres. Theodore Roosevelt, 1908

GENERAL MEMBERSHIP MEETING

APRIL 2, 2011

OCONEE STATE PARK

Mountain Rest, SC

624 State Park Rd., Mountain Rest, SC 29664 - (864) 638-5353

Oconee State Park offers the joys of a mountain retreat without the work. The historic park rests deep in the Blue Ridge foothills, with several picturesque but non-demanding hiking trails and well-kept cabins and campgrounds that have welcomed families for annual trips since the days the park was first built by the Civilian Conservation Corps during the Great Depression. The park's fishing lakes offer bass and bream and the woods are full of wildlife, fur and feather alike. Oconee State Park also serves as the southern trailhead for the Foothills Trail, an 80-mile wilderness hike on the dramatic Blue Ridge Escarpment on up to Table Rock. Adjacent to Sumter National Forest, the park also serves as a jumping off point to the nearby Chattooga and Chauga rivers, hotspots for whitewater rafting and trout fishing. For those wanting to take it easy, Oconee State Park is an ideal destination. After all, its mailing address is the town of Mountain Rest.

Make a weekend of it! Here are a few suggestions on what to do when staying at Oconee State Park:

- Visit South Carolina, Georgia & North Carolina from Oconee State Park. This tour through the Tri-State area has a lot to offer both the mind and soul. Pick up your day tour guide from the park office, grab yourself an R.C. cola and a moon pie and hit the road.
- Enjoy 25 waterfalls in the tri-county area of Greenville, Pickens and Oconee County which includes Whitewater Falls, the highest series of falls in eastern North America.
- Chattooga Ridge Stables (864-638-9479) offers local horseback riding.
- Take the short drive to Asheville, NC and visit The Biltmore Estate, America's largest home featuring gardens, an estate winery, dining and shopping.
- Visit Franklin, NC for gem mining and Dahlenega, GA for gold panning.
- Enjoy Whitewater Rafting with three organized guides all located within 15-20 minutes from the park.
- Have a Girls Weekend! Schedule a spa manicure, pedicure or get a massage at Perfect Nails in Seneca, and pamper yourself. Eat lunch at the English Garden Tea Room in Walhalla.
- Have a Fisherman's Weekend! Fish the Oconee State Park lakes for bass, bream, trout and catfish. Beat our record catfish of 28 pounds! Trout fish our many area streams including the Chauga River and Chattooga River. **State fishing license required.**

Directions: From I-85: Take exit 1 to Hwy 11 toward Walhalla. From Hwy. 11 take Hwy 28. Travel through Walhalla and continue for approximately 10 mi. Turn rt onto Hwy 107 and the park will be 2 mi on the rt.

Lodging Information: Cabins include a fireplace and are completely furnished, heated, air-conditioned, and supplied with linens, basic cooking and eating utensils, coffee maker and microwave. Thirteen cabins overlook the lake while six are in a secluded wooded area of the park. Cabin #12 is user friendly for the physically impaired. Pets are not permitted in the cabins or cabin area.

Reservations: To make a cabin reservation, call toll-free 1-866-345-PARK or make it online at www.scprt.com. **Reservations requested less than three (3) days in advance of check-in must be made directly through the park.** Discounted rates may be offered on cabins/villas for seasons in lower demand.

- **One Bedroom Cabin/Villa:** Five one-bedroom cabins which sleep up to four, include one double bed and fold-out sofa. Nightly rates are \$60-89/night.
- **Two Bedroom Cabin/Villa:** Nine two-bedroom cabins which sleep up to six, include two double beds and a fold-out sofa. Cabin nightly rates are \$65-104/night.

Note: Rates listed do not include applicable sales tax and nonrefundable transaction fee.

Meeting: SCSPLS General Membership will begin the meeting at 10:00 AM. Nominations for SCSPLS officers for 2011-12 will be accepted from the nominating committee and from the floor at the meeting for the following offices: Executive Board- President Elect, Vice Pres., Secretary, Treasurer; District Directors for Districts 1, 3 & 5; and NSPS Governor. If you are interested in serving in one of these positions, contact Mr. Lewis Moore, Nominating Committee Chairman. Persons nominated must be in attendance at the meeting or letter of acceptance presented.

Hike to Ellicott's Rock: We are planning a group hike to Ellicott Rock. We will carpool to Burrell's Ford Recreational Area to begin the 3.4 mile hike to the rock.

Ladies' Auxiliary: The Ladies' Auxiliary will meet at the Community Building #2 at 10:00am to plan their morning's outing.

SCSPLS GENERAL MEMBERSHIP MEETING SATURDAY, APRIL 2, 2011 - 10:00 AM

Community Building #2, Oconee State Park, Mountain Rest, South Carolina

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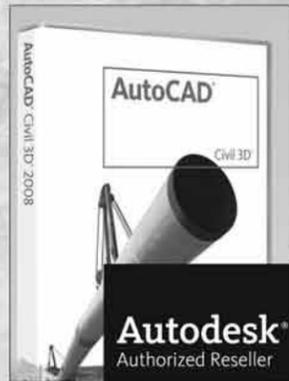
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AGENDA

Welcome:

Meeting Format: Robert's Rules of Order,

Agenda Approval:

President Dale Swygert
President Dale Swygert
President Dale Swygert

CONSENT AGENDA FOR THE FOLLOWING ITEMS:

1. Minutes of General Membership Meeting:

December 4, 2010
Frankie Manhardt

2. Financial Report:

3. Delegate Reports:

- SC Council of Eng. & Surv. Soc.
- NSPS Governor
- SMAC/GIS Delegate
- SC Utilities Committee
- The Auxiliary

Carl Bostick
Henry Dingle
Ben Christensen
Aaron Taylor
Charlotte Swygert

4. Chapter Representative Reports:

- Aiken Chapter
- Central Chapter
- Coastal Chapter
- Foothills Chapter
- Grand Strand Chapter
- Low Country Chapter
- Midlands Chapter
- Mid-State Chapter
- Northwest Chapter
- Pee Dee Chapter
- Thomas C. Anderson Chapter
- Tri-County Chapter
- Upper Piedmont Chapter

Bill Tripp
Thomas Andersen
Nancy Frasure
Billy Martin
Erwin Balk
Ray Cook
George Bradley
C. A. Shealy
John Long
Ferrell Prosser
Wayne Reynolds
Bill White
Mike Byars

5. District Director's Reports:

- District 1
- District 2
- District 3
- District 4
- District 5
- District 6

Chuck Dawley
Dennis Johns
Tom Abraham
Dennis Clinkscales
Burnett Jenkins
Mike Culler, Jr.

6. Committee Reports:

- Activities & Programs
- Constitution & By-Laws
- 2011 Convention
- Education
- Ethics & Standards of Practice
- GPS-VRS
- Insurance
- Internet Committee
- Legal & Legislative
- Membership
- Newsletter, Plat Contest, SOY
- Past Presidents Council
- Public Relations
- SC State Parks Committee
- Scholarship Committee
- Survey Contest
- Yearbook

Aaron Leach
Ronnie Tyler
Ben Christensen
Bruce King
Bobby Foster
Chuck Dawley
Dennis Clinkscales
Frankie Manhardt
Dennis Johns
Kent Hudson
Kent Hudson
Lewis Moore
Chuck Dawley
Mike Culler, Jr.
Robert Praete
Aiken Chapter, Bill Tripp
Aaron Leach

NORMAL AGENDA ITEMS:

Business:

Board of Prof. Eng. & Surveyors' Report
Insurance
Nomination of Officers for 2011-12
Chairman

Gene Dinkins/Thurl Amick
Dale Swygert/Dennis Clinkscales
Lewis Moore, Nominating Committee

Closing Comments

Adjournment

President Dale Swygert

WELCOME NEW MEMBERS

The following new members were approved at the February, 2011 Board meeting:

Full: Watts B. Fearrington, Jr., CH Engineering, PLLC, Raleigh, NC; Peter M. Messier, Clemson University Civil Engineering Dept., Clemson, SC; Thomas H. Robertson, Cranston Engineering Group, P.C., Augusta, GA;

Associate: Michael D. Goodfred, Withers & Ravenel, Cary, NC

Complimentary: Patrick L. Hajes, Cornerstone Surveying & Engineering, Goose Creek, SC; Samuel N. Harris, Taylors, SC; Justin A. McDaniel, Greenville, SC; Ryan R. Petersen, Charleston County Public Works, Mt. Pleasant, SC; James W. Webster, Jr., Ducks Unlimited, Inc., Charleston, SC

Emeritus: Bobby L. Hicks - Lind, Hicks & Assoc., Surveyors, Inc., Florence, SC; Warren P. Jenkins, Mt. Pleasant, SC; Milledge L. Wilson, Sr., Milledge L. Wilson, Sr., PLS Land Surveyor, Prosperity, SC

In Memoriam

C. Ashley Abel, PLS

April 8, 1933 – January 19, 2011

Archie S. Deaton, PLS

July 14, 1930 – February 24, 2011

CONGRATULATIONS!

The S.C. Department of Labor and Licensing announces the following were recently licensed as a Professional Land Surveyor and Land Surveyor in Training:

Those passing PLS exam in October, 2010:

Steven L. Barrineau	Samuel N. Harris
Edward M. Belken	Ray W. Harvie
Brian Bonds	Justin A. McDaniel
Stephen W. Brockmeyer	Ryan R. Petersen
Charles A. Garcia	Jeffrey W. Sawyer
Patrick L. Hajes	Eric A. Walcher
Ernest Hardin	James W. Webster

Those passing LSIT exam in October, 2010:

L. Bruce Abbott	Everett T. Johnson
Edward F. Brooks	Justin R. Kesselring
Barry H. Brown	John B. Smith



*“Ambition is the path to success.
Persistence is the vehicle you arrive in.”
-Bill Bradley*

Albert G. Wolfe Given Life Service Award

Albert G. Wolfe was presented with the SCSPLS Life Service Award on December 1, 2010, at the Upper Piedmont Chapter Christmas banquet held at The Piedmont Club in Spartanburg, SC. Mr. Wolfe was nominated by fellow surveyors Joe E. Mitchell, Jr. and William C. Martin.



Mr. Wolfe served his country in 1958 as a Surveyor for Field Artillery. He retired with the rank of Colonel after being awarded the US Army Meritorious Service Medal.

While marrying and building his family of three children and eight grandchildren, Mr. Wolfe was employed by the SC Highway Department as a construction surveyor. During this time, he began cultivating a private practice in land surveying. He continued his private practice with a joint teaching career, teaching Surveying and Construction Layout at Spartanburg Technical College. In 1972 he joined a partnership in the surveying business that lasted 24 years. Since 1996 he has again been self employed as a professional land surveyor. He is active in many local civic organizations, as well as The First Baptist Church where he has taught Sunday school for 26 years.

Mr. Wolfe was instrumental in organizing the Upper Piedmont Chapter of SCSPLS and served as the Chapter's first president. He continues to be a tremendous asset to the Upper Piedmont Chapter. He is responsible for starting the Chapter newsletter and takes the initiative to spearhead the Chapter's effort in providing continuing education on the Chapter level.

Mr. Wolfe has been an active member of the South Carolina Society of Professional Land Surveyors since 1964. He attended the first convention of SCSPLS and served as District Director for his region. In his capacity as District Director, he faithfully attended state society meetings all over the state, representing the surveyors in his area. Because of his dedication on the local, district, and statewide levels for the profession of land surveying, Mr. Wolfe is awarded the Life Service Award.

SCSPLS LIFE SERVICE AWARD RECIPIENTS

The SCSPLS Life Service Award recognizes lifetime contributions toward the advancement of land surveying as a profession in South Carolina. The SCSPLS Board of Directors voted to approve the Policy Statement of the SCSPLS Life Service Award at the April 26, 1996 Board meeting.

The following are recipients of this award:

1. **Mr. Sid Miller**, Easley, SC, Convention 1996, Springmaid Beach, Myrtle Beach, SC
2. **Mrs. Mary M. Law**, SC Department of LLR, Columbia, SC, July, 1996, SCESS Awards Dinner
3. **Mr. Gary Thompson**, NSPS Area 3 Governor, Convention 1999, Landmark Hotel, Myrtle Beach, SC
4. **Mr. Thurl and Mrs. Helen Amick**, Simpsonville, SC, 2000 Convention, Landmark Hotel, Myrtle Beach, SC
5. **Mr. Larry Coker**, Lexington, SC, Convention 2003, Kingston Plantation, Myrtle Beach, SC
6. **Mr. Al Whitworth**, Lexington, SC, 2003 Convention, Kingston Plantation, Myrtle Beach, SC
7. **Mr. Terry M. Watson**, Conway, SC, 2005 Convention, Kingston Plantation, Myrtle Beach, SC
8. **Mr. Charles J. Ido**, SC Department of LLR, Columbia, SC, 2006, Convention, Kingston Plantation, Myrtle Beach, SC
9. **Mr. Joe H. Baird**, Clover, SC, 2007 Convention, Kingston Plantation, Myrtle Beach, SC
10. **Mr. Edward F. Woodward**, Rock Hill, SC, 2009, Given while a patient at Hospice House & Com. Care, Rock Hill, SC
11. **Mr. Gene L. Dinkins, Sr.**, Columbia, SC, 2010 Convention, Wild Dunes Resort, Isle of Palms, SC
12. **Mr. Albert G. Wolfe**, Inman, SC, 2010 Upper Piedmont Chapter Christmas Banquet, The Piedmont Club, Spartanburg, SC

The Duty of the Professional Land Surveyor

Kristopher M. Kline, P.L.S. L-3374



In discussions with other surveyors over the years, I have heard the opinion stated that "If the client just wants a line staked between existing marks (even if placed by the client himself), that the surveyor is justified in marking the line without making any attempt to determine whether or not the line staked is, in fact, the boundary line". To what extent does the responsibility of a professional land surveyor extend beyond merely satisfying the client?

The North Carolina standards of practice clearly require the surveyor to "...conduct the practice in order to protect the public health, safety and welfare." 21 NCAC 56.0701(b) The Rules of Professional Conduct from which the preceding quotation was drawn apply to all professional land surveyors licensed in North Carolina and to all work performed by that surveyor. In addition, the recent changes to 21 NCAC 56.1602(f) now require that "results of a survey shall be reported to the user of that survey as a map or report of survey and, whether in written or graphic form, shall be prepared in a clear and factual manner." This slight change clarifies the principle that all surveying work performed in this state should conform to the Standards of Practice, even seemingly insignificant bits of work such as "just finding one property corner" or "just flagging a line for a fence". In truth, given the common occurrence of lawsuits over property lines in this country, there is probably no longer any such thing as an insignificant survey project.

One argument offered in support of the opening premise of this article has been that "If the surveyor informs the client that no deed research has been performed, that his disclaimer to that effect fulfills the surveyors' responsibility". Unfortunately, this verbal disclaimer is ineffective for three reasons:

- (1) The neighboring landowner is unlikely to hear of or understand this abdication of responsibility, and both parties are likely to treat the marked line as the professional opinion of a professional land surveyor;
- (2) 21 NCAC 56.1602(c) requires that: "With respect to investigation of property boundaries and recorded easements, the surveyor shall examine the most recent deeds and recorded plats adjacent to the subject property as well as all deeds and plats recorded after the date of the deed or plat upon which the survey is being based (the survey reference deed or plat)." And
- (3) The basic responsibilities imposed upon us by licensure cannot be brushed aside by a mere disclaimer (whether verbal or written). During the course of some recent research, I contacted Mr. David Tuttle, board counsel for N.C.B.E.L.S. and asked "if a surveyor can use a disclaimer to avoid doing something that is specifically required by the Standards of Practice". Mr. Tuttle's response was as follows: "A P.L.S. cannot disclaim something that is required by the Standards of Practice or other law. I don't know

of specific references, other than when the Board issued statements in a News Bulletin that surveyors could not put a "Preliminary" on documents that were actually issued as final, just to avoid responsibility for the survey. In a way, that was a disclaimer. To put a disclaimer from something that is required by law is to admit to a violation of the law. That is the best way that I can put it..."

One issue which may become of more concern to the Professional Land Surveyor is the subject of Slander of Title. Although cases of this type involving a surveyor are uncommon, one came up recently in the South Carolina opinion *Greene v. Griffith* (Unpublished Opinion No. 2004-UP-056 Heard December 12, 2003 – Filed January 29, 2004) This opinion states: "In South Carolina, slander of title has been recognized as a common law cause of action. See *Huff v. Jennings*, 319 S.C. 142, 148, 459 S.E.2d 886, 890 (Ct. App. 1995) (holding that, although the court was directly addressing a claim for slander of title for the first time in South Carolina jurisprudence, "South Carolina law, through its incorporation of the common law of England, recognizes a cause of action for slander of title"). To maintain a claim for slander of title, our courts have held "the plaintiff must establish (1) the publication (2) with malice (3) of a false statement (4) that is derogatory to plaintiff's title and (5) causes special damages (6) as a result of diminished value in the eyes of third parties." *Id.* at 149, 459 S.E.2d at 891 (adopting the elements of slander of title outlined in the Restatement (Second) of Torts § 623A (1977))."

This case demonstrates the consequences of placing the whims of the client over our responsibility as professionals to survey boundaries as described in the relevant title documents. In this case, the surveyor prepared a recordable plat indicating that his client (Griffith) owned a tract of land. According to the court record, the surveyor based his work purely on the statement by Griffith that "...the tax office said I owned [the strip of land in question]." [The surveyor] testified that, when he prepared the plat, he had no evidence that Griffith had any ownership interest in the disputed strip. The practical impact of this case on both Griffith and his surveyor was substantial enough; Griffith was required by the court to pay damages of \$55,676.62.

A recent court proceeding in North Carolina also highlights the issue of the duty of surveyors in protecting the public health safety and welfare. This case hinged on the location of a boundary line which could be convincingly located on the ground based on the existing legal descriptions, but was at odds by some 80 feet with a curving fence of uncertain origin. A surveyor had originally produced a plat of survey showing the boundary line in question in a location consistent with the monuments called for in the deed descriptions, but later produced a new plat showing the boundary line along the existing fence, with no indication of any possible overlaps or gaps. A quitclaim deed was recorded based on the later survey, which became a contributing factor in events which led to a jury trial over a week in length.

Professional land surveyors have, for many years now, lamented the lack of respect accorded to our profession. My attention was caught by an email from Donald A. Wilson which

showed up in my box last April; in it, he said that the public "... will not bestow upon surveyors what we do not deserve no matter how much we jump up and down and thump our chests." The cases cited above may help illustrate why we are not always treated as professionals, and may also provide a clue as to how we should practice our profession in order to earn the respect of the public. At the least, we can see that failure to perform up to a minimum standard can have drastic repercussions.

Note: Neither the author nor publisher of this article intend this article to be considered a source of legal advice. The law can change over time and differs in various jurisdictions. The best source of legal counsel is an attorney admitted to the Bar in your State.

This article originally published in *Tarheel Surveyor* and was written for a North Carolina Audience; however, many concepts discussed here apply equally in many jurisdictions.

ACSM Nominee Gary Thompson Appointed to National Geospatial Advisory Committee

GAITERSBURG, MD – Gary Thompson, Section Chief of the North Carolina Geodetic Survey, and a member of two ACSM Member Organizations, AAGS and NSPS, was among the 15 individuals appointed by Secretary of the Interior Ken Salazar to serve as members of the National Geospatial Advisory Committee (NGAC). The Committee provides recommendations on federal geospatial policy and management issues and advice on development of the National Spatial Data Infrastructure (NSDI) which promotes sharing of geospatial data throughout all levels of government, the private and non-profit sectors, and the academic community.

The new appointees to three-year terms on the NGAC are:

- * Mr. Dick Clark, State of Montana
- * Mr. Jack Dangermond, ESRI
- Ms. Joanne Irene Gabrynowicz, University of Mississippi
- * Dr. Jerry Johnston, U.S. Environmental Protection Agency
- Ms. Laurie Kurilla, Ventura County, CA
- Dr. E. Donald McKay, State of Illinois
- * Ms. Anne Hale Miglarese, Booz Allen Hamilton
- Dr. Timothy Nyerges, University of Washington
- * Mr. Matt O'Connell, GeoEye
- Mr. Pat Olson, Aero-Metric, Inc.
- Mr. Mark Reichardt, Open Geospatial Consortium
- Mr. Anthony Spicci, State of Missouri
- Mr. Gary Thompson, State of North Carolina
- Mr. Gene Trobia, State of Arizona
- Mr. David Wyatt, Eastern Band of Cherokee Indians

* Re-appointed to a second term on the NGAC.

Gary Thompson is an outstanding geodesist and a licensed professional surveyor, with extensive knowledge in land management and the various uses of Lidar technology. Together with the other members of NGAC, Thompson is uniquely qualified to represent the varied interests associated with geospatial programs and technology, and convey views representative of partners in the geospatial community.

The members of NGAC report to the chair of the Federal Geographic Data Committee (FGDC), the federal interagency executive group responsible for providing leadership and direction in federal geospatial programs. The FGDC is chaired by the Secretary of the Interior or the Secretary's designee.

The NGAC meets three to four times per year. The public is invited to comment and make suggestions at all committee meetings, which will be announced by publication in the *Federal Register* at least 15 days before the meeting date. The U.S. Geological Survey, a bureau of the Department of the Interior, provides support services for the NGAC. The NGAC functions solely as an advisory body.

The NGAC was created under the Federal Advisory Committee Act, which was enacted by Congress in 1972 to ensure that advice rendered to the executive branch by advisory committees, task forces, boards, and commissions formed by Congress and the President, be both objective and accessible to the public. The Act formalized a process for establishing, operating, overseeing, and terminating these advisory bodies.

Additional information about the NGAC, including a complete list of the 28 committee members, is available at www.fgdc.gov/ngac

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March 2011

THE CAROLINA BENCHMARK

MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING

Saturday, December 4, 2010 Island Vista Resort, Myrtle Beach, SC

A meeting of the Board of Directors of South Carolina Society of Professional Land Surveyors was held Saturday, December 4, 2010 at 11:00 AM, at Island Vista Resort, Myrtle Beach, South Carolina.

Members in attendance were:

Officers:

President	Dale Swygert
President Elect	Ben Christensen
Vice President	Kent Hudson
Secretary	Aaron Leach
Treasurer	Frankie Manhardt
Immediate Past President	Lewis Moore, Absent

Delegates:

SC Council of Eng. & Surv.	Carl Bostick, Absent
NSPS Governor	Henry Dingle, Absent
SC Utilities Committee	Aaron Taylor, Absent
The Auxiliary	Charlotte Swygert, Absent

Chapter Representatives:

Aiken Chapter	Bill Tripp, Absent
Central Chapter	Thomas Andersen, Absent
Coastal Chapter	Nancy Frasure, Absent
Foothills Chapter	Billy Martin
Grand Strand Chapter	Erwin Balk
Low Country Chapter	Ray Cook, Absent
Midlands Chapter	George Bradley, Jr, Absent.
Mid-State Chapter	C. A. Shealy, III, Absent
Northwest Chapter	John R. Long, Absent
Pee Dee Chapter	Ferrell Prosser, Absent
Thomas C. Anderson Chapter	Wayne Reynolds, Absent
Tri-County Chapter	Bill White, Absent
Upper Piedmont Chapter	Mike Byars, Absent

District Directors:

District 1	Chuck Dawley, Absent
District 2	Dennis Johns, Absent
District 3	Tom Abraham, Absent
District 4	Dennis Clinkscales
District 5	Burnett Jenkins, Absent
District 6	Mike Culler, Jr.

Executive Secretary:

Brenda Smith

OTHERS PRESENT: Thurl Amick, Sr., Gene Dinkins, Sr., Lee Frank, Lee Howell, Robert Praete, and Terry Watson.

President Dale Swygert and called the General membership meeting of the SCSPLS to order on Saturday, December 4, 2010 at 11:15 AM at Island Vista Resort, Myrtle Beach, SC. President Swygert stated that the meeting would be conducted under Robert's Rules of Order.

AGENDA: A motion and second was made to accept the reports in the Consent Agenda. Agenda unanimously approved.

FINANCIAL REPORT: Mrs. Frankie Manhardt's report stated that checking and savings account balance is \$184,825.52; subsidiary checking balance is \$272.00; and the Merrill Lynch scholarship account balance is \$51,060.02. Anyone wishing to

view the budget may see Mrs. Manhardt after the meeting.

DELEGATE REPORTS:

SC COUNCIL OF ENGINEERING & SURVEYING SOCIETY: No report.

NSPS: Mr. Henry Dingle's written report stated the ACSM Fall Conference was held in Orlando, FL in conjunction with the ASPRS / CaGIS 2010 Fall Specialty Conference November 13 - 16, 2010. The following issues were discussed at this conference:

- A new set of ACSM / ALTA standards have been endorsed by the Board of Governors and approved by the Board of Directors of NSPS. They will go into effect on February 23, 2011.
- Introduced a motion that was approved by the Governors and Board of Directors to issue a letter in support of our State Board of Registration in their Cease and Desist Order to DHEC.
- The National Museum of Surveying opened on September 25, 2010 in Springfield Illinois.
- The 2010 National Jamboree Surveying Merit Badge was a success with 109 scouts completing the badge. Surveying Merit Badge Geocoins will be sold at \$25 each to help defray the costs of the next efforts. Any states supplying the \$695 amount to sponsor Youth Staff will be presented with a commemorative coin. The 2013 Jamboree will be in West Virginia. For a full report on this year's Jamboree, including two articles from the staff, please contact the SCSPLS office for the full November, 2010, NSPS report.

FALL 2010 JOINT GOVERNMENT AFFAIRS COMMITTEE MEETING - SEMI-ANNUAL REPORT ORLANDO, FL

FEMA Flood Map Modernization / Risk MAP: As part of the FEMA Flood Map Modernization Coalition, we worked with other groups and FEMA for the modernization of the Nation's flood maps. FEMA has moved from its Map Modernization Program to its Risk MAP Program. Under the Risk MAP, FEMA will try to (1) address gaps in flood hazard data, (2) increase public awareness and understanding of flood risks, (3) lead and support state and local communities in risk based mitigation planning, (4) provide an enhanced digital platform that improves management of Risk MAP and (5) align Risk Analysis programs to enhance decision making capabilities. The Coalition continues to meet with FEMA representatives on a quarterly basis to receive updates on the FEMA floodmap activities. FEMA will soon roll out 3 new products relating to FIRMs, including a Flood Risk Database, Flood Risk Reports, and Flood Risk Maps, which will be a subset of the Flood Risk Report. You can go to the following link to learn more about the RiskMAP program: http://www.fema.gov/plan/prevent/fhm/rm_main.shtm

COFPAES: We continue to work with the other COFPAES member organizations to protect and defend the Brooks Act. Several times this year, COFPAES was able to turn around

MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING (CONT)

Brooks Act violations by federal agencies. COFPAES had its Fall Delegate Meeting in November. Here are some highlights:

- **GSA Schedule** - COFPAES staff met with the law firm of Crowell and Moring to discuss a strategy for rescinding or reforming the GSA Schedules affecting A/E services in violation of the Brooks Act. Crowell Moring provided a proposal for COFPAES' consideration. The cost for the services would break down to about \$2500 per COFPAES Member Organization. Although ACSM supports the concept, we are not able to contribute at this time.
- **SBA Size Standards** – The Small Business Administration is planning to review its size standards in the A/E field in 2010. SBA has not been able to keep the timetable it expected, and it is doubtful the review will take place in 2010.
- **Water Resources Development Act** – The House Transportation and Infrastructure Committee has under consideration H.R. 5892, the Water Resources Development Act. Included in the Act is a provision that would define all operations and maintenance activities as “inherently governmental”, thus ineligible for performance by private contractors, affecting surveying, hydrography and mapping.

Lobby Day 2010 (review) and Lobby Day 2011: As you know, NSPS lobbied Members of Congress on three issues: Preservation of Railroad Monumentation issue, the 3% Withholding on Government Contracts issue, and Funding for Trig-Star. Overall, the reports we received indicate the issues were well received and supported. The biggest hurdle is educating Members of Congress about the Preservation of Railroad Monumentation issue. Once Members of Congress understand the issue, most of them agree it makes sense and often support it. If you live in a District or State that has a new Representative and/or Senator, it may be a good idea to pay them a visit, congratulate them on their win and tell them about our issues. We are in the process of working out the details of our Lobby Day for 2011.

3% Withholding of Payments on Government Contracts: ACSM is a member of a coalition called the Government Withholding Relief Coalition. The coalition is comprised of approximately 70 business associations working together to repeal Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005. A full repeal of Section 511 was in place in the House passed version of H.R. 1, the “American Recovery and Reinvestment Act of 2009”, but the final bill, signed by the President only provided for a one year delay in the provision’s enactment (now set at 2012). The Coalition is still working on full repeal of the provision and legislation was introduced in the House and the Senate to accomplish that goal; S. 292 in the Senate (introduced by Senator Specter) and H.R. 275 in the House (introduced by Congressman Meek of Florida). Neither of these bills got very far this year. The Coalition has drafted a letter to be sent to the House and Senate urging a two-year delay of the 3% withholding requirement during the lame duck session, while stressing the continuing need for repeal.

Preservation of Railroad Monumentation: The preservation

of railroad monumentation has been a big issue this year. We met with the staff for many Members of Congress, as well as key Committee staff in the House and the Senate. The biggest obstacle has been educating staff on the issue. Once they understood the issue, most agreed it made sense. Our secondary problem (which is becoming bigger) was showing how it would be paid for. A few of the staff we spoke with called back after our initial meeting and said the railroad people they spoke to subsequent to our meeting opposed the idea, and would push back against it because of perceived costs. Most reports that came back from the Lobby Day visits were positive on this issue. We were able to follow-up on all of the reports we received so far, and several Members of Congress want us to follow-up with them in January.

At this point, there are 4 possible ways to move forward with the issue:

1. push it as a Stand Alone Bill, this means continuing to move it forward as we have been doing;
2. include as part of Other Railroad Legislation, we were working on this avenue last year, but very few railroad related bills were introduced (and those that were introduced were not a good fit);
3. include it as part of the Surface Transportation Reauthorization, this seems to be the best way to go, since several staff contacts advised us to go this route; and
4. include it as part of a bigger Jobs Bill, this would remove the payment objection because theoretically, Congress would give money to states and localities to hire surveyors to survey the railroad lines before they are removed. Several people we met with liked this idea as well.

There is nothing preventing us from promoting all four ways together.

USGS Coalition (Information Only): The main goal of the Coalition continues to be working with Congress for sufficient funding for USGS so that it can continue its mission. We met with a number of high ranking USGS and Dept of Interior officials throughout the year and recently were told that they expect the USGS funding to be severely cut in FY 11. Our job is to work with the Coalition to make sure mapping programs in the USGS continue to be funded.

Funding for Trig-Star (Information Only): Our request for a Federal earmark for Trig-Star was denied by the Maryland Congressional delegation. Although we were not given a reason for the denial from Rep. Chris Van Hollen’s office, Senator Barbara Mikulski told us the reason for her denial was we noted in our application that we were looking for funding for consecutive years and not putting a lot of our own money into the project. We did receive a lot of support for the program from Reps. and Sen. in Districts and States outside of Maryland. We will revise our application and seek funding assistance from the Members of Congress who voiced support for the program. We are continuing to look for other funding opportunities through grants with the NSF and Dept. of Education. I encourage you again to give us names or help make contact, so we can get Trig-Star in our schools. There is scholarship money available for the kids.

National Geospatial Advisory Committee (Information Only):

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The National Geospatial Advisory Committee once again had a call for nominations for the Committee. ACSM nominated Gary Thompson, but have not yet heard if he was selected.

Status of Legislation from the 111th Congress (Information Only): Here is a list of the legislation worked on this year; all of the bills are still in Committee.

- H.R. 365 – Ocean and Coastal Mapping Integration Act
- H.R. 1262 – Water Quality Investment Act
- H.R. 1316 – Flood Evaluation Notification Act
- H.R. 1520 – Federal Land Asset Inventory Reform Act.
- H.R. 2489 – Natural Land Remote Sensing Outreach Act (Senate Committee)
- H.R. 3415 – To suspend flood insurance rate map updates in geographic areas in which certain levees are being repaired.
- H.R. 4914 – Coastal Jobs Creation Act
- H.R. 5116 – America COMPETES Reauthorization Act (Senate Committee)
- H.R. 5182 – To help certain communities adversely affected by FEMA’s flood mapping modernization program.
- H.R. 5722 – Fairness in Flood Mapping Act (the sponsor of the legislation offered it as an amendment to H.R. 5114, the Flood Insurance Reform Priorities Act, which is still in Committee).
- H.R. 6215 – Digital Coast Act.

STEM Coalition: ACSM has recently joined the Science, Technology, Engineering and Mathematics (STEM) Education Coalition and signed a letter from the Coalition to Senators in support of the America COMPETES Act. The America COMPETES Act, already passed in the House, bolsters America’s competitiveness by strengthening the science, technology, engineering, and math education fields at all levels. It gives support for basic research and development programs in the STEM fields in elementary and high school. As part of STEM Education Coalition, we join over 1,000 diverse groups representing all sectors of the technological workforce. Through our affiliation with the Coalition, we hope to secure Trig-Star funding by finding broad support with STEM Coalition members who can help us gain support in Congress.

NRCS Brooks Act Violation: In Missouri, the USDA Natural Resources Conservation Service (NRCS) sent a Scope of Services document to landowners involved in Wetlands Reserve Program Boundary Surveys. Under the Scope of Services, and at the request of the NRCS, landowners must submit a statement of survey cost (a quote) to the NRCS Agency Liaison. NRCS will review the quote and, if it is found to be acceptable; it will be incorporated into the Survey Cooperative Agreement. If the quote is not acceptable, NRCS will ask the landowner to obtain two additional quotes. The NRCS must approve the survey cost for the landowner to be eligible for reimbursement. ACSM is concerned this procedure violates the Brooks Act, which requires that surveying services (as well as other A/E services) be procured by federal government using Qualifications Based Selection procedures. In this case, it appears NRCS is circumventing the Brooks Act process. It is the landowner who is hiring the surveyor; but the NRCS must approve the

surveyor – and approval is based on the price for the surveyor’s services. This issue was brought up at the COFPAES meeting on November 10. We are trying to determine if this is an issue in other states. If you experienced this kind of price requirement from a federal agency for your surveying or mapping services, let us know about it.

National Surveyor’s Week Proclamation: At our last JGAC meeting we discussed the problem we faced with getting a National Surveyor’s Week Presidential Proclamation and that we are being denied because the third week of March is also National Poison Prevention Week. Since that time, we looked to see if there were any weeks in February or March that would not have a conflict. Right now, the second and third week of February contain no conflicts. If we would like to pursue a Presidential Proclamation, those may be the best weeks to do it.

JGAC Issues Survey: We are in the process of putting together an ‘issues survey’ which would go to all ACSM members and ask them what legislative issues are important to them. If members tell us the issues that are important to them, it will inspire them to become more involved in JGAC activities. Look for the survey soon.

New Congressional Forecast: The new Congress looks to be very pro-business. One of the newly elected House members is an engineer and another is a construction project manager. The next meeting will be in San Diego, CA, July 9 – 12, 2011 at the joint ESRI – ACSM Survey Summit. For a complete copy of the NSPS Delegate Report for the December 4, 2010 membership meeting, please contact the SCSPLS office.

SMAC/GIS DELEGATE: No report.

SC UTILITIES COMMITTEE: The SC Utilities Coordinating Committee met August 6th, 2010 at the Santee Cooper Operations Center. Mr. Kevin Hissman with UtiliQuest was the guest speaker for this meeting, presenting on new technology that could affect locating and further damage prevention. The NC/SC USS Joint Conference will be held April 27th-29th, 2011 at Litchfield Beach. Updates on the One Call Law are as follows: The AGC and Utilities have completed their proposals. The locator group does not have a formal proposal, but they do have recommendations. This issue is going to mediation. PUPS reports ticket levels up 10% over last year. The full minutes of the August 6th, 2010 meeting can be obtained by contacting the SCSPLS office.

THE AUXILIARY: No report.

CHAPTER REPORTS:

Aiken: Mr. Bill Tripp’s written report stated the Chapter has met three times since the last General Membership Meeting, with an average of 7 members in attendance. Mr. Eddie Clark with Hayes Equipment was the program speaker at the Sept. 4, 2010, meeting and spoke on how to be more productive with newer survey equipment. Mr. Chuck Drouillard with Duncan-Parnell was the program speaker at the Oct. 12, 2010 meeting and discussed scanning equipment. Mr. Hamp Simpkins was the speaker at the Nov. 9, 2010 meeting and discussed wetlands, endangered species and historical records. The Aiken Chapter meets the second Tuesday of the month at 7:00pm at Eejay’s Restaurant in the Kalmia Mall, Aiken. There will not be a

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December meeting.

Central: No report.

Coastal: Mrs. Nancy Hopper's written report stated the Coastal Chapter has met once since the last General Membership Meeting, with 20 members and 2 guests in attendance. The meeting was held at Gilligan's in Mt. Pleasant and the speaker was Center for Heir's Property Preservation.

Foothills: Mr. Billy Martin's written report stated the Chapter has met once since his last report, with 12 members and 2 guests in attendance. The October meeting featured Lew Lapine and Dick Woods with the SC Geodetic Survey. The November meeting featured Steven Prior with Duke Power Asset Protection Dept. with an informative presentation on Duke Power Right of Way and encroachments. The Chapter is still working on renewing the agreement between Greenville County and the Foothills Chapter of the SCSPLS to allow the surveyors to have a free copy of the county data. Mr. Bobby Foster has the disk and any member can make a copy from him at this time.

Grand Strand: Mr. Erwin Balk's written report stated the chapter has met once since last report, with 13 members and 2 guests in attendance. The October 7, 2010 meeting featured Bobby Morgan and Marcus Clore from SCDOT speaking about the SCDOT website and online plans availability. Two Grand Strand Chapter members attended Horry County Council meeting during the chapter meeting to observe the first reading of a proposed ordinance to require foundation surveys on most new construction in the county. Seven members attended a committee meeting of the Horry County Planning Dept. on Nov. 4, 2010, in order to have input on the ordinance described above. President Swygert thanked the Grand Strand Chapter for the refreshments at the golf outing yesterday.

Low Country: Mr. Ray Cook's written report stated the Chapter has not held any meetings since its last report. The next meeting will be at the Golden Coral in Bluffton. The date and time will be announced.

Midlands: Mr. George Bradley's, written report stated the chapter has met twice since last report, with an average of 22 members and 4 guests in attendance. The Midlands Chapter Christmas Box program is in full swing. Donations will be accepted until December 1, 2010. For questions or donations, contact Chapter President, George L. Bradley, Jr., at 803-351-0041 or email gbradley-belter@sc.rr.com.

Mid-State: Mr. C. A. Shealy, III's, written report stated the Chapter has met four time since his last report, with an average attendance of 10 members and 1 guest. The meeting topics were as follows: July - Conservation Easements, video program by the USDA and Clemson extension services; August - continued Conservation Easements; September - Jedediah Hotchkiss, Confederate Surveyor/Engineer; October - Photo Interpretation of Geologic & Fluvial Geomorphic Features.

Northwest: No report.

Pee Dee: No report.

Thomas C. Anderson: Mr. John Welborn's written report stated the chapter meets on the 2nd Tuesday of each month at T. J. Bones, with an average of 6 members attending. The chapter had the Greenwood Planning Dept. at the last meeting discussing new zoning regulations.

Tri-County: No report.

Upper Piedmont: Mr. Mike Byars' written report stated that the chapter has met three times since the last general membership meeting, averaging 10 members and 2-3 guests at the meetings. The speaker for the November meeting is Sheila Cash with Cash & Morgan CPA's. There will not be a speaker at the December meeting. Eddie Clark with Hayes Instrument will be at the January meeting and Nate McNamara with Allen Precision will be the presenter for the February meeting. President Swygert stated that he attended the Christmas Party of this Chapter at the Palmetto Club in Spartanburg. He presented Mr. Albert Wolfe with the Life Service Award for SCSPLS at this party. There was very good attendance and lots of good fun by all attending.

DISTRICT DIRECTORS REPORTS:

District 1: No report.

District 2: No report.

District 3: No report. Defer to Chapter reports.

District 4: No report.

District 5: No report.

District 6: No report.

COMMITTEE REPORTS:

Activities: Mr. Aaron Leach's written report stated there was a golf outing on Friday, Dec. 3rd at River Oaks Golf Plantation. There were 4 golfers in attendance and all had a good time, playing from noon until dark! Free beer was sponsored by the Grand Strand Chapter.

Constitution and By-Laws: No report.

2011 Convention: No report. Convention will be held June 9-11, 2010 at the Marriott Hotel and Spa in Hilton Head. We are co-locating with the engineering societies on this year's convention.

Education: No report. Agenda and speakers have been finalized for the Feb. 17-18th conference at the Radisson Hotel in Columbia.

Ethics & Standards of Practice: No report.

GPS-VRS: No report.

Insurance: Mr. Dennis Clinkscales reported that Aetna sent a letter to the Society last week informing SCSPLS that they will be dropping us as an insured client. E & O Liabilities has been contacted and they are currently searching for a replacement insurance for life and AD&D insurance for SCSPLS. President Swygert will write a letter to the membership which will be emailed. Aetna has written letters to the members who signed up for additional insurance.

Internet: Mrs. Frankie Manhardt's written report stated the Facebook page is being used to update the members on upcoming chapter meetings, missing equipment and Society business. To have equipment for sale, job offers, or any other pertinent information posted to the SCSPLS Facebook page, email Mrs. Manhardt. Work on the "Members Only" section of the website is still in progress. Paid members in good standing will have access to this section. Once it is ready, members will receive an email directing them to register. The yearbook will be published in the "Member's Only" section of the website.

Legal and Legislative: Mr. Dennis Johns' written report stated

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pre-filing has just begun. SCSPLS lobbyist Joe Jones is tracking any issues that may impact out profession. Only one bill has been pre-filed of interest, and that is the tort reform bill in the Senate. Also John White, State Engineer, said the Budget and Control Board was going to have a procurement code bill filed; he did not say if it would be pre-filed before the session opens. Mr. Jones plans to find authors between now and January to reintroduce the QBS bill that was introduced last year. A few surveyors are needed to meet with Senator Jake Knotts asking him to support the tort reform bill that was introduced. He has responded by letter that he would like to sit down with some engineers and surveyors and discuss tort reform. Joe Jones would like to put together a couple of surveyors and engineers to meet with him this month if possible. Any surveyors that are in his district with any connections to him personally should contact Dennis Johns. Sen. Knotts has voted against Tort Reform in the past and sits on the Judiciary Committee where tort reform always gets killed in the Senate. He is close to trial lawyers but we would like to show him surveyors and engineers are people who vote and make contributions. As for PAC, we are getting the ball moving to start this for SCSPLS. This will take more time to set up for it to be successful and get the money and PAC board members set up to. We hope to have some events next year for the contributions to begin. The survey affidavits issue has been talked about with our group and the attorneys. I ask each of our members to please work through our SCSPLS on all State matters and keep us informed on local matters so that we may all work together for a stronger common good for our profession.

Membership: Mr. Kent Hudson's written report stated that there are currently 429 members: Full - 353, Associate - 22, Complimentary - 14, Emeritus -24, Student - 1, Sustaining - 15. At this time last year, SCSPLS had 459 members (378 Full, 28 Associate, 12 Complimentary, 24 Emeritus, 2 Student and 15 Sustaining.) There are no new applications for approval at this time.

Newsletter: No report.

Past President's Council: No report.

Plat Contest: No report. Winning plats for 2010 will be sent to NSPS for their map contest of 2011.

Public Relations: No report.

SC State Parks: Mr. Mike Culler reported that there is no new activity on the state parks and surveys are winding down on this project.

Scholarship: Mr. Robert Praete announced the raffle of a day of Wild Turkey and Wild Boar Hunting at Cypress Creek Plantation in Estelle. Tickets are \$5 for one and \$10 for 3. This will be given away at the Education Conference in Columbia in February. The committee is also looking at several other items to raffle at the convention in June.

Survey Contest: No report. The Aiken Chapter is in charge of the games this year.

Surveyor of the Year: No report.

Yearbook: No report.

BUSINESS:

Board of Prof. Eng. & Surveyors: Mr. Gene Dinkins and Mr. Thurl Amick presented the recent activities of the State Board of

Professional Engineers and Surveyors.

Companies which advertise to coordinate surveying services for a fee have come to the Board's attention. These companies send leads to surveyors that have registered with them for a fee. That fee could be considered a commission, and it is illegal for surveyors or engineers to pay a commission to bring in work. Please be aware of this illegal practice. The Board has no jurisdiction if the company does not have a COA or individual is not licensed. The complaints should be sent to the LLR Board attorneys and they will file a complaint which will go the Administrative Law Judge for review and a if a decision is made for the company to stop their practices, a cease and desist notification will be sent.

Mr. Amick discussed Construction Staking. There are groups in South Carolina forming their own construction staking company, without a COA, to obtain construction staking jobs. In the codes, construction staking is defined as a part of surveying. This issue has not been voted on by the full State Board.

A new one-hour open book examination has been adopted for competency for understanding the statutes of the rules and regulations for surveying and engineering.

Head of the Legal Conference continues to have face to face meetings on the deficiencies of the LLR Board of Registration. The IRC (Investigative Review Committee) reviews the complaints sent to LLR. Mr. Rick Inman is the PLS member on this committee. They are in the process of developing guidelines for the committee members.

Mr. Dinkins received a letter from head of the Legislative Audit Council and subsequent meeting concerning the LLR staff support and organization changes. Responses will be presented to the LCI (Labor, Commerce and Industry) Committee in the next legislative session. With a new Governor being sworn in, a new head of LLR will be appointed.

Survey Affidavits: Last year the head of the SC Bar Real Estate Committee agreed to recommend survey affidavits no longer be used at closings. The SC Bar Board of Governors refused to eliminate the survey affidavits. Mr. Dinkins requested an update on this issue. Response was not very promising and stated that he is not sure the Legal Bar will approach this issue any differently from last year since there has been little turnover on this board.

In December 2009, DHEC put out an RFP to gather information on the Dunes lines. The RFP indicated a PLS was not required, however, the information they are asking for is equivalent to a hydrographic/topographic survey. The Board of Registration sent a letter to DHEC notifying them a PLS was required for the information they were requesting. Despite the opinion of the Registration Board, Coastal Carolina University was awarded the contract by DHEC. Coastal Carolina University does not have a PLS on staff and does not have a COA and will be using students for this project. Because of advanced technology, students are able to do the work for this project at a low price. The data being collected will be used in long range hurricane and emergency preparedness plans. After several letters between DHEC and the Board of Registration for Engineers and Surveyors, DHEC continued with the project using Coastal Carolina University students. A Cease and Desist letter

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was sent to Coastal Carolina University. After repeated contact between DHEC and the State Board, DHEC has issued a Request for Contested Case hearing. There will be an opportunity for testimony to be heard from professional associations, firms, and individuals at a hearing held December 10th.

The State Board has approved financing for the speakers for the SCSPLS February conference.

Mr. Dinkins mentioned that the national testing administered by NCEES has decreased nationwide. Normally, NCEES gives around 2,000 FS exams but as of October of this year, the number was down to 1,200. They normally administer 1,100 PS exams, but this years total was around 600. Many surveyors are getting out of the profession so it is important that we educate the registered surveyors and encourage more to enter the profession.

Mr. Dinkins mentioned the possibility of having a reference library for those interested in taking the surveying license testing. The board will help fund review courses for licensing. Mr. Dinkins asked the Society to review this idea and get back with him on any additional ideas.

President Swygert thanked Mr. Dinkins, Mr. Amick, and the Grand Strand Chapter for providing the beer for the golf outing on Friday, December 3, 2010. He also thanked all those in

attendance for their support of the Society. With there being no further business, motion was made to adjourn with a second. Motion unanimously approved.

Respectfully submitted,

Aaron F. Leach, SCSPLS Secretary 2010-11



Dale Swygert, Aaron Leach, Dale Prox and Paul Rhea
Golf Outing Friday, December 3rd, River Oaks Golf Plantation

In Other News...

Horry County Post Foundation Ordinance

In January, 2011, Horry County Council approved Ordinance 45-10 which requires a foundation survey on all lots under 22,000 sq.ft. This rule is now being enforced by Horry County Code Enforcement. This has been a long fight dating back many years and we are glad that this important rule has been passed. Our thanks and congratulations are owed to Timothy Davis, who has worked on this for the past year and made sure it did not get forgotten.

2011 ALTA/ACSM Land Title Survey Standards

The new 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys went into effect February, 23, 2011. The 2011 Minimum Standards represent the latest and 8th version of the Standards which were last revised in 2005. It is also the first major rewrite of the Standards since their initial adoption in 1962.

The ALTA/ACSM Standards are nationally recognized by title companies, surveyors, lenders and attorneys as the survey standard to rely upon in conveyances of real property when extended title insurance coverage is required by one or more of the parties.

The final, approved version of the 2011 Standards may be downloaded from the ACSM Web site at www.acsm.net under the "Standards" section, or from the ALTA Web site at www.alta.org/forms under the "Recently Approved for Final Publication" section.

ACSM Now on Web Radio

Join ACSM Executive Director Curt Sumner at 11 AM Eastern every Monday on www.americaswebradio.com for an hour-long show about all things surveying. The inaugural show aired January 24. Parker Davis Quik Stakes is the sponsor of the show which will oftentimes include interviews with individuals connected to surveying in some way, discussing myriad topics affecting the profession. Questions and comments emailed by the audience will be addressed on later shows, and will help direct future content. Each weekly show will be archived so those who cannot listen in live can enjoy them at later time.

To listen in live simply visit www.americaswebradio.com and select "Listen".



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SCSPLS CONVENTION TO CO-LOCATE WITH SC ENGINEERING CONFERENCE

JUNE 9-11, 2011

HILTON HEAD MARRIOTT RESORT HOTEL



Surveyors work with Engineers and Engineers need Surveyors. In view of our changing times and desire to bring you a quality convention, the SCSPLS Board of Directors voted to co-locate the SCSPLS annual convention with the annual conference and trade show of the SC Engineers Conference. This conference will be held at the Hilton Head Marriott Resort Hotel on Hilton Head Island June 9-11, 2011. The engineer associations participating this year will be SCSPE, ACEC, and ASCE. This co-location will give the surveyors of South Carolina time to mix and mingle with the engineers with whom you already work.

The schedule has not been finalized but plans are forthcoming to include Panel Discussion from the Board of Professional Engineers and Surveyors on Thursday afternoon followed by 2 more seminars and Trade Show Reception. On Friday, SCSPLS will provide a morning seminar by Gary Kent, "Anyone Could Lead Perfect People - If There Were Any," and his afternoon seminar will be "Managing Your Business in Changing Times." Friday will be a full day of seminars and you can select a variety of one hour seminar up to three hour seminars for PDH credit. Keynote luncheon speaker on Friday will be Dr. Anthony Ambler, USC Dean of Engineering and Computing for 1 PDH credit. Friday evening will finish with a Hawaiian Luau. Saturday morning, SCSPLS will hold the final General Membership Meeting of the year, and install the 2011-12 officers, followed by the Survey Games. All four associations will combine for an awards banquet where our Surveyor of the Year and other awards will be given. A complete listing of all events will be posted on the website: <http://www.scengineeringconference.org/>. You can register on line at this website after all the plans have been made. You can reserve your room now at the Marriott Resort Hotel by going to the same website and clicking on Hotel Information room type you wish to reserve. Don't delay getting your choice of rooms as the room block is limited.

Seminar Descriptions:

"Anyone Could Lead Perfect People - If There Were Any"

... But there aren't any! Myriad books on leadership and management have been and continue to be published. In many of the recent ones, there is a common thread that focuses on the concept

of "leading by serving." What does this mean and how does it play out in an organization, especially a for-profit company? As it turns out, quite well actually. Exceedingly successful companies such as Starbucks, Southwest Airlines, The Container Store, Toro Corporation and the Men's Wearhouse subscribe to and practice this concept of leadership. We will take the audience on an exploration of how high-performing companies have been built on the tenets of leading by serving; by following what Southwest Airlines founder Herb Kelliher so succinctly stated years ago, "Your employees come first. If your employees are satisfied and happy and dedicated and inspired by what they are doing, then they make your customers happy and they come back. Profit is a by-product." A great number of very well-known authorities on leadership and management such as Stephen Covey (*The Seven Habits of Highly Effective People*), James Collins (*Good to Great*), Peter Senge (*The Fifth Discipline*), Margaret Wheatley (*Leadership in Uncertain Times*), Peter Block (*Stewardship*) and James Autry (*Love and Profit*) have spoken and written on this topic at considerable length. During this presentation, we will look at the characteristics of this type of leadership which include self-awareness, accountability, foresight, listening, persuasion, stewardship, community building, and a commitment to the growth of people, and how a leader can put those characteristics into practice to create a successful company filled with motivated employees.

"Managing your Business in Challenging Times"

What makes a company one that not only survives the severe business climate of the last few years, but one that comes out the other side stronger than it was going into it? Most surveyors and engineers who elect to run their own business do so because they love surveying and engineering, not because they are entrepreneurs who want to be business-owners. In this program a number of traditional topics will be explored such as financial statements, project management and the role of the project manager, together with a study of some of the elements of leadership that make for a healthy workplace. Discussion topics also include contracts, employee evaluators, corporate lifecycles, and business relationships. This program is designed to help surveyors and engineers navigate the stormy waters of today's economy so they are positioned to perform at a high level when the business climate improves. After completing this session, participants will also have a better understanding of the more subtle - and some not-so-subtle - aspects of managing a successful business during the challenging times we find currently ourselves in. Participants will be introduced to various tools, theories and principles that can be used to improve the overall performance of a business. Specific discussion topics include: knowing your employees, the use of evaluators, the need for diversity in management and in the workforce, the necessity of understanding the corporate lifecycle, overcoming "old company" syndrome, knowing your client's business, how to understand your current financial position, project management, contracts, and marketing new services.

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For tickets contact Robert Praete, Scholarship Com. Chairman
Email: rap1@sc.rr.com or 843-458-1269 or the SCSPLS Office



2011 SCSPLS
PLAT CONTEST

DEADLINE: MAY 2, 2011
IN CONJUNCTION WITH THE SCSPLS ANNUAL CONVENTION

CATEGORIES

SUBDIVISION
BOUNDARY/CADASTRAL
TOPOGRAPHICAL
ALTA/NSPS SURVEY
MISCELLANEOUS
COLOR PRESENTATION

DESCRIPTION:

SUBDIVISION: Plat of survey of boundary and division of property into two or more parcels.
BOUNDARY: Plat of field survey. Should not show topographic, as-built, etc., information.
TOPOGRAPHIC: Plat showing existing topographic information and features.
ALTA/ACSM: Surveys showing existing improvements and boundary information.
MISCELLANEOUS: Easement, mortgage, and other plats not in above categories.
COLOR PRESENTATION: Must be actual plat used for client presentation.

RULES:

1. Entry fee of \$10.00 per plat entered in each category. (If entry fees exceed cost of awards, excess will go to the SCSPLS Scholarship Fund).
2. Plat must be drawn of surveys performed after May 1, 2010.
3. All entries must be submitted or sponsored by a member of SCSPLS.
4. All entries must be in accordance with "Standards of Practice Manual For Surveying in South Carolina," Article 4, Chapter 49, Code of Regulations.
5. Entries must be reproduced as blue-line or black-line drawings - no originals. All plats must be reproduced to scale - no reductions or enlargements.
6. Provide the following information for each plat:

a. Entrant	c. Company	e. Category
b. Sponsor	d. Address	f. Name to put on Award, i.e. Company or Individual

AWARDS: Plaques will be awarded for first place and second place in each Category to be presented at the Banquet of the Annual Convention. First place winning plats will be entered into the NSPS Annual Map/Plat Competition.

Mail to: Kent Hudson, c/o Pittman Professional Land Surveying, PO Box 1512, Ft. Mill, SC 29716
(phone: 803-547-7369 ext. 5)

ENTRIES MUST BE RECEIVED NO LATER THAN MAY 2, 2011

South Carolina Society of Professional Land Surveyors
SURVEYOR of the Year Guidelines

DEADLINE: MAY 2, 2011

(As approved by the SCSPLS Board of Directors November 7, 1997)

A. Eligibility

1. Licensed in South Carolina.
2. Resident of South Carolina.
3. Prior recipients are ineligible for five (5) years.
4. No record of administered disciplinary action by the S.C. State Board of Registration for Professional Engineers and Land Surveyors.
5. Must be a member of the South Carolina Society of Professional Land Surveyors.

B. Nominations

SCSPLS Chapter

- (a) Nomination letter must have signature of Chapter President and another Chapter elected officer.
- (b) Only one nomination per Chapter.
- (c) Chapters may nominate same individual as other Chapters.
- (d) Chapter members may submit letters of recommendation.

Surveyors at Large

- (a) A nomination letter with the signature of two sponsors.
- (b) Sponsors must be resident licensed S.C. Land Surveyors.
- (c) Recommendation letters from 4 individuals other than the sponsors.
- (d) A minimum of two letters of recommendation must be from SCSPLS members who have been members for at least the two preceding years.

Data Required Regarding the Nominee in Nomination Letters

- (a) Biographic information.
- (b) Specific contributions to the surveying profession.
- (c) How the Chapters and/or the sponsors recognized the nominee's contributions to the profession.

Data Required Regarding the Nominee in Recommendation Letters

- (a) Specific contributions to the surveying profession.
- (b) How the nominee's contributions to the surveying profession were recognized.

All nominations and letters of recommendation must be submitted by May 2, 2011.

C. Selection of Surveyor of the Year

The Vice-President will receive the nominations, review and investigate the nominations. A report and ballot of all eligible nominees shall be mailed to each Board Member and Past President thirty days prior to the SCSPLS Annual Convention. Ballots must be returned ten days prior to convention to be counted. The Vice President, the Immediate Past Surveyor of the Year and the Executive Secretary shall serve as the tellers committee. In the event anyone of these is a nominee for Surveyor of the Year or cannot serve, a replacement shall be appointed by the President. The Surveyor of the Year Award shall be presented at the Annual Convention by the Immediate Past Surveyor of the Year if available.

NOMINATIONS AND LETTERS OF RECOMMENDATION ACCEPTED NO LATER THAN May 2, 2011.
Mail to SCSPLS, 121 Executive Center Dr., Suite 248, Columbia, SC 29210.

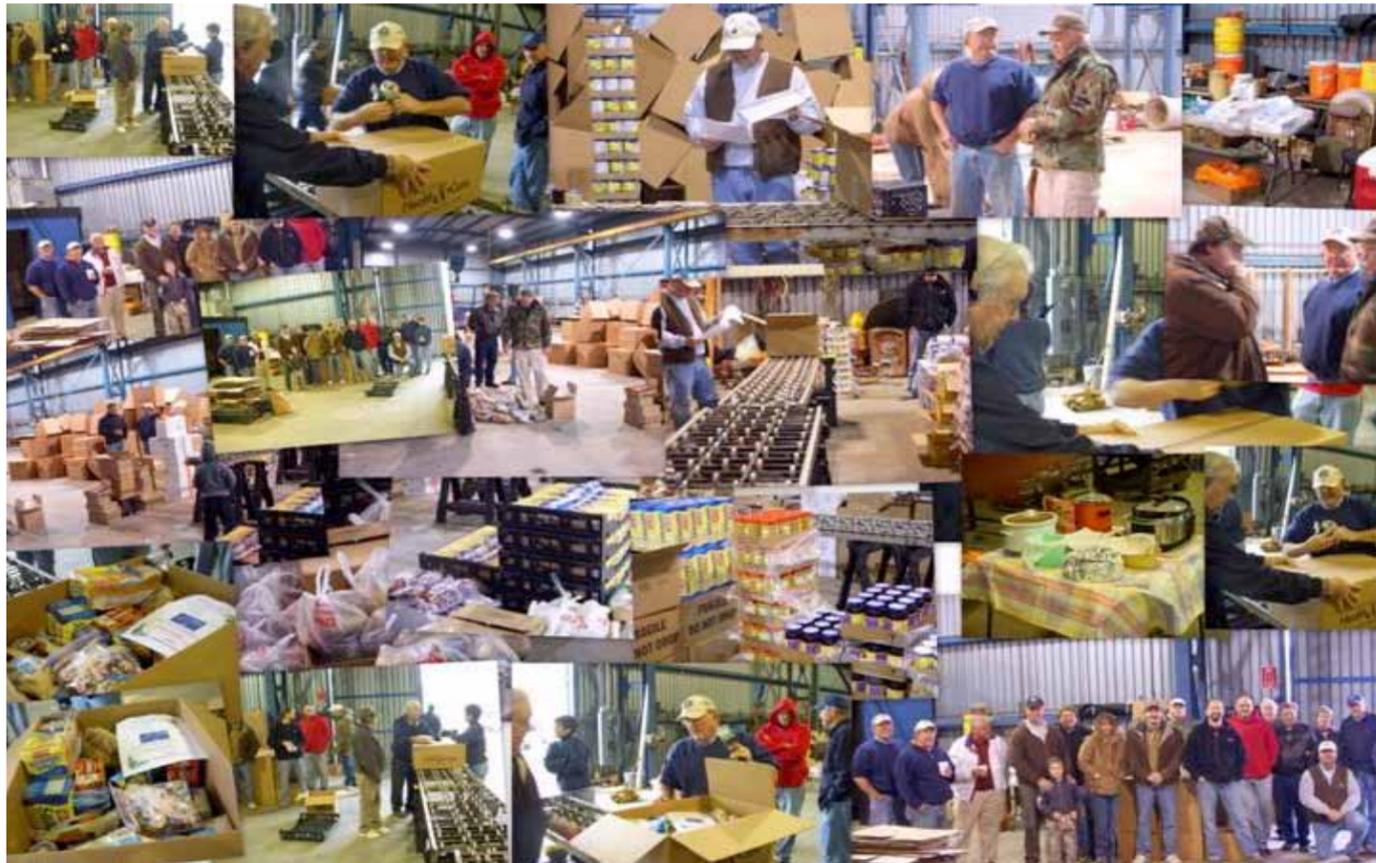
MIDLANDS CHAPTER CHRISTMAS BOXES

January 2011, another new year is upon us. Time to look back at the last year, contemplate the coming year and prepare for the challenges that face us in an uncertain economy, and an out of control government that believes it must control every aspect of our lives. I want to thank everyone and especially Mr. & Mrs. Huley Shumpert. Our 2010 Christmas box program was a great success and went off with only one minor hitch (lost some canned goods on Platt Springs Road when the pallet came apart). I wish we would have had a video tape of us in rush hour traffic trying to pick up cans rolling all over the place. Looking back, it was pretty amusing. I guess I ought to thank the Springdale police officer who sat behind the truck with his/her emergency lights on and watched us pick up cans. In all we prepared and delivered 109 food boxes on a cold and rainy day. The turn-out was great and everyone had a good time working together and attempting to stay dry and warm. After we completed the assembly of the boxes we all got together and feasted on some great chili that Mrs. Shumpert prepared, umm umm good!

George L. Bradley, Jr.
President of Midlands Chapter of SCSPLS



“Be kinder than necessary because everyone you meet is fighting some kind of battle.”



LOBBYIST REPORT

South Carolina Society of Professional Land Surveyors Joe S. Jones

The General Assembly is off to a fast start this year. Hundreds of bills have been filed, and committees are meeting to move some of these bills through the system.

Perhaps the most interesting to surveyors is H.3571 which was filed Feb. 2, 2011. This bill is the result of a cease and desist order issued by the Department of Labor Licensing and Regulation to Coastal Carolina University.

This order was issued to stop Coastal Carolina University from conducting “surveying” for the SC Department of Health and Environmental Control. DHEC had contracted with CCU for the services. I understand the university was going to use student manpower for much of the actual field work. And CCU did not have a registered surveyor on the project.

A hearing was held before an Administrative Law Judge where LLR, CCU and DHEC presented their positions to the judge. An order from the judge has not been rendered, but some feel LLR had made the case that the work described in the contract was surveying and required surveyors to conduct the work.

The bill, if passed, would basically give DHEC an exemption to the state law regarding surveying dealing permit applications within coastal tidelands or wetlands and allow the agency to contract with organizations who are not surveyors.

This bill amends Chapter 48 of the state statutes: “Environmental Protection and Conversation.” This language is not placed in the Engineering and Surveying Statute.

The sponsors of this bill are Alan Clemmons (R-Horry) who serves on the House Judiciary Committee; Dwight Loftis (R-Greenville) who serves on the House Ways and Means Committee; Phyllis Henderson (R-Greenville) who serves on the House Medical, Military, Public & Municipal Affairs Committee; Christopher Murphy (R-Dorchester) who serves on the House Agriculture, Natural Resources and Environmental Affairs Committee, and G.R. Smith (R-Greenville) who serves on the House Judiciary Committee.

Ms. Henderson is new to the House; she took Rep. Bill Wylie’s seat in November and Mr. Murphy, also new, replaced Rep. Annette Young in November. Notice only one of the sponsors of this bill serves on the Agriculture, Natural Resources and Environmental Affairs Committee, and he is new representative Christopher Murphy.

Representative Nelson Hardwick, PE, is Chair of the Agriculture, Natural Resources and Environmental Affairs. He has always been our friend; however, he is from Horry County as well.

This bill is assigned to the Environmental Affairs Subcommittees I whose members are David Hiott-Chairman, Bill Crosby, Chandra Dillard, and Chris Murphy.

This bill is relatively short. Here is the bill without the lengthy title: H. 3571

“Be it enacted by the General Assembly of the State of South Carolina: SECTION 1. Section 48-39-140(B) of the 1976 Code is amended to read:

“(B) Each application for a permit shall be filed with the department and shall include:

- (1) Name and address of the applicant.
- (2) A plan or drawing showing the applicant’s proposal and the

manner or method by which the proposal shall be accomplished.

(3) A plat of the area in which the proposed work will take place; any requirement beyond a standard boundary survey of this area must be governed by regulations promulgated by the department pursuant to the Administrative Procedures Act.

(4) A copy of the deed, lease or other instrument under which the applicant claims title, possession or permission from the owner of the property, to carry out the proposal.

(5) A list of all adjoining landowners and their addresses or a sworn affidavit that with due diligence such information is not ascertainable.”

SECTION 2. This act takes effect upon approval by the Governor.”

The SC State Board of Registration for Professional Engineers and Surveyors are expected to oppose this legislation. As your lobbyist, I suggest SCSPLS oppose this legislation as well.

I have checked with the Committee Staff and learned this bill may be put on a subcommittee agenda the week of Feb. 21 in which case SCSPLS must have its positions clearly stated and surveyors lined up to testify.

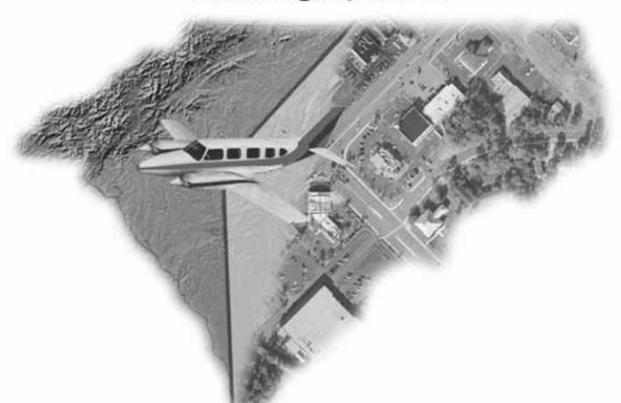
Make no mistake, DHEC is formidable opposition. I am sure they are telling legislators this bill is needed because the department and the state have very limited funds to pay for such projects.

As this legislation should be of high priority for SCSPLS, I will briefly mention issues should be of interest: Qualification Based Selection for all public work, from state government to political subdivisions, Tort Reform were introduced last year and did not pass. In addition to these two bills, I am working on a bill for engineers that you may be interested in also. Senator Cromer is working on a bill to wave professional development hours for military on overseas duty or in combat zone duty.



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SCSPLS ANNUAL EDUCATION CONFERENCE AND TRADE SHOW A SUCCESS!

The SCSPLS held its annual Trade Show during the 2011 Education Conference, with over 240 registrants in attendance, 16 Exhibitors and 20 booths. The 2011 Conference and Trade Show was a true success!

Thank you to all of those who attended and supported the efforts of SCSPLS!



SPECIAL THANKS...

- TO THE SCSPLS *EDUCATION COMMITTEE* FOR THEIR HARD WORK TO MAKE THIS CONFERENCE A SUCCESS
- TO THE *SC BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS* FOR FUNDING THE SPEAKER COST FOR THE CONFERENCE.
- TO *DUNCAN-PARNELL* AND *ROWE, PSC* FOR THEIR DONATION TO OUR SPONSORSHIP PROGRAM!

THANKS TO OUR 2011 TRADE SHOW EXHIBITORS

- CARLSON SOFTWARE
- CAROLINA RESOURCE MAPPING, INC.
- CLEMSON UNIVERSITY
- CONTINENTAL AERIAL SURVEYS, INC.
- DUKE ENERGY CORPORATION
- DUNCAN-PARNELL, INC.
- EAST TENNESSEE STATE UNIVERSITY
- GEL GEOPHYSICS, LLC
- HAYES INSTRUMENTS
- INDEPENDENT MAPPING CONSULTANTS, INC.
- INSURANCE MANAGEMENT CONSULTANTS, INC.
- LEICA/ALLEN PRECISION EQUIPMENT, INC.
- NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS
- SMART VENT FLOOD VENTS
- TPM, INC.
- TRANSIT AND LEVEL CLINIC, INC.

EXHIBITOR PRIZE WINNERS!

Below are the prizes won during the 2011 Conference and Trade Show Exhibitor's Social. Please forgive us if you were left out!

- CARLSON SOFTWARE - \$500 TOWARDS 2011 SOFTWARE PURCHASE - FRANKIE MANHARDT
- CAROLINA RESOURCE MAPPING, INC. - \$50 LOWE'S GIFT CARD - AARON LEACH
- CONTINENTAL AERIAL SURVEYIS, INC. - KNIFE SET - CARL BOSTICK
- DUKE ENERGY - JACKET - BRIAN BONDS
- DUNCAN-PARNELL, INC. - TOOL SET - BURNETT JENKINS
- GEL GEOPHYSICS, LLC - TURKEY DECOY - RAY LUGAR
- HAYES INSTRUMENTS - COMPASS - MILTON WINSLOW; VEST - ROD VAUGHAN
- INDEPENDENT MAPPING CONSULTANTS, INC. - GOLF BALLS - AL HOLLAND
- INSURANCE MANAGEMENT CONSULTANTS, INC. - IPOD - JOHNATHAN SMITH
- LEICA/ALLEN PRECISION EQUIPMENT, INC. - CAMERA TRIPOD - JOE EELMAN
- NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS - FREE ONE YEAR MEMBERSHIP - ALBERT HEATLEY
- SC SOCIETY OF PROFESSIONAL LAND SURVEYORS - BELT BUCKLE - NANCY FRASURE
- SMART VENT FLOOD VENTS - \$25 AMERICAN EXPRESS GIFT CARD - RICHARD RHODES
- TPM, INC. - \$25 CABELA'S GIFT CARD - WAYNE REYNOLDS
- TRANSIT AND LEVEL CLINIC, INC. - HAND LEVEL - BUDDY SCHWACKE

Congratulations to John Attaway, winner of the 1 day Wild Turkey & Wild Boar Hunt Scholarship Raffle!



Surveyors and Scouting



The purpose of the Boy Scouts of America, incorporated on February 8, 1910, and chartered by Congress in 1916, is to provide an educational program for boys and young adults to build character, to train in the responsibilities of participating citizenship, and to develop personal fitness. Young people need mentors. Positive relationships with adults—community and religious leaders and, of course, parents—provide youth with good role models and have a powerful impact on their



lives. Young people of every age can benefit from constructive, one-on-one interaction with adults beyond their own families. Scouting provides such adult interaction.

The Boy Scouts of America relies on dedicated volunteers to promote its mission of preparing young people to make ethical and moral choices over their lifetime by instilling in them the values of the Scout Oath and Scout Law. Today, nearly 1.2 million adults provide leadership and mentoring to Cub Scouts, Boy Scouts, and Venturers. Through the dedication of these many volunteers, the Boy Scouts of America remains the foremost youth program of character development and values-based leadership training in America. At the October 2010 General Membership meeting, SCSPLS, with assistance from SCSPLS member Luther Lown, offered a free seminar to its members to learn to teach the Cub Scout Engineer Badge and the Boy Scout Surveying Merit Badge. We encourage members to become a volunteer and share in the positive experiences of the Scouting programs. Please visit www.scouting.org to locate a troop near you!

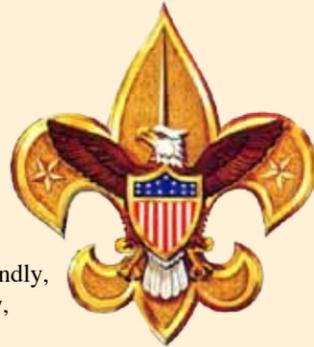


Scout Oath (or Promise)

On my honor I will do my best
To do my duty to God and my country
and to obey the Scout Law;
To help other people at all times;
To keep myself physically strong,
mentally awake, and morally straight.

Scout Law

A Scout is trustworthy, loyal, helpful, friendly,
courteous, kind, obedient, cheerful, thrifty,
brave, clean, and reverent.



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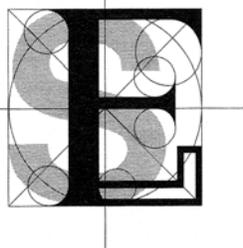
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