

*An affiliate of the National Society of
Professional Land Surveyors*

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GENERAL MEMBERSHIP MEETING

WEDNESDAY – FEBRUARY 8, 2012
7:30 PM



**2012 SCSPLS EDUCATION
CONFERENCE AND TRADE SHOW**
FEBRUARY 9 – 10, 2012

DOUBLETREE BY HILTON HOTEL
COLUMBIA, SC

PRESIDENT'S MESSAGE

Hello Fellow Surveyors!

Here we are at the mid-point of our year already! Things are moving along and we are making progress in many areas. Let me begin by thanking all of our



members who attended the General Membership Meeting in Myrtle Beach on November 19th. I was extremely glad to see so many attendees and we received some excellent feedback on the issues at hand. I have been able to attend a number of Chapter meetings around the State and am getting a good feel for the 'state of the State'! Thank you for your hospitality and I look

forward to seeing all of you at some point over the rest of my term.

I just returned from the NSPS Winter Meeting where we spent a full day in the capital lobbying our Senators and Representatives on issues that face Surveyors, most specifically the Lightsquared issue. It was refreshing to see the response from our Congressional members. It was also disturbing to me when a number of them commented that we were the first

constituents whose opinions they had heard. You must contact your representatives and urge them to tell the FCC not to let Lightsquared proceed until they have shown NO interference with ANY GPS. On the Lightsquared issue, a statement is due to be released on December 14th by the FCC. Lightsquared has seen a preliminary copy of that report and, since there have been no leaks or any statements by them on the report, we believe it will be more in our favor. Keep your eyes open for it. Go to www.saveourgps.org for all the latest information.

Attending this meeting, I also had a chance to see what the National Society does for us on a daily basis. They work hard for our profession, but are struggling financially to fulfill all of their goals. They need members, and if they got 20 new members from each State, they could meet their goals and more. I encourage each and every one of you to become a member today! We can't afford to lose our National Representation.

I am looking forward to the rest of this year and hope to accomplish more of our goals!

Sincerely,
Frankie Manhardt, PLS
SCSPLS 2011-12 President

EDUCATION CONFERENCE & TRADE SHOW

DOUBLE TREE BY HILTON HOTEL (formerly Radisson)
2100 BUSH RIVER RD., COLUMBIA, SC • FEBRUARY 9-10, 2012

Here is your chance to **earn up to 15 professional development hours** by attending full day Thursday and Friday seminars at the SCSPLS 2012 Education Conference and Trade Show! You will receive 1 PDH per classroom hour. To receive any PDH credits, you must **sign in** at the beginning of each seminar and stay for the complete duration of the scheduled seminar. The SC Society of Professional Land Surveyors meets the requirements for a continuing education provider of the South Carolina State Board of Registration and is a qualified provider of continuing education for the North Carolina Board of Registration. Early registration must be postmarked by **January 26, 2012**. Late fees will be effective after that date. Mail registrations to SCSPLS, 121 Executive Center Dr., Ste. 248, Columbia, SC 29210, email to kim@scspls.com, or fax to 803-750-7523. Seating will be limited and on a first come, first serve basis. Register early to assure your choice of seminars!

DoubleTree by Hilton Columbia (formerly Radisson), 2100 Bush River Rd., at I-20, Columbia, SC, 29210 will be our host hotel for this conference. **Please make your reservations early as all requests for reservations must be received by Monday, January 30, 2012.** (Group rates may no longer apply after this date.) You may make or confirm your reservation by calling the hotel directly at 803-731-0300 or 800-333-3333. Be sure to mention you would like the group rate for the SCSPLS Conference of \$99.00 for single or double rate. The DoubleTree by Hilton Hotel Columbia is centrally located at 2100 Bush

River Road at I-20 (Exit 63) and a half-mile from I-26. To view the DoubleTree Hotel go to <http://doubletree1.hilton.com/en/US/dt/hotel/CAECSDT-DoubleTree-by-Hilton-Hotel-Columbia-South-Carolina-South-Carolina/index.do>

TRADE SHOW: The annual SCSPLS Trade Show will be held in conjunction with the SCSPLS Continuing Education Conference. Come see the informative displays of hardware, software, equipment, surveying and photogrammetric instruments that will be featured at the only Trade Show SCSPLS will sponsor this year. This is a great opportunity for surveyors to compare vendors and order equipment, supplies and services or to make plans for future purchases. Exhibits will be located in the Congaree A & B Ballroom which will also be the location of the breaks and lunch during the conference. Also, plan to join us Thursday evening for a "Social with the Exhibitors" where there will be plenty of hors d'oeuvres, cash bar, and prize giveaways. Bring approximately 35 of your business cards to give to exhibitors for the prize drawings. You must be registered for the seminars and present to win a prize. If you are not attending the education conference, you are invited to attend the trade show and view the latest in equipment, supplies and services for the surveying profession during non-food events or purchase a ticket to the Thursday evening social. The Trade Show floor will remain open on Thursday evening following the seminars for social with the Exhibitors and will close after the afternoon break on Friday.

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CONFERENCE & TRADE SHOW SCHEDULE

• Registration, coffee, breaks, and lunches are included in registration fee.
Thursday's Exhibitor's Social is included in Thursday's registration fees.

WEDNESDAY, FEBRUARY 8, 2012:

2:00 – 6:00 PM: Trade Show Set-up – Congaree A & B, DoubleTree by Hilton Hotel
5:30 – 7:30 PM: SCSPLS Board Meeting, DoubleTree Hotel
7:30 – 8:30 PM: SCSPLS General Membership Meeting, DoubleTree Hotel

THURSDAY, FEBRUARY 9, 2012:

7:30 AM – 8:30 AM REGISTRATION- Coffee with Exhibitors- **CONGAREE A & B**
8:30 AM – 12:15 PM SESSION 1: ALTA/ACSM Land Title Surveys, the New 2011 Minimum Standards – Gary R. Kent, LS
SESSION 2: Ethics in Surveying Cost Analysis and Proposals – William E. Beardslee, PE, PLS, PP
SESSION 3: Water Wars/Parish Boundary Dispute – Bernard M. Telatovich, PE, Esq. and Frank L. Willis, PhD, PE, PLS
SESSION 4: FEMA Updates, Elevation Certificates and NFIP – Maria Cox Lamm, CFM, Joy Sullivan, Andy Brandenburg, SC DNR
10:00 AM – 10:30 AM Morning break with Exhibitors-Sessions 1 & 2 **CONGAREE A & B**
10:30 AM – 11:00 AM Morning break with Exhibitors-Sessions 3 & 4 **CONGAREE A & B**
10:30 AM – 12:15 PM Continuation of Morning Sessions 1 & 2
11:00 AM – 12:15 PM Continuation of Morning Sessions 3 & 4
12:15 PM – 1:30 PM Lunch with Exhibitors - **CONGAREE A & B**
1:30 PM – 5:00 PM SESSION 1: (Cont'd) ALTA/ACSM Land Title Surveys, the New 2011 Minimum Standards
SESSION 2: (Cont'd) Ethics in Surveying Cost Analysis and Proposals
SESSION 3: (Cont'd) Water Wars/Parish Boundary Dispute
SESSION 4: (Cont'd) FEMA Updates, Elevation Certificates and NFIP
3:00 PM – 3:30 PM Afternoon break with Exhibitors- Sessions 1 & 2 **CONGAREE A & B**
3:30 PM – 4:00 PM Afternoon break with Exhibitors- Sessions 3 & 4 **CONGAREE A & B**
3:30 PM – 5:00 PM Continuation of Afternoon Sessions 1 & 2
4:00 PM – 5:00 PM Continuation of Afternoon Sessions 3 & 4
5:00 PM – 7:00 PM **EXHIBITOR SOCIAL** – Radisson Conference Center – **CONGAREE A & B**
Prize Drawings- Bring 35 of your business cards - (name badge required for entrance)

FRIDAY, FEBRUARY 10, 2012:

7:30 AM – 8:30 AM REGISTRATION - Coffee with Exhibitors
8:30 AM – 12:15 PM SESSION 1: SC Easements and Rights of Way – Gary R. Kent, LS
SESSION 2: Forensic Surveying – Bernard M. Telatovich, PE, Esq.
SESSION 3: Photogrammetry & Remote Sensing using Unmanned Aerial Vehicle – Frank L. Willis, PhD, PE, PLS
SESSION 4: Corps of Engineers Regulatory Program for Wetland Delineations, Jurisdictional Determinations and More – Tracy Sanders, Richard L. Darden, Ph.D., Brice McKoy, Jessica Hooten & Chad Konickson
10:00 AM – 10:30 AM Morning Break with Exhibitors- Sessions 1 & 2 **CONGAREE A & B**
10:30 AM – 11:00 AM Morning Break with Exhibitors- Sessions 3 & 4 **CONGAREE A & B**
10:30 AM – 12:15 PM Continuation of Morning Sessions 1 & 2
11:00 AM – 12:15 PM Continuation of Morning Sessions 3 & 4
12:15 PM – 1:30 PM Lunch with Exhibitors- **CONGAREE A & B**
1:30 PM – 5:00 PM SESSION 1: (Cont'd) SC Easements and Rights of Way
SESSION 2: (Cont'd) Forensic Surveying
SESSION 3: Tidal Wetlands, Critical Lines, Non-Jurisdictional Freshwater Wetlands, Docks – Dan Burger & Blair Williams, DHEC
SESSION 4: (Repeat) Corps of Engineers Regulatory Program for Wetland Delineations, Jurisdictional Determinations and More
3:00 PM – 3:30 PM Afternoon break - Sessions 1 & 2 **CONGAREE A & B**
3:30 PM – 4:00 PM Afternoon break - Sessions 3 & 4 **CONGAREE A & B**
4:00 PM – 5:30 PM Trade Show Break Down
3:30 PM – 5:00 PM Continuation of Afternoon Sessions 1 & 2
4:00 PM – 5:00 PM Continuation of Afternoon Sessions 3 & 4

Thank you to the SC Board of Registration for Professional Engineers and Surveyors
for funding the speaker cost for this conference!

SCSPLS GENERAL MEMBERSHIP MEETING WEDNESDAY, FEBRURARY 8, 2012, 7:30 P.M.

DoubleTree by Hilton Hotel, Columbia

Welcome:
Invocation:
Meeting Format: Robert's Rules of Order
Agenda Approval:
Approval of Minutes of GM Meeting:
CONSENT AGENDA FOR THE FOLLOWING ITEMS:
1. President's Report:
2. Financial Report:
3. Delegate Reports:
• SC Council of Eng. & Surv. Soc.
• NSPS Governor
• SMAC/GIS Delegate
• SC Utilities Committee
• The Auxiliary
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
5. District Director's Reports:
• District 1
• District 2
• District 3
• District 4
• District 5
• District 6
6. Committee Reports:
• Activities & Programs
• Constitution & By-Laws
• 2012 Convention
• Education
• Ethics & Standards of Practice
• GPS-VRS
• Insurance
• Internet
• Legal & Legislative
• Membership
• Newsletter, Plat Contest & Surveyor of the Year
• Office Relocation Committee
• PAC Research Committee
• Past Presidents Council
• Public Relations
• Scholarship Committee
• Survey Contest
• Yearbook
NORMAL AGENDA ITEMS:
Old Business:
Insurance Update
Constitution & By-Laws Motions
New Business:
Board of Prof. Eng. & Surveyors' Report
Closing Comments
Adjournment

President Frankie Manhardt
President Frankie Manhardt
President Frankie Manhardt
November 19, 2011
President Manhardt
Lee Frank
Carl Bostick
Henry Dingle
Bill Tripp
Aaron Taylor
Bill Tripp
Thomas Andersen
Mike Johnson
Bobby Foster
Erwin Balk
Terry Hatchell
Greg Jenness
Tad Abraham
Earl O'Brien
Ferrell Prosser
Wayne Reynolds
Bill White
Jody Mitchell
Chuck Dawley
Dennis Johns
Tom Abraham
Billy Martin
Burnett Jenkins
Mike Culler, Jr.
Aaron Leach
Ronnie Tyler
Kent Hudson
Greg Jenness
Bobby Foster & All Chapter Reps.
Mark Mills
Dennis Clinkscales
Dale Swygert, Exec. Comm.
Dennis Johns & District Directors
Dennis Clinkscales
Aaron Leach
Dennis Johns
Dennis Clinkscales
Dale Swygert
Chuck Dawley
Larry Beasley
Northwest Chapter
Dennis Clinkscales

Dennis Clinkscales
President Manhardt/Ronnie Tyler
President Manhardt



COLLECT



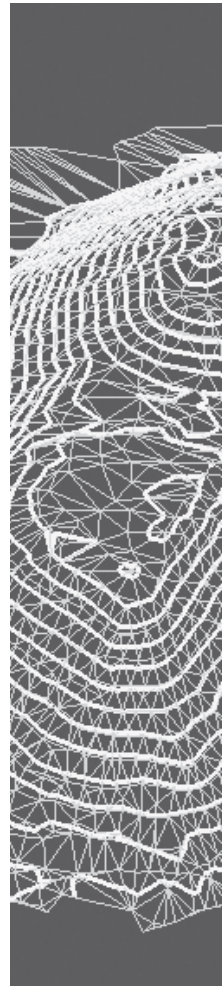
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December 2011

THE CAROLINA BENCHMARK

MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING

Saturday, November 19th, 2011, Ripley's Aquarium, Myrtle Beach, SC

A meeting of the general membership of South Carolina Society of Professional Land Surveyors was held on Saturday, November 19, 2011, at 10:00 AM, at Ripley's Aquarium, Meeting Room, Myrtle Beach, South Carolina.

Members in attendance were:

Officers:

President	Frankie Manhardt
President Elect	Kent Hudson
Vice President	Aaron Leach
Secretary	Dennis Clinkscales
Treasurer	Lee Frank
Immediate Past President	Dale Swygert, absent

Delegates:

SC Council of Eng. & Surv.	Carl Bostick, absent
NSPS Governor	Henry Dingle, absent
SC Utilities Committee	Aaron Taylor, absent
SMAC/GIS	Bill Tripp
The Auxiliary	

Chapter Representatives:

Aiken Chapter	Bill Tripp
Central Chapter	Thomas Andersen, absent
Coastal Chapter	Mike Johnson, absent
Foothills Chapter	Bobby Foster, absent
Grand Strand Chapter	Erwin Balk, absent
Low Country Chapter	Terry Hatchell, absent
Midlands Chapter	Greg Jenness, absent
Mid-State Chapter	Tad Abraham, absent
Northwest Chapter	Earl O'Brien, absent
Pee Dee Chapter	Ferrell Prosser, absent
Thomas C. Anderson Chapter	Wayne Reynolds, absent
Tri-County Chapter	Bill White, absent
Upper Piedmont Chapter	Jody Mitchell, absent

District Directors:

District 1	Chuck Dawley, absent
District 2	Dennis Johns, absent
District 3	Tom Abraham, absent
District 4	Billy Martin
District 5	Burnett Jenkins, absent
District 6	Mike Culler, Jr.
<u>Executive Secretary:</u>	Brenda Smith, absent
<u>Asst. to Exec. Sec.</u>	Kim Long

OTHERS MEMBERS AND GUESTS PRESENT: Thurl Amick, Sr., Larry Beasley, Robert L. Bellamy, Jr., Bill Coleman, Alfred B. Crouch, Michael Culler, III, Timothy Davis, Will Fairey, Mark Graham, Jeff Plumblee, Nancy Plumblee, Don Thomas, Ronnie Tyler, Terry Watson

President Frankie Manhardt called the General Membership meeting of the SCSPLS to order Saturday, November 19, 2011 at 10:00 AM at Ripley's Aquarium, Meeting Room, Myrtle Beach, SC. Mr. Ronnie Tyler opened the meeting with prayer. President Manhardt stated that the meeting would be conducted under Robert's Rules of Order. President Manhardt stressed the importance of the 10 minute time limit per person for



comments during discussions as mandated by Robert's Rules. Once everyone has had a chance to speak, additional time will be given for discussion if needed.

AGENDA: A motion was made to approve the agenda. Motion was unanimously approved.

CONSENT AGENDA: A motion was made to approve the reports in the Consent Agenda. Motion was unanimously approved.

APPROVAL OF MINUTES OF GM MEETING: A motion was made to approve the minutes of the June 11, 2011 General Membership meeting. Motion was unanimously approved.

PRESIDENT'S REPORT: President Manhardt's written report stated since appointment to the position of President, she has had the opportunity to attend an LLR Board meeting, Tri-County Chapter meeting, and to participate in the interviews of the applicants to fill the 2 engineer positions coming up on the LLR Board. The LLR Board meeting was educational and President Manhardt encourages all members to attend at least one. There were disciplinary actions for both engineers and surveyors and it was interesting to witness the proceedings. It gave great insight into what we, as professionals, should and should NOT be doing! The Tri-County Chapter meeting was also educational as Sid Miller was there to talk about the State Line between NC and SC. They believe they have the final solution to the centuries-old question of exactly where the line goes, and now it is up the legislature to set it in stone.

On October 19th, President Manhardt and Dennis Johns attended the SC Council of Engineers and Surveyors Societies (SCESS) interviews of the applicants for the two upcoming engineer positions on the LLR Board. Andy Kinghorn and Cecil Huey are not going to be renewing their terms for 2012. The SCESS is tasked with providing recommendations for appointment to the Board to the Governor. President Manhardt and Mr. Johns were in attendance to ensure that the recommendations were engineers who the surveyors would be able to work with and that they would be a good fit for our profession. The notification of the recommendations has been sent out and is now available for public review.

MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING (CONT)

President Manhardt hopes to attend many more Chapter meetings, organization events and other relevant meetings throughout her term and asks that the membership keep her posted with any upcoming Chapter events of note.

As stated in her newsletter message, this year President Manhardt wants to actively pursue getting Trigstar established in the State. This is a tool which we can use to get in front of young people with promise. It is so very important to talk to children before they have decided what they want to be ‘when they grow up’. Each Chapter should talk to at least one High School in their area about the program and get it set up so that next years’ students can begin participating. She also encourages you to go to local Middle Schools and talk to the 6th and 7th graders. They are just beginning to look at where they are headed in life and, if they have aptitude in Math and a love of the outdoors, where else should they go but to Surveying?

FINANCIAL REPORT: Mr. Lee Frank submitted a written statement of accounts. The balances of SCSPLS accounts are as follows: Wachovia account ending in -1285 balance of \$176,035.51; Wachovia account ending in -7096 balance of \$12,957.78. Anyone wishing to view the 2011-12 Budget, Form 8879 EO, or Form 990 may contact Mr. Frank after the meeting.

DELEGATE REPORTS

SC COUNCIL OF ENG. & SURV. SOC.: No report.

NSPS GOVERNOR: No report.

SMAC/GIS DELEGAE: No report.



SC UTILITIES COMMITTEE: Mr. Aaron Taylor’s written report stated the committee met June 16, 2011 at the SCE&G Sand Dunes Club in Sullivan’s Island, SC. At that meeting Mr. Johnny Huggins with the Carolina Gas Transmission (CGT) presented “Pipeline Safety.” The meeting dates for the remainder of 2011 are as follows: August 2, 2011 – Black River Electric Coop, Sumter, SC; October, 2011 – Pine Island Club, Lake Murray, SC; December, 2011 – To be determined. For a complete copy of the minutes from the June 16, 2011 meeting, please contact the SCSPLS office.

THE AUXILIARY: No report.

CHAPTER REPORTS:

Aiken: Mr. Bill Tripp’s written report stated the Chapter has held four meetings since July an average of six members in

attendance. Meetings were as follows: July 12, 2011 – no speaker, group discussion; August 9, 2011 – no speaker, group discussion; September 13, 2011 – David Ruth, Aiken County EP Coordinator, spoke on Disaster Preparedness; October 11, 2011 – no speaker, group discussion.

Central: No report.



Coastal: Mr. Mike Johnson’s written report stated the Chapter has met twice since last report with an average attendance of 24 members and 2 guests. Danny Forsberg of Forsberg Engineering did a PowerPoint presentation of “A Surveyors and Engineers Prospectus on Trees” in October and Kevin Mitchell from the Town of Mt. Pleasant spoke about new regulations and proposed changes to the town’s ordinance at the September meeting.

Foothills: No report.

Grand Strand: Mr. Erwin Balk’s written report stated the Chapter has met once since last report, with 16 members in attendance. The meeting in September featured J. Paul Abrams, Technical Representative for PGA Sales & Marketing in Raleigh, NC, presenting on Smart Vents. On October 29th, Grand Strand Chapter joined with the Pee Dee Chapter for a Wetlands Workshop hosted by the Pee Dee Chapter where 30 attended. Joe Floyd with the Brigman Company led this outing. Six members of the Grand Strand Chapter attended and discussed upcoming events.

Low Country: Mr. Terry Hatchell’s written report stated the Chapter has not held any meetings since last report.

Midlands: Mr. Greg Jenness’ written report stated the Chapter has met twice since last report, with an average of 19 members in attendance. The main topics at both meetings were the proposed SCSPLS amendment changes, Chapter budget approval, annual Christmas box planning and nomination of Chapter Surveyor of the Year.

Mid-State: No report.

Northwest: No report.

Pee Dee: Mr. Ferrell Prosser’s written report stated the Chapter has met once since last report with 11 members in attendance. The Chapter successfully put on the Wetlands Workshop with 30 attending. Joe Floyd of the Brigman Company presented the workshop on environmental assessment. Those attending received a certificate for 6 CEU’s. The program for November 7th is being presented by Crystine Rathburn of the Florence County GIS office. This should be a very good program with

MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING (CONT)

the use of GIS in Florence County. Kamil Zakhour of Florence Darlington Tech will share the future of the classes of this technology at TEC.

Thomas C. Anderson: No report.

Tri-County: Mr. Bill White’s written report stated the Chapter has met twice since last report with an average attendance of 10 members and 2 guests. A very informative program was given by Sid Miller on the state line survey at the October meeting.

Upper Piedmont: No report.

DISTRICT DIRECTORS REPORTS:

District 1: No report.

District 2: No report.

District 3: No report.

District 4: No report.

District 5: No report.

District 6: No report.

COMMITTEE REPORTS:

Activities: No report.

Constitution and By-Laws: No report.

2012 Convention: Mr. Kent Hudson’s written report stated the Annual Convention will be co-located again this year with the SC Engineering Conference, June 14th-17th, 2012 at the Sheraton Myrtle Beach Convention Center Hotel, Myrtle Beach, SC. The Convention Committee, along with Mrs. Brenda Smith, will work closely with Mr. Joe Jones and his committee to provide another great convention. Everyone is encouraged to attend. Convention information will be posted on www.scspe.org.

Education Committee: Mr. Gregory Jenness’ written report stated the speakers for the upcoming SCSPLS Continuing Education Conference had been contacted and booked. The committee and staff are excited about the diversity of topics for this year’s seminars.

Ethics & Standards of Practice: Mr. Bobby Foster’s written report stated there has been no activity in this committee.

GPS-VRS: No report.

Insurance: Mr. Dennis Clinkscales’ written report stated SCSPLS signed a contract with LifeStore Insurance in October for the optional supplemental insurance. Open enrollment started on October 16 and went through November 15, 2011 for coverage effective December 1, 2011. To get additional information on this program go to the Society website www.scspls.com or call 1-888-728-2467. Currently no life insurance is available in this program but they are trying to obtain a company to bring life insurance on with this optional plan. Continue to check our website and any additional information will be sent out if this insurance does become part of this option.

Internet: No report.

Legal and Legislative: No report.

Membership: Mr. Dennis Clinkscales’ written report stated the society currently has 382 members: Full – 323, Associate – 13, Complimentary – 11, Emeritus – 21, Student – 2, Sustaining – 12. The following new Emeritus members are up for approval by the general membership at this meeting: **Emeritus:** Charles

A. Whitaker, Whitaker Engineering, Union, SC; David S. Youmans, Beaufort Surveying, Inc., Port Royal, SC.

Newsletter: Mr. Aaron Leach told the group that the next newsletter is due out the end of November. If anyone has any suggestions for articles they would like seen published in the newsletter, please let him know.

PAC: Mr. Dennis Clinkscales’ written report stated he is currently working to find the old PAC number of the dormant fund that SCSPLS had previously. Anyone who might have been involved with the PAC in the past and might have some information or know where to find this out please contact Mr. Clinkscales or the SCSPLS office.



Past President’s Council: No report.

Plat Contest: No report.

Public Relations: No report.

Scholarship: President Manhardt stated that Mr. Larry Beasley has agreed to serve the remaining 2 year term of Mr. Robert Praete on the Scholarship Committee. Mr. Beasley has also agreed to chair that committee and appointment will be voted on by the board of directors at the next board meeting. The Scholarship account currently has a balance of \$52,077.48.

Survey Contest: No report.

Surveyor of the Year: No report.

Yearbook: Mr. Dennis Clinkscales’ written report stated the 2010-11 SCSPLS Yearbook has been completed. It is currently being proofed by staff and the executive board and will go to graphics the first week of November.

OLD BUSINESS:

Insurance Update: Mr. Dennis Clinkscales gave an update on the insurance. The first open enrollment period ended on November 16th, 2011. Mr. Clinkscales asked if anyone in the room had contacted SBU about the insurance. Mr. Jeff Plumblee said he had looked into the plans offered but his current insurance provided better coverage at a lower rate. President Manhardt stated the policy we are offering with SBU (Small Business United) is an option for members who may be uninsurable or paying high rates. We are waiting to hear the number of enrollees from Chad Smith at LifeStore. Depending on enrollment numbers, LifeStore anticipates extending the enrollment period. Mr. Smith is still looking for a life insurance carrier. All information on life insurance and open enrollment

MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING (CONT)

for the current policy will be forwarded to the membership as it is received by Mr. Clinkscales and the SCSPLS office.

Constitution & By-Laws Motions: President Manhardt stated that 3 motions making changes to the Constitution were sent on a ballot to the membership in the summer. Because of membership feedback, the board felt it was in the best interest of the Society to repeal the ballots and get comments from the general membership with more appropriate wording on the motions. The board is now prepared to accept comments on the rewording of these motions and other items that any member may offer on the restructuring of the Constitution. She then directed the discussion to Mr. Ronnie Tyler, chairman of the Constitution & By-Laws Committee. Mr. Tyler said that his committee has not met since the ballots were repealed and that at this time, he is waiting on the comments and consensus of the membership before working on new motions. The floor was opened for discussion. Several members spoke regarding each of the 3 original motions. The general consensus of the group was the membership is not in favor of the name change of the society or the change in the term limit of NSPS Governor. However, all that commented agreed that something needed to be done about the Emeritus membership category. Several comments were made regarding the types of changes that need to be made in the Emeritus membership terminology to include the following: the society should not change the qualifications of Emeritus membership, just emphasize that Emeritus by definition means retired and that those applying should be basically (but not necessarily 100%) retired from surveying; the society should not link their requirements of Emeritus membership with any other organization, including the State Board. The State Board and the society have separate purposes and linking the definition with any other organization would require reevaluation each time the other group changed; the age of Emeritus membership could be pushed back from 65. All agreed that the current Emeritus members should retain their status and any changes made would apply to future Emeritus members.

A motion was made to recommend the state society board continue to focus its efforts for a constitutional change to the status of future Emeritus members. The society should at this time discontinue the discussion of the society name change and change in the term of NSPS Governor. The motion was seconded and the floor opened for discussion. During discussion it was suggested the word “status” in the motion could be replaced with “definition”. A request was also made to include the definition of associate members in the motion so that terminology to possibly include GIS and Photogrammetric surveyors, etc. in that category could be addressed. The motion was then amended to request a constitutional change on the classification of members in the society. Several voiced their opinion that too much was written in to this one motion and asked that the motion be broken down into 3 separate motions. The motion was withdrawn.

A motion was made to recommend the state society board discontinue discussion on the name change of the society. The motion was seconded and the floor was opened for discussion. After some discussion, the motion was amended

to include “discontinue discussion on the name change of the society at this time,” so the topic could come up at a future date. There was opposition to this motion with some of the opinion that everyone had gathered together and there had been good conversation so the matter should be dealt with now along with the change in the term limit of NSPS governor. The motion was withdrawn.

A motion was made to recommend to the state society board to keep the name of the society as is. The motion was seconded and the floor was opened for discussion. Being no discussion, the motion was voted on and passed unanimously.

A motion was made to recommend to the board that the term limit for NSPS Governor remain the same at 2 years. The motion was seconded and the floor was opened for discussion. The current policy for electing NSPS Governor was reviewed. The motion was called to vote and passed unanimously.

There was further discussion from the group on adding other classifications of surveyors into the society, such as GIS and Photogrammetric surveyors. The discussion included how many people this may include and how they are licensed. President Manhardt stated one of the reasons to incorporate these groups into the society is to make them aware of the rules and requirements of surveying. They would not be classified along with full members, just welcomed into our community. Concern of diluting what it is surveyors do and what people think they do was voiced and it was suggested other surveying disciplines be allowed in as associate or affiliate members. Because associate members are not allowed to hold office, the value of membership in that category to the other surveying disciplines was questioned. Several members present stated they were members of different organizations for networking purposes only and could neither vote nor hold office in those organizations. The benefit derived is from networking.



The state society currently does not have a category to accept other surveying disciplines other than sustaining member. Associate members according to the constitution must be actively pursuing their PLS to qualify for that category. The society would have to create an “affiliate” category to include these people. A member commented if the society allows other disciplines in, there should be a separate designation for up and coming surveyors (associate members), vendors (sustaining members) and GIS and/or Photogrammetric surveyors.

A member present stated he felt the best way to protect the interest of surveyors now and in the future is to not allow

MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING (CONT)

other disciplines into the society. Exception to this opinion was made with the statement that surveyors need to expand their profession and not continue to sit back and let these disciplines keep slipping out of the surveyors’ domain. It was also said that the problem is with unlicensed GIS and Photogrammetric surveyors. If other disciplines are added in, we could join together as a group and require the State Board to stop the unlicensed individuals.

A consensus was reached and another motion not needed for Mr. Ronnie Tyler and his committee to continue working on the definition of Emeritus members. All comments on the definition of Emeritus status should be directed to Mr. Tyler. It was suggested that while looking at the clarification of Emeritus membership, creating an affiliate membership category should also be considered. Affiliate membership should be looked at as a non-voting category at this time. When and if other disciplines are brought in, other parts of the constitution will need to be changed. Tier A land surveying includes Photogrammetric and GIS according to the law. According to our constitution as written, these individuals already qualify to be a full member. The full member category needs to be clarified as to what a full member is to either exclude or include this group.

Mr. Tyler stated the board erred in charging the \$40 application fee to Emeritus members. President Manhardt informed the group that the board was going to consider the application fee at its next meeting.

With there being no further discussion, President Manhardt charged Mr. Ronnie Tyler and his committee to work on the rewording of the membership categories. The board will consider the changes made at its meeting in February and the general membership will be notified of proposed changes at the general membership meeting immediately following the board meeting.

NEW BUSINESS:

Board of Prof. Eng. & Surveyors: Mr. Thurl Amick, Sr. provided a report from the State Board.

The State Board has once again voted to fund the speakers for the SCSPLS Education Conference.

The majority of hearings at the State Board meetings are for application violations and not disciplinary issues. If a licensed surveyor or engineer allows their license or COA to lapse the LLR administration will issue a Cease and Desist Order and/or require they pay a fine. Many will go to the State Board to try and avoid the Order and/or fine.

New applications for surveyors are down. Mr. Amick normally receives 5-6 a month and has not received any in the past 2 months.

Mr. Amick presented a paper to the other State Board members notifying them that at the January State Board meeting he plans to make a motion that the full board vote and establish a policy stating construction surveying is within the limits of surveying as defined in our code of laws and requires a licensed surveyor. He plans to fight this battle in 2012 along with other exemptions that previous boards have recognized. The paper submitted is similar to the paper previously written

and published in *The Carolina Benchmark* but formatted differently.

Mrs. Theresa Hodge has been elected Chairman of the State Board, Mr. Amick elected Vice Chairman and Mrs. Nancy Cottingham elected Secretary.

Bob Jones University has submitted information to the State Board so they can start an engineering school for mechanical and structural engineering.



The new leadership at LLR is in the process of reviewing the engine law to make minor changes and clarifications where needed. They are looking at surveyors’ codes and regulations to make sure they match. A few very minor changes have been made and will be discussed via conference call by the State Board. LLR Attorneys are conducting the review.

State Board members have been told they are in no way to get involved in any violation. If anyone brings a potential violation to them, they are to immediately tell the person that they must file a written complaint. The reasoning behind this is once a violation goes to the Board, they are the judge and jury and should not have any prior knowledge of the case. To file a complaint, fill out the form online and attach any evidence you may have.

Closing Comments:

Mr. Bill Coleman, NSPS President, thanked everyone present for presenting him with a SCSPLS Life Service Award. He was unable to attend the summer meeting to receive the award but was presented with it at the NSPS conference in San Diego by NSPS Governor, Mr. Henry Dingle. He was honored by the award and appreciates the recognition.

Mr. Jeff Plumblee received information from Jostens, the maker of high school rings, regarding the possibility of coming up with a ring for SCSPLS members. He has passed the information to President Manhardt who is looking in to the options available and possible artwork that could be used.

Motion to adjourn with a second. Vote unanimous.

Respectfully submitted,
Dennis Clinkscales, SCSPLS Secretary 2011-12

ACQUIESCENCE

By Knud E. Hermansen and Robert A. Liimakka

(Reprinted with permission from Georgia Land Surveyor, October 2011)

Acquiescence, similar to the doctrines of estoppel and practical location, is an equitable doctrine that will fix the location of a common boundary in a location that may differ from the location where a surveyor would place the common boundary based on the rules of construction.

The doctrine of acquiescence is known in some jurisdiction as a consentable boundary. Some states have equated it to a boundary by implied agreement. The motivation for a court recognizing a boundary different from the record is to let boundaries that appear to have been settled to be settled. A person that sleeps on their rights should not be allowed to demand with passion what they have for so long ignored with indifference.

The doctrine of acquiescence generally requires three conditions exist. First, the record boundary must be vague or unknown. The purpose for this element is to prevent persons from usurping the legal requirement that parties alter the location of their record boundaries by written instrument. By requiring the boundaries be vague or unknown, the legal fiction is created that the parties-in-interest have not altered the location of their deed boundaries. Rather, the parties-in-interest have fixed a definite location for the boundaries described in their respective deeds. This fiction survives even though a surveyor would place the boundary with some confidence in a different location than where the boundary location has been historically recognized.

A second condition requires one party act by fixing the boundary in a location by definite monumentation or occupation that appears and is accepted as marking the boundary. The boundary so fixed by the one party cannot be based on fraud or deceit. In other words, the party in placing the monuments or barriers must have reasonably believed the objects are placed on the common boundary.

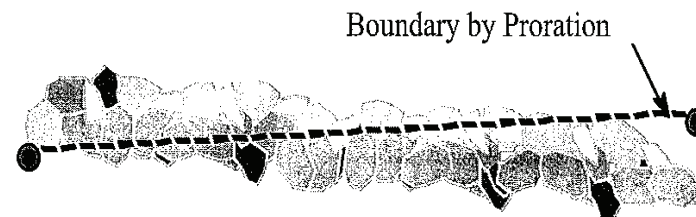
The third condition requires that the non-acting party recognize the barriers or monuments as marking the boundary. Recognition is sufficient if the individual does not contest the location.

The fourth and final condition is that the three conditions exist for some length of time that a reasonable person would have been expected to object or act had they disagreed. A long length of time is not crucial if the location of the record boundary is otherwise vague or difficult to locate and the location of the monuments or barrier is reasonable to the location of the record boundary.

The following situation may be give rise to a boundary by acquiescence:

Bill and Jane live next to each other in an old subdivision. Bill does his best to locate the common boundary he shares with Jane in order to build a rock wall. He makes measurements and sets stakes, eventually building the

rock wall along a line between the stakes. Jane watches Bill make the measurements to locate the boundary and observes Bill construct the wall. For many years thereafter, Jane and Bill respect the wall as marking the common boundary. Twelve years later, Jane needs a survey of her property in order to build a garage. In performing the survey for Jane, the surveyor gathers considerable site and record information. Most of the original monuments have disappeared. The surveyor prorates the distances between found monuments that are located several hundred feet away with the following results shown in the diagram:



In the above situation, the court would be reluctant to adopt the boundary established by prorated distances over the location of the stone wall that has been accepted as the boundary for some length of time. The wall is located within reason to the record boundary. It has been accepted as the boundary for over 12 years. The upheaval and disruption in the neighborhood that would result with adopting lines that differ from the long standing occupation flies in the face of equity.

It is reasonable for a surveyor to adopt an occupation line as the boundary where the record boundary location is vague, difficult to fix, or a reasonable location of the record boundary is on or near the occupation line. Justice Cooley remarked on this very situation in the late 19th century using these words.

Occupation, especially if long continued, often affords very satisfactory evidence of the original boundary when no other is attainable; and the surveyor should inquire when it originated, how, and why the lines were then located as they were, and whether a claim of title has always accompanied the possession, and give all the facts due force as evidence. Unfortunately, it is known that surveyors sometimes, in supposed obedience to the state statute, disregard all evidences of occupation and claim of title, and plunge whole neighborhoods into quarrels and litigation by assuming to establish corners at points with which the previous occupation cannot harmonize. It is often the case when one or more corners are found to be extinct, all parties concerned have acquiesced in lines which were traced by the guidance of some other corner or landmark,

which may or may not have been trustworthy; but to bring these lines into discredit when the people concerned do not question them not only breeds trouble in the neighborhood, but it must often subject the surveyor himself to annoyance and perhaps discredit, since in a legal controversy the law as well as common sense must declare that a supposed boundary long acquiesced in is better evidence of where the real line should be than any survey made after the original monuments have disappeared. Thomas M. Cooley, Chief Justice, Supreme Court of Michigan, 1864-1885 in *The Judicial Functions Of Surveyors*

Where the surveyor is convinced the location established for the record boundary is different from the markers or barriers acquiesced to by neighbors, the surveyor should report both locations to the client. In reporting both locations, the surveyor would be wise to inform the client that the acquiesced boundary may in fact be determined to be the ownership boundary based on the doctrine of acquiescence.

The surveyor may want to consider wording such as the following in a letter or report to the client when accepting monuments or barriers by the doctrine of acquiescence:

I have established your common boundary to coincide with a stone wall that exists between you and your neighbor. While the stone wall does not coincide with the measurements that were proportioned between existing monuments found beyond your common boundary, it is my opinion that the small difference between the measurements prorated and the measurements made to the wall is insufficient to overcome the equity that courts often find compelling when recognizing occupation lines that were allowed to exist for some time. The courts are often persuaded to leave things settled when it was believed by the parties to have been settled some time ago. You are, of course, at liberty to reject my opinion and advocate that your boundary be the prorated line. Your neighbor may do so as well. In each case, I will be willing to explain both the proration method I used and my belief that the stone wall is ultimately the monument to the common boundary.

Where the surveyor has come to the conclusion that the location of the record boundary is different from monuments or boundaries that were believed to be the boundary, the following example may be used to illustrate the surveyor's opinion as communicated to the client:

I have determined the common boundary to be a line fixed between two monuments. The line was established by dividing the excess distance measured between the two nearby monuments in proportion to the distances shown on the original subdivision plan between the two monuments. It is not unusual to discover that the actual distance measuring in the field is different from the distance shown on the plan, especially given the age of the original survey. The current surveying technology and education of the surveyor far exceed those of the earlier surveyors.

My opinion places the common boundary in a location

different from the wall that exists near this boundary. Although the method I have used to reestablish the common boundary was established by the court as a rule of construction, I feel compelled to warn you that the same court will often adopt occupation lines such as the wall to be the ownership boundary contrary to the record measurements. While I am confident in the methods I have employed in fixing your boundary I would be foolish to predetermine where a court would place the boundary if asked to choose between the boundary I have established and the existing stone wall. I believe you would be wise to consult with legal counsel before taking any action in regard to moving the wall or asking the neighbor to do so.

Acquiescence is similar to the equitable doctrine of practical location. The major difference is that practical location requires the parties-in-interest all participate, while acquiescence requires only one party act while the other parties-in-interest acquiesce to the acts of the one party.

Knud is a professor in the Surveying Engineering Technology program at the University of Maine. He is also a consultant on boundary disputes, alternate dispute resolution, land development, real property law, and access law.

Rob is a professor in the Surveying Engineering Program at Michigan Technological University. He is a professional surveyor and holds a MS in Spatial Information Science and Engineering from the University of Maine, Orono and is currently working on a doctorate in civil engineering.

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MOTION TO DEFINE CONSTRUCTION SURVEYS AS RELATED TO THE CODE OF LAWS IN SOUTH CAROLINA – REVISED 11/21/11

Below is a motion being made to the State LLR Board at its January 2012 meeting by Mr. Thurl M. Amick, Sr., PS.
The comments made are the opinions of Mr. Amick and not necessarily those of the full State Board.

During my research of construction surveys I found the following:

1. The ACSM and ASCE in their book of “Definitions of Surveying and Associated Terms” defines construction surveys as “The survey measurements made, while construction is in process, to control elevation, horizontal position and dimensions, and configuration; to determine adequacy of completion; and to obtain essential dimensions for computing construction pay quantities.”

2. Construction surveying (otherwise known as “lay-out” or “setting-out”) is the use of measuring distances, areas, and angles to stake out reference points and markers that will guide the construction of new structures such as roads, parking lots and/or buildings from established reference points (control points) for both horizontal and vertical control usually base on a coordinate system. This would include;

1. Setting stakes or otherwise marking lines and grades of principal points.
2. Laying out structures, culverts, and bridge lines and other fixed works.
3. Determining profiles of the ground along given lines (centerlines and/or cross-section lines) to provide data for cuts, fills, and earthwork volumes.
4. Determining the vertical and horizontal placement of utilities.

3. SECTION 40-22-20. DEFINITIONS.(24) defines the “Practice of TIER A surveying” means providing professional services including, but not limited to, consultation investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location, size, shape, or physical features of the earth, the space above the earth, or part of the earth, and utilization and development of these facts and interpretation into an orderly survey map, site plan, report, description, or project.

4. Surveying as defined in SECTION 1. Chapter 22 of Title 40 of the 1976 Code is as follows; (a) The Land surveyor:

- (1) locates, relocates, establishes, reestablishes, lays out, or retraces any property line or boundary of any tract of land or any road, right-of-way, easement, alignment, or elevation of any fixed works embraced within the practice of land surveying, or makes any survey for the subdivision of land;

- (2) determines, by the use of principles of land surveying, the position for any survey monument or reference point; or sets, resets, or replaces such monument or reference; determines the topographic configuration or contour of the earth’s surface with terrestrial measurements;

5. Construction Surveying is required experience under ARTICLE 2.GENERAL PROVISIONS 49-201 - Professional Surveyor Licensure Requirements. Paragraph (3) reads “An experience record in boundary and route surveying, topographical surveying, construction surveying, control/geodetic surveying, and rights-of-way delineation is beneficial to the applicant in the Board’s evaluation of the application.”

6. There are no exemptions found in Section 40-22-280. Exceptions From The Application of Chapter 22 (8) which states: “the work of a general contractor, specialty contractor, or material supplier in the preparation and use of shop drawings or other graphic descriptions used to detail or illustrate a portion of the work required to construct the project in accordance with plans and specifications prepared under the requirements of this chapter.”

This exempts the work of a general contractor, specialty contractor, or material supplier in the preparation and use of shop drawings or other graphic descriptions used to detail or illustrate a portion of the work required to construct the project in accordance with plans and specifications. Surveying or construction surveying is not mentioned or implied.

7. SECTION 40-22-10.A; There is created the South Carolina State Board of Registration for Professional Engineers and Surveyors under the administration of the Department of Labor, Licensing and Regulation. The purpose of the board is to protect the health, safety, and welfare of the public by ensuring that only properly qualified and competent engineers and surveyors are licensed to practice, by promoting technical competency and ethical standards consistent with the Rules of Professional Conduct applicable to engineers and surveyors, and by appropriately disciplining those found in violation of laws governing engineering and surveying.
8. The current Board and previous Boards policy on Construction Surveying is that Construction Surveys/ Construction Layout/Construction Staking performed by the staff of a construction company is exempt from licensure.

However, third parties that are not in the direct employment of the contractor must be licensed.

In view of the findings listed above it is my opinion that the current policy on construction surveying is in conflict with the Codes and Regulations. The above policy (item 8) indicates that the present Board and Previous Boards have recognized that Construction Surveys is surveying as defined in the South Carolina Codes. However, based on the findings stated above I believe that the exemption being given is incorrect. I do not believe this exemption exist in the codes. The exemptions in Section 40-22-280 does not provide for any exemptions for the staff of a construction company to perform construction surveys without a license. Nowhere is construction surveying mentioned. Neither have I been able to find where the General Contractors Codes gives such authority.

Therefore, in order to protect the health, safety and welfare of the Public, I make the following Motion to adopt a policy that clarifies the exemptions as definition in Section 40-22-280 (A) (8) as it relates to construction surveys (otherwise known as “lay-out” or “setting-out”):

The South Carolina Board of Registration for Professional Engineers and Surveyors adopts the following policy;

The practice of Construction Surveys (i.e. lay-out, stake-out, setting-out, etc.) is not exempted under Section 40-22-280 (A) (8), That Construction Surveying is the practice of Surveying as



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defined in the South Carolina Codes of Laws and therefore requires a license to practice and that all construction surveys must be performed under the direct supervision of a Licensed Surveyor holding a license to practice in South Carolina. That the only exemption a general contractor, specialty contractor, or material supplier has, is in “the preparation and use of shop drawings or other graphic descriptions used to detail or illustrate a portion of the work required to construct the project in accordance with plans and specifications prepared under the requirements of this chapter.” That Construction Surveys is not a part of this exemption.

GOVERNMENT WITHHOLDING RELIEF COALITION

The U.S. Senate amended version of H.R. 674 passed November 16th, 2011 in the U.S. House of Representatives by a vote of **422 to 0**. **With this House vote, we overcame the final hurdle in Congress. The bill went the White House for the President’s signature and was signed by the President November 21st, 2011.**

We are grateful to Congressmen Wally Herger and Earl Blumenauer and Senators Scott Brown and David Vitter for spearheading the legislative effort as well as Chairman Dave Camp and Ranking Member Sander Levin for their efforts in Committee, and Speaker John Boehner, Leader Eric Cantor and Whip Kevin McCarthy for putting the 3% repeal on the House’s ‘to do’ list and Leader Mitch McConnell for pushing it in the Senate. **And ‘thank you’ to every member of this coalition for your work and your resolve to get this done!**

SCSPLS Wishes You and Yours safe and



SAVE THE DATE!
SCSPLS CO-LOCATING WITH THE
2012 SC ENGINEERING CONFERENCE
June 14-17, 2012
Sheraton Myrtle Beach Convention Center hotel



The **SC Engineering Conference** is in its fourth year as a combined effort of the engineering organizations. This will be the second year that SCSPLS has co-located with this conference. The conference will include a trade show and technical programs. The hotel is oceanfront which brings multiple opportunities for family and a break from the long day inside in classroom settings.

Make your plans now to attend the 2012 SC Engineering Conference.

2011-12 CHAPTER MEETINGS

Chapter	Representative	Phone	Date	Location
Aiken	Bill Tripp	803-649-7360	2nd Tues.	EeJay’s Rest., Kalmia Mall, Aiken
Central	Thomas Andersen	843-659-5083	2nd Wed.	Various locations, Sumter
Coastal	Michael Johnson	843-571-2622	Last Tues.	Various locations, Charleston
Foothills	Bobby Foster	864-895-0955	2nd Tues.	Hibachi Grill, Greenville
Grand Strand	Erwin Balk	843-357-1901	3rd Tues.	T-Bones, Murrells Inlet
Low Country	Terry Hatchell	843-815-3304	TBD	Various Locations, Beaufort
Mid-State	Tad Abraham	803-276-8719	3rd Thurs.	Stable Steak House Rest., Prosperity
Midlands	Gregory Jenness	803-791-1400	4th Mon.	Carolina Wings, Irmo
Northwest	Earl O’Brien	864-224-2754	2nd Tues.	Circle M BBQ, Liberty
Pee Dee	Ferrell Prosser	843-669-5361	1st Mon.	Thunderbird, I-95 & #52, Florence
Thomas C. Anderson	Wayne Reynolds	864-456-3506	2nd Tues.	Fatz Café, Greenwood
Tri-County	Bill White	803-327-5758	2nd Tues	Old Town Bistro, Rock Hill
Upper Piedmont	Joe E. Mitchell, Jr.	864-476-6237	3rd Tues.	Billy D’s, Pine St., Spartanburg

WELCOME NEW MEMBERS!

Full: Thomas D. Abraham (Tad), Abraham Land Surveying, Newberry, SC; Philip R. Bryan, Jr., Johns Island, SC; Mark E. Lamb, Atlantic Coast Land Surveying, Inc., Mt. Pleasant, SC; Autrey H. Yonce, Autrey H. Yonce, PLS, Johnston, SC (renewal-member 1999-2009)

Complimentary: Heath B. Brown, Chapman Surveying Co., Inc., Taylors, SC; Kermit T. Gould, Jr., (Kerry), Taylors, SC; Donaloy Hutchins (Don), Croy Engineering, Marietta, GA; Floyd A. Sweatt, Jr., SC DOT, McConnells, SC

Emeritus: William A. Blackwood, Blackwood & Associates, Inc., Spartanburg, SC; Carl W. Bostick, Bostick Surveying, Irmo, SC; Jacob B. Ervin, Sr., Ervin Engineering Company,

Inc., Florence, SC; John Q. Hall, York, SC; Robert L. Hiers, Walterboro, SC; Warren P. Jenkins, Mt. Pleasant, SC; Bobby J. King, Summerville, SC; Heinz B. Krause, Hawley, PA; Robert K. Leake, Greenwood, SC; Murdoch E. Lind, Jr., Timmons ville, SC; Carl Maness, Maness Surveying, Bennettsville, SC; Joe E. Mitchell, Sr., Mitchell Surveying, Woodruff, SC; Ferrell J. Prosser, Prosser Surveying Co., Inc., Florence, SC; William R. Tripp, Tripp Land Surveying, Inc., Aiken, SC; W. Gene Whetsell, W. Gene Whetsell Land Surveying, Walterboro, SC; Charles A. Whitaker, Whitaker Engineering, Union, SC; Milledge L. Wilson, Sr., Prosperity, SC; David S. Youmans, Beaufort Surveying, Inc., Port Royal, SC

UNLICENSED PRACTICE OF LAND SURVEYING

Information provided by Thurl M. Amick, Sr., PS

The State Board does not have Jurisdiction over unlicensed individuals but they can be prosecuted in the Administrative Law Court. Below are the codes that address the issue. Without filing a complaint, unlawful practice is not going away. If you know of unlawful practice occurring, please fill out a complaint form and submit to LLR with any evidence you have. The complaint form can be found on LLR’s website: http://www.llr.state.sc.us/POL/Engineers/PDF_Files/ENGComplaint%20form.pdf

Section 40-22-30 Defines the Practice without a License.

Section 40-1-200 Defines Unlawful Practice as being guilty of a misdemeanor.

Section 40-1-210. Civil action and proceedings through the administrative law judge.

SECTION 40-22-30. PRACTICE WITHOUT A LICENSE; PENALTIES.

(A) In addition to those penalties provided for in Section 40-1-200 and in order to safeguard life, health, and property and to promote the public welfare, it is unlawful for a:

- (1) person in a public or private capacity to practice or offer to practice engineering or surveying without being licensed pursuant to this chapter;
- (2) person to use in connection with his name or otherwise assume, use, or advertise a title or description tending to convey the impression that he is a professional engineer or professional surveyor unless the person is licensed and registered pursuant to this chapter;
- (3) firm in a public or private capacity to practice or offer to practice engineering or surveying without being licensed and holding a valid authorization to practice, as provided in Section 40-22-250;

(4) person or firm to knowingly submit false information to the board for the purpose of obtaining licensure.

(B) It is unlawful for an individual or firm to engage in the practice of TIER A surveying or the practice of TIER B surveying in this State, to use the title “surveyor”, or to use or display any title, verbal claim, sign, advertisement, letterhead, card, or other device or method to indicate that the individual or firm engages in or offers to engage in the practice of TIER A or TIER B surveying without being registered as a surveyor or firm.

(C) It is unlawful for an individual or firm to engage in the practice of engineering in this State, to use the title “engineer”, or to use or display any title, verbal claim, sign, advertisement, letterhead, card, or other device or method to indicate that the individual or firm engages in or offers to engage in the practice of engineering without being registered as an engineer or firm.

(D) A violation of this section is punishable pursuant to Section 40-22-200.

SECTION 40-1-200. Unlawful practice.

A person who practices or offers to practice a regulated profession or occupation in this State in violation of this article or who knowingly submits false information for the purpose of obtaining a license is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not more than fifty thousand dollars.

SECTION 40-1-210. Civil proceedings before administrative law judge.

The department, in addition to instituting a criminal proceeding, may institute a civil action through the Administrative Law Judge Division, in the name of the State, for injunctive relief against a person violating this article, a regulation promulgated under this article, or an order of the board. For each violation the administrative law judge may impose a fine of no more than ten thousand dollars.

APPOINTMENTS TO THE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS

Governor Haley has appointed the following professional engineers to the Board of Professional Engineers and Surveyors for the period of 12/31/2011 – 12/30/2016:

Timothy W. Rickborn, PE,
Rickborn & Associates,
Mt. Pleasant, SC

Col. Dennis J. Fallon, Ph.D., PE,
The Citadel,
Charleston, SC

Mr. Rickborn and Col. Fallon will succeed Andy Kinghorn, PE and Dr. Cecil Huey, Jr., PE on the State Board.

SOUTH CAROLINA SOCIETY OF PROFESSIONAL LAND SURVEYORS, INC.
APPLICATION FOR MEMBERSHIP

Please mark all appropriate spaces:

[] New Membership [] Renewal Membership Fiscal Year: _____
Check membership applied for: [] Full Member [] Associate Member (I am working towards registration.) [] Sustaining Member
[] Complimentary [] Emeritus Member [] Student Member (include transcript)

See qualifications for membership categories and related dues structure on back. School Attending: _____

Name _____
(Last) (First) (Middle Initial)
Preferred Name or Nickname _____ Spouse Name _____

Employed by _____
Engaged in: [] Self-Employed [] Private Practice [] Industry [] Public Utility [] Education
[] Government Agency: Municipal _____ County _____ State _____ Federal _____
[] Other (describe) _____

Occupation _____
[] Sustaining Member Information:
Product or Service _____
Authorized Dealer _____

CHECK preferred mailing address below:

[] Business Address _____
(Street & Number) (City, State, Zip)

Telephone: Office _____ Facsimile _____ E-Mail _____
[] Home Address _____
(Street & Number) (City, State, Zip)

Telephone: Home _____ Facsimile _____ E-Mail _____
[] I wish to receive my brochures by email [] I prefer US bulk mail to address checked above.

Birth: Date _____ City _____ State _____
Education, Years completed: High School _____ College _____ Other _____
Diplomas, Certificates, Degrees _____
Name of School(s) _____

Professional Registration: [] Land Surveyor State _____ Reg. No. _____
State _____ Reg. No. _____
(State & Registry Number) [] LSIT State _____ Reg. No. _____
[] Other State _____ Reg. No. _____

Local SCSPLS Chapter Membership _____
SCSPLS Officer _____
(State Officer or Local Chapter Officer) (Office, Group, Year)

Other Professional Memberships _____

Total amount enclosed Check No. _____ \$ _____

Make check payable to SCSPLS. Return to: SCSPLS, 121 Executive Center Dr., Suite 248, Columbia, SC 29210

Note: Dues (Check next page for amount) Call office for credit card payments.

(Your membership fees are not deductible as a charitable expense, but may be deductible under other tax law provisions. 8% of dues are used for political and lobbying activities.)

I hereby make application for admission to the South Carolina Society of Professional Land Surveyors, Inc. and if approved, agree to abide by Constitution and By Laws. Remittance of dues shall be construed as acceptance of the terms set forth herein. Failure to remit within the designated period of time shall result in termination of all benefits of membership.

Signature of Applicant _____ Date _____

PURPOSE

The S. C. Society of Professional Land Surveyors (SCSPLS) was formed to advance the public welfare and the professional, social and economic interests of the Registered Land Surveyor by promotion of education, legislation and public relations through the establishment and maintenance of high ethical standards and practices. It is proposed to bring about coordination between the Land Surveying and Engineering Professions through close cooperation with representative organizations of Professional Engineers.

MEMBERSHIP CATEGORIES

SCSPLS Membership year is from July 1 through June 30 of each year.
\$165.00 per year for Full members plus \$10.00 application fee = \$175.00
\$200.00 per year for Sustaining members plus \$10.00 application fee = \$210.00
\$ 65.00 per year for Associate members plus \$10.00 application fee = \$75.00
\$ 40.00 Emeritus Members Application and renewal fee; Complimentary application fee
\$ 25.00 per year for dues for Student members, Application fee waived = \$25.00

FULL MEMBERS

Professional Land Surveyors who are of good standing in South Carolina or any state or territory of the United States that regulates the practice of land surveying and the licensing of Registered Land Surveyors.
Annual Dues: \$165.00. Application fee: \$10.00.

ASSOCIATE MEMBERS

Land Surveyors In Training and any person who is working toward registration as a Land Surveyor and has not qualified for the exams may become an Associate Member of the Society. Associate members shall have all rights and privileges of membership except the holding of office or balloting in the election of officers.
Annual Dues: \$65.00. Application fee: \$10.00

SUSTAINING MEMBERS

Any commercial or professional institution or individual interested in surveying and mapping, the manufacture of instruments or equipment for this work or the production or compilation of maps. Sustaining members shall have all rights and privileges of full membership except the holding of office and voting.
Annual Dues: \$200.00. Application fee: \$10.00

EMERITUS MEMBERS

Any member who has reached the age of 65 and has been in good standing for 15 or more consecutive years with the SCSPLS may apply for Emeritus Membership subject to approval by the Board. Emeritus members have all rights and privileges of full membership.
Application and Annual Renewal Fee: \$40.00 Annual Dues: Exempt.

HONORARY MEMBERS

The Board may bestow upon any person, who has rendered acknowledged eminent service and who has made valuable and outstanding contributions to the profession, the title of Honorary Member. Honorary members shall have all rights and privileges of full membership except the holding of office and balloting in the election of officers.
Annual Dues and Application Fee: Exempt._

STUDENT MEMBERS

Any student of a school of higher education recognized by the Board of Directors who is interested in Land Surveying or related professions. Student members shall not be eligible to vote or to hold office in the Society.
Annual Dues: \$25.00. Application fee waived.

FOR OFFICIAL USE ONLY:

Date Application Received at the SCSPLS Office: _____ Total Amount Enclosed \$ _____ Ck No. _____

Membership Committee Action Date: _____ Board Action Date: _____

Certificate & Membership Card Mailed: _____ ID# _____

Membership Committee Chairman or Co-Chairman

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Terry G. Hatchell, PLS
President



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