

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

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GENERAL MEMBERSHIP MEETING

WEDNESDAY – FEBRUARY 6, 2013
7:30 PM



2013 SCSPLS EDUCATION CONFERENCE AND TRADE SHOW

FEBRUARY 7 – 8, 2013

DOUBLETREE BY HILTON HOTEL
COLUMBIA, SC

PRESIDENT'S MESSAGE

Greetings SCSPLS members,

Happy New Year! I hope everyone had a good Christmas and a safe New Year. I hope the economy will continue to improve in 2013 as it did in 2012.



We had a great meeting this past December at The Citadel in Charleston. We started off with a seminar that focused on GNSS positioning and the best methods for the field. Lonnie Sears was the speaker and did a good job presenting the content. After the seminar we had a full Board meeting and our first General Membership meeting of the year. The major

topic of discussion was the NSPS 100% membership initiative. There were many questions and healthy conversation during the discussion. A motion was made to send the question to ballot for the membership to vote. Ballots were sent out in December, Tellers' Committee appointed, and vote counted on January 8th. SCSPLS votes were 94% in favor of signing the MOU with NSPS and moving forward with national representation in NSPS for South Carolina Surveyors.

The Continuing Education Conference and Trade Show will be February 7th - 8th. It will be a great opportunity to earn 15 PDH hours. Greg Jenness and the Education Committee have once again arranged a diverse number of seminars for you to attend. Make sure you sign up early this year as we are expecting the classes to fill up fast. You can check our web site for more information.

Our next General Membership meeting will be the night before our Continuing Education Conference and Trade Show at the DoubleTree Hotel on February the 6th. We are hoping this will be more convenient for our out of town members. If you have not joined us for a general membership meeting in a while, this would be a great meeting to attend and get involved with your profession and network with other surveyors from around the state. If you would like to serve on any committee please call or email me. I'm sure we have a committee that would benefit from your experience and interests.

Once again thank you to all the members for your support in the SCSPLS!

Sincerely,
Kent C. Hudson, PLS
SCSPLS 2012-13 President

EDUCATION CONFERENCE & TRADE SHOW

DOUBLE TREE BY HILTON HOTEL • 2100 BUSH RIVER RD., COLUMBIA, SC
FEBRUARY 7-8, 2013

Here is your chance to **earn up to 15 professional development hours** by attending full day Thursday and Friday seminars at the SCSPLS 2013 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 21, 2013**. Late fees will be effective after that date. Conference brochure and registration forms can be downloaded by going to www.scspls.com. 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, 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 21, 2013. (Group rates may no longer apply after this date.)** You may make or confirm your reservation by calling the hotel directly at 803-744-0142. 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 6, 2013:

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 7, 2013:

7:30 AM – 8:30 AM REGISTRATION- Coffee with Exhibitors- **CONGAREE A & B**
8:30 AM – 12:15 PM SESSION 1: To Accept or Not to Accept...That is the Question – Steve Parrish, PLS, WRS, CFedS and Wendy Lathrop, PLS, CFM
SESSION 2: Surveying in Civil 3D 2013 – Daniel J. Bonenfant, PLS
SESSION 3: Minimum Standards for Property Boundary Surveys – J. Anthony Cavell, PLS, CFedS
10:00 AM – 10:30 AM Morning break with Exhibitors-Session 1 **CONGAREE A & B**
10:30 AM – 11:00 AM Morning break with Exhibitors-Sessions 2 & 3 **CONGAREE A & B**
10:30 AM – 12:15 PM Continuation of Morning Session 1
11:00 AM – 12:15 PM Continuation of Morning Sessions 2 & 3
12:15 PM – 1:30 PM Lunch with Exhibitors - **CONGAREE A & B**
1:30 PM – 5:00 PM SESSION 1: (Cont'd) To Accept of Not to Accept...That is the Question
SESSION 2: (Cont'd) Surveying in Civil 3D 2013
SESSION 3: NSPS Model Standards of Practice – J. Anthony Cavell, PLS, CFedS
3:00 PM – 3:30 PM Afternoon break with Exhibitors- Session 1 **CONGAREE A & B**
3:30 PM – 4:00 PM Afternoon break with Exhibitors- Sessions 2 & 3 **CONGAREE A & B**
3:30 PM – 5:00 PM Continuation of Afternoon Session 1
4:00 PM – 5:00 PM Continuation of Afternoon Sessions 2 & 3
5:00 PM – 7:00 PM **EXHIBITOR SOCIAL** – DoubleTree Conference Center – **CONGAREE A & B**
Prize Drawings- Bring 35 of your business cards - (name badge required for entrance)

FRIDAY, FEBRUARY 8, 2013:

7:30 AM – 8:30 AM REGISTRATION - Coffee with Exhibitors
8:30 AM – 12:15 PM SESSION 1: Professionalism and Ethics – J. Anthony Cavell, PLS, CFedS
SESSION 2: FEMA Updates – Maria Cox Lamm, CFM
SESSION 3: Tracking the Railroads – Wendy Lathrop, PLS, CFM
SESSION 4: The Surveyor in Court – Steve Parrish, PLS, WRS, CFedS
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) Professionalism and Ethics
SESSION 2: (Cont'd) FEMA Updates
SESSION 3: Disputes Between Adjoining Landowners – Wendy Lathrop, PLS, CFM
SESSION 4: Double Monumentation – Physical and Inferred – Steve Parrish, PLS, WRS, CFedS
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

SCSPLS GENERAL MEMBERSHIP MEETING WEDNESDAY, FEBRUARY 6, 2013, 7:30 P.M.

DoubleTree Hotel, Richland Ballroom, Columbia, Charleston, South Carolina

Welcome: President Kent Hudson
Invocation: President Kent Hudson
Meeting Format: Robert's Rules of Order, President Kent Hudson
Agenda Approval: President Kent Hudson
Consent Agenda Repors Approval: President Kent Hudson
Approval of Minutes of GM Meeting: December 1, 2012

CONSENT AGENDA FOR THE FOLLOWING ITEMS:

- President's Report: President Hudson
- Financial Report: Lee Frank
- Delegate Reports:
 - SC Council of Eng. & Surv. Soc. Carl Bostick
 - NSPS Governor Henry Dingle
 - SMAC/GIS Delegate Bill Tripp
 - SC Utilities Committee Aaron Taylor
 - The Auxiliary
- Chapter Representative Reports:
 - Aiken Chapter Bill Tripp
 - 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
- District Director's Reports:
 - District 1 Chuck Dawley
 - District 2 George Bradley, Jr.
 - District 3 Tom Abraham
 - District 4 Billy Martin
 - District 5 Billy Hipp
 - District 6 Mike Culler, Jr.
- Committee Reports:
 - Activities & Programs Aaron Leach
 - Constitution & By-Laws Ronnie Tyler
 - 2013 Convention Aaron Leach
 - Education Greg Jenness
 - Ethics & Standards of Practice Will Fairey
 - GPS-VRS Mark Mills
 - Insurance Dennis Clinkscales
 - Internet Dave Ballard
 - Legal & Legislative Dennis Johns
 - Membership Al Crouch
 - Newsletter, Plat Contest & Surveyor of the Year Dennis Clinkscales
 - PAC Research Committee Dennis Clinkscales
 - Past Presidents Council Dennis Johns
 - Public Relations Al Crouch
 - ROD Committee Al Crouch
 - Scholarship Committee Larry Beasley
 - Survey Contest Mid-State Chapter
 - Yearbook Al Crouch

NORMAL AGENDA ITEMS:

New Business:
Board of Prof. Eng. & Surveyors' Report Gene Dinkins/Johnny Johnson
ROD Committee President Hudson
Appointment of Nominating Committee Dennis Johns
NSPS Membership Initiative – Ballot Results Henry Dingle
Closing Comments President Hudson
Adjournment

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MINUTES OF SCSPLS BOARD & GENERAL MEMBERSHIP MEETING

Saturday, December 1, 2012, The Citadel, Grimsley Hall, Charleston, SC

A meeting of the general membership of South Carolina Society of Professional Land Surveyors was held on Saturday, December 1, 2012, at 2:00 PM, at The Citadel, Grimsley Hall, Charleston, South Carolina. Members in attendance were:

Officers:

President	Kent Hudson
President Elect	Aaron Leach
Vice President	Dennis Clinkscales
Secretary	Al Crouch
Treasurer	Lee Frank
Immediate Past President	Dennis Johns

Delegates:

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

The Auxiliary

Chapter Representatives:

Aiken Chapter	Bill Tripp, Absent
Central Chapter	
Coastal Chapter	Perry Gerard, Absent
Foothills Chapter	Thurl Amick
Grand Strand Chapter	Will Fairey, Absent
Low Country Chapter	Terry Hatchell, Absent
Midlands Chapter	Greg Jenness, Absent
Mid-State Chapter	Brian Bonds, Absent
Northwest Chapter	Scott Richey, Absent
Pee Dee Chapter	Ferrell Prosser, Absent
Thomas C. Anderson Chapter	Wayne Reynolds, Absent
Tri-County Chapter	Joe Baird
Upper Piedmont Chapter	Jody Mitchell, Absent

District Directors:

District 1	Chuck Dawley, Absent
District 2	George Bradley, Jr.
District 3	Tom Abraham, Absent
District 4	Billy Martin
District 5	Billy Hipp, Absent
District 6	Mike Culler, Jr.
Executive Secretary:	Brenda Smith
Asst. to Exec. Sec.	Kim Long

OTHERS MEMBERS AND GUESTS PRESENT: Larry Beasley, F. Van Clinkscales, Michael Culler, III, Daniel Forsberg, Bobby Foster, David Gasque, Johnny Johnson, Bobby King, Curtis Lybrand, Timothy Maull, William Seaborn, Ronnie L. Tyler, Scott Wilson, Andrew B. Wadsworth, Sr.,

President Kent Hudson called the General Membership meeting of the SCSPLS to order Saturday, December 1, 2012 at 2:15 PM at The Citadel, Grimsley Hall, Charleston, SC. Mr. Henry Dingle opened the meeting in prayer. President Hudson stated that the meeting would be conducted under Robert's Rules of Order.



AGENDA: A motion was made to approve the agenda. Motion received a second and 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 16, 2012 Board and General Membership meeting. Motion was unanimously approved.

PRESIDENT'S REPORT: President Hudson's written report stated he has attended several chapter meetings around the state to talk about the potential changes to the Code of Laws, including Tri-County, Foothills, Coastal, Northwest and Midlands Chapters. The input received from those chapters and other members from around the state was great. There was an overwhelming, unified voice concerning some of the potential changes state wide. Once all the chapters and individuals shared their thoughts and concerns with him, he was able to stand before the SC-LLR board on November 14th and request that the embossed seal requirement remain unchanged. This was the only surveying code that was marked for change. The SC-LLR will make their final revisions on the Statutes in mid-December. On October 2nd President Hudson attended the Joint Council of Engineers and Surveyors Societies' meeting in Columbia to interview applicants for the 2 upcoming vacant positions on the SC-LLR Board. President Hudson has attended all the SC-LLR

MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING (CONT)

Board meetings since his term as President began, (August 15th, September 11th, and November 14th).

FINANCIAL REPORT: Mr. Lee Frank submitted a written statement of accounts. The balances of SCSPLS accounts are as follows: Wells Fargo account ending in -1285 balance of \$166,391.48; Wachovia account ending in -7096 balance of \$36,257.16. The balances of the SCSPLS Scholarship accounts are as follows: Merrill Lynch account ending in -4196 balance of \$48,806.21; Wachovia account ending in -7754 balance of \$1,523.67. Anyone wishing to view other financial documents for the general accounts may contact Mr. Frank after the meeting. All information is current as of November 21, 2012 and furnished for information purposes only.

DELEGATE REPORTS

SC COUNCIL OF ENG. & SURV. SOC.: No report.
NSPS GOVERNOR: No written report. See “New Business.”
SMAC/GIS DELEGATE: No report.
SC UTILITIES COMMITTEE: No report.
THE AUXILIARY: No report.

CHAPTER REPORTS:

Aiken: Mr. Bill Tripp’s written report stated the Chapter held meetings in September, October and November with an average of ten members in attendance. Meetings were as follows: September 11, 2012 – Mr. Bill Tripp presented “Changes to Model Law in South Carolina”; October 16, 2012 – Mr. Chuck Drouillard with Duncan-Parnell presented “Laser Scanning & Software”; November 13, 2012 – Mr. Rick Hallman, Aiken County Flood Plain Manager, presented “Aiken County Flood Maps.”

Central: No report.

Coastal: Mr. Perry Gerard’s written report stated the Chapter met in September at the Sticky Fingers in Summerville. Mr. Joe Baird and Mr. Henry Dingle attended the meeting and spoke about the 100% NSPS Membership Initiative. President Hudson was also in attendance and spoke about the possible changes to the Standards of Practice issues that were brought up by LLR. The October meeting was held at St. James Place in Goose Creek. Eric Greenway, planning director for Berkeley County, was the speaker. The Chapter meetings had an average attendance of 15 members and 2 guests.

Foothills: Mr. Thurl Amick’s written report stated the Foothills Chapter has met five times between June and October, 2012, with an average of 14 members and 1 guest in attendance. Copies of the Chapter’s newsletter, *The Blaze*, for these months were submitted with his report and can be

viewed by contacting the SCSPLS office.

Grand Strand: Mr. Will Fairey’s written report stated the Chapter has held 2 meetings since last report, with an average of 15 members and 2 guests in attendance. The September meeting was a regularly scheduled meeting with no speaker. The October meeting was a 3 hour Dendrology Seminar held at Pittman’s Farm.

Low Country: No report.

Midlands: No report.

Mid-State: Mr. Brian Bonds’ written report stated the Chapter has met 3 times since last report, with an average attendance of 9 members and 2 guests. Meetings were as follows: September - Mr. Henry Dingle and Mr. Joe Baird presented the 100% NSPS Membership Initiative; October – “Geological Foundation Mapping for Nuclear Safety Related Structures” was presented by Matthew F. Cooke, Senior Site Geologist at Shaw Nuclear; November – “Platting Underground Tanks and More” was presented by Eric Cathcart of SCDHEC.

Northwest: No report.

Pee Dee: No report.

Thomas C. Anderson: No report.

Tri-County: Mr. Joe Baird’s written report stated the Chapter has met 3 times since last report with an average of 12 members and 3 guests present. The November meeting was a program on land grants in the Chester/York County areas. The Chapter requested the Board add NSPS 100% Membership and action on the crimped seal usage being addressed in re-write of State Codes to the next Board meeting agenda.

Upper Piedmont: No report.

DISTRICT DIRECTORS REPORTS:

District 1: No report.

District 2: No report.

District 3: No report.

District 4: Mr. William C. (Billy) Martin’s written report stated both the Foothills and Upper Piedmont Chapters have met 5 times since last report. The Foothills Chapter had an average

attendance of 15 members and one guest. Foothills Chapter meeting programs included a presentation from Mr. Thurl Amick on Board activities, a presentation from Mr. Neil Collins with Environmental Permitting Consultants on identifying and locating wetlands areas within land boundary surveys, a presentation from Mr. Sid Shrum who is the Department Head of the Geomatics Technology program at Greenville Tech, and a presentation from Mr. Joe Baird on the NSPS proposal to SCSPLS. The Upper Piedmont Chapter had an average attendance of 8 members and 1 guest. Upper Piedmont Chapter meeting programs included a presentation from Mr. Joe Baird on the NSPS proposal to SCSPLS, a presentation by Spartanburg County Councilman



MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING (CONT)

Mr. Roger Nutt and Spartanburg County Administrator Mr. Jim Hipp, and a presentation from Mr. Glenn Pace of City of Greer Planning and Zoning.

District 5: No report.

District 6: No report.

COMMITTEE REPORTS:

Activities: No report.

Constitution and By-Laws: Mr. Ronnie Tyler’s submitted the following written report at the meeting: The SCSPLS Constitution and By-law Committee was requested to respond the following Question: Does it require a change in the SCSPLS Constitution for SCSPLS to join the NSPS 100% State Affiliate Membership Program and charge the members the amount it will take to cover that cost?

Opinion: The NSPS 100% State Affiliate Membership Program requires that the State Society shall provide NSPS a list of all regular/licensed members paid to date in the State Society and provide to NSPS a membership fee for each member. While this membership will be paid through the State Society each member will in fact still be an individual member in NSPS. Any Full Member being required to become or maintain any membership in any other organization or society as a part of their membership in SCSPLS, regardless of how any fee is paid for that membership, would constitute a change in the eligibility requirements of a Full Member in SCSPLS and therefore would require a change to the SCSPLS Constitution. Requirements of being a Full Member of the SCSPLS are set forth in of the Constitution. See ARTICLE II SECTION 1. At present a Full Member in the SCSPLS is required only to maintain himself or herself as a Professional Land Surveyor in good standing in the State of South Carolina or in any State or Territory of the United States and provide the required application, admission fees and dues for SCSPLS Membership. Of course it is implied that all the requirements including payment of any fees, education, experience or any actions necessary to be and to continue to be a Professional Land Surveyor in good standing is a requirement of the Full Member. However there is not any requirement that a person pay any dues or otherwise be a member of another other organization.

It is clear that the Constitution provides that the Board of Directors has the authority to set application fees and dues of membership in the SCSPLS and to pay the expenses of the Society from these funds. See ARTICLE II (MEMBERSHIP), BY-LAWS of SCSPLS, ARTICLE III (ADMINISTRATION). However no provision is found in the Constitution whereby the Board of Directors has authority to require a member to be or register any member as a member in any other organization, insurance program, etc. or collect or pay any fees for that membership.

A benefit means to derive advantage from something. While a discounted membership in NSPS or any other organization, program, seminar, workshop, etc. may be viewed as a benefit of membership in the SCSPLS, when it becomes mandatory as opposed to an option of membership in SCSPLS then it is not a benefit but a requirement of

membership. If SCSPLS pays a fee on behalf of each member of SCSPLS as a result of their membership in SCSPLS, whether SCSPLS raises membership dues or not to cover that cost, being a separate fee collected from the member or included as part of dues, it is still a direct charge to each member and therefore a fee being paid by the member and therefore is not a benefit of membership.

An amendment to the SCSPLS Constitution would be needed providing the authority for the Board to collect fees and enroll SCSPLS members in NSPS before the propose 100% NSPS Agreement is sign by the SCSPLS Board. Any amendment to the SCSPLS Constitution would be as stated in the Constitution, see Article VI (Amendments).

A full copy of the SCSPLS Constitution is available on the SCSPLS website and can also be obtained by any member by calling the SCSPLS office.

2013 Convention: No report.

Education Committee: No report.

Ethics & Standards of Practice: No report.

GPS-VRS: No report.

Insurance: No report.

Internet: No report.

Legal and Legislative: Mr. Joe Jones’ written report stated legislatively in South Carolina little has been going on with the exception of 124 House members and 46 Senators running for their seats with the exception those who chose not to run and those that were defeated in the primary elections in June. In surveying and engineering circles there is some action, however. The SC State Board of Registration for Professional Engineers and Surveyors has held two meetings where board members discussed changes to the State Law governing the practice of engineering and surveying. The Registration Board continues these discussions at its Nov. 14 meeting at LLR headquarters. The registration board members talked about the Tier B Surveyor designation and several changes to the engineering sections, but no changes were decided. Also, the South Carolina Council of Engineering and Surveying Societies met and interviewed two candidates for the surveying position on the SC State Board of Registration for Professional Engineers and Surveyors being vacated by Mr. Thurl Amick, PLS. The council also interviewed two candidates for the engineer position currently held by Mr. M.L. Love. Candidates for the surveyor position were Mr. Elliott Quinn, PLS from Mt. Pleasant with Thomas & Hutton and Mr. John Johnson, PE, PLS from Columbia with Power Engineering Co, Inc. Mr. M.L. Love, PE, currently seated on the registration board requested re-appointment to his position, and Mr. Wendell Bailey, PE, with the Boeing Co. in North Charleston applied for the engineering position. Mr. Bailey resides in Summerville. Following interviews with the four applicants, the council discussed each candidate at length and voted to send Mr. Love’s name to the Governor for appointment for another term on the registration board and to send Mr. Johnson’s, PE, PLS name to the Governor for appointment to serve as one of the two surveyor members on the registration board. To date, the Governor has not made any appointment, but before she can make the appointments,

MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING (CONT)

the applicants must complete an application form, undergo a background check and respond to any questions the Governor’s office might have for them. State law requires the Governor appoint only those candidates submitted by the SC Council of Engineering and Surveying Societies. Adam B. Jones, representing Jones, McAden & Associates, covered a public hearing on the Isolated Wetlands and Carolina Bays Task Force. Upon review of the available information, the need for surveying services might have been needed or may be useful as the committee continues its work. Here is the report:

On Wednesday October 17, 2012 The Isolated Wetlands and Carolina Bays Task Force met in Room 105 of the Gressette Building to discuss Information regarding H 5032. The meeting was called to order shortly after 10:00 A.M. The meeting started with a presentation by the Army Corp of Engineers. The Corp spent a great deal of time outlining what is and is not under the Army Corp of Engineers jurisdiction. This is important information needed to decide if there are already regulations in place when dealing with Carolina Bays and Isolated Wetlands. It was determined that “jurisdiction” is determined on a case basis. There are many Carolina Bays/Isolated wetlands that are under the Corps jurisdiction, but they could not convincingly say where all of them were. The SCDHEC also gave a short presentation talking about permitting and jurisdiction on Carolina Bays and Isolate Wetlands, and these too are generally determined on a case basis. After a short lunch break members of SCDNR and Experts on Carolina Bays testified. They said that the Carolina Bays had been surveyed and put in a “Bennet & Nelson 1991” report. After discussion by the task force it seemed most of the members of the task force favored some type of protection for Carolina Bays, but it would have to be determined if this would be regulatory or some other direction. Isolated Wetlands were never discussed other than in a hypothetical jurisdictional way. They recessed for a later date when more research by staff has been gathered to discuss how the Carolina Bays may be protected.

Membership: Mr. Al Crouch’s amended written report stated the Society currently has 343 members: Full – 306, Associate – 4, Complimentary – 7, Emeritus – 14, Student – 1, Sustaining – 11. The following applications were approved by the Board of Directors and were presented to the membership for approval/rejection: Emeritus - Carl W. Bostick, Bostick Surveying, Columbia, SC; Warren P. Jenkins, Mt. Pleasant, SC; Robert K. Leake, Greenwood, SC; William R. Tripp, Tripp Land Surveying, Inc., Aiken, SC; Terry M. Watson, Terry M. Watson Land Surveying, Conway, SC; David Youmans, Beaufort Surveying, Inc., Port Royal, SC; New Emeritus Application - Robert F. Morgan, Retired from SCDOT, Pamplico, SC (Age 70, Member since 6-9-1977); Sustaining - Diane Sierra, Trimble, Westminster, CO. The following new members were approved by the Membership Committee for 2012-13 membership: Full - Robert L. Arrington, RLA Associates, PA, Summerville, SC; J. Craig Brewer, Brewer Land Surveying, Pooler, GA;

William R. Gore, William R. Gore, PLS, Augusta, GA; Orren F. (Frankie) Hunter, Dorchester County, Dorchester, SC (last a member in 2007); J. Timothy (Tim) Thomas, Merrick Company, Charlotte, NC; M. Jay Stikeleather, Providence Land Group, PLLC, Waxhaw, NC

Newsletter: No report.

PAC: No report.

Past President’s Council: No report.

Plat Contest: No report.

Public Relations: No report.

Scholarship: No report.

Survey Contest: No report.

Surveyor of the Year: No report.

Yearbook: Mr. Al Crouch’s written report stated the 2011-12 Yearbook is completed and has been emailed out to the current SCSPLS membership. The Yearbook is available to SCSPLS members only. Thank you to everyone who sent in ads to be included in the Yearbook.

NEW BUSINESS:

Board Member Changes: President Hudson announced appointments to vacant positions on the Board of Directors. Mr. Dennis Johns has been appointed to the position of Interim Immediate Past-President. Mr. Billy Hipp from Chester County has been appointed to the position of District 5 Director. Mr. David Ballard has been appointed as Internet Committee Chairman.

Board of Prof. Eng. & Surveyors: Mr. Thurl Amick provided a report from the Board of Professional Engineers and Surveyors. South Carolina currently has 26,523 active registrants. There are 25 active investigations, 3 closed, and 2 marked “Do Not Open.” The office of General Counsel has 2 pending cases. A continuance has been requested in one and the other is going to an Administrative Law Judge. As of October 31st, there was \$2,096,865 in the Board’s account. Notices went out November 15th to surveyors selected for continuing education credit audits. COA’s expire March 31st, 2013 and must be renewed by that date. Board Chair, Mrs. Theresa Hodge, has recently appointed a committee to review incidental practice of engineering by architects. The Board’s IT department is working on an electronic form to enable surveyors and engineers to keep up with their continuing education hours online. Mr. Amick was recently made aware of a law in NC that required a current survey on simple transactions. The law was struck when the market collapsed but the NC Board is now trying to get it re-enacted. SCSPLS may want to follow the issue and see if it is something that could be pushed here. Mr. Johnny Johnson was introduced as the new appointee to the LLR Board. He will fill Mr. Amick’s seat beginning January 1, 2013.

The proposed revisions to the Code of Laws were discussed in length by the group. Mr. Amick mentioned several points of interest including QBS on any publicly funded project for engineers and surveyors and language added to the Codes preventing the brokering of engineering and surveying services.

MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING (CONT)

The raised embossed seal was the main focus of the discussion. At the November 14th LLR meeting, the Board changed the wording in the requirement for the raised seal to say that the raised seal or an electronic seal would be accepted in the filing of a plat. President Hudson attended the meeting and spoke against any change to the raised seal requirement. The Board’s stance is the Uniform Electronic Signature Act already allows a plat to be filed without the raised seal. Members present discussed the hazards of this change in the Codes and what could be done about it at this point. The Codes will be sent for public review before going to the Legislature. Surveyors can contact their legislator personally and explain their opposition to the change. A few surveyors mentioned stamps used on their plats indicating that the plat is not to be recorded without the approval of the surveyor.

Mr. Bobby Foster made a motion for SCSPLS to form a ROD Committee to expediently follow up on the raised seal issue. The motion received a second and was opened for discussion. Ideally the Committee would not just address the immediate raised seal issue, but also would be proactive in contacting counties and finding out what each county office is already accepting for electronic file. The goal being to stay ahead of the times and have some influence over a system all surveyors could work with. The motion was voted on and passed unanimously.

President Hudson and Mr. Thurl Amick both stressed the importance of SCSPLS members getting involved at the

State LLR Board level. In order to have any influence on the LLR Board, surveyors need to be in attendance at the LLR meetings and be proactive. Now that the Codes have been revised, the Regulations will be next. This will be an opportunity for surveyors to get involved and clean up a lot of things in the Regulations.


NSPS Membership Initiative: Mr. Henry Dingle informed the membership that he made a motion at the Board meeting for SCSPLS to move forward to endorse the Memorandum of Understanding (MOU) between NSPS and SCSPLS facilitating the 100% membership of SCSPLS members in NSPS, and move to a membership vote to approve and sign the MOU. The motion was passed unanimously by the SCSPLS Board of Directors and a ballot will be sent out to the membership for vote.

Closing Comments:

President Hudson thanked everyone present and encouraged them to show support for their profession. He reminded members of the cook-out being hosted by the Coastal Chapter at the Fish Fry Shack on Sullivan’s Island beginning at 4:00 PM.




Motion to adjourn with a second. Vote unanimous.

Respectfully submitted,
Alfred B. Crouch, SCSPLS Secretary 2012-13



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A Boundary Arbitration

By Knud E. Hermansen¹, P.L.S., P.E., Ph.D., Esq.

Over the years I have had the pleasure to serve as a mediator, commissioner, master, referee, and arbitrator to determine the location of disputed boundaries. The following is a story of a boundary arbitration.¹

The call starting the arbitration comes from an attorney. The attorney had been informed by his client’s surveyor that I offer services as an arbitrator. The attorney asks if I would be interested in arbitrating a disputed boundary involving his client. He explains that the boundary has been in litigation for five years and the parties would like to have the dispute resolved in an expedient manner (i.e., they can’t afford any more justice the usual way). After checking for a conflicting interest, I volunteered that I would be interested in serving as an arbitrator.

Further communications involve the attorneys for both parties – usually by e-mail. Fees are discussed. I like to use a lump sum fee. I explained this fee would be split between the parties, payable in advance. (I did not need experience to tell me that obtaining the fee after a decision is published might be problematic, especially from the losing party.) Calendars are compared and a date chosen for the arbitration.

The attorneys admit that this is the first time they have been involved in arbitration and ask what I would need and what they should do. I explain that the most important legal services they can provide their clients at this time is to agree upon the rules of arbitration. Arbitration is governed by rules established or agreed to by the parties. I provide the attorneys with a sample arbitration agreement to work from. I emphasize that the agreement is very important. It sets forth my powers and the framework for any decision.

Contrary to a trial where the attorneys often have to argue the law to educate the court, the arbitrator selected for his or her knowledge in the subject area needs little coaching about the law or how to apply the law to the facts.

One of the advantages of arbitration is that the arbitrator is generally chosen because they are an expert in the subject area. As a consequence, the attorneys need not worry that the arbitrator will become confused, bored, or lost. Arbitrators, such as myself, often ask questions of the witnesses during the hearing. Contrary to a trial where the attorneys often have to argue the law to educate the court, the arbitrator selected for his or her knowledge in the subject area needs little coaching about the law or how to apply the law to the facts.

I ask the attorneys for a copy of the pleadings or a summary of their position (position paper). Receiving this information from the attorneys will allow me to be prepared for the hearing. A good position paper from the attorney succinctly summarizes their client’s position, factual information, and the claims they feel are compelling. Most are fact-based, brief summaries. Admittedly, a very few have to be some of the finest works of fiction since Gulliver’s Travels were published. These provided me with tremendous enjoyment though not much progress in eliciting the facts.

As the fee, agreement, and other documents are received, I make sure to acknowledge receipt of each item by e-mail. I also send out a notice stating the time, location, and procedure for the hearing. For clients that have endured five years of uncertainty, the flurry of paperwork and acknowledgements provide some comfort that the dispute will soon be resolved. The steady, five-year drain on their wallets will end.

When the arbitration agreement arrives, I see that I have been retained to locate the deed boundary. I’m not sure if the parties realize the significance of the phrase “deed boundary.” The phrase is an important distinction and limitation on my powers. The limitation means that I cannot determine a boundary location based on possession or equity such as acquiescence. If I had been tasked to determine the ownership boundary rather than the deed boundary, I could have considered and decided upon a claim of adverse possession.

This agreement is not as restrictive as a previous arbitration agreement I had to work under. In one case, the agreement limited my decision to fixing the boundary a court had already determined. The court’s decision was so poorly written that the parties didn’t know which party to the litigation was successful. Following seven years of litigation and after waiting a year for the court’s decision, the parties agreed to let me decipher the court’s decision rather than chance waiting another year for the court to clarify its decision. Within three weeks I gave my decision and the case was finally put to rest.

I always like to view the site of the disputed boundary before the hearing so I was pleased to read in the agreement that the arbitration agreement provided me with the option to schedule a view. I was further pleased to read that the view was to be limited to the surveyors involved and myself. Don’t misunderstand my pleasure upon reading this portion of the agreement. I don’t mind tramping around the property with attorneys, clients, etc. (like a herd of cattle) but a view with attorneys and their clients is not the same as a view with just the surveyors. The view with

¹ Knud is a professor in the surveying engineering technology program at the University of Maine and operates a consulting firm specializing in boundary retracement, title, easements, land development, professional liability, and alternate dispute resolution.

² The rendition is actually parts from various arbitrations. Names and certain facts have been changed to protect privacy.

attorneys and clients is much more stilted. Attorneys are often physically unprepared for the mud, brush, bugs, etc. that populate the disputed boundary location. With clients and attorneys on the view, the surveyors are much too cautious in communicating information to me.

In this case, as most arbitration cases, I know the surveyors so communications are frank, open, and extensive. Technical language is used and they quickly point out items they will speak about later during the hearing. I’m sure my meeting relieves much of the stress the surveyors may feel about testifying at the hearing later that day.

Not only will the parties feel they’ve had a fair and impartial hearing but they can go on to claim they have had “their day in court.”

The hearing is scheduled at the courthouse. I must admit to some reluctance about sitting on the judge’s seat (bench). Usually, I am facing the bench either testifying or representing a client so I feel out of place sitting “on the bench.” (Sort of like a grade school student must feel who sits at the teacher’s desk when the teacher is not around.) Most arbitration hearings occur in a conference room where my position as arbitrator is not so physically elevated. However, I can appreciate the advantages of using the courtroom. Most importantly, not only will the parties feel they’ve had a fair and impartial hearing but they can go on to claim they have had “their day in court.”

My first ruling from the bench is to direct the parties to address me by my name rather than some lofty title (e.g., “judge,” “your honor”) that would be unquestionably ill deserved on my part. My second edict is to remind everyone that they are involved in arbitration and not civil litigation so the rules of evidence and civil procedure are not strictly followed. I don’t mind objections to testimony or evidence, but I remind the attorneys that most testimony will be allowed unless clearly irrelevant and redundant (read - boring and far fetched). I doubt anyone who has seen me as an arbiter can honestly say that I am not attentive and thrilled to hear all the particulars of a boundary dispute. I listen with rapt attention to all testimony regardless of the apparent credibility of the witness.

Most judges and experienced attorneys understand that attentive listening is not to be misconstrued as believing.

In a previous arbitration, I overruled an objection and allowed an 81-year old witness, Zelma, to testify as to the exact location of a stone she saw once while visiting her Uncle for a week when she was seven years old. Most judges and experienced attorneys understand that attentive listening is not to be misconstrued as believing. Surely, even the attorney that objected to Zelma’s

³ Contrary to an arbiter that is appointed by the parties to hear a case, a master (sometimes referred to as a referee) is appointed by the court to hear a case and must follow the rules of civil procedure and rules of evidence.

testimony must admit on reflection that it was far more effective to roll his eyes behind her back where I could see his face rather than continuously object to her testimony. Also, the fact that on cross-examination Zelma could not remember her birthday present at age 7 (or any birthday present for that matter) or the name of her first husband who died 20 years ago (“I don’t remember his real name, I just called him ‘dear’”) was a poignant jab at her memory and credibility — if one was needed.

Despite my reluctance to exclude testimony, however remote to the question at hand, even I had to stop testimony once because I could see no relevancy as to the location of a boundary because Hiram, a lobsterman, could only stack 100 rather than 150 lobster traps on his property fifty years ago.

Now I don’t intend to make light of lay testimony that may seem strange. Some lay testimony can be very entertaining. For example, consider the case where I sat as a master³ and the boundary description called for “thence to the shore in a line with Conrad Beal’s lobster boat mooring ...” Obviously there was considerable testimony where Beal’s boat was moored in 1946, the period for origination of the description. If the position wasn’t muddled enough, there appeared to be unanimous agreement from old lobstermen that the position of the mooring with a southwesterly wind on an incoming tide was 30 feet different (swing) from the mooring with a northeasterly wind on an outgoing tide. So this led to considerable evidence (which I’ll call speculation to avoid slandering the term “evidence”) as to the exact date, time, and wind direction that was likely occurring when the description was prepared in 1946. (I should bring to the reader’s attention that the parties were fighting between two possible locations for the boundary that was separated by a mere 10 feet.)

Witnesses come and go in this arbitration I am recounting. I like to give the attorneys the option of putting on their experts first. This courtesy keeps the cost down since their clients won’t have to pay to have the experts wait for their turn to testify. That courtesy backfired in this case since the surveyors wanted to hear the testimony of Gloria, one of the lay witnesses. Gloria was called to testify after the surveyors had completed their testimony. Gloria had spent most of her life living and working out of a mobile home she rented. The mobile home stood on a lot that had a common corner location that was being disputed. Gloria had seen the inside of a courtroom a time or two. She was clearly what was known in litigation as a “hostile witness.” I suppose the landlord made her an offer she couldn’t refuse in order to testify on his behalf.

Gloria’s testimony is a wonderful illustration that there is a difference between “opinion” and “opinionated.”

Gloria’s testimony is a wonderful illustration that there is a difference between “opinion” and “opinionated.” Gloria’s testimony provides a good reason why the courts have rules of

civil procedure and rules of evidence (and bailiffs in the room). Gloria could best be described as a “stout” woman in her mid-40s. If I had been allergic to perfume, I’d have gotten sick when she entered the courthouse and would surely have died when Gloria got within 10 feet of the witness chair. She dressed in a manner that made some wonder what her occupation must have been as a younger and considerably slimmer woman. Her body had obviously out-paced her dress size. Although Gloria probably always had that problem based on the hallway conversation I overheard. I was happy that the attorney questioning her was satisfied when she stated that her occupation was “self-employed and really none of his damned business.”

While decorum may have prevented others from voicing their opinion on Gloria’s chosen profession, Gloria was not so constrained about her opinion on other professions. Surveyors are “frustrated college kids with substitute toys” and members of the Bar are “pimps with suits.” This description omits many of her adjectives that went with the nouns. The adjectives would make a Marine blush.

Gloria had a remarkably selective memory. She could remember all the details surrounding the position of a corner pin that disappeared 15 years ago (said among tears and sniffles as if the departed corner monument were a deceased child) but could not remember a single detail that occurred a mere seven years ago when she held off a survey crew with a shotgun (denied by Gloria with a cold, spiteful stare). Even the sheriff’s report could not jog her memory about that event with the shotgun. The surveyors left after Gloria was done with her testimony so I can only assume she provided enough entertainment on the witness stand to compensate for the extra time they spent to remain in the courtroom after completing their testimony.

It is worth reflecting that more than 20 years of legal practice has taught me that sometimes the eternal fire shining as a beacon for truth and justice will be attended by one or two damn liars who feel it is necessary to put wood on an eternal flame.

With the brief recount I have given about Gloria, it probably would not surprise readers to learn that one witness later testified that it was Gloria that removed the pin 15 years ago. Apparently, according to this testimony, Gloria had been thrown out of her home by one of her “fifteen minute boyfriends.” The pin was not solidly in the ground and provided Gloria with a ready club that was within reach of her prostrate body when she fell next to it in her unsteady state she was experiencing at the time. Of course, this testimony was based on what this witness heard in a bar, from another person, who knew the “boyfriend.” It would be classified as hearsay in court (remote at that) and not allowed. However, I noticed no one was objecting – which seemed to be the case any time some titillating piece of information was offered that included Gloria as a participant.

Before leaving this brief discussion of Gloria, I should emphatically state that Gloria did not prejudice the case by the manner of her testimony and extent of her selective memory. It

is worth reflecting that more than 20 years of legal practice has taught me that sometimes the eternal fire shining as a beacon for truth and justice will be attended by one or two damn liars who feel it is necessary to put wood on an eternal flame.

Immediately after Gloria left the building, windows are opened and everyone leaves the building under the pretense of a late lunch. After lunch we return to wrap up the testimony. Other than Gloria, all the remaining lay witnesses are nervous and demure – very typical for lay witnesses. I’ve come to appreciate the nervousness of a witness. It has been my experience that if the witness is not nervous, they are probably belligerent and argumentative (read Gloria). Given the choice, nervous is much preferred. For the record, I am nervous for the first ten minutes or so when I testify as an expert so all witnesses have my sympathy.

On the topic of stress and nervousness while testifying, I’ve come to understand that nervousness is not always solely related to speaking in public within in a formal setting. I remember an arbitration where the attorney for a client was obviously not familiar with hunting laws and his client’s taste for venison. It could even be possible this attorney didn’t believe his client deserved the protection afforded by the 5th Amendment to the Constitution and his client’s right not to incriminate himself.

From what I can remember, the attorney’s client was claiming title by adverse possession and had a reasonable case based on the septic field the client placed on the neighbor’s property 22 years ago. For some reason, the client’s attorney felt it would be helpful to his client’s case to get his client to admit that he also maintained an apple pile for several years on the neighbor’s land over the location of the septic field. When questioned by his own attorney, the witness did reluctantly admit to maintaining an extensive apple pile.

Much to his client’s obvious discomfort, this client’s attorney pressed on with questioning his client by eliciting more details about the apple pile. He asked his client if he could see the apple pile from his bedroom window (mumbled “yes”). Next, the attorney asked his client if the client had also installed an infra-red light on the neighbor’s land that would shine on the apple pile. This question drew a copious amount of perspiration, shifting eyes, and finally a very hesitant affirmative nod of the client’s head that was given in reply to his attorney’s question.

At this point the attorney for the other side (who was a hunter and knew baiting deer was illegal), decided it was important to interject in the questioning to remind the witness that he was under oath and the record required the witness clearly say “yes” or “no.”

Ignoring the pleading eyes of his client, the client’s attorney instructed his client to answer with a “yes” or “no.” A weak “yes” croaked from the attorney’s client in a response to the light on the apple pile. At this point, I could only hope the attorney was trying to impress me with how courageous his client was rather than intending to provide his client with a claim against the attorney for legal malpractice.

I suppose that since the “bee hive had been kicked,” you can either run away or stay and count the bees. The client’s attorney chose the latter, so to speak, so the client’s attorney pressed on by asking his client if the infra-red light was rigged to a motion sensor that not only turned on the infra-red light at night but also made a beeping noise in his client’s bedroom.

At this point the witness was quivering from the stress of self-incrimination by the aid of his own lawyer. In desperation, he set his pleading eyes on the attorney representing the other party. Obviously, the witness’ look of anguish was having no effect on his own attorney so why not try the other attorney? No doubt the witness was hoping the other attorney would object, as he had so often done during previous testimony, with an objection as to the relevancy of the question. Beginning with the apples, there had been no objections to the testimony from the other party’s attorney.

He followed an ancient maxim of litigation – if the other side is digging a hole, don’t interrupt the digging.

I knew that Hell would freeze before any objection would come from the attorney for the other party – the huge smile said it all. The attorney for the other party followed an ancient maxim of litigation – if the other side is digging a hole, don’t interrupt the digging. His huge smile was his undoing though. While the attorney for the witness was ignorant of his client’s body language, he clearly picked up on the other attorney’s body language and realized he must have made a mistake. Before his client could (or would) answer, he withdrew the question.

I suppose I cannot let this reminisce end without mentioning the cross examination of this particular witness. On cross-examination, the other attorney asked if the apple pile was for hunting. “Yes” croaked the witness. “Was it to bait deer?” asked the attorney. Three people out of the four in the room knew that it is illegal to bait deer and very illegal to shoot deer at night. Unfortunately for the witness, the one person in the room totally ignorant of this legality was his attorney so he was not going to get any help from him. By now the witness knew he had to come up with his own defense to this question. He decided the oath to tell the truth didn’t apply to his personal life (now known as the “Bill Clinton rule”). He opted to respond (after considerable shifting, blinking, sweating, and coughing) by replying “no, you can’t bait deer and shoot them at night. The apples were for coyotes that I shoot at night.” (Baiting and shooting coyotes at night is legal.) “Coyotes eat apples?” contemptuously queried the attorney during the cross examination. A defiant response was: “yes, in this county they learnt to eat apples!”

Returning to the arbitration in the courthouse - after the testimony wrapped up, I met with the attorneys to discuss what they want by way of paperwork to accompany my decision. For example, if the attorneys want to record my decision, they’ll need a notarized affidavit from me. In this case, the attorneys felt that since the case was under a stay in civil court, they would ask the judge to adopt my decision. They can record the court’s (my) decision

to provide notice in the records. The arbitration agreement had provided for this option so no party could really object.

The final part of this arbitration story is the week I take to write the decision and the reasons for my decision. (I trust you would not be surprised if I didn’t find Gloria’s testimony very compelling.) Sometimes the parties to arbitration agree that I don’t have to prepare findings of fact and law to accompany my decision. This agreement did require that I document my finding of facts and conclusions of law. Even so, I can usually prepare my decision in a couple of hours but I like to review it over a week. It’s not unknown for my decisions to be appealed and I don’t want the Supreme Court to find fault with the logic, law, and findings I made.

On the subject of appealing an arbitration decision, it is much more difficult to overturn an arbitration decision when compared to a court’s decision. There are only three reasons sufficient to overturn an arbitrator’s decision: fraud, bias, and failure to follow the arbitration agreement. So far all my decisions have survived any appeal against them.

As a surveyor, I always try to make sure the boundaries will be marked and a plan prepared to complete the process. Therefore, I order that the prevailing party cause a surveyor to mark the boundary that I have fixed in my decision. Furthermore, I intone in my decision, the surveyor is to make a clear and permanent record of the boundary and have it recorded.

I am aware of a court decision where the judge chose a hedgerow as the boundary rather than one of two possible boundaries determined by surveyors. Of course, one party had bulldozed the hedgerow and removed all trace of the hedgerow five years previous to the decision. I believe the parties are still fighting over where the hedgerow once stood.

At the end of the week, I send the attorneys my decision by e-mail. It is easy for them to forward copies of my decisions to their clients and the surveyors using e-mail. I follow the electronic submission by mailing the attorneys a notarized decision. Obviously, one side is disappointed. The disappointment of the party is usually shared by their surveyor. I often go to great lengths to make it clear in my decision that the surveyor acted in a competent and exemplary manner. The decision on the location of boundaries often hinge on a careful weighing of the evidence rather than a blunder by one of the surveyors. I don’t want the surveyor to be subject to unfair criticism resulting from their client’s disappointment.

This concludes one experience involving a boundary arbitration. The whole process was completed within a month for less than 5% of the entire legal cost that had already been incurred.

I will close by making a plea to the surveyors reading this article: Please encourage your clients to consider arbitration – unless their client is like Gloria. A person like Gloria needs judges and bailiffs.

Welcome New Members

The following new members were approved at the December 2012 Board meeting:

Full: Robert L. Arrington, RLA Associates, PA, Summerville, SC; J. Craig Brewer, Brewer Land Surveying, Pooler, GA; William R. Gore, William R. Gore, PLS, Augusta, GA; Orren F. (Frankie) Hunter, Dorchester County, Dorchester, SC (last a member in 2007); J. Timothy (Tim) Thomas, Merrick Company, Charlotte, NC; M. Jay Stikeleather, Providence Land Group,

PLLC, Waxhaw, NC

New Emeritus: Robert F. Morgan, Retired from SCDOT, Pamplico, SC (Member since 1977)

Emeritus Renewals: Carl W. Bostick, Bostick Surveying, Columbia, SC; Warren P. Jenkins, Mt. Pleasant, SC; Robert K. Leake, Greenwood, SC; William R. Tripp, Tripp Land Surveying, Inc., Aiken, SC; Terry M. Watson, Terry M. Watson Land Surveying, Conway, SC; David Youmans, Beaufort Surveying, Inc., Port Royal, SC

Sustaining: Diane Sierra, Trimble, Westminster, CO

Congratulations to Newly Licensed PLS

The S.C. Department of Labor and Licensing announces the following were recently licensed as Professional Land Surveyors.

Those passing PLS exam in October, 2012:

John K. O'Brien	Dana R. Augustine
Kurt D. Romkey	Michael L. Crews
John A. Rudolph	Nicholas A. Long
William A. Webster	



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BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS

APPOINTMENT - John P. Johnson, PLS, PE has been appointed to fill the expired term of Thurl M. Amick, Sr., PLS on the Board of Professional Engineers and Surveyors for the period of 12/31/2012 – 12/30/2017. Mr. Johnson is a registered Surveyor and Engineer with Power Engineering Co., Inc., in Columbia, SC. We thank Thurl for his service to SC Surveyors and look forward to working with Johnny as well as Gene Dinkins as the Surveyors' voice on the LLR Board.

OFFICERS - Board of Engineers & Surveyors Officers for 2013:

Theresa H. Hodge	-	Chair
Timothy W. Rickborn	-	Vice Chairman
Dennis John Fallon	-	Secretary

MEETINGS - Meetings of the Board of Engineers & Surveyors are held in Columbia, SC at the Kingtree Building in the Synergy Business Park. Meetings are posted on the LLR website and are open to the public. The 2013 scheduled meetings dates are as follows:

January 29, 2013	Room 108
March 26, 2013	Room 108
July 10, 2013	Room 204
September 24, 2013	Room 108
November 19, 2013	Room 108

Meeting minutes are posted on the LLR website.



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LEGISLATIVE REPORT FOR SCSPLS

Joe S. Jones

SCSPLS January 9, 2013

The 2013 Session of the SC General Assembly opened yesterday, Jan. 8, 2013, with hundreds of bills already pre-filed and with new faces in both bodies.

Although not introduced at this time, the biggest issue before surveyors and engineers is going to be the legislation amending the engineering and surveying practice act, Title 40 Chapter 22. Engineers and Surveyors.

In December, 2012, the SC State Board of Registration for Professional Engineers and Surveyors reached agreement among themselves and with several engineering and surveying organizations of what should be included in the new engineering and surveying law.

Once the language was agreed upon, there were some issues brought about with changes that gave concern for its passage. Attempts are being made to work through these issues before an actual bill is introduced.

This legislation, when introduced, will be sent to the House and Senate Labor Commerce and Industry Committees where it will be debated and take testimony in a subcommittee and then come before the full committees. After the bill passes the committee it will be put on the respective House and Senate Calendar where it will be considered by the full bodies.

After the bill passes both the House and Senate, it will go to the Governor for her signature.

As this bill primarily deals with the practice of these two professions – surveying and engineering, it should not attract opposition. However, it is important to attempt to work all the details and concerns of legislators out before moving the bill forward. Hopefully, the concerns will be worked out in the near future, and this bill may be introduced to begin its way through the legislative process.

There may be other bills of interest to surveyors that may be introduced, but at this time, I am unaware of any directly affecting the profession.



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The Midlands Chapter of SCSPLS once again came together to help friends in need with the 2012 Christmas Box Program. Thank you to everyone involved in this project, whether it was a financial donation, time dedicated to organizing the project, or being there to assemble and distribute the boxes. A special thanks to Huley and Brenda Shumpert for once again doing a fantastic job coordinating this event and also to Larry and Brenda Coker for arranging use of their church gym for packing boxes. With everyone's help, 72 boxes of food were delivered to families in need.



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